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Message to the Liege Colloquy

Prof. Dr. Jan Van Dijk

University of Tilburg/INTERVICT, the Netherlands,
Past President World Society of Victimology

On behalf of John P. J. Dussich, Ph. D.

President, World Society of Victimology

Distinguished colleagues, it is my honor to present this message from the World Society of Victimology (WSV) on the occasion of the Liege Colloquy of the International Penal and Penitentiary Foundation meeting of June 2009 representing our President, John Dussich. He is deeply sorry that he could not attend this important meeting. I am pleased that I have been given the opportunity to address the topic "The influence of the <<Big Five>> criminological NGOs on national and international policies." on his behalf. After a brief introduction of the WSV, I have answered the key questions posed to us directly, followed with a conclusion. With your kind permission I will take the liberty to add a few personal observations on the issues under scrutiny drawing upon my experiences as former director at the United Nations Office on Drugs and Crime in Vienna responsible for criminal policies.

Introduction

The origins of the WSV are rooted in the works of the early victimologists, especially Benjamin Mendelsohn who was the first to propose that an international organization be dedicated to victimology. Also significant was the pioneering "First International Symposium on Victimology" organized by Israel Drapkin in Jerusalem in 1973. This symposium provided scholars, practitioners, researchers and students with the first international forum to focus on victimology. Successive International Symposia on Victimology were organized in Boston, USA in 1976 and in Munster in 1979, where the Society was formed, and Hans Joachim Schneider became its first president. Since then the Society has hosted Symposia every three years in all major regions of the world:

- 1982 Tokyo/Kyoto, Japan
- 1985 Zagreb, Croatia
- 1988 Jerusalem, Israel
- 1991 Rio de Janeiro, Brazil
- 1994 Adelaide, Australia
- 1997 Amsterdam, the Netherlands
- 2000 Montreal, Canada
- 2003 Stellenbosch, South Africa
- 2006 Orlando, USA
- 2009 Mito, Japan

The WSV is a member-driven organization, drawing its members from diverse fields including: victimology, victim assistance, law, criminology, medicine, nursing, social work, public policy, psychology, sociology, governance and other specialized areas of expertise. The members of the Society elect the Executive Committee which governs the Society and acts on behalf of the membership.

The WSV works with intergovernmental organizations, as an active promoter of research and program development on victims, assistance to victims, and victim rights. It pioneered a special United Nations' charter of victims' rights, which resulted in the General Assembly Resolution (A/RES/40/34) named the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The WSV's members represent many organizations in the International Scientific and Professional Advisory Council (ISPAC) to the Crime Program at the United Nations, and serve on its Board of Directors. These activities are achieved mainly through the networking of persons concerned with the theories of victimology, the practices of victim support and the principles of victim rights.

As a non-governmental organization with Special Category consultative status with the UN's ECOSOC, the WSV is involved in the United Nations Congresses on Preventing Crime and Treatment of Offenders and in the annual meetings of the Commission on Crime Prevention and Criminal Justice in Vienna. The WSV is also active with Victim Support Europe, co-funded by the European Commission Council and with the National Organization for Victim Assistance in the USA, and with other national, regional and territorial organizations across the globe.

Answers to the Key Questions

1.

Q: When and why, and for what purpose, has your organization been created?

A: The WSV was created in 1979 with the objective of advancing victim rights and victimological research and practices in the entire world; to encourage interdisciplinary and comparative work and research in this field; and, to advance the cooperation of nations and international, national, regional and local organizations and work groups which are concerned with the problems of victims in the entire world.

2.

Q: In what kind of scientific context was it created? Did that context make the birth easier, or difficult?

A: The early scientific context had much to do with the initiatives of individual criminologists and lawyers dealing with the plight of victims of crime. In the mid 1960s in the USA and Europe the dissatisfaction with not being able to measure the "dark figure of crime" gave rise to highly sophisticated scientific measurements about victims of crime and a wide array of related variables (victimization surveys). The most dramatic finding of these surveys was the realization that unreported victimizations represented more than half of all crimes committed. The magnitude shocked those concerned with the plight of victims. The other main finding was widespread dissatisfaction among reporting victims with the way their reports had been dealt with by the authorities. These findings dramatically underscored the need for international collaboration on this issue. Thus, the scientific findings facilitated the justification for an international organization dedicated to victim rights, victimology and victim services.

