



**CROSS-CUTTING ISSUES**  
**Victims and Witnesses**

Criminal justice  
assessment  
toolkit



UNITED NATIONS OFFICE ON DRUGS AND CRIME  
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# **CROSS-CUTTING ISSUES**

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**Criminal Justice Assessment Toolkit**



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# 1. INTRODUCTION TO THE ISSUE

A fair, effective and efficient criminal justice system is a system that respects the fundamental rights of victims as well as those of suspects and offenders. It focuses on the need to prevent victimization, to protect and assist victims, and to treat them with compassion and respect for their dignity. Victims should also have access to judicial and other mechanisms to seek remedy for the harm they suffered and obtain prompt redress. They should also have access to specialized assistance in dealing with any emotional trauma and other problems caused by their victimization.

Crime takes an enormous physical, financial and emotional toll on victims. However, in many criminal justice systems, victims of crime are often forgotten and sometimes even re-victimized by the system itself. They are rarely allowed to fully participate in decisions that concern them and do not always receive the assistance, support and protection they need. Redress for the harm they suffered as a result of victimization is often not available and, when it is, it is too often insufficient or late in coming.

In November 1985, the General Assembly adopted the **United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** (resolution 40/34, annex) in which it recommended measures that should be taken at the national, regional and international levels to improve access to justice and fair treatment, restitution, compensation, protection and assistance for victims of crime and abuse of power. In 1988, the Economic and Social Council recommended that Member States take the necessary steps to give effects to the provisions of the Declaration (resolution 1989/57). Finally, in 1998, the Economic and Social Council endorsed a **Plan of Action for the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** (resolution 1998/21, annex).

Other resolutions also provided guidance on how justice systems ought to deal with various specific groups of victims. In 1997, the General Assembly adopted resolution 52/86 dealing with the need to review criminal justice practices to better prevent violence against women and support and assist women victims of gender-based violence. The resolution includes an annex entitled **Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice**. The Model Strategies suggest a series of measures that can be taken in variety of areas to prevent violence against women and improve the law and processes for dealing with this widespread form of victimization.

With respect to child victims, the Economic and Social Council adopted in 2005 the **Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime** (resolution 2005/20). One of the objectives of the Guidelines is to assist in the review of national laws, procedures and practices and to assess whether they fully respect the rights of child victims and witnesses of crime.

Furthermore, the **United Nations Convention against Transnational Organized Crime** (2000) and the **Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, as well as the **United Nations Convention against Corruption** (2003), contain various binding dispositions for States Parties concerning victim protection and victim assistance.

All of the above international instruments, and others of a more regional nature, provide guidance to Member States and, in some cases, create some specific obligations for them regarding the rights of victims or certain groups of victims. An assessment of a criminal justice system or, for that matter, of anyone of its components cannot be complete without a careful examination of how the system and its various components treat victims of crime, the extent to which victims have access to effective redress mechanisms, and the extent to which victims receive the help, protection and support they need.

Every aspect of the justice system either comes in contact with or makes decisions affecting the lives of victims. Some general principles always apply. However, depending on the characteristics of the victims or the nature of the crime, different responses are required of the justice system. In addition, special precautions must be taken to protect and assist some particularly vulnerable groups of victims, such as children. Moreover, as many criminal groups operate across borders, the threat they represent to victims is not confined to within national borders. Victimization frequently occurs across borders, as does the physical and psychological intimidation of victims and their relatives. Victims of human trafficking, for example, may need assistance in order to return to their country of origin while waiting for a hearing or a trial during which they are to provide evidence. For all these reasons, international cooperation in protecting victims and their relatives and supporting them is often required.

For all the above reasons, this cross-cutting tool has been developed to provide an overview of the general ways in which a justice system ought to respond to the needs and concerns of victims and victims as witnesses. Although the tool will not support a detailed assessment of the situation of victims of crime in a given country, it can assist a general assessment by identifying victims concerns and issues that should be taken into consideration in assessing various elements of a criminal justice system.

There are two aspects of criminal victimization that are not covered in any detail in this tool: victimization occurring as a result of various terrorist activities; and, victimization as a result of crimes against humanity. Both of these types of victimization require a different kind of intervention to support and protect the victims. Finally, the response to various forms of victimization and the protection of victims and their rights may be particularly challenging in the context of post-conflict transitions while a justice system is still in transition. These situations are not dealt with in the present instrument.

Technical assistance to improve the manner in which victims and witnesses of crime are treated by the justice system may include initiatives to:

- Review and enhance the legal framework and how it addresses the rights of victims in general;
- Review and improve the legal framework and how it addresses the rights of child victims;
- Review and enhance the legal framework and how it specifically addresses women victims and the victims of gender-based violence;
- Review and enhance the legal framework and how it specifically addresses the rights of victims of abuse of power;
- Review and enhance indigenous and customary practices to ensure that they respect the rights of victims;
- Develop national policies with respect to victim assistance and victim and witness protection;
- Develop the capacity of existing institutions and agencies to offer victim assistance services;
- Train law enforcement and justice officials in child-sensitive intervention techniques;
- Provide training in the use of testimonial assistance techniques to protect the safety, privacy, and identity of victims who testify as witnesses in court;
- Develop alternative conflict resolution mechanisms and restorative justice programs that support victims, give them a voice, enable their participation and address their needs;
- Train and support victim/witness assistance workers and professionals;
- Develop new court-based and police-based victim and witness assistance services;
- Support non-governmental organizations involved in providing assistance and support to victims of crime;
- Support the development of victim compensation schemes;
- Facilitate the provision of protection and legal assistance to victims of abuse of power;



- Evaluate the impact of existing programs to assist and protect victims and witnesses of crime;
- Conduct victimization surveys to understand existing victimization patterns and monitor the experience of victims in their contacts with justice systems;
- Develop performance indicators to monitor the satisfaction of victims and witnesses with their experience with the criminal justice system;
- Develop the capacity of local authorities to cooperate internationally in the protection of victims, their compensation for the harm they suffer, and their safe repatriation when necessary.

## 2. OVERVIEW

When assessing the mechanisms in place within a country to treat victims of crime, protect their rights and respond to their needs, a preliminary assessment should be made of the existing needs and the available resources. The goals of the assessment should include the following:

- To determine the rate of victimization by types of crime;
- To determine the prevailing patterns of victimization and the general characteristics of victims of crime;
- To obtain a general understanding of the needs of victims in the jurisdiction and how they are addressed, including the needs of specific groups of victims such as children, foreigners, women victim of violence, etc.;
- To assess the availability of existing resources to meet these needs and the capacity of existing agencies to provide effective protection and assistance to victims of crime;
- To identify what policies, procedures and laws dealing with victims are currently in place in the country;
- To understand how existing practices in every aspect of the criminal justice system are affecting victims of crime and how they can be improved;
- To understand what access victims have, and in what circumstances, to various forms of compensation, if any;
- To understand specifically how victims of abuse of power are treated and what recourses and accesses to redress they have;
- To determine what forms of technical assistance would be most useful in improving the situation of victims of crime and abuse of power in the country.

