CHAPTER - VI

CONCLUSION

AND

SUGGESTIONS
CHAPTER VI

CONCLUSION AND SUGGESTIONS

ROLE OF THE STATE AND CIVIL SOCIETY TOWARDS VICTIMS OF CRIME

6.1 ROLE OF STATE

Crisis and tragedy often ignite a sense of outrage, sorrow and concern which can unite citizens with one another in support of a common cause. When a member of a community becomes a victim of physical or emotional harm, it may serve as a painful reminder that no individual is immune to such tragedy. A highly publicized violent crime often precipitates a desire for community members to take extra measures to protect themselves and their families. During these times of individual, familial, and community suffering, the movement of community activism for victims' rights is often launched.

In order for community activism to be most effective, it must be structured and organized. Specific goals must be outlined; resources must be assembled and utilized effectively; and the progress of the movement should be monitored and managed.

Managing community resources is one of the keys for successful community activism. The marketing of your issue is very important and can be illustrated by the continuum of awareness, comprehension, belief and action (Sunderland, 1988). The community must first be made aware of your issue and then be educated so they understand this issue or problem as it relates...
to them. Then, through examples of the problem in your community, they must come to believe in, and buy into, your issue. Action or personal involvement in the movement is most likely to occur after awareness, comprehension and belief have been accomplished.

Paramount to any community effort is the ability to define the objective or goal of the movement. Community activists may focus on changing a state law or instituting a new policy in a public agency. Other community activists may work to locate a missing child, implement "neighborhood watch" programs, or establish local crime prevention efforts. The initial definition of this goal facilitates the next step in community activism - to decide upon a plan of action. This plan should note what resources are necessary to implement it effectively.

Some of the initial resources necessary in a movement of community activism are:
* Establishing a meeting place;
* Creating a means of financial support; and
* Locating and training volunteers.

The media often provide the greatest means of exposure. A press conference following a local tragedy or crisis can provide a forum for disseminating critical information about what occurred and how the victim's family and community are reacting. A greater degree of public awareness can be achieved through the following:
* Public awareness/outreach event(s);
* Public service announcement(s);
* Press releases;
* Community forum programming;
* Religious publications, such as church newsletters;
* Speakers' bureau;
* Booths and displays; and
* Corporate and business support.

It is important to maintain exposure in a community by conducting a variety of events including:
* Petition drives;
* Marches;
* Community speak-out meetings;
* Education days or weeks to build awareness of the issue; and
* Continued speaking engagements.

Financial support for community activism can be achieved in a variety of ways. Monetary contributions may be made directly to the victim's family through the establishment of a trust fund, or via the donation of funeral expenses or meals. Local businesses can donate printing services, postage, office materials, or T-shirts in support of a cause. Similarly, a meeting place for community activists may be provided by local organizations. Possibilities to consider for meeting places are:
* Libraries;
* Religious institutions' meeting rooms;
* Civic organizations;
* City facilities;
* Restaurants; and
* Hotel meeting rooms.
It is not only essential to elicit community support and a strong pool of volunteers but, most important, to retain these contributions long term. One suggestion for maintaining this involvement is to help local members feel that they are components of a "larger effort" often nationwide depending on the cause to reduce crime.

Along these same lines, networking with similar organizations in neighboring communities provides an opportunity to "learn and share" Educating both the public and volunteers about the issues and goals of the movement helps clarify why the purpose and mission are so important and why their continued support is needed.

Community efforts are most often carried through by volunteers who care about the issue and want to become involved in improving their community. There are many jobs and tasks that volunteers can effectively carry out in community activism. Volunteers can be responsible for such tasks as:

* General office duties;
* Media relations and public awareness;
* Fundraising;
* Speakers' bureau;
* Court monitoring;
* Public education;
* Legislative action; and
* Victims' services.

Keeping volunteers occupied with meaningful tasks and acknowledging their labor and efforts will help sustain their
commitment, while also increasing the productivity of the movement.

While communities confronted with tragedy may struggle with their sorrow and suffering, this pain often unites members and moves them to take action. Movements of community activism provide some of the most effective tools to eradicate a community crisis, such as locating a missing child, avenging the injustice endured by a victim, and initiating public awareness and community cohesiveness — some of the strongest tools in the fight to prevent violent crime.

The dignity and healing of victims depends on the respect and assistance extended to them by the state and civil society who come in contact with them. These include the police and other law enforcement personnel, prosecutors, victim advocates, legal aid providers, judges, corrections personnel, medical staff, mental health providers, elected officials, ombudsmen, spiritual leaders, civil organizations, traditional leaders, the media, and others. Codes of ethics should be developed for each sector voluntarily or legislatively, and sanctions applied for more serious human rights violations.

Professionals, volunteers, and others who come in contact with victims should be trained and sensitized about victim issues, crisis response, violence prevention, and multidisciplinary providers, staff.  

cooperation, as outlined in this chapter as a part of their preparatory education, continuing education requirements, and ongoing training seminars and conferences. For example, victim issues should be included in the curriculum and exams in police academies, magistrate training colleges, and training schools for lawyers and judges, correctional personnel, and others. This section is designed to highlight the issues that might be addressed during such training, as well as to promote a coordinated, interdisciplinary approach to victim assistance. Because most victims reach out primarily to informal support providers such as family, friends, neighbors and others, various approaches should be found to extend training as widely as possible in the community.

Training for professionals and others should include information regarding special needs of victims because of the nature of the harm inflicted or because of factors such as race, color, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Finally, a comprehensive community response to crime victimization should be developed in each locality. A "victim-centered" approach should be taken which looks at all of the needs of the victim, and recommends how various individuals and/or agencies could best provide the needed service or support in a coordinated fashion.

i. Police And Victim Assistance

a. The Police Role in Victim Assistance
As a 24-hour front-line agency, the police are most likely to have the first contact with victims of crime and the abuse of power. The first interaction between police and the victim is critical for how the victim copes and recovers. Training for police officers in victim issues should emphasize awareness and empathy for the victim and victim's needs. Treating victims in a more sensitive and sympathetic manner inevitably assists the police to do their job better by ensuring that more information is provided, and the victim is more willing and better able to become involved as a witness within the judicial system.

Historically, police have not been provided with adequate training regarding the impact of violent crime on crime victims, and how they can ensure that victims are informed of their rights and referred to essential services. As a result, undertrained police have often not been sensitive enough when they come into contact with emotionally distraught victims, which has impaired victim satisfaction and decreased the confidence and willingness of victims to participate in the criminal justice process.

In many jurisdictions, progress has recently been made in improving police responses to victims. This is extremely important because in a large majority of crimes, no perpetrator is ever apprehended. Thus, the only hope for victim assistance from the criminal justice system in many cases is at the police level.

