New Directions in International Victim Assistance

ndividuals throughout the world—in large urban cities and in small villages—face problems with crime and violence and much can be gained from examining the unique approaches to addressing the rights and needs of crime victims that have been undertaken by diverse communities and nations. Increasing numbers of people travel and live abroad, and are victimized in countries where they may be unfamiliar with the language and legal and social service systems. In addition, crimes such as international terrorism and commercial sexual exploitation of children are well documented. This section discusses international issues facing the field of victim assistance today and briefly highlights approaches that have been taken in other countries to address crime victims' needs. In addition to serving their own victims domestically, many countries are participating in international collaborative efforts to improve the rights and treatment of crime victims worldwide. Finally, the section makes recommendations for improving services to American citizens who are victimized abroad and foreign citizens who are victimized in the United States, as well as continued collaboration and reciprocity in the provision of victim services worldwide.

CHAPTER 18

International Perspectives in Victim Services

Victimology is increasingly recognized as an international field of research and action, transcending many cultures and legal systems. The United States is visited by millions of foreign nationals each year, and citizens of the United States travel and live in virtually every part of the world. As our societies become more global and mobile, it is no longer possible to confine victim assistance to the borders of a particular country. Crime and victimization have become transnational, and countries must look beyond their national boundaries to share information, technology, and resources to assist victims.

Crime afflicts urban populations in all parts of the world. The extent of that crime was recently examined through the *International Crime [Victimization] Survey,* which measured crime in more than 50 different countries. By bypassing differences in legal codes and definitions of crime that have made comparing crime data among countries difficult, the survey has produced the most comparable cross-national data on crime available to date. Conducted in 1989, 1991, and 1996, the survey found that more than a third of all urban dwellers in the world do not feel safe in their own neighborhoods at night and that crime rates are highest in major cities in Africa and Latin America. In every country surveyed, including the United States, no more than 10 percent of victims received assistance from a specialized victim assistance agency.¹

Countries can learn a great deal from one another about ways to address crime victims' needs. Rights and services for crime victims vary considerably from one country to another. Crime victims in some countries enjoy greater participatory rights in court than do victims in the United States. For example, victims in some countries can review evidence, ask questions during the trial, be represented by an attorney at the country's expense, and even appeal the decision of a prosecutor not to file their case. A few countries provide victims with an ombudsman to help ensure enforcement of their rights. Other countries have established innovative partnerships or stronger laws to help protect victims:

Crime victimization and violence has become an international epidemic. It is imperative that victim assistance become an international antidote and the central feature of a universal strategy of victimization prevention.

Marlene A. Young,
Executive Director,
National Organization
for Victim Assistance

- In Cordoba, Argentina, a victim assistance program has developed a
 multidisciplinary approach in which every victim referred to the
 program is met by two people: a mental health worker who helps
 the victim with the psychological trauma of victimization, and a
 lawyer who helps the victim through the criminal justice process.
- Throughout Brazil, there are more than 500 police stations staffed entirely by women to provide services to victims of domestic violence and sexual assault. The stations, which are being replicated in Japan and Costa Rica, were created because they encourage female victims to report crimes.
- In France, a survivor of a terrorist attack in Paris created an association for terrorism victims in 1986 called S.O.S. Attentats. The association helped to establish a compensation fund for victims of terrorism, and provides counseling and forums for these victims to share their trauma. The association also provides legal advocacy, including assistance with filing civil lawsuits.
- In Canada, a law was recently passed to provide standing for crime victims in cases involving the potential release of their records. Legal aid lawyers help to represent victims in these cases.
- For years, Australia and some Scandinavian and European countries have had strong drunk driving laws, allowing blood alcohol levels of only .02 to .05, less than half of that in most states in the United States.
- In many areas in New Zealand, law enforcement responds with social workers to domestic violence calls. The country is currently pilot testing the creation of victim assistance programs in courts in four jurisdictions.
- In South Africa, programs have been developed to educate men about domestic violence.

The 1982 *Final Report* of the President's Task Force on Crime Victims did not specifically address international issues, but a few years after its publication, the United States began to take an active role at international conferences and meetings related to victims of crime. A U.S. delegation to the 1985 United Nations meeting on crime issues worked on drafting the resolution that later became the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.² A similar U.S. delegation was active in raising issues of domestic violence at the 1985 U.N. Conference on Women in Nairobi, Africa. Then Assistant Attorney General Lois Haight Herrington, who chaired the 1982 Task Force, was a leading figure in both delegations.

