



MJU-27(2006) 1

27th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

Yerevan (12-13 October 2006)

**VICTIMS:
PLACE, RIGHTS AND ASSISTANCE**

Report presented by the Minister of Justice of

ARMENIA

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Introduction

In the last quarter of the 20th Century the attention of the international community was particularly fixed on the rights of crime victims, as one of the most powerful issues in law enforcement and criminal justice. That is because victims are the most directly affected parties as a result of the crime, and sustain adverse physical, physiological (emotional), material and social consequences. Thus, the basic objective of contemporary human society is to face the special needs and interests of crime victims. However, it is above doubt that in addition to the criminal act itself, subsequent criminal proceedings also may cause serious psychological harm to victims of crime.

Victims not only have to struggle with primary injuries in the aftermath of a crime, but must also battle with "secondary" injuries. Secondary injuries occur when there is a lack of proper support. These injuries can be caused by friends, family and most often by professionals victims encounter as a result of the crime. Law enforcement officers, prosecutors, judges, social workers, the media, coroners, clergy, and even mental health professionals can cause secondary injuries. Those individuals may lack the ability or training to provide the necessary comfort and assistance to the victim. Often, those individuals blame the victim for the crime. Failing to recognize the crime appropriately or demonstrate adequate support may be damaging to the victim's self-worth and recovery process.

Thus assistance to victims of crime assumes a group of complex measures initiated both by the States and under the latter's support and encouragement, also by non-governmental organizations, whose function is to provide victims of crime psychological, legal, medical assistance, in order to facilitate the quick rehabilitation of the victims from the trauma and other consequences of the crime.

States should notably aim at facilitating the access of victims to justice and indeed ensure that they do not also become victims of procedures and administrative burdens, which practically become a form of secondary victimisation.

Therefore, the States need to ensure the existence of necessary and efficient mechanisms, which will assist crime victims in overcoming the adverse consequences of the crime. Important components of such mechanisms are the compensation of victims for damages arising from such crimes and the opportunity for victims to participate in the trial and sentencing of perpetrators of those crimes. On the other hand victims' rights organizations must be equipped and concentrated on helping victims overcome the trauma of crime and to assisting them in resuming normal lives.

Bearing in mind the issue of promoting the protection of the rights of crime victims, the following sub-themes should be considered within the framework of the presented report:

- Assistance to particularly vulnerable victims
- Compensation of crime victims
- Victims and restorative justice

1. Assistance to particularly vulnerable victims

A. *Defining the issues of vulnerability*

Victims of crime are often in a very precarious situation, whether it be from a psychological or physical point of view. In some cases they are therefore in need of specific measures that can facilitate their access to the various institutions that need to be approached in order to obtain assistance and/or justice.

In referring to measures and mechanisms to ensure and improve the protection of crime victims' rights, the situation of vulnerable victims of crime should be the subject of special emphasis.

Vulnerability may be detected in situations where a certain category of victims is involved (e.g. a child, a person with learning disabilities, an elderly person, or seriously ill persons) or the crime is of a particular nature (sexual, racial, domestic violence, organised crime, or terrorism).

Depending on the particulars of victims, and their specific vulnerability, personalized approaches may be needed.

The challenges States face in terms of their obligation to address the specific needs of crime victims have been expressed in a number of recommendations and resolutions¹ of the Council of Europe, with the aim of facilitating access to justice for all persons in civil, commercial and administrative matters.

B. *Major steps to be arranged*

Different categories of crime victims and different circumstances surrounding the crime may call for varying measures, established and financed through national programs, for the protection of victims. The organization of the following measures is especially necessary to meet the contemporary challenges:

a. *Access of victims to assistance* – One of the major issues regarding the protection of the rights of victims is ensuring their quick access to relevant assistance services (e.g. through telephone help lines). Adequately meeting this task requires that the States make sure that there is wide publicity regarding such assistance services, and medical or social services which are in contact with victims make proper referrals.

b. *Information for victims on assistance available*, access to criminal justice, possibility of civil remedies: Guaranteeing the right of crime victims to receive this kind of information is a key point in ensuring efficient assistance. This assumes the organization of complex measures which will allow the distribution of information to a wide segment of the population regarding:

¹ Resolution (76) 5 on Legal Aid in Civil, Commercial and Administrative Matters, Resolution (78) 8 on Legal Aid and Advice, Recommendation No. R (81) 7 on Measures Facilitating Access to Justice, Recommendation No. R (4) 15 relating to Public Liability, Recommendation No. R (93) 1 on Effective Access to the Law and to Justice for the Very Poor and Recommendation No. R (95) 5 Concerning the Introduction and Improvement of the Functioning of Appeal Systems and Procedures in Civil and Commercial Cases.