### 2.1 STATISTICAL DATA

Please refer to **Cross-Cutting Issues: Criminal Justice Information** for guidance on gathering key criminal justice statistical data that will help provide an overview of the number and characteristics of victims who come into contact with the criminal justice system.

When they do collect crime statistics, most countries collect incident-based data that contains information on criminal incidents that came to the attention of the police, and sometimes on the offenders involved in these offences. They rarely collect data on the victims of these crimes. Crime statistics do not necessarily provide a good indication of the prevalence of victimization in a given country, because they are greatly influenced by the willingness of victims to report the crime to the police. When victims of crime or abuse of power do not have a lot of trust in the authorities and when they cannot expect much help from them, they are less likely to report the crime.

Some agencies responsible for victim assistance services may have collected some data on the number and characteristics of victims utilizing their services, but these data are very limited or localized and are typically of limited utility in understanding the overall situation of victims of crime in a country. Unless a victimization study has been conducted in the country, or some part of it, useful data on victims of crime and their experience in the criminal justice system are unlikely to be available.

Victimization studies may also have been conducted in the country or part of the country. Their findings may provide data on victims' reporting behaviour and on their experience of the justice system. Some victimizations studies use a standardized methodology that may lead to some useful international comparisons in this respect.

Written sources of statistical information on victims of crime may include, if they exist:

- Crime Statistics – Law Enforcement
- Court Annual reports
- Ministry of Justice reports
- Ministry of Interior/National Police Crime reports/Penal System reports
- Certain health statistics
- Nongovernmental organisation reports on the situation of the victims
- Studies conducted by academic institutions
- UN Crime (victims) surveys

The contacts likely to be able to provide the relevant information are:

- Ministry of justice
- Senior court personnel, registrars
- Non-governmental organizations working on criminal justice matters
- Donor organisations working on the criminal justice sector
- Academic institutions involved in criminal justice research
- Health and mental health professions
- Ombudsman's office
- Bar association

- A. Are the following statistics available on an annual or other periodic basis? (Is that statistical information publicly available?)
- o Crime rates
  - o Victimization rates by types of crime, types of victims (disaggregated by age and gender and places where the crimes have occurred)
  - o Rate of reporting by victims
  - o Number of crimes reported to the police by victims
  - o Number of abuses of power that came to the attention of authorities
  - o Number of children who have been victimized
  - o Number of victims who received restitution
  - o Number of victims who were required to testify in court (and, how many of them were children)
  - o Number of victims who received state compensation (and amounts)
- B. Have special studies been conducted in recent years (victimization survey, survey of victims who came into contact with the justice system, study of specific groups of victims (e.g., victims of abuse of power, victims of violence against women, child victims, victims of human trafficking; etc).
- C. Is there a national organization responsible for the promotion of victims' rights?
- D. Is there a national organization responsible for promoting and protection the rights of child victims?
- E. Is there a "lead" organization within the government to coordinate all efforts to protect the rights of victims?

### 3. LEGAL AND REGULATORY FRAMEWORK

#### 3.1 LEGAL FRAMEWORK

While victim-oriented practices may be implemented without legislative changes, experience suggests that in many cases a special impetus may be created by the adoption of legislation reaffirming the rights of victims. A number of jurisdictions have enacted "victims' bills of rights". Others have simply adopted an overarching policy that can provide guidance to public officials in their dealings with victims of crime and abuse of power.

In most instances however, the most important changes have been brought in by specific legislative amendments to existing procedures, evidentiary requirements, sentencing provisions and other aspects of procedural law. Some of these changes had a specific group of victims in mind (e.g. victims of violence against women, child victims, victims of sexual assaults, victims of trafficking, etc.), while others were of a more general nature.

There are also many instances of legislation adopted to create specific programmes (and sometime establish an authority to use public funds to support them). This may be the case, for example, when a government is seeking to establish a state-funded compensation programme, or victim/witness assistance and protection programme.

Finally, addressing the needs of victims may often mean bringing changes to other laws that may create a hardship for victims of crime or be insufficient to protect their rights (e.g., constitutional law, privacy protection laws, family law, contract law, laws governing private insurance, bankruptcy law, immigration, citizenship and refugee protection laws, access to public information, laws governing access to legal aid or access to other government services, etc.). In the case of victims of abuse of power, there are other laws that may also prevent their access to justice (e.g., law on access to legal aid, police powers, laws governing police accountability and civilian oversight of the police, antiquated correctional laws, laws restricting access to certain kinds of information about public officials, prescription provisions under law relating to the commencement of proceedings, evidentiary requirements under existing law, etc.).

Because these many aspects of the law can be complex, it is not easy for an assessor to properly assess the existing legal framework with respect to the rights of victims. The assessor should be looking for assessments or partial assessments that may already have been conducted in the country (e.g., by law schools, special studies and report by advocacy groups, reviews conducted by other donors). When a proper assessment has not been conducted, conducting one may be a good starting point for any technical assistance to be provided in that regard.

The following documents are likely to be sources from which to gain an understanding of the legal and regulatory framework for the protection of the rights of victims and witnesses Please see also **ANNEX 2: Criminal Law and Criminal Procedure:**

- Acts of the legislature, ordinances and decrees and regulations pursuant to legislation. The relevant legislation will mostly be found in criminal codes, criminal procedure laws, and special laws relating to victims of crime (when they exist).
- Government policy statements, "standing orders", decrees, circulars.
- Government legislation or decrees establishing specific programmes for victims and witnesses of crime
- Legislation dealing with specific types of victimization (e.g. child abuse, child sexual exploitation, violence against women, etc.), Child protection legislation, family law, citizenship, and immigration and refugee protection law, and various aspects of tort law and civil law (property, contract, liability, bankruptcy).

- A. What are the issues that local professionals, victims' rights organizations, and advocacy groups have identified with respect to existing laws and the protection it offers to the rights of victims of crime?
- B. What issues have been identified by local ombudsmen, human rights groups, justice professionals, victims rights organizations, and advocacy groups with respect to existing laws and the protection, assistance and access to justice it offers to the victims of abuse of power?

- C. Has the country enacted legislation on victims of crime? If yes, what did it cover, when it has been adopted, has it been fully implemented? Does the legislation apply to the whole country?
- D. Has the country enacted legislation to protect the rights of specific groups of victims, such as victims of:
- terrorism;
  - human trafficking;
  - family violence ;
  - sexual abuse;
  - child abuse;
  - abuse of power.
- E. Has there been a review of procedural law to ensure that victims of crime are treated with fairness, compassion, and respect for their dignity?
- F. Has there been a review of the laws that govern judicial and administrative mechanisms to enable victims to obtain prompt redress through informal and formal procedures that are effective, fair and accessible?
- G. Has there been a recent review of existing laws to ensure that they are in compliance with the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime? What were the findings? What legislative action was taken, if any?

