



**CRIME**

**Tenth  
United Nations Congress  
on the Prevention of Crime  
and the Treatment of  
Offenders**

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Agenda item 6

**Offenders and victims: accountability and fairness  
in the justice process**

**Bill of Rights for Victims, by D. Batchelor (Canada)**

**Statements submitted by experts\***

**Note by the Secretariat**

1. In its resolution 53/110 of 9 December 1998, the General Assembly emphasized the importance of the workshops to be held within the framework of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Member States, non-governmental organizations and other relevant entities to support financially, organizationally and technically the preparations for the workshops, including the preparation and circulation of relevant background material.
2. In its resolution 54/125 of 17 December 1999, the General Assembly encouraged Governments to make preparations for the Tenth Congress, including by establishing national preparatory committees, with a view to contributing to a focused and productive discussion of the topics and to participating actively in the organization of and follow-up to the workshops, the submission of national position papers on different agenda items and the encouragement of contributions from the academic community and relevant scientific institutions. In the same resolution, the Assembly called upon the specialized agencies and other relevant United Nations bodies and institutes and other intergovernmental and non-governmental organizations to participate effectively in the Tenth Congress and to contribute to the formulation of regional and international measures aimed at preventing crime and ensuring justice.
3. Pursuant to rule 60 of the provisional rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders (A/CONF.187/2), written statements related to the work of the Congress submitted by the designated representatives, individual experts or observers are to be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization is on a subject in which it has a special competence.

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## BILL OF RIGHTS FOR VICTIMS

A proposal by Dahn Batchelor *Criminologist*  
Presented to the Tenth UN Congress on the  
Prevention of Crime and the Treatment of  
Offenders held in Vienna—April 8-17, 2000

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1. When anyone asks me what the word victimization means, my first instinct is to tell that person that the word refers to people who are victims of crime. But that definition isn't that simplistic. Victimization is like a blot of ink on your shirt which spreads in many directions and which is at best, difficult to remove and at worst, impossible to remove and in the latter case, the shirt is destroyed.
2. I want to give you a scenario that is the sum of many situations that have occurred to many victims of crime in the past so that you can see how the victimization of the innocent victim spreads until the victim is finally destroyed. And in order to bring my point home to you, I have chosen as a victim, for the purpose of this worst scenario I have created for you---your own mothers.
3. Your mother has always been an upright citizen and fortunately for her and your family, she had never been confronted personally with crime and it appeared to her and everyone else that she would lead an interesting but protected life. And then, one day, at the request of a dear friend whose daughter is missing, your mother goes to a seedy part of the city with her friend, to try and find the missing girl. Your mother was astute enough not to wear expensive jewelry or high heels so she dresses beneath her station in life in order not to attract thugs who are looking for victims to rob. As she and her friend are walking up and down the streets, asking questions here and there, a car pulls up and the two women approach it and began asking the men if they have seen the girl they show in a picture carried by your mother's friend. Three men get out of the car and pounce on your mother and drag her into the car. She is driven to a secluded spot and after pouring liquor down her throat and spilling some on her clothes, she is raped and to add to the insult, her panties are taken by one of the thugs as a souvenir. She is then dumped in an alley and the rapists drive away, leaving your mother crying to herself in the dark alley.
3. Two police officers in a police cruiser patrolling the streets see your mother stumbling on the sidewalk and pull up beside her. She reeks of alcohol and because she is extremely distraught, she is incoherent and slurs her words. They place her in the back seat of their vehicle. She tries to tell the officers that she has been raped but they make snide remarks such as, "Who would want to rape an old woman like you?" All the way to the police station, her sobbing elicits absolutely no sympathy from the two police officers sitting in the front seat of their vehicle.
5. At the police station, a more experienced police officer recognizes the symptoms of victimization and suspects that your mother really has been raped so he arranges for an ambulance to take her to the nearest hospital. But when they arrive at the hospital, they learn that that hospital doesn't have rape kits because the doctors in that hospital don't like having to go to court to testify against rapists since their time is more valuable to them as doctors in the hospital than as witnesses in a court room.
6. Your mother is then taken to a hospital across the city and told to wait in the Emergency Department's waiting room until someone has time to see her. She waits three hours because there are so many people with other medical emergencies ahead of her. Finally she is taken to a room and is then given a very intrusive medical examination and while this is going on, a male detective is in the room asking her questions.
7. Your mother is more coherent now but the detective is showing signs of doubt about the credibility of your mother. For example, he wants to know why she would hang about in an area like that seedy part of town and why she went there with no under garments? Your mother tries to explain but the detective is showing no real concern. He sees her as she appears to him at the moment and not what she is—a decent and honest and God-fearing citizen who just happened to be at the wrong place at the wrong time. He sees her as a drunken old hooker who got raped by a customer. Your mother finally gives up trying to explain to this uncaring police officer what happened to her. She is finally released from the hospital and she is driven home by a friend she was finally able to contact by phone.

