

RAPPORTEUR'S REPORT – MICHAEL O'CONNELL

In exploring the intersections of forensic science and contemporary practices within victimology and victim assistance, we delve into a field where understanding and support for victims are continuously evolving. Forensic perspectives provide a meticulous approach to investigating crimes, gathering evidence, and establishing accountability, which are crucial for legal proceedings and justice. Meanwhile, contemporary victimology emphasises a holistic understanding of the victims' experiences, integrating psychological, social, and cultural dimensions into the support systems designed to aid them. By examining these perspectives together, we gain a comprehensive view of how forensic techniques and modern victim assistance practices work synergistically to address and alleviate the impacts of crime (and arguably other sources of victimisation) on individuals and communities, and others. This integration not only enhances the efficacy of legal responses but also fosters a more compassionate and responsive support framework for those affected by crime.

The Asian perspective on victimology, with a particular focus on India, reflects a nuanced approach shaped by cultural, social, and legal traditions unique to the region. In India Dr. Purvi Pokhariyal told us victimology is influenced by a blend of traditional practices, religious scripture, spirituality and modern legal frameworks (which have helped distinguish India from its colonised past). Spirituality featured in several other sessions, such as the session on forensic victim profiling to draw attention to the emotional effects of criminal victimisation

Cultural norms often emphasize familial and communal support structures which can impact how victims seek help and receive assistance.

Presenters have left us in no doubt that India has made significant strides in addressing victim needs through legislative reforms and the establishment of specialized support systems. Furthermore, concurrent session speakers described various non-governmental organizations and advocacy groups that work tirelessly to support victims and promote their rights. Despite these advancements, some speakers showed us that challenges such as societal stigma, inadequate infrastructure, and regional disparities persist, highlighting the ongoing need for a more inclusive and comprehensive approach to victim support in the Indian context.

For this, among other reasons, a compelling argument – not my words but an observation from a delegate - was advanced in the first plenary for the establishment of an Office of Commissioner for Victims of Crime in India, or in each state of India. Having commissioner tasked to enforce victims' rights would be an important way to enhance the attainment of victims' rights. A commissioner would help enforce these rights, ensuring that victims are treated with fairness, dignity, and respect throughout the criminal justice process and other processes, such as victim assistance programmes.

Legislative reforms to improve the position of victims in the criminal justice system are not unique to India. Significant steps have been taken to protect the rights of child victims in Poland, although there the reforms are yet to completely fulfill that country's obligations under the Convention on the Rights of the Child and other international law. Similar stories were told about the situation of child victims in India.

Several speakers reminded us that victims frequently encounter a criminal justice system – not just here in India - that is not timely, is cumbersome, and daunting. Victims are often treated with indifference or ambivalence, which can exacerbate their trauma. Moreover, societal stigmas and a lack of sensitivity among some police can deter victims from coming forward or receiving compassionate treatment. Despite the introduction of measures like victim compensation schemes and the special provisions for victims of sexual offenses, significant gaps remain in providing, among other entitlements, timely and effective support.

Though India's parliamentarians have proclaimed a raft of victim-centred reforms, it is unclear whether these laws will prove to be robust and genuinely improve victims access to justice and access to assistance. Investment on implementation of these laws and procedural changes is critical to ensuring that the criminal justice system truly serves those it is meant to protect and support. Moreover, several presenters indicated that investment in evaluations and research is crucial. We need to know, for instance, that we are doing no more harm. Today, the possibility that some law reforms might unduly impact on the innocent was mentioned in an observation about anti-misogyny law in Australia, and yesterday we heard that child protection law made offenders of young lovers.

It would be remiss to discuss victim-centricity only in the context of the criminal justice system, and victims' experiences of that system. Victims have psychological and emotional needs that should be met. Becoming a victim can be traumatic. Victims may experience a range of emotions, including helplessness, passivity, loss of control, guilt, shame, self-blame, and depression. They may also develop a negative view of life and feel hopeless or despairing – Dr. Sunitha Krishan vividly confirmed this in her confronting (some might say gruesome) presentation on the

plight of victims of trafficking and sexual servitude. The victims' stories Dr. Krishan shared were heart wrenching – and few will forget the compelling plea from the young woman for there to be a stop to the atrocities inflicted on children and young people and repugnant lives they are forced into. A session speaker focusing on prosecutors' treatment of victims of commercial sexual victimisation also plead for a victim-centred approach to be inculcated throughout the criminal justice system.

