

JAMAICIAN GOVERNMENT

Ministry Of Justice – Victim’s Charter

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DRAFT

TOWARDS A VICTIMS’ CHARTER

“There are people who are suffering beyond description. They are innocent people; they didn’t bring this upon themselves. They are the victims of the sins of other people. And while it’s hard to see, it’s important to understand that these people exist”. **Mia Farrow**

POLICY STATEMENT

The Government of Jamaica is committed to the continued improvement and strengthening of the Criminal Justice System to ensure that the rights and privileges of all citizens are preserved and protected, thereby engendering confidence in, and respect for, the rule of law.

A Victims’ Charter will address the needs of victims of crime with a view to bringing balance to the manner in which victims and offenders are treated.

PURPOSE

The aim of the Victims’ Charter is to address the status of victims of crime and to institute policies, programmes and initiatives that will support such victims and provide them with fair and just treatment throughout criminal justice proceedings; justice for victims and witnesses of crime must be assured, while safeguarding the rights of accused persons and convicted offenders.

There is considerable advocacy promoting victims’ rights and the need for victims to be more central to the process of the administration of justice. Currently, there is the strong belief and perception that victims are secondary to the process. It is thought that suspects and offenders, whose rights are vigorously championed, have an unfair advantage over victims whose needs are sparingly addressed in the process.

This view has, over the years, helped to erode citizens’ confidence in the justice system. This lack of confidence is manifested by the frequency with which citizens resort to instituting and administering their own form of restorative and retributive ‘community justice’.

The government is seeking, by way of a Victims’ Charter, to address this perceived imbalance between the protection of the rights of offenders and those of victims.

OBJECTIVES

The objectives of the Victims’ Charter are to:

- recognize the centrality of victims to the criminal justice process;
- enhance existing victim support policies and programmes that will focus on the wellbeing and welfare of the victim and, in particular, those who are vulnerable;
- minimize, and eventually eliminate, the risk of secondary victimization of victims;
- instill public confidence in the Criminal Justice System, through appropriate education, training and information dissemination, so that citizens will refrain from developing and utilizing alternative ‘community justice’;
- assist in promoting respect for the human dignity of victims throughout the processes as they interact with all elements and levels of the Criminal Justice System;
- seek to repair harm done to the victim, by providing restitution and, in so doing, restore community harmony;
- ensure that our practices are in keeping with internationally accepted standards and with conventions to which we subscribe; and
- harmonize governmental and non-governmental initiatives which promote victim support and victim protection.

OVERVIEW

There is a growing trend, internationally, which has a focus on the treatment of victims of crimes rather than merely on the punishment of offenders. The United Nations has been in the forefront of this movement and the Victims’ Charter should not only recognize our national laws but should also take account of international norms to which we subscribe.

The **Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**, which was adopted by the United Nations on November 29, 1985, signalled the first time, since the beginning of the twentieth century, that international recognition has been given to the place of victims in the Criminal Justice System (General Assembly Resolution 40/34).

Historical Development: Ancient cultures viewed crime as an offence against victims, their families and the community. The goal of the criminal justice process was therefore to make things right by repairing the damage done to those parties, whether such damage was physical, financial or relational. The offence was not considered primarily as a crime against the State as it is today. The tradition was that the offender had to settle accounts with the victim and the family upon the intervention of the community.

Evidence in support of that approach can be found in several ancient legal codes.

The **Babylonian Code of Hammurabi** 1700 BC prescribed restitution in property offence cases and the **Roman Law of the Twelve Tables** 449 BC required convicted theft offenders to pay a multiple of the value of the goods stolen, depending on whether they were recovered.

The criminal justice system in pre-colonial African societies aimed not so much at punishing the offender, as at erasing the consequences of the harm suffered by the victim. The aim of the process was compensatory rather than punitive.

The Norman invasion of Britain witnessed a parallel shift in the purpose of the criminal law. The King’s peace became paramount and the actual victim was denied any meaningful place in the justice process.

That is the tradition from which our justice system evolved. Our criminal justice system has focused on the offender, not the victim. Victims are not parties to criminal proceedings instituted by the State and have no separate identity in the criminal law, save and except when they assume the role of witnesses for the prosecution in such proceedings.

