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Use and application of United Nations standards and norms in crime prevention and criminal justice

Use and application of standards and norms in crime prevention and criminal justice

Report of the Secretary-General

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I. Introduction

1. In its resolution 40/34, entitled “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”, the General Assembly recommended that, at the international and regional levels, appropriate measures should be taken. Pursuant to the Declaration (Assembly resolution 40/34, annex), judicial and administrative mechanisms should be established to enable victims to obtain redress through formal or informal procedures, victims should receive the necessary material, medical, psychological and social assistance, personnel concerned should receive training to sensitize them to the needs of victims and victims are entitled to access to the mechanisms of justice.
2. In its resolution 1989/57, the Economic and Social Council recommended that Member States take the necessary steps to give effect to the provisions contained in the Declaration.
3. In its resolution 2006/20, the Economic and Social Council requested the Secretary-General to convene an intergovernmental expert group meeting to design an information-gathering instrument in relation to United Nations standards and norms related primarily to victim issues and to study ways and means to promote their use and application. As a result, the Questionnaire on United Nations Standards and Norms Related Primarily to Victim Issues was developed at the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues held in Vienna from 27 to 29 November 2006 (E/CN.15/2007/3).
4. In December 2007, the Secretary-General invited Member States, relevant United Nations agencies and entities and intergovernmental and non-governmental organizations to reply to the questionnaire, including any comments or suggestions they might have in relation to the information-gathering instrument.
5. The present report contains information based on replies received from the following States:¹ Azerbaijan, Canada, Cape Verde, Egypt, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, United States of America and Zimbabwe. Replies were also received from the United Nations Interregional Crime and Justice Research Institute, the Office of the United Nations High Commissioner for Human Rights of the Secretariat, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the International Criminal Police Organization (INTERPOL), the European Police Office (Europol), the Japan Federation of Bar Associations, SOS attentats and the National Council of German Women’s Organizations.

¹ For information on the implementation of specific measures regarding children, see the report of the Secretary-General on implementation of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (E/CN.15/2008/11).

II. Legislative measures

6. Members States have entrusted the implementation of legislative measures to different governmental bodies. Some reporting States had delegated such functions to various ministries, according to their area of competence (El Salvador, Estonia, Finland, Greece, Ireland, Latvia, Liechtenstein, Lithuania, Norway, Panama and Romania). Two States had also delegated such functions to the office of the president (El Salvador and Greece). Five States reported that such responsibilities were shared by the federal and provincial or state governments (Canada, Germany, Mexico, Pakistan and the United States). One State reported that it had set up special governmental bodies, such as national committees, to follow up on the implementation of relevant legislation (El Salvador).

7. Concerning the nature of the legislative measures enacted to protect and assist victims, some States reported that they had established services to assist victims, including social assistance, legal counsel, economic compensation and social rehabilitation (Estonia, Latvia, Netherlands and Sweden). Six countries described measures taken to safeguard, through legislation, specific policies, programmes and guidelines, the rights of victims during the criminal process by, for example, allowing anonymous testimonies, issuing restraining orders and hearing witnesses outside the courtroom (Canada, Finland, Lithuania, Norway, Peru and Spain). A number of States had enacted specific legislation to protect the victims of specific crimes such as terrorist attacks, sexual exploitation, trafficking in humans, domestic violence and violence against children (Cape Verde, Germany, Greece, Guatemala, Ireland, Mexico, Netherlands, Panama, Romania and United States).

8. In their replies, States indicated that specific legislative measures had been adopted to address the special needs of the following types of victims:

(a) Children (Azerbaijan, Canada, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Spain, Sweden, Turkey, United States and Zimbabwe);

(b) Women (Canada, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Panama, Peru, Romania, Spain, Sweden, Turkey, United States and Zimbabwe);

(c) Victims of organized crime (Canada, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Pakistan, Romania, Sweden, Turkey and United States);

(d) Victims of terrorist acts (Canada, Germany, Greece, Ireland, Lithuania, Romania, Spain, Sweden, Turkey and United States);

(e) Victims of trafficking in humans (Azerbaijan, Canada, El Salvador, Estonia, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Pakistan, Peru, Romania, Sweden, Turkey, United States and Zimbabwe);

(f) Victims of domestic violence (Azerbaijan, Canada, El Salvador, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico,