- (a) the type of services or organisations to which they can turn for support;
- (b) the type of support which they can obtain;
- (c) where and how they can report an offence;
- (d) procedures following such a report and their role in connection with such procedures;
- (e) how and under what conditions they can obtain protection.

In addition, the availability of simple, clear and effective civil and administrative procedures for vulnerable victims is crucial to help the victims avoid lengthy and burdensome judicial procedures in different tribunals. Mechanisms should be introduced in order to provide victims with qualified legal aid and advice in civil and administrative procedures, whenever necessary. Consideration should also be given to enabling vulnerable victims to exercise their rights and responsibilities, whether in criminal, civil and/or administrative proceedings, through as few interlocutors as possible.

c. Setting up of specialised centres, in particular for victims of sexual violence or domestic violence. The latter comprise the most common group of vulnerable victims, who are generally in need of complex and long-term assistance by well trained professionals, in specialized centres.

d. Protection measures (including in cases when a victim may be called upon to testify in courts) in particular where there is a risk of intimidation, reprisals, or repeat victimisation.

e. Measures to prevent the secondary victimisation which can arise through the institutional response to victims; when such victims are treated inappropriately and when the organizational practices do not prioritize the needs of the victims.

f. Setting up of “user-friendly procedures” for vulnerable victims by examining procedural rights and possibilities of combining the criminal and the civil procedure as far as this is possible and by simplifying the administrative burdens, including the possibility of appointing reference persons/accompanying persons supporting the victim throughout the whole procedure from the beginning to the end (to be done through an official or non-official body).

g. Measures to deal with young persons who may find themselves as both victims and offenders at the same time (e.g. with regard to drug dealing offences)

h. Clarifying the place and role of vulnerable victims in criminal proceedings - in this regards the importance of two main international documents should be stressed; Recommendation (R(85)11 On the Position of the Victim in the Framework of Criminal Law and Procedure and the EU Framework decision of the European Council of 15 March 2001 on the standing of victims in criminal proceedings. The aforementioned provide a set of up to date guidelines in these matters, which should be developed and implemented by the States.

C. *Armenian experience*

For developing and poor countries, private non-governmental organizations still remain the primary platform for organizing victim support programs. The involvement of

specialized services and victim support groups in the Republic of Armenia is organized mainly on the level of private non-governmental organizations, which are gradually developing a significant practice and are gaining trust and recognition within the concerned social groups. Their activities concentrate primarily on assistance to victims of domestic and sexual violence and trafficking in human beings, and thus involve vulnerable groups of victims, in particular women and children. They provide aid particularly in the form of medical, psychological and legal consultancy. A significant part of this assistance is provided by 24-hour hotlines, as well as emergency shelters. The latter are of significant help especially for the victims of domestic violence, who need both protection from possible further reprisals and a temporary separation from the community they live in. The shelters are generally in confidential locations, thereby guaranteeing the safety of the crime victims. However, the cost of maintaining shelters is very high for many NGO's, and therefore, more State assistance is necessary, both in terms of providing locations and financing for the shelters.

Trafficking victims represent a serious group of vulnerable victims, and are subject to particular State attention. As is the case throughout the contemporary international community, trafficking in human beings is an issue of increasing attention for the Republic of Armenia. The gravity of the said crime is especially underlined because generally, its victims are belonging to a very vulnerable group of women and children. At the same time this category of crimes differs from others, in that many of its victims are reluctant to apply for assistance to State bodies or NGO.

In order to meet the challenges of trafficking related crimes, as far back as an inter-agency committee was established in the Government on 14 October 2002 through decree NO 591-A of the Prime Minister of Republic of Armenia, which is aimed at examining problems of trafficking and illegal transportation of people and developing suggestions. The Committee involves not only government officials, but also representatives of the Red Cross of Armenia. Two of the important components of the proposals presented by the Committee deal with the moral and material rehabilitation of trafficking victims, and the centralized management of State and public projects dealing with the trafficking victims.

