



Conference of the Parties to the  
United Nations Convention  
against Transnational  
Organized Crime

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**Tenth session**

Vienna, 12–16 October 2020

Item 4 of the agenda

**International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities**

**Written Statement – World Society of Victimology**

The global nature of transnational organized crime presents unique challenges for the investigation of crimes and prosecution of offenders. In order to gain lawful access to evidence that is subject to another state's jurisdiction, law enforcement authorities must request mutual legal assistance from the other state.

The World Society of Victimology does not dispute the importance of mutual assistance in protecting human rights as well as 'potentially' enhancing victims' access to justice.

The Society observes in the context of rights that some mutual assistance agreements provide for the protection of the rights of those accused of committing transnational organized crime. The Society, however, queries why the rights of victims are omitted. The inclusion of victims' rights would not unduly impact on the rights of accused persons.

Inclusion of, for instance, victims' rights to information about the progress of an investigation and to be consulted on key decisions that affect them would not only direct authorities' attention to these rights but also further improve victims' access to justice and treatment

Transnational organized crimes cross nation-states' borders. Victims' rights likewise cross borders. The effective implementation of victims' rights requires not only domestic law that compliments international law, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, but also to enhance the implementation of these laws, it is necessary, argues the World Society of Victimology, that mutual assistance agreements be forged (and existing agreements reformed) to encourage respect for victims' rights.

States should develop mutually acceptable ways for submitting, managing, and responding to victims-centric requests. Mutual assistance agreements should provide for the reviewing, tracking, and processing of requests made in respect of victims' rights.

As several Honorable speakers have said, victims' interests should be paramount in efforts to tackle transnational organized crime and to respond to those who become victims of such crime. Furthermore, the draft resolution sponsored by the United States urges states to<sup>1</sup>:

“Incorporate, where appropriate, the voices of victims and survivors of trafficking in persons in the development and application of victim-centred and trauma-informed policies and programmes, including through consultative platforms made up of members of civil society and survivors of trafficking in persons.”

When proclamations on victims' rights are perceived as rhetoric and when states and their authorities do not function fairly, victims' confidence in justice systems can wane. Giving victims a voice is part of the solution – giving victims voice recognition is also necessary. Such voice recognition should extend not only to mutual assistance agreements but also to the review process to the UNTOC that has been applauded during this Tenth session of the Conference of the Parties to UNTOC.

Victims judge for themselves the quality of justice administered in their name, and whether it is fair and right; thus, proper weight must be given to their rights. For this purpose, mutual assistance agreements should be mutually inclusive.

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<sup>1</sup> CTOC/COP/2020/L.6 - Effective Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime @ p.5 of 6.