Netherlands, Pakistan, Panama, Romania, Spain, Sweden, Turkey, United States and Zimbabwe);

(g) Victims of sexual offences (Canada, El Salvador, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Pakistan, Peru, Spain, Sweden, Turkey, United States and Zimbabwe);

(h) Victims of abuse of power (Azerbaijan, Germany, Greece, Ireland, Latvia, Lithuania, Mexico, Panama, Pakistan, Peru, Spain, Sweden, Turkey, United States and Zimbabwe);

(i) Victims of corruption (Germany, Guatemala, Turkey, United States and Zimbabwe);

(j) Victims of crimes against humanity (Germany, Greece, Guatemala, Mexico, Pakistan, Spain, Turkey and United States);

(k) Victims of drug-related crimes (Greece, Latvia, Lithuania, Pakistan, Sweden, Turkey and United States).

9. The main difficulties reported in the implementation of those legislative measures were the following:

(a) Lack of awareness of the availability of services (Estonia, Mexico, Pakistan and Peru);

(b) Long and overly technical judicial processes (Pakistan and Peru);

(c) Difficulties in cooperation between national and provincial governments (Canada);

(d) Gaps in the legal system, in particular regarding violence against women (Lithuania);

(e) Lack of coordination among the various institutions and governmental agencies dealing with the issue (El Salvador and Liechtenstein);

(f) Lack of proper infrastructure (Cape Verde, Panama and Zimbabwe);

(g) Lack of financial resources (Guatemala);

(h) Presence of factors, such as fear and cultural constraints, hampering the ability of victims to make and/or sustain an official complaint (Cape Verde and Spain);

(i) The tendency of the judicial system to focus too much on the offender rather than on the victim (Netherlands).

10. The following measures were reported as best practices that could inspire other States:

(a) The training of police officers and public officials (El Salvador, Guatemala, Panama and Peru);

(b) The establishment of special policy centres to deal with victim-related issues (Canada);

(c) The setting up of specialized infrastructure, for example lodging for victims of trafficking in humans, to assist victims (El Salvador);

- (d) The provision of psychological assistance to victims of crime (Estonia, Mexico and Peru);
- (e) The provision of legal, medical and social assistance to victims (Mexico and Peru);
- (f) Cooperation among various public entities (Spain);
- (g) Cooperation among public and private entities (Peru);
- (h) The prioritization of providing assistance to victims of violent acts (Germany);
- (i) The publication of specialized manuals and guidelines to assist public officials in dealing with sensitive cases, such as those involving the assault and abuse of children or the gross violation of integrity (Sweden);
- (j) The implementation of media campaigns to raise awareness of such problems (Guatemala);
- (k) The establishment of specialized institutions (Cape Verde).

III. Assistance to victims

11. Member States reported that victims had received the following types of assistance:

- (a) Material assistance, including financial assistance (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Ireland, Latvia, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Romania, Samoa, Spain and Sweden);
- (b) Medical care (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden and Zimbabwe);
- (c) Psychological assistance (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden and Zimbabwe);
- (d) Social assistance (Azerbaijan, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Romania, Samoa and Sweden);
- (e) Educational assistance (Azerbaijan, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Latvia, Lithuania, Norway, Pakistan, Romania, Samoa and Sweden);
- (f) Legal assistance (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Sweden, Turkey and Zimbabwe);

(g) Physical protection (Azerbaijan, Canada, Finland, Germany, Greece, Ireland, Latvia, Liechtenstein, Lithuania, Norway, Panama, Romania, Spain, Sweden, Turkey and Zimbabwe).

12. Assistance was provided on a long-term basis in Azerbaijan, Canada, Estonia, Finland, Germany, Greece, Latvia, Lithuania, the Netherlands, Norway, Pakistan, Romania, Samoa and Sweden and in immediate crisis situations in Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Pakistan, Romania, Samoa, Spain, Sweden and Zimbabwe. Many States indicated that assistance in immediate crisis situations was provided free of charge to those unable to pay.

13. Victims of crime had access to State-funded legal assistance throughout the criminal justice process in Azerbaijan, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, the Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

14. State-funded legal assistance was also available to non-nationals in Azerbaijan, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, the Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey and the United States.