Please see also **CROSS-CUTTING ISSUES: JUVENILE JUSTICE** for additional information on child victims and witnesses.

- H. Has there been a review of the laws that govern restitution and compensation?
- I. Has there been a recent review of existing laws to ensure that they are in compliance with the United Nations Convention against Transnational Organized Crime and its protocol of trafficking in persons, and the United Nations Convention against Corruption. If the State is not yet a Party to these Conventions, does it plan to become a party? Will it need assistance in the implementation of these instruments, particularly with respect to the situation of victims and witnesses?

## 4. ACCESS TO JUSTICE AND FAIR TREATMENT

The assessor should not expect to find a lot of information directly addressing the question of whether or not a criminal justice system is generally giving victims access to justice and fair treatment. Information is rarely collected on the actual experience of victims who come into contact with the justice system. Focusing on five general types of victims' concerns should provide a rough framework for analysis:

- The extent to which victims are treated fairly and with compassion by the different components of the criminal justice system;
- Whether victims receive adequate protection;
- Whether they have access to redress, in particular restitution;
- Whether they have access to state-based compensation; and,
- Whether they receive adequate assistance to deal with both the immediate and longer term consequences of their victimization.

In assessing the existing situation against these concerns, one should be mindful of the fact that some of these concerns may be addressed in some parts of the country and not in others, for some types of victims and not others, or in some circumstances and not others. One should also be aware of the fact that some groups of victims, such as children for example, have special needs that require special attention. Finally, the assessor should also be mindful of the possible presence of discriminatory practices that would affect how certain groups of victims may be treated.

### 4.1 RESPONSIVENESS OF THE SYSTEM TO THE NEEDS OF VICTIMS AND WITNESSES

The responsiveness of the justice system to the needs of victims (and witnesses) should be facilitated by informing victims of their role and the progress in their case, allowing their views to be expressed at appropriate stages of proceedings, assisting them through the process, taking measures to reduce the inconvenience associated with the process, to protect them and avoid unnecessary delays.

The need to be responsive to the needs and rights of the victims throughout the justice system translate itself into a number of specific obligations for each aspect of the system. Assessing the responsiveness of the system may involve looking at the extent to which each part of the system has taken effective measures to respond to the needs and concerns of victims. In most instances, since there is little data on the actual practices and the performance of the system's various agencies, one may have to rely on whether policies, guidelines, and protocols have been set in place. Where some evaluations have been conducted, their findings should be consulted.

#### 4.1.1 Victims and the Police

The police are most likely to be the first agency contacted by the victims. That first contact is crucial for the victims and may affect how they cope with their victimization and recover from its effects. There are a number of things that a police force can and should do to improve its response to victims of crime. Improving the response often depends on adopting internal policies and guidelines, developing inter-agency collaboration protocols, providing effective training to front line officers, and offering them some practical tools for effective interventions. When the victimization occurs across borders, the quality of the police response to the needs of victims is sometimes dependent on its capacity to cooperate internationally with other police agencies. (See also: **POLICING: Public Safety and Police Service Delivery**)

- A. Is there any information on victims' perception of the police?
- B. Has a study been conducted of police interactions with victims?
- C. Are police procedures in place to ensure that the victims' needs for safety are addressed and to prevent their further victimization?
- D. Are police procedures in place to ensure the proper detention and investigation of suspects to protect the safety of victims and witnesses?

- E. Are police forces able to respond promptly to calls for protection or assistance from victims and witnesses?
- F. Have police officers received some basic training on the needs and concerns of victims of crime, and on victims' rights?
- G. Have police officers received training on child sensitive interventions and investigation techniques?
- H. Are police officers trained and able to explain police procedures and investigatory process to victims?
- I. Are police forces collaborating with other services to provide assistance and protection to victims?
- J. Are police forces cooperating with other law enforcement agencies in the country or in another country to provide assistance and protection to victims and witnesses?
- K. Have specialized police squads been created to deal more effectively with certain types of victimization (e.g. child abuse, family violence, human trafficking, etc.)?
- L. Have police officers been trained on how to inform victims of crime on how to protect evidence and how to take measures to protect themselves against further victimization?
- M. Do police officers typically accompany victims, when they need it, to emergency medical services?
- N. Are police officers able to refer victims to victim assistance services? Do they do so?
- O. Do police officers generally inform victims of crime of their rights and the potential availability of compensation or redress? Have they been trained to do so?
- P. Are procedures in place to ensure that victims of crime are periodically informed of the status of the investigation in their case?
- Q. Has training on victims' rights and needs been incorporated into basic police training?
- R. Are the police able to offer protection and assistance to victims of minority groups, victims who speak a non-native language, etc.?
- S. Is there any evidence of discriminatory practices in the way the police respond to the needs of victims (e.g. on the basis of race, gender, ethnicity, religion, socio-economic status, citizenship, etc.)?
- T. Is there an established witness protection program providing for relocation and change of identity? Is there any data available on how frequently it is being used for victim/witnesses, how long people stay in the program, and what benefits they are entitled to?

#### 4.1.2 Victims and the Prosecution Service

The majority of victims do not come into contact with a prosecutor because their victimization does not lead to the actual prosecution of an offender. The prosecution services are delivered through a variety of means in different countries. Public prosecutors play a unique role in criminal cases in that they appear on behalf of the government as the representative of the people rather than an individual victim. The prosecutor's relationship with the victims is sometimes ambiguous, except perhaps when they call a victim to testify in court. The **United Nations Guidelines on the Role of Prosecutors** requires that prosecutors consider the views and concerns of victims when their personal interests are affected and ensure that victims are informed of their rights. There are a number of things that prosecutors can do to protect the rights of victims. See also: **Access to Justice: The Prosecution Service**.

- A. How does the prosecutions service seek to meet the needs and concerns of victims and witnesses, in particular vulnerable persons (children, victims of family violence, victims of sexual crimes)?
- B. Have prosecutors received training on the needs, concerns and rights of victims and witnesses?
- C. Is there a prosecutor-based victim/witness assistance programme? If not, are certain individuals within prosecution services assigned to work with victims and witnesses?
- D. Is there any information available on victim/witness satisfaction with their contact with prosecution services?
- E. Have procedures been set in place to provide basic levels of services to victims and witnesses (e.g. information, translation, notification, measures to limit the inconveniences associated with having to testify in court)?
- F. Do prosecution services have access to witness protection services and programmes?
- G. Are prosecution services providing information about the criminal justice system and proceedings in simple lay terms to help victims and witnesses understand the justice process?
- H. Are child-friendly areas provided for children witnesses?
- I. Have some prosecutors received training in child-friendly interviews and examination?
- J. Do prosecutors coordinate the inclusion of victim impact statements in court proceedings and other relevant proceedings?
- K. Do prosecutors assist victims in seeking restitution and prompt return of their property? Does the prosecution regularly seek restitution on behalf of the victims?
- L. How are victims kept informed by the prosecution service about their case, including decisions whether to prosecute,, verdicts, and sentences? Are such victims informed of the decision not to prosecute and the reasons for such a decision?
- M. Do prosecutors take measures to minimise the inconvenience of court appearances for victims and other witnesses? What measures do they employ?