For example, in a number of countries (e.g. Australia, Canada, France, United Kingdom and the United States), attention has been given to the first point of contact of the criminal justice
system with the victim, and to the concept of "psychological first aid," according to which the victim should be treated as a human being, not merely as a possible source of evidence. Assurance should be given to the victim that what has occurred is condemned by society and that the community sympathizes with the victim. The process consists of the responding police officer reassuring the victim that he or she is safe now, that the officer is sorry that this happened to the victim, and, when applicable, that what occurred was not the victim's fault.

b. The Specific Roles and Responsibilities of the Police to Victims

Police-based services provide essential assistance to victims. These include on-site crisis intervention and securing emergency medical assistance. In addition, police should provide victims with information regarding their rights, and with referrals to services and resources that can help the victim to heal. Essential services should include, but are not limited to:

- explaining police procedures and investigatory process,
- informing victims about how to protect evidence,
- accompanying victims to emergency medical services in cases involving injury,
- informing victims of the possibility of infection with diseases or becoming pregnant as a result of a crime,
- providing information to crime victims about their rights, as well as the availability of crime victims compensation,
- immediately referring (verbally and in writing) to community agencies that offer emergency services to victims, as well as information about financial assistance. For example, a
brochure should be developed in different languages and given to victims that includes information about emergency and long-term services, victim compensation, likely reactions to crime victimization, and information about the investigative process,

- ensuring that the victim is personally contacted by telephone or in person 24 to 48 hours following the initial response in order to see if assistance has been sought and/or received,
- ensuring that the property of the victim is secured so that personal safety is not compromised as a result of crime,
- establishing procedures to ensure that victims of violent crime are periodically informed of the status and status of investigations,
- promptly providing crisis intervention and psychological first aid or referring to appropriate services,
- contacting a victim service professional to provide on-site assistance,
- establishing and enforcing strict property return protocol and procedures. This should be a standardized, jurisdiction-wide program (closely coordinated with prosecutors' offices and the courts) that can eliminate potential confusion about exactly which property return rights and procedures are enforced by different law enforcement agencies, and
- establishing protocols for proper detention and investigation of suspects in order to protect the safety of victims.

Peer review systems can be used for the sensitization of the police. In Utrecht, the Netherlands, for example, a peer review

system has been established in which, after the victim has been questioned by a police detective, a second detective inquires of the victim regarding how he or she had been dealt with by the first detective. The responses are used as the basis for further training.

In Japan, a number of questionnaires regarding the treatment of citizens by police are carried out both by the National Police Agency and some prefectural police forces, and these are used as a means of improving the police treatment of civilians.

Essentially, police-based services, when adequately staffed and funded, can provide critical assistance and information to victims as they progress through the criminal justice system. Every law enforcement agency on all levels should assign a staff member to serve as a liaison to crime victims and victim services. The designation of a victim-witness coordinator will enhance all roles and responsibilities described above, and will help improve and streamline the delivery of services to victims, and the assurance of their rights.

Police agencies should also consider ways to involve non-governmental and victims' groups in developing guidelines and monitoring adherence to police protocols and procedures.

In addition, victim assistance for police personnel and their family members is essential. Police officers are exposed to human misery on a daily basis. They must have mechanisms in place to cope with their own job-related stress so that they can effectively interact with victims. Employee assistance programs, including peer and professional counseling, should be made available to all
police officers and their families. The same services should be made available to all soldiers performing policing actions in war torn areas where they come in contact with victims of abuse of power.

c. Training of Police Personnel

It is critical that each officer understand the definition of "victim," and is able to articulate and apply, subject to local legislation and conditions, requirements under the Declaration. Police should also be able to articulate and explain departmental policy where appropriate in relation to:

- the definition of a victim,
- the treatment of victims,
- access to victim services,
- information to victims about proceedings,
- return of property,
- death notifications,
- withdrawal and replacement of court charges, and the following protocols for first contact persons; patrol officers; investigators and supervisors.

d. General Competency Areas for Police Training

Police officers should be provided training in the following areas: the trauma of victimization, empathizing with victims, emotional first-aid, how to deal with victims in practical situations, dealing with special categories of victims, and use of the victim impact statement (where applicable).
e. Police Training in the Trauma of Victimization

The key outcome of training in this area is that the police officer is able to articulate, explain and recognize the principal effects of trauma felt by victims.

It is recommended that role-playing and real-life victims form part of this training.

The objectives of the training are that the police officer:

- understands that being victimized has recognizable effects on the lives of victims and their immediate family and friends.
- appreciates the costs of crime.
- recognizes that any criminal offence (no matter how seemingly trivial) is likely to result in trauma for the victim.
- is able to recognize the normal and acute human reactions to trauma, including common crisis reactions both physical and emotional.
- is able to confidently and constructively talk with and assist victims to overcome their trauma.
- is able to recognize post-traumatic stress disorders in victims and know where to refer the victims for specialist assistance.
- is aware of the secondary injuries to victims from the criminal justice system, the military and society.
- is aware of the far-ranging effects of secondary victimization.
- is aware of the process of crisis recovery and importance of the police role; of sympathy, meeting safety and security needs; facilitating ventilation and validation, and the importance of prediction and preparation.
f. Police Training in Empathizing with Victims

The key outcome of training in this area is that the police officer is able to establish a rapport and empathize with victims. The objectives of the training are that the police officer:

- accepts the crucial role of police personnel as crisis interveners,
- is able to set victims at ease,
- recognizes special techniques of interviewing traumatized victims,
- is able to build a rapport with victim(s),
- develops adequate listening skills,
- uses open and other appropriate questions,
- utilizes appropriate non-threatening body language,
- employs non-sexist and non-discriminatory language and attitudes towards the victim,
- is culturally sensitive towards the victim,
- is nonjudgmental of others,
- is open-minded,
- is able to demonstrate empathy to victims by appropriate behavior and actions,
- is able to interpret body language in others,
- is able to respect the confidentiality of information given,
- is able to remain objective and detached from the situation in which the victim finds himself or herself,
- is aware of the responsibility of the police in assisting victims with food, clothes and transportation,
g. Police Training in Dealing with Victims in Practical Situations

The key outcome of training in this area is that the police officer is able to assist people coping with healing from being victimized by placing them in contact with appropriate support groups, giving them appropriate information, and assisting them in dealing with the effects of being victimized.

The objectives of the training are that the police officer:

- is able to refer victims to appropriate local support groups.
- keeps victims informed about progress into the investigation of their complaint.
- keeps victims informed about court -justice processes.
- is able to conduct a crime scene search in a manner which reduces trauma and secondary injury to the victim.
- is able to prepare victims adequately for medical and other examinations so as to reduce the trauma and secondary injury suffered.
- is able to provide crime prevention advice to the victim in help him or her avoid re-victimization.
- is able to advise medical and other specialists how to reduce trauma when dealing with victims.
- assists victims in coping with giving evidence in court.
- is able to give correct and appropriate advice to victims regarding compensation schemes and insurance claims.
- can arrange mediation where necessary between victim and offender.
h. Police Training in Dealing with Special Categories of Victims

The key outcome of training in this area is that the police officer is able to understand the additional requirements of certain categories of victims.