15. Nationals of Canada, Cape Verde, El Salvador, Estonia, Finland, Germany, Ireland, Liechtenstein, Mexico, the Netherlands, Norway, Pakistan, Samoa, Sweden and the United States who were victims of crime abroad had the right to receive assistance, for example in the form of notification to the family, legal assistance and interpretation services, from their respective embassies and consulates. Canada, Finland, Germany and Sweden emphasized the availability of funds for assisting nationals of those countries who were victimized while in another country.

16. Most reporting States indicated the existence of specialized agencies providing assistance to victims (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, United States and Zimbabwe). In addition, some of those States reported that those agencies were run directly by the Government or by State-funded non-governmental organizations (Canada, Greece, Latvia, Lithuania, Norway, Sweden and Zimbabwe).

17. The following mechanisms were reported as being in place, at the local or national level, to coordinate the provision of services for assisting victims:

- (a) In Canada, the Policy Centre for Victim Issues, Department of Justice;
- (b) In El Salvador, the National Committee against Human Trafficking;
- (c) In Estonia, the Ministry of Social Affairs;
- (d) In Finland, Victim Support Finland;
- (e) In Germany, the "prevention councils" at the municipal level;
- (f) In Greece, the special public prosecution and police units and State services for protection and assistance (e.g. institutions, hospitals and advocacy centres);

- (g) In Ireland, the Commission for the Support of Victims of Crime;
- (h) In Latvia, the Social Service Board of the Ministry of Welfare;
- (i) In Liechtenstein, the Victims Counselling Office;
- (j) In Lithuania, the Ministry of Justice and the State-guaranteed legal aid services;
- (k) In the Netherlands, Victim Support Netherlands;
- (l) In Pakistan, the Human Rights Commission;
- (m) In Peru, the Ministry of Justice;
- (n) In Samoa, the police and various non-governmental organizations;
- (o) In Sweden, the Ministry of Justice, the National Police Board and the National Board of Health and Welfare (at the national level), the county administrative boards (at the regional level) and the municipal social welfare boards (at the local level);
- (p) In the United States, a number of coordinating bodies, including the Office for Victims of Crime of the Department of Justice.

18. Many States reported on the existence of mechanisms for exchanging information among the institutions and agencies in charge of providing assistance at the national and local levels with the aim of coordinating and harmonizing policies on victim-related issues (Canada, Estonia, Guatemala, Ireland, Pakistan, Panama, Samoa, Spain, Liechtenstein, Lithuania, Netherlands, Norway and United States).

19. Most reporting States indicated that national policies and standards for the delivery of assistance to victims had been adopted (Azerbaijan, Canada, El Salvador, Estonia, Guatemala, Ireland, Latvia, Lithuania, Mexico, Netherlands, Norway, Panama, Peru, Romania, Spain, Sweden, United States and Zimbabwe).

20. Rules and guidelines for selecting and training staff involved in the provision of assistance to victims were in place in most reporting States (Azerbaijan, Canada, Estonia, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Sweden and United States).

IV. Information provided to the general public and to victims

A. Information provided to the general public

21. Educational and informational initiatives to raise awareness about the detrimental effects of crime and the needs of victims, for example through the media, plays and discussion groups, had been organized in most reporting States (Canada, Cape Verde, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, Mexico, Norway, Pakistan, Panama, Romania, Spain, Sweden and United States).

B. Specific information provided to victims

22. States reported providing victims with information on the following issues:

(a) Availability of health, psychological, social and other services, as well as means of accessing such services (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Mexico, Latvia, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Sweden, Spain and Zimbabwe);

(b) Availability of legal advice (Azerbaijan, Guatemala, Panama, El Salvador, Estonia, Finland, Germany, Ireland, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Spain and Sweden);

(c) Cost of legal advice (Guatemala, El Salvador, Estonia, Finland, Germany, Ireland, Liechtenstein, Mexico, Netherlands, Norway, Pakistan, Romania, Samoa and Sweden);

(d) Availability of legal aid (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Sweden, Turkey and Zimbabwe);

(e) Cost of legal aid (Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Netherlands, Norway, Romania, Spain and Sweden).