### 4.1.3 Victims as Witnesses and the Judiciary

Judges can provide essential protection to victims. With child victims, for example, they can order some special arrangements to facilitate their testimony. They play an important role in ensuring that victims are treated with courtesy, respect and fairness. They can take measures to ensure expeditious trials and to avoid unnecessary delays. Judges should play a significant role in ensuring the safety of victims and witnesses who are called upon to testify. They can also issue protection orders, where the law makes it possible, in cases of violence against women or against children, which order the perpetrator removed from the home, prohibit further contact with the victim and others and impose penalties for violating the order.

The court may also order the application of evidentiary measures to protect the identity of the victim/witness or prevent intimidation by the defendant. Such measures include the use of shields or screens, testimony via videoconference, anonymous testimony or allowing the presence of an accompanying person during court hearings.

Judges can also include information concerning the impact of the crime on the victim in their assessment of the sentence to be imposed and, where the law allows, it includes reparative measures in the sentence. See also **Access to Justice: The Courts**.

- A. Have members of the judiciary received training on the needs, concerns and rights of victims and on their responsibilities with respect to victim/witness protection.
- B. Are the needs of vulnerable persons especially addressed (for example: women, children, victims of sexual abuse or domestic violence) in policies or in existing practices and services?



- C. Are there staffs whose primary function is to work with victims and witnesses? What services does such staff provide? What formal training/education are they required to have?
- D. Is adequate training being offered to court personnel dealing with vulnerable persons?
- E. Are victims/witnesses given information about the services that are available, or what protections they may seek? How and by whom?
- F. Can the court decide on the use of protective measures such as anonymity for victim/witnesses where there is serious risk of intimidation by the defendant or even a threat to their physical safety? What other evidentiary measures are available?
- G. Can the witness request the presence of an accompanying person (parent, therapist, teacher, female police officer, etc.) during court testimony and for what types of crime?
- H. Are witnesses in criminal cases legally entitled to compensation for loss of wages or other expenses associated with their appearance in court?
- I. How are victims and witnesses kept informed about cases, including verdicts and sentences? Does the court have a notification system that gives notice to victims and witnesses about hearings that may have been scheduled or changes in scheduling?
- J. Are there special waiting areas where victims and witnesses can wait in a courtroom without fearing a confrontation with the accused?

#### 4.1.4 Role of Victims in the Justice System

Different criminal justice systems allow different levels and forms of victim participation in criminal proceedings. In most instances, however, that role is minimal. **Article 6(b) of The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** specifies that, at a minimum, the views and concerns of victims should be allowed to be presented and considered at appropriate stages of the proceedings where their personal interests are affected.

- A. Are victims of crime permitted under national law to participate in any proceedings against the accused?
- B. What measures are in place to ensure that victims of crime can have their views expressed at various stages of the proceedings where their personal interests are affected?
- C. If restorative justice or traditional conflict resolution mechanisms are in use, what is the role of victims in these mechanisms (e.g. victim involvement in restorative justice)?

#### 4.1.5 Alternative to Formal Proceedings

The country's justice system may provide for the possibility of resorting to alternative or informal conflict resolution processes? Many of these alternative responses provide the parties involved, and often also the surrounding community, with an opportunity to participate in resolving conflict and addressing its consequences. In some cases, the informal mechanisms amount to a form of formal diversion from the criminal justice system. Referrals may come from the community, the police, the prosecutors, or the court. Many of these mechanisms involve a form of mediation; some include a restorative approach. A restorative process is any process in which the victim and the offender and, where appropriate any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.

Informal processes, although some of them explicitly profess to exist for the benefits of victims, do not always offer adequate protection to victims and their rights. See: **United Nations Principles on the Use of Restorative Justice Programmes in Criminal Matters, 2002.**

- A. Are alternative conflict resolution mechanisms or restorative justice programmes in use in criminal matters in the country? What do they consist of?
- B. What are the types of crime that may be dealt with by alternative conflict resolution mechanisms utilized? Are some types of crimes, such as domestic violence, excluded?
- C. Can alternative conflict resolution mechanisms be used as an alternative to formal proceedings? If yes, at what stage? How are referrals made to these programmes? How often are they used? How are they managed?
- D. Have policies, guidelines or other formal guidance been issued on the use of these informal mechanisms?
- E. Have the individuals who manage these informal mechanisms received adequate training, including training on the needs and rights of victims?
- F. Are victims free to participate or not in these alternative process? If not, why not? How are they compelled to participate? Victims should not be coerced.
- G. Can victims be compelled to accept the outcome of these processes? Victims should not be coerced.
- H. Are the outcomes of these informal mechanisms considering the needs and concerns of victims?
- I. Is restitution or compensation usually part of the outcomes of these informal mechanisms?
- J. Is the safety of the victim considered in referring cases to informal mechanisms?

#### 4.1.6 Traditional/Customary Courts

The Constitution or criminal procedure law of the country may grant jurisdiction to a customary or traditional court. See: **Access to Justice: The Prosecution Service (3.2.1)**. There are often some human rights and due process issues associated with these systems, some of them may have a direct impact on victims of crime. Traditional, community-based, or non-state informal systems can take many forms and produce different outcomes in terms of access to justice as well as equity and fairness. On the other hand, they may offer a greater opportunity for victims to be involved in the resolution of the conflict.

In many countries, the idea of community involvement in the justice process enjoys a large consensus. In some countries, community participation is already part of traditional practices and customary law. There appears to be a resurgent interest in preserving and strengthening customary law and traditional justice practices. A fundamental challenge for participatory justice is, however, to find ways to effectively mobilize the involvement of civil society, while at the same time protection the rights and interests of victims.

For further background information, please see **ANNEX 1, Comparative Legal Systems**.

- A. Is there a system of traditional or customary law courts? What is the basis of the authority of these customary/traditional courts? How often are these courts dealing with criminal matters? What kind of criminal matters are they typically dealing with?
- B. Is there some available documentation on these traditional mechanisms and the customary laws they apply?
- C. What issues/problems have victims encountered in dealing with these courts?
- D. Are there any specific aspects of the customary law(s) that are being invoked in these customary courts that create particular difficulties for victims? (Lack of due process, discriminatory practices, gender-based or age-based discrimination, etc.).

#### 4.1.7 Military Courts/ Special Tribunals

The situation of victims of crime and abuse of power can be particularly precarious when the matter is dealt with by a military court or a special tribunal.

