

TILBURG RESEARCH

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Victim Empowerment

The stories of Mukhtar Mai, Leoluca Orlando and Terry Waite •
Jan van Dijk: 'Victims are the real heroes' • Marc Groenhuijsen
on goals and ambitions of INTERVICT • Frans Willem Winkel:
'Talking about a traumatic experience hardly ever helps'

Preface

Why is it that victimology, the study of victims and victimhood, is such a young science? Is the number of victims increasing? Have pressing questions requiring academic answers started arising recently? Has our awareness of victims grown, bringing greater scientific interest in its wake?

Speaking at an exhibition on religious relics in 2001, art historian Henk van Os suggested that the mediaeval veneration of the saints has in our times made way for empathy with victims. Not an illogical idea at the end of a century of two world wars. Perhaps it is that terrible memory which underlies all the memorials to 'pointless violence' now found in the Netherlands, almost all of them set up in memory of 'innocent' citizens who fell victim to irrational, often random attacks. It is they who attract the monuments of our age, not those who were once regarded as the figureheads of our culture: no longer are great statesmen and seafarers and war heroes immortalised in bronze or copper.

Perhaps this focus upon victims has become inevitable. Day after day, we are bombarded with images of the exiled, the hungry, the injured and the vulnerable. What we do not see, but we certainly know about, are those other victims sometimes much closer to home: those who have been abused, raped, repressed... Or silenced.

Tilburg University is a leading centre of human and social studies, and so the perfect host for in-depth research into victimization. With the opening of INTERVICT, the university has gained a new institute at which not just lawyers, but psychologists and economists as well, can perform research into victims and victimization. To study, for example, how many people fall victim to crime and abuse of power in our society, and when. INTERVICT is also looking for underlying causes: why do people become victims? Other topics include victims' rights, the help available to them, the psychological effects of being a victim and society's responses to victimization. The scope of the institute's research is broad; it encompasses, among other things, victims of road accidents to criminal injuries compensation.

Tilburg University is keen to ensure that the results of all this research become known well beyond the academic community. By the general public, and in particular by national and international organisations concerned with victimization, by public officials, by policymakers and by politicians. Tilburg Research is the journal which informs the wider world about work at our university. This edition has been produced specially for the first Intervict conference, a meeting at which researchers, practitioners and victims will be represented.

Pieter Siebers, Official Spokesman, Tilburg University

TILBURG RESEARCH

Tilburg Research is a newsletter for special-interest groups about research at Tilburg University, located in the southern Netherlands. It specialises in the Social Sciences and the Humanities.

COLOPHON

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* Most black and white pictures are made by Martin Adler, who was killed in Mogadishu on 23 June 2006. He was filming a demonstration when a lone gunman emerged from the crowd and shot him at close range.

Martin's commitment to his work and to his subjects had often put him in great personal danger. Somalia, to which he had travelled several times, was just one amongst dozens of conflict zones where he had worked. He photographed in more than thirty countries, exposing poverty, human rights abuses and the fate of individuals in the midst of war and genocide.



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Researcher Jan van Dijk: the crime epidemic is past its peak

‘Victims are the real heroes’

Professor Jan van Dijk analyzed the results of the fifth International Crime Victims Survey. This confirms a trend previously suspected, that the most common forms of criminality in Europe are declining. In the Netherlands, however, the crime figures remain comparatively high. These results are in line with the ‘opportunity theory’ and predicted by Van Dijk 15 years ago.

A women's work brigade paid by the Russian federal authorities to sweep the streets of the war-ravaged city centre. RUSSIA Grozny, Chechnya (1996)

What makes the ICVS a typical INTERVICT study?

'We measure criminal victimization on an international scale', Van Dijk says. 'But to do so, we no longer ask the police. They see only a small proportion of the victims of crime, after all. Police records have proven too unreliable to provide a good picture of victim numbers. Instead, we ask the population themselves: how often have they been victims of a range of common crimes? We also ask whether they have reported the crime to the police. But we don't just count the numbers; as victimologists, we probe deeper. Why did you report the crime? What was your experience with the police? Did they refer to victim support? What anxiety did you feel? Two terms are important here: *measuring* and *victimhood*. That is what makes this a typical study that fits the INTERVICT profile.'

The survey is confined mainly to a number of violent and property crimes. Murder, manslaughter, gambling syndicates, trafficking in women and the like are not measured. Does that not give you only a limited picture of crime?

'That's true, but it was never our ambition to reveal the entire spectrum of criminality. In any case, you can no longer interview the victims of murder and manslaughter! Our aim was to interview 2000 people in each country. That is a large group, but even so cases of serious crime

were relatively rare. So the sample is still too small to make any statistically reliable statements about major crime. Our focus was on so-called common crimes. The sort of offences which can affect a lot of people in their everyday lives. The police only really became interested in such crimes in the mid-1980s; before that they focused solely upon 'real' crime, serious crime.'

'Lower crime figures thanks to updated policing policy? I don't believe a word of it'

What do you consider the most important results from the survey?

'The absolute confirmation that common criminality is falling fast across the Western world. The crime epidemic is past its peak. This is a trend we have been observing for several years now, and with the results of this survey it is one we can no longer ignore. I admit that we as researchers face a credibility problem: the media and politicians are not going to accept these results easily. After all, there remains a persistent impression that crime figures are high. Perhaps they will accuse us of making errors in our measurements – well, we haven't. We have used standardized victim surveys, a much better method than

International Crime Victims Survey

The International Crime Victims Survey (ICVS) was initiated by Jan van Dijk in 1988 as director of research of the Dutch Ministry of Justice. The first round was conducted in 1989 and has since been repeated every four years in altogether 75 countries. It is carried out in developing countries with support of the United Nations Interregional Criminal Justice Research Institute in Turin, Italy. The European part of the last survey was carried in the framework of a research project on public safety in the Union commissioned by the Directorate General for Research of the European Commission. The last round of surveys concern the years 2004 and 2005. Interviews were conducted in 18 EU countries: the 15 member states prior to 1 May 2004, plus Poland, Estonia and Hungary, as well as in the USA and a dozen other countries. More than 2000 people were surveyed in each country, 800 of them in the capitals. They were asked if, and in what way, they had been the victims of common crime and about their experience of the police and victim support.

police statistics. Those police figures can be manipulated. In any case, it is an impossible task comparing police data from 18 countries with different laws and recording practices. That's why Interpol stopped producing national comparisons: they were only generating disinformation.'

How do you explain the falling crime figures in the 18 EU countries surveyed?

'Everybody has their own explanation. In the United States, where the picture of falling crime figures also applies, they say 'We've made the punishments more severe'. That's true. There are two million people in prison there, and the number is growing. But that's not a good explanation. In Europe, the Netherlands included, they say 'We improved our policing policies and now we're reaping the rewards'. But I don't believe a word of that. Policing policy and police activities differ tremendously throughout the EU, as does the number of police officers per thousand citizens and yet the crime trends are similar everywhere. So there must be something else going on.'

What exactly?

'The rise of self protection and security measures all over Europe and North America began 15 years ago. That's the universal driving factor behind the crime drops. We are now protecting our cars, homes, businesses and municipal property better. There has also been a lot of media coverage of this improved security. Potential victims and ex-victims have been mobilized against crime and potential offenders know

it. So the real heroes in this story of falling crime rates are the victims: they have armed themselves against the criminals. In my view the heroes are not so much the police or the government. The authorities have invested in prisons and more police, not in private security, but they are now claiming the credit for reduced crime. If there is any credit at all to be apportioned, then it goes to small crime prevention units in the police and to the insurance companies rather than the government. And there is something else to be said about the police. The fall in property crime, by 30-40 per cent, must have significantly lightened caseloads of detectives. But they still say they are overworked, that they have no time to look properly after victims. I've been hearing those arguments for years and I don't want to hear them any more. This is also true for complaining prosecutors and judges.'

In the past, other factors were put forward to explain crime trends - things like demographics and urbanization. Do they no longer apply?

'The fact that the population is ageing is playing its part: older people are less likely to commit crime than the young. The vast majority of the baby-boom generation is not involved in crime. But that does not explain a fall of more than 30 per cent. There is even a countermovement: the number of immigrants is growing, and they are relatively young. By rights, they should be pushing the figures up. Urbanization is hardly increasing in Europe; that is more a problem in developing countries.'

'The media and politicians are not going to accept these results easily'

Yet feelings of insecurity are still growing.

'The difference between how people feel and the actual crime figures is particularly great in the UK. Across the EU, the fear is being fed by images of violent crime and the threat of terrorism. And the ageing population is again playing a part: older people tend to be more vulnerable, more anxious and more fearful, also of little things. Women are more worried than men, and in general they live longer as well. That is raising the sense of insecurity to some extent. There is also a lot of fear of crime in the Netherlands, which can be explained in part by the multicultural society. The ethnic composition of the big cities is changing, there are more immigrants, and that is leading to a sharp increase in hate crimes. That is a really striking fact.'

The Netherlands is still high on the list of the 'most criminal' EU countries. How do you explain that?

'The Netherlands has been high on the list ever since our first survey in 1989. We are a relatively urban nation. Not that we all live in cities, but almost everyone goes to them a lot to work and to shop. There is a lot of prosperity, so a lot to steal. And our famed tolerance also helps to explain the high crime figures: we were late in starting to protect ourselves. For a long time, the idea that 'my home is my castle' had a negative,



Shows a Roma family who fled the ethnic Albanians in Kosovo.

ideological undertone. In Germany, ‘Sicherheit’ has long been an important value. Every public building there has had security guards at the entrance for years, but that wasn’t the case here. We are more nonchalant about such threats. And the same applies to private security in the business sector. We felt that that was giving the rich the unfair advantage of having their own police force, that it was not democratic. It was only around 1995 that the tide in The Netherlands began to turn and secu-

rity started to increase. And after that crime started to fall, though somewhat later than elsewhere.’

We are also high on the list of violence and threatening behaviour.

‘Together with the UK and Ireland. That has everything to do with the relatively high levels of alcohol abuse in these countries. Groups of drunken juveniles hang around on the streets, something you just don’t see in Austria or Italy, where I have also lived and worked. Here

in the Netherlands there is a lot of alcohol abuse by teenagers, and beer in particular is the cause of much of the violence in the nightlife circuit. Alcohol is also an important contributory factor in domestic violence.’

To what extent do drugs still play a part in these crime figures?