23. States also reported providing victims with information on the following issues:

(a) How and in which circumstances to obtain protection (Azerbaijan, El Salvador, Estonia, Finland, Germany, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey and Zimbabwe);

(b) Possibility of obtaining restitution from the offender (Canada, El Salvador, Estonia, Finland, Germany, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Spain, Sweden, Turkey and Zimbabwe);

(c) Possibility of obtaining compensation from the State (Canada, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Peru, Romania, Sweden and Turkey);

(d) Possibility of obtaining emergency financial support (Azerbaijan, Canada, Estonia, Finland, Germany, Liechtenstein, Mexico, Netherlands, Norway, Pakistan, Peru, Romania and Sweden);

(e) Opportunities to obtain restitution from the offender and compensation from the State through civil proceedings or other processes (Azerbaijan, Estonia, Finland, Germany, Ireland, Lithuania, Mexico, Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Spain, Sweden and Turkey);

(f) Custodial status of the offender (Canada, El Salvador, Estonia, Finland, Germany, Ireland, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa and Sweden);

(g) Existing support mechanisms for victims making a complaint and participating in investigations and court proceedings (El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Sweden, Turkey and Zimbabwe).

24. States further reported providing victims with information on the following issues:

(a) Judicial process and the victim's role (status) (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, United States and Zimbabwe);

(b) Availability of protective measures (Azerbaijan, El Salvador, Estonia, Finland, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Panama, Romania, Samoa, Sweden, Spain, United States and Turkey);

(c) Timing and manner of testimony (Azerbaijan, El Salvador, Estonia, Finland, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Sweden, Turkey, United States and Zimbabwe);

(d) Timing and manner of remedies (Azerbaijan, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Norway, Pakistan, Peru, Romania, Samoa, Sweden and United States).

25. States further reported providing victims with information on the following issues:

(a) How the questioning would be conducted (Azerbaijan, El Salvador, Finland, Guatemala, Ireland, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Sweden, Turkey, United States and Zimbabwe);

(b) Specific locations and times of hearings and other relevant events (Azerbaijan, Canada, El Salvador, Finland, Guatemala, Ireland, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Sweden, Turkey, United States and Zimbabwe);

(c) Existing mechanisms for the review of decisions affecting victims (Azerbaijan, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Panama, Romania, Samoa, Spain, Sweden and United States);

(d) Progress of proceedings (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, United States and Zimbabwe);

(e) Disposition of specific cases (El Salvador, Estonia, Finland, Ireland, Liechtenstein, Pakistan, Romania, Samoa and United States).

26. States further reported providing victims with information on the following issues:

(a) Apprehension and arrest of the suspect (Azerbaijan, Canada, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Sweden, United States and Zimbabwe);

(b) Custodial status of the accused and any pending changes to that status (Azerbaijan, Canada, El Salvador, Estonia, Guatemala, Ireland, Netherlands, Norway, Pakistan, Romania, Samoa and United States);

(c) Prosecutorial decisions and post-trial developments (Azerbaijan, Canada, El Salvador, Estonia, Finland, Guatemala, Ireland, Liechtenstein, Mexico, Netherlands, Panama, Romania, Samoa, United States and Zimbabwe);

(d) Outcome of the case (Azerbaijan, El Salvador, Estonia, Finland, Guatemala, Ireland, Liechtenstein, Mexico, Netherlands, Pakistan, Panama, Romania, Samoa, United States and Zimbabwe).

27. With regard to the language in which assistance was provided, most States made sure that victims received the information they needed in a language and in a manner they could understand (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, United States and Zimbabwe). Seven of those States reported that those involved in a criminal procedure, including victims, who had little or no knowledge of the national language (or had a serious speech or hearing impediment, in the case of Sweden) were entitled to make use of interpretation services in pretrial investigations and during the court proceeding (Finland, Ireland, Latvia, Lithuania, Netherlands, Norway and Sweden).

28. Many States made sure that information was transmitted to victims in a timely manner (Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Latvia, Mexico, Netherlands, Norway, Panama, Romania, Samoa, Spain, Sweden, Turkey and United States (via websites, counselling and training)). In two States, the police were responsible for providing certain information to victims of crime at the time of reporting the crime to the police (Finland and Sweden).