The objectives of the training are that the police officer:

- understands the special requirements of child victims, with special sessions on child abuse and sexual abuse,
- understands the situation of women as victims of crime,
- understands the impact of crime, and fear of crime, on older persons,
- understands the effects of crime on people with physical and mental disabilities,
- understands the special requirements of members of ethnic minorities within the community, such as language and particular customs,
- understands the impact of crime on those with a different sexual orientation,
- understands the effects of repression and other abuse of power on the victim,
- understands the special requirements of surviving family members in homicide cases,

i. Police Training in the Use of Victim Impact Statements
(This section applies to those jurisdictions where victim impact statements are used, and police officials have the responsibility for compiling such statements in cooperation with victims regarding the impact of crimes.) The key outcome of police training in this area (in jurisdictions that use victim impact statements) is that the police officer is able to assist victims in developing and presenting a description of the impact of the crime that is acceptable to the courts.

The objectives of the training are that the police officer:

• is familiar with the appropriate form to use and format it is to be produced in,

• recognizes the need to prepare victim impact statements on all appropriate occasions,

• understands the law and departmental policy relating to victim impact statements,

• is able to interview victims to obtain all relevant information for a victim impact statement without causing victims more trauma,

• recognizes who are appropriate persons other than themselves to prepare victim impact statements,

• describes clearly and succinctly appropriate and relevant impacts, symptoms, effects etc of victimization on the victim impact statements,

• is able to request reparation from court in appropriate cases,
II. Prosecutors And Victim Assistance

a. Prosecutors, Legal Aid Providers and Other Victim Advocates to Assist Victims

Once police have investigated a crime and a suspect has been arrested, cases are generally referred to prosecutors. Although each jurisdiction's laws and procedures provide for different ways to initiate a criminal action, this is often handled through an initial court appearance or some process leading to charging and arraignment of the presumed offender. The attempt of some prosecutors to dispose of cases quickly may come into direct conflict with the needs and desires of the individual victims who want their perpetrator prosecuted to the full extent of the law. However, prosecutors should keep in mind that it is the victim who is directly harmed by the crime. Victims have a valid interest in the prosecution of the case and should be involved at all stages of the proceedings. In addition, the prosecution generally will profit from the better cooperation of victims who feel that they have been protected, assisted and properly informed. The victim populations on whom they focus, their service, and their size and resource levels, they share a basic mission: to treat all victims and witnesses with dignity, compassion and respect while striving to prevent secondary victimization by the system. Thus, the victim's participation in and satisfaction with the criminal justice system as a whole may be increased.

There are a number of services that can and should be provided by prosecutor-based victim assistance programs. The most important of these are programs to notify victims regarding the status of the case and the delays that often occur in the prosecution of the case. Victims have a valid interest in knowing the status of their case and the delays that often occur in the prosecution of the case.
progress of a criminal prosecution. Victims are often distressed by the lack of progress in their cases and the need to rearrange their personal and work lives repeatedly in order to attend court hearings which can be delayed. In addition, victims may require assistance in attending and participating in court proceedings, protection from intimidation and harm, basic orientation to the criminal justice system and their appropriate role within it. Referrals to appropriate victim assistance and victim compensation programs should be made by prosecutorial offices.

b. Specific Roles and Responsibilities of Prosecutors to Victims

Although the primary role of the prosecutor is to present the case in court, many important activities rely on the involvement of victims. Although the prosecutor is not the "victim's legal representative," prosecutors have opportunities to keep victims informed and involved, to provide appropriate accommodations in the pre-trial and court setting, and to follow up with information and referrals, as needed. These opportunities should include:

- establishing policies for providing crime victims with a basic level of services, which include information, translation and notification,
- providing information about the criminal justice system and proceedings in simple, lay terms to help victims understand the criminal justice system,
- providing notification of the status of the case at key stages of the criminal justice system,
- coordinating, where applicable in the jurisdiction, the inclusion of victim impact information into court proceedings (including pre-sentence reports, and sentencing) with probation authorities
and the judiciary,

- providing a waiting area for victims and witnesses and their families in the courthouse that is separate by sight and sound from the offender. These areas should be "child-friendly", safe and secure, where feasible,

Prosecutors may also establish agreements with NGOs in order to provide services such as:

- sponsoring "witness alert" programs, whereby victims and witnesses are able to continue with their normal daily routines on "stand-by" until they are summoned to court on short notice;

- coordinating witness appearances, i.e. scheduling witnesses, providing witness fees, accommodations for out of town witnesses, as well as assistance with transportation,

- sponsoring victim/witness information telephone lines to provide up-to-date information after hours to subpoenaed witnesses,

- providing educational and accompaniment programs to familiarize victims with the courtroom and enable them to present their case in an appropriate manner,

- offering assistance to victims in completing victim compensation applications,

- offering information about the consequences of certain offences, such as the risk of sexually transmitted diseases in cases of sexual assault; providing information about preventive action; and making prompt and proper medical and mental health referrals,

- informing victims who have suffered monetary loss of the availability of restitution as a sentencing option for the court.
Assistance in obtaining restitution should be provided, through verification of financial loss and provision of that information to the probation officer, judge, parole board or other appropriate personnel,

- establishing protocols for handling staff victimization.

Where applicable and appropriate in the jurisdiction, the prosecutor should, with the assistance of NGOs:

- assist with the timely delivery of victim input to institutional corrections and paroling authorities,
- notify victims about parole dates,
- notify the victim of an inmate's change of status within departments of corrections,
- serve as an advocate for victims at parole hearings,
- promote victim input to probation officers for pre-sentence investigation reports, including victim impact statements and personal interviews with victims or their family about the crime's impact,
- provide information regarding restitution to appropriate criminal justice personnel,
- coordinate victim/offender mediation,
- notify victims about proceedings and decisions on the appellate level,
- provide assistance with the collection and disbursement of restitution, including orders to show cause, hearings, modifying payment amounts or schedules, and/or converting restitution orders to civil judgements.
Prosecutor-based victim assistance programs have a unique opportunity to protect, enhance, and bring to life the rights of the victim in each local jurisdiction. Even in jurisdictions that have victim rights' legislation, prosecutor staffs have a responsibility to ensure that the rights and basic services contained in the legislation are not ignored.

c. Training for prosecutors

Training on victim issues should be provided in all law schools. In addition, in-service training should be made available to prosecutors on an ongoing basis, at the community level, as well as at ongoing conferences or meetings.

iii. The Judicial Role In Justice For The Victim

The judiciary has to be an impartial entity that oversees the progress of a criminal action. Judges should weigh and protect the rights of all parties involved in criminal proceedings.

