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LA THÈSE A ÉTÉ
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VICTIMS OF CRIME IN VENEZUELA
RIGHTS AND SERVICES

by

Maria Josefina Ferrer-Carrasco

A thesis
presented to the University of Ottawa
in fulfillment of the
thesis requirement for the degree of
Master of Arts
in
Department of Criminology
University of Ottawa



Maria Josefina Ferrer Carrasco, Ottawa, Canada, 1985.

I dedicate this thesis to the memory of my daddy.



ABSTRACT

Recognition of the problems experienced by victims of crime as a result of their victimization or as a result of their involvement in the Criminal Justice System has led a number of countries to provide services to assist victims and to establish their right to redress for their losses, to access to justice and to fair treatment.

This thesis examined the response to victims of crime in a country which has seldom been studied: Venezuela. Specifically, it explored the status of victims of crime in the law of Venezuela, and in the policies of its Social, Health, Welfare and Criminal Justice Systems. It determined the possibility that victims of crime can obtain reparation or compensation for their losses and suffering occasioned by the crime, the availability of victim assistance services and the attitude and response of officials and service providers to their needs.

The study was conducted by means of questionnaires and interviews with representatives of selected organizations and institutions in Caracas, Venezuela.

The study revealed that although some rights of victims have been established in Venezuelan law, these are seldom recognized in practice. The possibility that a victim of crime in Venezuela will receive reparation or any form of assistance is very remote.

A number of factors appear to be responsible for the apparent neglect of victims in Venezuela:

- There is little awareness of or concern for the needs and inconveniences of victims of crime.
- There is a lack of awareness among victims themselves about their rights.
- There is a lack of sensitivity to victims' needs among service providers.
- There is no clear policy or guidelines for the provision of victims' services.
- There is no training for service providers in recognizing, assessing or responding to the problems and needs of victims of crime.
- There is very little coordination among relevant Venezuelan institutions and agencies.
- There is an inefficient bureaucracy and responsibility for the assistance of victims of crime has not been assigned.

- There is a chronic and severe lack of resources within public institutions to respond to the needs of the general population.

The results of the study also indicate that a number of initiatives to provide assistance to victims of crime (child abuse, rape and domestic maltreatment) have recently been developed. Thus far, their major contribution have been to promote the establishment of coordination and new procedures for the treatment of such victims by responsible agencies.

Several recommendations are presented with a view to increasing the awareness of the needs of victims in Venezuela, to strengthening the role of victims in the justice process, and to establishing rights and services for their redress, protection and just treatment. These recommendations are based not only on the results of the present research in Caracas but also on recent proposals by the United Nations and other international organizations, and on the international literature on victimology. These recommendations include:

- To reform or enact legislation in such a way that the rights of the victims are clearly stated in law.
- To ensure that in the case of the violation of such laws specific and efficient procedures are available to make it possible that the intent of the law can be fulfilled.

- To specifically mention victims of crime in the mandate of those organizations which should be responsible for them.
- To formulate guidelines and implement efficient practices and procedures in those agencies which provide services for the medical, psychological, legal and informational assistance of victims of crime.
- To provide training for service providers to sensitize them to the problems and needs of crime victims.
- To examine various means by which the offender can make reparation (this may involve changes in the justice and penitentiary systems).
- To provide ways by which the state can offer financial support to assist victims of crime in recovering from the harm done by crime through the implementation of Compensation Programs. To create a Compensation Board Department, where all the financial compensation for victims of crime could be processed and authorized.
- To improve cooperation and coordination among agencies in order to facilitate access to existing services. When necessary and possible new services specially dedicated to the assistance of victims of crime should be created.
- To create a Victim of Crime's Information Office, where all types of information related to victims of crime can be collected and distributed.

- To create Victims' Service Units at the Police level, where victims of crime can obtain assistance and information.
- To motivate the community, the clergy and volunteers to become involved in victim assistance.
- To support socio-economic and criminal policies which may reduce the risk of victimization.
- To conduct research on the needs of crime victims and on the possible ways to respond to these needs and problems appropriate to Venezuelan reality.

The most important finding of this study was that there is in Venezuela an almost total lack of awareness of the problems of victims of crime, of the suffering they may experience not only from the criminal act but from their treatment by the Justice, Social, Health and Welfare Systems; of their needs for information, counselling, financial reparation, medical and psychological care. There is also a lack of awareness of the programs and services which can and should be available for them. It is argued that the development of services for the victims of crime might be possible but only if concerted and persistent efforts are made to increase awareness by means of media presentations, conferences, workshops, community action groups and other effective means of publicizing the needs and rights of victims of crime.

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Chapter I

INTRODUCTION

This thesis examines the rights and services for victims of crime in Venezuela. It assesses what might be done to increase those rights and enhance those services. It has its foundation in the growing international concern about victims of crime.

Victims of crime have, for many years, been ignored by the Criminal Justice System, and forgotten by governmental and private social and health services, and by the general public (Council of Europe, 1984; Schneider 1982; United Nations, 1984; Waller, 1984). The Criminal Justice System has been primarily concerned with offenders and has systematically neglected crime victims, relegating the latter to a very minor role; a role which may lead them to feel that they are being used only as means of convicting the offender. They become pawns in the criminal justice process. The victim's interests are frequently subjugated by the state's interest in proving the criminal act and establishing and enforcing criminal sanctions for the perpetrator. Thus, the victim's injury becomes only an occasion for mobilizing the

criminal justice system and for actions which are decided according to the law enforcement officials' conception of the interest of the victim.

Suspects, accused individuals, convicted offenders and prison inmates have explicit rights defined in the human rights covenants of the United Nations such as the Standard Minimum Rules for the Treatment of Prisoners (1955), the Code of Conduct for Law Enforcement Officials (1980), and the Principles of Medical Ethics regarding cruelty to prisoners (1982). A great deal of attention has been given to the perpetrators of crime, their rights are made known to them; professionals ensure they receive due process; different agencies are prepared to assist them to obtain legal assistance; probation officers, correctional workers, parole officers and a large number of volunteers are provided to give assistance to offenders. Exacting procedural safeguards, standards of custody and care, and a wide variety of programs and services have been provided for offenders in many jurisdictions. In contrast, until very recently, little interest or concern has been shown in providing such protection or services for victims. As Amernic (1984), Friedman (1982) and Waller (1982) have pointed out, the crime victim has for too long been ignored by the Criminal Justice System and has been "orphaned" by the Social Service System.

THE DISCOVERY OF THE VICTIM

Over the past twenty years, the victim and the victim's place in the Criminal Justice System have become the focus of increasing attention in many countries. The initial interest in victims of crime came from scholars such as Amir (1971), Ellenberger (1954), Fattah (1967), Mendelsohn (1956) Von Hentig (1948), Wolfgang and Sellin (1964), who were mostly concerned with how victims contribute to crime (the crime precipitation issue). In the last ten years, however, other scholars such as Bard and Sangrey (1978), Salasin (1981), Schneider (1982), and Waller (1982), have become interested in humanitarian factors such as concern for the victim's loss or suffering. Concern about victims of crime has also been stimulated by the fact that the Criminal Justice System is dependent upon the cooperation of victims as witnesses. Moreover, it has been argued that the state, since it has been given the responsibility for public protection, has an obligation to compensate and assist those individuals whom it has not been able to protect - the crime victims.

In the last few years, there have been international efforts towards the recognition of the rights of victims and the establishment of ways of ensuring their protection, their humane treatment and redress of their injuries and losses. There have been symposiums, conferences, meetings,

workshops, committees and task-forces at international and national levels throughout the world designed to further the cause of victims, educate the public and criminal justice agents, and exchange knowledge in relation to crime prevention, victim assistance and victim participation in the criminal justice process. Research on Victimology has flourished in many countries all over the world such as Australia, Britain, Canada, Italy, France, Japan, Poland, the United States, West Germany, Yugoslavia, (see bibliography in World Society of Victimology Newsletter, 1985). Research on victimology has also been done in Latin-American countries such as Bolivia, Brazil, Colombia, Costa Rica, Mexico, Panama, and Venezuela (Antony, 1983). In some countries, victimology research has only just begun while in other countries it has become an established discipline.

Among the organizations which have dedicated themselves to the cause of victims are several United Nations bodies such as the Helsinki European United Nation Institute (HEUNI) and the Instituto Latinoamericano para la Prevencion del Delito y Tratamiento del Delicuenta (ILANUD) which organized international events on victims of crime in 1983. The Council of Europe has joined in the same efforts and has recommended that governments promote policy aimed at "the prevention of crime... and provision of assistance to victims" (1983a). It has also adopted a convention on the com-

pensation of victims of violent crimes (1983b). Scientific interest in victimology among groups such as the World Society of Victimology and the World Federation for Mental Health have stimulated international recognition of the needs of victims (Schneider, 1982; Miyazawa, 1985).

At the national level, countries such as the United States and Canada have established organizations which are devoted to the promulgation of information about victims and to the support of the establishment of specific rights for victims of crime. They include the National Organizations for Victim Assistance (NOVA: 1980, 1982a,b; 1984a,b; 1985a,b) and the Canadian Council on Social Development (CCSD:1981).

Citizen and professional groups have also begun to promote reform for victims of crime. Many associations such as the American Bar Association, the Canadian Criminal Justice Association and the Church Council on Justice and Corrections in Canada, as well as many other groups have engaged in the task of studying what can be done for victims of crime.

All these efforts and recommendations for improvement have made possible a change in the attitudes of a large number of persons in different agencies and professional

fields. They have also stimulated reforms in legislation and improvements in service in several countries in recognition of the needs of crime victims.

In August 1985, the Seventh U.N. Congress on the Prevention of Crime and the Treatment of Offenders will be asked to give greater recognition to the victims of crime. Specifically, a Declaration on Justice and Assistance for Victims will be considered. The Declaration encompasses a set of rights and standards for victims.

National groups in various developed countries such as South Australia (1981), France (1982), U.S.A. (1983), and Canada (1983) have examined the extent to which victims of common crimes and their families are neglected by the Criminal Justice System and abandoned by the Social Service System in their countries. They have recommended courses of action to improve the situation of crime victims (World Society of Victimology Newsletter, 1983/84).

TOWARDS A JUST BALANCE

It is important to stress that the interest of the Criminal Justice System can only be served if a balance of the rights, needs and responsibilities of the victim, the offender and the state are established and maintained (Fat-

tah, 1971; Haggan, 1980; McDonald, 1981; Reiff, 1979; Schneider, 1982).

In focusing more concern on the plight of the victim, one must not lose sight of the need to safeguard the accused. In so doing, it is necessary to make sure that in practice the rights of the offender are fulfilled not only as a way to protect them from the power of the state but as a way to consider the offender as a human being in need of assistance and treatment. In achieving this balance a social as well as a criminal policy oriented toward both parties will have to be achieved.

VICTIMS' NEEDS

It has been reported by researchers from many countries that, after victimization occurs, victims of crime may suffer physically, emotionally, or financially (Bard and Sangrey, 1978; Drennan-Searson, 1982; Freidman, 1982; Reiff, 1979; Waller and Okihiro, 1978). These researchers have also found different types of needs among victims of crime according to factors such as the type of crime, the date of occurrence of the victimization, as well as the individual characteristics or type of victims (e.g. women, children, men, and the elderly).

Victims of crime may need assistance for emotional and physical problems associated directly with the crime. They may need support, information and advice about what to do and where to go to obtain help immediately after victimization occurs.

Too often victims suffer not only as a result of the crime but also because of the manner in which they are treated by the Criminal Justice System. Although the functioning of the system depends upon the willing cooperation of victims to report crimes and to testify, the manner in which they are treated often does little to encourage such cooperation. Victims are provided with little, if any, information about the progress of their cases and they are seldom consulted with regard to any decisions which are made. Many victims of crime are also victims of "justice"; they are victimized first by the offender and then by the Criminal Justice System. Accordingly, victims of crime may need assistance and protection when they decide to participate in criminal proceedings. They may need help to obtain redress for loss and injury inflicted by the crime. They need to be treated fairly and with concern and respect by law enforcement officials.

PROGRAMS AND SERVICES FOR VICTIMS

Recently, a movement has taken place in several countries (France, England, Wales, Holland, Germany, Australia, Canada) for instituting special Victim Assistance Programs. Such programs and services have been developed particularly in the U.S.A. and some other, mostly common law, countries. These programs and services are provided by a large number of organizations according to the specific needs of the victim they are trying to assist. They may be from the Social, Welfare and Health areas or from the Criminal Justice System; they may also be from the private sector or from a combination of both sectors. Some of them offer emergency or short, medium and long-term assistance. Some are interested in specific groups of victims (e.g. children, women, men and the elderly); some others are interested in victims of specific crimes (e.g. rape victims). Others programs are directed to witnesses of crime, or to dependents and family members of victims of crime.

A wide variety of programs and services for victims of crime have been established in many jurisdictions of many countries. They include crisis intervention programs to help the victim with the physical and psychological trauma

they may experience, information for victims about police and court procedures, and advice about possible redress for financial loss. In some cases, long term assistance is provided for those who have experienced psychological or physical problems.

The victim's movement has undergone rapid growth in the United States, Canada, France, the United Kingdom, and South Australia, whereas in some other countries such a development is in an embryonic stage; in some other countries it has not even started. It is important to point out that in some developing countries, mainly Asian and African countries, there are informal systems of dispute resolution which handle disputes between victims and offenders. In effect, victims' needs have been taken care of since a long time ago in these countries. It should be understood that victims in one country may face problems of a considerably different magnitude and nature than victims in other countries. Differences in the system of justice in different countries, in their philosophy of state intervention, in the extent of criminality, in the prevalent forms of criminal behaviours, and in the measures proposed to alleviate the victim's problems strongly influence interest in victims. The availability and quality of services depends on such factors and many other factors including those of a political, legal, social, moral, cultural and financial nature.

Although the establishment of such programs and services reflects a growing public concern about victims at a local, national and international level, it must be recognized that the availability of services varies considerably from country to country, from region to region and from city to city. There remains in many, perhaps most, jurisdictions insufficient or inadequate services.

CARACAS, VENEZUELA

This thesis is a study of a place which has seldom been studied by victimologists, a place which has a very different socio-economic, political and legal nature from those of North American and European countries which have pioneered in the development of victim programs and services: Caracas, Venezuela. The thesis represents an attempt to determine whether and to what extent programs and services for victims of crime have been provided in Caracas, and to examine the nature of such programs and services. The study enabled consideration of some factors which may have influenced the development of victim programs and services (or the lack thereof). It also yielded some information about the current level of interest in victims and in the provision of programs and services for them.

Specifically, the research addressed the following questions:

1. To what extent are the rights of victims of crime considered in Venezuelan law?
2. To what extent are those laws applied?
3. How many and what type of programs and services are provided for victims of crime in Caracas?
4. What type of victims do such programs and services treat?
5. Who provides these programs and services?
6. To what extent are the available programs and services for victims of crime organized and inter-related?
7. What funding is available?
8. What if any organizations or individuals are there who have a significant interest in promoting or implementing programs and services for victims of crime?
9. What demand for programs and services is there from victims of crime?

Information relating to these questions was obtained through questionnaires and interviews. Information was sought from a large number of selected organizations and individuals in the Criminal Justice System and in the social, health and welfare areas, from organizations in the private sector (e.g. insurance companies), and from various church organizations.

The thesis is organized as follows. Chapter II presents a brief description of Venezuela; its socio-economic, legal and political nature. Chapter III describes crime and insecurity in Venezuela. The mandate and functions of the Criminal Justice System and of the main organizations and institutions in the social development field are described to provide a basis for understanding the extent to which they have considered victims of crime. Chapter IV describes the consideration of the victim of crime in Venezuelan legislation, the judicial actions they may use and the authorities who have jurisdiction over matters related to victims of crime. Brief commentaries about Victimology research in Latin America and specifically in Venezuela are also provided. Chapter V describes the research methodology and its limitations.

Chapter VI presents the general findings of the study. These indicate the extent to which victims of crime request assistance from any of the agencies surveyed and the main response of these agencies. It also considers matters such as the inter-relationship among agencies, their views of their limitations for offering assistance to victims of crime, their funding, and their suggestions for programs and services for victims of crime. Chapter VII describes the findings obtained in relation to victim assistance programs.

and services in Caracas which are related to their legal, social, psychological and physical needs. Chapter VIII describes the findings obtained in relation to victim reparation programs and services in Caracas which are related to the financial needs of crime victims. Chapter IX discusses some of the factors in Venezuela which may have impeded the development of or determined the nature of victims' programs and services in Caracas. It also presents some suggestions for possible improvement in the availability, variety and quality of programs and services which should be provided for victims of crime in Caracas.

* It is important to note that in writing this thesis terms referring to organizations, institutions and services in Venezuela and many Venezuelan legal terms have been expressed in words which make them easier to understand by English-speaking readers. However, in some cases, the specific meanings of these terms would be lost in the translation; in those instances Spanish has been used.

SECTION 1 - VENEZUELA AND VICTIMS OF CRIME

Chapter II

VENEZUELA: A DEVELOPMENTAL SKETCH

This chapter attempts to provide some basic information for the reader who may not be familiar with Venezuela by presenting a brief description of some of its geopolitical characteristics and some of the political, legal, economic and social aspects which are relevant to an understanding of the main issue of the thesis: victims' rights and services.

LOCATION

Venezuela is located at the northernmost tip of South America. It has 916,050 km² of territory which is divided into twenty states, two federal territories, one federal district and seventy-two islands in the Caribbean Sea which constitute its federal dependencies. Its total population according to the last census (1981) is 15,626,955 inhabitants (OCEI, 1983).

Caracas is Venezuela's capital city and is the site of the main organizations of the national government. The remarkably accelerated growth of its population necessitated the establishment of the metropolitan area of Caracas which

by presidential decree (1957), comprises the Federal District (Libertador and Vargas Departments), and several other districts and municipalities of the Miranda State. Its estimated population in 1984 was 3,691,500 inhabitants (Aguilera and Civit, 1984).

This study is about selected parts of the metropolitan area of Caracas: the Libertador Department of the Federal District and the Sucre District of the Miranda State. These parts were selected mainly because most governmental and social organizations in Caracas are centralized in these segments of the city.

DEVELOPMENT

The legal, economic and social development of a country are very much related to its political system. This is especially the case in Venezuela where politics control almost every aspect of life. Accordingly, the following discussion will emphasize political-historical factors.