V. Victims in the criminal justice process

29. The following categories of professionals were reported to receive specific training on how to help victims, including child victims and witnesses, deal with interviewing, questioning and cross-examination so as to avoid secondary victimization:

(a) The police (Azerbaijan, El Salvador, Estonia, Finland, Greece, Ireland, Latvia, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden, United States and Zimbabwe);

(b) Prosecutors (El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden, Turkey, United States and Zimbabwe);

(c) Judges (Azerbaijan, El Salvador, Estonia, Finland, Germany, Greece, Latvia, Lithuania, Netherlands, Pakistan, Panama, Romania, Samoa, Sweden, Turkey, United States and Zimbabwe);

(d) Lawyers (El Salvador, Estonia, Germany, Mexico, Pakistan, Panama, Sweden, United States and Zimbabwe);

(e) Corrections officials (Azerbaijan, Estonia, Ireland, Lithuania, Pakistan, Samoa, Spain, Turkey and United States);

(f) Immigration officials (El Salvador, Estonia, Ireland, Lithuania, Pakistan, Romania, Spain and United States);

(g) Social workers (El Salvador, Estonia, Guatemala, Latvia, Lithuania, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey and United States);

(h) Medical staff (El Salvador, Estonia, Guatemala, Lithuania, Norway, Pakistan, Panama, Peru, Samoa, Spain, Sweden and United States).

30. Support mechanisms were reported to be widely available to victims, including child victims and witnesses, at the following stages of the judicial process:

(a) Making a complaint (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, United States and Zimbabwe);

(b) Investigation (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Sweden, United States and Turkey);

(c) Court proceedings (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Sweden, United States and Turkey);

(d) Post-trial procedures (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Ireland, Latvia, Liechtenstein, Lithuania, Netherlands, Norway, Panama, Romania, Sweden and United States);

(e) Correctional proceedings (Canada, El Salvador, Estonia, Finland, Germany, Greece, Ireland, Liechtenstein, Netherlands, Romania and United States).

31. Specific measures to facilitate the testimony of child victims and witnesses (e.g. through the availability of psychologists and the use of videotapes, video-link technologies and screens) were reported to be in place in Azerbaijan, Canada, Cape Verde, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

32. Measures to facilitate the testimony of other vulnerable victims (e.g. through the availability of support personnel and the use of videotapes, video-link technologies and screens) were reported to be in place in Azerbaijan, Canada, Cape Verde, El Salvador, Finland, Germany, Greece, Guatemala, Ireland, Jordan,

Liechtenstein, Lithuania, the Netherlands, Norway, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey and the United States.

33. The views and concerns of victims were allowed to be presented and considered at appropriate stages of the judicial process in Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, the Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey and the United States.

34. Victims were allowed to provide information through a “victim impact statement” in Azerbaijan, Canada, El Salvador, Estonia, Greece, Guatemala, Ireland, Jordan, Latvia, Lithuania, Mexico, the Netherlands, Norway, Panama, Samoa, Spain, Sweden and the United States.

VI. Informal mechanisms for the resolution of disputes

35. The use of informal dispute resolution mechanisms (e.g. mediation, arbitration, customary justice and indigenous practices) to facilitate conciliation and redress for victims was allowed in Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Mexico, the Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Sweden and the United States.

36. Recourse to informal mechanisms for the resolution of disputes was regulated by appropriate guidelines or standards in Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Latvia, Liechtenstein, Mexico, the Netherlands, Norway, Sweden and the United States.

37. Support was provided to victims participating in the above-mentioned informal mechanisms in Canada, El Salvador, Estonia, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Mexico, the Netherlands, Norway, Sweden and the United States (varying according to the specific local, state or national programme).

VII. Protection

38. Measures to protect victims and witnesses, as well as their families, against retaliation and intimidation and to ensure their safety (e.g. by avoiding direct contact between victims and alleged perpetrators, using restraining orders where appropriate and resorting to the pretrial detention of the accused) were provided in Azerbaijan, Canada, Cape Verde, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, Mexico, the Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

39. Additional measures to protect particularly vulnerable groups of victims and witnesses (such as children and the victims of organized crime, trafficking in humans, terrorism, drug-related crime, violence in intimate relationships, violence against women and sexual violence) were in place in Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

40. Measures to protect the privacy of victims (e.g. publication bans, in camera trials) were reported to be in place in Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Jordan, Latvia, Lithuania, Norway, Panama, Peru, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

41. Specific measures to protect the privacy of child victims and witnesses (e.g. publication bans, in camera trials) exist in Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Lithuania, Mexico, Norway, Panama, Peru, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

42. Victims (and in the case of child victims, their parents or guardians and legal representatives) were given the opportunity to indicate whether they would like to have their contact information passed on to providers of services to victims in Canada, El Salvador, Estonia, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Mexico, the Netherlands, Norway, Pakistan, Peru, Romania, Samoa, Sweden and the United States.

