

STATEMENT OF THE WORLD SOCIETY OF VICTIMOLOGY

As read by Michael O'Connell, Secretary-General.

Chair, dignitaries, and all.

The *Basic Principles of Justice for Victims of Crime and Abuse of Power*, and regional and domestic crime victims' rights laws are intended to empower crime victims and give them an expanded, and more clearly defined, role in the criminal justice system. Yet, rarely do crime victims, especially victims of environmental crime, attain direct standing to vindicate their procedural and substantive rights in criminal cases.

Typical environmental crime plea agreements, for instance, suit the offender (whether an individual or a corporation) and the state as prosecutor; however, too often the crime victims are denied a seat at the 'justice table'. Frequently, crime victims' rights are passive, and laws fall short of exhaustive protection.

The potential impact of the crime victims' rights law on criminal environmental prosecutions and settlement agreements, including restitution payments, turns on the definition of "victim". The international community agreed in 1985 that crime victims were "persons who, individually or collectively, have suffered harm through ... [a] violation of criminal law"; and, where appropriate, include, "the immediate family or dependants of the direct victim" [as well as] persons who have suffered harm in intervening to assist victims or to prevent victimization.

While crime victims are easily identifiable for some conventional crimes, such as murder or theft, discerning who the "victim" is in an environmental crime case poses a greater obstacle—an obstacle not contemplated in some regional and domestic laws.

Given the potential in the context of environmental crimes for there to be hundreds and even thousands of "victims", respecting victims' rights can be challenging. For example, effectively and efficiently keeping victims informed about the progress of an investigation, consulting them during charge negotiations, allowing them to make impact statements prior to sentencing, and attaining fair restitution (including monetary compensation) for all harmed might be daunting, even problematic.

To honour obligations to every crime victim in a large-scale environmental investigation and prosecution could significantly delay the justice process and stretch government resources. However, member-states agreed to do so, and do so they should. Already in terrorism cases and transnational organised crime cases, steps have been taken to 'fashion reasonable procedures' to protect victims' rights. The lessons of such investigations and prosecutions should guide the development of reasonable procedures to protect the rights of victims of environmental crimes.

The World Society of Victimology acknowledges that crime victims' rights laws have, despite opposition, in some places and in some cases reshaped the environmental crimes landscape. Notwithstanding, victims – their needs and their rights - should be considered from the very outset of an act or omission that amounts to an environmental crime. They should not be ignored, neglected, or treated as on-lookers. Rather, these victims are entitled to access to the mechanisms of justice, to prompt redress and to assistance to help them recover from the effects of environmental crime.

Thank you.