‘We have seen the drugs market stabilizing for some time, which has reduced violence. The United States for many years had a very violent drugs culture, associated particularly



Jan van Dijk

Born in 1947 • Studied Criminology at Leiden University • 1976-1998: Director of Research, respectively Strategic Planning, Netherlands Ministry of Justice • 1984-1989: founding President, Victim Support Netherlands • 1990-2002: part-time Professor of Criminology, Leiden University • 1995: Stephan Schafer Award, US National Organization for Victim Assistance • 1997: Chair, ninth International World Symposium on Victimology, Amsterdam • 1997-1999: President, World Society of Victimology • 1998-2003: Deputy Director, United Nations Office on Drugs and Crime, Vienna • 2004: Deputy Director, United Nations Interregional Crime and Justice Research Institute, Turin • 2002: Honorary Doctorate, University of Tirunavelli, India • 2003: Hans von Hentig Award • 2006: Professor of Victimology, Human Security and Safety (Pieter van Vollenhoven Chair of Victimology), University of Tilburg, funded by Netherlands Fund for Victim Support and Research Director, INTERVICT.

with teenage crack users. But that has now calmed down, and the same applies in the Netherlands.'

Has this survey overturned any established criminological theories?

'It certainly has. Ten, twenty years ago, unemployment and poverty were cited as the main reasons for crime. Oddly, in fact, because that theory has never properly explained the explosive rise in common crime from the sixties until the end of the 1980s. After all, both prosperity and income equality were increasing in the Netherlands

'Dutch tolerance helps to explain our high crime figures: we were late in starting to protect ourselves'

during that period. The results of the survey actually confirm my favourite criminological theory that opportunity makes the thief. I predicted 15 years ago that eventually increased self-protection would bring down levels of crime. That has now become the prevailing theory. We are now using more and better locks, alarm systems, surveillance cameras etcetera. We still live in very affluent societies but there are fewer opportunities tempting the thieves'.

The survey shows that the Netherlands is relatively good at victim support, but that is not the case elsewhere.

'The number of people receiving victim support has increased across the EU since 1989. But things are stagnating now – including in the Netherlands – which surprises me. There is also a stagnation in levels of satisfaction with the police. It could be that our expectations have been raised, and at the same time are not being met.'

What should we do to reduce the crime figures even more?

'In line with the opportunity theory, make sure that criminals have even less chance to strike. Which means raising the profile of the Secured Home and Secured Work quality standards. And, for example, introducing security standard for the tourist and leisure industries as well. Such initiatives in crime prevention are being sadly neglected compared with the attention and money lavished on the police and costly prisons. Nor is there any reason to be complacent about victim support. We in the Netherlands may come a good second in Europe, but most victims still receive no help and half of those who report to the police do not look back happy at the experience.'

COLUMN

Experiencing 7/7: in reality and through the media

by John Tulloch

On the morning of 7 July 2005 I was travelling by Tube train on the Circle Line to Paddington station in London. I am a research professor at Brunel University and that morning I was on the way to my home base in Cardiff to finish two pieces of writing. One was an application to the university to found a new research centre in Media, Globalization and Risk; the other was an article on 'risk and everyday life' for a book on risk theory edited by Peter Taylor-Gooby, due to be published later this year. I was also planning to complete my external examiner's report for a student at Queen's University, Belfast, on her thesis on risk in one city in Colombia.

All those professional risk intentions that morning were blown away by a suicide bomber in my carriage of that Circle Line train. He was about a metre from me when he exploded the bomb, and I sustained very serious injuries. But I was alive. I still had my legs, my lungs... My body was intact and – despite appalling vertigo for some months, deafness, continuing concussion and post-traumatic stress – my progress in re-establishing and renewing my identity has been very good, supported by an amazing group of professional helpers, friends and family without whom my recovery would have been impossible.

But on 7 and 8 July 2005, two other things happened which led to quite another kind of focus on my identity. On 7 July a news photographer took shots of my battered, bloody, burnt and concussed face after I was helped, as 'walking wounded', from the bombed train at Edgware Road station. That image of my face appeared in newspapers and television news items all over the world. On 8 July I received a visit from Prince Charles in my St Mary's Hospital bed; that photographic image, too, went round the world. As my image appeared and re-appeared in the media, it not only came to be regarded by journalists as 'iconic' but was also quickly mobilized by media for their various political, social and economic agendas. By *The Sun*

newspaper in July as part of its 'Blitz' mentality support for the War in Iraq; by the *News of the World* in October for its anti-government campaign to obtain more compensation for the victims of '7/7'; by *The Sun* again in November to support Blair's anti-terror legislation (which I personally opposed); by *The Daily Mail* in December, attacking Blair's government for refusing an independent inquiry into 7/7; and for a whole lot of other agendas extending from July last year to the present.

However, not all has been 'media manipulation'. From the beginning I was conducting my own media interrogation: not only in my thinking and writing, but also through my regular interviews in the media. I constantly rejected the role of 'passive victim' (as contrasted with 'crazy, evil terrorist'), and that identity perhaps reached its most articulated expression in two recent outcomes: one a book, the other two short items for *ITN News*. My book, *One Day in July: Experiencing 7/7* (Little, Brown: London), offers a continuous play between subjective and systemic accounts of 7/7 and terrorism, blending, mixing and contrasting my own voice with that of many others who have written about, performed and visualized the 'war on terror'. The book ends with my personal 'Letter to Mohammad Sidique Khan'. *ITN News* gave me full editorial control of both the concept and the editing of two three-minute items which aired in its peak-time news broadcasts marking the first anniversary of 7/7. My concept was to reverse the journey of Mohammed Sidique Khan. He came to London from Leeds to close off, to kill – and he badly injured me. I went from London to Leeds to try to open out to the voices of local residents who knew the bombers, and to young, educated Muslim students with many of the aspirations and some of the anger shared by the bombers.

Both the book and the *ITN News* items are the first stages (to be followed by large British and EU research applications in the areas of human rights, media and terrorism)

of a challenge, representing – I am sure – the feelings and thoughts of millions of people across the world who are appalled as much by the foreign policy actions of their governments as by the increasing threat of terrorism. We are all victims of the ‘war on terror’. And we must change that: as I say in the last line of my book in response to Mohammad Sidique Khan’s words on his video, that ‘Our words are dead until we give them life with our blood’.
‘Our words are never dead, Mohammad Sidique Khan, until we stop speaking them.’

John Tulloch is a victim of the ‘7/7’ bombings in the London Underground.



At St Mary’s Hospital, London, the Prince of Wales talks to John Tulloch, one of the victims of the bomb blasts which shook the city on the morning of 7 July 2005.

Half a century of Dutch

- 1948 H. von Hentig publishes *The Criminal and His Victim*, the work regarded as marking the beginning of victimology.
- 1965 Establishment of the Netherlands Motor Traffic Guarantee Fund, making it easier for victims of road accidents to claim damages.
- 1970s The victim is ‘rediscovered’ in the Netherlands.
- 1973 First Dutch survey of victims by Jan Fiselier.
- 1973-1980 Annual victim surveys by the Netherlands Research and Documentation Centre (WODC).
- 1975 Establishment of the Violent Crimes Compensation Fund.
- 1978 Hindelang, Gottfredsen and Garofalo publish *Victims of Personal Crime: an empirical foundation for a theory of personal victimization*, marking the rise of the lifestyle theory.
- 1979 Cohen and Felson publish *Social Change and Crime Rate Trends: a routine activity approach*, marking the rise of the routine-activity theory.
- 1979 Inauguration of the Working Group on the Reporting of Violent Sexual Crimes, chaired by De Beaufort.
- 1980 Introduction of post-traumatic stress disorder in ‘DSM III’, the third edition of the *Diagnostic and Statistical Manual of Mental Disorders*.
- From 1980 Annual victim surveys by Statistics Netherlands: originally the Victims of Crime Survey, from 1992 the Legal Protection and Security Survey and from 1997 the Continuous Quality of Life Survey.
- 1983 Inauguration of the Petty Crime Committee (‘Roethof Committee’).

and international victimology

- | | | | |
|-----------|---|-----------|--|
| 1983 | Inauguration of the Working Group on Judicial Policy and Victims of Crime, chaired by Vaillant. | 1995 | Terwee Act and national referral to victim support services introduced: victims receive greater scope to claim damages from perpetrators during criminal procedure. |
| 1984 | Establishment of the National Organisation for Victim Support (LOS). | 1999/2000 | Policy memorandum <i>Mediation in Criminal Procedure</i> : the end of the 'settlement' projects. |
| 1984/1985 | <i>Society and Crime</i> policy plan published in response to the interim report of the Roethof Committee: more consideration of victims is needed. | 2000 | Public Prosecution Service is required to inform the victims of sexual offences when the perpetrator is released from custody. |
| 1985 | Inauguration of the Committee on Statutory Provisions for Victims in Criminal Procedure, chaired by Terwee. | 2000 | Establishment of the Forum for Remediation. |
| 1985 | United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. | 2000/2001 | Joint Home Affairs and Justice policy memorandum, <i>Controlling Crime</i> : considerate treatment of victims. |
| 1985 | Council of Europe Recommendation on the Position of Victims in the Framework of Criminal Law and Procedure. | 2001 | European Framework Decision on the Standing of Victims in Criminal Proceedings. |
| 1986 | Circular on the treatment of the victims of very serious crimes ('De Beaufort Guidelines'). | 2002 | LOS is renamed Victim Support Netherlands. |
| 1988 | Report of the Committee on Statutory Provisions for Victims in Criminal Procedure | 2002 | Victims Right to Speak Act. |
| 1989 | Establishment of the Crime Prevention Directorate of the Department of Justice. | 2002 | Government memorandum on domestic violence, <i>Private Violence, a Public Matter</i> . |
| 1989 | First <i>International Crime Victims Survey</i> ; subsequently repeated every three or four years. | 2002/2003 | Policy programme <i>Towards a Safer Society</i> : considerate treatment of victims. |
| 1990s | Victim support becomes part of the work of the Public Prosecution Service. | 2003/2004 | <i>Victim Support Policy Note</i> on the legal position of victims in criminal proceedings. The victims of crime require more rights, and in that capacity. The right to legal support, an interpreter and correct treatment by the police and judiciary are enshrined in law. |
| 1992 | The first biennial <i>Public Policing Monitor survey of victims</i> , commissioned by the Department of Home Affairs; annual since 2003. | 2004 | Written victim statements may be drawn up. |
| 1994/1995 | Minister of State for Home Affairs submits the policy memorandum <i>Security 1995-1998</i> to Parliament. | 2005 | The right of victims or their next of kin to speak in court begins in practice. |
| | | 2006 | CBS and Public Policing Monitor victim surveys merge as the Public Safety Monitor. |
| | | 2006 | Establishment of INTERVICT, the International Victimology Institute Tilburg. |



INTERVICT Director Marc Groenhuijsen on victimization and academic research

A giant step for the victim

Almost half a century after the unofficial birth of the academic study of victimology, the University of Tilburg has opened an institute unique in its scale and approach to conduct interdisciplinary research into victimization. Director Marc Groenhuijsen on 'his' institute.