8. Now in many cases, this is where your mother's story would end. But as fate would have it, the friend she was helping, did reach a police officer who was more sympathetic than the detective that questioned your mother the night before and because your mother's friend had copied down the licence plate of the car your mother was dragged into, the driver of the car is arrested and taken to the police station to be placed in a lineup. Your mother is asked to go to the police station and she identifies the driver of the car as one of the three men that raped her.

9. During a search of his residence, the police cannot find your mother's under garments or her purse but the driver of the car denies that there were two other men in the car with him. He says that your mother offered sex to him and he accepted her offer.

10. The rapist is nevertheless arrested and because the victim is your mother, a newspaper reporter is given the story and the next day, the story of her being raped is all over the local news. What is really distressing to your mother is that the story says that it appeared to the investigators that your mother was drunk and had been found in an area of the city where prostitutes hang out.

11. Because the newspaper disclosed your mother's address, she begins receiving middle-of-the-night phone calls from strangers warning her not to testify against her rapist. She is terrified and although the police tell her that they don't have the manpower to guard her twenty-four hours of the day, they tell her to phone them if she hears strange noises around her home at night. She knows that by the time they arrive, she could be dead. She is in a constant state of panic.

13. The prosecutor's office is satisfied that this man that your mother identified as one of the rapists is in fact one of her rapists and the rapist is brought before the court to set a date for trial. No one thought to consult with your mother about a trial date and therefore when a trial date is set, the trial is set on a day she was scheduled to be out of the country for a relative's wedding. She cancels her trip.

14. Your mother shows up at the court on the trial date but it is adjourned because the accused man has changed lawyers and his new lawyer needs more time to prepare his client's defence. She canceled her trip for nothing.

15. On the day of the trial, while waiting to be called to give her testimony, she sits in a room that is for witnesses only and she discovers to her horror, that four friends of the accused is in that room along with his brother and his parents. They are witnesses for the defence. Some of them threaten her and when she complains to a police officer walking by, he tells her there is nothing he can do for her because he is on his way into another court room to testify in another case.

16. The defence lawyer has subpoenaed you as a witness for the defence even though he knows that there is nothing you can say that will assist his client. He simply uses the subpoena as a means of keeping you out of the courtroom because he believes that your presence will have a detrimental effect on his client. Your mother is in effect, denied the one friend she needed in that court room for emotional support.

17. By the time she is called to the witness stand, she is a bundle of nerves. No one from the prosecutor's office had talked to her prior to her giving her testimony so she is on her own. Despite that, she answers the prosecutor's questions without too much difficulty.

18. Answering the accused's lawyer's questions is another matter. He tears into her credibility by suggesting to her that she was really looking for some sex and that she had deliberately walked the streets along side of prostitutes and had approached the accused while he alone was seated in his car and offered her body to him for money. He even suggests to her that she didn't wear under garments that day so that she could be more enticing to men looking for a prostitute to have sex with. She is even asked about her sex life. Your mother is crying hysterically while she is on the stand and when the lawyer is finished with her, she runs from the stand and out of the courthouse, crying all the way.