Since the release of the 1982 *Final Report*, there has been increased attention in the United States on the unique needs of American citizens victimized abroad, as well as those of foreign citizens victimized in the United States. There have also been considerable efforts to address victimization issues at an international level. While the complexities of transnational victimization are too numerous to cover comprehensively here, this chapter outlines some of the activities that have been undertaken at the national and international level to address the realm of international victim assistance.

International Collaboration on Victims Issues

While international interest in the victims movement is still relatively new, the first work in the field of victimology was pioneered in the 1940s by an Israeli researcher, Beniamin Mendelsohn, and a German researcher, Hans von Hentig. Later, the work of English legal reformer Margery Fry resulted in the passage of victim compensation legislation in New Zealand in 1963, soon followed by Great Britain and several states in the United States. The rape crisis movement emerged in the United States and other countries in the early 1970s.

International recognition of victimology as a distinct branch of criminology came with the first International Symposium on Victimology, held in Jerusalem in 1973, where a series of papers on victim compensation, crisis intervention, and the concept of a victim ombudsman were presented. By the end of the 1970s, those ideas were reflected in the establishment of victim service programs such as rape crisis centers, domestic violence shelters, and victim-witness units in a number of countries including the United States, the United Kingdom, and Canada.

United Nations Initiatives

During the past two decades, the United Nations has undertaken a number of initiatives to address the myriad needs of crime victims at the international level. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Declaration) was adopted by consensus in the United Nations General Assembly in 1985, reflecting the collective will of the international community to address the interests and concerns of victims of crime.³ Considered a Magna Carta for crime victims around the world, the Declaration is based on the philosophy that victims should be treated with compassion and respect for their dignity, and that they are entitled to access the mechanisms of justice and to receive prompt redress for the harm they have suffered.

The Declaration purposefully speaks of basic principles of justice for crime victims, which include access to justice and fair treatment, restitution, compensation, and assistance. The last category includes

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. 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 in seeking redress through such mechanisms.

> United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

It is a violation of human rights when individual women are raped in their communities and when thousands of women are subjected to rape as a tactic or prize of war. It is a violation of human rights when a leading cause of death worldwide among women ages 14 to 44 is the violence they are subjected to in their own homes. If there is one message that echoes forth from this conference, it is that human rights are women's rights . . . and women's rights are human rights.

First Lady Hillary Rodham Clinton, United Nations Fourth World Conference on Women, Beijing, China, September 5, 1995. material, medical, psychological, and social assistance through comprehensive use of governmental, voluntary, community-based, and indigenous groups. The Declaration also addresses various principles of justice for victims of abuse of power.

Governments and organizations around the world have responded to the challenge of implementing the Declaration in different ways. Victim justice became a much livelier public issue in Poland, Sweden, India, the Philippines, Brazil, and Germany, to cite six of many possible examples, following its adoption. Victim assistance programs and services have developed around the globe in such diverse nations as Japan, New Zealand, Nigeria, The Netherlands, and Mexico. Other countries, however, have only begun to establish mechanisms to respond to victims' concerns.

The United Nations has undertaken a number of initiatives in recent years to foster implementation of the Declaration worldwide. In 1996, the fifth session of the United Nations Commission on Crime Prevention and Criminal Justice in Vienna, Austria, adopted a resolution calling for the development of an international victim assistance training manual to help countries worldwide develop programs for victims of crime. The Office for Victims of Crime has taken a leadership role in working with scores of experts in victim issues from every region of the world, to develop a *Handbook or Justice for Victims*, and an accompanying *Guide for Policymakers*. Both documents, which contain promising practices and victim assistance approaches from countries around the world, will be submitted for consideration at the seventh Session of the U.N. Crime Commission in 1998.

In 1995, the Fourth United Nations Conference on Women in Beijing, China, was a significant step forward in the international arena for victims of domestic violence. The Conference's final document, the Platform for Action, is a powerful and progressive statement about the empowerment of women and the imperative to eliminate violence against women in all its forms.

Emerging Issues in International Victim Assistance

A number of international victimization issues have become increasingly apparent to the victim assistance field in recent years, including crimes against international tourists, victim compensation, international terrorism and crisis response, and crimes against children. These issues are discussed below.

Victimization of Tourists

International tourist crime is a chronic and growing problem, increasingly causing economic decline, deterring investment, and threatening quality of life in countries all over the world. Tourists who become victims often face unique issues such as isolation and culture shock, lack of familiar social support, travel stress, and language barriers. In addition, most tourists are not familiar with the laws of the country they are visiting, or the criminal justice, social services, health, and mental health systems they must interact with after victimization.