3.

Q: Is influencing criminal policies a concern of your NGO and if so, through what target persons or groups?

A: Influencing criminal policies is one of the primary concerns of the WSV, especially as those policies impact the national and international rights of victims of crime and abuse of power. In addition to having played a major role in the enactment of the United Nations Declaration of Basic Principles of Justice and Abuse of Power in 1985, the WSV serves as an international victims' rights forum for discussions concerning international instruments of the United Nations, and the International Criminal Court; regional instruments of the Council of Europe, and the European Union; and, NGO instruments throughout the world, such as Victim Support Europe (formerly

the European Forum for Victim Services), World Health Organization's treaties, conventions, declarations, norms and standards; and the WSV's emerging draft Convention aimed at justice and support for victims of crime, abuse of power and other stark misfortunes. The ultimate target persons related to these policies include actual and potential victims of crimes, abuse of power, terrorism, human trafficking, hate crimes, natural and manmade disasters and accidents.

4.

Q: Does your NGO define itself, and function, as a lobby? What are the ways (journals, electronic media, etc.) for diffusing its ideas?

A: The WSV does include lobbying as a major function in support of victims' rights as embodied in the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power around the world. Its Strategic Plan 2006 states: "It continues to lobby governments on the importance of legislative and program reforms to meet those basic principles, particularly through its UN Liaison Committee at the UN Commission on Crime Prevention and Criminal Justice and at the quinquennial UN Congresses on Crime Prevention and Criminal Justice". Also, addressing the diffusing of ideas, the WSV's Strategic Plan states: "The WSV organizes International Courses on Victimology and Victim Assistance. The two week course on victimology, victim assistance and criminal justice has been organized annually since 1984 in Dubrovnik. Similar courses on victimology and victim assistance have been organized for Asia in Mito, Japan since 1998, for Central America in San Salvador since 2001, for South America in Caracas and Bogotá since 2002, and a course was organized in South Africa in 2003. It worked with the UN to develop the Guide for Policymakers and the Handbook on justice for victims on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (www.victimology.nl). It has fostered the translation of these books into other languages including French and Spanish" (see www.worldsocietyofvictimology.org).

5.

Q: Do you make recommendations regularly, or at what occasions?

A: The WSV has made recommendations for policy changes in the past. The two most notable have been the preparations and discussion for the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; the continuing support with active volunteering in many nations focused on the implementation of the UN Declaration; and, the most recent is the WSV's draft UN Convention on Justice and Support for Victims of Crime

and Abuse of Power, elaborated in collaboration with INTERVICT at the University of Tilburg.

6.

Q: Did your NGO experience reversals or theoretical breaking offs? Why did they happen?

A: There have never been any reversals; however, there have been theoretical deviations from the original focus on just crime victims which has been part of the ongoing dialectics about victimology hosted by WSV workshops, symposia, courses, and publications. Today the WSV serves as a theoretical umbrella for three primary theoretical sub-divisions: crime victimology, manmade victimology; and general victimology. In terms of research, the primary focus remains on human victims and survivors who suffer as the result of crimes including international crimes as tried by the International Criminal Court and who deserve to be treated with respect and dignity so that their suffering can be relieved and their recovery be facilitated.

7.

Q: What are the main data sources of your NGO?

A: For the administrative needs of the WSV, our organization uses data from our membership directory and the membership files. Other data sources for victimological concerns come from a wide variety of sources outside of the WSV: the United Nations studies; the International Victimization Survey (ICVS) Series; the US National Crime Victimization Surveys; national Victimization Surveys for other countries; World Health Organization; and the various top victimological institutes with which we have professional links: in the US, the National Crime Victims Research and Treatment Center at the Medical University of South Carolina in Charleston, SC.; in Japan, the Tokiwa International Victimology Institute (TIVI), Mito, Ibaraki; and, in the Netherlands, the International Victimology Institute Tilburg (INTERVICT).

8.

Q: Do your statutes insist on independence towards influences or define other deontological guidelines?