43. Guidelines for protecting the interests of victims and curtailing victimization had been adopted for and by the media in El Salvador, Estonia, Finland, Guatemala, Ireland, Latvia, Lithuania, Norway, Peru, Samoa, Sweden and the United States.

44. Specific guidelines for protecting the interests of child victims and witnesses and curtailing victimization had been adopted for and by the media in El Salvador, Estonia, Finland, Ireland, Latvia, Lithuania, Norway (by the media), Samoa, Sweden, the United States and Zimbabwe.

VIII. Restitution and compensation

45. The laws of most reporting States allow victims to obtain restitution from their offender in the context of criminal proceedings (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Spain, Sweden, Turkey and United States). The family of a victim can obtain restitution from the victim's offender in the context of criminal proceedings in Azerbaijan, Canada, El Salvador, Finland, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Pakistan, Panama, Peru, Romania, Spain, Sweden, Turkey and the United States. The dependants of a victim can obtain restitution from the victim's offender in the context of criminal proceedings in Azerbaijan, Estonia, Canada, El Salvador, Estonia, Finland, Germany (if the dependants are the victim's heirs), Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, the Netherlands, Pakistan, Panama, Romania, Samoa, Spain, Sweden, Turkey and the United States.

46. Restitution could include:

(a) The return of property (Azerbaijan, Canada, El Salvador, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Lithuania, Mexico, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, United States and Zimbabwe);

(b) Reimbursement of expenses incurred (Canada, El Salvador, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden, Turkey and United States);

(c) Provision of services (Germany, Greece, Guatemala, Latvia, Lithuania, Pakistan, Panama, Peru, Romania, Samoa, Sweden and Turkey);

(d) Restoration of rights (Azerbaijan, El Salvador, Germany, Greece, Guatemala, Latvia, Lithuania, Mexico, Pakistan, Peru, Romania, Samoa, Sweden and Turkey);

(e) Payment for harm or loss suffered (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, Turkey, United States and Zimbabwe).

47. The legislation of most reporting States allowed the victim to present a restitution claim during criminal proceedings (Azerbaijan, El Salvador, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden, Turkey and United States).

48. In the legislation of most reporting States restitution orders were recognized as a sentencing option (Canada, El Salvador, Finland, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Turkey, United States and Zimbabwe). In one country, compensation might be granted in addition to or instead of any other order of a court with respect to the offender (Ireland).

49. Appropriate mechanisms for executing restitution orders were in place in Azerbaijan, Canada, El Salvador, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, the Netherlands, Norway, Pakistan, Panama, Romania, Samoa, Spain, Sweden, Turkey, the United States and Zimbabwe.

50. States reported on the existence of the following kinds of compensation schemes:

(a) State compensation scheme for victims (Azerbaijan, Canada, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Panama, Pakistan, Peru, Romania, Sweden, United States and Zimbabwe);

(b) State compensation for the family of victims (Canada, Finland, Germany, Greece, Ireland, Latvia, Liechtenstein, Lithuania, Netherlands, Pakistan, Peru, Romania, Sweden and United States);

(c) State compensation scheme for the dependants of victims (Canada, Estonia, Finland, Germany, Greece, Guatemala, Ireland, Latvia, Liechtenstein, Lithuania, Netherlands, Pakistan, Romania, Sweden and United States);

(d) State compensation scheme for victims who were nationals of another country (Canada, Estonia, Finland, Germany, Guatemala, Ireland, Latvia, Lithuania,

Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Sweden (for residents of the European Union) and United States).

51. The following kinds of damage qualified for compensation by the State:

(a) Treatment and rehabilitation for physical injuries (Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Sweden and United States);

(b) Pain and suffering (Finland, Germany, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Panama, Sweden and United States);

(c) Treatment and rehabilitation for psychological injuries (Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Sweden and United States);

(d) Loss of income (Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Sweden and United States);

(e) Funeral expenses (Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Sweden and United States);

(f) Loss of maintenance for dependants (Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Panama and United States);

(g) Material damages (Estonia, Finland (to a certain extent), Germany, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Sweden and United States).