19. The rapist is acquitted and again the newspapers publish the story and again, they tell in their stories that your mother was found in an area frequented by prostitutes and without her undergarments at that. They make mention that the lawyer told them after the trial that his client was acquitted because your mother was a common prostitute who had sex with a customer and who later cried rape. Your

mother reads this in the newspapers and absolutely refuses to leave her home ever again or invite her friends to her home for visits. Worse yet, she starts receiving threatening phone calls again and the police refuse to do anything about it. She finally disconnects her phone. Now she is totally isolated and alone. You are her only contact and you must do her shopping for her.

20. The prosecutor's office decides to appeal and they win the appeal and a new trial is ordered. Your mother is subpoenaed as a witness again and on the day of the trial, she refuses to go to the trial. The trial is adjourned and a warrant is issued for your mother's arrest and she is arrested by the police who smash through her locked door to get her. She is held in custody until the day of the trial which is four months away.

21. On the day of the trial, she goes through the same terrible ordeal she went through during the last trial and after she testifies, the judge tells her that she is free to go home. She has a heart attack on the way home and is hospitalized for two months. Her hospital bill is over \$100,000 dollars and she can't pay it because she doesn't have medical insurance and as a result, she loses her home.

22. Shortly after that, she has another heart attack and she becomes an invalid and is placed in a home for invalids. She doesn't speak to anyone, including you and for the rest of her life, she spends her days sitting in a chair, rocking back and forth, mumbling to herself—a prisoner of her own mind, which has abandoned her.

23. This poor woman wasn't just raped by three men, she was raped by the police, the hospital, the newspapers, the prosecutor, the lawyer for the accused and the court itself. The irony of this is that in the end, the rapist was found not guilty because the judge told the jury that if there was any reasonable doubt in any of their minds, they had to give the accused the benefit of their doubt. The juries gave him the benefit of their doubts twice because after all (as one of them later said to the press) what was she doing in an area frequented by prostitutes without any undergarments on and why did she approach the accused's car in the first place if she wasn't trying to sell her body for money?

24. This kind of scenario happens frequently in many cities around the world because the victims in many countries have no rights whatsoever. They are pawns in a game of justice that can be played cruelly in many ways, much to the detriment of the victims.

25. What the victims in this world need is a bill of rights that will protect them and their families from being victimized by the indifference and carelessness of those who are supposed to help them in their hours of need.

26. Such a bill of rights should include guarantees that will result in police officers being especially trained on how to deal with rape victims and victims of violence, fraud and other crimes. All hospitals should have rape kits on stock so that the victims of rape can be taken to the nearest hospital for an examination and treatment. Prosecutors should consult with victims who are to testify as to their availability to attend court. It should be against the law for the news media to disclose the names of victims who are going to testify in court or disclose where they live. Prosecutors should meet with victims to go over their testimony and give them assurances that they are there to help them. The police should follow up on threats made to victims and see that they are protected. Victims should never be placed in the same witness rooms where the witnesses for the defence are placed. They should not be asked about their sex lives if such evidence is not pertinent to the case being tried. Special consideration should be given to victims who are too distraught to go into a court room for the purposes of testifying against their abusers. There should be organizations in every community that is funded by the community that assists victims of crime. There should be compensation for victims who suffer physical or serious emotional harm. These are some of the things I would like to see in place. Without such guarantees in place, there will be less reason for victims to participate in our systems of justice and those criminals that would abuse them and the rest of us will get away with their crimes and prey on more victims.

27. What we need is a bill of rights for victims. I sincerely hope that this Congress will seriously consider asking the Commission on Crime and Criminal Justice to draft up for the Eleventh Congress a United Nations Standard Minimum Rules for the Rights and Protection of Victims.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at [CJSmithphd@comcast.net](mailto:CJSmithphd@comcast.net) or Emil Wandzilak at [emil.wandzilak@unodc.org](mailto:emil.wandzilak@unodc.org).