A) Dictatorship: during the twentieth century, Venezuela has had two long military tyrannies (37 years of dictatorship). The first dictatorship remained in power for twenty-seven years (1908-1935), and the second dictatorship governed for ten years (1948-1958). These dictatorships, particularly the first, left Venezuela and its population

with widespread poverty, illness, hunger and illiteracy. They also left the citizens with no legal protection for their lives; many people were held in jail because they were considered dangerous to the system; even the most simple, innocent behaviour could lead to incarceration. Venezuelans were left in a position of powerlessness and ignorance. This situation of oppression lasted until 1958 when a coup d'état overthrew the last dictatorship and a "Junta de Gobierno" constituted by outstanding civilians and members of the military took control of the government and called for the democratic election of a president.

B) Democracy: Since 1959, Venezuela has enjoyed twenty-six years of democracy. During this period, Venezuela has tried to maintain democracy as its political system and capitalism as its economic system. However, according to some writers (Urbaneja, 1984), Venezuelan democracy and capitalism have their "own" characteristics and it is debatable whether these terms are appropriate in the Venezuelan context.

Venezuela has become one of the few "democratic" and peaceful countries within Latin America. It is also one of the few with an established Constitution. Venezuela recognizes civil, individual, social, economic and political rights which are protected by its "Magna Carta" (The Nation-

al Constitution, 1961) and by its internal laws. Some of the latter come from international covenants and organizations of which Venezuela is a member (e.g. Organizacion de Naciones Unidas - ONU, and Organizacion de Estados Americanos - OEA).

VENEZUELA DURING DEMOCRACY

A number of important socio-economic developments have occurred during Venezuela's twenty-six years of democracy. The following are some of the most significant features of the 1960's, 1970's and 1980's.

The Sixties: The predominant goal of the 1960's was the preservation and conservation of democracy, which engendered the creation of many institutions directed to the achievement of social goals in many areas such as education, health and welfare.

The Seventies: The 1970's was a period in which a population explosion and an oil boom had a major impact on the country. It was also a decade in which Venezuela enjoyed economic abundance and continual growth. The State increased its political and economic strength because it was the sole recipient and distributor of the profit from oil which accounts, even nowadays, for more than 90% of Venezuelan exports (Aguilera and Civit, 1984).

At that time the State's objectives were characterized by audacity, complexity, opulence and magnitude with total disregard for their viability (Naim and Pinango, 1984); there was an almost total disregard for determination of realistic goals for the country. Objectives were not established in order of importance, priorities were not set, and feasibilities were not determined. In some cases, the achievement of some of the objectives would have meant the rejection of others.

On many occasions the government's objectives took precedence over the Nation's objectives. The objectives of particular political parties which, in many cases, have been at the service of elites, and personal interests were given preference over the State's main interest. This situation prevented the full participation of all the sectors of Venezuela's society (Escobar, 1985). Moreover, there was an uncontrolled proliferation of governmental institutions with multiple objectives, some of them duplicating others. The State which had become an "omnipotent" force (Acosta, 1985; Granier, 1985) tried to control private initiative by intervening in almost all the activities of the country. The State also became paternalistic, deviating from what should have been its fundamental ends such as the security of the country and the improvement of the level of life of the Venezuelan people.

In the process of expansion the Venezuelan state lost self-control because its multiple activities overwhelmed its weak organizational structure, and engendered administrative and financial inefficiency (Urbaneja, 1984). There developed a loss of initiative, duplication of activities, lack of coordination among institutions which had common objectives, and a lack of clear and accepted criteria and procedures to control the process of selecting, organizing and providing human, material and financial resources through its institutions. Some of the consequences of this state of affairs was a deterioration in public services and, consequently, in the level of life of most of the population because the distribution of Venezuela's economic prosperity was neither proportional nor fair. Although the opportunities for many people in Venezuela's society increased, important sectors in the country were, and still are, without the means to satisfy their basic needs.

The Eighties: During the eighties, Venezuela started to face the most severe economic crisis in its history - for ten years the oil boom had led the country to spend more than it was able to afford and to obtain loans well beyond what the country had the capacity to repay. The increase in the State's expenditures on social programs had enabled the achievement of important advances in education, health, housing and public services compared with the situation Ven-

ezuela had had in the fifties. However, the inability of Venezuelan governments to overcome the inequitable distribution of wealth and to improve the quality of life for the whole population, as well as to guarantee a minimum of collective security, adequate education, health, housing and jobs for the majority became obvious when the gravity of the country's foreign debt was known, and when it was also realized that the income of the state from oil had sharply diminished.

The disorderly expansion of the Public Administration also brought corruption and patronage. A lack of faith in Venezuelan democratic institutions and in its Criminal Justice System developed and egocentric, individual values came to be emphasized rather than social ones. Because of this, indifference, consumerism, and indulgence came to be the central values of Venezuelan society.

CURRENT SITUATION

Many writers have argued that Venezuelans were immature when they experienced prosperity; that the interventionist and paternalistic model of state has failed; that there is an urgent need to reform the State to end the omnipotence of the Executive Power; that there is a need to strengthen the pluralism of powers (Executive, Legislative, and Judicial); that there is a need to reform the Venezuelan Criminal Jus-

tice System, and that there is need to modify the economic system and to take care of Venezuela's most acute social problems such as poverty, social insecurity, unemployment, and inefficiency in the public services (Acosta, 1985; Granier, 1985, Naim, 1985; Uslar Pietri, 1985).

Although Venezuela is presently experiencing economic difficulties, its economic infrastructure continues to be fairly solid; its resources are far from becoming exhausted. This situation has enabled Venezuela to reschedule the major part of its foreign debt (61%) and to become the only Latin American country which has been capable of discharging its debts without recourse to fresh borrowing or to the imposition of austerity measures (Reddish, 1985). Furthermore, nowadays, there are a greater number of well educated Venezuelans who add greatly to the country's resources. With all its deficiencies, Venezuela has the most steady democracy in Latin America. What seems to be needed is an improvement in Venezuela's management and in the use of its resources, especially its human resources.

RECENT DEVELOPMENTS

The VII Plan of Action of the Nation (1984-1989) (CORDIPLAN, 1984) suggested solutions for the most important problems facing the country such as the following:

- excessive economic dependency on the price of oil which is influenced by geopolitical factors which Venezuela cannot control;
- an excessive reliance on imported goods including food;
- economic stagnation and unemployment;
- social marginality, particularly in Caracas (48% are considered marginal) (Estimations of the Population until the year 2000, Oficina de Planeamiento Urbano, 1979);
- excessive bureaucracy and poor quality and inefficiency in the public services;
- an inadequate education system;
- failure of governments to establish long-term goals, objectives and directions which would enable the country to take advantage of its natural and human resources in such a way as to benefit the whole population rather than elite groups.

The present government proposed three major strategies of action: 1) Economic Growth, 2) Social Development, and 3) Consolidation of Democracy. Before implementing programs in each of these major areas it has been recognized that it is necessary to achieve two things: 1) The Social Pact, that is, to get consensus on the nature of the major problems and on the reforms which are essential to the fulfilment of the VII Plan; and 2) The Re-Structuring of the State, to enable

the implementation of new techniques to conduct, control and organize public management.

Over the years, the governments have proclaimed their intention of pursuing a Social Pact to eliminate many of the social problems such as inequality, poverty, slums, poor health and education and the like. However, perhaps because they achieved consensus only on the identification of the problems, their efforts have involved a patchwork of initiatives to treat symptoms rather than causes. Moreover, the quality of the public services which are provided to achieve the reduction of social problems are impressively inadequate. It has been argued (Matos Azocar, 1985) that the Social Pact has, up to now, been a failure because governments have failed to improve communication channels among all sectors of Venezuelan society to enable the majority to participate in the decisions that affect them.

Currently, there is an enormous concern for revision of the state. A Committee for Re-structuring the State has been created for institutional reform, for administrative reform and for Venezuela's immediate problems. There is interest at different levels in studying the means to re-structure and distribute power among the executive, legislative and judicial offices which control the country and in reorganizing governmental structures, functions and institu-

tions, so that they become more efficient and more democratic. A complete revision of the ways in which the Venezuelan population can participate more actively at regional government and at community levels is being considered. The justice administration and its institutions are also being studied to re-formulate some procedures and to make them more adequate to Venezuela's present needs.

VENEZUELA AND VICTIMS

The foregoing brief description of some of the social, legal, political and economic aspects of Venezuela's development over the past three decades was presented mainly for the reader who is not familiar with Venezuela. It also highlighted some problems which may have strongly influenced the establishment or the failure to establish rights and services for victims of crime.

Venezuela has established a Constitution which recognizes civil, individual, social, economic and political rights for the whole population. This provides a basis for the consideration of the rights of victims of crime. It also has evidenced an increasing concern for establishing equality, eliminating poverty, eradicating slums, improving health and education, and in general, for attacking social problems such as "personal insecurity" produced by crime. That might

have augured well for the development of services for crime victims. However, the establishment of such services may have been impeded by several factors such as the unstable economy, the excessive bureaucracy and the inefficiency of the public services. The necessity of attending to potentially debilitating economic problems and such alarming problems as poverty and insecurity may have made concern for attending to the problems of crime victims an issue of low priority.

This thesis was designed to determine to what extent Venezuela has been concerned with and has succeeded in responding to the needs of victims of crime. The current developments which have been described indicate the possibility that Venezuela has created legal, social and political platforms for the recognition of victims' rights and the institution of services for victims.

Chapter III

CRIME, JUSTICE AND SOCIAL SERVICES

One of the main problems facing Venezuela at the present time is the state of insecurity caused by crime. This chapter describes the current crime situation in Venezuela to enable the reader to have some understanding of the risks and fears of victimization that might be felt by the Venezuelan population. Because there are no statistics on victims, some crime statistics are presented to provide a gross estimation of the quantity and nature of victimization in Caracas, which is the area chosen for this study.

It must be noted, of course, that the use of crime statistics to indicate the extent of victimization probably underestimates the problem since it is known that a considerable number of crimes are unreported and a large number of victims never come into contact with Criminal Justice System. Therefore, victimization might be far greater than that which one might estimate from crime statistics.

The chapter also indicates some of the main interest, focus and orientation of the Venezuelan Criminal Justice and

Social Systems in order to help the reader understand the level of priority at which victims of crime are considered. It also identifies and describes the major functions of government organizations which might be responsible for making decisions about victim assistance. Finally, a brief general description of criminal court procedures is presented to provide the necessary framework for understanding how victims are considered in the law which is the topic of the next chapter. This information on criminal court procedures is also essential to enable the reader to understand many of the references to legal procedures which are made throughout the thesis.

CRIME AND INSECURITY IN VENEZUELA

There is a major concern within the Venezuelan population about the state of public insecurity in which they have to live because of the continuous increase in the crime rate. "Insecurity" is a very wide term which implies many things, but in Venezuela it is used specifically to indicate the perceived level of risk that the population is exposed to in relation to crime.

The total number of cases of crimes known by the Judicial Police in the whole national territory during 1981 was 123,419. 42,936 (35%) of these crimes were committed in the

metropolitan area of Caracas. In 1982, the crime rate increased significantly to the point that these figures rose to 130,576 nationally and to 48,674 (37%) in Caracas. In 1983, the crime rate grew even more: 143,324 nationally and 54,954 (38%) in Caracas alone. Statistics were not available for 1984, but there is nothing which would lead one to believe that this trend would have diminished.

Crimes against property were the most common. In the metropolitan area of Caracas, during 1981, 1982 and 1983 property crimes comprised 69%, 80% and 80%, respectively. In 1981, 1982 and 1983 the most common property crime was theft (1981 - 30%; 1982 - 23%; 1983 - 30%).

Crimes against the person were the second most common. In Caracas during 1981, 1982 and 1983 crimes against the person comprised 13%, 14% and 14% of all crimes, respectively. In 1983 alone in Caracas there were more than seven thousand crimes against the person. More than 90% of these were personal assaults.

It should be noted that in Venezuela the crime category robbery comprises theft plus violence against persons and objects, including armed robbery and break, enter and theft. It is a very common occurrence. In 1983 alone in Caracas there were 13,864 occurrences (25% of all crimes).

The metropolitan area of Caracas is the major crime area in Venezuela. Approximately 34% to 38% of all crimes reported in Venezuela occurred in Caracas. In the geographical area with the second highest crime rate (the Zulia State), the percentage of the total crimes in Venezuela was approximately 9%. Crime also has increased in that area (from 11,195 in 1981 to 13,166 in 1983), but not as dramatically as in Caracas. There are many reasons for the inordinate crime rate in Caracas including the fact that there are more law enforcement officials in Caracas than in other areas. However, for the purposes of this study, the important thing to stress is that the metropolitan area of Caracas has, according to the statistics, a significantly larger percentage of crimes than the rest of the national states.

The foregoing statistics refer only to "official" crimes. Even without considering the probably large number of unreported crimes, it is obvious that Caracas has a major crime problem. The people of Caracas have lived under conditions of insecurity for many years and have developed a not unrealistic fear of crime. When one considers that for each of these crimes there has been at least one victim, it is apparent that many individuals have suffered as victims of crime.

Insecurity produces fear, a need for information, advice, guidance and protection. If a person is actually victimized, these needs will increase greatly and other needs will arise such as the need for emotional and physical treatment, and for financial reparation. The victim will also have a need to be treated fairly by Criminal Justice System officials and other service providers (Waller, 1982).

In order for Venezuelan society to begin to respond adequately to these needs of victims it must recognize their rights and provide adequate services for them. That requires that crime victims must become a focus of interest in the Justice and Social Systems. Whether that is likely will, in large measure, depend upon the goals and perspectives of the organizations within these systems, which will be discussed in the next section.

VENEZUELAN CRIMINAL JUSTICE AND SOCIAL SYSTEMS

Venezuela's Criminal Justice System has been concerned mainly with offenders, who are accorded a considerable number of protections, benefits and guarantees by the state to ensure that they are judged fairly and provided with assistance to improve their condition. On the contrary, as it will be seen, the victim of crime has remained neglected by the state, by social assistance and by the Criminal Justice System. They have also been virtually ignored by the public.

To understand to what extent the victim of crime has been considered in Venezuela it is necessary to examine Venezuela's governmental structure, its Criminal Justice System and its social assistance programs and practices. This will enable the determination of the degree to which they are geared towards victims and how their organizational structure and functions could be applied to help the victim if the motivation for such programs and services for victims of crime were present.

Programs and services for victims of crime can be provided by different types of organizations and institutions, especially those pertaining to the Criminal Justice System and the social development area. The development of victims' programs and services requires cooperation and understanding between these two areas.

MAJOR STATE ORGANIZATIONS FOR THE ADMINISTRATION OF JUSTICE
AND SOCIAL ASSISTANCE

In Venezuela, the National Public Power is divided into three sections: Executive, Legislative and Judicial. Each of these have their own functions, although their respective organizations must cooperate and collaborate with each other to achieve the ends of the state.

There are a series of organizations and institutions in Venezuela stemming from the Executive and Judicial Powers that in one way or another are related to the administration of justice or the social assistance area. In order to conduct the present study, the mandates and goals of these organizations and institutions were examined to determine whether or not they have recognized victims of crime officially, legally and organizationally. Their mandates and goals are discussed below. Discussion of the question of the degree to which such recognition is exemplified in actual practice will be provided in subsequent chapters.

EXECUTIVE POWER

The Executive Power in Venezuela is constituted by the President and the Ministers he appoints to direct the affairs of state in specified areas.

- The Ministry of Justice (Ley Organica de la Administracion Central, 1976: Art.34) is responsible for planning and directing activities in the area of justice and social defense. This comprises the relations with the Judicial Power, legislation and juridical security, and the prevention and repression of crime. Specifically, the Ministry of Justice is responsible for the relations with the Crown Attorney Department, with the Judiciary Council, with the auxiliary organizations of the administration of justice, and with Legal Aid for Offenders and Forensic Medicine; it is also responsible for prisons, penitentiaries; and justice statistics.

The Ministry of Justice also has responsibility in three other areas which one might consider as being directly related to victims of crime: the Prevention of Crime Department, Non-Institutional Programs for Offenders (probation and parole) and the Judicial Police (those responsible for criminal investigation, apprehension and arrest, and collection of evidence).

• The Health and Social Assistance Ministry (Ley Organica de Administracion Central, 1976; Art: 30) is responsible for the medical and social needs of the population, and for planning and directing activities in the health sector, which comprises health protection, health promotion, and medical treatment programs related to public health. Specifically, it has the following responsibilities: the National Health Service, coordination, regulation, supervision, inspection and education in public and private, national, state and regional public health matters and social assistance. It is also responsible for the formulation, evaluation and implementation of health and social assistance policy and planning, the establishment of technical and sanitary norms in all matters related to health and social assistance, the training of personnel for the health sector, and health statistics.

Mention should be made of the National Institute of Social Security: although it does not depend on the Executive Power, this is an autonomous organization of the State with jurisdiction for the whole national territory since 1975. It was created to provide benefits to workers and their families in the event of illness, accidents, maternity, physical handicaps, or old age. Some workers cannot be affiliated with this institution: domestic workers, temporary workers, and occasional

workers. The benefits which this institution offers are: medical assistance, financial loans for temporary incapacity (maternity, illness or accidents), disability pensions for incapacity or physical handicap, and old age pensions. It also provides death benefits.

It is important to mention that the duration of medical assistance is fifty-two weeks for the beneficiaries and twenty-six weeks for their families. However, if there is a medical opinion that treatment should be prolonged, they may continue receiving it until they recuperate. They can receive medical assistance from the first day of sickness or accident. Pensions for cases of physical disability can be provided although these must be the result of an accident. This opens the door for considering the assistance and treatment of victims of crime. In the case of death of the beneficiary, the surviving family will receive a pension according to the Social Security Law and since it is not mentioned in that law what the cause of death must be in order to qualify for these benefits, it can be understood that the families of victims of crime are also allowed to obtain these benefits.

• The Youth Ministry (Ley Orgánica de la Administración Central, 1976; Art. 39) is responsible for the formula-

tion and coordination of national policy in regard to the protection and social development of infancy, youth and family, as well as directing and conducting programs for youth protection and development. It is also responsible for coordination with other ministries, and other organizations and institutions at state and regional levels in matters related to infants, youth and families; conducting and promoting research; ensuring the application of laws on infancy, youth and family; training of personnel for the protection and development of children, youth and families, and the maintenance of statistics.