Judges should provide essential protection to victims. In cases involve children, for example, accommodations such as allowing the victim to testify through close circuit television can also be ordered when applicable and possible. Granting orders requiring defense counsel to meet the child's eye level and not raise his or her voice, as well as other methods of making the courtroom less intimidating to a child may also be ordered, when applicable and possible. Judges should also expedite trials so as not to further victimize the crime victim by additional delays during an already difficult process. In some jurisdictions, a common technique is for a defense counsel to subpoena the victim's family
members as potential witnesses, request that the court order that witnesses be excluded from the courtroom and then, when possible, not call the family of the victim to testify — thereby preventing them from attending the session of court. However, the defendant's family is allowed to sit in the courtroom, showing support for their family member who is on trial, while the victim's family is thus kept out. Such motions can, and should, be denied.

Recommendations for the Judiciary on Victim Rights

a. Respect and Recognition for Victims

Judges have a leadership role in ensuring that victims and witnesses are treated with courtesy, respect and fairness, in order to ensure that:

- victims and witnesses are provided with information regarding the rights and prerogatives, available, and about the physical layout of the courthouse, witness fees, compensation funds, and other available financial assistance;
- court administrators establish reception areas and provide victims and witnesses information about public and community services;

b. Providing victims with information.

Judges have a leadership role in ensuring that victims and witnesses are fully informed about the criminal justice proceedings, in order to ensure that:

- victims should be able to obtain from appropriate court personnel information concerning the status of their cases;
- if requested and if possible, appropriate officials should give victims of serious crimes timely notice about the release of the
defendant from custody, pre-trial and post-trial.

c. Special services and support.

Victims and witnesses may require special services and support, both material and psychological. Judges may, whenever possible, encourage, to in promoting for example the following in their jurisdiction:

- separate waiting areas for the defense and for witnesses for the prosecution, including victims;
- interpreter and translator services for victims and witnesses while they are in the courthouse;
- an "on-call" system to minimize unnecessary trips to court;
- the expeditious return of evidence;
- the availability of special transportation and protection to and from the courthouse when the safety of witnesses is a consideration;
- informing the public of the importance of supporting the participation of victims and witnesses in court proceedings;
- child care services for victims and witnesses;
- crisis intervention, counseling and other support services for victims;
- ensuring that the victim is not charged for rape examinations or other costs of collecting and preserving evidence; and
- establishing fair and appropriate witness fees.

d. The ordering of restitution.

informing the public of the importance of supporting participation of victims and witnesses in court proceedings;
Wherever possible under the law, judges should order restitution unless there is an articulated reason for not doing so, regardless of whether the offender is incarcerated or placed on probation.

e. Victim participation.

Wherever possible under the law, victims should be allowed to participate and, where appropriate, to give input through the prosecutor or to testify in all stages of judicial proceedings, including:

- pre-trial release or bail hearings;
- the scheduling of court proceedings;
- continuances or delays (judges should state on the record the reason for granting a continuance);
- plea and sentence negotiations, where these are conducted;
- sentencing; and
- victim-offender mediation, when appropriate.

f. Persons accompanying victims.

To encourage victim participation, whenever possible, victims should have a supportive person in the courtroom with him or her; victim impact statements prior to sentencing should be encouraged and considered; and victims or the victim’s family should be allowed to remain in the courtroom.

g. Protection of the victim.

Judges should use their judicial authority to protect victims and witnesses from harassment, threats, intimidation and harm by:

- limiting access to the addresses of victims and witnesses;
• encouraging that victims and witnesses be advised that if they agree to be interviewed prior to trial by opposing counsel or investigators, they may insist that the interviews be conducted at neutral locations;

• encouraging legislation or rules which would require parole boards to advise the judge, the prosecutor, the public and the victim, where appropriate, prior to any hearing on the release of an offender of a serious offence.

h. Protection of Special Categories of Victims.

In order to protect particularly vulnerable victims (e.g. minors, victims of sexual abuse, families of homicide victims, the elderly, persons with disabilities, and victims of organized crime and repression) judges should consider the following:

• the expediting of trials in cases involving particularly vulnerable victims;

• encouraging specially designed or equipped courtrooms to protect vulnerable victims;

• permitting the use of videotaped depositions in cases involving vulnerable victims;

• allowing vulnerable victims to have an individual of their choice accompany them in closed juvenile proceedings, closed criminal proceedings, and in camera proceedings, and

• if a defendant is conducting his/her own defense, preventing the defendant from directly questioning the victim.

i. Architecture and Use of Space in Court Buildings.

permitting the use of courtrooms designed to protect vulnerable victims;
Efforts should be made to create separate facilities for victims and other witnesses for the prosecution, and offenders and other witnesses for the defense, especially in providing separate waiting rooms. In new and renovated buildings, plans should allow for separate waiting rooms and toilets. This is important in preventing harassment of all kinds by one party or another. There should also be a room set aside for distressed witnesses to retire to after giving evidence. This facility will allow time for the person to recover their composure before returning to the court-room or leaving the building. In addition, refreshment stands should be provided, as well as special facilities for children and people with disabilities.

j. Judicial Education and Training

Sensitivity training on victim-related issues should be a required element in all judicial colleges and should be incorporated into licencing exams. In addition, judges should be encouraged to participate in ongoing training programs dealing with the needs, services, and legal interests of crime victims.

iv. The Role Of Finance Planners For The Victim Funding And Financial Recovery

Each year, victims of crime suffer enormous human and financial losses. Yet too few funds go to preventing, assisting, protecting and empowering victims.

a. General Revenues

Governments may be looking for ways to reduce their expenditures. So at first it may seem impossible to find ways to provide better services to victims. In part, the priorities of existing
agencies such as health care, police and prosecutors may be changed so that they better meet the needs of victims. In part new technology can facilitate issues such as payment of restitution by offenders.

b. Innovative Means to Fund Assistance to Victims

There are many innovative ways to fund programs for victims, such as assistance and compensation. Several countries are using extra fines on offenders. Through an amendment to the criminal code or sentencing statute, judges are empowered to order a special fine that will place the payment in a fund that can only be used for services to victims. Some central government agencies resist these amendments on the grounds that it does not allow for appropriate setting of fiscal priorities, but such arguments must be met by stressing that fiscal priorities tend to be influenced by those who have the most funds already and the victim movement needs some special protections.

Some countries use the money seized from organised crime. Such statutes empower the state to expropriate the ill-gotten gains of persons involved in racketeering and organised crime. The seized property is sold and then the proceeds are used for programs such as crime prevention and services for victims.

Some countries provide for punitive reparation orders made over and above civil damages. Various efforts have been made to

facilitate civil reparation, such as facilitating access to the legislation and court decisions. Some high profile cases have successfully got damages from the offender as well as from a third party who facilitated the offence by taking adequate precautions to protect the victim. Special legislation can bankrupt offenders or place their assets and income in some form of protected fund so that victims can claim restitution before the assets have been dissipated.