The physiological stress and the harmful effects of the crime, as well as the inability to pay for the expenses related to legal advice often make the victim reluctant to appear in Court or seek adequate representation of his interests. From this point of view, another institution in the Republic of Armenia, which exists for the purpose of supporting crime victims, is the network of legal clinics, which function again on the level of non-governmental organizations. They provide legal counselling and legal aid, including, if necessary, Court representation, which is quite important for the due protection of the victims' interests in both criminal and subsequent civil proceedings.

Besides the legal clinics, another opportunity for receiving free legal aid is the institution of public defenders, which was introduced by the new Law on Advocacy (14 December 2004) of the Republic of Armenia, and is aimed at providing free legal aid in criminal cases, and in a number of civil cases securing reimbursement for losses resulting from physical damages or death.

Another important matter related to crime victim support is the establishment of an efficient victim protection mechanisms, which ensures a suitable level of protection for

victims, their families, and persons in a similar position, particularly in terms of their safety and protection of their privacy, whenever there is a serious risk of reprisals or firm evidence of serious intent to intrude upon their privacy. Victim protection provisions have been newly introduced in the Criminal Procedure Code of the Republic of Armenia, through amendments 25 May 2006. Although the amendments deal with the protection system for the parties involved in criminal proceeding in general, victims of crimes are key players therein.

D. Major problems and concerns

Crime victims and especially vulnerable groups of victims very often face the problem of psychological estrangement from society, unwillingness to go into contact with State bodies, and mistrust towards them. Therefore, private non-governmental organizations focusing on various forms of victim assistance are an efficient mechanism for meeting their needs. Having said that, however, encouraging and publicizing the existence of such organizations, and ensuring their reliability continue to be major obstacles. The examination of the activities of these organizations show that one of the basic obstacles they face while communicating with crime victims is a dominating stereotype in the society which encourages reluctance to applying for assistance, in order not to expose a “dishonour”. Overcoming such problems depends on the promotion of the credibility of such organization and insuring the confidentiality of the information received from the victims of crime. The latter is a very important, as it guarantees the trust of the victims towards the organization which provide assistance. In a mentally suppressed situation, victims quite often seek these organizations as a shelter from the external world, public opinion, and social contact, and as a result, such organizations are exposed to information related to the privacy of the victim. Any leakage of information may result in the secondary victimization of the person.

At the initial stages of their activities, victims support organizations have a great deal to do, in order to identify crime victims. The ability to do so, depends greatly on the perceived reliability and popularity of the organizations, which, in turn, requires joint activities and co-operation with law enforcement bodies, medical institutions, etc.. Such institutions are the first to come into contact with crime victims and are in a position to direct the information in their disposal.

Therefore, great emphasis should be placed on the intensification of collaboration between NGOs and State bodies, within the framework of mutual assistance and exchange of information. Such co-operation may involve, in particular, the referral of crime victims by competent State bodies to the relevant NGO’s for providing further assistance, and the funding by the State of the programs of those NGOs.

Seminars, roundtables on crime victim issues, as well a dissemination of relevant literature and guides will also contribute to making the information about victim protection issues and programs available and accessible to crime victims.

Another major issue of concern regarding the enhancement of victim support activities is the demand of sustainable training of the staff of public authorities and other personnel involved in proceedings or otherwise in contact with victims, especially in cases involving vulnerable groups. The availability of properly qualified and trained personnel dealing with victims (police, health-care providers, court administration and legal

professionals) is fundamental for adequately dealing with the victims, and providing the necessary assistance, or practical and legal advice.

The examination of the performance of existing victim support organizations in the Republic of Armenia also reveals the lack of trained professionals, who are capable to address the specific needs of vulnerable groups of victims.

Here too, we emphasize the importance of developing co-operation between the State and victim support organizations, and among such organizations themselves, as well as the imperative of sharing good practices and the organization of training programs.

2. Restorative Justice

A. *General Overview*

In the last two decades there has been a notable increase of attention towards restorative justice (hereinafter RJ) and victim-offender mediation in the criminal justice systems of European countries. Resolution No. 2 on *The Social Mission of the Criminal Justice System-Restorative Justice*, adopted at the 26th Conference of the European Ministers of Justice [MJU-26(2005), Resolution 2 Final] underlines the fact that the States must give due consideration to the fact that the community programs and measures, as well as RJ measures may have a positive effect on the social costs of crime and crime control.

Moreover, the Ministers have reaffirmed their conviction that through the RJ approach, the interest of crime victims may often be better served, the probability of the offenders' successful reintegration into society will increase and public confidence in the criminal justice system will be enhanced.