- A. Are there military courts operating in the country?
- B. When military courts try criminal offences, what assistance, support and protection can they offer victims?
- C. If the criminal procedure law in force in military courts and special tribunals is different from that which applies to other courts, what provisions does it contain to protect the rights of victims and allow them access to redress?
- D. What issues have advocacy groups, human rights groups and others identified concerning the way these military courts or special tribunals deal with victims of crime and abuse of power?

#### 4.1.8 Corrections (Prisons and Alternative Sanctions)

Victims have a legitimate interest in seeking to ensure not only that those who have committed a crime against them are brought to justice, but also that offenders do not continue to present a danger to them or others after their conviction or release. Community corrections agencies (e.g. probation services) and prisons must also play a role in supporting and protecting victims of crime. Measures can be taken to address the concerns of victims during an offender's incarceration (both before adjudication and as a sentence), while he or she is being supervised in the community, or at the time of his or her release from prison (either on parole at the end of a sentence). See also: the assessment tools on: **Custodial and Non-Custodial Measures: The Prison System; Custodial and Non-Custodial Measures: Detention Prior to Adjudication; and Custodial and Non-Custodial Measures: Alternatives to Incarceration**".

- A. At the time an offender is released on bail, are conditions typically imposed to protect the victim and witnesses? Who is responsible for supervising and enforcing these conditions? Is the safety of the victim an explicit consideration in making decisions about bail or the release of offenders while awaiting a trial or other proceedings?
- B. If probation is sometimes ordered, does it typically include (or can it include) the following:
  - Conditions regarding contact with the victim(s)?
  - Payment of monetary obligations to the victim, such as restitution, child support, mortgage payments, etc.?
- C. Does the probation service or another agency effectively enforce the conditions of probation that relate to restitution or the protection of the victim?
- D. Is the probation service or another equivalent agency monitoring the probationer's involvement in any victim-offender programme (e.g. mediation) in which victims choose to participate on a strictly voluntary basis?
- E. Are prison and probation officials taking appropriate measure to protect the information concerning the victims and to protect their privacy?
- F. Are prison and probation officials taking appropriate measure to protect victims of crime from intimidation or harassment by the offenders during their period of incarceration or probation?

- G. Are prison officials, upon request, notifying victims and witnesses of an offender's status, including the offender's current location, classification, potential release date, escape, and death?
- H. Are parole agencies (and similar authorities involved in decisions to release an offender from prison) providing victims with an opportunity to have an input in the decision to release the offender? Are victims provided in a timely manner with information about the decision making process and the decisions themselves?

## 4.2 PROTECTION

Access to justice also means that effective measures must be taken to protect the safety of victims, witnesses and their families. Many victims fear intimidation and retaliation and expect the criminal justice system to protect them. These fears are particularly acute when there is a close relationship between the victim and the offender (family violence), or when the offender is part of a powerful group or organization (e.g. terrorist organization or organized crime group). In the case of victims of abuse of power or corruption, the fear of intimidation or retaliation is often linked to a distrust of government officials, law enforcement and the judiciary.

Part of the debate over the scope and nature of many victim protection measures and programmes is around the question of whether or not they extend to protect all victims or only those who are needed as witnesses

Ensuring the protection of the privacy of the victims/witnesses is a concern, particularly, in the case of children. Measures should be taken to protect children from undue exposure to the public by, for example, excluding the media from the courtroom during the child's testimony, or ordering a publication ban. Countries can also issue guidelines or directive to ensure that the media treat information regarding victims responsibly.

The **UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Article 6 (d))** refers to the need for each justice system to "protect the privacy of victims, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation". In the case of child victims, the **Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime**, propose a number of means to ensure the children's right to safety (#32, 33, 34). The **Convention Against Transnational Organized Crime (articles 24,25,26)** also include a number of provisions requiring States Parties to take measures to protect witnesses, to assist and protect victims, and to cooperate with other enforcement authorities to offer protection to victims and witnesses. The **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children** also contains a number of provisions dealing specifically with the protection of victims of human trafficking (articles 6,7,8), including physical protection, protection against intimidation, measures to permit victims of trafficking to remain temporarily or permanently in the receiving State, protection measures at the time of repatriating the victims to their own country to ensure that due regard is given to their safety and that of their relatives. The **United Nations Convention against Corruption** (article 32) contains similar provisions concerning the protection of victims/witnesses of corruption.

In situation of transition, victims of crime and abuse of power may find themselves particularly vulnerable and powerless. The **Model Code of Criminal Procedure (DRAFT, 30 May 2006)**, Art 75 sets out procedures for a petition by victims or witnesses for protective measures. Protective measures may include anonymity or use of a pseudonym, non-disclosure of court records, efforts to conceal the features (including voice) of the victim or witness during testimony, closed sessions, and temporary removal of the accused from the courtroom. In post conflict situation and in cases of crimes against humanity or serious abuses of human rights, it is essential to be able to protect victims and witnesses in order to encourage them to come forward and provide testimony. The **Rome Statute** (articles 68-69), for example, and the rules of Procedure and Evidence for the International Criminal Court contain provisions relating to the protection of victims and witnesses (e.g. Rule 87 on applications for protective measures).

- A. What measures are available to the courts to protect victims of crime (protective orders, no-contact orders, conditions of bail, escorts for victims/witnesses, testimonial aid, etc.)?
- B. Are professionals trained in recognizing and preventing the intimidation of victims, particularly children?

- C. What measures are available to ensure the out-of-court (before and after the trial) physical safety of victims? Does the police have a special program for enhanced protection in place?
- D. What measures are available to protect victims against intimidation during trial or while they provide a testimony (videotaping of evidence, closed-circuit transmission of testimony, safe transportation of victims and witnesses to and from courts, safe houses for victims and witnesses, etc.)? Are these measures used routinely or only in special cases? Are these measures readily available in the case of child victims?
- E. Are there procedural and evidentiary rules (e.g. regarding disclosure) that may place the victims at greater risk of retaliation or intimidation?
- F. Are there provisions that allow courts to protect the privacy and, where necessary, the identity of victims of crime?
- G. Is there a special programme for victim/witness assistance and protection? Who operates the programme? What protective measures are available? How broadly is it available? What are the most commonly applied measures? How often is the programme used? How many victims have received protection?
- H. Have measures been put in place to assist victims of human trafficking in obtaining temporary or permanent residency permits and protecting them and their relatives at the time of their repatriation?
- I. Has the country entered into international law enforcement cooperation agreements to protect victims of transnational crime?
- J. Is anything known about the level of confidence the public has in the criminal justice system, the police, and the system's ability to protect victims of crime?
- K. Is there any data on the experience of victims of crime and whether they tend to receive adequate protection from the police and other elements of the justice system?
- L. In recent years, have the media reported any major cases of intimidation or retaliation against victims/witnesses?
- M. Is there any evidence that victims and witnesses of crime (or certain types of crimes) are afraid to come forward and denounce the crime to the authorities for fear of retaliation?
- N. What training is offered, if any, to law enforcement and other justice officials on victims' safety concerns and the best way to address them?
- O. Has the State ensured that its domestic law provides at least the same level of protection for victims of abuse of power, gross violations of international human rights law and serious violations of international humanitarian law as that required by their international obligations?
- P. Under the law, what measures can be taken to protect the privacy of victims with regard to disclosure of identity by the media? What measures have been taken to protect the privacy of victims/witnesses, particularly children (e.g. ability of the court to order a publication ban, exclusion of the media from the courtroom, guidelines or regulations for the media)?