Some have advocated that a fixed percentage of the gross expenditures on police, courts and prisons to the work of a commission or office that is fostering change for victims.

In Germany victim support schemes are fully financed out of private contributions from private individuals and businesses. In France compensation is partly financed through private insurance schemes.

In Victoria, Australia, victim services are funded from government revenue. These funds have been reallocated away from direct payments to victims of crime to meet all their medical, dental, counseling and other needs. This package approach enables all the needs of the victim to be met in a timely and efficient manner.

6.2 ROLE OF CIVIL SOCIETY

1. Clergy, spiritual and informal leaders

a. Critical Issues of Victim Assistance for Clergy (And Associated Lay Groups) and Spiritual Leaders:
The clergy and spiritual leaders are a vital source of support for victims. Although many people go first to clergy in a crisis such as crime victimization, there can be a general lack of education and understanding of the needs of victims on the part of the clergy. In some jurisdictions representatives from the religious community go to court or to prisons to give comfort and assistance to the accused, but have not developed similar programs for victims.

As with other front-line professions, there is a need for clergy and other spiritual leaders to understand crime victimization, and how it qualitatively differs from that of illness, accidental or natural death.

Victimization can have an impact on an individual's perception of his or her own religious beliefs. Victimization can cause challenges to the belief system with which one has grown up. One victim noted, "I found myself questioning some of the deep basic beliefs that I had grown up with. At one time they comforted me." Victimization causes challenges to the belief that God is in control. The question often arises, "Why did He let this happen to me?" Or there can be the challenge of maintaining a long-held belief in forgiveness, which now the victim may understandably be unable to exercise.

Victimization can have an impact on an individual's perception of God, and other spiritual leaders.

Pastoral counseling techniques closely resemble those employed by psychologists in some seminars. Clergy and spiritual leaders should be trained on Post Traumatic Stress Disorder and other mental health reactions to crime victimization.

In addition, they should know what community resources, such as...
victim compensation and assistance programs, are available so as to be able to provide appropriate referrals to victims of crime.

b. Training for Clergy and Spiritual Leaders in Victim Assistance

In-service training should be provided for all clergy and religious leaders. Such training should be expanded to include pastors, priests, rabbis, and imams of local congregations, as well as hospital, police, military and other chaplains who provide services to victims.

Training programs on victim assistance should also be established for seminaries, religious colleges and other clergy education facilities. Curricula should be developed in consultation with the heads of the pastoral care departments of these schools.

Information on victim assistance (such as booklets, videos, or training manuals) directed to religious leadership should be prepared and disseminated widely. Ministerial and inter-faith leadership coalitions should be identified and targeted. These should include denominational leadership programs, as well as the leadership of large para-church bodies.

ii. Landlords Or Housing Entities

Housing Authorities

In some jurisdictions, landlords and housing entities have created victim assistance programs for victims of crime. Such programs can include relocation services for victims, if needed;
home repairs for damages due to crime; and policies or laws that prohibit evicting victims.

For example, a public housing authority in Chicago, Illinois developed a victim assistance program to provide support and services to residents in the immediate aftermath of violent crime. The program has now been expanded to include crisis response services to residents and communities impacted by a traumatic event. Program services include: court advocacy, short-term counseling, landlord intervention, school intervention, employer intervention, transportation, financial aid assistance, emergency relocations, crisis response, crisis intervention, debriefings, and social service referrals.

iii. Employers

Violence in the workplace is relatively widespread in some societies, often with severe long-range impacts on both the employers and employees. The special dynamics of violence occurring at work are important in understanding its impact and the appropriate response to victims.

Each organization should assess its individual circumstances and develop a plan of action to handle potential problems. The plan should indicate effective strategies for disseminating information about the prevalence of violence in the workplace, as well as prevention strategies and training of personnel in how to diffuse potentially violent situations.
Education for all employees, managers, and supervisors, can increase the sensitivity of staff, as well as for participants to the clues that suggest an employee could become dangerous. Clues that might previously have gone unnoticed or been ignored can become important signals of potential violence.

Relevant persons should develop a crisis response protocol which sets forth how to respond to a violent incident in the workplace, including procedures for referring victims to needed services.

**iv. News Media Professionals**

Media reporting of crime and victimization in both print and broadcast formats can have far-reaching effects on victims of crime. The media can play a significant role in public safety by keeping citizens apprised of increases and decreases in crime, trends in violence and victimization (that are specific to international, national, and local audiences), efforts to prevent crime, reduce violence, and assist victims (including programs, policies, and legislation), and measures that individuals and communities can take in order to promote safety.

While sensitive coverage of cases involving victims can be helpful and, in some cases, even healing, media coverage that is sometimes viewed as insensitive, voyeuristic, and uncaring can compound the emotional and psychological suffering of victims. Most crime victims have never before dealt with the news media. They can be thrust, often unwillingly, into the limelight solely because of the crimes committed against them. The news media
are often viewed as a "double-edged sword" in their coverage of crime and victimization relevant to the public's right to know versus the victim's right to privacy.

Written guidelines that are incorporated into a news medium's policies, as well as initial and ongoing professional education of its employees, can provide basic principles of ethical journalistic coverage of crime and victimization.

a. Training Programs for Media

Information and guidelines for dealing with crime victims should be incorporated in the curriculum of every college or university classes in communications or journalism. Information should include the trauma of victimization, the privacy rights of victims, services available to victims, and how to develop a cooperative relationship with law enforcement and criminal justice officials relative to coverage of crime and victimization.

Professional training of journalists on sensitive media coverage of crime and victimization should be included in conferences, as well as on-the-job in individual newsrooms. For example, the Canadian Journalism Foundation has sponsored several seminars on the Media and the Law to bring together judges, prosecutors, policy makers and journalists to develop a better awareness about respective duties and responsibilities to victims.

b. Victim-Sensitive Media Code of Ethics

Professional training of journalists on sensitive media coverage of crime and victimization should be included in conferences, as well as on-the-job in individual newsrooms. For example, the Canadian Journalism Foundation has sponsored several seminars on the Media and the Law to bring together judges, prosecutors, policy makers and journalists to develop a better awareness about respective duties and responsibilities to victims.
Victim service providers should encourage media professionals, both print and broadcast, to adopt a code of ethics specific to their coverage of crime and victimization. Such a code can serve as a basic ethical foundation from which difficult decisions (frequently made in very short time periods) can be made. When victim advocates consider proposing a code of ethics to media professionals, the following issues should be seriously considered.