Therefore, the contemporary approach to this matter involves the emphasis on the importance of active personal participation of victims and offenders in criminal proceedings. This is based on the recognition of the legitimate interest of victims to have a stronger voice in dealing with the consequences of their victimization, to communicate with the offender and obtain an apology, as well as reparation. Presently, the RJ approach provides a transition from traditional retributive principles and emphasis on the punishment of offenders, to balancing the needs of victims, offenders and the community as a whole.

The essential goals of RJ are well defined by the United Nations, as:

“Restorative justice seeks to balance the concerns of the victim and the community with the need to re-integrate the offender into society. It seeks to assist the recovery of the victim and enable all parties with a stake in the justice process to participate fruitfully in it.”

Therefore, RJ firstly seeks to directly engage with offenders about who has been harmed and how. Secondly, assists and encourages offenders to take responsibility for the harm as much as possible (reparation). Thirdly, it seeks to achieve the 'reintegration' or 'restoration' of offenders. Finally, restorative responses offer appropriate support and services to victims.

Another description introduced by the United Nations makes the understanding RJ procedures clearer by defining it as follows:

“Restorative process means any process in which the victim, the offender and/or any other individuals or community members affected by a crime actively participate together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative processes include mediation, conferencing and sentencing circles.”

The essence of RJ, in fact, lies in the understanding that crime causes harm to victims, and the offender therefore must take responsibility for what he/she has done. Therefore, RJ promotes the active involvement of victims, offenders, other affected people and the community in the justice process. Finally, the restorative process is not focused on punishment but on healing relationships, rebuilding communities and reintegrating the offenders into society, in order to prevent repeat offences.

The existing practice of RJ procedures, so far, have been developing in three main forms, which are *mediation, conferencing and sentencing circles*.

B. Mediation in Penal Matters

Victim-offender mediation is an important element of RJ. Council of Europe Framework Decision 2001/220/JHA of 15 March 2001 on the *Standing of victims in criminal proceedings* (Council of the European Union, 2001), Article 10 states that Member States are to seek to promote mediation in criminal cases for offences which they consider appropriate for this sort of measures and to ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases are taken into account.

Mediation is seen as a flexible, comprehensive, problem-solving option, which is a complementary or alternative approach to traditional criminal proceedings.

The implementation of the victim-offender mediation, in practice, has revealed many benefits. One of the basic advantages is that the victim-offender mediation creates an environment of communication between the parties, where the parties may talk about what has happened to them, how it has affected their lives. Such discussions often result in written agreements with a follow-up plan about the agreed way of restitution. Moreover, the analysis of this practice has proved that the victim's fear regarding the crime and the offender decreases significantly after the mediation.

In practice different variations of victim-offender mediation have been introduced. Many States have given mediation in penal matters explicit formal recognition in their legislations.

The development of mediation in criminal matters is the subject of great attention in the Republic of Armenia. In fact, informally, mediation between the victim and offender has been practiced *de facto*, however the legalization of mediation is rather new to the Armenian justice system as a whole. The global trends of the development of ADR in general, and the ongoing reforms in this field, have made a significant impact on the introduction of mediation in the criminal cases as well. In the reforms which have been launched within judicial and criminal justice systems, a considerable expansion of the

crimes for which the Criminal and Criminal Procedure Codes will provide an opportunity of mediation between the parties has been envisaged. At this early stage, it is still questionable whether early reforms will include the establishment of special institutions where mediation will be organized.

Once a mediation service is established, the State will go forward with changes in the law, in order to institutionalize RJ. In our opinion, the immediate and most complicated question here is the campaign to explain the advantages of mediation in criminal matters both to the society and particularly to representatives of law enforcement bodies, i.e. police, prosecutors, etc. Due to their contact both with victims and offenders, the aforementioned have a significant role to play in the process of facilitation of bringing parties together and encouraging of mediation.

Another important question in relation to the promotion of mediation services during criminal proceedings is the need of the initial training of mediators. This training should aim at providing a high level of competence to professionals, taking into account their conflict resolution skills, the specifics of working with victims and offenders, and basic knowledge of the criminal justice system. Countries with transitional economies, and especially countries implementing reforms in their post-soviet criminal justice system, greatly appreciate the technical and informational assistance of countries, which have already registered a considerable success and experience in the implementation of RJ systems in their countries.

