

Subject: Re: Rapporteurs Reports

Dear Mr Cress,

It was a pity to hear that you were not able to attend the symposium. It may sound a bit arrogant from the mouth of the organizer, but the symposium was a smashing success. As promised, I made several copies (about 50) of both your papers. There were so many interested people, that we had to make a 100 copies extra.

Although your paper wasn't presented orally, it was mentioned in the official report at the end of the symposium of Mrs Fely Gonzalez Vidosa from Spain, one of the official symposium rapporteurs.

I thought it would be a good idea to send you a copy of her report (see below).

Yours sincerely

Ron van Kaam
Symposium Organizer

PS. The 10th symposium will be in Montreal, in the year 2000. You will get the relevant materials re. this symposium in due course.

Fely Gonzalez Vidosa:

General Report from the 9th international symposium on victimology, Amsterdam, Friday 29 August 1997, 14.00 hrs. Plenary session.

"My task in this session is to report on the papers most relevant to the practitioners in the field.

Caring for Victims is in fact, the main topic of this conference. Twenty five years of victim assistance has definitely brought results, on influencing criminal policy and preventive programs, but there is still a long way to go. The latest data from the ICVS surveys, presented by professor Jan van Dijk, tell us that, worldwide, 65% of all victims express a need for help from some specialized agency. However, the same survey tells that only 4% received some help. Data from the countries with the longest traditions in establishing victim assistance, Britain and the United States, suggest that these services reach out to only 1%

of all victims. The percentage is definitely lower in the countries in most need of such services: Countries in Latin America, Africa and Asia which are poor, with few social services in general, no coverage from insurance policies when they suffer a crime, no access to legal aid, and where victims have to deal with an impersonal even inhuman criminal justice system with no help at all. In such countries, victim support or, as the South Africans call it, Victim empowerment, is even more scarce.

However, there is definite improvement. We have heard about the

management of community based victim programs in Indonesia, the Mexican victim assistance, The system of comprehensive crime management in China, and several excellent examples of community project in South Africa. Programs of reform and support do reach out to victims in more countries, with a definite growth in the quantity and quality of assistance in third world countries.

We should not be content with this, but rather ask ourselves, why have we not come further? I regret to say that the contributions about care for victim have had a decided secondary place in this conference, which has been more dominated by analysis of crime as a social phenomenon.

To improve services, we need more applied research in relationships between the police and victim services, especially in cases where the offender is known and some form of restitution, could be of help to the victim. At the present stage, the police, when they collaborate at all, basically victims of sexual assault and victims of domestic violence. We need more applied research to make victim assistance reach out to a greater public.

We also need applied research on the public prosecutor system, which in many countries is over bureaucratized and, as Fattah tells us, their only interest in victim support agencies is that it makes victims more co-operative with the criminal justice proceedings. They expect that victim support schemes make victims testify in court, and, otherwise, keep silent. Few countries seem to have developed the notion that the public prosecutor exists to protect and defend victims of crime.

Victim services may also have been too focused on sexual crimes and domestic violence. As a participant at several of the Victimology Symposium, I note that we keep on presenting the same kind of papers, and lamenting the lack of solutions to the same problems, concerning sexual assault and domestic violence against women. Several papers repeat the same facts over and over again:

The prevalence of the problem, how many women suffer abuse in different countries. While we earlier received data only from developed countries, especially the US and Britain, we now also get supplementary data from other cultures. In this congress we have heard about, for instance, non-reported sexual assaults in Japan, crimes against immigrant Moroccan women, child abuse in Ukraine and the victimization of women in China. These pieces of research are all important tools for improving services in the countries where they were conducted.

However, we know very little of how to improve these conditions. Do we, for instance, reduce the risk of sexual assaults or domestic violence by obtaining equal rights for women, and a less male dominated society? We may all hope that this may be so, but the high rates of violence against women in the most advanced countries, such as the USA, might make us, who come from more traditional and macho dominated cultures, doubt that such a development actually makes the life of women more safe. After so many years of research of violence against women, we still don't know which cultures are less sexually violent, nor why, nor how we build a society less dangerous for women.

