ANNEXURE I
DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF
CRIME AND ABUSE OF POWER

General Assembly resolution 40/34

The General Assembly,

Recalling that the Sixty United Nations Congress on the prevention of Crime and the Treatment of Offenders recommended that the United Nations should continue its present work on the development of guidelines and standards regarding abuse of economic and political power.

Cognizant that million people throughout the world suffer harm as a result of crime and abuse of power and that the rights of these victims have not been adequately recognized.

Recognizing that the victims of crime and the victims of abuse of power, and also frequently their witnesses, and the who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardships when assisting in the prosecution of offender,

1. Affirms the necessity of adopting national or international measures in order to secure the universal and effective recognition of, and respect for, the rights of victims of crime and abuse of power;

2. Stresses the need to promote progress by all states in their efforts to that end, without prejudice to the rights of suspects or offenders;

3. Adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, which is designed to assists Governments and the International community in their efforts to secure justice and assistance for victims of crimes and victims of abuse of power;

4. Calls upon member states to take necessary steps to give effect to the provisions contained in the declaration and, in order to curtail victimization as referred to hereinafter, endeavour:

(a) To implement social health, including mental heath, educational, economic and specific crime prevention policies to reduce victimization and encourage
assistance to victims in distress;
(b) To promote community efforts and public participation in crime prevention;
(c) To review periodically their existing legislation and practice in order to ensure responsiveness to changing circumstances, and to enact and enforce legislation prescribing acts that violate internationally recognized norms relating to human rights, corporate conduct, and other abuses of power;
(d) To establish and strengthen the means of detecting, prosecuting and sentencing those guilty of crimes;
(e) To promote disclosure of relevant information to expose official and corporate conduct to public scrutiny, and other ways of increasing responsiveness to public concerns;
(f) To promote the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcements, correctional, medical, social service and military personnel as well as the staff of economic enterprises;
(g) To prohibit practices and procedures conductive to abuse, such as secret places of detention and incommunicado detention;
(h) To cooperate with other states, through mutual judicial and administrative assistance, in such matters as the detection and pursuit of offenders, their extradition and the seizure of their assets, to be used for restitution to the victims:
(5). Recommends that, at the international and regional levels, all appropriate measures should be taken:
(a) To promote training activities designed to foster adherence to United Nations standards and norms and to curtail possible abuses;
(b) To sponsor collaborative action-research on ways in which victimization can be reduced and victims aided and to promote information exchanges, on the most effective means of doing;
(c) To render direct aid, to requesting Governments designed to help them curtail victimization alleviate the plight of victims;
(d) To develop ways and means of providing recourse for victims where national
channels may be insufficient:

(6) Requests the Secretary-General to invite member states to report periodically to the general assembly on the implementation of the declaration, as well as on measures taken by them to this effect;

(7) Also requests the Secretary-General to make use of the opportunities, which all relevant bodies and organizations within the United Nations system offer to assists member states, whenever necessary, in improving ways and means of protecting victims both at national level and through international cooperation;

(8) Further requests the Secretary-General to promote the objectives of the declaration, in particular by ensuring its widest possible dissemination;

(9) Drugs the specialized agencies and other entities and bodies of the United Nations systems, other relevant inter-governmental and non-governmental organizations and the public to co-operate in the implementation of the provisions of the declaration.
ANNEXURE II

DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER

A. Victims of crime

(1) Victims mean who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative with member states, including those laws prescribing criminal abuse of power.

(2) A person may be considered victim, under this declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familiar relationship between the perpetrator and the victim. The term victim also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

(3) The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability, access to justice and fair treatment.

(4) Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

(5) Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights seeking redress through such mechanisms.

(6) The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
(a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;

(b) Allowing the views and concerns of the victims to be presented and considered at appropriate stages of the proceedings where there personnel interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(c) Providing proper assistance to victims throughout the legal process;

(d) Taking measures to minimize inconvenience of victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witness on their behalf, form intimidation and retaliation;

(e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to the victims.

(7) Informal mechanisms for their resolution of disputes, including mediation, arbitration and customary justice or indigenous practice, should be utilized where appropriate to facilitate conciliation and redress for victims.

RESTITUTION

(8) Offenders or third parties responsible for their behavior should, where appropriate, make fair restitution to the victims, their families or dependents. Such restitution should include the return or property or payment for their harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

(9) Governments should review their practices, regulation and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

(10) In cases of substantial harm to the environment, restitution, if ordered, should, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, wherever such harms results in the dislocation of the community.
(11) Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the States whose officials or agents were responsible for the harm inflicted. In case where the Government under whose authority the victimization act or omission occurred is no longer in existence, the State of Government successor in title should provide restitution to the victims.

COMPENSATION

(12) When the compensation is not fully available from the offender or other sources, states should endeavour to provide financial compensation to:

(a) Victims who have sustained significant bodily injury or bodily impairment of physical or mental health as a result of serious crimes;

(b) The family, in particular dependents of person who have died or become physically or mentally incapacitated as a result of such victimization.

(13) The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for the purpose, including those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

ASSISTANCE

(14) Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous

(15) Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

(16) Police, justice, health, social service and other personnel concerned should received training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

(17) In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those, mentioned in paragraph 3 above.

B. Victims of abuse of power
(18) Victims means person who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms to human rights.

(19) States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and social assistance and support.

(20) States should consider negotiating multilateral international treaties relating to the victims, as defined in paragraph 18.

(21) States should periodically review existing legislation and circumstances to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and a mechanism for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.