They are even less important in the scheme of things where the offender remains unidentified and no one has been charged or arraigned before a court for the crime. The

United Kingdom Victims' Charter 1990 suggests that the State is under a duty to ensure that advancement of the primary purpose of the criminal law involves, as far as possible, no further detriment to the victim. He must not suffer secondary victimization. Some countries have made considerable progress in addressing victims' concerns and issues. In Chile, for example, no doubt after having experienced widespread human rights abuse and internal conflict, a Bill of Rights was decreed in 2000, mandating that victims of crime receive psychological care, medical attention, social services, legal advice and protection. Access to the victim is further made easier by the use of mobile victim service units.

The Universal Approach: This Charter is also being developed, fully recognizing the initiatives aimed at implementing those principles, including those contained in the **Handbook of Justice for Victims** and the **Guide for Policy Makers on the Declaration of Basic Principles**, both issued by United Nations Office for Drug Control and Crime Prevention, in 1999. According to the United Nations Declaration:

- 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 which they have suffered.
- Judicial and administrative mechanisms should ... enable victims to obtain redress through formal or informal procedures.... Victims should be informed of their rights in seeking redress through such mechanisms.
- The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
 - informing victims of the progress of the proceedings and of the disposition of their cases
 - allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected,
 - without prejudice to the accused
 - providing proper assistance to victims throughout the legal process.
- Informal dispute resolution mechanisms, including mediation, arbitration, and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.
- Offender should, where appropriate, make fair restitution to victims, their families or dependents.
- In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment

- Victims should receive the necessary material, medical, psychological and social assistance through governmental, community-based, and indigenous means.”

UNIVERSALLY ACCEPTED PRINCIPLES

It is important that some universally accepted basic principles guide the process of development of this Charter as outlined below:

- Information must be available to the victim on any fresh development in his case, including proposals concerning Plea Agreements, diversion programmes or restorative justice processes and information relating to what is expected of the victim at each stage of the criminal justice proceedings.
- The victim’s entitlement to information concerning the progress and any development in his case is a most important right.
- The informed victim is better able to understand outcomes and to be guided to a willingness to accept decisions of the court even when such decisions are adverse to him.
- Provision of facilities to ensure the comfort of victims, including segregated facilities for victims and defendants.
- Special treatment of victims who are vulnerable or intimidated.
- Special treatment of victims with disabilities including those who are mentally challenged.
- Criminal Justice Agencies must be sensitized to the needs of victims. Police, prosecutors, court officials and social workers must be alive to those special needs, from the victim’s first point of contact with the criminal justice system.

Victim Support Programme During Trial:

Emotional Support. There is the need for support for the victim in preparation to testify and to be available in court during the testimony of other witnesses, during the conduct of interviews and in dealing with public opinion.

Direct Assistance. The activities of the victim during the trial must be coordinated in order to minimize the number of appearances at court; participation in any witness protection programme; ensuring payment of witnesses’ expenses; preparation of impact statements for the courts; provision of safe places for victims when they are attending court; safe passage for victims to and from the venue.

THE JAMAICAN CONTEXT

Governmental and Non-Governmental Initiatives:

Jamaica established a Victim Support Unit in 1998. This Unit, up until recently located in the Ministry of National Security, is now within the Ministry of Justice. It is a police-linked witness protection programme, recognized by the **Justice Protection Act** of 2001. That law, to a limited extent, provides for prosecution linked measures clearly focused on witness protection rather than victim support.

Between 2001 and 2005, the Unit assisted over thirty thousand (30,000) victims of crime, the majority of whom were females. It plays a critical role in helping victims to traverse the new and difficult terrain once they have had their first contact with the justice system.

In 2005, the number of persons who turned to the Unit for help was eight thousand seven hundred and twelve (8,712).

The Centre for Investigation of Sexual Offences in The Jamaica Constabulary Force has proven extremely helpful and is designed to treat victims of sexual crimes in a fair and humane way.

Non-Governmental Organizations also offer support to victims. For example, the Women Crisis Centre assists victims of sexual offences and domestic violence.

In recent years, there has been a growth in Alternative Dispute Resolution initiatives. These have been effective in providing training, public education and resource material in mediation skills and, generally, have helped to foster a culture of non-violent resolution of disputes.