It is the common thread running through his career like a river. Since Marc Groenhuijsen wrote his PhD thesis on victim compensation 20 years ago, and so took his first steps in what was then still a young field, victimology has not let him go. That may have been three decades after the publication of Von Hentig's *The Criminal and His Victim* (1948), which marked the unofficial birth of victimology, but it was not until the 1970s that the victim of crime was 'discovered' in the Netherlands. Groenhuijsen's thesis helped stimulate academic consideration of a vulnerable but neglected group of people.

From then on the career landmarks followed in quick succession (see CV), with the high point so far being the establishment of INTERVICT, the International Victimology Institute Tilburg. The result of hard lobbying, with much of the effort coming from Groenhuijsen himself, this organization has now succeeded in recruiting a number of leading figures from the world of victimology. As well as criminologist Jan van Dijk and psychologist Frans Willem Winkel, a select group of academics from a range of disciplines is working to deepen our knowledge of every aspect of victimization. All this research is empirically-based and rooted in the social sciences. Its interdisciplinary approach and scale make INTERVICT a unique institute.

INSPIRATION

INTERVICT is also a product of the knowledge paradox. Years of aca-

demical practice actually make such an institute more essential than ever before. 'The more you know', Groenhuijsen says, 'the more you realize how little you know. And that is certainly the case here. We are thoroughly 'au fait' with victimology, but that also means that we know where the gaps lie in it and how unreliable some of the theories are.' Such theories are often ideologically-based. Some 'victimologists' – if they describe themselves as such – are people calling for more consideration to be given to 'poor victims', but doing so from behind no more than a veneer of science. That is not a path for INTERVICT, though. Solidarity with victims is great, Groenhuijsen says, but conducting research on that basis alone? No! 'We empathize with the victims, too', he explains. 'But we start with empiricism and go on to

Left page: Chechen women holding photographs of their sons and husbands during a gathering of women searching for male relatives who have either been arrested or reported missing. RUSSIA Grozny, Chechnya.

Standing from left to right: dr. Frans Willem Winkel, prof. dr. Bert-Jaap Koops, Ms Karla van Leeuwen, prof. dr. Jan van Dijk, John van Kesteren MA, Ms Barbara van Gorp, Antony Pemberton MA, Felix Ndahinda LL.M. Sitting on the stairs or standing at the right, from left to right: Renske van Schijndel LL.M., Sandra Reynaers LL.M., Ms Susanne Schweizer, dr. Rianne Letschert, Suzan van der Aa LL.M., prof. dr. Marc Groenhuijsen, dr. Toine Spapens, Ignacio Rodríguez LL.M., prof. dr. Ton Wilthagen



test the theories against the evidence. The practice of academic research is something rather different from engagement, even though the victims of crime and abuse of power are our inspiration.'

The Tilburg institute is founded upon two basic pillars of victimology: the victims of crime and the abuse of power. And that latter aspect is there for good reason. Governments which are guilty of misusing their own

power do not regard that conduct as reprehensible. Formally speaking, it is not an offence and so cannot be classified as 'crime' – but it still produces victims. INTERVICT focuses upon property crimes, violence, road traffic accidents – regardless of whether the culprit commits an offence in law – and personal injuries, and their victims. In the case of personal injury, the institute works closely with the Centre of Liability

Law at the University of Tilburg, where Professor Maurits Barendrecht and his colleagues have built up a formidable reputation in the field of compensation. Finally, INTERVICT has a separate programme of research devoted to 'human security'. This refers to the consequences of extremism and terrorism for individuals. INTERVICT's field of study is confined specifically to the victims of human activity, though, so those

INTERVICT research programmes

Programme A: Victims and the Legal System

Although the programme title suggests a legal and normative line of research, the actual approach is empirical. The eight individual research themes are rooted in the social sciences and the approach is interdisciplinary. Examples include how the Public Prosecution Service handles victims' rights, how nation states deal with international victim protocols and the experiences of European Union member states with guidelines related to victims. Amongst the topics addressed are how people, organizations and supranational legal communities influence behaviour, as well as the role of regulation: is 'hard' law (binding agreements) better than 'soft' law (guidelines and recommendations)? Other themes include stalking (how effective are

civil and criminal sanctions?), the notion of trust in mediation and victims of identity fraud.

Programme B: Psychological Aspects of Victimization and Victim Support

Not just a programme for psychologists, this again requires collaboration with other disciplines. Research subjects include the effect of victim support: satisfaction with the organization providing this is frequently polled, but what we do not know is whether it has actually helped. And that is something for which new criteria and tools need to be developed. Other themes include domestic violence (what is the best strategy for countering this, prison for the perpetrator or a support system for the victim?) and the career repercussions of being a victim of crime.

Programme C: Human Security in Relation to Victimology

This programme is examining the overall protection of human rights, including the prevention of terrorism and responses to it. So the subject matter here is 'crime-plus', since the offences concerned are huge in scale and particularly serious. As a result, the classic 'night-watchman' state – a government protecting its citizens against criminals at home and hostile states abroad – has had its day. The threat nowadays is from elsewhere: from extremists and terrorists. A shift which is demanding new approaches, and also new scientific concepts. This programme is investigating such topics as the history of human security, the security aspects of mass tourism, people trafficking and the 'collective victimization' of African native peoples.

affected by natural disasters like floods, earthquakes and famine fall outside its remit.

HALF FULL

Is it not rather late to set up an institute of this kind now? And is it even necessary any longer, now that victims are receiving so much attention in academics, in policy and in court? For Groenhuijsen it is a matter of whether the glass is half full or half empty. 'A quarter of a century ago', he says, 'the victim was a non-person. They could report a crime and appear as a witness, and that was about it. But huge progress has been made in the past 20 years. The first guidelines on dealing with victims for the [Dutch] police and Public Prosecution Service were published in 1987. In the early 1990s, the so-called Terwee Act amended the Criminal Code to entitle the victim of a crime to receive compensation. And in 2005 a parliamentary bill was introduced to give the victim new rights even if they had suffered no loss or injury. Symbolically, that is a giant step forward.'

In that sense, then, the glass is half full. But much remains to be done, claims INTERVICT's Director. 'There are opposing forces which could evaporate that half-full glass', he says. 'It is far from certain that the victim's point of view will be prioritized over the next few years.' Which is one reason why an academic approach is so desperately needed now. The current political debate is being largely fuelled by 'instinct', when what is really needed are hard statistics. 'Four million crimes are committed in the Netherlands each year',

Marc Groenhuijsen



Born in 1956
 • 1974-1980: studied Dutch Law at Utrecht
 • 1980-1987: from lecturer to Professor of Criminal Law and Criminal Procedural Law,

Leiden University • 1985: thesis (with distinction), *Compensation for Victims of Crime in Criminal Proceedings* • 1986: Modderman Prize • 1986-present Deputy Judge, Rotterdam District Court • 1987-present: Professor of Criminal Law and Criminal Procedural Law, University of Tilburg (expanded in 2005 to include Victimology) • 1992-present: Deputy Justice, Arnhem High Court • 1995: Honorary Member, Dutch National Association for Victim Support

• 1997: awarded Commemorative Medal of the Hungarian Parliament for outstanding contribution 'in the interest of European victim services and for helping Hungarian victim support' • 1999: awarded the Golden Sword of Hungary for outstanding contribution to support for victims of crime in Hungary • 2003: Certificate of Appreciation Award from the World Society of Victimology 'to honour a deserving person for major accomplishments significant to the field of victimology' • 2003: Stephen Schafer Award for Outstanding Contributions to the Victims' Movement in the Field of Research, awarded by the US National Organization for Victim Assistance • 2005: founder and Director, INTERVICT • 2006: Member of the Royal Netherlands Academy of Arts and Sciences.

Groenhuijsen says. 'But we don't know what their economic and intangible costs are. They're 'huge', that much is certain, but that's all we can say. And you simply cannot make policy decisions based upon such a vague statement. How much does a murder actually 'cost'? No-one can say. What we are going to do is enumerate those social costs of victimization for various categories of victim.'

What, for example, are the career repercussions for somebody who has been the victim of a crime? To find out, a group of victims is to be moni-

tored in parallel with a control group. 'Anecdotally, we know how bus drivers and garage attendants feel after they have been threatened or robbed. But we know nothing about how that translates into hard cash. A lot of intuition, of common sense, is being used in work in this field, but the empirical tests are just not there yet.' This new approach will only be a success if people from different disciplines work together: lawyers, criminologists, economists, statisticians, psychologists and methodologist. 'And Intervict already has them', Groenhuijsen says.

THE RESEARCHERS OF INTERVICT



‘Indigenous peoples in Africa are collective victims’

Name: Felix Ndahinda

Education: Law (National University of Rwanda, LL.B.) and Human Rights (Lund University, Sweden, LL.M.)

Research programme: Human Security in Relation to Victimology

Research: African Indigenous Peoples: from Victimization to Empowered Actors

‘In this research, I focus upon the rights of African indigenous peoples, the extent to which they can be considered as collective victims and what empowerment tools can be resorted to in tackling this victimization. By indigenous peoples I mean groups like the Pygmies, who include the Batwa in Burundi, Rwanda, the Democratic Republic of Congo and Uganda, the Bambuti in the Democratic Republic of Congo, the Hadzabe in Tanzania... Other groups include the San, better known as Bushmen, who live mainly in Botswana, South Africa and Namibia. Both Pygmies and San fall under the hunter-gatherers categorisation. Pastoralist groups include the Masai of Kenya and Tanzania. There are numerous other peoples who claim to be ‘indigenous’.

‘Their cultures differ from the dominant ones in their home countries and they have fewer and fewer opportunities to follow their traditional lifestyles. Their rights are being violated by the state or other groups while the resources upon which their livelihood and survival depends are progressively shrinking. This makes these indigenous peoples victims. Not only individually but also collectively. In their own countries, however, hardly any attention is paid to this phenomenon. International law, too, has largely overlooked collective victimization, due to their predominant individualistic rights model.

‘African indigenous peoples’ plight is linked to the colonisation and decolonisation history of the continent. The new national frontiers ignored the boundaries of tradi-

tional homelands, effectively dividing people and submitting them to different institutional, legal and national jurisdictions. Disruption of pre-existing lifestyles led to the marginalisation, dispossession and victimization of groups which did not integrate in the newly adopted political, socio-economic, legal and cultural institutions.