• The National Institute of the Minor is an autonomous institution responsible to the Youth Ministry. Its objectives are the execution of policies related to minors and families, and the protection, assistance and treatment of minors who are in irregular situations. Within the latter category are: 1) Abandoned Minors: those who do not have economic means to subsist; those who are deprived of food, education, health, affection or care from their parents, and do not have a permanent home; those who received poor physical and mental treatment; and those who are exploited sexually; 2) Minors in dangerous situations: those who use drugs or alcohol; those exposed to bad companions; those who work in

environments which jeopardize their morals, health or development; and runaways, beggars or vagrants; 3) Juvenile Delinquents. There are specific procedures and services for all these categories of minors. All of these individuals are potential or actual victims.

It is apparent that all of the foregoing institutions could have some concern for victims of crime. It will be indicated in the result section whether or not they do concern themselves with victims either in policy or in actual services. Unfortunately, it was not possible to obtain questionnaire responses from the National Institute of Social Security, although many attempts were made.

JUDICIAL POWER

Since 1945, the system of Justice has been standardized across Venezuela. The Judicial Power is composed of: 1) The Supreme Court of Justice, 2) the Courts of Ordinary Jurisdiction, and 3) the Courts of Special Jurisdiction (Ley Organica del Poder Judicial, 1956; Art. 2). There are other courts which are responsible for specific subject matters such as agriculture, traffic, etc.

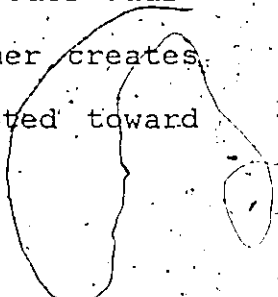
The courts are conducted by one or more judges, and there are no juries. With a few exceptions, the Judicial Power must deal with all civil, mercantile, penal, labour, fiscal,

military, political, and administrative matters, as well as those concerning children and youths.

In Venezuela, the Courts of Ordinary Jurisdiction may be: Superior Courts, Courts of First Instance, Courts of District or Department, Courts of Municipality or Parish, and Courts of Instruction. They are responsible for civil, mercantile and penal matters.

It is important to mention that Instruction Courts in many cases are the ones which take the testimony of the victims of crime since their function is to obtain all the information about the crime, secure all of the evidence and order the arrest of the accused. The Penal Judges of the Courts of First Instance as well as of the Courts of Instruction are obliged to direct and supervise the investigative activities of the Judicial Police. This function is shared with other instructor functionaries such as Crown Attorneys. It is evident that the above-mentioned courts have several functions which are directly related to victims of crime.

There are two basic laws which regulate and organize the Judicial Power. They are the Ley Organica del Poder Judicial and the Ley de Carrera Judicial. The former creates the Judiciary Council whose functions are directed toward



assuring respect for the courts and their independence, efficiency and discipline, as well as to guaranteeing judges the benefits of the "Judicial Career". The latter (Ley de Carrera Judicial) is designed to assure the suitability, stability and independence of judges; it also regulates the conditions required for their admission, tenure and termination. Therefore, by law, judges in Venezuela are autonomous and independent in their functions from the rest of the organizations and institutions of the Executive and Legislative Powers. It should be noted that the Judiciary Council has responsibility for training judges. Therefore, it could be concerned with the awareness among judges about victim of crime issues.

THE CROWN ATTORNEY DEPARTMENT or PUBLIC MINISTRY

This is an institution auxiliary to the administration of justice, and it is by nature autonomous and independent of the three components of the Public Power. The Crown Attorney Department's function is to guarantee the Venezuelan population the implementation of all laws.

The Judicial Power and the Crown Attorney Department have the same objectives: the maintenance of the juridical order in Venezuela. The Judiciary establishes and decides the intent and spirit of the law in each particular case. The Crown Attorney Department, on the other hand, maintains vig-

ilance to ensure that the National Constitution and other laws are observed, and that the Judiciary as well as the Police act objectively. It also exercises penal actions.

The Crown Attorney Department is not responsible just for prosecution. Its functions are numerous and diverse, and are exercised by Crown Attorney representatives (Fiscales del Ministerio Publico) who may be Crown Attorneys of the Summary, Crown Attorneys of the Plenary (Fiscales del Sumario y del Plenario), and Crown Attorneys of Minors - children and youth - (Procuradores de Menores). They exercise their functions in the whole country. They deal with many matters including those related to the guarantee of human rights and to the exercise of penal actions. They have to be present during the whole process (summary and plenary) to ensure that justice is served with absolute objectivity and impartiality.

It is important to note that the Crown Attorneys also may exercise joint action in penal and civil matters, when victims who lack financial resources request it. In all such cases, such action must be authorized by the General Crown Attorney (Fiscal General) (Ley Organica del Ministerio Publico, 1970; Art. 42, Ord.23). This is a very interesting function from which victims of crime may obtain assistance.

The aforementioned are the main public organizations and institutions which are responsible for criminal justice and social assistance. In subsequent chapters the degree to which they concern themselves with victims of crime will be discussed.

CRIMINAL COURT PROCEDURES

The Venezuelan criminal court system is eclectic because it blends some of the characteristics of the inquisitorial and the accusatory systems. It is divided into two parts: a) The Summary - its objectives of which include criminal investigations, apprehending the suspect and collecting the physical evidence. The evidence is presented in written form and is secret. The summary must be concluded within 30 days of the detention of the accused. b) The Plenary - its objective is to clarify all of the evidence accumulated in the summary. The evidence is presented in written form, but it is public.

In the summary part of the trial the judge is an investigator. His power of inquiry of the truth is unlimited. In the plenary part, his power of inquiry is restricted and limited. He then acts solely according to the action of the parties, who must initiate, activate and direct the process. The Crown Attorneys representatives act in the name of the state in the summary and in the plenary. They may also act

in the name of victims of crime who are poor, representing their civil interests if the victims request it.

Parties in the Criminal Procedures: the principal parties involved in the criminal procedures are the offender and the state. Both are represented by others in court; the offender by a Public Defender or a private lawyer, and the state by a Crown Attorney. Although the victims may also become a party in the criminal procedures, as will be explained in the next chapter, it appears that the participation of the victim of crime within the criminal procedures is very minor; their involvement is almost entirely limited to that of a witness giving testimony or identifying suspects. In order to participate in criminal court for their own interests they must be represented by others (private lawyers generally); the lawyers speak for the victims and present their needs in court. Those who cannot afford to contract the services of a private lawyer (e.g. poor victims of crime) have two alternatives established by law in order to be able to become a party in the Justice System. After a declaration of "poverty", a victim may request that the Crown Attorney exercises jointly penal and civil actions (Ley Organica del Ministerio Publico, 1970, Art.42, Ord.23) or that the court designate a private lawyer to assist them in the justice procedures (Codigo de Procedimiento Civil, 1916, Arts. 28-38). It has been argued that both ways are

complicated and slow in practice, and victims are rarely informed about these possibilities. Moreover, neither Crown Attorney or private lawyers like to use these alternatives (Ministerio de Justicia, 1982).

VICTIMS AND CRIMINAL JUSTICE

There are some obvious questions that need to be asked: what role is the victim's lawyer left to play in a system whose main interest is to protect the social order and the general public, instead of the interest of the individual victim of crime? What can the victim seek from Venezuelan criminal justice administration? Should the victim be given a larger role in the criminal procedures? If so, what should it be?

These are just a few of the questions which researchers and policy makers face as they begin to consider the relationship between the victim and the Criminal Justice System. Some of them will be answered in this study; others remain to be answered through further research.

SUMMARY

This chapter focussed on the current crime situation in Venezuela. It was pointed out that, specifically in Cara-

cas, there has been an increase in the crime rate during the last few years. It also indentifies the Criminal Justice and Social Systems' main aims and interests.

At first glance, it appears that to identify, prosecute and punish the offenders in accordance with a number of established rights for the accused and the convicted are the objectives and basis of the Venezuelan Criminal Justice System. The social welfare agencies are mainly responsible for providing services for the general public. The examination of a number of organizations and institutions involved in the administration of justice and social assistance whose structure and mandate might suggest that they have some concern for the assistance of victims of crime created an impression that victims have not been considered as a priority in Venezuela. In the next chapter this impression will be further studied by examining the extent to which victims are considered in Venezuelan law.

Chapter IV

VENEZUELAN LAW AND RESEARCH ON VICTIMS

This chapter presents a description of the consideration of the victims of crime in Venezuelan legislation, in the judicial actions and resources that may be used in justice procedures, and in the views of the authorities who have jurisdiction over issues concerning victims of crime. Attention will be paid to the needs of the victims of crime which are covered by the Venezuelan law. It will also consider the state of art in terms of research on victimology in Latin America and specifically in Venezuela.

VICTIMS OF CRIME IN VENEZUELAN LAW

NATIONAL CONSTITUTION

Although the National Constitution does not expressly recognize the rights of victims of crime, it leaves room for their consideration in some of its articles which establish the obligations, rights and guarantees of the individual (e.g. Art.43, right to free development; Art. 50, recognition of the protection of any right inherent to the human

person; Art. 59, right to be protected against any act contrary to the honour or private life; Art. 68, right to use the organizations of the administration of justice; Art. 76, right to health protection, Art. 94, right to be protested against any risk which may be socially protected).

PENAL CODE

When one talks about victims of crime, one must deal with the Penal Code which is a substantive legislation whose function is to set out the law for a determinate act or omission considered as a crime in Venezuela. Most of the crimes are defined by the Penal Code; however, there has been a recent tendency for Venezuelan legislators to include new types of crimes in special laws (e.g. crimes against the patrimony of the State: Ley de Salvaguarda del Patrimonio Publico).

Generally, contemporary penal codes, in their preoccupation for the punishment of the accused have been careless in defining and considering the victim. The victim of crime is not defined either in the general part of the codes or in the special parts which define the infractions. This is also true in the case of the Venezuelan Penal Code.

Victims of crime are important witnesses in the criminal procedures. The Venezuelan Penal Code establishes some pen-

alties for all witnesses if they do not collaborate with the administration of justice. Victims of crimes, therefore, have an obligation to serve as witnesses; failure to testify is punishable with incarceration from fifteen days to three months. They can also be punished by not being able to exercise their profession or trade for the same length of time.

FINANCIAL REPARATION LAWS

Venezuelan law is concerned with victims of crime mainly in terms of their financial reparation. The legislators have expressed their concern about the economic needs of victims of crime, within the Penal Code, the Criminal Indictment Code (Codigo de de Enjuiciamiento Criminal), the Civil Code, and within some other special laws such as the Probation and Parole Law (Ley de Sometimiento a Juicio y Suspension Condicional de la Pena) and the Traffic Law (Ley de Transito Terrestre).

Reparation for victims of crime has been considered by the Penal Code in the section dealing with civil responsibilities, Article 113, which states,

"All who are criminally responsible, are civilly responsible too".

The Civil Code has also taken into account victims' reparation in the section dealing with illicit acts, Article 1185, which states,

"Anybody who with intent, or negligence, or imprudence, has caused a damage to another person, is obliged to the reparation of it".

The same code establishes that the obligation for reparation will be diminished to the degree to which the victim has contributed to it (Art. 1189 ejusdem). This is a good example of a norm which tries to establish a balance of the responsibilities of the offender and the victim. Furthermore, in Article 1196 ejusdem, it is established that the obligation for reparation is related to all moral or material damages occasioned by the illicit act; that the Judge may accord indemnification for the victim in cases of corporal lesion, honor, reputation or personal attack or attack on his family, etc.; and that the judge may also accord indemnification to the family as reparation for the suffering occasioned by the death of the victim of crime.

The Criminal Indictment Code is an adjective legislation whose function is to solve juridical situations that are considered in the Penal Code. The law established in this code and in the Civil Code are related in the sense that all criminal acts engender penal as well as civil responsibili-

ties for the offender. The Criminal Indictment Code has considered in Article 1 that,

"From all crime or fault there is a penal action for the punishment of the guilt" and also, "it can be a civil action for the reparations and restitutions established in the Penal Code".

The same code establishes that the civil action can be combined with the penal action within the penal procedures or separately in a civil procedure (Art. 3 ejusdem). The victim of crime may also exercise a civil tort within the penal procedures without launching a penal action. He is allowed to do so until a charge is read. When the penal and civil actions are initiated separately, the penal action takes precedence over the civil, if the issue of the latter is financial reparation derived from crime.

RESPONSIBLE COURTS

A. Penal Courts: are responsible for the punishment of the offender. They are also responsible for examining and deciding all civil and administrative matters related to the acts which are reported. The specific Penal Court for any particular case will be determined according to the place where the crime was committed or where the victim lives. The Penal Courts of First Instance are responsible for most conventional crimes; the Courts of Municipality or Parish are responsible for minor crimes or by-law violations.

B. Civil Courts: those with competence in "goods" (bienes) are, among other matters, responsible for examining and deciding the civil responsibility of the offender. The civil action is always subordinated to the civil law in regards to its effects, proof, terms, etc. Therefore, the amount of money involved will determine the court which will take the civil action. Courts of Municipality or Parish will deal with civil matters which do not exceed \$40.00 (Bs. 400.00); Courts of District or Department will deal with those which do not exceed \$400.00 (Bs. 4,000.00); and Civil Courts of the First Instance will deal with those from \$400.00 and more. It is also possible for the victim of crime to appeal the decision of the Judge regarding the civil responsibility of the offender.

C. Traffic Courts: victims of traffic accidents may also obtain financial reparation from damages produced by the accident (Ley de Transito Terrestre, 1962: Art. 60). The procedures are the same as those related to a civil action. The responsible authority will be a Traffic Judge of First Instance from the place where the victim lives or where the accident occurred if the amount of money involved exceeds \$100.00 (Bs. 1,000.00); or an administrative authority, if the matter does not exceed \$100.00.

TYPE OF MEASURES

The Venezuelan Penal Code establishes the measures that comprise the civil responsibility derived from an illegal act. These are: 1) Restitution, 2) Reparation of damages, and 3) Indemnification of Prejudices. Reparation is possible when restitution is not; however, restitution/indemnification and reparation/indemnification can occur together.

1) Restitution: its object is to return to victims the same objects that were taken from them with the payment of any deterioration according to the estimation of the court. Its effect is to return the objects in the same state they were before the crime. It usually refers to crime against property.

There are two conditions in which restitution cannot be made: 1) Legal - when the object is not returnable because it has been legally acquired by others; and 2) Material - when the offender has lost or destroyed the object.

2) Reparation of Damages: it has a supplementary character since it can only be demanded when restitution is not possible. Reparation will be estimated by the Court, which designates experts to decide on the value of the damages

according to the available evidence. In cases of crimes against property, it will constitute the natural or commercial value of the object, plus the degree of sentimental value of the object for the victim. In the case of crimes against the person, it will constitute all costs arising from the crime up to the complete recovery of the victim.

3) Indemnification of Prejudices: this will comprise not only prejudices occasioned to the victim, but also to his family or a third party. The "prejudices" include material or moral damages: a) Material Damages: consist of the reduction of patrimony which can be brought about both by loss or lowering earning power. If, as a consequence of crime, these two forms of material damages occur together, the indemnification must deal with both. b) Moral Damages: comprise pain, suffering, deprivation, anxiety, anguish, affliction, and threats to one's honor and reputation, etc.

There are different opinions about the criteria for the indemnification of moral damages because of the many difficulties there are in estimating and verifying a value for these types of damages; however, these difficulties should not be considered to be reasons for denying such action.

Venezuelan jurisprudence has also considered the pecuniary indemnification for moral damages occasioned by crime.

It has been argued that moral damages affect victims in such a way as to prevent them from conducting their daily labours and that the effects of moral damages may be just as great as those of physical damages. It has also been considered that limiting indemnification just to material matters could restrict civil action in favour of the offender and to the disadvantage of the victim of crime.

SPECIAL CONSIDERATIONS OF FINANCIAL REPARATION

It is essential to note that Venezuelan legislators have been aware of the importance of the financial reparation of victims of crime, and have considered it in a general way for all crimes. They have established procedures and competent authorities to deal with these cases. However, they have also taken into account restitution and reparation of the damages produced in certain crimes against property such as theft, swindle, and other frauds; illegal possession; profiting from crime; vandalism, etc. In these cases, if the offender makes restitution of the objects which he has taken or if he completely repairs the damages incurred (when restitution is not possible), his penalty will be lowered. However, the offender must make restitution or reparation before any pronouncement of the Judge against him or before sentence.

There are some special or moral indemnification considered in the Penal Code for specific types of crimes such as publication of the offender's sentence in a daily newspaper (paid by the offender). This may occur in cases of falsification or alteration of "obras del ingenio" (products of the mind, e.g. inventions), or any other product, and also in cases of defamation or injurious statements. In the former cases, the Judges have discretion to decide on this special indemnification, and in the latter cases, the victim of crime must request it.

There are some other types of indemnifications for victims of certain crimes such as seduction, rape and abduction. In such cases unless the offender marries the victim they are civilly obliged to give a "dote" (money) to the victim if she is single or widowed, or if she is "honest". This disposition has been considered unconstitutional because it creates discrimination against other women. In the case of bigamy, the offenders can be civilly required to maintain the children; and if the victim is innocent, single or "honest", the offender may be ordered to give a "dote" to her.

PAROLE AND FINANCIAL REPARATION

There is another aspect of Venezuelan law which may provide for consideration of victims: probation and parole.

The system of probation and parole was established in Venezuela in 1980. There are requirements, conditions and specific procedures for these types of measures which are regulated by the law. For the purpose of this study, it is important to mention that restitution and compensation for victims of crime are some of the conditions that the Penal Judges of First Instance may order as a condition of parole (Ley de Sometimiento a Juicio y Suspencion Condicional de la Pena, 1979: Art. 13).

LEGAL RESOURCES

In Venezuela, when a crime is committed there are two possible courses of action within the justice system for victims of crime: they may take a penal action solely against the offender or a civil action against the offender, his inheritors, or any other person economically responsible as a subsidiary. The two actions are not mutually exclusive and it is possible to seek reparation for the results of a crime through either or both processes. In Venezuela, the objective of a penal action is to initiate an investigation within the jurisdictional organization which has authority to punish the offender. Although the objective of a civil action is to obtain economic reparation, in this sense, this action does not affect the person of the offender, but his patrimony.