Trauma, victimisation, and re-victimisation are deeply interconnected phenomena that significantly impact individuals and communities, often intertwining with the concept of intergenerational trauma. Trauma, stemming from experiences of violence, abuse, or severe emotional distress, can profoundly affect a person's mental and physical well-being, influencing their behaviour and perceptions long after the initial event. Victimisation refers to the experience of being targeted by such adverse events, while re-victimisation involves experiencing similar traumas repeatedly, which can compound the initial trauma and hinder recovery. Intergenerational trauma extends these effects across generations, where the psychological impact of trauma is transmitted from one generation to the next, often due to ongoing societal conditions or familial patterns of dysfunction. This perpetuation can manifest in several ways, including altered parenting practices, community disintegration, or persistent socio-economic challenges, further entrenching the cycle of trauma and affecting collective well-being. Addressing these interconnected issues requires a multifaceted approach, integrating trauma-informed care with efforts to break the cycles of re-victimisation and mitigate the effects of intergenerational trauma.

At this juncture, I remind you that the conference theme is forensic and contemporary perspectives in victimology and victim assistance, so I direct your attention now to several of the contemporary issues that have featured in presentations this week.

First, violence against transgender, gay, and lesbian individuals in India remains a critical and urgent issue, deeply rooted in societal prejudice and legal ambiguities. Despite legal advancements such as the Supreme Court's recognition of transgender rights and the decriminalization of same-sex relations in 2018, LGBTQ+ individuals often face pervasive discrimination and violence.

Presenters pointed to transgender people encountering extreme forms of violence, including physical assault, harassment, and exclusion from essential services. These victimisations are driven by entrenched social stigma and marginalization. Gay and lesbian individuals also experience significant challenges, including family rejection, social ostracism, and legal barriers, which can lead to mental health struggles and increase their vulnerability to violence. The intersection of these experiences with systemic issues such as inadequate legal protection and a lack of supportive resources further exacerbates their plight.

Secondly, also heard presentations on violence against women – described by the UN Secretary General as a heinous violation of human rights. Mangai Natarajan, a plenary speaker, reported that violence against women in households (that is domestic violence) worsened during the COVID pandemic. Several factors contributed to this worrying trend: isolation; reduced opportunities for victims to seek help and support from friends, family, or social services, financial stress, mental health issues, and disruption of support services.

Violence against women is serious, prevalent and driven by gender inequality. Indeed, gender inequality sets the necessary social context for violence, including coercive control. The inherent message was 'change the story' – violence against women is preventable and it is an element of the future that we should want. It is, however, a future we will not achieve while this violence continues to be condoned, men limit women's independence, stereotyped constructions of masculinity and femininity prevail, and male peer relations emphasise aggression and disrespect towards women.

Thirdly, another sub-theme to emerge was children as victims of crime. We heard that child victims of crime in India face a harrowing array of challenges that undermine their safety and development. Exploitation, trafficking, and abuse are prevalent issues, exacerbated by systemic inadequacies and socio-economic factors. Many children, especially from marginalised communities, fall prey to violence and exploitation, suffering profound physical and emotional scars. Legal frameworks and protective measures often fall short, and the enforcement of child rights remains inconsistent. A second injury results from laws that are not child friendly or are contrary to local custom, and/or poor treatment by police and trial by ordeal in courts can exacerbate the effects of the crime itself.

Despite efforts by various organisations and governmental bodies to address these issues, there is a critical need for better strategies to protect vulnerable children (such as 'street-connected children'), ensure their access to justice, and support their rehabilitation and integration into society.