C. Conferencing and circles

Within the frameworks of developing the concept of RJ, many countries have been successful in the implementation of a number of other mechanisms of out-of court handling of relations between the victim and offender, such as, conferencing, circles (which are two forms of mediation), and community service, many of which have historical roots in those countries. These systems are based on the concept of involving many more people in the mediation process. These mechanisms bring together not only victims and offenders, but also relatives of offenders and other community support persons, certain agencies (such as the police and youth justice authorities), and sometimes, support persons for victims. The key idea here is the collective experience of “shame” and “restoration of balance” or “healing”.

The circles however are the most inclusive of those three forms, as they involve the inclusion of any interested member of the community. This form is based on the tradition of circle ritual, with the aim of healing the affected parties and preventing future incidents. This community-directed process, in partnership with the criminal justice system, aims to develop consensus on an appropriate sentencing plan by addressing the concerns of all interested parties.

In conclusion, RJ may be extremely helpful to the justice system, as it may improve victim satisfaction, reduce the reoccurrence of offences and finally, make communities stronger and reduce fear of crime.

D. Major obstacles

The Council of Europe Recommendation No. R(99)19 concerning mediation in criminal matters offers useful guidance in designing and operating mediation in member States. Practitioners and researchers observe, however, that since the adoption of that Recommendation, victims' needs have been better identified and that the practice has had to evolve accordingly. The Council of Europe has not developed so far any norm or tool on "restorative justice" as a whole.

While the United Nations has introduced normative provisions on RJ, the European Ministers of Justice may consider the possibility and advisability of promoting the practice of RJ and may wish to establish normative standards in the Council of Europe which fit the needs and practice in Europe, as well as aims to inspire the future evolution of RJ, in its various aspects.

States are now more and more willing to provide opportunities for pilot projects in order to study the extent to which RJ might be able to lead towards more responsive justice systems, which take the needs of both the victim and the society into account in their response to criminal acts. The Republic of Armenia greatly appreciates the development of such pilot programs in the region, as they will promote the experience of criminal mediation in the country.

The examination of the practice of CE countries reveals a number of common problems the countries have to face while trying to introduce mediation in penal matters. These obstacles may be classified as being legislative, material or ideological.

The legislative obstacles are a result of the absence of a relevant legal framework for the use of mediation in penal matters. This is, in particular, the result of the lack of a legal tradition of applying mediation for meeting the needs of the victims and offenders in criminal cases, and the historical focus of criminal justice systems on punishing offenders.

The material factor also has its great impact on the efforts of the States to use mediation in panel matters. Introduction of mediation, especially in countries with little experience and tradition in these issues, requires first of all the organization of training programs for a large group of professional. The training should involve not only the preparation of future mediators, but also the police, prosecution and the judiciary. The aforementioned have a key potential role in the promotion of mediation, however, they need to be first made familiar with the essence of mediation and understand its advantages. Material resources are required also for launching some pilot programs, etc.

The development of mediation in penal matters has to overcome some ideological barriers as well. The lack of confidence in restorative justice as an effective approach to crime is still a major obstacle, not only on the part of the society, but also the ones who must have a direct participation in the encouragement of mediation, i.e. police, prosecutors, judges, etc. Mediation may be really successful in a country, only if it is accepted by its main "customers", i.e. the society and in particular the victims and offenders. This requires a long process of educating about the benefits of mediation.

3. Compensation and insurance schemes related to victims

Crime generally results not only in a psychological or physical injury, but also material injury. Such material damage may occur as a direct result of the crime itself, or as consequential damage to the psychological or physical injury. Thus, the question of assistance and protection of the victim involves compensation for material or other consequential losses suffered by these victims.

Securing a prompt decision in criminal proceedings, regarding compensation for damages for victims, without referral to other bodies or procedures is a priority matter for the States.

The right to compensation, as one of the basic elements of victims' rights, has been regulated in a number of international documents. In particular, the following should be noted: Council of Europe Framework Decision 2001/220/JHA of 15 March 2001 on the *Standing of victims in criminal proceedings*, Recommendation of the Committee of Ministers on the Position of the Victim in the Framework of Criminal Law and Procedure [No. R(85)11].

The essential approach of these documents is that they underline the importance of the possibility for a criminal court to order the payment of compensation by the offender to the victim. This way, victims of crime may seek prompt civil redress during the criminal proceedings. Therefore, merging the two proceedings is considered to be an effective way to economize on time and resources and a mechanism to avoid having witnesses testify at two trials.