The news media should:

- present details about a crime in a fair, objective, and balanced manner, avoiding over-dramatized news,
- recognize the importance of publishing or broadcasting information that can contribute to public safety while, at the same time, balancing this need with the victim's need for privacy,
- respect the privacy of individuals who choose to refrain from dealing with the media, or who choose to address the media through a spokesperson of their choice,
- provide a balanced perspective relevant to a criminal act that reflects the concerns of the victim and offender,
- never report rumors or innuendoes about the victim, the offender, or the crime unless such information has been verified by reliable sources,
- in crimes other than homicide, identify the victim by age and area where the crime occurred, omitting names, street addresses and block numbers,
- refrain from using information gained from private conversations
with victims or their relatives who are in shock or distraught,

- identify witnesses only when they volunteer to be named, and when there is clearly no danger that can be provoked through their identification by the media,

- never publish the identity of a sexual assault victim without their prior consent, regardless of whether the case is in the criminal or civil courts,

- never publish the identity of a child victim,

- never identify alleged or convicted incest offenders when such actions could lead to the identification of the victim,

- in cases of kidnapping where it is determined that the victim has been sexually assaulted, stop identifying the victim by name once a sexual assault has been alleged,

- never, without the victim's prior consent, identify the names of victims of frauds or other crimes that tend to humiliate or degrade the victim,

- refrain from photographing or broadcasting images that portray personal grief or shock resulting from a criminal act,

- never publish photographs or broadcast images that could place the subject in danger,

- refrain from showing photographs or broadcasting images of deceased victims, body bags, or seriously wounded victims,

- never publish photographs or broadcast images of funerals without the prior consent of the surviving family members,

- approach the coverage of all stories related to crime and victimization in a manner that is not lurid, sensational, or intrusive to the victim and his or her family.
v. Mental Health Providers

Critical Issues for Mental Health Professionals

a. Restoring a Sense of Continuity

To fulfill the reparative and preventive goals of psychological recovery from trauma, perspective and integration through awareness and containment must be established so that one's sense of continuity, belonging, and rootedness are restored. To be healing and even potentially self-actualizing, the integration of traumatic experiences must be examined from the perspective of the totality of the lives of the survivors of trauma and of their family members. Also the intergenerational aspect should be considered: what happened in one generation will affect what happens in the next, although the actual behavior may take a variety of forms. The trauma and its impact may thus be passed down as the family legacy even to children born after the trauma.

The United Nations Center for Human Rights, based on interviews with victim/survivors of the Nazi Holocaust, Japanese Americans, and victims from Argentina and Chile, has suggested the following goals:

- reestablishment of the victim's value, power and dignity through compensation, both real and symbolic, restitution, rehabilitation, and commemoration.
- relieving the victim's stigmatization and separation from society through commemoration, memorials to heroism, empowerment, and education.
- Repairing the nation's ability to provide and maintain equal value under law and the provisions of justice by apology, securing public records, prosecution, education and, as
recommended in United Nations Economic and Social Council (ECOSOC) Resolution 1990/22, creating mechanisms for monitoring, conflict resolution, and preventive interventions.

b. Training for Mental Health Professionals

The Division of Mental Health of the World Health Organization has issued a document on the psychosocial consequences of disasters, which describe techniques and strategies for a psychosocial response to disasters, whether man-made or natural (WHO/MNH/PSF/91.3.Rev.1, 1992). It advocates the setting up of a national (or local) interdisciplinary disaster team where this has not already been done. The initial medical relief structures should be incorporated in the permanent infrastructure, in accordance with the principle that emergency assistance should be provided in ways that will be supportive of recovery and long-term development.

To achieve this, the following preliminary steps are suggested in the WHO document:

- Development of a core of training material for national or regional use. These should be available for various levels of disaster team staff, e.g., mental health professionals; general health professionals; auxiliary health workers; and community (non-health) workers.
- Compilation of a literature review accessible to non-mental health professionals.
- The organization of workshops and conferences on "disaster mental health training" for the national mental health leaders or persons designated by them.
• Interdisciplinary training to foster optimal coordination of medical, mental health, logistic and other personnel working with trauma survivors.

With regard to the needs of refugees, WHO and the United Nations High Commissioner for Refugees (UNHCR) (WHO, in press) have recognized that the psychosocial needs must not be ignored, and indeed are as important as physical needs. In the first instance, WHO, with UNHCR support, has produced a manual for the mental health of refugees and of others in emergency situations. This is aimed at non-professionals, as in the WHO "Community Health Worker" manual. The idea is to help those working with refugees to understand how they can provide mental and psychological support to those in emergency situations. The manual includes chapters on children, dealing with traditional healers, alcohol and drug problems, helping victims of torture and other violence, as well as a separate chapter on helping victims of rape (see also WHO, 1990).

vi. Health Care Professionals

a. Victim Assistance in Emergency Rooms and Trauma Centers

Doctors, nurses, and other hospital personnel provide tremendous assistance to victims of crime. In addition to police officers, medical personnel, who are often also available 24 hours a day, seven days a week, are commonly the first ones to come into contact with crime victims who have experienced some form of injury.
All victims of crime should be treated with dignity and respect by hospital staff (including doctors, nurses, intake workers and others). Victims are often fearful and insecure when they arrive at medical centers. Treating the patient with sensitivity -- both to their physical condition and to the potential psychological impact of the victimization -- can help the overall physical and psychological healing process.

In their roles, medical staff are uniquely suited to carefully document the condition of the victim and objectively report these findings (much of which can be utilized as evidence in criminal cases). Of course, the immediate and appropriate treatment of the victim is paramount; however, in the course of treatment, appropriate documentation provides useful information for prosecutors and victims in taking various criminal and other legal actions against the perpetrator. Of particular importance is the use of appropriate evidentiary collection kits to gather information in sexual assault and sexual abuse cases for later evidentiary use at trial. This needs to be done sensitively, but competently, so that the trauma of the rape examination is minimized and evidence is accurately collected.

Similarly, in cases of abuses of power or armed conflict, health care professionals from independent organizations such as the International Red Cross or Doctors Without Borders should be sensitive to the needs of victims.

b. Guidelines for Medical Professionals for Treatment, Referrals and Reporting
Hospitals should establish training programs and protocols for all hospital personnel on the rights and needs of victims of crime. The medical profession should develop a victim-sensitive code of ethics for all medical staff.

Special consideration of the needs of victims, such as food, clothing, and transportation, should be taken into account in emergency rooms and trauma centers.

Programs should involve the family in community after care and should educate family members about victim rights before they leave the hospital.