These initiatives include:

- “Change From Within”, a University of the West Indies programme;

- Peace and Love in Society (formerly Peace and Love in Schools);

- The Government-aided Dispute Resolution Foundation;

- The State sponsored Peace Management Initiative; and

- Peace and Justice Centres in communities such as Flankers, Trench Town and Grants Pen.

The Bustamante Hospital for Children has established a unit to deal particularly with child victims of violence. The police are the first point of contact for the vast majority of victims but, regrettably, after the investigations are completed and the victim becomes a witness, very little support is available.

THE WAY FORWARD

Reducing the Risk of Secondary Victimization

From the police, the next point of contact in the criminal justice process is the court and, since the nature of criminal proceedings is adversarial, victims are at risk of further victimization.

To give efficacy to the Charter, it is considered necessary to establish Victim Services Units attached to the courts in each parish with specially trained personnel to carry out the tasks assigned to each Unit. Such a Unit would not render the existing Victim Support Unit redundant but would be another link in the chain, taking up after the completion of investigation by the police, so that the Units would be complementary to each other. It has to be recognized that relationships, based on trust established in the early stages of the criminal investigation, will have to be preserved throughout the process until the case is disposed of.

The moment when the victim appears as a witness is often a turning point; pressure from the criminal justice milieu increases. Existing structures do not always provide a solution to this problem. Persons who are involved in organized illegal activities such as dealing in drugs, human trafficking and other trans-national offences are experienced and vicious

criminals. They aim, in several cases, to eliminate witnesses for the prosecution. Everything must be done to strengthen Witness Protection Programmes.

The Units will carry out the following functions, inter alia:

Ensure that victims are notified of date of sentence and, where appropriate, the hearing of auxiliary issues.

Conduct needs assessment and provide support for those attending court – including the payment of witness expenses.

Deal with requirements of the victim for any special measures, including the giving of testimony by live link.

Liaise with the prosecutor and defence in the preparation of cases for trial which involve victims and witnesses with special needs.

The existence of such a service would favourably influence citizens' perception of the prosecutor's accountability and commitment to making the system work for the people.

It would assist, for example, in ensuring victims' overall satisfaction with plea negotiations, since they would have been provided with information to help them understand the basis for the acceptance of a plea of guilty to a lesser offence.

This latter point has been recognized in the recently enacted **Criminal Justice (Plea Negotiations and Agreements) Act**, where the Director of Public Prosecutions is required to hear the views of the victim on a proposed Plea Agreement to be concluded pursuant to the Act.

In collaboration with persons who would be made available from the prosecutors' offices, the Units would also deal with witnesses or victims who may wish to travel overseas but are bound by recognizance to attend court.

In the context of a proposed Case Management regime in criminal cases, the Units would play an extremely important role.

Victims' Participation in the Criminal Justice Process

Victim Impact Statement

It is recognized that a victim's participation in the processes may place an unwanted burden on the victim himself beyond what would result from serving only as a witness. The contribution of a victim to decisions on sentencing, for example, may lead to even more harassment and intimidation, thus causing further anxiety. Nonetheless, it is now generally accepted that the views and concerns of victims must be accommodated and considered.

The introduction of the Victim Impact Statement is not to be viewed as another opportunity for victims to seek to exact revenge or to retaliate but rather to promote fair and just treatment of victims, to recognize that the criminal justice process exists because of victims and to alert the justice process to the emotional, physical and financial impact of crime on its victims and on our nation as a whole. In the United States of America at the Federal level, that lead was taken with the passage in 1982 of the **Victim and Witness Protection Act**. This piece of legislation introduced the Victim Impact Statement, parting company with tradition on the role of victims. Victims are systematically and consistently made aware of their right to submit impact statements.

To accomplish this, all criminal justice agencies that have contact with victims of crime must have comprehensive agency guidelines and protocols that outline the role and

responsibility of staff members in the collection, preparation, and control of the victim impact statement. How the statement is to be prepared and delivered is of critical importance and may well have to be determined by the circumstances of the particular case.

Provisions should be made that the statement may be made orally, in writing or by electronic means, video link or in other practical ways. Not all witnesses are willing to participate in the sentencing process due to fear of re-living the victimization, and the psychological harm that may result. Any Charter, by way of legislation or otherwise, must ensure that agencies have settled policies, guidelines and protocols. Experience has shown that the lack of systematic cohesive guidelines directly results in the under-utilization of victim impact statements. Concerns as to contents of such a statement and its method of preparation have to be clearly addressed. Allowable questions may range from focusing on the direct consequences of the crime to both quantifiable and subjective commentary on both the impact of the crime as well as sentencing recommendations.