The Republic of Armenia has also adopted the method of claiming civil recovery within the criminal proceeding. The Criminal Procedure Code provides the victim the right to participate in the proceedings as a civil plaintiff.

However, on the other hand, there are also criticisms voiced on the current regulations and proposals made regarding the need of separation of civil claims from criminal proceedings. The main arguments are that it is very important to keep criminal and civil trials separate due to the difference in the burden of proof in each instance, and that the treatment of parties in civil and criminal cases differs. Thus, they conclude, combining the two procedures makes the criminal trial less efficient and more complicated.

Although adequate compensation for the victims is considered to be one of the key elements in satisfying victim's needs, securing compensation in cases where it is impossible to identify the offender or the latter lacks the necessary resources remains an open issue. Unfortunately, such situations are quite common in practice, and States, as guarantors of public good and peace, have to think about mechanisms of compensation for victims in such cases.

States have tried to address the questions of State assistance crime victims' compensation in Council of Europe Convention [ETS No. 116] on the Compensation of victims of crime, which has been ratified by 20 member States. The Convention provides for basic guidelines for States and sets up compensation schemes for victims in cases when compensation is not fully available from other sources.

Having appreciated the important role of the Convention in the protection of the rights of crime victims and providing them necessary assistance, the Republic of Armenia has

signed the Convention and on 20 August 2003, the Constitutional Court of the Republic of Armenia has upheld its compliance with the Armenian Constitution. Now the Convention is in the process of ratification by the Armenian National Assembly, after which it will be legally binding on matters dealing with the compensation of crime victims in Armenia.

States must contribute to the compensation of victims, when compensation is not fully available from other sources, only in cases of violent crimes, such as:

- serious bodily injury or impairment of health directly attributable to a violent crime, and,
- to dependants of persons who have died as a result of such crimes.

In order to ensure compensation for victims of crime, awards are made even if the offender cannot be prosecuted or punished.

A key question arising from the need of compensation is defining the types of damages that are subject to compensation. The convention provides for the most basic items that must be covered by compensation packages, such as loss of earnings, medical and hospitalization and funeral expenses, and, financial support for dependants. Treatment and rehabilitation for physical and psychological injuries, as well as, damages caused by crimes against property are the most commonly compensated damages.

Additionally, the obligation to provide compensation places a burden on States to seek and identify sources of funding. Such sources may include, for instance, public funding, confiscation of criminal assets, fines, and levies imposed on insurance contracts. In fact through introduction of compensation schemes States may set the upper and lower limits of compensation.

States must also develop procedures and clarify the mechanisms, which enable victims of crimes to seek compensation. Such clarifications may include the definition of eligible categories of victims, amounts of available compensation, the list of required documents to make a claim and applicable deadlines. States interested in setting up compensation schemes would benefit from duplicating best practices in countries where compensation schemes are deemed to function effectively. The successful practice of those States is an effective tool for other States for the development of their own national schemes. Research and surveys on existing legislation and practice, including on the functioning and management of compensation schemes, could help States study the feasibility of setting up such schemes and may facilitate their accession to the Council of Europe Convention, if they are not a member yet.

In response to the great challenges brought about by the rise of terrorism, discussions about the need to develop public and private insurance schemes to cover damages from terrorist acts have emerged. The crime of terrorism seriously threatens contemporary society, due to its harmful consequences and the general absence of compensation for coming from the perpetrators. CDCJ is carrying out a survey with the aim of providing member States with useful tool for improving the condition of victims of this particular crime and help policy makers adapt their policies to new realities.

The emergence of new problems related to crime in contemporary society creates new challenges for the States, and necessitates not only the need for cooperation between States in order to prevent or investigate crimes, but also in order to develop new mechanisms to overcome the adverse effects of crimes. The significant role institutions such as the Council of Europe may play in the efforts to promote international collaboration must be underlined. First, the Council of Europe may play an active and important role in promoting the restorative justice approach in its member countries both at the level of further recommendations, and the collection and dissemination of information regarding experiences of good or promising practices, and also in providing technical support, expertise and advice to individual member States requiring such support. Promoting bilateral and regional co-operation between member States on these issues will also be beneficial. Second, member States may be asked to become more involved in learning from each other about these reforms. It is often the practical experience that overrides any general principles and recommendations when trying to learn how to improve one's criminal justice system. Third, member States may take a more active role in promoting restorative justice principles in their respective jurisdictions since a lot remains to be done even in the most advanced countries.