Fourthly, victims of abuse of power who are attributed entitlements in the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, but this topic sometimes sit on the periphery of

victimological discourse because so much energy has been expended on tackling the many concerns of victims of conventional crimes and transnational organised crimes. Several presenters drew our attention to police abuse of power in India. It was argued that this abuse of power is a pervasive issue that undermines the integrity of law enforcement and erodes public trust in the police in particular and the justice system in general. Instances of police brutality, arbitrary detention, and misuse of authority are frequently reported, often fuelled by a lack of accountability and oversight – perhaps another reason to justify the appointment of an independent Commissioner for Victims of Crime.

Such abuses are particularly evident in cases of custodial violence and harassment of marginalised communities. The inadequate legal safeguards coupled inefficiencies and serious misconduct, even corruption, exacerbates the problem. Victims of police abuse often face significant obstacles in seeking redress, including fear of retaliation and a lack of effective grievance mechanisms. Addressing these issues requires comprehensive reforms aimed at enhancing police accountability, ensuring rigorous oversight, and fostering a culture of respect for human rights within law enforcement agencies. By prioritising transparency and genuine access to justice, it will be possible to foster public confidence and maintain the rule of law.

Fifthly, while your attention is drawn to wrongful behaviour, it is apt to mention the victims of wrongful convictions – that is when justice betrays the innocent, and in some cases, lives are lost. Hopefully, these injustices will be less frequent because advances in forensic sciences, such as DNA evidence, are helping to convict the ‘real’ guilty and rewrite justice for the wronged. Regarding DNA evidence, we were reminded that despite its strengths, it also has limitations so safeguards are

necessary to ensure this evidence is used effectively and ethically in court proceedings.

Sixthly, three sessions and one poster session introduced a relatively new perspective within the victimological field. Green victimology emerged as a critical approach to the criminal justice system that emerged in the 1990s. It was then a sub-set of criminology and drew on some theories with victimological concepts. More recently, White (2018) defined Green Victimology as “the study of the social processes and institutional responses pertaining to victims of environmental crime” (p. 239). Yet, as several presenters stated, environmental crime is often perceived as ‘victimless. It is not, however, victimless. Many of the victims are ‘hidden’. Many are not human.

It seems to me that green victimology is based on ecocentrism, that is that environmental entities have intrinsic value. Traditional victimological discourse has focused on anthropocentrism – that is that humans as victims. Based on the presentations, green victimology includes the study of:

- Victims, which includes humans, other species, and inanimate objects like air, water, soil, and earth
- The complicity of governments
- Environmental crimes such as illegal trade in wildlife; dumping and illegal transport of various kinds of hazardous waste; illegal unregulated and unreported fishing; and illegal logging and trade in timber.

Like other sub-disciplines in victimology, green victimology also studies the effects of environmental victimisations. A presenter referred to some of these effects as the whispering wound.

There was some discussion on remedies, including the adequacy of criminal sanctions and/or civil damages; as well as alternative approaches to justice, such as restorative justice; restoration of environmental degradation, and reparations.

On climate change and climate justice, a member of the audience queried panellists on the threat climate change poses for small island states of the Indian and Pacific Oceans, to which I add, rising sea level will negatively impact low-lying coastal land in neighbouring Bangladesh, so tens of millions of people will be displaced. There is much truth in the slogan at the NFSU fountain – one earth – one family – one future!

Despite the richness of green victimology, tertiary educational institutions have tended to give environmental crimes and climate change a low priority, which is an omission that ought to be remedied with a sense of urgency.

And the final subtheme takeaway from the sessions I attended is cyber victimisation, which speakers indicated is a pressing concern throughout India as it is across the globe. In this Digital Age (a reference to the title of a speaker's presentation) technology permeates our daily lives. With the rapid expansion of internet access and smartphone usage, individuals and organisations alike are exposed to various forms of cybercrime, including presenters told us, cyberbullying and financial fraud. The anonymity provided by the internet often emboldens

perpetrators. The perpetrators operate with impunity and exploit the 'silence' of victims who are reluctant to report their victimisation.

