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## REPORTS OF THE SEMINAR

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### GROUP 1

#### MEASURES FOR VICTIMS OF CRIME AT EACH STAGE OF THE CRIMINAL JUSTICE PROCESS WITH SPECIAL ATTENTION TO VICTIMS OF SEX CRIME/ CHILD VICTIMS

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### I. INTRODUCTION

Group 1 commenced its discussion on 22 January 2010. The Group elected the above-stated officers to lead the discussion. Group 1 was assigned to discuss the Measures for Victims of Crime at each Stage of Criminal Justice Process with special attention to Victims of Sex Crime/Child Victims.

It is now widely-recognized that all crime victims should have a right to a full range of services and support to help them recover physically, psychologically and in all practical ways, from the effects of crime. The Group attempts to provide various perspectives, from different backgrounds and different jurisdictions, to address the needs of victims of sex crimes, specifically rape victims. Rape, as we acknowledge it, is a heinous offence that can happen to anyone: children, women and sometimes even men.

Although some countries have existing laws in place to provide assistance and support for crime victims, other jurisdictions recognize the need to establish certain measures to alleviate the needs of these vulnerable crime victims.

### II. SUMMARY OF THE DISCUSSION

To come up with appropriate measures for crime victims, the Group discussed the following issues concerning their respective countries' experiences:

1. Collection/reception of evidence.
2. Preservation of evidence.
3. Improvement of line agencies co-operation.
4. Providing for the safety and well-being of victims

#### A. Collection of Evidence

On the matter of the collection of evidence the following desirable points were discussed by the group members:

- Police personnel dealing with sex crimes must have adequate education and training in human relations and must display empathy to the victims, particularly child victims;
- Awareness and education should be rendered to children and everyone on what to do in a sex crime situation and whom to call immediately (only with emphasis to children). Media for disseminating information include mass media, pamphlets, workshops, conferences, etc.;

- Creation of a special section at the police stations to receive and interview crime victims;
- In collection of evidence there is a need for co-operation between the police and other agencies like hospitals to create a one-stop support centre;
- The state should provide the equipment necessary for laboratory and physical examinations;
- There is a need to tap or seek help from NGOs or International Organizations to provide training/equipment in case of a lack of funds;
- In Brazil, a pilot project is now being built that would facilitate the assistance given to crime victims by putting up a hospital, police station and social assistance/welfare institution, as well as the office of the prosecutor and the court in one area where the victim may go to and where everybody in that area or network will be prepared to deal with the situation.

### **B. Preservation of Evidence**

In the preservation of evidence the group narrowed the issues down to the following:

- Contamination of evidence (i.e. physical, object or biological evidence) must be avoided;
- Physical examination of victims is required to obtain credible evidence;
- Police officers and prosecutors need to be properly trained in evidence preservation techniques;
- Medical expenses incurred by the victims must be borne by the police/state.

### **C. Improvement of Line Agencies Co-operation**

The group recognizes that line agencies' co-operation is relevant to the dynamics of protection of crime victims and, so recognizing, agreed on the following points:

- A working relationship and greater co-operation needs to be fostered between the hospital and the police for a speedy and timely response and results;
- There is a need for conferences to be held, including the police, hospitals and other agencies, to promote more effective collaboration on the rules and guidelines as many personnel lack understanding;
- NGO can provide legal assistance through community support programmes and they can also help lobby for legislative changes;
- One-Stop Support Center. There must be collaboration between line agencies for two basic reasons:
  1. Investigation;
  2. Deciding how best to assist victims (i.e. police, medical and legal assistance, temporary shelter).
- NGOs must be included as part of any crime victim support system because they often have the funds necessary to assist crime victims.

### **D. Providing for the Safety and Well-Being of Victims**

The group discussed the magnitude and significance of managing crime victims' feelings and sentiments and established the following issues in providing for their safety and well being.

#### **1. Secondary Victimization or Re-victimization**

- Victims often have to relate the incident three times; first to the police investigator, then to the public prosecutor who is mandated to come to the police station to get testimony of the victim and finally during the trial;
- The privacy of the victim should be taken into consideration;
- Dolls should be used to reduce anxiety and to encourage child victims to talk more about the incident;
- Dolls should be used at the police level to aid the re-enactment of the incident during the investigation process and the police investigator acts as suspect;
- Attendants, screens and video links should be used in criminal trials;
- Video-tapes of initial investigations or a question and answer session before a psychologist should be

played during court proceedings to prevent re-victimization;

- The public may be excluded from the court at the request of a rape victim.

## 2. Notification

- There is a need to notify and inform the victim of the status of the case at each stage of the proceedings.

## 3. Victim Impact Statement

- Victim Impact Statements are already used in some countries while in other jurisdiction, it is still in the trial stage;
- There is a need to explain the process to the victim and to reach out to the victim by conferring, informing or notifying the victim of the law and guidelines;
- Existing Measures unanimously agreed as appropriate to be adopted:
  1. Victim Impact Statement.
  2. Notification Process.

### **III. CONCLUSION AND RECOMMENDATIONS**

At the end of the discussion, the Group reached a consensus regarding the recommendation of possible countermeasures in the investigation up to the trial stage to protect victims of sex crime, specifically rape.

In sum, the measures recommended by the group to be adopted in their respective jurisdictions include the following:

#### 1. Giving special consideration to the mental and physical needs of victims:

- Development of system/organization (an intake or emergency centre dealing with medical, social, welfare and psychological needs, and the collection and preservation of evidence);
  - (i) Special sections for crime victims in police stations;
  - (ii) The establishment of a One-Stop Support Centre;
  - (iii) Collaboration with other concerned organizations: such as hospitals, NGOs, Police Offices, etc.;
  - (iv) Training line agencies' personnel as part of collaborating mechanism.
- Development of guidelines on investigation methods such as collection of evidence, preservation of evidence, or interview.
- Core-group training among police officers (Based on a Training of Trainers Programme) on proper criminal investigation, which includes re-training in basic aspects of investigation as well as the following:
  - (i) Social measures;
  - (ii) Medical measures;
  - (iii) Psychological (mental and emotional) measures;
  - (iv) Religious/community measures (if need be).

#### 2. Providing awareness and enlightenment programmes for vulnerable subjects:

- Information dissemination
  - (i) Raising the awareness of students by police officers and teachers;
  - (ii) Raising awareness of the community, especially parents, by public health professionals or other officials;
  - (iii) Awareness raising and dissemination of information through the mass media (i.e. television, radio and print).

#### 3. Allowing for protection of privacy and dignity of victims:

- Creation of special police units or stations designed for handling sex offences in which the majority of officers are female;

- Non-disclosure of basic information which would reveal the identity of victims (such as name, address and nationality);
  - Behaviour modification of personnel who come in contact with victims directly in the criminal justice system.
4. Rendering professional (including psychological) protection and services for crime victims by the State.
  5. Notifying victims and/or immediate family members (when they are not perpetrators) of the status of the case at every stage of the criminal justice process.
  6. Establishing legal frameworks for victim protection and for participation in judicial procedure (including providing the opportunity to make a victim impact statement).
  7. Developing victim advocate programmes for the community.  
A victim advocate may be one who volunteers to provide:
    - Legal support;
    - Liaison between agencies, etc.;
    - Case process monitoring;
    - Escorting of victims to the police station and to court;
    - Psychological support.