‘Other developments exacerbated the problem. Many indigenous peoples, such as the San, or Pygmies were often driven out of their ancestral lands for purposes of creating parks, reserves, mining purposes. Development projects and new infrastructure – mines, plantations, oil fields, dams – encroached upon their homelands. Finally, they were often forced to abandon their so-called ‘backward’ cultures and adapt to modern ways of living. All things considered, the rights of indigenous peoples have been violated time and time again.

‘In this research I am looking at what answers international law has to those violations, but also at how the rights of indigenous peoples are determined in their own countries. Most have lived on their lands for centuries but have no way of proving their title to it: there is nothing written down on paper. Such rights should be enshrined in national legislations which, together with international and regional legal framework, can enhance the needed protection of indigenous peoples. More than anything, I will be looking at how victimized indigenous peoples can be empowered or empower themselves in order to act towards the realisation of their aspirations.’



‘Human security: old wine in new bottles’

Name: Ignacio Rodríguez Álvarez

Education: Law (LL.B, University of Valladolid, Spain), Public International Law and International Relations (LL.M, Free University of Madrid and Oviedo University, Spain)

Research programme: Human Security in Relation to Victimology

Research: The History of Human Security

‘Human security is a relatively new concept, now widely used to describe the complex of interrelated threats associated to civil war and mass crimes.

‘Though it has been submitted that the concept of human security should include, within those threats, hunger, disease and natural disaster, we are now concerned with a narrower concept focused on violent threats to individuals either from external or internal violence. Here lays an important difference between the concepts of human security and national security. While the traditional goal of the latter has been the defence of the State –and also the individuals– from external threats, the former also would include the defence of the individuals from violent conflicts within that State.

‘Nevertheless, the concept of human security cannot imply the abandonment of the concept of national security, which has traditionally described wars between States, as an analytical framework. As a matter of fact, even stressing the importance of the security of individuals, the responsibility as to protect them at the international level still rests mainly on the States: it is in this panorama where doctrines as ‘humanitarian intervention’ have been evolved. On the other hand, is our claim that, from this point of view, the concept of human security is nothing but old wine in new bottles. Further, it seems to be possible to discover its roots through the analysis of some historical cases.

‘Thus, we are concerned with the justifications used by

States, in historical perspective, when they decide to wage war against other States in wars or armed conflicts during the last two centuries. Particularly, we are focused in those justifications that seem to be familiar to the elements of the contemporary concept of human security, even though when most of those cases arose the concept as such was unknown.’

Terry Waite:

'I have refused to give way to the



You were held captive for 1763 days. Do you consider yourself a victim? And how would you describe victimhood in your case?

'In the technical sense of the word I suppose I was a victim, although I do not choose to use that word to describe myself. I found myself in captivity as a result of political duplicity and regard the experience as being something of an occupational hazard.'

How has being a captive for so long influenced or hindered your own life and that of those close to you?

'An experience of prolonged solitary confinement is not easy to endure, but it need not be a negative experience and has not been for me or for my family. It has enabled me to have a deeper understanding of myself and my motives, and my family has grown stronger as a result of the experience. I repeat, it was not at all easy for any of us but I believe that in many cases suffering need not destroy. Often there is a positive side to the experience waiting to be realized.'

You have always said that you were able to survive your ordeal in captivity by standing up for truth. What exactly

Terry Waite visits the al-Somoud orphanage school in the Baddawi Palestinian refugee camp in the Lebanese city of Tripoli (February 2004).

negative'

do you mean by that? And where does that belief come from?

'What I have said is that during the time I was being interrogated, I could answer the questions put to me truthfully. My captors wrongly believed that I was duplicitous in my dealings with them, but that was not the case. The fact that I could answer truthfully gave me strength. I cannot say that I have always throughout life told the absolute truth, but in this instance I could and did. Subsequently, I have found that truth can be painful of course, but is totally wholesome. I suspect the belief came from my parents and from my Christian conviction.'

Finally freed – what then?

'I was fortunate to be elected to a fellowship at Trinity Hall Cambridge and took time to write about my experience, which was later published as *Taken on Trust*. This was a help as it enabled me to come to terms with the previous years and to objectify the experience rather than pushing it down into my subconscious.'

How did you look for and receive help at the time?

'I and my family were offered and accepted counselling help on my release. This was of considerable benefit to us all.'

In your opinion, what should be the focus of worldwide academic research

in the field of victimology?

'How to enable 'victims' to take the positive from their experience rather than wallowing in the negative side.'

What should researchers not forget under any circumstances?

'That there are some experiences in life which are virtually impossible to verbalize. See Arthur Koestler writing on solitary confinement in the book *Kaleidoscope*.'

What can victims themselves do to improve their situation?

'Move away from self-pity and recognize that the world is a place full of suffering, and that suffering is no respecter of persons. The innocent suffer as much others do. So do not think of yourself as a 'victim'. Think of yourself as a normal human being who shares in the burdens and joys of this world along with the rest of humanity.'

In retrospect, how did you get to where you now are? What motivates you to go on?

'Life is a gift and each day there is something new to be discovered and appreciated. I have often been afraid and despairing, but I have refused to give way to the negative. Perhaps I have been fortunate because of an inherited disposition. Perhaps it is a mixture of what I inherited and the development of a positive attitude.'

The story of Terry Waite

Terry Waite is a British humanitarian and author. He is best known as a hostage negotiator who was himself taken hostage. Today he is involved with a great many charities.

Waite was the Archbishop of Canterbury Robert Runcie's Assistant for Anglican Communion Affairs. As an envoy for the Church of England, he travelled to Lebanon in an attempt to secure the release of four hostages including journalist John McCarthy. He arrived in the capital, Beirut, on 12 January 1987 with the intention of negotiating with Islamic Jihad, which was holding the men. On 20 January 1987 he agreed to meet the captors and was promised safe conduct to visit the hostages, whom he was told were ill. But the group broke its word and took him hostage, too. He was held from 2 February 1987 until 17 November 1991. The first four years were spent in total solitary confinement.

Since his release, Waite has been in constant demand as a lecturer, writer and broadcaster, appearing in North and South America, Australia, New Zealand, South Africa and throughout Europe. There has been particular interest in his lectures relating his experiences as a negotiator and as a hostage to the pressures faced by executives and managers.

News

APPLIED RESEARCH

- Commissioned by the Research and Documentation Centre (WODC), Netherlands Department of Justice: *De tevredenheid van slachtoffers van misdrijven met de slachtofferzorg* ['Satisfaction with Victim Support Services amongst Victim of Crime'].
- Commissioned by and in collaboration with the WODC: *Preventie van geweld (deel 2)* ['Prevention of Violence (Part 2)'].

INAUGURAL ADDRESS

Professor J.J.M. van Dijk will give his inaugural address as holder of the Pieter van Vollenhoven Chair of Victimology on 24 November 2006.

UN EXPERT MEETING

On 12-15 December 2005, INTERVICT hosted a group of international experts on victimology who discussed whether a UN convention is a proper instrument to stimulate further implementation of and compliance with the terms of the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power. Participants included Adedokun Adeyemi, Matti Joutsen, Jan van Dijk, Hidemichi Morozawa, Marlene Young, Karen McLaughlin, Marc Groenhuijsen, Pablo Domingues, Raj Kumar, Irvin Waller, Sam Garkawe, Willem van Genugten, Frans Willem Winkel and Rianne Letschert. They spent a week working on a number of issues related to promoting the use and application of UN standards for victims, in part as a follow-up to the

declaration made by the UN Congress in Bangkok.

The following matters were addressed by the meeting:

- Whether a UN convention is a proper instrument to stimulate further implementation of and compliance with the basic principles contained in the Declaration.
- Preparation of a cogent first draft of such a convention, including a preamble, a section on rights and a section on ways to encourage and/or enforce implementation.
- The proposed terms of reference for a UN Secretary General's Special Rapporteur on Victims of Crime, Abuse of Power and Terrorism.
- The development of a strategic plan for the adoption and ratification of such a convention. Both the World Society of Victimology and INTERVICT were represented at the Fifteenth Session of the Commission on Crime Prevention and Criminal Justice, presenting their recommendations to it. For more information about the conclusions of this session, see <http://www.tilburguniversity.nl/intervict/UNdeclaration/>.

INTERNATIONAL SYMPOSIUM ON VICTIMOLOGY

On 19-25 August 2006, several INTERVICT researchers attended the 12th International Symposium of the World Society of Victimology in Orlando, USA. The topics of their presentations can be found at <http://www.tilburguniversity.nl/intervict/>.

CHAIR OF VICTIMOLOGY, HUMAN SECURITY AND SAFETY

The Pieter van Vollenhoven Chair of Victimology, Human Security and Safety at Tilburg University was inaugurated on 1 January 2006. Established in partnership with and endowed by the Netherlands Victim Support Fund for an initial period of five years, the chair falls under the auspices of the International Victimology Institute Tilburg (INTERVICT) and is held by Professor J.J.M. van Dijk.



COLUMN

Coming out better

by Ad Vingerhoets

'Cancer is the best thing that ever happened to me.' So says the famous American cyclist Lance Armstrong, who was struck by testicular cancer but has since made a full recovery. Of course, you could claim that that is easy for somebody like him to say. But Dutch writer Karel Glastra van Loon, who died recently from a brain tumour, also commented in his columns about his illness that, despite everything, it brought much good with it. It may have turned his whole world upside down, but there were also countless important and far-reaching positive experiences which would move him to tears at night.

We at the Department of Psychology and Health regularly heard such remarks, too, when we started focusing upon the well-being of long-term survivors of cancer. It is not just a few eccentrics who say things like that.

Researchers have also discovered this phenomenon now, naming it 'post-traumatic growth' or 'benefit finding'. People affected by a serious illness, and those who have been through some traumatic experience – be it an accident, incest, the loss of a loved one or whatever – do not all suffer only depression, symptoms of post-traumatic stress, fear and a lack of self-confidence. Some of them end up stronger than they were before the event. The watershed changes they have undergone colour their relationships and view of life. They now know what is *really* important in life, that they can make the right choices. And that gives them self-confidence and faith in the future: if they have managed to deal with this, there is nothing else to be afraid of. This effect seems quite widespread, too – people with both physical and mental problems report such changes, as do some who are better off.

This picture corresponds well with the ideas which have recently been formulated concerning the complex and difficult-to-define term 'suffering'. When does somebody suffer from their illness or experiences? Here again, how they look at the world – and, in particular, what meaning they ascribe



to things – seems to play an important role. To put it simply, we should provisionally assume that people affected by such drastic experiences and who see nothing positive at all in them are suffering.