Despite growing awareness and legal frameworks designed to tackle these issues, many victims struggle with inadequate support systems. The challenge is further compounded by a lack of digital literacy among the population, especially children and young people who embrace the technology perhaps without the lived experience and knowledge to inhibit their vulnerability. Under - digital literacy leaves individuals vulnerable to exploitation. We were introduced to the effects of cyber victimisation earlier this week and these effects were revisited today. Likewise, today gender-based violence was revisited but in the context of digital means.

Among the remedies for cyber victimisation, speakers have recommended a focus on enhancing education, improving legal responses, establishing support services that match victims' needs, and fostering a culture of digital responsibility – though the concept of 'digital responsibility' is an issue that I appeal for caution. Caution because from a victimological perspective preventive campaigns and other initiatives should avoid blaming the victim.

Victim blaming occurs when individuals hold the victims of crime or abuse responsible for their own suffering, often undermining their trauma and perpetuating the cycle of harm. This harmful practice not only stigmatises and isolates victims but also discourages them from seeking help and pursuing justice.

The final plenary speaker, Vidia Vasilica Negrea, took us outside the justice process. She distinguished restorative justice from restorative

practices. Central facets of restorative practices as reintegration, repairing harm and strengthening healthy relationships. By tackling disconnections and fostering reconnections in safe places, she asserted, learnings happen, and transformations are possible. She described a programme for disruptive youth in schools. Her optimism, contrasts critics who, for instance, posit that the practices can take too long and be emotionally draining. Furthermore, accountability takes the form of self-responsibility and students enter agreements designed to repair harm and make things right – but some say this is ‘soft’ accountability – and a major challenge occurs when a student does not fulfil their agreement. Moreover, these practices can place unfair expectations on those wronged.

It seems to me that restorative justice and restorative practices have limitations that are yet to be resolved. Colloquially, I say that, despite the wonderful stories of successes, and the evidence gathered via empirically sound, scientific methodologies, the ‘jury is still out’. That said, the weight of evidence presented to us during this symposium indicates that restorative practices can help build, maintain, and restore positive relationships, even in communities that have been plagued by mass violence.

My role as an observer ended as a session on prevention closed. The presenters raised the importance of prevention: first, preventing secondary victimisation of victims of sexual assault; and secondly, crime prevention. Sir Robert Peel advanced that the absence of crime is the primary measure of the success of civil policing, to which we might add that the absence of victimisation – direct and secondary. Efforts to prevent the first injury and the second injury should be pursued with

vigour and rigour, as Prof Marc Groenhuisjen has pointed out, these are fundamental tasks of victimology.

Conclusion

Some might say that this symposium has been a catalyst for change. Among you are forensic scientists, so you would rightly correct them because a catalyst speeds up a reaction, without itself being consumed during the reaction.

Certainly, this symposium has offered many reasons to speed up our responses to the rights and needs of victims – human and non-human – and we do need to speed up our responses. But also, over these past days and today, we have consumed an insurmountable amount of information, and it has been impossible to digest it all during this week. While some information may spill over, I encourage you be energised – you have heard what has been done, though it is unclear whether that what will achieve the outcomes desired – the scholars and researchers among you have the quest to monitor and report on whether true improvements are achieved. Researchers, victims and advocates told us what needs to be done and some even went so far as to tell us the consequences of failing to adequately address the many sources of victimisation, and to improve responses to the impact of these victimisations.

There has been tremendous change across India and elsewhere – but the shifts have come too slow for some victims or have not been sufficient to improve outcomes for all. There is a very great in amount that still needs to be done. Plenary speakers and sessional speakers

have shone lights on challenges and possible remedies. They have sketched blue-prints for you to act – so please do.

The wide range of issues canvassed during this symposium are like reeds then when woven together form a basket, which the organisers named “forensic science and contemporary practices within victimology and victim assistance”, but the reeds remain unique strands.

Today being National Teachers Day, it is apt to mention that some teachers use basket weaving as a tool to challenge old ways of knowing and introduce new ways of knowing. Some people consider weaving a basket to be a sacred task, and in pray, they ask for blessings and guidance from the guardians of wisdom and knowledge. The Cherokee people use the metaphor of weaving a basket to represent a journey. We are on a shared journey that does not end when this symposium closes later today. Let us continue that journey wiser and better informed.