52. The State compensation scheme was funded in the following ways:

(a) The Government (Estonia, Finland, Germany, Guatemala, Ireland, Latvia, Lithuania, Mexico, Netherlands, Norway, Sweden and United States);

(b) Confiscation of the offender's assets (Guatemala, Pakistan, Panama, Peru, Sweden and United States);

(c) Fines (Guatemala, Mexico, Pakistan, Panama, Peru, Sweden and United States);

(d) Special taxes (Liechtenstein, Mexico and Pakistan);

(e) Seizure of the proceeds of crime (Mexico, Pakistan, Peru and United States);

(f) Other sources (Lithuania and Sweden).

53. Other measures to mitigate the negative effects of crime on victims (e.g. memorials and formal apologies) had been adopted in Azerbaijan, Canada, Greece, Guatemala, Ireland, Latvia, Lithuania, Mexico, Pakistan, Peru, Turkey and the United States.

IX. Research and education/prevention campaigns

54. During the previous 10 years, victimization surveys of the following types had been conducted in most countries:

(a) Ad hoc victimization surveys (Canada, Finland, Guatemala, Ireland, Lithuania, Mexico, Netherlands, Panama, Spain and Sweden);

(b) Periodic victimization surveys (Canada, Estonia, Germany, Guatemala, Ireland, Mexico, Panama and Sweden);

(c) Ongoing victimization surveys (Canada, Ireland, Mexico, Panama and Sweden);

(d) Multi-purpose surveys with a module on victimization (Canada, Finland, Germany, Guatemala, Latvia, Lithuania, Mexico, Netherlands, Norway, Panama, Peru and Sweden);

(e) Surveys on violence against women (Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Norway, Pakistan, Panama, Peru, Spain, Sweden and Zimbabwe);

(f) Others, for example surveys on child victimization (Finland) and the sexual abuse of children (Zimbabwe).

55. Some States reported having plans to conduct new victimization surveys in the near future.

56. Research on victim-related issues was supported in most reporting States (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Ireland, Liechtenstein, Lithuania, Mexico, Netherlands, Norway, Pakistan, Panama, Peru, Romania, Samoa, Spain, Sweden, United States and Zimbabwe).

57. Most reporting States had in place measures to prevent repeat or recurring victimization (Azerbaijan, Canada, El Salvador, Estonia, Finland, Germany, Guatemala, Liechtenstein, Lithuania, Mexico, Spain, Netherlands (especially for victims of domestic violence), Norway, Panama, Peru, Romania, Sweden, Turkey and United States).

58. Most reporting States had adopted measures to prevent the victimization of persons known to be at high risk of becoming victims (Azerbaijan, Canada, Estonia, Germany, Pakistan, Panama, Peru, Latvia, Liechtenstein, Mexico, Netherlands, Norway, Romania, Spain, Sweden, United States and Zimbabwe).

X. International standards and cooperation

59. Some States had made available, in their official languages, the texts of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Canada, El Salvador, Ireland, Mexico, Norway, Pakistan, Spain, Sweden, Turkey (through the Internet) and United States) and of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Canada, El Salvador, Ireland, Mexico, Norway, Pakistan and United States).

60. In some States, professionals working with victims have been made aware of the provisions of the Declaration (Canada, El Salvador, Latvia, Liechtenstein, Spain and Sweden) and professionals working with child victims and witnesses have been made aware of the provisions of the Guidelines (Canada, El Salvador, Latvia, Liechtenstein, Pakistan and Sweden).

61. Some reporting States had adopted measures to cooperate with other States in the provision of assistance to victims of crime (including Azerbaijan, Canada, Estonia, Finland, Lithuania, Mexico, Norway, Panama, Peru, Spain, Sweden and United States).

XI. Technical assistance

62. Many States had encountered no difficulty in using and applying the United Nations standards and norms regarding victims (Azerbaijan, Canada, Estonia, Finland, Germany, Ireland, Latvia, Liechtenstein, Netherlands, Norway, Pakistan, Panama, Spain, Sweden, Turkey and United States).