Of course, it is very important that we gain a greater understanding of the determining factors in post-traumatic growth. And that applies all the more so to aspects which can be influenced through psychological interventions. In this respect, a range of factors seem to be vying for attention: personal characteristics, specific features of the experience, how people around the subject respond and, in broader terms, possibly even the whole culture in which they live.

Naturally, none of this is new for the truly great on this earth. After all, is it not simply another illustration of 'Cruiff's Law': 'every drawback has its benefit'?

Ad Vingerhoets is endowed Professor of Health Psychology at the University of Tilburg. The findings upon which this column is based come from PhD research by Floortje Mols into the quality of life of long-term cancer survivors.

The victim and victimology

Not all victims are the same. And the original victimology research looks nothing like modern victimology. A reconstruction of an evolution.

He is in the wrong place at the wrong time. Innocent, yet the victim of a crime. That is how the Romanian, later Israeli, lawyer Benjamin Mendelsohn defined the victim a few years after the Second World War. Mendelsohn interviewed large numbers of victims and divided them into six types. He concluded that most 'had an unconscious aptitude for being victimized', and that applied particularly to the 'innocent', the most common type of victim. The German criminologist Hans von Hentig also categorized victims. For him, the 'depressive type' is the most common: 'an easy target, unsuspecting and careless'. The 'greedy type' is easily duped because his or her motivation for easy gain lowers the natural tendency to be suspicious. The 'wanton type' is particularly vulnerable to stresses which occur at a given time of life, as with juveniles or prostitutes – the ideal victims of serial killers. Both researchers presented their results in what have now become classic works, making them the pioneers of victimology. Von Hentig published his article *Remarks on the Interaction of Perpetrator and Victim* in 1941, followed in 1948 by *The Criminal and his Victim*, a criminological study



RWANDA, *Victims of a massacre during the 1994 genocide.*

including a chapter devoted to the victim. Von Hentig treats the victim as one of the participants in a crime; in his view, studying their role should lead to the prevention of crime. During the same period, Mendelsohn presented a paper (1947) at a conference in Bucharest. And he was the first to use the term 'victimology'. It was not until the 1970s, however, that victimology – the study of victimhood – emerged as a separate academic discipline.

In the early years of victim research, one aspect recurred on a regular basis. Both Mendelsohn and Von Hentig focused their attention upon the role played by the victim in crimes of violence: a factor known as 'precipitation'. So-called victim precipitation – which can include provocation, for example – has always been a controversial point in criminology. For perpetrators, it has provided extenuating circumstances in prosecution and sentencing. A fact which

Mendelsohn in particular, a lawyer by training, pointed out early on.

INTERACTIVITY

One key landmark in the subsequent development of victimology was *The Victim and His Criminal: A Study into Functional Responsibility* (1968) by Stephen Schafer. He emphasized the relationships and interactions between perpetrator and victim before, during and after the crime. Schafer looked not only at victim precipitation, but also at the perpetrator's obligation to 'make good' his or her crime through some form of compensation. That point of view was later shared by Dutch criminologist Willem Nagel, another pioneer who advocated an 'interactive' victimology. According to Nagel, the criminal justice system should be organized in such a way that it meets the perpetrator's need to make amends ('atone-ment'), the victim's need for redress and compensation ('retribution') and society's need for reconciliation. These pioneers were all criminal lawyers or criminologists. They saw the victim as a key figure in the social process which resulted in and followed on from a crime. This point of view still exists today, now being known as 'penal victimology' – as opposed to 'general victimology', which studies the victims of natural disasters as well as those of crime and the abuse of power. As far as penal victimologists are concerned, victimology is the study of those affected by 'incidents' which the law regards as crimes. They study the

causes of crime and the victim's role in criminal proceedings. What interests them is the dynamic interaction between victim and perpetrator.

BLAMING THE VICTIM

That choice exposes penal victimology to criticism. For many, it argues in favour of effectively blaming the victim. Even Mendelsohn, in his article *A New Branch of Bio-Psychological Science: La Victimology* (1956) pointed out the involvement of victims in the crimes affecting them – so as to better defend the perpetrator and to shift all or part of the blame onto the victim. This notion of victim precipitation is often used in attempts to blame them. In rape investigations, for example: particularly in the case of violence against women, precipitation is often cited to explain why certain women become victims. But that, say the critics, distracts attention from the structural causes of such violence.

As well as looking at the causes of crime, victimology also considers possible answers. Penal victimology has always taken considerable interest in non-punitive solutions, such as mediation. At least in theory, these should strengthen both the victim and the perpetrator. Looking after the victim does not preclude care for the perpetrator.

What is important is that victims are not approached from a purely medical or clinical perspective. Victimology is more concerned with better understanding the problems they face, and the key to that lies in the realization

that somebody has done something to the victim which has damaged their sense of justice – damage that has to be repaired. Victims, so penal victimology teaches us, need not just help and treatment but also the restoration of that sense of justice.

VICTIMS' RIGHTS

The victim has been playing an increasingly important role in the legal system since the 1970s. In just about all Western countries, victim services have sprung up like mushrooms. Many nations have amended their laws to put victims in a better legal position. The great concern amongst victimologists now is that these legal arrangements and statutory rights are actually being implemented.

Meanwhile, victimologists are now looking more and more at the individual victim rather than simply conducting general research. As Jan van Dijk once wrote, 'Victimology [has] transformed from a victimology of the act into a victimology of action.' At the same time, clinical research into victims has advanced by leaps and bounds in the past 25 years. Psychiatrists and clinical psychologists have been investigating how post-traumatic stress syndromes can be treated, cured and prevented. But cynics claim that the expansion of victimology and victim support is creating a 'victim industry', to which anyone with the slightest problem can turn – and so shirk their own personal responsibility.

THE RESEARCHERS OF INTERVICT



‘We are surveying the costs of justice’

Name: José Mulder

Education: Economics, with a minor in Law and Economics (University of Amsterdam)

Research programme: Victims and the Legal System

Research: Modelling Access to Justice for Victims

‘Victims of crime want some form of help or justice. Some expect psychological support, some that the culprit be punished and some want financial compensation. Or perhaps they ‘just’ want an apology, respect or to know what motivated the perpetrator. What I am trying to do is build up a picture of the different things that victims want. This work is part of a bigger project to develop a model incorporating all the factors which important in the search for justice. But I am focusing upon just one of the groups involved in that search: victims.

‘Victims can do many things. They can visit Victim Support or a psychologist, cry on a relative’s shoulder, go to the police, hire a lawyer or go to an arbitration board. But all of these involve time and effort, and so cost money. I am investigating just how much it costs to take these measures, and whether they give victims what they are looking for. In other words, what is the price of obtaining rights or justice? It has always been claimed that access to justice is expensive, but it has never be known just how expensive. About the emotional, time and financial costs of taking non-judicial routes, nor about what they deliver is even less information available. ‘Say you want to take a case to court. So you need a lawyer. Even looking for one has its cost. You are asked to gather together the relevant documents, and that costs money. You incur expenses attending court. What we are doing is surveying the entire criminal justice process, from the moment a crime takes place until the final verdict is delivered.

‘In a way, you could say that I am conducting an economic cost-benefit analysis of victimhood. But it is not just the financial costs which are significant, but the psychological ones as well. Emotional aspects play at least as important a role as purely monetary ones. People are not as rational as we tend to think and victims certainly not. That is clear from the fact that some are content with just an admission of guilt from the culprit, even though that may have cost a lot to obtain. The victim has achieved what he or she wants, but at what ‘price’? Understanding these things can help to expose bottlenecks in the system and to produce recommendations for improvements. ‘In my research, I am drawing upon insights from economics, psychology, legal sociology, negotiation theory and conflict management. In that sense, this study is an important step forward: in the past, access to justice was only approached from a legal perspective.’



‘The victims of stalking get to speak for themselves’

Name: Suzan van der Aa

Education: Law, Tilburg University

Research programme: Victims and the Legal System

Research: Anti-Stalking Measures: an Empirical Analysis of their Effectiveness

‘Stalking was made a criminal offence in the Netherlands in 2000. Anybody who systematically disrupts the personal life of another person can now be sentenced to up to three years in prison. Sanctions of this kind were first introduced in California some years earlier, following some cases in which two actresses were harassed by their fans and one was eventually murdered. Stalking has been a crime there since, with other states and countries subsequently following suit.

‘In the Netherlands, stalking was mainly dealt with in the civil courts until then. You could apply for an injunction to prevent a stalker entering a particular area or contacting you. The legislature eventually decided that these measures were inadequate, though, that they were too ‘soft’. But it invoked the criminal law without reliable empirical data being available. So the question remains as to whether such a response provides any added value. ‘In my research, I compare the responses under civil and criminal law in the Netherlands with those in Scotland, where the emphasis lies on civil law. There, breaching an injunction is a criminal offence but stalking itself is not. That makes Scotland an interesting case. Where there are two possible responses to stalking, they could influence one another. In Scotland, though, you can look at a response confined mainly to civil law with less distortion from criminal law. That makes it easier to measure effectiveness.

‘I also look at private security companies in my research. You see these being used more and more by the victims

of stalking. Their approach is to isolate the subject from the stalker as much as possible. They provide physical protection, but also screen the victim’s post and telephone calls. I compare all of these measures. My hypothesis is that the more victims have to do to rid themselves of stalkers, the less effective the system is. It is not deterring the stalker. In the Netherlands, for example, it is difficult to enforce injunctions. If the stalker breaches an order of this kind, it is the victim who has to take action by, for example, demanding penalty payments. And they have to be recovered by bailiffs – a lot of trouble, and with doubtful effect. The response to stalking is probably most effective when action is taken by a security company or, in the form of sanctions under criminal law, the government.

‘In my quantitative research, I am interested in the perception of the victims themselves. Some 3000 cases of stalking are reported to Victim Support Netherlands each year, and we can interview some of those people. I will also talk to a control group of people who are being stalked but have not taken any action.

‘This research perfectly fits INTERVICT’s profile. It is international and interdisciplinary, since I am using both legal and social-scientific research methods. And I look at things from the victim’s point of view: what is their experience of protection, what do they consider to be the benefits and drawbacks of the various systems, and what do they find effective? After all, the victim’s perspective can be very different from that of the professional.’

Mukhtar Mai:

'I try to bring the first drop of water'

Mukhtar Mai teaching young girls in the village of Mirwala, Pakistan. Mai, who survived a jury-ordered gang rape in 2002, has embarked on a personal mission to eradicate the ignorance she blames for such practices, by educating illiterate girls (August 2004).