A; In the WSV's Basic Statutes of Incorporation two ethical points are stated, that: "The Society is active in altruistic endeavors."; and that: "By dissolving the Society or by abolition of its purpose, the capital of the Society will go to the International Red Cross whose main office is in Geneva and who will use the capital directly and only for charitable purposes."

9.

Q: Can you evaluate the success of your campaigns or actions? How?

A: The WSV is generally credited for the elaboration and subsequent adoption of the said 1985 UN Declaration on Victims' Rights. Also generally recognized is the key contribution of the Society in the follow up of the Declaration consisting of lobbying for its implementation at the national and international level (Rome Statute) and the elaboration of the Handbook and the Guide for Policymakers. From a more formal perspective, each of our committees' missions are presented and then evaluated annually in the form of standing committee reports to judge their tasking from the Executive Committee. One principle measure of effectiveness is the number of new members who register with the society over each three year period (current membership is around 600). One principle measure of efficiency is reflected in the financial balance of the organization such that all bills are paid in a timely manner and that all funds are managed in the best interests of the Society and according to the best principles of accounting.

10.

Q: Are there « products » linked to your NGO?

A: The WSV has a wide range of <<products>>:

- Since 1979 every three years the WSV has coordinated 12 major one-week symposia on victimology.
- The WSV coordinates special two-week post graduate courses on Victimology and Victim Assistance in different regions of the world every year: The oldest, held every year in Dubrovnik, Croatia – which serves the European Region, has just celebrated its 25th anniversary. Others are regularly held in Mito, Japan serving all of Asia; San Salvador, El Salvador serving Central America; Caracas, Venezuela and Bogotá, Colombia serving South America; and, Johannesburg, South Africa serving Africa. These courses are also held in conjunction with each of the triennial symposia wherever they are held.
- The WSV also created in 1989 and now cooperates with a journal, the International Review of Victimology published in England.
- Since its inception, the WSV has published a newsletter, The Victimologist, which provides information on current events, short articles on various aspects of victimology and victim assistance, news about the organization and its activities and announcements about upcoming victim related events.
- Following most of the symposia, the WSV has published books of symposium proceedings of the key speakers and other representative presentations.

- As an ongoing publication, the WSV had published a membership directory which had listed an historical overview of all past organizational events, plus a complete list of all members in good standing with their addresses. Currently the WSV provides this service on our website at: www.worldsocietyofvictimology.org .
- Recently upgraded and expanded, the WSV now has a website on all its activities with links to partner organizations, The Victimologist newsletter, the post graduate courses, the upcoming symposia, organizational information (Executive Committee members, Standing Committees, Basic Statutes of Incorporation, Strategic Plan, Procedures Manual, and links to other relevant resources within victimology and victim assistance.
- To facilitate membership, the WSV has an eight-panel information and application brochure which is published in English, Spanish, Japanese, Chinese, Arabic, Italian, and German.
- To facilitate participation of its triennial symposia, the WSV and symposium host publishes a symposium-dedicated brochure every three years explaining the details of the upcoming symposium.
- Every three years at its symposia and sometime more often, the WSV makes awards to individual victimologists who have demonstrated outstanding scholarship, research and dedication to the field of victimology.
- As a result of our United Nations Liaison Committee, the WSV participates in numerous UN events: the annual Commissions on Crime Prevention and Criminal Justice in Vienna, Austria; the annual International Scientific and Advisory Council of the United Nations Crime Prevention and Criminal Justice Program, in Courmayeur, Mont Blanc, Italy; the quinquennial United Nations Congress on Crime Prevention and Criminal Justice held in different regions of the world each time; and, many other supporting events related to the above occasions.
- As various events occur, from conferences, training opportunities and mass victimizations, members of the WSV have volunteered their private time on behalf of the Society to render aid and consultation on behalf of victims across the world.

11.

Q: Did you experience surprises in the use made of your messages?

A: From time to time, nations, organizations and individuals have unexpectedly responded to our messages in positive ways that reflected having received encouragement, technical assistance and general information which responded to their needs on behalf of victims.

12.

Q: Do you feel it desirable, and do you try, to co-ordinate your positions with other NGO's?