It should be noted that in Venezuela there are different forms of crime: 1) Crimes of Public Action - these are crimes for which the state takes action regardless of whether the aggrieved party requests it or not. 2) Crimes of Private Action - "crimes" which require the aggrieved person to launch an action (e.g. slander, defamation, etc.). 3) Crimes of Private Action - "crimes" which, though private, are considered by the State as requiring action whether or not the victim initiates such action (e.g. seduction, abduction, etc.).

The penal action in Venezuela is public by nature, very extensive, and eminently popular in cases of crimes of public action. It can be exercised officially, that is, information that a crime has been committed is all that is needed for the authorities to initiate an investigation. It can also be exercised by any person who knows about the commission of a crime and reports (denuncia) it to the authorities. (This is obligatory for some people such as medical professionals, public functionaries or any person specially obliged for any special circumstance, when as a result of their duties they get to know about a crime or the possibility a person may be in serious danger.) Another possibility of exercising a penal action is by accusation, which may be exercised by any person, aggrieved or not.

The exercise of the civil action in Venezuela is not obligatory, but discretionary. It is not popular. It pertains exclusively to the person directly affected or to his inheritors. It is always private. There are some requirements for the exercise of this action: 1) there must be an actual damage, 2) the damage must be to the patrimony of the person who intends the civil action, 3) the damage must be caused directly by a violation of a penal norm, and 4) the damage has to be against an actual right.

SUMMARY

In summary, the financial needs of victims of crime have been considered extensively by Venezuelan legislation. Victims may obtain reparation by exercising jointly the penal and civil actions within the penal procedures or by exercising separately the civil action within the civil procedures. The authorities responsible for deciding on this matter are either the Penal Judge of First Instance, who has known about the penal action, or a Civil or Traffic Judge. These authorities should also have some concern and sensitivity towards some of the other needs of victims, such as their need for information and need for a just and fair treatment from law enforcement officials. The extent to which victims are recognized in practice by the judiciary, as well as the extent of the financial reparation which they may obtain will be discussed in the result section (Chapter VIII).

RESEARCH ON VICTIMOLOGY

Research on victimology and service programs for victims which have been developed in European and North American countries have caught the interest of some scholars in Latin America, who have become involved in victimology research. However, in Latin America, research on victimology has been rare. Moreover, most has been limited to theoretical accounts of the etiology of victims and their classification and to academic discussions of the nature of victimology as a discipline. Most of this work is based on work in Europe and North America. Such is the work of Jimenez de Asua, Sampertegui (Argentina), Tabio (Cuba), and Mendoza Troconis, Sosa Chacin and Aniyar de Castro (Venezuela), who studied victimology from those perspectives during the sixties. During the seventies, the tendency to study victims of crime on the basis of assumptions of "Victim Precipitation" continued and several authors from different Latin-American countries advocated this type of research, (e.g. Nieves and Mayorca in Venezuela).

Generally, until 1985, most of the empirical research on victimology in Latin America (in countries such as Argentina, Brazil, Colombia, Costa Rica, Mexico, Panama and Venezuela) has been mainly directed toward discovering the different ways in which victims of crime contribute to their

own victimization. The major purpose of these studies has been to establish the degree of responsibility which victims have in their victimization. They have also included studies of the frequency of specific illegal behaviours in specific areas within these countries and, accordingly, the risk of personal victimization. They have attempted to compile official statistics which are, generally, unreliable and, sometimes, contradictory as there are no standard criteria among the different agencies which compile statistics, even within the same country. One of the causes for the lack of adequate data is the lack of interest among victims of crime in reporting crime.

From these studies and the few victimological surveys which have been conducted in some of the above-mentioned Latin American countries (e.g. Colombia and Venezuela), it is evident that there has been a profound disinterest in obtaining information on the needs of the victims of crime in such countries. South American research on victims has contributed very little to the formulation of policy on victims. It has also done little to stimulate the development of services for victims. Moreover, it has done nothing to focus attention on the specific needs of victims in Latin America which may be considerably different than those in North America or Europe.

It is interesting to note that ILANUD (Instituto Latinoamericano para la Prevencion del Delito y Tratamiento del Delincuente), a United Nations body which is located in San Jose, Costa Rica, held a symposium of experts in victimology in 1983. One of the topics which was presented was the "Victimology View in Latin America". In this event special attention was given to Victimology and its importance for the elaboration of a social policy within the Latin-American region. It is clear that the theoretical framework that these countries adopt will influence greatly the type of policy they develop for victims of crime, and whether it will be within a criminal or social security perspective policy.

In 1982, Carmen Antony (Panama) presented, in the Preparatory Meeting of the IX International Congress of Criminology, some points of the major victimology studies done in Latin America as possible hypotheses for comparative studies within the Latin-American area. They may be summarized as follows:

- poor delinquents tend to victimize poor people (because of the unequal protection against crime and the difficulties of access to the administration of justice for people with low income).

- there is no previous contact between offender and victim; and where there is, it is generally superficial.
- the most frequent victimization occurs from crimes against property (theft, robbery and burglary) and against the person (personal assault).
- there is no major difference in the frequency of victimization between the sexes.
- there is a low percentage of crimes reported by victims of crimes, due to their lack of confidence in the responsible authorities.

There are major problems in the comparative research conducted in Latin America because the studies have been done using different designs, different types of instruments, and with different objectives.

VICTIM PROFILES

In Venezuela, Mayorca (1983: Vol.3, pp. 165-192) reviewed three different studies conducted by different researchers (1. The National Academy of Judicial Police; 2. Rene Buroz Arismendi; and 3. The Prevention of Crime Department in Valencia), in two different regions of Venezuela (Caracas and Valencia), and during different periods of time (1. 1972-73; 2. 1973; 3. 1980-82). Each of these studies had a different purpose but all yielded some information about the characteristics of victims of crime. Mayorca combined these

studies to yield a profile of Venezuelan victims of crime.

His major conclusions were as follows:

- The most common victim of crime in Venezuela is male, married, foreign, and from the lower socio-economic class.
- The most frequent crimes are: 1) those against property; 2) crimes against the person (personal assault); 3) swindling and illegal possession; 4) sexual crimes.
- The most frequent day for major victimization is Friday; the prime time for victimization is from 6:00 p.m. to midnight.
- Most of the time the victim is on the street when the crime occurs.
- The majority of victims of crime do not change their habits after victimization occurs. (This fact may contribute to recurring victimization).
- The overwhelming majority of victims do not report the crime because of their lack of confidence in the police. Those who do report consider that the attitude of the police is one of indifference. Many are told that it is not a police concern but that of some other organization. In most cases, their report does not yield a police investigation; when it does the investigation fails.

- The degree of responsibility of the victim of crime was scaled according to their innocence, ignorance, negligence, provocation, and other. The most frequent was found to be provocation.

Unfortunately, there have been no follow-up studies to determine the reliability of these findings or to determine whether or not this profile of the victims of crime in Venezuela is actually the same currently.

Through its Crime Prevention Departments and Penology Institute, the Ministry of Justice has done some interesting research on victimology. The Crime Prevention Departments have conducted victimological surveys in different regions of Venezuela (e.g. Valencia, Merida, Caracas). The purpose of these surveys has been to determine the nature and magnitude of "personal insecurity" in those regions, to study certain characteristics of the victims of crime, to determine the attitude of the public about police, the degree of receptivity of victims' problems by police and how the victims view the criminal investigations done by police. The goal of these surveys has been to design a policy of prevention of crime that would enable implementation of programs in the areas of crime prevention and criminal policy. Unfortunately, the results of such investigations, particularly the study of the metropolitan area of Caracas (1983),

are not yet available. The one conducted in Valencia was included in Mayorca's study already cited. However, it was possible to look over the questionnaires used in those victims' surveys and to establish that there were no questions directed toward knowing the needs of the victims of crime. This is also the case for the Victimization Surveys conducted in Merida (1981) and Valencia (1980-82). Interestingly, the survey conducted in Caracas will try to establish the victimization rate for the most frequent crimes committed in Caracas, to yield some information about the characteristics of the victims, and the factors associated with victimization and some characteristics of non-victims. It will also study the means of protection and insurance (public and private) which the victims and non-victims had and study the actions taken by victims after their victimization, and the attention offered by the state.

In 1982, the Penology Institute made a proposal for a program for the assistance of victims of crime in Venezuela. The main objective of the proposed program was the provision of assistance, information and advice on legal, social and psychological matters to victims of crime. It was directed toward specific victims of crime, those who would not have had any participation in their victimization and only for those crimes which were expressly protected by the program: crimes against property (theft, robbery, extortion); crimes

against morality (rape). This program has not yet been implemented, but there is no doubt that its consideration reflects an advance in thinking about treatment and assistance for the victims of crime.

SUMMARY

Thus far, the mandates of the main institutions and organizations from the Criminal Justice System and the health, social and welfare areas have been described. It has been pointed out that many could have some concern for the victims of crime issue. The judicial actions and the authorities responsible for the reparation needs of victims of crime have also been described. There are some other organizations, institutions and individuals from the public and private sector which also could be concerned. These will be noted in the next chapter which describes the methodology of the thesis which aims to study the extent to which organizations and institutions from the public and private sector concern themselves with victims either in practice or in policy.

SECTION 2 - METHOD

Chapter V

RESEARCH METHOD

This thesis was designed to examine the availability and nature of programs and services to assist victims of crime in Venezuela; specifically, the metropolitan area of Caracas. An attempt was made to determine whether and to what extent those services which have been developed in other parts of the world are provided in Caracas. It was also designed to yield some information regarding the feasibility of establishing such services in Venezuela; to identify those factors which would be absolutely necessary for such an undertaking, those which would facilitate and those which would inhibit the implementation of these programs and services in Caracas.

DEFINITIONS

The definition of "victim" which is used in this study includes "the individual who has suffered emotional trauma, physical injury, financial loss and/or inconvenience as a direct result of another person's actions, the offender" (Drennan-Searson, 1981, p.10). It excludes the family of

the victim who may also suffer emotional trauma, financial loss and physical pain, and bystander/witnesses who may be inconvenienced because of the crime. This study also excludes other people, such as friends or groups, or corporations, which could be defined as victims in a given incident. It also excludes the family of the offender who in many cases could be considered to be victims of crime.

It is focussed on victims of all types of offences considered crime in Venezuela because they appear in the Criminal Code or in special laws. Since this was an exploratory study to search for programs and services in Venezuela, a broad victim group was selected. This was done in order to:

1. Enable a more complete review of all the different types of programs and services which exist for different types of victims.
2. Consider which of them are more appropriate in terms of the Venezuelan reality.
3. Determine which of them have been developed to assist particular groups, such as women, children, the young, men, and the elderly.
4. Determine what type of victims have been considered and what types have been ignored.

For the purposes of this study, the term "recuperation" refers to the attempts which should be made to cure, alleviate or improve those conditions (inconveniences or needs) which are consequences of victimization. Recuperation involves assistance and/or reparation.

Assistance of victims of crime comprises three main issues:

1. Emotional Trauma (attention is oriented toward those services and programs which provide victims of crime with adequate emotional and social support).
2. Physical Injuries (concern is directed toward those services and programs which offer health care to victims of crime)
3. Information Needs (attention is placed on the different ways to provide orientation, advice and practical assistance to victims on crime prevention, information on the progress of their case; and information on the legal rights and services which are available to them).

Reparation of victims of crime relates mostly to their financial loss (concern is oriented toward those ~~services~~ and programs from which the victims of crime can obtain compensation, restitution and/or indemnification). Insurance

is also taken into account as a way to obtain financial reparation as well as any other measure which may have been considered in Venezuela.

PILOT STUDY

To lay the groundwork for the research, a pilot study was made of the Criminal Justice System and the health, social and welfare areas in Venezuela. The Venezuelan law was also examined to determine the extent to which it considers victims of crime. Finally, the existing Latin- American and Venezuelan literature on victims was examined. The salient facts gleaned from these endeavours were presented in Chapters III and IV. Those studies enabled the researcher to determine the best possible sources of information to answer the primary questions of the thesis. In addition, several key academics with specialties in Criminology and Penal Law were contacted to obtain advice regarding sources of information, theoretical and practical advice for the development of the investigation and to ascertain their attitude about the feasibility of implementing programs and services for victims of crime in Venezuela. Many other key individuals from the public and private sectors (executives, academics, clergy, professionals from a wide variety of professions: lawyers, medical doctors, psychologists, social workers, sociologists, nurses, police, etc.) were contacted to deter-

mine whether or not they knew about any significant interest in promoting or implementing programs and services for victims of crime. The telephone directory was also examined to identify agencies or individuals who might provide some type of victim services.

LAW REVIEW

The National Constitution, Penal and Civil Codes were examined. Also examined were some special laws such as those which regulate specific matters such as children and youth, traffic accidents, probationers and parolees, consumers and specific organizations and institutions. The procedural aspects of those which were found to have some regulations related to victims (specifically the Criminal Indictment and Civil Proceeding Codes) were studied. Some ordinances, internal regulations and written material (e.g. brochures and annual reports) of some of the organizations and institutions in which interviews were done were also reviewed.

The review of the law and the consultation of key people within the academic and executive fields lead to a more complete understanding of the needs of victims which have been considered in Venezuela and the identification of the most influential groups within the country in the victimology area.

The review of the law revealed that there are some aspects of the law which are related to crime victims. This is especially so in criminal and civil proceedings (e.g. the possibility of being a private prosecutor, of claiming for financial reparation, of appealing civil court decisions) and in correctional law (e.g. the possibility of obtaining restitution and compensation). In order to determine whether and to what extent these laws are applied in practice and to ascertain whether and what kinds of services are available to victims of crime, several offices and individuals from relevant institutions and organizations in Caracas were asked to complete questionnaires designed for this study.

QUESTIONNAIRES

Information was gained primarily through the use of questionnaires which were designed specifically for this study. Two questionnaires (1 and 2) were used for the present study. There were both similarities and differences between the two. Both sought information in the following general areas:

1. Whether or not victims of crime request assistance from their organization.
2. Type of assistance given, if any.
3. Type of victim served.

4. Inter-relationship with other organizations and institutions in regards to victims of crime issue; frequency and type of coordination sector involved.
5. Perceived shortcomings within their organization in offering assistance to victims of crime.
6. Types of programs and services for victims' assistance which could be promoted by their organization.
7. Suggestions for increasing motivation for the provision or extension of programs and services for victims of crime in Caracas.
8. Funding.

Questionnaires 1 and 2 had some identical questions. These sections of the questionnaire were labelled 1A and 2A. However, there were also differences between Questionnaires 1 and 2 in some other aspects.

In general, Questionnaire 1 was designed to obtain information about the extent to which laws which considered financial reparation for victims of crime were actually applied. Questionnaire 2 was designed to obtain information on whether or not there are institutions and organizations in Caracas which offer programs or services specifically directed to victims of crime, or any other general type of program and service from which victims of crime might get some assistance. It was also designed to determine whether

or not there are any organizations or individuals who have any significant interest in promoting or implementing services for crime victims in Caracas and to ascertain the demand for programs and services from victims of crime.

Questionnaire 1 was designed for various organizations and institutions from the administration of justice which perform different roles, but which are known to share a common purpose: the financial reparation of the victim of crime. Questionnaire 2 was designed for organizations and institutions within the health, legal, social and welfare areas as well as within the Criminal Justice System.

Because some specific questions had to be included appropriate to the specific organizations being studied, a number of slightly different forms of each questionnaire were employed; 1B, 1C, 1D; 1E; and 2B, 2C.

INFORMATION SOURCES

Questionnaire type 1 was given to Penal (1B), Civil and Traffic (1C) Judges of First Instance. It was also given to Crown Attorney Representatives (1D), and Proof Delegates (1E). (In Venezuela, the latter fulfil the functions of Probation and Parole Officers). All were given 1A. Because the law attributed special mandates on financial reparation to each of these authorities, the questionnaire sought to obtain information about how they applied those laws.

Questionnaire 1B for Penal Judges of First Instance was intended to obtain information on:

1. Whether or not it is usual that victims of crime exercise the civil action jointly with the penal action in order to obtain financial reparation.
2. Frequency with which, in the penal sentence, Judges have ordered the obligation of financial reparation for the victim.
3. Frequency with which they have ordered the restitution of stolen objects or their value.
4. Frequency with which, in those indictments where there is a civil accusator, they have ordered the offender to pay the procedural expenses or indemnification of the victim.
5. Frequency with which they have ordered the indemnification of the victim, his family or third parties because of material and moral damages occasioned by crime.
6. Frequency with which the obligation of the offender to repara, restitute or indemnificate has been transfered to the inheritors.
7. Frequency with which the offender's penalty has been reduced in cases of property crimes in which the offender has restituted what he took or repaired com-

pletely the damage occasioned before any pronouncement has been made by the Judge.

8. In cases of falsification or alteration of products of the mind or industry, frequency with which the Judge has ordered the publication of the sentence in a daily newspaper at the expense of the offender.
9. In cases of rape, seduction, and abduction, frequency with which the Judge has ordered civil indemnification of the victim.
10. In cases of bigamy, frequency with which the offender has been ordered to maintain the children or the innocent spouse.
11. In cases of defamation or injurious statements, frequency with which the publication of the sentence has been ordered.
12. Frequency with which, in cases where Parole has been ordered, the Judge has required the offender to reparate, retribute or compensate the victim of crime.
13. In the Judges' opinion, should victims of crime participate more actively within the penal procedures; type of participation they suggest.
14. Limitations observed in making financial reparation effective, in any of its forms.

Questionnaire 1C for Civil and Traffic Judges of First Instance was intended to yield information on:

1. Whether or not it is usual that victims of crime exercise civil action to obtain financial reparation from damages occasioned by crime.
2. Frequency with which different types of reparation (e.g. restitution of the object or its value, or material and moral reparation, or indemnification) has been ordered.
3. In the Judges' opinion, should victims or crime participate more actively in the process; type of participation they suggest.
4. In those cases where they have ordered the financial reparation of the victim; type of crime involved, characteristics of the victim and the offender, specific measure ordered and whether or not they supervise the fulfilment of the measures ordered.
5. Limitations observed in making financial reparation effective, in any of its forms.