The story of Mukthar Mai

Mukthar Mai is a woman from the southern Punjab region of Pakistan. She symbolizes the fate of the many Pakistani women who are raped, burned or murdered over matters of 'honour'. Thanks to exceptional courage and determination, Mai has transformed herself from an illiterate outcast into an international personality.

Mukthar Mai is trying to change the way women are treated in Pakistan. Her fight began in 2002, when she was gang raped on the orders of village tribal council elders. The rape was meant to restore her family's honour after her younger brother had been accused of seeing a girl from a rival tribe.

In a country where Human Rights Watch says the vast majority of rapes and other violent crimes against women go unpunished, Mai broke the silence. She not only pressed charges, she fought her case all the way to the nation's highest court. In a case that sent shock waves through Pakistan, her attackers were found guilty. She used her government compensation money to build schools in her village. Honour crimes are hardly rare in Pakistan. According to the country's independent Human Rights Commission, during the first seven months of 2004 at least 151 Pakistani women were gang raped and 176 killed in the name of honour. The vast majority of perpetrators go unpunished.

Your case is an example of the gender apartheid in Pakistan. Do you consider yourself a victim?

'Yes, I consider myself a victim. But now I feel proud when people consider me as a role model or someone who is working for victims.'

How would you describe victimhood in your case?

'Well, I think what happened to me is the worst thing one can do to any woman. So I can describe my victimhood in these terms: I were a man, this would not have happened to me, so they made me a victim because I am a woman.'

If this kind of gender apartheid exists in your view, what are its roots?

'The roots of gender apartheid are the feudal system, illiteracy, men's conservative thinking and society's social values. Plus politics.'

There are perhaps thousands of 'honour crimes' like the one you suffered in Pakistan each year. Survivors are more likely to kill themselves or be killed by their families than to turn to a legal system which requires four male adult Muslim eye witnesses to testify to rape, otherwise the victim can be convicted of fornication and adultery. But you went to court. What makes you so strong?

'I think Allah and my mother made me strong and gave me my inner will.'

You have responded to the violence directed at you and other women with an insistence upon justice and education. When will you consider your battle to be over? What goals have to be achieved?

'I am battling against a system and I know it will take time. I also realize that this is not an easy task, but I am trying to bring the first drop of water in a heavy rain. I want to make the best contribution I can, and pray to Allah for change.'

You are far from safe. Only global pressure forced Pakistan to give you a passport so that you could meet women abroad, and you still receive death threats from those who view you as a danger to the nation's image and social order. How do you manage?

'Yes, there is a lot of pressure – more than you can imagine – but I have a mission before me. So I never think of that pressure and I believe Allah is with me.'

In your opinion, what should be the focus of worldwide academic research in the field of victimology?

'A total change in the judicial system and tackling root causes.'

What must researchers not forget under any circumstances?

'I think that researchers should concentrate more on victims. What I mean is that they should include the victim in their work towards better outcomes.'

From unknown village girl to international celebrity travelling the world to spread her message. How does that make you feel?

'It is quite amazing for me, this change in my life. But I still wish the rape had not happened to me.'

www.victimology.nl

The gateway to victimology on the web

Do you know www.victimology.nl? This global platform for everybody working in or associated with victimology, victim support and allied disciplines brings international research within reach and gives the global victimology community a voice. The gateway to victimology changed its home on 1 January 2006, and has also been given a new look.

Victimology.nl provides information about policy, about victimology research and about what works and what does not, what looks promising in victim services and the prevention of crime and abuse of power. It also encourages the international exchange of expertise and experiences. As well as a database packed with international, regional and national publications, documents

and tools, you find research information, interesting links, lists of useful reference works, addresses and the latest news. It is also the place to meet fellow researchers and policy-makers. You can post messages for the global victimology community in the News/Announcements section. The international victimology website also sends occasional alerts to those on its e-mailing list, passing on news from the field to the rest of it. The website bridges any distance. Although mainly in English, there is also material in other languages. Anyone can make their contribution.

What began as a symposium website in 1997 was expanded two years later to help facilitate implementation of the United Nations Declaration of Basic Principles of Justice for Victims

of Crime and Abuse of Power. Since then it has evolved into the leading source of information for researchers, practitioners, policymakers and students. In 2005 it attracted more than 10,000 visitors a month, from 86 countries. It was the Research and Documentation Centre (WODC) of the Netherlands Department of Justice which developed the site from 1999, but after six years it has now been taken over by INTERVICT. This institute intends to guide the site's growth and outreach to the international victimology community.

More information about the one-stop shop in the world of victimology? Go to <http://www.victimology.nl>.

World Society of Victimology

The World Society of Victimology (WSV) was founded in Münster, Germany, in 1979. Since 1988, it has published the *International Review of Victimology*. Jan van Dijk, Professor of Victimology, Human Security and Safety at Tilburg University, was President of the WSV between 1997 and 1999.

The WSV defines victimology as 'the scientific study of the extent, nature and causes of criminal victimization, its consequences for the persons involved and the reactions thereto by

society, in particular the police and the criminal justice system, as well as voluntary workers and professional helpers'. This form of words, the Society says, encompasses both penal (or 'interactionist') and general (or 'assistance-oriented') victimology. The WSV made important contributions towards the development and adoption of the United Nations *Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power*. In the words of that document, victims are 'persons who,

individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws, including those proscribing abuse of power'. And they are certainly not confined to Benjamin Mendelsohn's victims, who just happened to be in the wrong place at the wrong time.

COLUMN

Off the road

by Maurits Barendrecht

The prevention of road traffic accidents is a key issue in government policy. We spend billions of euros of public money on building safer roads. Privately, we buy safer cars. We wear helmets and safety belts... And this prevention is generally successful. In developed economies, the odds of becoming a victim of a road accident have dropped dramatically over the past 30 years.

This intensive interest in reducing our chances of being a victim contrasts sharply with governments' consideration for those who, despite everything, do fall victim to road accidents. In particular, these people often have great difficulty in obtaining damages through the legal system. And they perceive the whole procedure as unpredictable and uncontrollable. Such basic needs as recognition, being heard, being in control and being informed simply do not receive much attention in current settlement proceedings. Victimology research even shows that victims who are parties to pending litigation do worse than those whose cases have been settled or who did not claim at all.

How can this happen in a democracy? Recently, my research group facilitated a project in the Netherlands to develop a set procedural rules to improve the situation. This has resulted in the *Dutch Code of Conduct for Personal Injury Claims*.

During this project, we found some indications of what can go wrong with systems of rules. First, we discovered that victims of road traffic accidents have little voice. And, of course, they are already busy finding ways to cope with their losses, their handicap and their new life. Moreover, victims lack the financial resources to improve their situation and they have little reason to put much effort into doing that when such an occurrence is highly unlikely to be repeated in their lifetime.

Another reason why it is difficult to improve the situation of road accident victims is the implicit assumption by governments that procedures to settle disputes such as those between insurance companies and victims were put in



place long ago. Have we not appointed judges and provided lawyers to deal with them? Have we not given every citizen access to justice? Well, in a way. But the road to justice is old and in poor condition. It is barely navigable by those without the money to hire a professional driver. And since that driver is paid by the hour, he has no direct financial interest in road improvement beyond filling in any potholes which may damage his car. Many destinations can only be reached via places nobody wants to visit on roads that are built of sand or brick. Until now, there has been little investment by government in the asphalt of modern conflict management. 'Yes, you can use mediation and that stuff if you want. But only on your private roads.' Public justice continues to be done in the traditional way.

The voice of victims is barely audible. It needs amplification. And the judicial system should be made much more responsive to the needs of its clients. Like a road system, it should be constantly improved. It can be made safer, more accessible, more comfortable, more just... And if it becomes too crowded, you can charge the user a small toll.

Maurits Barendrecht is Professor of Tort Law, Contract Law and Civil Procedure at Tilburg University, Chairman of its Centre for Liability Law and a senior researcher for INTERVICT.



Psychologist Frans Willem Winkel calls for screening when crimes are reported

‘Support is missing many vulnerable victims’

Dutch support services should be more active in seeking out victims with an increased risk of suffering persistent problems. So says Frans Willem Winkel, programme leader in Psychological Victimology at INTERVICT. ‘Without screening, they will continue to miss the most important group of victims.’

As the Taliban take over the city, internally displaced persons flee with as many possessions as they can carry. The damaged former Royal Palace can be seen in the background. AFGHANISTAN, Kabul (1996)

At the end of a night out, he – an innocent bystander – becomes involved in a brutal fight. Trying to help one of his friends, he is kicked hard in the face. He loses consciousness, only to wake up later with two broken ribs and internal bleeding. Physically, he recovers relatively quickly; but in his mind he still returns to that evening all the time. He sleeps badly, dare not go out in the evening and, when he is outside, is always looking around anxiously. Fortunately, there are the friendly people from Victim Support to help him. Over a number of meetings, they manage to put him ‘back on the rails’. But his family and friends are surprised that he uses this service. They really did not think that Victim Support would suit the man they know. Somebody with such a strong personality can get over something like this by himself, surely? ‘Where’s my bike?’ She remembers exactly where she left it, but it has disappeared. Stolen. For the third time in five years. Her friends say, ‘Don’t worry. It happens to everyone. It’s nothing personal...’ But this time she just cannot get the theft out of her mind. Somehow, her faith in humanity – and that was not great to start with – has gone forever. She was already insecure, perhaps even a little unstable, but this theft has turned her into a complete nervous wreck. What about some help from Victim Support? Never heard of it. After all, that sort of thing is for people who have suffered a serious crime, isn’t it?

TRAUMA

In a nutshell, these fictional cases sum up the argument being put forward by Professor Frans Willem Winkel, psychologist, penal lawyer and victimologist. As well as causing material damage and physical injury, being the victim of a crime can have a serious impact upon mental health. Not everyone experiences the same psychological response to a trauma. But what is clear is that almost all victims feel vulnerable, find their self-respect dented and start to doubt whether they really have any control over what happens to them.

Victimology is known in psychology as psychotraumatology, so the psychological effects of victimization are studied by psychotraumatologists. A title which itself expresses the likely result of being a victim. A psychotrauma is always preceded by something unpleasant: the so-called traumatic stressor. For the victim of a violent crime, the traumatic stressor is that crime. For the victim of a road accident, it is the accident. For a rescue worker, it is the aftermath of a disaster.

