
SYMPOSIUM

ON

VICTIM ADVOCACY

DATE: 30TH NOVEMBER, 2019

VENUE: National Law University, Delhi

Timing: 10 A.M. to 5 P.M.



WHY VICTIM ADVOCACY?

Article 39A of the Constitution of India envisions Equal Justice and Free Legal Aid to all its citizens. “The State shall secure,” the provision states, “that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”

Contrary to the above-stated principle, there is little that our Criminal Justice System (CJS) does to secure justice for victims in a comprehensive sense of the term. In our dominant understanding of criminal legal theory, a crime is considered to be an offence, not against the victim as an individual, but against the society in general. A common feeling experienced by victims of crime when they become involved in the CJS is that of helplessness. The legal disability compounds other disabilities – economic or otherwise to ensure that justice eludes the victims at all stages of investigation and trial.

In the light of the above, several policy and academic questions arise. How can justice truly be secured for victims of crime? Which rights are they offered under the current criminal justice system? Are the victims aware of their rights? How can these rights be actualized? How effective are these rights? Which rights do the victims actually deserve and require? How can these rights be secured? Are victims services providers able to assist victims of crime? What role do they play? How are victims of crime dealt with and treated? Answers to these questions can be possible solutions to the many issues ailing the CJS.

Victim Advocacy has emerged as a potential solution to many ailments of our victim justice system. The term ‘advocacy’ - under the concept of victim advocacy, has a broad application and requires not only a discharge of statutory or legal obligations, but also provision of voluntary services towards the victim or, more generally, actions in favour of the victim. Victim Advocacy, therefore, refers not only to provision of representation to victims through the court processes, but also entails the performance of a plethora of victim oriented services by public servants or private individuals.

On the basis of the abovementioned distinction, victim advocacy may be divided into two delivery mechanisms: 1) System Advocacy and 2) Community Advocacy. System advocacy refers to the assistance to the victims that can be provided through the State officials such as police officers/investigating officers, public prosecutors etc. Community advocacy refers to

the provision of assistance using private and autonomous services from within the community. Victim advocates under both methods of delivery must understand the criminal justice process, its complexities, strengths and weaknesses in order to make an effective contribution towards victim justice administration.

ABOUT NATIONAL LAW UNIVERSITY DELHI (NLUD):

The National Law University Delhi established in 2008 by Act No.1 of 2008 of National Capital Territory of Delhi and with the initiative of High Court of Delhi, is a premier Law University established in India. The vision of the University is to create a global legal institution which will compete with the best ones outside India, and to prepare lawyers for a legal career that introduces them to a wide range of opportunities in legal professions across the globe. Presently the University is offering a five year integrated B.A. LL.B. (*Hons*) degree programme, LL.M, Ph.D., and other Post Graduate programmes in specialised areas of Law. It has a vibrant academic community of eminent scholars' engaged in teaching, research, and advocacy. The exemplary performance of the University has again won us consecutively for two years the 2nd rank all over India in the Law Category, through the National Institutional Ranking Framework (NIRF) recognition for 2018 & 2019.

ABOUT CENTRE FOR CRIMINOLOGY AND VICTIMOLOGY (CCV):

The Centre for Criminology and Victimology has been set up with the objective to contribute towards the fundamental and applied research and action in the field of Criminology, Criminal Law, Criminal Justice, and Victimology. The Centre brings along pertinent interdisciplinary research and learning strategies. The Centre, in the past has conducted numerous training, research workshops and conferences especially in the area of Juvenile Justice, Gender Justice, Victim Justice, and Victimology.

ACCREDITATION COURSE ON VICTIM ADVOCACY:

The Centre for Criminology and Victimology at NLU Delhi is launching an accreditation course on Victim Advocacy aimed at creating a class of public spirited professionals who are

adequately trained to cater to the needs and requirements of the victims. The course shall equip both system advocates and community advocates, with the knowledge and training to respond to the victims on issues such as:

- a) Victims and the legal framework;
- b) Rights of the victims;
- c) Victim assistance at various stages of criminal justice system;
- d) Emotional and psychological needs of the victims;
- e) Financial assistance to the victims of crime including interim compensation;
- f) Restitution of the victims;
- g) Victim protection;

The course on victim advocacy – relating to the abovementioned components shall be tailored according to the requirements of both community advocates and system advocates. The focus of the course shall not be on knowledge/information generation and/or dissemination (i.e. on what or why we need victim advocacy), but on empowering the victim advocates with respect to the execution (i.e. on how we can become effective victim advocates).

COURSE OUTLINE:

Part A: Introduction

The course shall be designed to introduce the candidates to the concept of victim advocacy itself by gradually introducing them to the concepts of victimization and advocacy. Post the detailing of the definitional issues in recognition of both ‘Victims’ and ‘Advocates’ in India, the course shall delve into and determine the nature and scope of as well as the types of victim advocacy in India.

Part B: Rights of the Victim:

The course shall familiarize the candidates with respects to the rights of the victims under:

- international human rights law
- domestic legal framework

Part C: Victim Assistance:

The course shall offer training with respect to the needs of the victims:

- at the time of reporting in terms of first aid, medical aid and psychological first aid.
- at the time of medical examination.
- at the time of statement before the police.
- at the time of prosecution.
- at the time of cross examination.
- at the time of sentencing.

Part D: Victims' Access to Justice and Fair Treatment:

The course shall aim to empower the trainees for securing access to justice on behalf of the victims and fair treatment to the victims through training on aspects of:

- addressing the concerns of the victim regarding reporting.
- addressing the concerns of the victim regarding the trial.
- education of victims regarding their rights.
- education of victims about other support services available to the victim.
- ensuring victim protection.
- ensuring the economic, social and political security of the victim.
- ensuring free and fair investigation.
- ensuring free and fair trial.
- ensuring the overall well-being of the victim

Part E: Victim Compensation:

The course shall provide basic training to the candidates on the various compensation mechanisms available to the victims under the Statutory and Non Statutory framework. The candidates shall be educated about the process and procedure required to access the mechanisms in detail.

Part F: Victim Restitution:

The course shall also inform the candidates about the restitution mechanisms available to the victims and how to access the same.

AIM AND OBJECTIVE OF THE SYMPOSIUM:

The aim of the Symposium is to gather, absorb and disseminate the perspectives, opinions and experiences of legal practitioners (advocates and public prosecutors); academicians; first responders; and victim service providers (governmental and non-governmental). The event is being organized with the objective of determining the points of focus which are pre-requisite to conduct the proposed accreditation course.

YOUR CONTRIBUTION:

You will be expected to prepare a succinct and direct address of up to 10 minutes detailing your experiences and opinion on the subject area of your expertise or on a subject area communicated to you through the mail. The address must contribute towards the discourse on what an ideal victim advocacy course requires in terms of curriculum, training and/or suggest ways and means to make the course practically relevant for victim advocates. Additionally, you are requested to send a one page note in advance of the event noting the broad area of your address as well as your key suggestions advancing the purposes of the course.