### 4.3 RESTITUTION

Offenders should, where appropriate, make restitution to victims, their families or dependants. The restitution should include the return of property or payment for the harm and loss suffered, reimbursement of expenses incurred as a result of victimization, the provision of services and the restoration of rights. Restitution can be implemented in a number of ways and at various points in the system: as a condition of probation, as a sanction in itself or as an additional penalty. It can also be an outcome of a traditional court or an alternative mechanism, such as a victim-offender mediation process, group conferencing, or another restorative justice process. For restitution to be ordered by the court or as part of another process, the information about the damage suffered by the victims must be available and presented, the loss has to be assessed in one way or another, and the ability of the offender to provide restitution has to be considered. In some cases, when the offender does not have the means to pay restitution, the restitution can be offered in kind, or in the form of services offered to the victim or the community. Finally, there is always the question of whether restitution orders are effectively enforced and whether there are any consequences imposed on offenders who do not comply with the restitution order.

- A. Do the laws and regulations of the country allow restitution to be ordered as part of a sentence, either as a sentencing option or in addition to other criminal sanctions?
- B. Are victims aware of the dispositions of the law allowing restitution to be ordered?
- C. What means are available to victims to present a request for restitution? How is information about the harm the suffered presented to the court (e.g., as part of the normal proceedings in which they participate, through a victim impact statement, through the prosecution, etc.)?
- D. Is restitution available to victims as part of the outcome of traditional courts or informal dispute resolution or restorative justice mechanisms?
- E. Where public officials or other agents of government violated the criminal law or perpetrated abuses of power, can the victim receive compensation from the State? Are there any known cases where such restitution was recently provided by the State?
- F. Do victims of crime receive assistance in presenting their request for restitution to the court (or alternative, informal mechanisms)?
- G. How are restitution orders enforced?
- H. Is there any data on how frequently restitution is ordered by the courts (or alternative dispute resolution mechanisms) and in what types of cases?

### 4.4 COMPENSATION

Where compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation. In cases where the offender was an agent of the state or was acting on behalf of the State, the State has a responsibility to compensate victims for the harm that was caused to them as a result of the victimization. Victim compensation is often the most direct way of offering financial assistance to victims of crime and abuse of power. In some cases, some States have adopted legislation and established special mechanisms for providing compensation. Several models of victim compensation schemes exist. There are often major financial implications in establishing a compensation fund. Conditions of admissibility are sometime purposefully restrictive to limit the number of potential claims against the fund.

Recognizing the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels, the UN has adopted 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**. It specifies the actions that should be taken by States to ensure that victims of abuse of power and violations of human rights law have access to redress and reparation. The remedies in question include the victim's right to the following as provided for under international law: (a) Equal and effective access to justice and (b) Adequate, effective and prompt reparation for harm suffered; (c) Access to relevant information concerning violations and reparation mechanisms.

- A. Is there a victim compensation scheme or programme in the country? If so:
  - What agency is responsible for the scheme
  - Does it apply to victims everywhere in the country?
  - Does it apply to victims who are not nationals?
  - How is the scheme funded?
  - What are the eligibility requirements?
  - Are victims of crime generally aware of the availability of compensation? (Information and outreach programmes)
  - Is the application process simple and accessible?
  - How are the claims being processed (fairness, expeditiousness, sound decisions, impartiality, confidentiality, etc.), and by whom?
- B. Is there any statistical information or other data on the functioning of the programme, the compensation being offered, etc.?
- C. In cases of abuse of power, gross violations of international human rights law and serious violations of international humanitarian law, do victims have:
  - Effective access to justice and means of seeking redress?
  - Access to adequate, effective and prompt reparation for the harm they suffered?
  - Access to relevant information concerning violations and reparation mechanisms.
- D. Has the State adopted appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice to victims of abuse of power and victims of gross violations of international human rights law and serious violations of international humanitarian law?
- E. Has the State made available adequate, effective, prompt and appropriate remedies, including reparation for victims of abuse of power and gross violations of international human rights law and serious violations of international humanitarian law?

## 4.5 ASSISTANCE

Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, and community-based means. In assessing the availability of victim assistance services in a country, one is confronted with issues of coverage (geographical, rural vs. urban, etc.), accessibility of services, and quality of services provided. It is rare that a country has an inventory of the victim assistance providers and of all the services offered to victims. Many of the available services tend to be offered to specific groups of victims and not necessarily to others (e.g., services for victims of sexual assaults, victims of family violence, child victims, victims of human trafficking, etc.). Typically, the services are offered by different agencies that are poorly coordinated and sometimes competing for resources. When services are available, there is sometimes some discrimination involved in determining who has access to them. Eligibility criteria may also be unduly restrictive. The services advertised might not be the services actually offered. Funding for such services is often precarious and the services that are actually delivered are often limited.

Some basic services (information, outreach, referrals) can be offered by the police and other criminal justice agencies (the prosecution service, the courts, etc.). Other services (medical treatment) are more specialized.

The provision of assistance to victims in countries that are in transition is particularly important and difficult. The services that are required, however, tend to be essentially the same as in other situations.

- A. Does the country have a policy on the provision of victim assistance? (or a policy on assistance to certain specific groups of victims - e.g. children, victims of violence against women?)
- B. Is there an inventory of specialized agencies offering services to victims of crime?
- C. Are the activities of victim assistance agencies coordinated (at the local or national levels)?

- D. Which agency, if any, in the country is playing an advocacy role with respect to victims' rights and assistance to victims? (Some of the agencies may be focussing on a specific group of victims, e.g. women, children)
- E. How is the provision of victim assistance funded in the country (government charitable organizations, foreign donors, etc.)?
- F. What crisis intervention assistance is available to victims? (Which victims, when, where?)
- G. Can victims receive assistance in coping with the physical impact of the crime (e.g. repairing property, replacing possessions, installing security measures, accessing health services, funeral burial expenses, etc.)
- H. Can victims access medical and psychological assistance even if they cannot afford it?
- I. Can victims receive assistance and support during the investigation, the trial, and even after the trial (counselling, accompaniment, information, advice, assistance with applying for restitution or compensation)?
- J. Are victims who need to do so generally able to access post-victimization counselling or advice?
- K. If assistance is not provided free of charge, those who cannot afford it receive some kind of financial support from the State?