Such psychological effects are exhaustively described in the *Diagnostic and Statistical Manual of Mental Disorders*, better known simply as *DSM*. According to this ‘bible’ of psychological diagnosis and statistics, victims who develop persistent symptoms as a result of, continuing from or in the wake of a traumatic experience are suffering from PTSD: post-traumatic stress disorder. This is the only psychological condition to be

linked directly to a stressor. Whereas the causes of all other disorders are vague, in the case of PTSD they are known and certain. The sufferer develops symptoms as a direct result of a frightening event or a painful experience.

A traumatic experience does not always result in PTSD. Many victims of a crime suffer depression and anxiety afterwards, but only in the most serious cases does that deteriorate into PTSD. This occurs when the incident will not let the victim go: they suffer flashbacks, chronic lack of sleep and nightmares. Other symptoms include the avoidance of anything associated with the trauma and an extreme response to any reminder of it. Victims with severe PTSD have concentration problems, display outbursts of anger and are overalert. These symptoms may last anything from a few days to several months after the crime: some victims pick up their normal lives much sooner than others.

RESILIENCE

Crime, abuse of power, road accidents, natural disasters, wars... The world is full of shocking events and painful experiences which produce a lot of victims. Yet only a small proportion of them endure serious, lasting or chronic psychological effects. ‘Resilience is the norm’, explains Frans Willem Winkel. ‘It is claimed that a lot of people are unable to overcome trauma of their own accord, but that is a huge exaggeration.’

Resilience is about how and why

people manage to return to normal under difficult circumstances. People differ in the way they look at the world – a positive or a negative view – and in the extent to which they believe that they can influence

events ('coping efficacy'). It is those who have a negative view of the world to start with, those who regard it as unsafe anyway and have the idea that they are unable to do anything about that, who are more likely to suffer

chronic PTSD. Victimhood has less impact upon optimists. They do not find the experience any more pleasant than do the pessimists, and it certainly causes them stress, but the complaints never last long in their case. Most symptoms disappear fairly quickly.

'Because most victims view the world in a reasonably positive way', says Winkel, 'they are often able to overcome their traumatic experience without professional help. That is all to do with their resilience.' He adds that epidemiological studies point to all kinds of personal characteristics and personality traits which can be described in terms of resilience or a lack of it – that is, vulnerability.

Talking about a traumatic experience hardly ever helps

Debriefing is supposed to be an important support mechanism for people who have been exposed to stressful experiences. During the Gulf War, for example, all Dutch workers evacuated from oil rigs in the region were interviewed as soon as they landed at the airport back home. But research conducted by Frans Willem Winkel has shown that such compulsory debriefing simply does not work. 'Talking only helps when coupled with screening.'

Debriefing is one form of early intervention. The thinking behind it is that talking helps. During the debriefing, those involved in a traumatic experience discuss their thoughts, feelings and behaviour at the time. What went well? What did not? What did they do, and why?

Psychologist Winkel does not believe in debriefing, though. 'Research has shown that it achieves nothing', he asserts. 'Somebody who has been through something terrible has an unstoppable need to talk about it. But that does not mean that talking helps. The same applies to contact with those who have been through the same thing. We can find no evidence of any benefit. Or at any rate it does not work for a large group of people.' There is a small group who are helped by it, Winkel concedes. Not entirely coincidentally, they are the optimists.

Winkel warns against unguided interventions. Peer contacts and debriefings can sometimes simply worsen the problems. He is concerned about the eagerness with which psychologists sometimes descend upon the victims of disasters. 'They should act with more restraint', he claims. 'Take '9/11', for example: help *had* to be provided. But that was ridiculous, because only a proportion of the victims actually needed it. Rather than exaggerating the problem, screen. First find out who really needs support, instead of immediately putting everyone into a debriefing programme. And through RCTs (randomized controlled trials) try to examine which types of support or interventions are really therapeutically effective. For some so-called supportive interventions – e.g. one shot or single session debriefing procedures – experimental evidence suggests that they make things sometimes even worse for victims. Instead of salutary effects mental health impairment is the major outcome.'

INFORMATION

This knowledge is of huge importance in supporting victims in their coping process, but it is still far from universally recognized or applied – even by Victim Support Netherlands. Everyone who is affected by a crime or road accident can use the services of this organization, yet most victims simply do not. Even those who are unable to put the event behind them, alone or with the help of others. For this reason, Victim Support volunteers take action themselves; they call victims to ask if they need help. Despite this proactive approach, Winkel finds that the organization still fails to reach a large group of victims in the Netherlands. There are simply too many of them, so choices have to be made: who is called and who is not? And that, says Winkel, is where things go wrong. 'Victim Support selects primarily by the type of crime', he says. 'There is an

impression that the victims of violence are the first to need help. That is more serious than a break-in, and a lot more serious than bicycle theft. And selection is by seriousness. That may perhaps seem logical at first sight, but sensible it is not. Only a minority of the victims of violence actually experience psychological problems, whereas just about all of them are contacted. But there are burglary victims who suffer serious trauma and yet are not reached at all. So the vast majority of victims with persistent complaints receive no help. And they are the most important group for support organizations, because they desperately need professional assistance.'

Whether or not a person suffers psychological problems has less to do with the nature of the crime than with the character of the individual. And that, says Winkel, is something you can screen for. 'One reason why people in such need are missed by Victim Support', he claims, 'is that the police provide only sketchy information. They can only pass on a victim's name and address, plus some details of the crime. At the moment, personal characteristics are not screened when a crime is reported.'

RISKS

Winkel advises that support services more specifically (read: more consciously) seek out those victims with an increased risk of suffering problems. Optimists are more resilient, pessimists more vulnerable. Research conducted jointly with the police in Amsterdam has already produced short questionnaires which provide a quick victim assessment,

yet seem to predict potential complaints and their seriousness well. According to Winkel, we need to ask ourselves: 'Is this a high-risk case or not? Somebody with a negative score on the key indicators is more likely to suffer persistent problems, and so needs help. Regardless of how serious the crime is.'

SCREEN AND TREAT

If Victim Support Netherlands wants to stop overlooking those people who really need its help, then it needs more information. The value of better intake and reporting at the very start of the assistance process is inestimable. Identifying potential problems

need not take up much time, Winkel says, and you do not need to be a qualified psychologist to do it. If Frans Willem Winkel had his way, the police would be obliged to submit every victim reporting a crime to screening there and then. And so too would hospital doctors, GPs, doctors at advice centres, consultants and other professionals who come into contact with victims. The great benefit of this approach is that only those who need help receive it. 'Screen and treat', is how Winkel describes it. 'A phased approach which better serves everyone, victim and support provider alike.'

Frans Willem Winkel



Born in 1950
 • Studied Law at Erasmus University Rotterdam (1973) and Psychology at University of Amsterdam (1978, with distinction) •

1987 Thesis, *Politie en voorkoming misdrijven* ('Police and preventing crimes', Free University, Amsterdam) • 1978-1987 Assistant Professor Social Psychology • 1987-1999 Associate Professor Applied Social Psychology • 1988-1991 Director Stichting Mens en Recht (Foundation Men and Law) • 1989-1997 Member, Dutch National Association for Victim Support •

1995-1998 Executive Board World Society of Victimology (WSV) • 1997-2006 President-elect, President, and Past President European Association for Psychology and Law (EAPL) • 1999-2004 Associate Professor Clinical Psychology • 2002-2005 Part-time Professor Clinical Victimology (Free University) • 2004-present Scientific Board American Society of Criminology (ASC) • Member, Society of Police and Criminal Psychology (SPCP) • Member, International Society for Traumatic Stress Studies • 2005-present: Research Director in Psychological Victimology at INTERVICT • 2006-2012 Executive Board of the World Society of Victimology (WSV) and President Scientific Committee (2006-2009).

The murder of Theo van Gogh

On Tuesday 2 November 2004, a man was shot in front of the local council offices on Linneausstraat in Amsterdam. He managed to stagger away, but when he fell his throat was cut and two knives thrust into his body. The murderer also left a letter on his corpse. That was directed at MP Ayaan Hirsi Ali. The man killed in such a brutal way was the 47-year old filmmaker Theo van Gogh. His killer fled, but was arrested after a shoot-out with police. He turned out to be Mohammed B. (Bouyeri), aged 26, a Muslim with dual Dutch and Moroccan nationality.

The Netherlands was thrown into uproar. It was immediately suspected that Van Gogh had been murdered for his ideas about Islam. He had often criticized the faith, and not always in the most subtle of terms. For example, he had called Muslims 'goatfuckers'. Shortly before his death, he and Hirsi Ali made the film *Submission* in which they attacked the oppression of Muslim women.

The murder attracted widespread media coverage and triggered outrage well beyond the Netherlands. It also unleashed a debate about free-

dom of expression. About 20,000 people attended a 'noise vigil' on Dam Square in Amsterdam. On 11 July 2005, Bouyeri heard the public prosecutor demand that he be sentenced to life imprisonment. And that was indeed the sentence handed down to him on 26 July. Neither he nor the prosecution lodged an appeal. During the court hearing on 11 July, Theo van Gogh's mother read out a victim statement.



From a victim statement

'We know who we are missing'

'I would like to thank the court for giving me the opportunity to say a few words.

'Because the defendant, Mr B., thought that our son had gone too far, Mr B. murdered him with seven shots. He then stuck two knives into his body as an encore. One knife was pushed right through to his backbone, one into his chest with a clumsy letter stating that Ayaan would be next. He also tried to decapitate Theo, because the pig had to die.

'The great suffering caused to us by Mr B.'s act is quite incomprehensible. He took Lieuwe's father from him, his parents' only son, the beloved brother of his sisters, the fantastic uncle of his nephews and nieces, the true friend of his friends.

'Never again the many meetings we had, the holidays, the birthdays, the St Nicholas parties when Theo always made sure we had a real St Nicholas, the poems we received from him.

'The Christmases when we all cooked something and Theo provided the wine and always asked about the menu.

'The concern for us all, the discussions which could become so heated but where we always respected one another's opinion.

'Compared with all this, Mr B. is just a pathetic wretch. But a pathetic wretch who murdered. This gentleman had all the time in the world, because he had been living on benefits for three years. Mr B. had to kill the pig for his God, and as a nice added extra inherit paradise. But for Mr B. no 72 virgins, just a prison sentence and, it goes without saying, one we hope will be the most severe there is. Perhaps Mr B. will manage to get his hands on some videos showing body parts being mutilated and heads being cut off. Because people being killed in a savage manner, that's what excites Mr B., that's what first sent him into raptures.

'We know who we are missing. A difficult man with many talents. A man of great generosity

and a passionate supporter of free speech. A man not inspired by dogma of any kind.

'Theo was the thorn in the side of this community. He kept the debate going because he was concerned that this country would get bogged down in 'keeping things together' at the expense of upright standards and values, with all disagreeable opinions disappearing under a suffocating blanket of so-called respect.

'After the death of our son, a watershed started to appear. Before and after the murder. The impact of that event will long remain in people's heads and hearts. It has been proved that the pen and the picture are dangerous. You are being killed for them, because Theo van Gogh had to die for what he believed. And as Mr B. wrote in one of his pamphlets: 'No discussions, no demonstrations, no petitions, no marches: death will separate the truth from the lie.'

If Mr B. and his friends believe that, then things do not look good for this country. The question is whether we want that: no more demonstrations, no more discussions, no more petitions and no more marches? And all that in a country where Voltaire, Molière, Victor Hugo and Jonathan Swift were published in the 17th and 18th centuries because that was not possible in their own lands. In the country where Gerard Reve fought the donkey trial and won. And where, when that same writer won the PC Hooft Prize [for literature], he received a big fat kiss from the then Minister of Culture, Ms Klompé.

'Would all that still be possible?

'All this is in the past now. Our Theo was an incarnation of the people I have just mentioned. He did not allow himself to be fettered by anxiety, narrow-mindedness, timidity or the issues of the day.

'That's why so many people loved him. That's why he is to us all the unforgettable father, son, brother, uncle and friend whom Mr B. decided had no right to live.'

THE RESEARCHERS OF INTERVICT



‘Effect on victims’ lives last longer than thought’

Name: Ton Wilthagen

Education: Sociology (University of Tilburg and University of Amsterdam). Currently Professor of Institutional and Legal Aspects of the Labour Market, University of Tilburg

Research programme: Psychological Aspects of Victimization and Victim Assistance

Research: Job, Career and Life Effects of Victimization

‘We all know stories about somebody who has been the victim of a violent crime, how they are put ‘out of action’ for a while. But we actually know no more than that. So in this research we are investigating the long-term effects of victimization upon a person’s life and career. In so doing, we are aligning ourselves with the tradition of research into so-called ‘scarring’, although that has hitherto looked mainly at the repercussions of dismissal, for example, for a subject’s career.

‘The consequences of being a victim can be very wide-ranging, including sick leave, incapacity for work, loss of income, change of job or position and even divorce. This is why it is known as ‘scarring’: the victim suffers metaphorical scars to their career and personal life.

‘Because we now have access to linked databases, we are finally able to track people over a longer period. If we know that somebody has been a victim, we use data from Statistics Netherlands, the tax administration, social security agencies, healthcare providers and other bodies to investigate what impact that has had upon their life and work. Because of the many privacy issues associated with that kind of research, much time has had to be spent negotiating with the administrators of the databases concerned. Eventually, though, we have obtained information about a large number of people. Yet we still know little about the people themselves.

‘Rectifying that is another part of the research. We want to find out a lot about a relatively small number of people.

So we are going to interview victims, each on a number of occasions. That should enable us to interpret the figures from the first part of the study more effectively. If a bricklayer who has been a victim of crime is ruled unfit for work, for example, we need to find out whether that is a result of his being a victim or due to an unrelated injury. ‘We are assuming that the effects of victimization upon people’s lives last longer than had previously been believed. Once the court case is over and issues of guilt and compensation have been settled, people try to draw a line under events and pick up their lives again. In many cases, they change jobs to do something less taxing. A bank clerk might start suffering from anxiety after a robbery, for example, and so choose to work in the safer environs of the postroom. ‘All this information is very important to liability cases. At the time of the hearing, you do not know how long the effects will last and what your eventual losses will be. Through this research, however, we can calculate the likely duration of victimization. And hence estimate the damage better. We can assess the impact of victim support – some people use it, some do not – and of the social security system. That, after all, is different everywhere and so the effects upon victimization of the various systems are easy to identify. You can find out in which country the scars are deepest and, very importantly, how to reduce them as much as possible.



‘Criminal justice and psychology: a discrepancy’

Name: Antony Pemberton

Education: Political Science (Radboud University Nijmegen)

Research programme: Psychological Aspects of Victimization and Victim Assistance

Research: The Crossover: A Social-Psychological Approach to Victims within the Criminal Justice System

‘Victims of crime are viewed differently within the criminal justice system and outside it. As a policy officer at Victim Support Netherlands, I have often encountered that discrepancy. In my research on the criminal justice system, it is concepts like distributive and procedural justice which come to the fore. Victims regard the system as fair if they agree with the verdict or with particular characteristics of the procedure. Social trauma psychology, on the other hand, focuses upon the victim outside that system. And it concentrates upon other concepts: post-traumatic stress disorder, anger and forgiveness. That discipline is about coming to terms with the crime.

‘What is striking is that the criminal justice system clearly affects how the victim copes, but we are totally in the dark about how. The concepts used in law and psychology certainly overlap, but the relationship between them has yet to be studied systematically. This means that changes to the criminal law often assume a great deal about coping processes. Take the victim’s right to speak in court, for example. That is justified primarily by the contribution it makes to helping them come to terms with the crime. But you then have platoons of critical legal experts shouting that the courtroom is not a psychiatrist’s couch. Which is indisputably true. What is important, though, is that helping victims to cope can take different paths. They often feel excluded at the moment, lacking control and opportunities to participate. The concept of control also plays a part in coping. My argument, then, is that

the main contribution made by the right to speak is about that. I am now going to test that thesis by means of a survey.

‘Another topic is restorative justice. The criminal justice system regards crime as the contravention of collectively accepted standards: a norm defined by the state has been violated. Restorative justice involves a different paradigm, though; it views crime first and foremost as an individual conflict between perpetrator and victim. With mediation between them preferable to prosecution. This approach has many ‘true believers’, and that makes me sceptical about it. But there is a large body of research showing that restorative procedures result in a higher degree of satisfaction amongst victims. Is it that victims prefer to keep hold of the reins themselves, or is the reason simply that they are able to meet the perpetrator? That is because such encounters often help to temper their fear and anger. I am conducting a number of experiments to reveal what the mechanism is.

‘Knowledge about the workings of restorative justice will also make it possible to combine it with techniques from psychotraumatology, thus reinforcing both. For example, through exercises in which people write about their anger. ‘As far as victims are concerned, criminal justice and psychology do not understand one another very well at the moment. By looking at the criminal justice system through sociopsychological spectacles, I hope to improve their mutual understanding.’

Leoluca Orlando:

‘The pride of identity transforms the victim into a target’

How would you describe victimship in your case?

‘The word *victim* is used in many ways to describe many different conditions. I have personally faced the risk of being – on my own or with others – a victim due to the perversion of identity values.’

Do you consider yourself a victim?

‘Deciding to react and oppose systematic daily oppression turns you into a target, but no longer a victim. In my opinion, victims are people who do not want to find the strength to react, are unable to do so, or do not know how to.’

To be on the death list of the Costa Nostra, how has that influenced your life?

‘There’s no point in concealing reality: my life, and the lives of my loved ones, has been profoundly changed by the bold choice not to give in, not to remain silent. This choice has changed my life and the lives of my loved ones more than being on the Mafia’s death list. The change has been so profound that it has changed my life to the extent that I’m no longer able to imagine life without that choice. So, once again, I’m a target and no longer a victim.’

Your credo is: ‘The only way to beat corruption and terror is to have the courage to stand by your principles.’ How do you manage to keep up this credo when the mafia terrorizes you?

‘The pride of living out Sicilian cultural values positively has strengthened me against those Sicilian

Mafiosi who have trampled on our identity, perverting those values in order to demean and destroy the right to life, liberty and progress. *You’re not only criminals, you’re not worthy of being Sicilians!* is my shield, my helmet, my coat of armour against identity-based criminals.’

Leoluca Orlando: a target, not a victim.



What does the word identity mean to you?

'Regarding what I call identity-based criminality, the pride of identity transforms the victim into a target, and frees the human being from the painful condition of victimhood. One must acknowledge the awareness that every identity – Sicilian, Basque, German, Islamic, Jewish, Corsican, et cetera – is exposed to the risk of perversion, to the risk that I define as the *Satanic verse*, from Salman Rushdie's book. It must also be noted that, whatever the given condition may be, change is possible by taking pride in one's identity in opposition to identity perversion.'

How can you take pride in your identity?

'I repeat the importance, and the concrete possibility of taking pride in one's own identity while at the same time being convinced that it remains compatible with all humanity, with respect for the times, and respect for all other human rights.'

Do you feel that, in your case, certain human rights are violated?

'The fundamental human right, in my opinion, is the right to identity. My fundamental human right is to be who I am and how I am, who and how I decide to be, both as an individual and as a member of a community. This right to identity is the foundation of and somehow precedes every other human right. In the name of identity, the right to life is sometimes renounced; the right to liberty and

progress is renounced. This right to identity is today being expressed more than ever the world over. It is a new phenomenon, one of many that arose after the fall of the Berlin Wall, which was the symbol of a system of massive opposing blocs that discouraged forming and belonging to any other racial, religious, cultural or linguistic identity. This right to identity has been transformed from the fundamental human right into the greatest obstacle to the flourishing of other human rights.'

Should we renounce the right to identity?

'Quite the contrary! We should rediscover our pride in our individual and communal identity to oppose those who, in the name of our very identity, commit crimes and violate other human rights. This is the 'cultural mediation' which is so necessary between diverse identities and within each individual identity, which makes it possible to be different yet equal – irrespective of our language, blood, skin colour, religion, place of birth, et cetera.'

What can we expect from you on the conference?

'As so often happens, I decided to analyze a subject inspired by my own experience, my own story. We often communicate using words; but words are equal, perfect, inert. I prefer to communicate by telling stories; stories are diverse, imperfect, vivid. There is no communication difference when you use words like love

and hate, war and peace, but there is an enormous communication difference when you tell stories about love and hate, war and peace.'

The story of Leoluca Orlando

Leoluca Orlando was born in 1947 and was mayor of Palermo between 1985 and 2001. When he entered office, about 250 people a year were being killed in the Sicilian capital by the Mafia. His successful fight against that organization led to him topping its death list for many years. Since he stood down as mayor, Orlando has turned his attention to fighting organized crime at the international level.

Review

President of the Sicilian Renaissance Institute • Member of the Italian Parliament • Former Mayor of Palermo • Former member of the European Parliament and the Sicilian regional assembly • Promoter of a worldwide network on the culture and economics of human rights.

'Victims'

means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws, including those proscribing criminal abuse of power.

A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term 'victim' also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

United Nations Declaration, 29 november 1985