Throughout the world, tourist-dependent economies have implemented a variety of promising, comprehensive programs to deal with the increasing number of tourists who become victims of crime. Many of these programs assist both domestic and international travelers. Programs to assist tourist victims have been implemented in the United States in New York, New York; Orlando, Florida; and throughout Hawaii. They are also available in Dublin, Ireland; Amsterdam, Netherlands; Buenos Aires, Argentina; San Jose, Costa Rica; and throughout New Zealand and Aruba. Specialized services provided by these programs generally include replacement of personal identification, assistance with transportation and lodging, emergency medical assistance, advocacy and support through embassies and consulates, bereavement services, and communication assistance.

Crime Victim Compensation Around the World

In countries all over the world, victims of crime suffer physical injuries, emotional pain, and financial losses. While many nations provide victim compensation benefits, they often do not apply to foreign travelers. When they do, the small percentage of victim tourists who learn that compensation benefits are available are often discouraged by the legal intricacies of applying for compensation.

To inform travelers from all nations about benefits that exist in the country they are visiting and how to apply for those benefits, the Office for Victims of Crime, in partnership with the U.S. Department of State, developed an *International Victim Compensation Program Directory* in 1996. The State Department sent surveys to U.S. embassies in 174 nations, and questionnaires were then forwarded to the appropriate officials in each country. Of the 91 countries that responded, 30 countries in addition to the United States reported that they have established victim compensation programs. These programs are listed in the directory. Unlike compensation programs in the United States, a number of countries, including Austria, Belgium, and Denmark, do not place maximum award limits on compensation benefits. All but three countries offer benefits to foreign citizens victimized in their country, and seven countries compensate their own citizens who are victimized

I wasn't informed that I should call the Canadian consulate at the time, nor were any contacts made to the Canadian consulate about the crime, even after I requested it.

A Canadian tourist victimized in the United States

abroad. Three countries, including the United States, specify that compensation benefits are to be made available to victims of terrorism. Three additional countries, Colombia, Italy, and Israel, operate compensation programs solely for victims of terrorism. The Netherlands provides compensation for legal aid expenses as well as aid for extensive services to replace work in the home previously performed by the victim.⁴

International Terrorism and Crisis Response

International crises such as terrorist attacks involve victims and survivors from many different countries, and local caregivers are sometimes unable to intervene usefully due to lack of education, resources, and language and cultural barriers. Moreover, because of complicated international investigations which frequently involve multiple jurisdictions, the rights, needs, and services available to victims of terrorism may be overlooked.

A number of organizations provide invaluable assistance to victims of international terrorism and their families. The National Organization for Victim Assistance (NOVA), for example, worked in the 1980s with family members of U.S. hostages taken in Iran and Lebanon by convening support group meetings, developing a hostage family newsletter, and helping them contact governmental agencies. In 1990, the organization developed *Coping with the Iraq/Kuwait Crisis:A Handbook* for families and friends of Americans detained in Iraq and Kuwait,⁵ and NOVA has coordinated crisis response teams in nearly a dozen countries including Japan, Canada, Bosnia, and Croatia.

NOVA has also been actively involved in training initiatives on international crisis response issues. Prior to the 1996 Summer Olympics in Atlanta, Georgia, the Office for Victims of Crime (OVC) provided funds to NOVA for the training of victim advocates and volunteers on national and international crisis intervention and response, including instruction from experts on how to assist foreign nationals victimized in the United States. After the bombing during the Olympics in Atlanta's Centennial Park, these advocates were instrumental in ensuring that victims received needed services.

Surviving family members whose loved ones were killed abroad by terrorists in various countries have voiced several concerns about the lack of appropriate services for victims and victims' families in the aftermath of the incident. Specifically, they have expressed dissatisfaction with notification procedures after the death of their loved ones, red tape that made finding out information about their cases difficult and more painful, lack of regular updates about the status of their cases from responsible government officials, and the poor coordination between governmental agencies involved in these cases.

The unfortunate lesson that I have learned is that there is no one to answer a cry for help in a foreign country where an American is victimized by crime.

A victim

Commercial Sexual Exploitation of Children

Each year, an estimated 1 million children enter the multi-billion dollar illegal sex market. Children are coerced, kidnapped, sold, deceived, or otherwise trafficked into enforced sexual encounters. The phenomenon of sex tourism, which mainly involves men traveling to other countries to engage in sex with children, is well documented. The exact nature of exploitation differs from one country to another. In Asia, for example, children are sold, knowingly or unknowingly, into the sex trade by families or friends. In Africa, evidence suggests that the employment of children as domestic help frequently includes sexual exploitation. In Europe, children are trafficked from poorer to more affluent countries where the market for children is fueled by organized pedophile rings and high-tech information services. These rings also exists in Australia, Canada, the United Kingdom, and the United States.

