

BACKGROUND NOTE
ON
“WAYS AND MEANS TO PROMOTE THE USE AND APPLICATION OF
UNITED NATIONS STANDARDS AND NORMS PRIMARILY RELATED TO
VICTIM ISSUES”

I. Introduction

1. In the last twenty years, the United Nations has endorsed a series of fundamental, internationally recognized, principles in the area of victim protection and assistance which are embodied in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹, the Plan of Action for the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power² and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime³.

2. Some of the principles expressed in these instruments are incorporated in the provisions of legally binding treaties such as the Rome Statute of the International Criminal Court⁴, the United Nations Convention against Transnational Organized Crime⁵, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children⁶, supplementing the Convention against Transnational Organized Crime, and the United Nations Convention against Corruption⁷.

3. This development represents an important milestone in the implementation of principles for justice for victims of crime. However, the task of aligning national criminal justice systems with these principles remains incomplete. In fact, it remains to be seen to which extent the standards and norms developed to protect victims and to safeguard their rights, have been implemented within national justice systems.

4. As the discussion of the Stadschlaining meeting highlighted, although much has been achieved in this connection, the international community has still a long way to go in order to fully operationalize these instruments.⁸

6. Resolution 2006/20 on “United Nations standards and norms in crime prevention and criminal justice”, adopted by the Economic and Social Council in July 2006, requested the United Nations Office on Drugs and Crime (hereinafter UNODC) to convene an Intergovernmental Expert Group Meeting to design an information-gathering instrument in relation to United Nations standards and norms primarily related to victim issues and to study ways and means to promote their use and application.

7. Pursuant to the mandate of the Council, UNODC has prepared this background note to introduce a number of measures which can be considered to foster the use and application of United Nations standards and norms primarily related to victims.

8. In order to facilitate the discussion of the Intergovernmental Expert Group Meeting, the proposals presented in this note have been organized according to the following clusters: *i*) action by Member States; *ii*) action by the United Nations Office on Drugs and Crime; *iii*) action by the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network and *iv*) recommendations for the Commission on Crime Prevention and Criminal Justice.

II. Action by Member States

9. Member States should make all possible efforts to draw on the principles contained in the relevant standards and norms related to victim issues in the development of legislation, procedures, policies and practices.

10. Member States should establish mechanisms and provide resources for promoting and monitoring the application of standards and norms related to victim issues.

11. Member States should, if they have not done so already, publish and disseminate in their local languages the standards and norms related to victim issues.

12. In their efforts to develop comprehensive assistance services for victims of crime, Member States are encouraged to refer to the Guide for Policy Makers and the Handbook on Justice for Victims, prepared by UNODC in 1999.

13. Member States should develop and promote training programmes for all personnel (both professional and voluntary staff) whose work involves contact with victims on how to address the needs and protect the rights of victims in a manner which reflects existing standards and norms related to victims.

14. Member States that have developed legislation, procedures, policies or practices for victims of crime and abuse of power should make information available to other States and assist them. In this connection, UNODC could consider establishing a database on existing national legislation on victims of crime and abuse of power.

15. Whenever possible, Member States should offer support to States requesting assistance in the implementation of standards and norms related to victims.

16. Member States should support and provide adequate resource to UNODC for promoting the use and application of standards and norms related to victims.

17. Member States should make efforts to assess the situation of victims of crime in their own system, including through the use of the criminal justice assessment tools currently under development by UNODC.

18. Where feasible, Member States should conduct victimization surveys in order to find out the extent of victimization, the victims experience and perspectives of the criminal justice system, etc.

19. In order to facilitate conciliation and redress for victims, Member States are encouraged, where appropriate, to use mechanisms for the informal resolution of disputes, including mediation, arbitration and customary justice. In this connection, Member States are encouraged to refer to existing international standards and norms in this area such as the Basic Principles on the Use of Restorative Justice (Economic and Social Council resolution 2002/12)

20. Member States should consider developing specific measures to assist and protect victims who are particularly vulnerable by virtue of their social status (such as, child victims, the mentally ill, the elderly, foreigners, etc.), or by virtue of the nature of the crime committed against them (such as, victims of sexual assault, domestic violence, etc).

III. Action by the United Nations Office on Drugs and Crime

21. UNODC should continue to make every effort to ensure the widest possible dissemination of the standards and norms related to victims, including through the development of training manuals, modules and tools as well as conducting of training courses.

22. UNODC should enhance its efforts in providing technical assistance and advisory services to requesting countries in the use and application of standards and norms related to victims, particularly in connection with victim support services and witness protection.

23. In view of recent developments in the area of victim services and assistance, UNODC should consider updating the Guide for Policy Makers as well as the Handbook on Justice for Victims on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

24. UNODC should cooperate with the Department of Peace-keeping Operations and other offices and entities of the United Nations to develop basic training

materials on standards and norms related to victims within the context of peace-keeping and peace-building operations.

25. UNODC should also make every effort to encourage officials in peace-keeping and peace-building operations and their counterparts to apply the standards and norms related to victims.

26. UNODC should seek to ensure that the relevant entities within the United Nations system and in the field are fully aware of the standards and norms related to victims.

27. UNODC should establish a roster of national and regional experts who are able to provide, upon request, technical assistance and advice on the use and application of standards and norms related to victims.

28. UNODC should consider coordinating its activities in the area of promoting victim assistance and protection with other relevant intergovernmental organizations particularly active in this area, such as the Council of Europe, the European Union and other regional bodies.

29. UNODC should continue undertaking victimization surveys and should promote research in the area of victims needs.

IV. Action by the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network

30. The institutes of the United Nations Crime Prevention and Criminal Justice Programme Network should cooperate with UNODC in the development of training material for the implementation of standards and norms related to victims as well as in the provision of training to personnel whose work involves contact with victims.

31. In their research activities the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network should consider conducting

“victimological research” as well as comparative research related to justice for victims, in particular in areas such as *i*) effectiveness of existing protection measures; *ii*) training programmes for public services and for associations and organizations providing assistance to victims; *iii*) compensation schemes for victims; and *iv*) organization of assistance to victims.

V. Recommendations for the Commission on Crime Prevention and Criminal Justice

32. The Commission on Crime Prevention and Criminal Justice should encourage donor countries to make financial contributions to UNODC to support technical cooperation projects and training for implementing and promoting standards and norms related to victims.

33. The Commission on Crime Prevention and Criminal Justice should encourage UNODC in its work and activities aimed at the reform of criminal justice systems to put a special emphasis on victim issues.

34. The Commission on Crime Prevention and Criminal Justice should consider effective mechanisms for providing financial assistance to countries willing to set up compensation/reparation schemes for victims of crime and abuse of power, but do not possess the necessary resources.

¹ General Assembly resolution 40/34 of 29 November 1985, Annex.

² Economic and Social Council resolution 1998/21 of 28 July 1998.

³ Economic and Social Council resolution 2005/20 of 22 July 2005.

⁴ Articles 68 and 75 of the Rome Statute of the International Criminal Court (A/CONF.183/9 of 17 July 1998 and corrected by process-verbaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002. The Statute entered into force on 1 July 2002).

⁵ Article 25 of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25 of 15 November 2000, Annex I)

⁶ Articles 6 – 8 of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25 of 15 November 2000, Annex II)

⁷ Article 32 of the United Nations Convention against Corruption (General Assembly 58/4 of 31 October 2003).

⁸ Report of the meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Stadtschlaining, Austria, from 10 to 12 February 2003 (E/CN.15/2003/10/Add.1)