## 5. PARTNERSHIPS AND COORDINATION

### 5.1 SYSTEM COORDINATION

When possible, policies and programmes to improve the treatment of victims and provide assistance and protection should be based on a comprehensive strategy that coordinates efforts at all levels. One possible step, as suggested in the Handbook on Justice for Victims is the establishment of a high-level committee or working group with representatives from all relevant bodies, such as ministries or departments of justice, the interior, safety and security, welfare, health, education and social services, as well as leaders of services responsible for policing, prosecutors, courts, legislators and local government. The academic and research community, health and mental health professions, various voluntary organizations, religious organizations and the business sector, including insurance, can also be involved.

Such advisory bodies can undertake, or be assigned, the tasks of:

- Performing needs assessments, including participation in the international victimization surveys, and studies of special victims groups, such as victims of domestic violence, abuse of power or sexual assaults;
- Assessing the shortfall between needs on the one hand and services and existing legislation on the other, including the identification of obstacles hindering access to justice;
- Making proposals for improvements in the treatment of victims in the immediate and long terms, including those requiring financial commitment and/ or legislative reform
- Recommending ways to finance services, such as general revenue and reparative payments by offenders.

- A. Are there mechanisms /measures in place to coordinate the different activities of the relevant government agencies and ministries dealing with victims?
- B. Are there mechanisms in place to coordinate and support the role of non-governmental agencies providing assistance and support to victims of crime and abuse of power (i.e., advocacy groups, human rights organizations, women's rights groups, child protection agencies, victims services, religious organizations, health organizations, etc.)?
- C. Are there any civil society organizations specifically representing the interests or advocating for the rights of victims?



## 5.2 DONOR COORDINATION

Understanding what donor efforts are underway, what has previously been implemented (successfully and unsuccessfully) and what is planned is critical to developing recommendations for future technical assistance interventions. Many of the donors' previous or current projects may not be specifically focussed on victims' rights, but may have included some aspects that were nevertheless relevant to the situation of victims (e.g., child protection projects, court management, law enforcement training and capacity building project, women's rights projects, etc.)/

- A. Which donor/development partners are active in the area of victim assistance?
- B. Which donor/development partners are active in the area of child protection?
- C. Which donor/development partners are active in the area of human rights and are concerned with the ability of victims of abuse of power and human rights abuses to seek and obtain redress?
- D. What projects have donors supported in the past? What projects are now underway? What lessons can be derived from those projects? What further coordination is required?
- E. Can some victims' rights objectives be incorporated in other training and capacity development projects in the field of crime prevention and criminal justice?

## ANNEX A. KEY DOCUMENTS

### UNITED NATIONS

- Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power 1985 (General Assembly resolution 40/34)
- Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Economic and Social Council resolution 1989/57)
- Plan of Action for the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Economic and Social Council resolution 1998/21)
- Guidelines on Justice Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20)
- Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations on International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147)
- Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, Article 25)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (General Assembly res. 55/25, Articles 6-8)
- Convention Against Corruption (General Assembly resolution 58/4, Article 32)
- The Convention on the Rights of The Child, (General Assembly Resolution 44/25, 1989, Article 19)
- Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice, (Annex to General Assembly resolution 52/86, 1997.
- Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (Annex to ECOSOC resolution 2002/12 of 24 July, 2002)

### DRAFT

- Model Code of Criminal Procedure

***PLEASE NOTE:** The Model Code of Criminal Procedure (MCCP) is being cited as a model of a code that fully integrates international standards and norms. At the time of publication, the MCCP was still in DRAFT form and was being finalised. Assessors wishing to cite the MCCP with accuracy should check the following websites to determine whether the finalised Code has been issued and to obtain the finalised text, as referenced Articles or their numbers may have been added, deleted, moved, or changed:*

<http://www.usip.org/ruleoflaw/index.html>

or [http://www.nuigalway.ie/human\\_rights/Projects/model\\_codes.html](http://www.nuigalway.ie/human_rights/Projects/model_codes.html).

*The electronic version of the Criminal Justice Assessment Toolkit will be updated upon the issuance of the finalized codes.*

### REGIONAL

- African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999.
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, (Convention of Belem do Para), OAS, 1994.
- Council of Europe Convention on the Compensation of Victims of Violent Crimes of 1983
- Council of Europe Recommendation R (85) 11 on the Position of Victim within the Framework of Criminal Law and Procedure
- Council of Europe Recommendation R (87) 21 on Assistance to Victims and the Prevention of Victimization of November 1987
- Council of Europe Recommendation Rec (2006) 8 on Assistance to Victims of June 2006
- European Union Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings

- European Union Council Directive 2004/80/EC of 29 April 2004 Relating to Compensation for Victims of Crime

### **Post Conflict**

- ICC - Rome Statute of the International Criminal Court, 1998
- ICTR Statute – Statute of the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations in the Territory of Neighbouring States.
- ICTY Statute – Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia Since 1991, 1993.

### **Other Useful Sources**

- Handbook on Justice for Victims: On the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNODC, 1999
- Guide for Policy Makers on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNODC, 1999
- Strategies to Eliminate Violence Against Women - A Resource Manual, INODC/ICCLR/HEUNI/ILANUD, 1999.



## ANNEX B. ASSESSOR'S GUIDE / CHECKLIST

The following are designed to assist the assessor in keeping track of what topics have been covered, with what sources, and with whom.