The damage commercial sexual exploitation causes children is unquestioned. Children are robbed of their natural sexual development and their sense of dignity, identity, and self-esteem as well. Their physical and emotional health are put at tremendous risk, their rights are violated, and their only support may come from those who exploit them. To address these issues, Assistant Attorney General Laurie Robinson led the U.S. delegation to the World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, in 1996. OVC provided funds to Education Development Center, Inc., to develop a report on strategies to stop the sexual exploitation of children, Child Sexual Exploitation: Improving Investigations and Protecting Victims—A Blueprint for Action, which was distributed at the conference. Since the World Congress, an interagency working group comprising representatives from the President's Interagency Council on Women, the Departments of Defense, Education, Justice, Labor, and State, as well as from U.S. Customs and the U.S. Postal Inspection Service, has met periodically to develop a coordinated federal agency strategy for prevention, investigation, and intervention in cases of commercial sexual exploitation of children.

International Parental Child Abduction

Parental abduction cases often involve international marriages that dissolve, with one parent returning to a native country with children who are too young to give legal consent. It is estimated that each year in the United States more than 350,000 children are abducted by a parent.⁸ Of those abductions, reports vary on the numbers of children taken across international borders. One study found that children were known or believed to have been taken to another country in more than one-fifth of all child abductions. Earlier studies with smaller sample groups found that up to 40 percent of abductions may cross

international boundaries.⁹ Only a small percentage of these cases are ever reported to the State Department, however. The State Department's Office of Children's Issues Statistics reported a total 1,057 international child custody cases in 1994.¹⁰

The costs of searching for children who have been abducted are staggering. Many parents exhaust their life savings on telephone calls, attorneys, and private investigators. A 1990 study found that in international cases, more than half of the searching parents spent more than \$10,000 and a few spent more than \$50,000 in their efforts to retrieve their children. Accurate statistics on recovery rates are not available, according to the National Center for Missing and Exploited Children, but success or failure often depends on whether the child was taken to one of the 45 countries that have signed the Hague Convention on the Civil Aspects of International Child Abduction. The recovery rate for Hague Convention countries varies by how well the courts of each country implement the treaty. Recovery rates for non-Hague countries are very low.

Since 1985, the Justice and State Departments have worked together through the National Center for Missing and Exploited Children to track kidnapped children taken across international borders and to help their parents obtain lawful custody under the Hague Convention's treaty on international child abductions. This joint initiative was recently renewed, and OVC will pay travel-related reunification costs for American parents who can prove that substantial economic hardship prevents them from recovering their children from overseas.

Recommendations from the Field for International Victim Assistance

INTERNATIONAL RECOMMENDATION FROM THE FIELD #1

The United States should continue to play a leadership role in the area of international victim assistance.

The United States should fully participate in United Nations-affiliated and other international conferences that include victim-related topics, including victim assistance and violence prevention. Participation should include representation by senior government officials, presentations, and submission of action-oriented resolutions on implementation of internationally coordinated victim rights, services, and violence prevention programs. Representation should reflect the diversity of the population of the United States.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #2

International standards of victim assistance and victim rights should be established, including standards for criminal justice and allied professionals who work with crime victims.

Adoption of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power served as a significant first step in advancing victims rights around the globe, and an International Training Manual on Victim Assistance will go far to help countries implement the Declaration. More work is needed, however, to ensure that victims around the globe receive consistent and appropriate services. The United Nations should establish standards of victim assistance, and these standards should be adhered to by member states.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #3

An international network of information, dissemination, training, and technical assistance on victim rights and assistance should be established.

The development of an international technical assistance and training capacity that involves cataloging, evaluating, and developing victim-related training materials as well as identifying qualified individuals to deliver such assistance should be developed. The International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme has made detailed recommendations concerning such a clearinghouse function. In addition, a database describing promising victim practices around the world should be established, similar to the database on promising prevention programs developed by the International Center for the Prevention of Crime in Canada.

An international database on promising practices could be built upon or incorporated into UNOJUST, the United Nations Online Crime and Justice Clearinghouse, a technical assistance program designed by the National Institute of Justice in the U.S. Department of Justice and the Office of International Narcotics and Law Enforcement in the Department of State to help the United Nations Program Network Institutes develop a technical capacity for global electronic information exchange on criminal justice issues. Such an exchange should also include victim issues.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #4

Cross-cultural and multinational research on victimization, violence, and victim assistance should be promoted.