Medical professionals should respect the confidentiality and privacy needs of all victims, especially in cases of sexual assault and assaults on children. However, confidentiality laws should not hinder the reporting of child abuse. Repeated interviews of victims by multiple staff members (doctors, nurses, social workers, etc) should be limited.

vii. Embassies, Consulates, And Foreign Missions

Embassies, consulates, and foreign missions can become the first responders for victims who are traveling or living abroad. People victimized in another country often are not able to speak the language of that country or are unfamiliar with its justice system. Therefore, they seek advice and services from their own embassy or consulate. Embassy personnel should receive training on victim issues, including the impact of victimization and available compensation and assistance services. The treatment that the
viii. Plan Of Action To Handle Victimization

All professionals who come into contact with victims of crime face the issue of their own victimization. Procedures should be established for handling cases involving the victimization of professionals to ensure that they receive needed services. For example, in many jurisdictions, reporters, photographers, camerapersons, and editors are confronted on a daily basis with a barrage of brutal violence and tragedy, with little opportunity or guidance offered as to how to cope with personal trauma related to such professional challenges. In addition, some journalists are, themselves, victims of the very crimes that they are assigned to cover, which in itself can produce unexpected trauma reactions.

Cooperative efforts among victim service providers, the mental health community and others can provide professionals who come in contact with crime and victimization with periodic debriefings to help them address the stressful nature of their careers, and offer helpful coping mechanisms to deal with acute and chronic stress on an ongoing basis.

Cooperative efforts among victim service providers, the mental health community and others can provide professionals who come in contact with crime and victimization with periodic debriefings to help them address the stressful nature of their careers, and offer helpful coping mechanisms to deal with acute and chronic stress on an ongoing basis.
ix. Prisons And Alternative Sanctions

Victims have a legitimate interest in seeking to ensure not only that those who have committed offences against them are brought to justice, but also that offenders do not present a danger to the victim or to others after release. If a prisoner is to be released, victims may want to be notified in advance. This is often because the victim may have been threatened during or after the offence, or may be seen by the prisoner as the one responsible for the prisoner’s incarceration. Some victims have a very deep -- and very real -- fear of retaliation by offenders. At the very least, victims should be given the opportunity to take precautions or to prepare themselves mentally for the release of their offenders.

a. Probation or Alternative Measures

In many jurisdictions around the world probation or alternative measures are used as a sentence. Examples of conditions of probation include but are not limited to:

- no contact with the victim;
- payment of monetary obligations to the victim, such as restitution, child support, mortgage payments, etc.;
- payment of fines (which in some jurisdictions may be used directly to support law enforcement and victim services);
- no use of alcohol or other drugs (in some jurisdictions, this is tied to an agreement to submit to random testing);
- specific treatment that addresses the probationer’s criminal activities (such as sex offender treatment, alcohol or other drug counseling, anger management, etc.); or
- community service.
An important condition of probation and alternative measures is that the probationer commit no new offences during his or her period of community supervision. If a probationer violates any condition of his or her sentence, the probation agency or court can rescind or "revoke" probation, resulting in the offender's incarceration in jail or prison.

b. Prisons

In some jurisdictions, prisons or correctional institutions now have victim service programs. The roles and responsibilities listed below are generally sponsored or implemented by such programs.

c. Specific Role and Responsibilities of Institutional Corrections to Victims of Crime

The role and responsibilities of corrections authorities to victims should include, but not be limited to:

- obtaining relevant victim information (including, where applicable, victim impact statements and protection orders) from court documentation for inclusion in the offender's file;
- protecting the confidentiality of victim information through protected automated databases or "flags" on paper files that indicate that this information is not available to inmates or their counsel;
- protecting victims and witnesses from intimidation, or harassment by the inmate during their period of incarceration;
- upon request, notifying victims of an offender's status, including release date, escape, or death,

and applicable, victim impact statements and protection orders;
d. Parole agencies

When inmates are released from incarceration, their reintegration back into the community is typically accomplished through the parole process. Parole is the most common form of the early release of prisoners, with conditions attached to that release designed to protect the safety of both the victim and the public. Parole is considered part of the prison sentence, but is served in the community. Violations of any conditions of parole can result in its revocation, which means that the offender will be returned to an institutional setting.

In some jurisdictions, victims have the statutory or constitutional right to provide parole boards with victim impact information about how the offence has affected them. Since in a number of such jurisdictions, many offenders are sentenced for the offences which they plead to in plea negotiations, it is imperative that parole boards know the facts of the offence that was actually committed. This important input also provides victims with an opportunity to request certain conditions of parole that make them feel safer, such as protective orders or requests that the offender be paroled to a geographic location that is at a certain distance from where the victim resides. In many places, victim impact statements are not confidential, and so offenders can access the statements (with the possible exception of the victim's contact information, which may be kept confidential).

Parole agents, also called parole officers, are responsible for monitoring the supervision of parolees in many jurisdictions. Parole
agents, in some jurisdictions, do have frequent contact with victims, especially in intrafamilial crimes. It is essential that victims know who their offender's parole agent is, and how the agent can be reached.

e. Victim Impact Panel

In some jurisdictions, victim impact programs are available for offenders as a part of their sentence and rehabilitation. The concept behind the victim impact panel is to develop empathy in offenders by exposing them, through the stories of victims, to the pain and harm that their criminal behavior has caused. Offenders begin to understand the human consequences of violence, and may refrain from further crimes in the future. In addition, a majority of victims who have participated in the panels indicate that the panels are therapeutic and healing for them as well.

In some jurisdictions, victim impact programs are available for offenders as a part of their sentence and rehabilitation. The concept behind the victim impact panel is to develop empathy in offenders by exposing them, through the stories of victims, to the pain and harm that their criminal behavior has caused. Offenders begin to understand the human consequences of violence, and may refrain from further crimes in the future. In addition, a majority of victims who have participated in the panels indicate that the panels are therapeutic and healing for them as well.

In England and Wales, the Probation Service has a responsibility for contacting victims of crime regarding the release of the prisoner who has offended against them. The purpose of this contact is 1) to inform the victim of the fact that release is being considered, and any condition attached to that release; and 2) to hear the victims' view about any conditions which might be imposed. This procedure applies in cases where the offender is sentenced to 4 or more years in prison for offenses of violence.

x. Schools, Universities And Institutes

a. Specific Role and Responsibilities of Schools in Victim Assistance

In England and Wales, the Probation Service has a responsibility for contacting victims of crime regarding the release of the prisoner who has offended against them. The purpose of this contact is 1) to inform the victim of the fact that release is being considered, and any condition attached to that release; and 2) to hear the victims' view about any conditions which might be imposed. This procedure applies in cases where the offender is sentenced to 4 or more years in prison for offenses of violence.
Schools and universities have a unique role to play in helping all students understand and appreciate the rights and needs of victims of crimes. School-based education about victim issues will produce citizens who are better informed and educated about the needs of crime victims in their communities.

Furthermore, crime in schools is a major problem in some jurisdictions. Many schools are forced to respond to incidents that occur on school grounds such as shootings, kidnappings, and sexual assault. How a school responds to a crisis can affect the healing of the school population, the tone of the school, and the education of its students. Comprehensive school-based victim services programs can be effective in assisting students, teachers and others who are victimized in the school setting.