63. Although some States reported that there was a lack of awareness of opportunities for receiving technical assistance through United Nations agencies (El Salvador, Estonia, Finland, Ireland, Latvia, Liechtenstein, Netherlands, Pakistan, Samoa and Turkey), other States reported being aware of such opportunities (Canada, Germany, Norway, Panama, Peru, Spain, Sweden, United States and Zimbabwe).

64. Some States reported that there was a need for technical assistance in the use and application of United Nations standards and norms, primarily with regard to victim-related issues (Azerbaijan, El Salvador, Estonia, Mexico, Pakistan, Panama, Peru, Samoa and Zimbabwe).

65. Some States reported that they were in a position to provide technical assistance (e.g. by sharing good practices) in the use and application of United Nations standards and norms, primarily with regard to victim-related issues (Azerbaijan, Canada, Estonia, Finland, Germany, Ireland, Latvia, Liechtenstein, Mexico, Netherlands, Norway, Pakistan, Panama, Spain, Sweden, United States and Zimbabwe).

XII. Information reported by United Nations agencies and intergovernmental and non-governmental organizations

66. Various organizations also provided information on the use and application of standards and norms in crime prevention and criminal justice. In that regard, the United Nations Interregional Crime and Justice Research Institute reported on the projects that it was carrying out, including, for example, the European Crime and Safety Survey and the projects on strengthening the rights of children and youth in Angola, strengthening the juvenile justice system in Mozambique and countering trafficking in women and adolescents from Nigeria to Italy.

67. The Office of the United Nations High Commissioner for Human Rights provided information on its activities related to victims, including in the areas of

setting standards and providing technical assistance. With regard to the former, the Office mentioned its support for the International Convention for the Protection of All Persons from Enforced Disappearance (General Assembly resolution 61/177, annex). The Office also indicated that it had been supporting the finalization of two sets of principles addressing the rights of victims: the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Assembly resolution 60/147, annex) and the updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1). In the area of technical assistance, the Office reported that it provided such assistance to the following long-standing humanitarian trust funds: the Voluntary Fund for Victims of Torture, the Voluntary Trust Fund on Contemporary Forms of Slavery and the Voluntary Fund for Indigenous Populations.

68. The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders reported on the relevant training courses and seminars it was organizing. The Japan Federation of Bar Associations reported on the status of existing victim-related regulations in Japan. SOS attentats reported on the status of existing victim-related regulations in France. The National Council of German Women's Organizations reported on relevant activities, including the promotion of the adoption of adequate laws for the protection of victims of crime, which should include provisions on restitution and rehabilitation; the Council also reported on issues such as women's health, domestic violence and trafficking in women and children.

XIII. Conclusions and recommendations

69. The replies received indicate that Member States have implemented, at least in part, the measures contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

70. Approaches to implementing the recommendations contained in the Declaration vary widely. For example, the legislative measures concerning victims range from the establishment of special assistance services to the enactment of procedural legislation. The difficulties encountered in implementing legislative measures also differ significantly from country to country; they range from a lack of awareness of available services to cultural restraints. Some difficulties are attributable to differences in the judicial process.

71. Most reporting States indicated that they provided material and psychological assistance to victims and that they had adopted national policies and standards for the delivery of assistance to victims. Most States reported that victims of crime had access to State-funded legal assistance throughout the criminal justice process. In most countries, victims received proper information on various issues in a timely manner and in a language they understood. In most countries, the authorities received training on victim-related issues. Most national legislations allowed victims to obtain restitution from the offender in the context of criminal proceedings and in most countries there was a State compensation scheme available to victims.

72. Some States reported that they needed United Nations technical assistance but were unaware of opportunities for receiving such assistance through United Nations agencies.

73. In the light of the above, the Commission on Crime Prevention and Criminal Justice may wish to consider:

(a) Inviting Member States that need assistance to strengthen and improve their national mechanisms to assist and protect victims, to request such assistance from relevant United Nations agencies and offices, in particular from the United Nations Office on Drugs and Crime (UNODC);

(b) Encouraging Member States to make use of existing UNODC tools and handbooks on victim assistance and protection;

(c) Inviting Member States to provide resources, including financial resources, to UNODC in support of its activities to assist States in strengthening and improving their capacity to protect and provide assistance to victims;

(d) Requesting UNODC to continue, in cooperation with relevant partners, to provide advisory services and technical assistance to Member States, upon request, in the area of victim assistance and protection.