Because of differences in legal codes and definitions of crime among countries, reliable data that are comparable across nations has been difficult to obtain. The International Crime [Victimization] Survey is one positive step towards comprehensive, multinational data on crime victimization. More research in this area is needed, however, particularly for crimes such as child abuse and domestic violence which are largely unreported to police in most countries. Cross-cultural research should also be undertaken to identify promising victim assistance programs being utilized in different countries.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #5

International reciprocity in the provision of victim compensation, restitution, and other assistance in cases involving foreign nationals should be promoted.

As more and more people travel around the world, crimes against foreign citizens, both in the United States and abroad, are likely to increase. In this country, states should examine their compensation and assistance programs to ensure that there is reciprocity in cases involving foreign nationals.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #6

Standards and procedures should be developed to address criminal cases involving foreign crime victims.

In cases where a U.S. citizen commits a crime against a foreign national, policies and procedures should be established to allow such victims to participate in the criminal justice system, including providing, when appropriate and necessary, financial assistance for travel and telephone costs, language interpretation, and other services.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #7

Communities with large numbers of tourists should establish special programs to assist international tourists who are victims of crime.

Every major city in the United States should establish programs for international tourist victims that provide, at a minimum, assistance with transportation and lodging, emergency medical assistance, advocacy and support through embassies and consulates, bereavement services, and communication assistance. Some victim advocates have proposed that such programs be funded through the collection of an "exit fee" assessed on international travelers. This fund could also be used to support services to U.S. citizens victimized abroad.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #8

An international victim care corps under the auspices of the United Nations or an alternative body should be established.

International terrorism, major airline crashes, and other disasters often involve victims from many different areas of the world. An international victim care corps should be developed to include mobile, multilingual crisis response teams that are trained and able to respond quickly to community crisis situations in which national responses may prove insufficient. The corps should also include a pool of trained victim advocates to provide assistance, support, and representation to victims of crime or terrorism whose cases are heard by international bodies.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #9

The federal government should develop a coordinated plan of action to respond to the needs of U.S. citizens who are victimized abroad. The State and Justice Departments should examine whether an ombudsman is needed to ensure effective information and services for these victims.

American citizens victimized abroad and their families often do not receive comprehensive victim assistance services in the country where the crime occurs or when they return home. This situation is complicated further when the crime involves terrorism or mass violence. International investigations become very complex, frequently involving multiple agencies. Often victims do not know where to turn for information or assistance. The federal government should consider establishing a victim ombudsman at the State or Justice Department to coordinate and streamline responses to Americans who are victimized abroad. Such an ombudsman would have responsibility for contacting victims and providing information and referrals to local services, updating victims on the status of the investigations, and serving as a point of contact to guide victims through the federal system.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #10

The federal government should support the creation of a support group for victims of terrorism abroad.

Many victims of terrorism abroad, as well as surviving family members, have indicated that they feel very isolated following the traumatic event. Many survivors of international terrorism feel that it would aid their healing process to belong to a support group with other survivors. It is difficult, however, for these victims to identify and contact individuals who have experienced similar losses. The Departments of Justice and State should examine how they could help facilitate communication between these victims. In addition, they should establish an advisory task force of victims of terrorism abroad to recommend improvements in victim services.

INTERNATIONAL RECOMMENDATION FROM THE FIELD #11

The federal government should make every effort to fully implement the Federal Protection for Battered Immigrant Women and Child provision of the Violence Against Women Act, including mandatory training for all INS and asylum officers and others who work with immigrant populations.

Until the passage of the Battered Immigrant Women provision of the Violence Against Women Act, immigrant women who were dependant on their batterer for their legal status, could not escape their abusive situation without risking deportation. The new provision allows immigrant victims the opportunity to apply for legal status independent of their abusive spouse. While some immigrants have already benefited from this new measure, still others who may be eligible are

not simply because they and the immigration officials handling their case are unaware the law exists. As such, all immigration and asylum officers should be fully trained concerning the existence of the new law, along with all policies and procedures created to implement the law. The officers should also be trained to identify immigrants who may be eligible and assist them with filing applications to avail themselves of the new provision.

The recommendations in this chapter were based upon input from participants at public hearings and reaction and working groups, as well as papers submitted by experts in the field, identified in Appendix A. The recommendations do not necessarily reflect all of the views of the contributors, nor do they necessarily represent the official views of the Department of Justice.

Endnotes

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