Questionnaire 1D for Crown Attorneys Representatives was intended to yield information on:

1. Their views as to whether or not they should be more vigilant about the rights and needs of victims of crime.

2. Their views as to whether or not victims of crime should participate more actively within the justice process; type of participation they suggest.
3. Frequency with which they have exercised jointly the penal and civil actions to obtain financial reparation of victims of crime; type of crime and characteristics of the victim and the offender.
4. Limitations, from the Crown Attorneys point of view, in exercising the civil action jointly with the penal action in order to obtain financial reparation of the victim.

Questionnaire 1E for Proof Delegates was intended to obtain information on:

1. Quantity of active Parole cases. Among those, frequency with which reparation (restitution or compensation) was ordered for the victim; type of crime, characteristics of the victim and the offender. Whether or not reparation was possible; if no, why; if yes, how.
2. What the Proof Delegates understand by restitution and compensation. (Parole Law uses both terms).
3. How they act to ensure that the reparation order is fulfilled.

4. Criteria that would have to be considered by Judges to order the financial reparation of the victim as a condition of Parole.

Questionnaire 2B for those institutions and organizations which offer a specialized service for the victim of crime asked the following questions:

1. Objectives of the service.
2. Description of the service.
3. Target population.
4. Sponsoring organizations.
5. Conditions which are required to offer programs and services for victims of crime.

Questionnaire 2C for those institutions and organizations which offer general services from which victims of crime may get some assistance asked the following questions:

1. Objectives of the organization.
2. Objectives of the department, office or program.
3. Role of the organization re. victims of crime.
4. Description of the service most frequently offered to victims of crime.
5. Conditions which are required to offer programs and services for victims of crime.

The response to the general questions asked in both type of questionnaires 1A and 2A will be presented in Chapter VI. The results of questionnaires 1B, 1C, 1D and 1E which relate to financial reparation of the victim of crime and their participation within the justice process will be presented in Chapter VIII. The results of questionnaires 2B and 2C which relate to informational, legal, psychological and physical assistance will be presented in Chapter VII.

HOW QUESTIONNAIRES WERE DISTRIBUTED

All the data were collected from November 1984 to March 1985. The procedure used for distributing the questionnaires was as follows: a visit was made to the institution, organization or office in which the objectives and purpose of the investigation were explained. They were asked whether or not they wished to answer the questionnaire. In most cases this was done verbally and in some others by leaving a written note. Later, if they agreed to answer the questionnaire, they could decide either to answer it privately (by themselves) or in a personal interview. If they decided to answer it in a personal interview, it was administered immediately or a future appointment was made. If they decided to answer it privately, the instructions were given and a date was set to pick it up and to have a personal interview to allow for clarifications.

In the case of Proof Delegates, since it was intended to interview the entire target population, permission was obtained to find information from all the offices in the capital region. Each Director of the five offices was interviewed and objective of the investigation as well as the instructions for answering the questionnaire were explained so that they could be able to explain them to the Proof Delegates. In most cases, the Proof Delegates were gathered together by the Director to receive the instructions personally from the researcher and to have them decide whether or not they were willing to answer the questionnaire and whether they would rather answer it in a personal interview or privately. A date was set for the personal interviews or to pick up the questionnaires from those who decided to answer them privately.

An attempt was made to interview the Director of the organization or institution chosen; however, in some instances the researcher was referred to other executives who were in charge of some department(s) or office(s) of the institution or organization which might have some function related to the assistance of victims of crime.

PERSONAL INTERVIEWS

The respondents were given considerable freedom to decide when to return the questionnaires. However, in those cases

where circumstances prevented return of the questionnaire a personal interview was sought. In the personal interview the questionnaire was delivered verbally and answers were recorded verbatim.

LIMITATIONS

It is necessary to appreciate the difficulties of doing research in Venezuela, particularly if it is done by a private person and/or if it is on a topic that represents a new question for the organizations and institutions being studied. The researcher had to compromise in some instances and pass the questionnaires, particularly type 2, to those departments or offices within the organization and institution which agreed to collaborate. It is possible that there were departments or offices within the organizations and institutions interviewed which could have some concern with the victims of crime issue. It is also possible that there were additional organizations and institutions with such concerns which did not accept the questionnaire or which were not identified in spite of the researcher's efforts to be exhaustive.

It is also important to mention that, in some cases, some of the questions were not applicable to the institution or organization chosen; therefore, these were not answered.

It is necessary to keep in mind that most of the information depended on the memory of the sources because there is no systematic recording of information about this population in any respect in any organization, not even in those which provide special services for specific victims of crime. Official statistics give virtually no information on victims of crime or on the incidence of crime not reported.

DATA SOURCES

On the basis of the pilot study, the following organizations and institutions were selected as data sources.

PENAL, CIVIL and TRAFFIC JUDGES OF FIRST INSTANCE

Questionnaires were distributed to Penal (1A, 1B), Civil and Traffic (1A, 1C) Judges of First Instance as they must decide on the penal responsibility of the offender (Penal Judges) as well as about the civil responsibility related to the crime they committed (Penal, Civil and Traffic Judges).

Within the Judicial Circumscription of the Federal District and the State Miranda there are 20 Penal Courts of First Instance; 19 of them are located in Caracas. There are 8 Civil Courts of First Instance placed in Caracas; 4 of them are responsible for civil responsibility derived from

illegal acts. There are 6 Traffic Courts of First Instance; 4 of them are located in Caracas.

From the 19 Penal Courts of First Instance, it was first hoped to interview 10 Penal Judges of First Instance. In trying to obtain this sample, 17 Penal Courts of First Instance were visited. Fourteen of the 17 accepted, but only 9 questionnaires were answered, and with these a personal interview was obtained.

All four Civil Courts of First Instance were visited. These are the Civil Courts which may decide about civil responsibility derived from illegal acts whose amount exceeds \$ 400,00. Only 2 of them answered the questionnaire (in a personal interview).

All four Traffic Courts of First Instance located in Caracas were visited since they may decide about the civil responsibility related to traffic accidents whose amounts exceeds \$ 100,00. Only 2 of them answered the questionnaire. One of them answered it privately and the other answered personally; with the former, a subsequent personal interview was conducted.

CROWN ATTORNEYS REPRESENTATIVES' OFFICES

Questionnaire 1A and 1D were distributed to Crown Attorneys Representatives since they are responsible for ensuring the fulfilment of the law within the justice process and may exercise jointly penal and civil actions against the offender in those cases in which the victim does not have financial means.

Within the same judicial circumscription mentioned above, there are 30 Crown Attorneys Representatives responsible for the plenary part of the penal procedures; 24 of them are located in Caracas. From those 24, 4 are responsible for family matters, 1 office was not filled at the time of the study. Thus, the target population of Crown Attorneys of the plenary was 19. It was first hoped to interview 8 of them. In trying to obtain the sample, 14 were visited. 7 answers were obtained; 5 answered personally and 2 privately. Although a personal interview was conducted to give and explain the instructions for the questionnaire, it was not possible to get a subsequent interview for clarification with these two.

There are also 27 Crown Attorneys Representatives responsible for the summary part of the penal procedures who are located in Caracas. There were seven vacant positions at

the time of the study, which makes for a target population of twenty. It was first hoped to interview eight of them. From twelve questionnaires distributed, only three answers were obtained; one of them answered personally, and the other two answered privately; with one of the latter a subsequent interview for clarification was obtained.

There are also Crown Attorneys for Minors (children and youth). There are eleven within the Judicial Circumscription selected; only two of them are responsible for ordinary penal and civil matters related to minors and both are located in Caracas. Within the penal area they are the responsible authorities to deal with any circumstance in which a minor is the aggrieved party and to represent him in the ordinary penal procedures. Both of them were interviewed personally. It is important to mention that in order to obtain more information about the procedures for minor victims of crime, Crown Attorney for Minors offices with responsibility for special civil matters, correctional matters, and with absolute authority in all minor matters were visited as well as a Superior Judge of Minors.

PROOF DELEGATES' OFFICES

Questionnaire 1A and 1E were distributed among Proof Delegates since they are responsible for the supervision of the conditions imposed on both probationers and parolees. The

latter ones, by law, may be ordered to financially reparate the victim of crime by the way of restitution or compensation.

The target population was thirty-one; however, as three of them were on holidays, 28 questionnaires were distributed. From these, 18 were answered: 12 by personal interview and six privately. For the latter, no subsequent personal interview for clarification was done.

A summary of the authorities responsible for the financial reparation of victims of crime which answered questionnaires 1B, 1C, 1D and 1E is presented in Table 1. (All answered 1A.)

SUMMARY

One group of information sources for this study was authorities who are responsible for financial reparation of the victim of crime and who fulfil different roles within the Criminal Justice System. Nine Penal, two Civil and two Traffic Judges of First Instance; seven Plenary; three Summary and two Minor Crown Attorney Representatives; and eighteen Proof Delegates comprised the sources. In total forty-three fonctionnaires completed Questionnaire Type 1.

Table 1: Summary of Questionnaire 1. distribution and return from authorities responsible for financial reparation of Victims of Crime. Total Q's obtained and manner in which they were answered.

Type of Q.	Directed to	Target Population	Sample Chosen	No. to whom Q's were presented	No. who accepted	No. who answered	How they answered	
							Private	Personally
1A;1B	Penal Judges	19	10	17	10	9	0	9
1A;1C	Civil Judges	4	4	4	4	2	0	2
	Traffic Judges	4	4	4	3	2	0	2
1A;1D	Crown Attorney Plenary	19	8	14	10	7	2	5
	Crown Attorney Summary	20	8	12	10	3	2	1
	Crown Attorney for Minors	2	2	2	2	2	0	2
1A;1E	Proof Delegates	28	28	28	28	18	6	12
Total obtained:						43	10	33

OTHER DATA SOURCES

There were about fifty departments or offices within organizations and institutions from the public and private sector contacted to see whether or not they would answer Questionnaire Type 2. The reason for visiting such a large number of departments or offices was to increase the likelihood that all victims' programs and services would be identified and to yield as much information as possible about where victims demand services in Caracas.

The institutions contacted were those which offer some service in the areas of legal, health, social and psychological assistance for the whole population or for some specific groups (children, youth, women, family or offenders) and which might concern themselves with victims of crime either in policy or practice. From these, there were about twenty to whom the questionnaire was presented; however, they were not willing to answer it because they do not concern themselves with victims of crime and consider that they should not attempt to do so. It should be noted that included among those who declined to answer the questionnaire were two key organizations: the Traffic Department and the Venezuelan Institute of Social Security, and one key individual, the General Crown Attorney (although with these three per-

sistent contacts were made). Therefore, Questionnaires 2A, 2B and 2C were distributed to 31 departments or offices from organizations and institutions which pertain to the public sector (19) and to the private sector (12). Only two of the questionnaires were answered privately; however a subsequent personal interview for clarification was obtained in both cases. The offices or departments which answered Questionnaire 2A, 2B or 2A, 2C are listed in Tables 2, 3 and 4.

Table 2 summarizes, in a broad manner, data sources in terms of the number of questionnaires distributed, the number completed, the manner in which they were answered (privately or personal interview) and the sector to which the sources pertain.

Table 3 specifically summarizes the public (11) organizations which accepted Questionnaires 2A, 2B or 2C and the offices or departments (19) which answered it. All answered questionnaires 2A and 2C except the Program of Defense of the Family against Maltreatment, of the Ministry of Youth, which answered 2A and 2B.

The twelve private organizations which answered Questionnaires 2A, 2B or 2A, 2C are listed in Table 4 in a specific manner. Table 4 also presents the respondents. All answered Questionnaire 2A and 2C, except the last two listed (11 and 12) which answered 2A and 2B.

Table 2: Summary of Questionnaire 2 distribution and return. Total of questionnaires obtained, manner in which they were answered, and sector.

Type of Q.	Directed to	Target Population	Sample Chosen	No. to whom Q's were presented	No. who accepted	No. who answered	How they answered	Sector
							Personally	Public/Private
2A:2B	Sources which offer specific services for Victims of Crime	Unknown	All known	3	1. Office of Child Abuse Report 2. Program for Attention of Women Raped 3. Program of Defense of Family against Maltreatment	3	2 1	1 2
2A:2C	Sources which offer general services from which victims of crimes can benefit	Unknown	All known	Approx 50	28	28	27 1	18 10
Total Obtained:						31	29 2	19 12

Table 3: Public Organizations which accepted Questionnaire
2A, 2B or 2A, 2C; Offices or Departments;
Individual Respondents.

Organizations	Offices or Departments which answered Q's 2A, 2B or 2C.	Individual Respondents.
1. Home Office of the Federal District	1.1 Social Development Dept.	Chief of the Program of Promotion of Advice and Capacitation of Neighbourhood Associations.
2. Municipal Council of the Federal District	2.1 Permanent Commission for Citizen Participation Dept.	Director of the organization of Neighbourhood Associations.
3. Prefecture of Libertador Dept. (Fed. District)	3.1 Denunciation of Crime Dept.	Chief
4. Metropolitan Police	4.1 Research Dept. 4.2 Committee of Cooperative Action between Police and Citizen Office 4.3 Denunciation of Crime Office	Chief Chief Chief
5. Ministry of Justice	5.1 Vice-Ministry of Justice Dept. 5.2 Crime Prevention Dept. 5.3 Legal Aid Office	Chief Encharged of the Program Neighbourhood Committee for Preventive Action. Chief.

Table 3: Public Organizations which accepted Questionnaire 2A, 2B or 2A, 2C;
Offices or Departments: Individual Respondents. (Cont'd)

Organizations	Offices or Departments which answered Q's 2A, 2B or 2C.	Individual Respondents.
5. Ministry of Justice (cont'd)	5.4 Judicial Police: Judicial Commission Dept. 5.5 Forensic Medicine Dept.	Executive. Chief.
6. Crown Attorney Dept., or Public Ministry	6.1 Human Rights Dept.	Chief.
7. Judiciary Council	7.1 Magistrate Office	Chief. Responsible for the Judicial School of Judges.
8. Venezuelan Institute for Minors	8.1 Programs Dept.	Executive.
9. Ministry of Health and Social Assistance	9.1 Sanitation District No. 1. 9.2 Sanitation District No. 2 9.3 Sanitation District No. 4	Chief. Chief. Chief.
10. Public Hospital: Pariferico de Coche	10.1 Emergency Link Police Office	Judicial Police Officer, Metropolitan Police Officer and Traffic Police Officer.

Table 3: Public Organizations which accepted Questionnaire 2A, 2B or 2A, 2C;
Offices or Departments: Individual Respondents. (Cont'd)

Organizations	Offices or Departments which answered Q's 2A, 2B or 2C.	Individual Respondents:
11. Ministry of Youth	11.1. Family Dept.	Director of the Program of Defense of the Family against Maltreatment.

Table 4: Private Organizations which accepted Questionnaire 2A, 2C or 2A, 2B; Offices or Departments; Individuals Respondents.

Organization	Offices or Departments which answered Q's 2A, 2C or 2A, 2B	Individual Respondents
1. Private Clinic Association	1.1 Presidency	President of the Association and Director of a Private Clinic.
2. Private Clinic: Metropolitan Polyclinic	2.1 Emergency Dept.	Head Nurse of Emergency.
3. Private Hospital: Risquez	3.1 Direction	Director.
4. Insurance Company	4.1 Direction	Executive of the Company and member of the Insurance Company Association of Venezuela.
5. Venezuelan Federation of Women Lawyers	5.1 Legal Assistance Dept.	Coordinator of the Office.
6. Central University of Venezuela	6.1 Juridic Clinic	Coordinator of the Office.
7. Lawyers Association of the Federal District	7.1 Legal Aid Office	Coordinator of the Office.

Table 4: Private Organizations which accepted Questionnaire 2A, 2C or 2A, 2B:
Offices or Departments: Individuals Respondents. (Cont'd)

Organization	Offices or Departments which answered Q's 2A, 2C or 2A, 2B	Individual Respondents
8. University Catholic Parish	8.1 Legal Aid Office	Coordinator of the Office.
9. Roman Catholic Church	9.1 Archbishop Office	Archbishop.
10. Venezuelan Institute for the Family	10.1 Psychological Assistance Office	Director of the Institute.
11. Office of Child Abuse Report	11.1 Denunciation Dept.	Director of the Program.
12. Venezuelan Association for Alternative Sexual Education	12.1 Program for Attention of Women Raped Office	Executive.

SUMMARY OF TOTAL SAMPLE

Eleven public and twelve private organizations comprised the other part of the information sources for this study. Many of the public organizations included several different departments or offices which might have some interest in victims of crime. In total, 31 offices or departments from 23 organizations completed Questionnaire Type 2.

Taking into account the 43 functionaries responsible for the financial reparation of victims of crime who answered Questionnaire Type 1, the total number of data sources for this study is 74. Table 5 presents the summary of the total sample obtained.

Table 5: Summary of Total Sample.

Purpose	Q's	No. who answered	Purpose	Q's	No. who answered	Total
General	1A	43	General	2A	31	74
	1B	9		2B	3	
Specific	1C	2	Specific	2C	28	
	1D	2				
	1E	18				

SUMMARY

This chapter presented the method used for this study; identified the data sources and the procedures used to select them; the types of questionnaires used and their distribution. In total the complete data source for this study is 74. It also presented the definitions that are used in the study. They included the definition of victims of crime and specification of what is meant by recuperation from victimization. Also indicated were the main limitations of the study, such as the lack of statistics on victims of crime.

The next chapter presents the findings obtained from Questionnaires 1A and 2A which included general questions which were answered by all 74 respondents.

SECTION 3 - RESULTS

Chapter VI

GENERAL FINDINGS

The general results which are presented in this chapter were gained by questionnaires 1A and 2A which were answered by the 74 information sources. The information which was found pertains to the following areas:

1. Victims' request
 - 1.1. Frequency
 - 1.2. Type of Request
2. Type of assistance given
 - 2.1. Referrals
 - 2.2. Other Assistance
3. Type of victims served
4. Inter-relationships among agencies
5. Perceived limitations within organizations in offering assistance to victims of crime
6. Programs which could be promoted by the organizations
7. Suggestions for increasing motivation for the provision or extension of Programs and Services to victims of crime
8. Funding.

1. VICTIMS' REQUESTS

Table 6 presents the answers obtained from all sources related to the question as to whether they receive requests for assistance from victims of crime.

Table 6: Victims' Request

Request	Number	Percentage(%)
YES	50	68.0
NO	13	18.0
NOT APPLICABLE	3	4.0
NO ANSWER	6	8.0
DO NOT KNOW	1	1.0
NOT YET	1	1.0
Total	74	100.0

It can be seen that the majority of organizations receive requests from victims of crime (68%); 18% do not receive requests from victims; and 8% did not answer this question. It may be that some of the agencies simply do not concern themselves with victims of crime. Others would not consider requests from victims of crime either because they are not able to offer any type of assistance to this population or they already have enough work on other matters more directly related to their conceived role. Among the agencies which reported that they receive no requests from victims of crime are Civil Judges and the Free Legal Aid Office from the

Catholic Parish of the Central University of Venezuela. In some other agencies, some types of requests from victims of crime had been received.

Interestingly, agencies to which the question was considered "not applicable" were: the Vice-Ministry of Justice Office, the Research Department of the Metropolitan Police and the Crime Prevention Department of the Ministry of Justice. This is probably due to the fact that they answered taking into account their specific department or office, but not their organization. Moreover, they may not have had information about the issue of victims' requests because their functions are not related to offering services directly to the public. In some other offices, however, information was obtained about the request of victims of crime to the organization although the specific department or office surveyed does not particularly concern itself with victims and does not provide services directly. This is so in the case of the Judicial Commission Department of the Judicial Police, the Social Development Department of the Home Office of the Federal District, the Association of Private Clinics, the Private Insurance Company, and the three sanitation Districts interviewed (the Health and Social Services depending on the Ministry of Health and Social Assistant are organized in 6 Sanitation Districts in the capital region).

It is important to mention that one of the special programs for specific victims of crime (Program for Assistance of Raped Women) reported that they had not received any requests from any victim because the questionnaire was answered the week after the program had started and they had not yet received any clients.

1.1. FREQUENCY

Table 7 presents the frequency with which victims of crime request assistance. Twenty-four agencies did not answer the question about the frequency with which they receive requests from victims of crime. Among the 74 agencies surveyed, all of the 50 agencies which received requests from victims of crime responded to the question about frequency. (see table 6)

Table 7: Frequency in request from those agencies which receive requests from victims of crime.

Frequency	Number	Percentage(%)
VERY FEW	27	54.0
FEW	7	14.0
MANY	16	32.0
Total	50	100.0

The departments which seem to receive requests from victims of crime most frequently are: the Crown Attorneys of the Summary, the Denunciation of Crime Department of the Prefecture, the Denunciation of Crime Department of the Metropolitan Police, the Judicial Commission of the Judicial Police, the Forensic Medicine Department, the health institutions from the three sanitation Districts, the Emergency services from the Public and Private Hospitals, the Emergency Services from Private Clinics, the Catholic Church, and the National Office for Denunciation of Child Abuse. One might think that these are places where victims of crime could go in order to report crimes and obtain physical or psychological attention, advice or information. It is apparent that the majority of agencies receive very few requests from victims of crime.

It is important to mention that, in many instances, the researcher had to clarify to the data sources the definition of victim used in this study because in most agencies the majority of requests are made not by "victims" but by the family of the offenders. Therefore, most sources recognized the offender's family as the "the victim of crime". It seems that the family of an offender requests assistance more frequently than the direct victim of crime (at least from organizations of the Criminal Justice System and those which offer legal assistance). It is probably because of

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this that there are certain private and public programs directed toward assisting the offenders' families. Even the free legal aid offered by some private organizations is directed mainly to assist this population rather than the direct victim of the criminal act.

1.2. TYPES OF REQUEST

Since the questions were open-ended, respondents gave more than one answer to the question of what type of requests were made to them by victims of crime. The majority of the requests that victims of crime made to the authorities which have some link to the Criminal Justice System are: information (about what to do and where to go; about the case; about what happened with the offender; and about criminal justice procedures); devolution of stolen objects (in Judicial Police or Penal Courts); and Legal Aid (advice and assistance). Victims report crimes; they also demand punishment of the offender and express complaints (excessive referrals and "runarounds"; lack of security on streets and places where they live; poor functioning of public services; irregularities or disinterest of Judges; judicial delay; and difficulties with Police: abuses, not accepting crime reports). The most frequent requests made to legal authorities are for punishment of the offender. Equally frequent are complaints.

From other agencies, it seems that requests for medical treatment for physical injuries are also highly frequent. It is interesting to observe that, apparently, victims of crime do not request psychological assistance from health institutions.

2. TYPE OF ASSISTANCE GIVEN

Questionnaires 1A and 2A were given to agencies which have different objectives. The great majority of them do not offer special services for victims of crime and do not have specific concern for victims. The question about the type of assistance given was phrased in the following way: what do they do when they receive requests from victims of crime? Many of the sources did not answer this question and those who answered it, in some instances, gave different responses. Nevertheless when victims seek any type of assistance from them the great majority of agencies just make referrals.

2.1. REFERRALS

Table 8 indicates the agencies which make referrals and to where they refer victims of crime.

Table 8: Referrals.

Organization	Department	To
1. Home Office (Fed. District)	Social Development Dept.	Police
2. Municipal Council (Fed. District)	Permanent Commission for Citizen Participation Dept.	Police
3. Prefecture Dpto-Libertatador (Fed. District)	Denunciation of Crime Dept.	Forensic Medicine Police
4. Ministry of Justice	Legal Aid Office	Police
5. Ministry of Youth	Family Dept.	Therapeutic Centres in community and law enforcement authori- ties (Police, Crown Attorney, Courts)
6. Venezuelan Institute for Minors	Program Dept.	Crown Attorneys for Minors.
7. Venezuelan Assoc. for Alternative Sexual Education	Program for Attention of Raped Women	Legal and Medical Organizations and Psychological Agenc- ies (for long-term treatment)
8. Venezuelan Federation of Women Lawyers	Legal Assistance Dept.	Police, Venezuelan Institute for Minors, Crown Attorneys for Minors.
9. Central University of Venezuela: Law Faculty	Juridical Clinic	Police, Crown Attor- neys.
10. Catholic Church	Priests	Depending on Priest's personal contacts.

Organization	Department	To
11. Office of Child Abuse Report	Denunciation Dept.	Police, Crown Attorneys for Minors, Venezuelan Institute for Minors.
12. Crown Attorney or Public Ministry	those who answered (also the Human Rights Dept. of the Crown Attorney Organization)	Police, Courts, Crown Attorneys Depts. Public & Private Organizations advocated to family youth and children.
13. Judges	those who answered	Police, Crown Attorneys.
14. Proof Delegates	those who answered	Police
15. Metropolitan Police	Denunciation of Crime Dept.	Judicial Police
16. Judicial Police	Judicial Commission Dept.	Courts, Crown Attorneys.

It is apparent that referrals are made mainly to organizations in the Criminal Justice System. Police and Crown Attorney Departments receive the majority of referrals. It also seems that organizations make referrals to each other, and as there are no programs or services to assist victims of crime within the majority of organizations, victims may not actually obtain assistance from such referrals. The result of this may be that victims of crime are given the "runaround", and sent from one place to the other without the agencies making any coordination and without the victims receiving the assistance requested or needed. As there is

no coordination among agencies in regard to victims' problems and inconveniences, they are left in the hands of people who may not be concerned about their problems and who may not really have the resources to help them.

However, the majority of agencies reported that they make referrals to other institutions and organizations according to the particular request made by the victims of crime. Therefore, if the victim presents an obvious physical injury, he would be referred to health institutions. There, the victim's physical injuries are considered, but they are not seen as patients with particular problems because of their victimization, and therefore no specific attention is offered to them (for example, psychological attention, if any, is given only in acute cases). On the other hand, if the victim presents interest in legal issues related to the crime, he would be referred to criminal justice agencies. In these instances, the victim's anger, frustration and inconveniences occasioned by the crime may increase their vindictive feelings. Moreover, their desires for punishment of the offender may flourish 1) because the only realistic possibility they will get from intervening in criminal procedures is to obtain the punishment of the offender and, 2) because criminal justice agents are not prepared to assist victims of crime, due to their lack of awareness and training in the issue, and the work that punishing the offender already involves.

2.2. OTHER TYPES OF ASSISTANCE

The study revealed that there are a variety of other types of assistance which may be provided for victims of crime:

2.2.1. Receiving Crime Reports and Initiating Criminal Proceedings: in Venezuela, any citizen may report the commission of a crime and there are many agencies which may receive reports of most conventional crimes. The law establishes that even a phone call made to the legal authorities is enough to initiate criminal investigations. Some of the agencies which receive crime reports are the Metropolitan Police (in all the ten Metropolitan Police Stations, Police Patrol - motorcycle, car, walking -, Emergency Units of Public Hospitals, in the different mobile services units, the Civil Headquarters, and in the Prefecture); the Judicial Police in all the nine Judicial Police Stations in the metropolitan area; Crown Attorneys; Penal Judges; etc.

At first glance, it would appear that the availability of many places to report crimes represents a great benefit to victims. However, it may not represent a benefit, but rather the opposite - there are so many different places that victims may be confused and may be considerably inconvenienced by having to go from one to the other until they find

the "right" one. The policy of having so many places which receive crime reports was probably introduced to increase the likelihood of crimes being reported. However, it does not necessarily help the victim of crime in particular.

On the other hand, the only agencies which can initiate criminal proceedings after a crime is reported are the Judicial Police, the Crown Attorneys and the Penal Judges. Specifically, the Judicial Police Station where the crime was committed or where the victim lives will be the agency responsible for initiating the legal procedures and investigations related to the case. The majority of citizens are ignorant of the way the Justice System functions and there is no information about the location of each citizen's appropriate Police Station. It seems that unless the victims are strongly interested in the punishment of the offender, they may not be willing to enter into an area which is completely unknown to them, and which may bring them many inconveniences.

2.2.2. Initiating Investigation of Judges: it was learned from the results of the study that some victims of crime make complaints to agencies about faults and irregularities in Judges' activities. In Venezuela there is a Judicial Council Commission which has been appointed to investigate Judges and to decide whether or not there are

enough reasons to apply disciplinary sanctions or to substitute a Judge. Apparently, few people know about the possibility that they can initiate such procedures and none of the agencies reported that they referred victims to the Judiciary Council where the Judicial Council Commission functions.

It seems that until more information about criminal proceedings and victims alternatives within it are given to the population, the institutions of the Criminal Justice System will not be totally fulfilling their purposes.

Other forms of assistance that may be provided for victims of crime by the agencies interviewed will be presented in more detail in the following chapters. Chapter VII will describe informational, legal, psychological and physical assistance to victims of crime. Chapter VIII will describe reparation (financial) services for victims of crime.

3. TYPE OF VICTIMS SERVED

Very little information was provided by the agencies as to the type of victims. Apparently, no agencies maintain a systematic record or statistics on the type of victims they encounter. However, some of the respondents appear to agree on some of the following characteristics of victims:

- Victims of traffic accidents (more men than women)
- Victims of personal assault or theft and assault (usually men)
- Victims of Domestic Abuse or Maltreatment (women and children)
- Victims of Homicide (family)
- Victims of Rape (women)
- Victims of Purse-snatching (women).

Victims who request assistance appear to be mainly lower and middle class. This may be because they would have less financial resources to use costly private services on legal, psychological and physical matters and would have less support in terms of the availability of services to assist them in their needs. Moreover, the inconveniences occasioned by crime will probably be greater for them.

4. INTER-RELATIONSHIP AMONG AGENCIES

The coordination among Criminal Justice System agencies and between these and social service agencies is generally very poor. There is no systematic and organized network relationship among the majority of agencies. They only have the kind of relations with each other which are need for collaboration in relation to the fulfillment of a specific function. These specific functions rarely include functions

related to victims of crime. That is why referrals are made not in a systematic and organized way but by personal relations of personal contacts among the service providers.

There is a notable exception to the general lack of interagency cooperation. Arrangements have recently been made among public and private organizations and institutions concerned with the families, youth and children in regard to the treatment of abuse. Attempts are being made to find better ways to work cooperatively; however, they are still in the organizational stage.

There are other instances of cooperation at the community level (neighbourhood programs designed to educate and improve services within communities with the collaboration of responsible organizations and citizens). Some examples are those provided by the Home Office of the Federal District, the Municipal Council, the Crime Prevention Department, the Metropolitan Police and the Ministry of Youth. These organizations are trying to achieve coordination in the development of specific community programs which each of them are implementing. However, programs are still at the developmental stage and do not concern themselves specifically with victims of crime. They are also experiencing many difficulties in establishing coordination.

5. PERCEIVED LIMITATIONS WITHIN ORGANIZATIONS IN OFFERING
ASSISTANCE TO VICTIMS OF CRIME

The main limitations considered by respondents were:

1. Lack of interest or sensitivity to the victims of crime issue.
2. Lack of human, financial and material resources.
3. Lack of specific programs for the assistance of victims of crime.
4. Lack of support from organizations which may be concerned with the issue.
5. Lack of coordination among institutions and organizations.
6. Lack of quantitative and qualitative data on victimization, and on the needs of victims.
7. Lack of interest on the part of victims of crime.
8. Lack of training of service providers on the needs of victims or on assistance programs.
9. Legal limitations in the mandate of organizations which prevent them from assuming responsibility for providing services to victims of crime.

Among the three agencies which offer special programs to assist specific victims of crime, the main limitations pointed out are those related to the fact that the programs

have only recently been initiated. The Child Abuse Report Office was created in November 1983 and is still trying to find better ways of achieving coordination for follow-up and evaluation of the services offered. No decision has been made to guarantee the support of this office, which has been funded by its creator and director, a medical doctor; therefore, they lack all type of resources (financial, human and material). It is too early for the other programs (the Program of Defense of the Family against Maltreatment, August 1984; and the Program for Attention of Raped Women, March 1985), to determine their limitations. However, all of them reported that there is a need to motivate service providers, at all levels, on the victims of crime issues and to give publicity to their programs.

6. PROGRAMS WHICH COULD BE PROMOTED BY THEIR ORGANIZATION

It was interesting to learn that the majority of respondents considered that programs to assist victims of crime should be provided by other organizations, but not by themselves. There were some agencies which they felt should be responsible for the assistance of victims of crime: Police, Crown Attorney Department, Legal Assistance Offices and the Ministry of Justice. The Crown Attorney Department was the one most frequently suggested to be responsible for offering specific programs and services for assistance to victims of

crime because these activities would be more consistent with their philosophy and objectives. Some respondents considered that the private sector should participate as well.

Most respondents, however, were also interested in the creation of a new organization from which victims of crime could obtain a variety of types of assistance (social, informational, legal and psychological).

Special attention deserves to be given to the responses of most of the criminal justice agents (Judges, Crown Attorneys and Proof Delegates) and health institutions. They considered that no special service should be promoted by them to assist victims of crime. The former considered that justice for victims is provided by punishing the offender; that is what they do and they think it should be enough for victims of crime. Only one Penal Judge considered that more attention should be given to the victim of crime, but with the purpose of getting them to contribute more to the administration of justice. One Proof Delegate showed interest in the implementation of a Victim-Offender Reconciliation Program as a part of the rehabilitation of the offender; and only two Crown Attorneys of the Plenary considered that the Crown Attorney Department should systematize assistance to victims of crime. The health institutions considered that all patients must be assisted equally regardless of the fac-

tor which brings them there. However, they recommended that personnel should be sensitized to victim's problems in order that they might be able to offer them appropriate treatment.

7. SUGGESTIONS FOR INCREASING MOTIVATION FOR THE
PROVISION OR EXTENSION OF PROGRAMS AND SERVICES
FOR VICTIMS

The suggestions offered by the respondents were the following:

1. Educational programs on victims issues to create consciousness, awareness and sensitivity on the part of service providers and the public.
2. More coordination among service providers.
3. More human, financial and material resources.
4. Study of victims' needs, especially those of the elderly.
5. Reform of certain laws in order to improve the situation of certain victims of crime and to include in various organizations' regulations the mandate of assuming responsibility for victims of crime.
6. Include in community health service units and infirmaries psychological assistance for victims of crime in crisis.
7. Training of professionals in victims' assistance.

8. Create social, legal, psychological and medical programs to assist those victims who do not have financial means.
9. Publicize victims' rights and the kind of services which should be provided.
10. Reform Penal and Criminal Indictment Codes so that they include an assessment of socio-economic - psychological characteristics of victims of crime.
11. The state and private sector should collaborate in the creation of services for victims of crime at the national level.
12. Improve public emergency centres.
13. Implement preventive programs to help victims to avoid being victimized again.
14. Improve referral systems.
15. Review the cost of services for the assistance of victims of crime.
16. Make the Criminal Justice System more efficient.
17. Offer more financial protection to victims of crime.
(Only one agency, a private hospital, recommended this).
18. Encourage organizations to use private insurance for their workers instead of the public insurance. (This would mean a reform in the Social Security Legislation).

19. The Ministry of Justice should offer free legal assistance for poor victims of crime.
20. Use volunteers.

It is clear that most of the recommendations were very closely related to the shortcomings which the respondents indentified. They were described in Section 5 of this chapter.

8. FUNDING

Although, as indicated earlier, very few organizations are providing services for victims of crime it may be useful to indicate the funding sources for these organizations since, if one wishes to encourage the development of such services it may be appropriate to stimulate not only the organization but the organization's funding source. Table 9 presents the current and main sources of funding of the departments, offices or programs visited and interviewed.

Table 9: Sources of Funding

Dept. or Office	Funded totally or mainly by
1. Social Development Dept.	1. Home Office of the Federal District
2. Permanent Commission for Citizen Participation Dept.	2. Municipal Council of the Federal District
3. Denunciation of Crime Office (Prefecture)	3. Home Office of the Federal District
4. Metropolitan Police	4. Home Office of the Federal District, Municipal Council of the Sucre District of the Miranda State, and Internal Affairs Ministry.
5. Vice Ministry of Justice Dept. Crime Prevention Dept. Legal Aid Office Judicial Police Forensic Medicine Proof Delegates	5. Ministry of Justice
6. Judiciary Council Judges	6. Judiciary Council
7. Crown Attorney Representatives	7. Crown Attorney Department or Public Ministry.
8. Family Dept.	8. Ministry of Youth
9. Venezuelan Institute for Minors	9. Venezuelan Institute for Minors
10. Sanitation Districts of Ministry of Health and Social Assistance	10. Ministry of Health and Social Assistance
11. Link Police Office in Emergency - Metropolitan Police Agent - Judicial Police Agent - Traffic Police Agent	11. The hospitals provide the locale and agents are paid by their respective organizations.

Agencies in the private sector are privately funded. There are some which receive donations from benefit foundations such as the Program for Attention of Raped Women and the Venezuelan Federation of Women Lawyers.

SUMMARY

This chapter presented the results from all the agencies (74) which constituted the information source for this study. The main findings obtained are the following.

Victims of crime do request services from the majority of the agencies visited. Although there are no statistics in any issue related to victims of crime, it seems that the frequency in requesting services is very low and that they usually go to places where they can obtain physical attention, or can report the crime. The type of request that victims of crime most frequently make is for punishment of the offender and physical treatment for themselves. It is understood, since victims of crime do not have a place where they can obtain assistance that they may feel reluctant to request assistance for any other particular need they may have in the belief that they will not get any. The first type of request may be the result of feelings of frustration, anger and fear produced by victimization and also by their contact with insensitive justice, health or social

service providers. This makes one believe in the necessity of making service providers aware of the need that all people have, and probably in some circumstances some may need more than others, for good treatment, dignity and respect. Victims of crime also complain about the lack of sensitivity to their needs and problems on the part of law enforcement officials and service providers. Another interesting finding is the fact that victims of crime do not request psychological assistance in most cases, and it is at the discretion of the medical doctor who assist them in emergency cases whether to recommend this service.

The majority of the agencies do not offer any specific program to assist victims of crime; they make referrals to legal authorities or social and health organizations. The Police and Crown Attorneys are the agencies to where most victims are referred. It would be interesting to know whether or not victims really wanted to be referred to the legal authorities or if it is simply the only possibility available for them. It seems that victims are given the "runaround"; that is, they are sent from one place to another without being able to satisfy their needs. This is probably because the majority of agencies do not concern themselves with victims of crime and there is no organized and systematic network relationship among organizations and institutions.

The agencies reported numerous limitations to their offering assistance to victims of crime but it seems that the most important is lack of awareness of the victims' rights and needs, not just on the part of service providers but on the part of citizens in general. The majority of agencies consider that they should not, or at least can not, because of their financial and legal limitations, offer any type of program or service for victims of crime. However, the great majority consider that programs and services for victims of crime should be made available, but they considered that other organizations (Ministry of Justice, Police, or Crown Attorney Department) should be the ones to initiate them or that new organizations should be created. It was also pointed out that the private sector as well as the public sector must contribute.

Countless suggestions were given to increase the motivation for the provision or extension of victim programs and services; however, education of the whole population on the victims issue seems to be the first step that needs to be taken. The need was also felt for improving coordination among institutions and improving the referral system.

There are only three agencies which offer programs for specific victims of crime. These programs are in their initiation phase and there is not very much publicity about them.

Chapter VII

VICTIM ASSISTANCE

The effects of crime on victims may vary according to many factors. There is a considerable variety of different needs and inconveniences that victims may face after victimization occurs. Studies in both Canada and the United States have increased our understanding about the different types of victims' needs which result from victimization. They can be social, psychological, physical, property-related or financial in nature. Moreover, other problems arise when the victim becomes involved with the Criminal Justice System and with many other agencies, organizations and service providers. Assistance for victims of crime has become a matter of public policy in many countries. Both criminal justice agencies and citizen's groups, including police, prosecutors, court employees, parole and probation officers, religious organizations, private agencies, volunteers and hospitals are working to solve the problems of victimization.

This chapter will discuss the response victims may obtain in Caracas to their physical, emotional, legal and informa-

tional needs. The discussion will focus first, on those services which are available to the general public which may include victims of crime and, *second, on those services specifically directed to victims of crime.

A. SERVICES FOR THE GENERAL PUBLIC, INCLUDING VICTIMS
OF CRIME

The information presented in this section was gathered from questionnaires 2C which were answered by 28 agencies, as well as from personal interviews and written material obtained from some of the agencies. Table 10 presents information related to the organizations and institutions which offer general services for the Venezuelan population. Information was obtained from these organizations to determine whether or not they concern themselves with victims of crime either in policy or in practice. The objectives of the organizations and institutions, as well as of the department or office which agreed to answer the questionnaire are presented to enable the reader to understand why it was considered that these agencies might have some concern for victims of crime. The role of the organization in regard to victims of crime and the service most frequently offered to victims of crime is also presented in Table 10. This indicates the awareness there is about the need to assist victims of crime in Venezuela's organizations and

institutions in Criminal Justice System, and health, social and welfare areas which offer services to the whole population. The conditions which are required by these agencies to offer better assistance to the victims of crime are also examined.

Table 10 self-explanatory, it is evident that most agencies could have some concern with the victim of crime problems, but they do not concern themselves with the issue either in policy or practice.

The conditions which are required for the sources to offer better assistance to the victims of crime are very much related with the perceived shortcomings of the agencies referred to in chapter VI. The most necessary condition required, according to respondents is to increase funds in order to improve and extend the human and material resources. It is felt to be an urgent necessity to improve coordination and collaboration among agencies and to train service providers, specially Police. Some also felt the need to include the victim issue in the objectives of their program, department or office as a condition to allow them to service this population. More motivation among the population in order to be able to involve volunteers in the assistance of victims of crime was also suggested.

Table 10: Response to victims of crime from services directed toward the general public.

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Home Office of the Federal District	Among others: to protect people and property (Social Security); to control and supervise hospitals, benevolent institutions; to ensure justice is administered in a quick manner.	Social Development Department	Dept.: To propiciate the social participation within organized communities. Program: Promotion, Advice and Capacitation of Neighbourhood Associations.	There is no specific program within the organization to assist victims of crime.	Referrals
Municipal Council of the Federal District	Among others: to be responsible for public services, including the police services in the metropolitan area of Caracas.	Permanent Commission for Citizen's Participation Department	To assist legally and socially Neighbourhood Associations in their organization and achievement of their objectives.	There is no specific program within the organization to assist victims of crime.	Referrals

Table 16: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Prefecture of the Liberator Department (Federal District)	Among others: the maintenance of public order, and social and individual security; act as instructor of the administration of justice.	Denunciation of Crime Department	To receive crime report.	There is no specific program within the organization to assist victims of crime.	Receive crime reports, if it is a minor crime (e.g. domestic matters), they process the report and refer according to circumstances (mainly to Forensic Medicine). If it is a conventional crime they refer to Judicial Police.
Metropolitan Police	Their functions are fundamentally preventive. To guarantee security of people and property; to be responsible for morality and public order. It is an auxiliary organization of the Judicial Police. They are primarily	Research Department Committee of Cooperative Action between Police and Citizens Office	Research To strengthen relations between Police and Community by planning and executing programs directed to achieve participation and cooperation.	There is no specific program within the organization to assist victims of crime.	None

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Metropolitan Police (Cont'd)	Initially involved before and immediately after a crime is committed; arresting suspects, ensuring evidence does not disappear. Then, they must inform the Judicial Police.	Denunciation of Crime Office	action between them to solve problems that affect community. Receive crime reports and analyze procedures among competent authorities.	Receive crime reports Information Referrals	Receive crime reports Information Referrals
Ministry of Justice	Responsible for planning and directing the activities in the area of Justice and Social Defense.	Vice-Ministry Office	To help the Ministry in achieving objectives of organization: prevention and repression of crime, penitentiary system.	There is no specific program within the organization to assist victims of crime.	None

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Ministry of Justice (Cont'd)		Crime Prevention Office	Dept.: Planning and executing preventive policies.		Research on Victims: Polls to determine a profile of Victims of Crime. (no results have been obtained yet).
			Program: Neighbourhood Committee of Prevention		
			Action to motivate, sensitize and train population in crime prevention.		
		Legal Aid Office	To offer free Legal Aid (mainly civil matters) to poor people.		Referrals.
		Judicial Police: Judicial Commission Department	Auxiliary organization of administration of Justice. Is responsible (within the whole territory) for combatting crime and delinquency to apprehend suspects and inform Penal Courts for their subsequent indictment and punishment.	Receive crime reports Initiate penal procedures Referrals Devolution of stolen objects	Referrals.

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Ministry of Justice (Cont'd)		Forensic Medicine	To do medical-legal expert work; to describe and qualify lesions and to make autopsies. Then, inform instructor authority.		Physical examinations Autopsies
Crown Attorney Department or Public Ministry	Responsible to guarantee to the Venezuelan population the implementation of all laws. Among others: To represent the state in penal procedures; to exercise jointly civil and penal action, if poor victims request it.	Human Rights Office	To ensure that human rights are not violated.	There is no specific program to assist victims of crime. To initiate penal procedures.	Referrals
Judiciary Council	To ensure independency, efficacy, discipline and respect of Courts; to	Magistrate Office	To collaborate in the achievement of Judiciary Council	There is no specific program within the	None

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Judiciary Council (Cont'd)	guarantee Judges the benefit of the judicial career; to open investigations on denunciation of Judges irregularities in their activities; to be responsible for the training of Judges.		objectives.	organization to assist victims of crime.	
				Very rarely victims formalize denunciation of Judges to the Judicial Council	
				Commission	
Venezuelan Institute for Minors	The direction and execution of policies related to minors and families.	Program. Department	Control and supervise all programs which depend on the constitution.	There is no specific program within the organization to assist victims of crime.	Referrals
Ministry of Health and Social Security	To plan and direct activities in health protection. Execute programs	Sanitation Districts. No. 1	To guarantee health to the population who lives in the area which comprises each District.	There is no specific program within the organization to assist victims	Physical assistance Psychological in acute cases

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Ministry of Health and Social Security (Cont'd)	related to public health: medical and social needs of population.	No. 2 No. 4	To offer assistance and welfare, medical and social - preventive and curative.	of crime.	
Public Hospital: Pariferico de Coche	Offer medical assistance	Police Link Emergency Unit (24 hours)	To open an investigation in cases when someone enters into the Emergency unit of the Hospital as a consequence of crime.	Hospital: Offer medical assistance. Office: to initiate preliminary investigations of illegal acts from cases which enter the Emergency unit of the hospital. Notify the Judicial Police Headquarters where the crime was committed.	Receive crime report Notify responsible authorities Referrals

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Association of Private Clinics	To plan and coordinate activities of private clinics. To represent their interest.	Presidence.	Medical Assistance	There is no specific program to assist victims of crime in any of the Private Clinics.	Physical assistance Psychological, when needed
Private Clinic: Metropolitan Policlinic	Offer private medical assistance	Emergency	Offer medical assistance.	There is no specific program to assist victims of crime.	Physical assistance Psychological, when needed
Insurance (Private)	To provide protection, to interested people on certain risks, including crime.	Board of Directors of a Private Insurance Company	To insure people	There is no specific program to assist victims of crime. Offer insurance of objects, of people, of medical treatment	Pay, according with the insurance-policy taken, damages occasioned by crime.

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V of C.
Insurance (Private) (Cont'd)				and to certain specific risk to important people (e.g. kidnapping)	
Venezuelan Federation of Women Lawyers	To offer legal and social assistance to poor people.	Legal Assistance	To provide legal assistance in non-contentious matters	There is no specific program to assist victims of crime within the organization.	Referrals
Private Hospital: Risquez	Offer private medical assistance	Direction	Medical Assistance	There is no specific program to assist victims of crime within organization.	Physical assistance; Psychological, when needed

Table 10: Response to victims of crime from services directed toward the general public. (Cont'd)

Organization	Objectives of Organization	Dept. or Office	Objectives of Office or Program	Role Organization re. Victim	Services most frequently offered to V. of C.
Central University of Venezuela: Faculty of Law	Education	Judicial Clinic	To offer free legal assistance	There is no specific program to assist victims of crime within organization.	Legal Advice Referrals
University Catholic Parish	Catholic Church: spiritual and social services.	Legal Aid Office	To offer free legal advice and assistance to poor people	There is no specific program to assist victims of crime within organization.	None
Roman Catholic Church	Spiritual and Social Services.	Archbishop Office	To offer spiritual and social assistance	There is no specific program to assist victims of crime within organization.	Spiritual Advice Referrals
Venezuelan Institute for the Family	Psychotherapeutic assistance, orientation and education of the family.	Direction	Psychotherapeutic Assistance	There is no specific program to assist victims of crime within organization.	Psychotherapeutic assistance

From all the responses, three comments deserve special attention. The first one was made by the representant of the private insurance company. According to this source, the obligation of employers to affiliate their employees to the Venezuelan Institute of Social Security should be eliminated in terms of hospitalization and surgical issues, and "only" invalidity, old age, death risks and pensions should be left to this institution. Employers, instead, should contract the services of a private company to cover hospitalization and surgical risks. This would lower the cost of the insurance and improve the medical assistance to the population since private medical organizations are better equipped. The second comment was made by a public service provider. According to her what is needed to improve public services is to acquire basic knowledge in management, to improve the selection of personnel and to use the resources each institution has in a more rational manner.

Finally, it was surprising to learn that the Link Police Office which functions in the emergency unit of public hospitals does not have the minimal resources to fulfil its main objective which is to communicate cases of crimes to legal authorities. They do not have a telephone or a car, or even a guide of the available public services. From the comments made by the officers interviewed there is no reason to believe that in the emergency units of other public hospitals the situation described is any different.

VICTIMS ASSISTANCE IN VENEZUELA FROM GENERAL SERVICES.

Table 11 presents the information obtained from the respondents about the primary responses that are made to the physical and emotional consequences of victimization. It also indicates the major shortcomings of these responses.

Clearly, a victim survey would be required to identify all the needs of victims of crime, but the present study revealed some of the major needs they have which are presently not been satisfied by the services which are currently available to them.

1. NEEDS RESULTING FROM PHYSICAL INJURIES

The Venezuelan health care "system" can be used freely by the whole population including victims of crime. However, there is considerably inconsistency in the services provided because of the lack of resources within the public health organizations, to the point that sometimes for a patient to get an injection he must provide the equipment because it is not available at hospitals!. There are a variety of organizations which offer health assistance and there is no coordination among them. Even the Ministry of Health and Social Assistance, which is the main national organization in the

Table 11: Responses to physical and emotional consequences of victimization in Caracas.

Consequence of Victimization	Current Primary Responses	Shortcomings
1) Physical Injury	a) State Medical Services b) Venezuelan Institute of Social Security c) Private Medical Services d) Forensic Medicine	- inconsistent services among health institutions - poorly equipped services - exclusions may discriminate against victims not affiliated with the organization - poorly equipped services - very costly - no guidelines to treat victims of rape - no guidelines to treat victims in general
2) Emotional Injury	a) At the discretion of the medical doctor b) Private consultation	- lack of awareness on the part of medical professionals and victim, limits the access to these services - very expensive

health area in Venezuela and has to plan, supervise and coordinate the health activities within the country, is unaware of the type, nature, quantity and quality of health services provided by other public or private organizations. Probably, the lack of coordination contributes to the lack of cooperation among health organizations. For instance, the Venezuelan Institute of Social Security offers medical

assistance but only to those who are affiliated with it. Many victims of crime are probably not affiliated and, therefore, they will not be able to receive any service from health organizations depending on this institution.

The fact that there is a variety of organizations and institutions which provide public health services in Venezuela, that most of them have a great lack of resources, and that there is no-coordination among them, creates problems in offering appropriate assistance and/or in making appropriate referrals.

The possibilities for victims of crime to recover medical costs by civil suits or reparative sentences is very remote. If available, only services for physical injury but not other expenses (e.g. transportation) are covered.

Certain medical practices can also be problematic. For instance, many victims of sexual assault find it difficult to receive the kinds of medical and legal treatment they require when they go to Forensic Medicine as there are no guidelines to treat victims appropriately. Examinations by forensic medical doctors are "only" to qualify and describe the injuries for legal purposes, and no follow-up or treatment is provided for victims. This fact, however, should not prevent the doctors from taking certain precautions in

the manner they approach victims of crime. Victims of abuse, maltreatment or violence must be treated with due recognition of the specific problems that such victimization can produce.

2. NEEDS RESULTING FROM EMOTIONAL INJURIES

In Venezuela there is little awareness on the part of medical professionals or the general public of the necessity to respond to the emotional needs of victims of crime. Emphasis is given to physical matters and it is only in exceptional and acute cases that medical doctors, who work in emergency units will decide to recommend any type of special treatment the patient may need, including psychological attention. It is only in such cases that the victim of crime may obtain psychological assistance, unless they decide to use private services which is very expensive and beyond the financial means of most victims. It was revealed in the interview with the private institute for psychological assistance surveyed that when a victim of crime has requested psychological services, the reason for the request is very rarely the crime, but other issues; however during treatment the hidden reason (victimization - mainly rape or spouse abuse) often surfaces.

OTHER NEEDSINFORMATION

After victimization occurs, victims may also have informational needs: what happens now?, who will tell me what to do?, will I have to go to court?, what will happen at the court?, when will I get my property back?. Service providers are frequently asked these and many other questions. Theoretically, all agencies must collaborate in the fulfillment of the justice administration; however, the victim of crime is not considered to be an important person in that situation, except as a witness who has also to collaborate with justice to reestablish the violated social order. There is little consideration of the victim's particular rights which have also been violated by the crime.

No organized and systematic information is provided by any agency to victims of crime. Accordingly, victims fate is left in the hands of public service providers, whether or not the victim is helped depends on the service provider's humanity, concern and on the number and nature of their personal contacts. Referrals are made in a no-systematic way; therefore, even the referral (which is almost the only "information" victims may get from the majority of agencies) may not be done appropriately. The victims' needs are often overlooked because of the organizations's regulations and

the discretion of service providers. Considering the lack of awareness on the victims of crime issue, the lack of coordination among institutions (e.g. agencies with similar or complementary objectives are unaware of the existence of others; or desinterested in cooperating with each other), and the standardization of the services which agencies provide, contribute to insensitivity among service providers in regard to other type of citizens' requests, victims may be left in the dark, and it is understandable why they have so frequently declined to request assistance.

LEGAL AID

After victimization, victims of crime may need legal aid to help them understand their role in court, the court procedures and what they may expect if they decide to participate in the administration of justice. Once they decide to become a party in the justice procedures, victims need to be assisted by a lawyer. The organizations which offer legal aid in Venezuela do so by way of advice (giving general advice to the client verbally) or assistance (representing the client in court). However, in practice these organizations mainly refer victims to criminal justice organizations where the only concern victims may obtain from law enforcement officials is the initiation of criminal procedures.

The main shortcomings of the legal aid agencies in Venezuela, as far as victims of crime are concerned, are the following: not many people know about their existence; they work with very meager resources, they do not consider that the assistance of victims of crime is among their objectives; with the very recent exception of victims of abuse, these agencies mainly advocate on civil and non-contentious matters. Legal assistance is mainly directed toward civil, labor and minor matters of poor people who cannot afford private lawyers. Those very few agencies concerned with penal matters are offender oriented and victims are not taken into account.

As far as legal assistance of victims of abuse is concerned, it seems that awareness of the issue has made certain agencies take some steps in organizing the assistance of these victims; but, in actual practice they are still in the preparation, motivation, training and organizational phases.

B. SPECIAL PROGRAMS FOR SPECIFIC VICTIMS

The study (questionnaire 2B) revealed that there are only three agencies in Caracas which offer special programs specifically for victims of crime. Table 12 identifies these agencies and indicates the objectives of their program, the

kind of service provided; the target population and the sponsoring organization. The conditions which are required by these agencies to offer better assistance to their clientele were also examined.

Table 12 is self-explanatory. No comments will be made about it as each of the programs will be described below.

It seems that Venezuela is becoming aware of the necessity of helping victims of crime. As can be seen in Table 12, three agencies have started special programs to assist specific victims of crime. Two of them are related to victims of abuse (including all members of the family), and one to victims of rape. This is a good beginning as these groups are among those most likely to suffer as a result of victimization and are the least able to find remedies for their problems.

1. PROGRAM OF DEFENSE OF THE FAMILY AGAINST MALTREATMENT (ABUSE)

This program which depends on the Ministry of Youth was started in August 1984. Through this program, the Ministry acts as coordinator of the private and public organizations responsible for children, youth and the family and tries to unify criteria among all the institutions concerned with

Table 12: Special Programs for Specific Victims of Crime.

Organization	Department Office or Program	Objectives	Target Population	Type of Service offered
Ministry of Youth	Family Department "Program of Defense of the Family against Maltreatment"	Organizational: To plan and execute programs for the protection and social development of infancy, youth and family. Departmental: To be attentive to the socio-economic development of children, youth and family.	All members of family	- Coordination of public and private agencies concerned with children, youth and family. - Orientation at community level about parenting, sexuality, use of free time, etc... - Referrals.
National Office for Child Abuse Report	"Denunciation" Department. "Program of Child Abuse Report"	To process all denunciations on child abuse; to promote child abuse advocacy.	Children	- To process child abuse reports - Referrals. - Orientation and awareness on the child abuse issue through seminars, workshops and forums.
Venezuelan Association for an Alternative Sexual Education	"Program for Attention of Women Raped"	To offer assistance to raped women throughout psychotherapeutic assistance (crisis and short-term intervention)	Women	- Psychotherapeutic assistance - Referrals.

such issues. The program comprises prevention of abuse by means of informal education to improve the awareness of the population on the need to integrate the family and respect their members. It also coordinates the assistance of abused people by processing their reports and referring them to criminal justice agencies or other agencies responsible for assisting families, children and youth. However, it does not actually provide assistance.

In October 1984, the program published a Manual of Legal Information, which presents the procedures in case of abuse (children and adults), and a list of the organizations which are responsible for assisting the family. Table 13 presents information obtained from the Manual about the organizations involved in the assistance of victims of abuse in Caracas and the type of assistance they offer.

It is important to point out that questionnaires were distributed to all the agencies which appear in table 13 and those who answered reported that they did not offer any type of assistance to victims of crime. This was probably due to the fact that they do not consider abuse to be a crime. It was interesting to find out that the type of assistance these organizations offer to abused people is very much related to legal matters - receiving the report, offering

Table 13: Organizations involved in the assistance of Abused Victims; Type of Assistance offered.

Organizations which offer primary assistance	Quantity in Caracas	Type of Assistance
1) Family Promotion Centres from the Venezuelan Institute for Minors.	11	Attention of people with family problems
2) Juridical Assistance Offices from the Venezuelan Institute for Minors.	15	Legal Advice
3) Prefecture of the Federal District	1	Receive reports of abuse
4) Civil Headquarters	17	Receive reports of abuse
5) Venezuelan Women Lawyers Federation	1	Legal Advice
1) Youth Help Office from the Venezuelan Institute for Minors	1	Prevention and investigation of cases of children in irregular situation
2) Child Abuse Report Office	1	Receive report of child abuse

Table 13: Organizations Involved in the assistance of Abused Victims.
Type of Assistance offered. (Cont'd)

Organizations which offer specified assistance (Cont'd)	Quantity in Caracas	Type of Assistance
3) Crown Attorney for Minors	2	Legal assistance
4) Judicial Police: Minor Division	1	Instruction of penal process
5) Forensic Medicine	1	Description and qualification of abuse

Note: -- advocated to abused issues.

legal advice or assistance, initiating penal procedures, or qualifying the abuse for justice administration purposes.

Another aspect that may account for the respondents' answers is the fact that the Ministry of Youth, aware of the need to offer assistance to victims of abuse and to coordinate the existing services, published information on the basis of law mandates and existing agencies; however, no procedures, other than those related to legal issues, have yet been implemented. Therefore, service providers are still probably not aware of their role in assisting victims of crime, and in actual practice, no special services are offered to victims of abuse within those agencies. It seems that they only make referrals to other agencies which are also not aware of the issue; however, this program may contribute to an improvement in the system of referrals. One may believe that victims of abuse may need alternative services that are outside the Criminal Justice System. Judging by the information gathered in this study, such programs are not available in Caracas.

Unfortunately, current information was not obtained in regard to the attention abused people receive from Family Promotion Centres, but the researcher visited one of them in August 1983 and learned that what they do is conduct a social investigation of the case and use the method of con-

ciliation among parties. However, service providers are not trained in the issue, and they usually make referrals to legal and health institutions. Special actual services to specially assist this population (e.g. psychological assistance, legal assistance in Court) do not exist. These centres have many positive features for treatment of cases of abuse if they are appropriately used. Hopefully, with the new awareness of abuse, the situation observed in 1983 may change. According to information obtained from Crown Attorneys for Minors, there are no places to refer victims of abuse to receive psychological assistance and the emotional injuries are not assessed by the Forensic Medicine Department.

The Program of Defense of the Family against Maltreatment has also helped to establish procedures to be implemented in cases of abuse which involve private and public sectors. Tables 14 and 15 present the organizations which are called to receive reports of abuse of children and adults, respectively. They also indicate the procedures that have to be followed when they receive a report of abuse. By March 1985, the organizations involved were still working on developing forms and mechanisms which could allow systematic implementation of the procedures. None of the Crown Attorneys for Minors used to send cases of abuse to any of the Family Promotion Centres. It seems that these procedures

have not yet been implemented, but they soon will be, as they are working on that. The Coordinator of this program suggested that a condition for offering better assistance to victims of abuse is the creation of new services at the community level for therapeutic assistance to abused victims.

Table 14: Abused Children: Responsible Organizations and Procedures.

Organizations which receive reports	Procedures
Prefecture	The organizations make a social report and send it to the Crown Attorneys for Minors' Offices with a copy for the Ministry of Youth.
Civil Headquarters	
Metropolitan Police	The Crown Attorney for Minors will determine, on the basis of the social report and of the expert-report from the Forensic Medicine Dept., the type of maltreatment. The procedure to follow will be different if the case is <u>light</u> (physical and psychological - not frequent - maltreatment); <u>serious</u> (physical and psychological - frequent - maltreatment); and <u>very serious</u> (frequent with severe physical and psychological maltreatment). Only in the latter two cases, there is a penal denunciation of the case. In all the cases, the Crown Attorneys for Minors have discretion to refer the case to a Family Promotion Centre.
Hospitals	
Firemen	
Venezuelan Institute for Minors	
Judicial Police	
Schools	
Child Abuse Report Office	

Table 15: Abused Adults Maltreatments: Responsible Organizations and Procedures.

Organizations which receive reports	Procedures
Prefecture Civil Headquarters Judicial Police	The organizations notify Civil Headquarters where a qualification of the type of maltreatment is provided on the basis of the expert-report from the Forensic Medicine Department.
Hospitals Firemen Municipal Judiciary Centres Juridical Assistance Offices Venezuelan Federation of Women Lawyers Programs for the Attention of Women Raped.	The procedure will be different if the case is <u>light</u> (not frequent maltreatments physical or moral); <u>serious</u> (frequent maltreatments physical or moral); and <u>very serious</u> (frequent maltreatments with severe physical and psychological consequences). In the last two cases, there is a penal denunciation of the case and the victim is referred to the Juridical Assistance Offices of the Venezuelan Institute for Minors. In the former, the victim is referred to the Family Promotion Centres of the Venezuelan Institute for Minors.
Women Shelters Juridical Clinic	

2. CHILD ABUSE REPORT OFFICE

This office is a non-profit organization which was created to process child abuse reports before responsible organizations as well as to publicize child abuse issues among service providers and the public. It proposes to serve as a link between citizens and organizations (from the public and private sectors which are responsible for children, youth and the family).

Since November 1983, efforts have been made by this office to integrate all the existing organizations which were disperse and not integrated in regard to child abuse problems. In this respect, it is admirable the work this office has been doing in terms of sensitizing the public and the service providers. Workshops, conferences and seminars have been held whose purpose has been to make service providers aware of the necessity to assist abused children and their families. This office can be viewed as the pioneer in the awareness on victim's of crime issue. Since its creation more people have become aware of the special vulnerability of children to be neglected and abused because of their lack of physical strength and their social and physical dependence. Service providers from organizations advocated to children are already cooperating and the procedures

and possibilities within each of the agencies involved are better known by the public and the agencies. Most of the work that this office started was undertaken by the Program of Defense of the Family against Maltreatment in 1984. The fact that this private initiative was very welcome by the government has facilitated enormously the consideration of the importance of introducing simple mechanisms and procedures to treat abuse among responsible organizations and institutions.

The experience of the Child Abuse Report Office, after a year of operation, has shown that bureaucracy, lack of awareness on the issue and limited resources are obstructing the assistance of abused children and their families. For instance, it seems that legal procedures are considered too long and problematic for the users. Presently, agencies involved are trying to find solutions to lessen the effect of the above mentioned factors. Currently, the coordinating organization is the Ministry of Youth.

The Director of the Office of Child Abuse Report, who answered the questionnaire, suggested that more resources and awareness on the issue is needed to offer better assistance to abused children.

3. PROGRAM FOR ATTENTION OF RAPED WOMEN

Rape victims, as well as victims of domestic abuse, are more likely than any other type of victims to need counseling services, as they may face some problems such as self-denigration, emotional damage and disrupted relationship. On the other hand, they may not find support within their families or if they do, it may be inadequate to their needs. In view of these facts, and of the increase in rape cases reported in Caracas, a private non-profit association (Venezuelan Association for Alternative Sexual Education) initiated, in March 1985, a program for the attention of women victims of rape. Its objectives are crisis and short-term intervention, as well as public education.

It proposes to orient rape victims and facilitate their recuperation "through a process of consciousness"; to treat the victims and help them with their reference groups (family, work, friends); to make referrals to medical and legal institutions, and to provide psychological services for long term intervention. Victims, who request services, are supposed to pay the minimum professional fee, but individuals who do not have financial means may also be assisted.

It is too early to make any comment about this program. The fact that they have considered victims of a specific

crime and that they offer psychological assistance to them may already be considered as a step forward in the improvement of services to assist victims of crime in Caracas. However, it seems that the fact that the program only functions from 4:00 p.m. to 8:00 p.m., Monday to Friday and that they do not have a "hot-line" telephone may make it unlikely that crisis intervention immediately after crime can be provided by them.

The respondents reported that since they had not yet received any clients by the time of the interview, it was very difficult to know what conditions would have been required to offer better assistance to rape victims.

SUMMARY

This chapter presented the response which victims of crime receive from those services which are available to the general population. It was found that these agencies do not concern themselves with the informational, legal and psychological needs of victims of crime either in policy or practice. Medical assistance may be obtained from Venezuelan health institutions, but none of them have special concern for victims of crime. This chapter also considered those special programs for specific victims of crime and the response they make to their target clientele. There are

only three agencies which are in the initiation phase. They are advocated to domestic abuse and rape victims. It was stressed that it is too early to assess conclusively the potential advantages of these programs in terms of the assistance they offer to victims' needs, but it does seem that they are contributing to a more efficient use of scarce resources and are making people aware of the victims' problems in Venezuela.

Chapter VIII

VICTIM REPARATION

This chapter discusses the response to the needs of crime victims for financial reparation. Financial reparation is often needed by victims not only to compensate them for the losses occasioned by the crime but also as an essential part of their recuperation from the victimization experience. The chapter also discusses whether they obtain fair treatment from service providers in the justice, health, social and welfare agencies so that they can avoid secondary victimization.

First, information obtained from the survey of the authorities responsible for making financial reparation possible is presented in order to determine the extent to which financial reparation law is applied in practice. Following this, a summary of the responses which victims of crime have to their financial needs is presented to indicate the main difficulties in satisfying victims' financial needs at this point in time. Finally, in order to determine the extent to which secondary victimization is likely, it also considers the assistance victims receive from agencies and whether service providers ensure that they are treated fairly.

EXTENT OF APPLICATION OF FINANCIAL REPARATION LAWS IN
CARACAS.

Penal, Civil, Traffic Judges, Crown Attorneys and Proof Delegates are in one way or another responsible for making possible the financial reparation of victims of crime, according to the mandates of Venezuelan legislation. They were interviewed about the specific measures for which they are responsible and their response was the following.

1. GENERAL RESULTS ON FINANCIAL REPARATION OF CRIME VICTIMS

The following refers to the common features which were found in the responses given by the sources.

- In none of the organizations is there an awareness of the needs of victims of crime. Most of the respondents consider that victims obtain satisfaction through the punishment of the offender and that punishment should be enough.
- In none of the organizations are there statistics of any type concerning victims of crime.
- The organizations do not apply reparation laws in the great majority of cases. The major reasons given were:
1. victims do not usually demand reparation, and 2. it

is not possible to obtain reparation because offenders usually do not have enough money to pay it.

- Most of them consider that, at this point in time, due to the practical impossibility of making financial reparation to victims of crime, other programs should be implemented. The majority of them consider that organizations other than themselves should be involved in such tasks.
- Most of them are not in favor of the financial reparation of victims of crime.

2. SPECIFIC RESULTS ON FINANCIAL REPARATION OF CRIME VICTIMS

The following refers to the responses obtained from the sources in regard to the specific measures they are responsible for.

2.1. A. Penal Judges: of the nine Penal Judges interviewed, 4 were female and 5 male. Among the female Penal Judges: two had 10 years experience as a judge, one had 5 years and one was a temporary substitute Judge. The male Penal Judges had 2 1/2, 3, 5, 10 and 14 years experience as Judges. The majority of them have had sufficient experience that would allow one to consider they would be perfectly aware of the reality of the Venezuelan Criminal Justice System.

B. Application of Financial Reparation Laws: the following were the responses to questionnaire 1B.

1. It is unusual for victims of crime to exercise the civil action jointly with the penal action in order to obtain financial reparation. In the very few cases where that has occurred, victims usually fail to prove what they have demanded; therefore financial reparation cannot be ordered.
2. The frequency with which Judges have ordered an obligation of financial reparation for the victim is very low. Three Judges have never made such an order, three did not answer, two did not remember, and only one had done so (in two cases).
3. In terms of restitution of the object or its value, although two Judges noted that they generally order that, they are aware of the difficulties in executing that order as objects are not usually found or, if they are, police procedures take time, or offenders do not have money. Three Judges answered that they never had ordered restitution, and four did not answer.
4. All Judges order offenders to pay procedural expenses of the trial in all condemnatory sentences. However, it is done only as a formality, because nothing is done in practice to make this order effective. There is not one case known by these Judges in which this

order has been fulfilled. In relation to the frequency with which a civil accusator has obtained his indemnification of prejudices, seven Judges reported they have not had these type of cases, one did not answer, and one had one case in which both orders were accorded.

5. Five Judges answered they have never ordered the indemnification of the victim, his family or a third party for material or moral damages occasioned by the crime. Four Judges did not answer this item.
6. Most Judges agreed that the measure by which inheritors of the offender are held civilly responsible is not applicable because of the socio-economic conditions of the offender's families, and that those who would be able to afford it typically evade justice. Seven Judges reported that they have never accorded it, and two did not answer this item.
7. It is not common practice on the part of the offender to restitute the stolen object in case of crimes against property. Only three Judges had reduced the penalty of the offender because they had restituted the stolen object. Two had never had a case, and four did not answer.
8. The publication of the sentence in a daily newspaper (at the expense of the offender) is not ordered frequently by Judges. Only one reported that he had

ordered it (in two cases); three had never ordered it; and three did not answer this item.

9. In case of seduction, rape, or abduction, indemnification is also not very common. The reasons given were that the victims do not request it or the offender is not financially able to provide indemnification.
10. In cases of bigamy, it seems that it is not common for Judges to order maintenance of the children and the innocent spouse. Only one Judge had ordered this measure; one had not had any of these cases; and three did not respond.
11. In cases of defamation or injurious statements, the publication of the sentence in a daily newspaper had not been ordered by any of the Judges.
12. In cases of parolees, Judges do not usually order restitution, reparation or compensation of the victim as a requirement for granting parole (the latter term is not equivalent to compensation by the state as it is in other countries; in Venezuela financial reparation is a responsibility of the offender. Although the Parole Law mentions compensation, it seems that Venezuelan Parole Law is very much based on Canadian Parole Law; however, the Venezuelan state has not established measures to make compensation of the victims of crime possible). Only one Judge reported that he had ordered a few times that the parolee must con-

tribute to the expenses experienced by the victim. The rest prefer to request other types of conditions. The reasons given were that if the offender did not have economic means to make financial reparation at the moment of the sentence, they would have fewer possibilities after being in jail.

13. Seven Judges suggested that victims must participate more actively within the process to help in the administration of justice. Two Judges noted that this would not be necessary as this would involve more work which would contribute to an increase in judicial delay.
14. According to Judges, it is not procedural limitations which prevent compensation. The limitations are related to the actual impossibility on the part of the offender to make financial reparation or to the fact that victims do not request it. In their opinion, they have too much work to do to be concerned with an issue that is seldom requested and is impractical.

2.2. A. