

The Need for an International Convention for Victims of Crime, Abuse of Power and Terrorism

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1. Greetings participants of the First World Conference on Penal Law

That is a phrase I have never been able to say before. How thrilling and significant it is to be present and to participate at the birth of a new idea, a new movement, a new hope!

First I want to thank Professor José Luis de la Cuesta, president of the International Association on Penal Law for having given me the time, the space and a golden opportunity to make a most compelling proposal to you by having invited me here to speak today. Also, I wish to extend my deepest gratitude to the local host of this event, Fernando Espinosa de los Monteros and his talented wife, Aurora Arias, for having organized and executed a truly great first conference for the International Association on Penal Law that will be remembered for many decades to come as not only an efficiently managed event but also a gracious and hospitable social occasion!

To start my comments I would like to first provide you with a few words of introduction to the topic of victimology. I am very pleased to talk to you about victims, a topic that has been my focus for the better part of the past thirty three years! Currently I am a professor of victimology at the California State University, Fresno and also I am the director of the Tokiwa International Victimology Institute in Mito, Japan. So, I guess that qualifies me to be called a victimologist. I may be the only victimologist most of you know. Yet, we are a relatively small group of scholars working within a relatively new discipline; our task is large and our work is compelling and our mission is just.

I'd like to start out by defining a few key terms. Victim is the word in focus for this presentation! What is the meaning of this word? In the Old Testament's Book of Genesis we find the story of Adam and Eve's sons and how the older son Cain murdered his younger brother Abel. Thus, the first murderer became Cain and we have read and heard about the "Mark of Cain" with stories and tales of Cain and his followers, all symbols of evil. However, the first victim was Abel, yet how strange it is that there are no stories about the "Mark of Abel." Perhaps it is time to create a new metaphor to represent victim who both suffer and survive, victims who are wiser for their experiences, victims who are no longer helpless, victims who are now empowered, recovered and restored! So let the words, the "Mark of Abel" be the metaphor for victims. In addition let us reject the images of injured, withdrawn and helpless persons. Let us realize that for the most part, these are temporary conditions in the immediate aftermath of victimization. Let us embrace and project positive notions that victims: can successfully cope with their adversity, can overcome their injuries and mostly emerge stronger because of their ordeals.

In the ancient Hebrew culture the word for human or animal sacrifice to God was "korban," and, in the Roman culture, the word for sacrifice to a God was "victima," from whence our word in English and many other languages "victim" comes. Our Western culture has adopted a variant from the origin victim word to mean any living thing that is injured. However, over the past millennia, the concept of victim has evolved to mean any person who has been harmed or killed by: disasters, diseases, wars, crimes, accidents, abuses of power, terrorisms or other severe misfortunes.

From the word victim comes the noun victimization. Victimization is the result of an imbalance between forces applied against an individual, and forces used in defense of that individual, such that

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the individual is overcome, cannot cope and is harmed or killed. Many words have evolved from the word victim. Applying the word victim to an action against a person, we arrive at the verb, victimize. The person who uses these actions is called, victimizer. There are even some new words that most of you probably have not heard of yet: victimity (as all the traits common to victims), victimal (having the character of a victim), victimogenic (conditions that produce or form victims), and victimogenesis (representing the origin or cause of victimization). So, from the word victim, we finally arrive at the key word victimology, which is: the scientific study of victims. This word "victimology" was first coined by the Rumanian lawyer, Benjamin Mendelsohn in 1938. Originally he applied it to crime victimizations, but eventually he realized that (regardless of the source of injury) all persons who are significantly harmed suffer in similar ways or in the extreme, they die; and, if they live they recover also in similar ways. Thus, Mendelsohn later modified his concept of crime victimology to include all forms of victimizations. He called this new science, general victimology. However, today there are victimologists who restrict their study to only victims of illegal acts (crime victimology), some who study man-made harms (human victimology) and those who study all forms of harms (general victimology). The field has significantly expanded and become specialized. It is being used to describe the entire range of human suffering and human healing.

I'd like to now tell you a little about how victimology as a movement, came into being. In the aftermath of the horrible Nazi Holocaust the world declared "never again." and it immediately set about forming the United Nations so that nations would never again solve their conflicts with armed power, so that our young men and women would never again be sent out to kill one another, so that world peace could be maintained, so that all the problems of the world could be resolved in peaceful partnership, and so that human rights would be respected. Three years later this new organization created an international mandate known as the Universal Human Rights Declaration which was passed by the UN General Assembly on December 10th, 1948. So significant was its passing that it was dubbed "The Magna Carta for all Humanity." Since its passage, the Universal Human Rights Declaration has been translated into 200 languages; it is the most often cited human rights document in the world.

Unfortunately, not all nations heeded its message: in that same year, 1948, South Africa's National Party came to power and established the brutal system which lasted 43 years called apartheid. Other major upheavals which followed were: The People's Republic of China's bloody Cultural Revolution; the violent Korean War; the political pogroms in Post-Stalin Russia; the horrific Vietnam War; the vicious Nigerian civil war; the fierce overthrow of Libya by Muammar al-Qaddafi; and many other examples of strife, violence and death. And so, sadly and ironically, there have been major conflicts that have killed hundreds of thousands of humans in every decade since 1948. Peace did not come to the world, mass victimizations were not halted and the phrase "never again" became an embarrassing irony.

Besides the creation of the United Nations and the Universal Human Rights Declaration, another major development followed World War II, that was the evolution of victimology. Especially in Europe, a significant number of Jewish scholars who tried to understand the genocidal holocaust that killed roughly 6 million mostly Jews in the death camps of places like Auschwitz, Bergen-Belsen, Buchenwald, Dachau, and Treblinka. These scholars wanted to know, why had their people been singled out? Could they have prevented such a significant slaughter of their own people? How could they learn from this unbelievable experience so as to survive in the future? One of the outcomes of the post-holocaust period was intense discussions and soul-searching debates about the victimization of the Jews. They wanted to know, what was the cause of the anti-Semitism that had plagued the Jews since the Diaspora in the early classic periods in Rome and in Greece? Along with the mass exodus of Jews from Europe to the new state of Israel came thousands upon thousands of

holocaust survivors. Among those who immigrated to Israel were sociologists, psychiatrists, psychologists, philosophers and lawyers – all trained at the best universities in Europe. Many immersed themselves in these intense discussions and searched for the answers that eluded their people for thousands of years. So it was logical that Israel became the first stage for discussions about victimization, especially mass victimization called genocides.

In the year 1973 a small group of scholars, practitioners and students from around the world came together for the first time in Jerusalem, Israel to address the plight of victim and to change the perception that victims were “the forgotten persons.” The event was the First International Symposium on Victimology. I had the good fortune to have been invited by my former professor, Stephen Schafer, to present a concept paper I had written some months earlier to provide services to crime victims that ultimately became known as the “victim advocate concept.” I was honored to be there standing in the shadows of giants, like: Benjamin Mendelshn, Israel Drapkin Steven Schafer, Marvin Wolfgang, Koichi Miyazawa and others. This first symposium became the galvanizing moment in history for this new discipline of victimology and for me personally. It brought the pioneers together for the first time and gave them a sense of identity, solidarity and commitment as victimologists. They agreed to meet every three years in a different country. And since then, we have in fact met every three years. Our last meeting was in Orlando, Florida in 2006 and next meeting will be in Mito, Japan in 2009 – you are all invited!

Eventually in 1979, just six years later, in Munster, Germany, the third symposium was held by an expanded group of scholars and practitioners. It was there that the World Society of Victimology was born! It was this new Society that played a major part in launching the idea that the world needed a set of universally accepted principles specifically crafted on behalf of victims, to emphasize that we again needed to recognize the plight of victims, and understand that victims needed to be given special rights. So, six years later in 1985 this new organization, at its Fifth International Symposium in Zagreb, Croatia, created the groundswell that, later that same year on November 29th, lead to the unanimous passage by the UN’s General Assembly of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Because of its impact, this document was soon dubbed the “Magna Carta of Victim Rights.” The essence of this document was to place victim in focus so that all governments would embrace the notion that “Victims deserve respect for their dignity, privacy and security.” Those of us who had been part of this process felt elated, empowered and ennobled. We had given a long overdue voice to the silent, we had provided new options for the helpless, and we had done a good deed for mankind!

Shortly thereafter the UN’s Commission on Crime Prevention and Criminal Justice was given the responsibility to help member-nations implement this Declaration for victims across the globe. Initially only a handful of countries embraced the opportunity to make reforms and passed new laws, created victim support schemes and established victim compensation programs. However and somewhat disappointingly, most governments were very slow to make the suggested changes and so in 1999, to help breath life into these abstract principles, the UN in partnership with the Dutch and the US governments and the World Society of Victimology, published two special documents to move nations closer to the implementation of that Declaration. These documents were: the Handbook on Justice for Victims; and, the Guide for Policy Makers. The impact of these two documents was significant. They helped many nations move from theory to practice. For the first time countries had the tools in their hands to form and operate victim assistance programs, change laws and policies, establish victim rights and move their governments closer to the ideals of the 1985 Declaration. The result was that more countries set into motion important initiatives for the first time. Yet, for the most part, the counties that took advantage of the Declaration, the Handbook and the Guide were mostly limited to

developed countries. Many other countries were still resisting the changes called for by these three innovative documents. Our hopes for universal adoption of the Basic Principles of Justice for Victims of Crime and Abuse of Power were not yet realized.

So, after 22 years since the Declaration was passed at the United Nations, it has become clear that what is needed is a stronger mandate with teeth: oversight and monitoring, legal obligations and sanctions. Again, the World Society of Victimology has accepted the challenge to stand up and advocate on behalf of victims world-wide. It has decided to champion the creation and eventual passage of a United Nations Convention on Justice and Support for Victims of Crime, Abuse of Power and Terrorism. This convention is clearly an extension of the four previous UN documents; however, it adds language on behalf of victims of terrorism. Although, much expanded and elaborated, it still is focused on the principle that "Victims deserve respect for their dignity, privacy and security." Making this Convention a reality is currently one of the major projects of the World Society of Victimology.

The core purpose of this victim movement, now almost 70 years old, was to recognize very early that victims had lost their strong traditional role in the justice process of previous centuries. The first two sentences in the Doerner/Lab Victimology textbook says, "Something not very funny happened on the way to a formal system of justice. The victim got left out." Well, I say we have a responsibility to bring the victim back into our focus and back into the formal system of justice. Some of us here are aware about the new brand of justice called Restorative Justice. This reform theoretically promises that offenders and victims should be treated equally. Unfortunately, even though this new kind of Justice proposes great reforms, an annoying message keeps surfacing; that is, the offender still has the lime-light and the victim still is a secondary citizen – even in some of the current restorative justice programs now in full practice. I would like to suggest that it is more than just a reminder to keep a balance between the offender and the victim; it is more than just a plea for equality. At a recent Restorative Justice conference in California, this problem was mentioned numerous times. I think it is critical to recommend to Restorative Justice practitioners that they should make every effort to not only be responsive to the needs of offenders, but also to be certain to be responsive to the needs of victims so they are considered as more than just tools for offender rehabilitation. Victim rehabilitation must have an equal value in the way we prioritize our objectives and our resources. Victims are still largely relegated to a 2nd class status throughout the Criminal Justice Systems in most of the world. Consequently, they participate from a position of weakness, helplessness, powerlessness, and vulnerability. That status must be changed – victims need and deserve empowerment if they are to feel any sense of justice and equality in their participation. This process requires that victims must have choices. These choices should include: having a companion to support them during their ordeal with the Criminal Justice process; having a say about their participation in mediation or reconciliation; and selecting the type of restitution that best fits their needs. That is how we could empower victims during the criminal justice process.

Honorable delegates of this First World Conference on Penal Law, it is my great honor to be the president of the World Society of Victimology, and in that capacity I am privileged to come here to speak for the silent 1.5 billion victims of violence from around the world every year who's cries are mostly unheard and who's images are mostly unseen; and, in spite of being in the shadows, they suffer every day in every corner of this earth, mostly ignored. That is an indictment of our claim to being a civilized world! Until we the leaders of this profession, all recognize the immorality of giving more resources, more rights and more compassion to criminals – thereby promoting impunity, we cannot in good conscience claim to be humane in the governance of our respective nations. My purpose today is to offer you the chance to correct this unbalanced equation and to show your

professional and personal commitment to morality, by giving victims of crime, abuse of power and terrorism their rightful place at the table of justice.

The 1.5 billion annual figure I just mentioned who are victims of violence, came from the World Health Organization which also notes that close to 1.6 million of those were murdered. The US Department of Justice reports that close to 1 million women and children are trafficked every year to the US, and the United National Children's Fund – UNICEF, tells us that about half of trafficked children are between the ages of 13-18! I could go on, the list is very long. But, these numbers are just faceless statistics; behind each one of these numbers there is a human being, a mother, a father, an aunt, a sister, a son, and a daughter. And, with each victim is an extended family and friends that also suffer. If we grieve for one or two, we understand what it is like, but how can we imagine grieving for 1.6 million murdered souls?

In 1985, the United Nations General Assembly unanimously passed the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This international instrument, the first to be dedicated to crime and abuse of power victims, was the rallying cry heard around the world. In the years that followed it became the primary reference document for international, national and local victim reforms all over the globe. The primary supporters of this initiative were: the World Society of Victimology; governments, like the Netherlands, the United States of America, Canada; and delegates like yourselves representing your governments and organizations and expressing justified concern for the plight of the billions of victims who suffer every year in some part of the world.

This document provided governments and organizations with a beam of light that has continued to shine over this last, almost quarter of a century. However and unfortunately, that light has only touched a limited number of countries. Many countries have accepted the challenges offered by the Declaration, yet many others have not.

Now it is time to rise up again and honor the noble intents of that Declaration; it is time to widen the beam of light so that other countries can be warmed by its rays. It is time to renew our efforts on behalf of victims (who, for the most part, still remain silent and unseen in many countries); and, strengthen the resolve of the community of nations represented by the UN. It is time to form a new instrument, a *Convention*, to press for the comprehensive adoption of those principles that will help further humanize how all governments should treat victims: with "compassion and respect for their dignity."

Please join with me and my colleagues from the World Society of Victimology, to insure that the role of victims is kept as an integral part of our global considerations. Let us insure that the word "victim" is prominent in all our international deliberations and writings: and, speaks for all those who are without words. Let us champion the cause to keep alive the spirit of those who must be heard and seen even though they are often quiet and hidden. Let us brighten their light!

2. The Proposed Convention

The text of this proposed Convention is organized into a Preamble and four main parts. The Preamble recalls the UN General Assembly resolution of 1985 which called upon Member States "to take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" plus victims of terrorism.

It also speaks about recognizing that "millions of people, including many women and children, throughout the world still suffer harm as a result of crime, abuse of power and terrorism, and that the rights of these victims still have not been adequately recognized, and that they may, in addition, suffer hardships when assisting in the prosecution of perpetrators".

It also notes the partial progress by some Member States in legislating new laws, implementing policies and programs for victims; and the initiatives at the UN to implement the Declaration with: the endorsement of the victimology.nl website, the approval of The Guide for Policy Makers and the Handbook on Justice for Victims, the establishment of the International Criminal Court in the Hague, the Convention of Trans-national Organized Crime, UN Economic and Social Council's (ECOSOC's) adoption of the Guidelines on Restorative Justice, the UN Commission's funding for 19 pilot projects for victim services, ECOSOC's adoption of the Guidelines for Child Victims and Witnesses, ECOSOC's acceptance of crime prevention guidelines, and the UN General Assembly adoption of the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The Preamble of our proposed Convention further notes that victim issues are increasingly being handled within the principles of restorative justice, and finally, that the recent UN Crime Congress in Bangkok included wording to support the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Part I covers General Considerations with four articles: Definitions, Scope, General application, and Commitment to reduce victimization.

Article 1 of the Convention defines victims as: "natural persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering or economic loss or violations of fundamental rights in relation to victimizations," it further elaborates the concept of victims as existing: "regardless of whether the crime is reported to the police, regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term victims' also includes, where appropriate, the immediate family or dependants of the direct victims and persons who have suffered in intervening to assist victims in distress or to prevent victimization."

The Convention defines a witness as: "a person who could be called to a court or other appropriate forum to provide testimony."

It also defines an expert as: "a person who by virtue of specialized training, has particular knowledge or experience to assist the legal system."

Article 2 states that the Scope of the Convention: "covers natural persons who are victimized by acts or omissions that:

- are violations of criminal laws of States or abuse of power;
- are acts of terrorism, and others as defined in international instruments,"

Article 3 covers the General Application of the Convention to: "protect the rights and interests of victims which are contained in the law and practice of a State or international law in force in that State."

Article 4 addresses the Commitment to reduce victimization, by stating: States "shall commit to provide both justice and support for victims and to reduce victimization consistent with international guidelines by, *inter alia*, developing:

- more effective detection, prosecution, sentencing and corrections of perpetrators, consistent with internationally recognized norms;
- measures to reduce the risk of occurrence of crimes by addressing their multiple causes;
- strategies to reduce the opportunity for crime by improving protection for property and persons;

- collaboration between civil society and relevant governmental institutions, in areas such as schooling, social services, family, public health and economic sectors;
- institutional frameworks to improve the planning, cost effectiveness and sustainability of strategies;
- greater public participation in, and engagement with, strategies in both the short and the long term;
- international cooperation to exchange proven and promising practices and seek trans-national solutions.

Part II covers Rights and Duties with seven articles.

Article 5 speaks about Access to justice and fair treatment for victims.

The main part of this section addresses: “access to the mechanisms of justice and redress which is expeditious, fair, inexpensive and accessible, as provided for by domestic legislation, through,” ensuring that, “the judicial, administrative and informal processes are responsive to the needs of victims,” and encouraging that States’ “judicial, administrative and informal processes are responsive to the needs of victims.”

Article 6 addresses the Protection of victims, witnesses and experts. The main part of this section covers that: States “shall take appropriate measures in accordance with their domestic legal systems to protect the safety, physical and psychological well-being, dignity and privacy of victims, witnesses and experts from potential retaliation or intimidation and, as appropriate, for their relatives and other persons close to them.”

Article 7 covers the Victim’s need for information. The main part of this section says: States “shall ensure that victims have an enforceable right to information, and must be informed of this, from their first contact with law enforcement or other agencies. States Parties shall ensure that victims receive general information in the most expeditious and efficient method appropriate to the culture such as through oral or written communication with concern for literacy and literary traditions. Specific information should be given person to person.”

Article 8 addresses Assistance to victims. The main part of this section says: States “shall ensure that the necessary material, medical, psychological and social assistance to victims is provided through government, voluntary, community-based and indigenous means. Such assistance may be provided through any agencies or comprehensive programs that are appropriate under domestic laws or norms.”

Article 9 addresses Restorative justice for victims. The main part of this section says: States “shall endeavor, where appropriate, to establish or enhance systems of restorative justice that seek to represent victims’ interests as a priority. States shall emphasize the need for acceptance by the offender of his or her responsibility for the offence and the acknowledgement of the adverse consequences of the offence for the victim.”

Article 10 addresses Restitution including reparation. The main part of this section says: States “shall legislate to make offenders responsible for paying fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.”

Article 11 addresses Compensation for victims. The main part of this section says: “When restitution is not fully available from the offender or other sources, States shall endeavor to provide compensation to: victims who have sustained significant bodily injury or impairment of physical or

mental health as a result of intentional violent crime; the victims' family, and in particular dependants of persons who have died as a result of such victimization. Compensation shall be provided for: treatment and rehabilitation for physical injuries; pain and suffering and other psychological injuries caused to victims."

Part III covers the implementation, monitoring and cooperation of the laws of this Convention. This part has five articles.

Article 12 covers the Implementation of the Convention. The main part of this section says States: "shall take appropriate measures to: bring into force the laws, regulations and administrative provisions necessary for the implementation of this Convention; establish and enhance such institutions and mechanisms as may be necessary for the achievement of the objectives of this Convention; ensure the establishment and/or enhancement of appropriate procedures, which are victim-friendly and which must be adhered to."

Article 13 covers the Monitoring of the program of this Convention. The main part of this section says States: "shall take appropriate measures to monitor the efficiency and effectiveness of policies and measures designed for the implementation of this Convention. In particular, they shall undertake periodical review and evaluation of their legislation, regulations and procedures, including through research. States shall ensure that the various agencies, organs or bodies dealing with victims shall submit periodical reports to an appropriate authority within their domestic jurisdiction designated for this purpose. States Parties undertake to make the principles and provisions of this Convention widely known, by appropriate and active means."

Article 14 covers the Establishment of a Committee on Justice and Support for Victims of Crime, Abuse of Power and Terrorism. The main part of this section says: "For the purpose of examining the progress made by States in achieving the realization of the obligations undertaken in the Convention, there shall be established a Committee on Justice and Support of Victims of Crime, Abuse of Power and Terrorism, which shall carry out the functions hereinafter provided."

Article 15 covers Reports made to measure what, from the Convention, has been adopted by member states. The main part says: States "undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights: within two years of the entry into force of the Convention for the States concerned; thereafter every five years."

Article 16 covers the issue of Cooperation among international organizations. The main part of this section says: "to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention."

Part IV deals with Concluding provisions.

Article 17 covers the comment that: "to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention."

Article 18 covers a comment about ratification.

Article 19 covers a comment about accession by any State.

Article 20 covers the comment that: "The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession."

Article 21 covers the issue of making amendments.

Article 22 covers the issue of receiving and circulating the text of reservations.

Article 23 covers the issue of the procedure of denouncing the Convention.

Article 24 covers the issue that the Secretary-General of the UN designated as the depository of the Convention.

Article 25 says that: "The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations."

3. The Ultimate Challenge

Our grand opportunity on the near horizon will be the 12th UN Crime Congress in 2010 in Brazil. In preparation for this event here are some simple and practical recommendations for the United Nations which I suggest that we adopt here in Guadalajara at this historical conference by addressing the plight of victims in the world. That:

1. At this Conference we propose to the UN that the next congress title be: "the 12th United Nations Congress on Crime Prevention, Victim Support and Criminal Justice;
2. At this Conference, we recommend to the UN that all documents concerning criminal justice reforms include the word "victims" so that a balance with offenders is reflected;
3. At this Conference we suggest to the UN that by the end of 2008 the Intergovernmental Expert Group develop a new information-gathering instrument so that reliable data can be collected on the global implementation of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;
4. At this Conference we propose to the UN that it dedicate to victims one of the five themes for the 12th Congress;
5. At this Conference we propose to the UN that a staff position in the United Nations Office on drugs and Crime - be created that would be dedicated to victims so that that person would have the responsibility of: monitoring the plight of victims world-wide, monitoring the implementation of the UN Declaration, and, periodically bring together experts, institutes and NGOs that represent the highest levels of expertise in this field to discuss these issues and then make them available to all future deliberations dealing with victims at the UN;
6. At this Conference we propose to the UN that one of the UN Institutes be given the specific task of organizing an entire workshop on the development of a Convention on Justice and Support for Victims of Crime, Abuse of Power and Terrorism to be presented at the 12th Congress in 2010;
7. At this Conference we propose to the UN that it add to the Agenda of the next Congress in Brazil in 2010 the proposed Convention on Justice and Support for Victims of Crime, Abuse of Power and Terrorism;
8. At this Conference we recommend that the two leading victimology institutes (Tokiwa International Victimology Institute - TIVI, in Mito, Japan; and, the International Victimology Institute Tilburg – INERVICT in the Netherlands be commissioned by the UN to serve within the parameters of the Institutes of the UN Crime Prevention and Criminal Justice Program Network so as to use their resources for the good of the proposed Convention, and lastly,
9. As a formal product of this Conference, we the participants name this list of suggestions for the United Nations "The Guadalajara Victim Support Declaration" and that they be sent to the UN Secretary General immediately after this conference.

I realize I am asking a great deal from you as individuals and from this organization, however, my only excuse is that I am the "eternal optimist" and, over the past few days I have been speaking to many of you in private conversations where you have expressed great understanding and sympathy for this effort on behalf of victims. I know that change is uncomfortable, but I believe that just causes have a place in the minds and hearts of just persons. I would hope that you all would consider this proposal as a significant opportunity for your organization to join forces with the World Society of Victimology and others. Where better to begin this journey than among this small group of some of the world's leading legal scholars?

The great cultural anthropologist, Margaret Mead dedicated a large part of her professional life to understanding the process of change. One of her most famous quotes was about change. She said:

"Never doubt that a small group of concerned citizens can change the world. Indeed, it is the only thing that ever has" - changed the world.

Now I would like to say a few words to those who speak only Spanish:

Los grupos más fuertes y productivos en los Estados Unidos y en la mayoría de los demás países, donde la asistencia a víctimas ha llegado a ser una extensión viable del sistema de justicia penal, han sido grupos de ex-víctimas, quienes se consideran a sí mismos como "sobrevivientes". Han logrado constituir una fuerza poderosa para reformar esta área de política pública y de compasión humana. Han sufrido en carne propia y se niegan a quedar silenciados y pasivos. Han empleado su desgracia como un escalón en su camino para continuar su viaje, en vez de aceptarla como obstáculo en su vía que para su progresión. Estas personas representan uno de los recursos más significativos para la implementación de la Declaración de las Naciones Unidas. La responsabilidad de poner en marcha dicha Declaración y eventualmente esta Convención no es sólo una obligación de personas en posiciones de poder, de los líderes de una sociedad, o de los miembros de las clases sociales más favorecidas. Para alcanzar este objetivo se requiere reunir los esfuerzos de todos los sectores de la sociedad, porque responde a un problema que afecta a la sociedad entera.

Un otro punto clave es la voluntad para el cambio. Aquí no estoy hablando únicamente de la estrategia para el cambio, me refiero, también, a la voluntad de impulsar el cambio. No se equivoquen en esto, la implementación de los Principios Básicos no es una idea en abstracto, la cual es interesante conversar y disertar, cuyo contenido que se estudia en la seguridad del salón de clases. Es más bien, un proceso dinámico, socialmente necesario para el nuevo siglo veintiuno pero, porque no decirlo abiertamente, a veces algo amenazador. Es el desafío de impulsar un rompimiento con valores y costumbres tradicionales para recuperar y favorecer la situación de personas afligidas. Descubrir la voluntad para el cambio es más importante como requisito de este proceso que el mismo plan de acción. No hay que olvidar que este documento sobre los Principios Básicos emerge veinticinco años *después* de que la asistencia a las víctimas llegara a ser una realidad en muchos países. La voluntad para el cambio *precedió* el plan para el cambio.

Las innovaciones, como este Convención, fueron efectuadas por medio del ensayo y error. Reformas que frecuentemente confunden y tienen poco apoyo popular, *siempre* significan una lucha. Estoy 100% convencido que sí existe la voluntad para realizar este tipo de cambio y para impulsar el proceso de implantación de los Principios Básicos en México y en el mundo, se contará con una plataforma para mejorar la condición humana de las víctimas de delitos, abuso del poder y terrorismo.

Podemos ser ese tipo de grupo, aquí y ahora. We can be that type of change-group, here and now. Please let us show the collective will of this conference on behalf of victims.