



## Victims rights as human rights - a matter of old and new rights

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# Victims and human rights

## Two dimensions

- The significance of universal human rights to victims of non-state crime
- The position of victims' rights in the field of human rights



# Why bother?

- The supremacy of human rights
- The development of human rights law
- Poor implementation of victims' rights
- Victims of repeat victimization - protection from crime = human rights protection



# *Human rights Universal and Specific*

**EVERY  
HUMAN  
HAS  
RIGHTS**

**VICTIMS'  
RIGHTS**  
Putting Victims  
First



# Pros and cons of being the human rights messenger

## Pros

Supportive of new rights-claimants  
Legitimacy

## Cons

Lack of knowledge  
Uncertainty



## The rise of the victim

- **The emancipation of the victim**

The victim as a new actor in the criminal justice system

- **Claims for victims' rights**

"the right to have rights"

A new field in international law

- **Victims discussed in terms of human rights**

Non-state crime as human rights violations



## *Victims of non-state crime and human rights violations*

- the relevant act must have been of a certain severity
- the victim must have been exposed to some degree of discrimination



# The objectives of victims' rights instruments

- to protect victims from repeat victimisation
- to protect victims from secondary victimisation





## Repeat victimisation

## Secondary victimisation

### The Crime

- The criminal justice response

### The Victim

- Procedural justice



**Crime is a wrong against society  
as well as a violation  
of the individual rights of victims.**



## Universal

## Victims' rights

### Non-discrimination

### *Affirmation*

...victims of crime should be treated ...without discrimination of any kind based on any ground such as race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health.



## Universal

## Victims' rights

**All human beings are born free and equal in dignity and rights**

## Reformulation

It is equally important to ensure that victims are treated in a respectful manner and that they are able to access their rights.



## Universal

## Victims' rights

**Everyone has the right to life, liberty and security of person.**

## Extention

Specific protection measures should be taken for victims at risk of intimidation, reprisals or repeat victimisation.



## Universal

## Victims' rights

### Access to justice

### Innovate

Training should as a minimum include:

- awareness of the risk of causing secondary victimisation and the skills to prevent this



## *The victim and the model of rights.*

**A (the victim) has the right to X (support) towards B (the state) because of Y (dignity/access to justice) by means of Z (accountability).**



Thank you!

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