School-based victim service programs should be geared toward elementary through college and university levels, to respond effectively to chronic trauma as well as violent incidents that may occur on the school grounds. Victim service programs in schools should include crisis intervention counseling as well as curricula which include courses on victim assistance, violence prevention, and non-violent conflict resolution. Programs that include crisis intervention and stress reaction training will help students and teachers better respond to their own stresses, as well as those of others around them, both in the school setting and beyond. Victim rights and services should be integrated into schools and university administrative procedures.
School officials also have a responsibility to prevent crime and ensure the safety of students and school staff. For example, when possible under law, school authorities should check the arrest and conviction records for sexual assault, child molestation, or pornography offences of anyone applying for work in a school who would be in regular proximity to students.

b. Curricula Development for Schools and Universities on Victim Assistance and Victimization Prevention

i. Curricula Development for Schools

Curricula in schools should address how to support people who have been victimized; how to intervene (call the police); arrest and conviction records for sexual assault, child molestation; victim services available to victims; and victim rights.

Schools should introduce education about specific types of crime victimization, including drunk driving, family violence, sexual assault, etc. Victim impact classes should be utilized as an important educational method to train school age children.

ii. Curricula Development for Universities and Professional Schools

Curricula in colleges and graduate schools for doctors, nurses, social workers, psychiatrists, psychologists, police, lawyers, judges, clergy, journalists, teachers and others should include training on crime victims issues. The courses should be interdisciplinary and inform students about effective team
approaches to handling victims and offenders. Where possible, victim issues should be incorporated into professional licensing exams.

Graduate school libraries should access resources available on the rights of victims and related legal issues and incorporate them into their collections.

Crime victims should be invited, to the extent possible, as guest lecturers in departments that include victim-related issues. Additional community resources from victim service providers can be used to augment these presentations, and to provide materials to enhance existing curricula.

Colleges and universities should require a minimum number of hours of teaching on victimology issues in departments that address criminal justice or social services. Colleges and universities should offer specialized workshops to students and professionals for credit on issues affecting different types of crime victims, including sexual assault, elder abuse, child abuse, domestic violence, homicide and drunk driving.

School disciplinary hearings involving crimes should have procedures which provide certain rights for victims, such as the right to be accompanied by a person of their choice and the right to give a victim impact statement before a penalty is decided.

c. Research
The state of the art can only be improved if knowledge is increased. Competent, objective, and relevant research is needed on a continuing bases to understand the dynamics of how victims recover and how best to deliver victim services. Universities and institutes offer the ideal settings for empirical and evaluative research in the area of victim assistance.

6.3. SUGGESTIONS

After an attempt at jurisprudentially reconstructing the concept of victim compensation and providing various alternatives to implement the idea of victim compensation, one would have to think circumstantially suitable paradigm for the Indian scenario. Therefore, the following guidelines may be provided to develop a comprehensive system of victim compensation:

1. A comprehensive Legal Code for victim compensation is a dire necessity. The time has come for the legislature to stop shirking its duty. Hence, a comprehensive Legal Code should be enacted providing for fair treatment, assistance and adequate compensation to victims of crime. Only on embarking on this step can justice in its more altruistic forms be obtained.

2. It should be made mandatory for the state to pay compensation to the victims of crime of not only the private criminal wrongs but also for the criminal acts perpetrated by its agencies. This mandatory duty of the state gains importance from two points of view namely as a welfare-state committed to the constitutional goal
of social justice and secondly for its failure to protect to life, liberty and security of its citizens.

3. In India there is an urgent need to establish a "Compensation Board" and of quick disposal of cases of victims of crime and lock-up deaths in police custody. In case of delay in investigation on trial of the case, the victim should be granted some compensation on the merit of the case and on final disposal of the case an interim relief, the full settlement of compensation by way of increase or reduction or recovery of compensation to the needy victims. The compensation to the victim or his dependants should be granted without delay taking into account the victim's age, occupation etc., so as to substantially compensate the loss suffered by the victim and his dependants.

4. A victim is always a victim, so compensation should not be dependent on the conviction of the accused. Where the accused could not be apprehended or is acquitted by the Court the victim should not be deprived of getting compensation if his case is genuine.

5. Measures should be taken to minimise inconvenience to victims, protect their privacy, wherever necessary and ensure their safety.

6. Compensation does not mean a marginal benefit extended to the victim. It ought to be proportionate to the offence committed, the details of which is to be worked out scientifically. Compensation may be paid by the offender or by Criminal Injuries Compensation Board to be constituted for the purpose.
7. Interim compensation should be provided to the victim to enable him or her to successfully fight a case in Court, meet medical and other ancillary expenses.

8. The criminal trial proceedings and victim compensation proceedings should be integrated in one continuous process according to which all victims should be compensated adequately and promptly for the injury and/or loss which they sustain. The primary responsibility should be that of the State for paying such compensation.

9. Informal compensation settlement mechanisms like Lok Adalats should be evolved for compensating the women victims of crime without any need to go through the ordeal of a normal court procedure. Criminal proceedings into criminal proceedings into simple.

10. Forums, like the Consumer Redressal Forums, may be constituted by an Act of Parliament to adjudicate the claims and award compensation and settle the issues arising from payment of compensation.

11. The provision of the Criminal Procedure Code should be amended providing for ample reparative support to the victim by making it obligatory on the part of Courts to award compensation in lieu of conviction.

12. Special provision should be made for payment of compensation to the women victims of crime particularly in the cases where the women are the victim of heinous and inhuman crimes like rape, etc.
13. In cases involving abuse of power, it should be made mandatory to recover the compensation amount awarded personally from the official of the State who is responsible for such abuse of power.

14. The State should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances. It should enact and enforce, if necessary legislation prescribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

15. As the concept of 'good faith' and 'sovereign immunity' have become a big hurdle in bringing the erring public officials to book for their misdeeds, there is an urgent need to minimise the application of these doctrines to the cases where public officials abuse their power.

16. The existing provisions relating to payment of compensation under Section 357 of Criminal Procedure Code needs urgent reform in two respects. Namely (1) payment of compensation should be made mandatory (2) A special provision providing for compensation to the victims of abuse of power should be incorporated in the Section.

17. A special fund known as 'Compensation Fund' should be
established, which should be maintained and managed by a 'Special Compensation Board' to be created for this purpose.

18. Laws should be enacted by the Parliament, adopting and Incorporating the principles concerning payment of compensation to the victims by the International Treaties and Conventions, so as to strengthen the legislation relating to payment of compensation and also make the law more uniform.

19. Special model schedules on the lines of Workmens' Compensation Act should be developed in fixing the compensation recoverable by the victims for different kinds of injuries sustained by them in different cases.

20. In cases involving abuse of power by the authorities, particularly in violation of Fundamental Rights, the compensation payable to the victims should be greater than in other cases.

21. Expeditious steps should be taken to curtail the delay in disposal of the cases and the relevant procedures should be made cut short.