The statement would have to be prepared with the help of the police, prosecutors, social workers, or probation and aftercare officers as a component of the pre-sentencing reports or it may be given separate and apart from that report as an oral statement of the victim at the time of sentence. Many Probation and After Care Officers are uncomfortable, ambivalent and too burdened by their primary role in the system to deal adequately with victims and recording their statements.

In the Family or Children Courts, where matters are less contentious and the offences are comparatively minor, the Probation and After Care Officers would prepare reports for the courts that would include the views of the victim and members of the community.

The Child Victim

Particular attention must be given to child victims and witnesses. The Economic and Social Council of the United Nations adopted Resolution 2005/20 on the 22nd July, 2005 recognizing that children as victims are particularly vulnerable and need special protection, assistance and support appropriate to their age, peculiar needs and level of maturity.

Member States are enjoined to adhere to the Guidelines annexed to the Resolution in developing legislation, policies and procedures in relation to children as victims of crime. In Australia, for example, a Victims'

Advocate, enjoying independence and security of tenure, is charged with being the guardian of victims' rights. With the introduction of a Children's Advocate under the **Child Care and Protection Act**, the Advocate must assume a role in the training of personnel to interview children as victims or witnesses. In the new dispensation, the child is to be taken to a child friendly location, away from the police station or court house. The interview is to be video taped and, although questions are put directly to the victim, doctors, police and social workers are given the opportunity to put questions relevant to their primary role to the victim through intervention by telephone.

The rationale for this “joined up” approach is to limit the exposure of the victim or witness to the public and the risk of further mental harm caused by having to narrate the traumatic event repeatedly.

Regard must be had to the following basic principles in dealing with children:

Child victims and witnesses should receive assistance from support persons, such as child victim or witness specialists, commencing at the initial report and continuing until such services are no longer required.

State functionaries should develop and implement measures to make it easier for children to give evidence and to improve communication and understanding at the pre-trial and trial stages.

Child victims and witnesses should have their privacy protected as a matter of primary importance.

Information relating to a child’s involvement in the justice process should be protected. This can be achieved through maintaining confidentiality and restricting disclosure of information that may lead to identification of a child who is a victim or witness in the justice process.

State functionaries should take measures to prevent hardship during the detection, investigation and prosecution processes in order to ensure that the best interests and dignity of child victims and witnesses are respected.

State functionaries, and care givers should approach child victims and witnesses with sensitivity, so that they: provide support, including accompanying the child throughout his or her involvement in the justice process; ensure certainty about the process, including providing the child victim and witness with a clear appreciation of what to expect in the process; the child’s participation in hearings and trials should be planned ahead of time and every effort should be made to achieve continuity in the relationship between children and the functionaries who are to guide them, throughout the entire process;

Ensure that trials take place as soon as practicable, except in circumstances where delay is in the child’s best interest. Investigation of crimes involving child victims and witnesses should also be expedited and there should be procedures, laws or rules of court that provide for cases involving child victims and witnesses to be so expedited;

Utilize child-sensitive procedures, including interview rooms designed for children, interdisciplinary services for child victims integrated in the same location, modified court environments that take child witnesses into consideration, recesses during a child’s testimony, hearings scheduled at times of day appropriate to the age and maturity of the child, an appropriate notification system to ensure that the child attends court only when necessary and other appropriate measures to facilitate the child’s testimony;

Limit the number of interviews. Special procedures for collection of evidence from child victims and witnesses should be implemented in order to reduce the number of interviews, statements and hearings. Greater use should be made of video recording;

Ensure that, where the safety of a child victim or witness may be at risk, appropriate measures are taken to require adequate reporting to the appropriate authorities and to protect the child from such risk, during and after the justice process.

Parole Hearings and the Victim

Restorative Justice processes do not cease to be relevant in cases where an offender has been incarcerated as punishment. There are provisions in the **Parole Act** for the establishment of Parole Committees in each

parish. The recommendations of a Committee are taken into consideration where the Board has to determine whether or not to grant parole.