A: The WSV has always found it beneficial to co-ordinate many of our activities and positions with other NGOs. This was especially true in the successful completion of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985. It is now very apparent in the more difficult struggle to coordinate nations to support the draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power. We are continuously trying to find collaborative opportunities to offer our support for other organizations which are involved with victims and to ask help from these same organizations. We are especially pleased to be part of the <<Big Five>> organizations and look forward to future collaborations on topics of mutual interest.

13.

Q: What is your feeling of the effectiveness of a consultative position towards the UN or other IOs? Has the situation changed throughout the time?

A: The WSV strongly believes in the effectiveness of a consultative position towards all organizations which share common ideals and goals towards preventing victimization and providing justice for victims.

On a more personal note I would like to add the following observations about the changing role of international NGO's such as the "Big Five" at UN bodies. Over the past twenty years issues of international criminal justice have significantly gained in political importance. Besides the ever expanding body of soft law, consisting of standards and norms such as the Victims Declaration, no less than six binding international legal instruments on criminal justice have been adopted by the United Nations. Three fully-fledged conventions and three protocols on criminal justice issues have entered into force¹. The resulting upgrading of the crime prevention and criminal justice programme of the UN has gone hand in hand with a process of "diplomatization"² of the decision making processes in the relevant UN

¹ The conventions against transnational organised crime, corruption and the Rome Statute and the protocols against human trafficking, smuggling of migrants and the illicit manufacturing of and trafficking in firearms.

² The term diplomatization has been coined by the Italian magistrate Gino Polimeni, influential member of many Italian delegations at the Council of Europe and the UN and former director of UNICRI. It refers to the increasing substitution of generalists from ministries of Foreign Affairs for criminal justice experts in deliberations on international criminal justice at international organisations.

bodies (for a review of these developments see Van Dijk, 2009)³. In a previous era individual experts were readily given access to international decision-making on criminal justice, including by including them in national delegations to UN bodies. The Crime Commission (formerly a Committee) as well as the United Nations Congresses on Crime offered ample opportunities for individual experts to influence draft resolutions on topical issues. At a political summit in 1991 in Versailles, procedures of both the Crime Commission and the Congresses were streamlined with a view of strengthening the *primacy* of the political process. In the current situation effective lobbying of the relevant UN bodies requires actions upstream, that is in early stages of decision-making, for example by contacting political decision-makers at ministries of justice well in advance of UN meetings. Within Europe, a potentially important new avenue for effective lobbying seems the European Union which holds a rapidly broadening mandate on criminal justice and plays an increasingly dominant role in coordinating positions of member states at UN bodies.

Concluding Comments

The WSV is most grateful for the opportunity to have responded to these challenging questions. The WSV would like to reaffirm its support for the periodic meetings of the <<Big Five>> to further the interactive consultation and collaboration between and among our organizations. Furthermore, we would encourage the leaders of this association to consider other possible partners, especially with those organizations which are involved with human rights issues, health issues, and governance issues. It is our belief that these allied areas can be of major benefit to the objectives that all of us seek to improve the human condition in all areas of the world. The WSV will conduct its 13th International Victimology Symposium from August 23-28 this summer. Its theme is: "Victimology and Human Security". I invite all of you, as individuals and as representatives of your respective organizations to please consider attending and participating in this important international event. Finally, please be mindful that the WSV continues to search for ways to convince nations to adopt the principles and concepts of the current draft of the UN Convention on Justice and Support for Victims of Crime and

³ For a more detailed review of the history and prospects of research on crime and criminal justice in the framework of the United Nations I refer to my chapter, *Criminological Research in the Framework of the United Nations* in the *International Handbook on Criminology*, edited by Hans Joachim Schneider (H.J. Schneider, 2009, *International Handbook of Criminology*, Volume II, Berlin, De Gruyter, 2009)

Abuse of Power so as to bring these principles to the floor of the upcoming 12th United Nations Congress on Crime Prevention and Criminal Justice to be held next year from 12-19 April 2009 in Salvador, Brazil. If any members of the <<Big Five>> organizations have any suggestions to further this object, please contact our Executive Committee at your earliest convenience.