	TOPIC	SOURCES	CONTACTS	COMPLETED
2.1	STATISTICAL DATA	<ul style="list-style-type: none"> <li>▪ Ministry of Justice reports</li> <li>▪ Ministry of Interior reports</li> <li>▪ National Police Crime reports</li> <li>▪ Court annual reports</li> <li>▪ Penal System reports</li> <li>▪ NGO reports: victim services</li> <li>▪ Victimization surveys</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Ministry of Interior</li> <li>▪ Police officials</li> <li>▪ Senior court personnel</li> <li>▪ Registrar/Court manager</li> <li>▪ NGOs working with victims</li> <li>▪ Donor organisations working on justice reforms</li> <li>▪ Academic Institutions</li> </ul>	
3.1	LEGAL FRAMEWORK	<ul style="list-style-type: none"> <li>▪ Acts of Parliament and regulations to those Acts</li> <li>▪ Court Rules</li> <li>▪ Government policy documents, decrees, circulars</li> <li>▪ Legal textbooks or academic research papers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Legislative offices</li> <li>▪ Ministry of Justice</li> <li>▪ Senior Court personnel</li> <li>▪ Court Administrator / Registrar</li> <li>▪ NGOs working with victims of crime</li> <li>▪ Donor organisations working on justice reforms and human rights</li> </ul>	
4.1	RESPONSIVENESS OF THE SYSTEM TO THE NEEDS OF VICTIMS/WITNESSES	<ul style="list-style-type: none"> <li>▪ Victims' rights advocacy group's reports</li> <li>▪ Surveys of victims</li> <li>▪ Government reports</li> </ul>	<ul style="list-style-type: none"> <li>▪ Government agencies</li> <li>▪ Ministry of Justice</li> <li>▪ NGO's working with victims</li> <li>▪ Academic institutions</li> <li>▪ Human rights organizations</li> </ul>	
4.1.1	VICTIMS AND THE POLICE	<ul style="list-style-type: none"> <li>▪ Victims' rights advocacy group's reports</li> <li>▪ Surveys of victims</li> <li>▪ Police policies and reports</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Interior</li> <li>▪ Ministry of Justice</li> <li>▪ Police officials</li> <li>▪ NGO's working with victims</li> <li>▪ Academic institutions</li> <li>▪ Human rights organizations</li> </ul>	
4.1.2	VICTIMS AND THE PROSECUTION SERVICE	<ul style="list-style-type: none"> <li>▪ Prosecution service's policies and procedures</li> <li>▪ Annual reports of prosecution services</li> <li>▪ On site visits</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Victims' rights advocacy group's reports</li> <li>▪ Surveys of victims</li> <li>▪ Prosecution service's policies</li> <li>▪ Court administrators</li> </ul>	
4.1.3	VICTIMS AS WITNESSES AND THE JUDICIARY	<ul style="list-style-type: none"> <li>▪ Annual reports</li> <li>▪ Court's rules and policies</li> <li>▪ On site visits</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Victims' rights advocacy group's reports</li> <li>▪ Surveys of victims</li> <li>▪ Court administrators</li> <li>▪ Court Registrar</li> <li>▪ Members of the judiciary</li> </ul>	

	TOPIC	SOURCES	CONTACTS	COMPLETED
4.1.4	ROLE OF VICTIMS IN THE JUSTICE SYSTEM	<ul style="list-style-type: none"> <li>▪ Criminal Code and Law on Criminal Procedure</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Ministry of Interior</li> <li>▪ Police officials</li> <li>▪ Senior court personnel</li> <li>▪ Registrar/Court manager</li> <li>▪ NGOs working with victims</li> <li>▪ Academic institutions</li> </ul>	
4.1.5	ALTERNATIVE TO FORMAL PROCEEDINGS	<ul style="list-style-type: none"> <li>▪ Laws</li> <li>▪ Reports on operations of alternative programmes</li> <li>▪ Reports from Ministry of Justice</li> <li>▪ Reports from NGOs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Ministry of Interior</li> <li>▪ Police officials</li> <li>▪ Senior court personnel</li> <li>▪ Registrar/Court manager</li> <li>▪ Members of the judiciary</li> <li>▪ NGOs working with victims</li> <li>▪ Academic institutions</li> </ul>	
4.1.6	TRADITIONAL/CUSTOMARY COURTS	<ul style="list-style-type: none"> <li>▪ Reports on customary law (including some attempts at codification where they exist);</li> <li>▪ Law journals</li> <li>▪ Government reports</li> <li>▪ Academic reports</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Police officials</li> <li>▪ Members of the judiciary</li> <li>▪ Law schools</li> <li>▪ NGOs working with victims</li> <li>▪ Academic Institutions</li> </ul>	
4.1.7	MILITARY COURTS/SPECIAL TRIBUNALS	<ul style="list-style-type: none"> <li>▪ Military Law</li> </ul>	<ul style="list-style-type: none"> <li>▪ Military officials</li> <li>▪ Judge advocate</li> <li>▪ Victims' rights advocates</li> </ul>	
4.1.8	CORRECTIONS (PRISONS AND ALTERNATIVE SANCTIONS)	<ul style="list-style-type: none"> <li>▪ Penal law</li> <li>▪ Policies and procedures of prisons and correctional services</li> <li>▪ Policies and procedures of probation services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prison officials</li> <li>▪ Ministry of Interior</li> <li>▪ Probation services officials</li> <li>▪ Prison reform groups</li> <li>▪ Victims' rights advocates</li> </ul>	
4.2	PROTECTION	<ul style="list-style-type: none"> <li>▪ Criminal law and criminal procedure law</li> <li>▪ Special legislation concerning protection programs</li> <li>▪ Reports on existing victim protection schemes</li> <li>▪ Court procedures</li> <li>▪ Reports from court Registrar and court administrators</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of justice</li> <li>▪ Ministry of Interior</li> <li>▪ Police officials</li> <li>▪ Members of the judiciary</li> <li>▪ Court managers/administrators</li> <li>▪ Official from prosecution services</li> <li>▪ Prison officials</li> </ul>	
4.3	RESTITUTION	<ul style="list-style-type: none"> <li>▪ Criminal law and criminal procedure law</li> <li>▪ Reports from Ministry of Justice</li> <li>▪ Courts' annual reports</li> <li>▪ Probation service's annual report</li> <li>▪ Reports and studies by victim assistance organization</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of justice</li> <li>▪ Members of the judiciary</li> <li>▪ Court managers/administrators</li> <li>▪ Official from prosecution services</li> <li>▪ Victim services</li> <li>▪ Probation service's officials</li> </ul>	

	TOPIC	SOURCES	CONTACTS	COMPLETED
4.4	COMPENSATION	<ul style="list-style-type: none"> <li>▪ Annual reports from Victim Compensation Fund (or scheme)</li> <li>▪ Government reports</li> <li>▪ Auditor's reports</li> <li>▪ Ministry of Justice reports</li> <li>▪ Special studies</li> <li>▪ Reports published by victims' rights advocates</li> </ul>	<ul style="list-style-type: none"> <li>▪ Victim Compensation scheme's manager or authority</li> <li>▪ Ministry of Justice</li> <li>▪ Victim services agencies</li> <li>▪ Lawyers</li> </ul>	
4.5	ASSISTANCE	<ul style="list-style-type: none"> <li>▪ Ministry of Justice reports</li> <li>▪ Reports from victim assistance agencies</li> <li>▪ Victims surveys</li> <li>▪ Academic studies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ministry of Justice</li> <li>▪ Victims services agencies</li> <li>▪ Police officials</li> <li>▪ Academic institutions</li> <li>▪ Prosecutors</li> <li>▪ Court administrators</li> </ul>	
5.1	SYSTEM COORDINATION	<ul style="list-style-type: none"> <li>▪ Annual reports by relevant agencies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Victims services agencies</li> <li>▪ Ministry of Justice</li> <li>▪ Police officials</li> </ul>	
5.2	DONOR COORDINATION	<ul style="list-style-type: none"> <li>▪ Ministry of Justice reports</li> <li>▪ Reports, project descriptions, and publications by donor agencies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Donor organisations</li> <li>▪ Ministry of Justice</li> <li>▪ Heads of criminal justice agencies</li> </ul>	



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