This Committee carries out investigations in relation to matters referred to it by the Board and makes its findings known to the Board. Implicit in these provisions is the Committee's power to consult anyone in a community, including a victim, to obtain his or her views on any matter they may be investigating.

According to Section 4 of the **Parole Act**, the Board has authority to require *"the appearance before the Board of ... such witnesses as the Board may consider necessary for the purposes of this Act"*.

However, when the offender is to return to society, his release can result in more pain for the victim and for the offender himself, each of whom may be seeking revenge rather than reconciliation. The reintegration has to be handled carefully; moreso, where there is to be early release of the offender. The Charter should include provisions for the views of the victim to be ascertained at Parole hearings.

This may be less difficult where the offence is categorized as domestic in nature; but victims of gang violence, mob style killings and sexual offences may find it painful to attend hearings or even to give their views to another "court like" body such as the Parole Committee. As a first step, Parole Committees should be required to hear the views of victims and have their statements included in any report submitted to the Board. It would then be a matter for that body to determine whether it would wish to receive oral representations from the victim.

Since an applicant for parole may be granted leave to be present at the hearing, which is held in camera, the risk of confrontation between an unrepentant offender, still protesting his innocence, and an emotionally and sometimes physically scarred victim has to be weighed with great care.

VICTIM COMPENSATION

Our criminal jurisprudence has developed in such a way that it has come to be understood that the victim of a crime is left to seek his own remedy for the wrong which he has suffered, after discharging his obligations to the State in the prosecution of the crime.

For minor offences, where it would be burdensome to the victim to pursue civil remedies, a court may be empowered to make summary orders for compensation or restitution and costs. It should be noted, however, that the majority of these offences fall within the jurisdiction of the lower courts where victims can themselves initiate the criminal proceedings.

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Examples are to be found in:

Section 58 of the **Justice of the Peace Jurisdiction Act**;

Section 58 of the **Offences Against the Person Act**;

Section 43 of the **Malicious Injuries to Property Act**.

On the other hand, in the case of an offence involving physical harm to any person where there has been a conviction, no provision in law now exists for the court to order compensation to the victim of that crime.

In the majority of cases of serious personal injury, the offender is sentenced to a long term of imprisonment and is impecunious even before incarceration. The civil remedy is one of damages, and any judgment to

that effect is likely to be left unsatisfied. The victim and his family must endure the hardships while the State protects and maintains the offender in a correctional facility.

Article 12 of **The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** enjoins all Member States to endeavour to provide compensation for victims of violence and the families of those who die as a result of criminal conduct. Some States have interpreted this clause to include victims of crime where the perpetrator is unidentifiable.

Policy decisions will have to be made concerning the definition of “victim” for the purposes of this Charter.

The nature of the harm that is suffered ought to be of paramount importance. It may be that the emphasis should be on personal physical injuries, leaving victims of property damage and economic loss to the usual civil remedies.

Who Should Pay?

The Court must not be placed in a position where the exercise of its powers to sentence an offender may appear to be compromised. If compensation is to come from the offender it should be in the context of a restorative justice effort to right the wrong.

Where the state takes a lead role in providing compensation, it serves as a formal acknowledgment of the injury and suffering caused by the crime, an expression of condemnation and abhorrence of the unlawful infliction of harm to a member of the society and concern and support for the victim on the part of the wider community.

The choice may well be between a state administered criminal injuries compensation scheme and a statutory regime, permitting or mandating the payment of compensation by an offender following

conviction, or an appropriate mix of the two. In general, a victim who is innocent of criminal activity or contributory misconduct should benefit from some form of compensation. This is a useful starting point.

The idea of victim compensation can be traced to Babylonian civilization 2380 BC, and the original peoples of the Americas and elsewhere have utilized restorative justice practices for centuries. The European Forum

for Victim Services has urged states to ensure that victims of violent crimes receive compensation from public funds as soon as possible after the injury is suffered, whether or not the offender has been identified.

Compensation by the offender can be implemented at such a stage in the criminal justice process that the case may be treated as closed. This may be as a condition attached to non-custodial sentence, as a sanction in itself or as an additional penalty. When it is imposed as part of punishment, the compensation must come from the defendant’s own resources.

Reparation for collective victims is not unknown to international law. Offences such as genocide and slavery have attracted compensation. At the national level, there are also

examples of the state making reparation for crimes committed by agents of the state. Compensation has also been paid, even if only symbolic, in some states such as the Republic of South Africa, in an effort to get to the truth behind conflict as a basis for reconciliation and the advancement of democracy. Difficulties in financing a state funded compensation scheme would appear to be to be a strong factor militating against the establishment of any such regime. In a society where domestic violence is rampant and so many persons become victims of unsolved criminal offences against the person, such a scheme would be hard put to find resources out of a national budget. Such a regime for investigation of claims and the costs of administering the scheme would be burdensome to the taxpayer. Primary victims are individuals against whom the crime was directly committed but there are also secondary victims who are indirectly harmed by the offender. Their lives are disrupted and they share in the loss and the emotional suffering that result from the crime. The community is also affected, to the extent that public safety and confidence in the ability of the state to protect its citizens is eroded; public order is disrupted and traditional values are undermined. To minimize the destructive effects of crime, communities must be mobilized to be prepared to make immediate interventions. Community based assistance programmes must be put in place to render tangible support to victims. To use the medical analogy, “before healing can occur the bleeding must be stopped”.

SOME POLICY CONSIDERATIONS AND IMPLEMENTATION OF A VICTIMS’ CHARTER

Should the Victims’ Charter be embodied in a statute, with appropriate sanctions for its breach or should it be a guide to functionaries in the criminal justice system?

Should the definition of “victim” be confined to those who directly suffer injury or loss, or expanded to include family members and dependents?

Should the views of victims be contained in a Victim Impact Statement and, if so, should such a procedure be discretionary or mandatory?

If there is to be the establishment of a court-linked Victim Services Unit, should such a Unit be recognized by statute or should the **Justice Protection Act** be amended to give effect to such a decision?

Should there be a State run Victim Compensation Scheme? Or, should the first step be taken of amending the **Criminal Justice Reform Act** to empower a court to make Compensation Orders in appropriate

cases? The response of institutions, in particular state run institutions, to the victim is of critical importance. At times, institutional secondary victimization results in denial of human rights of persons who fall in vulnerable groups, such as victims of child abuse and sexual offences. The root cause of secondary victimization may very well be the insensitivity to the needs of victims on the part of functionaries who are responsible for ordering and directing criminal justice processes. Such requirements are not necessarily to avenge the wrong but for victims to be treated with dignity, respect and fairness.

Indeed, agencies established to assist victims of crime may develop policies and procedures that lead to secondary victimization. A Victims' Charter must enjoin all agencies that are required to interact with victims to have due regard to their basic remit and principles. Such agencies may be: hospitals which develop policies that unduly restrict access to a bereaved family to the body of a deceased family member; the school or child care giver which discounts the child's complaint of abuse; a doctor who fails to report signs of physical injury to a child; or the intrusive or inappropriate filming and reporting by the media of a victim's experience of violent attack.

If the goals set out in the Charter are to be met, adequate training, education and information should be made available to professionals, who work with victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes which are meant to protect and to deal with them effectively and with sensitivity.

The training should cover such areas as:

- relevant human rights norms, standards and principles, including the rights of the child; principles and ethical duties of their office;
- crisis assessment skills and techniques, especially for making referrals, with an emphasis placed on the need for confidentiality;
- developing an understanding of the impact and consequences of crime;
- special measures and techniques to assist child victims and witnesses in the justice process;
- cross-cultural and age-related linguistic, religious, social and gender issues;
- appropriate adult-child communication skills;
- interview and assessment techniques that minimize any trauma to victims, while maximizing the quality of information received from them.
- methods designed to protect and present the evidence given by child witnesses;
- roles of, and methods adopted by, professionals in their interaction with victims and witnesses.

State functionaries should therefore make every effort to adopt an interdisciplinary and cooperative approach in assisting victims, by familiarizing themselves with available avenues, such as victim support, advocacy, economic assistance, counselling, education, health, legal and social services. This approach may include protocols for the different stages of the justice process, to encourage cooperation among such entities.

It is also clear that mutual assistance agreements for the purpose of facilitating the collection and exchange of information and the detection, investigation and prosecution of trans-national crimes must be structured in such a way as to take account of the needs and the rights of victims.