I am worried about whether the high priority of assistance to female victims on the political agenda of several countries, perhaps has served in detriment to other kinds of victim assistance, and other kinds of victims, of, for instance frauds and corruption, which may have been neglected, both in research and in practical assistance. It may also, as Fattah claims, have formed a negative and pessimistic image of the victim of sexual abuse, unable to recover without professional assistance.

We have seen several interesting papers on this conference about the mental health impact of crime on the victim. According to Britt, anxiety and depression are the two most important results of victimization, independently of age, sex and social status. This is given a more neurological explanation by Cress, in studies on post traumatic stress.

Three future important tasks for victim care:

1) Mediation

It is interesting to note that mediation, as a way to reach a settlement between the offender and the victim, is being gradually accepted as a way of solving criminal conflicts. We heard, for instance, how Germany, Austria, Italy and Spain, all conducting criminal procedure according to the legality principle, find ways inside the existing criminal law and >criminal procedure legislation to organize mediation sessions and drop criminal proceedings in case an agreement is reached. We also learn that it takes long time for such projects to gain acceptance among prosecutors. While Spain and Italy are still in the beginning, mediating very few cases, Germany and Austria have advanced beyond the pilot project stage, and now mediate thousands of cases a year. I quite agree with professor Grgnyi from Hungary, when she sees a reform of the legality principle, dominant in Central, South and Eastern Europe as an important future goal, in the struggle to improve the say of the victim in the legal process. Countries dominated by the opportunity principle, such as the Anglo-Saxons, and Holland, show more flexibility in establishing alternative sanctions which favor the victim, and have much better mediation programs in operation.

2) Crime Prevention

Crime prevention should be seen as an important task for victim empowerment schemes. I have noted examples of three kinds of such schemes at this symposium. Primarily, engagement in victim oriented prevention programs. Several papers, Kleemans, Limbergen, Winkel and Ren, have discussed the fact that some victims are hit repeatedly, and the causes for a second victimization. Such information should be used actively by victim assistance agencies, aiding them to avoid that it happens again. Secondly, offender oriented crime prevention. Serkei gave us an interesting example of an educational program, intended to make young offender more aware of the damage they inflicted upon the victim.

Thirdly, community oriented crime prevention. We have seen several examples of programs directed more against the community in general,

focusing on patterns of violence and discrimination, corruption, or racial tensions. One example was given by Ms. Motsei from South Africa on the first day of this conference: Preventing rape, violence and corruption in the community through organization, empowering the community to cope with social conflicts. If victim assistance reaches out to less than one percent of all victims, why not try to integrate them better in community organizations with wider contacts, work with the social roots of crime and violence?

Such programs may also be of value in the numerous post-civil war conditions in the world we live in. Pacifying, reducing tension between groups of the population which have been at war with another, stopping cycles of revenge for previous misdoings. Community work takes on a different meaning in such regions.

3) New ways of organizing and financing victim assistance

Marlene Young told us that victims of crime in the 1990's are different from earlier decades. We see new types of victimization, such as frauds committed through new electronic media. However, we also learn that the internet can be used to improve information flows between victim assistance initiatives, improving communication and knowledge, and benefitting from new technologies to organize our activities in a better way.

The greatest challenge to victim assistance is the obvious trend away from the state responsibility model. How do we secure ways of financing victim assistance without, as de Liege warns us, becoming crassly commercial, and perhaps damaging the victim more than we help them. If the state refuses it responsibility to offer assistance to victims paid by the tax payers, there are several options in operation. The French model: A National Fund financed through an extra premium on insurance policies A Canadian and Scandinavian model is to charge a fee paid by all offenders, This means, in practice, basically collecting

money for victim from traffic offenders. The U.S. model, as described by Dussich, consists more in fund raising and grants from foundations. How do we apply such models, especially in the countries where victim support is most needed: poor countries, people have no private insurance and the criminal justice system functions badly? If, as Ezzat Fatah has suggested in the plenary session, as well as on earlier occasions, a percentage of all fines covered by the state were dedicated to victim empowerment, financing would be guaranteed. I think we should reflect more in future conferences on these vitally important issues: How to >finance the care for victims.

Ron G.H. van Kaam

E-Mail: Information@victimology.nl

<http://www.victimology.nl>

OFFICE:

Ministry of Justice

Snail-mail: P.O. Box 20301

Telephone: [+31] (0)70 370 6819 (on request)

Fax: [+31] (0)70 370 7905 | (on request)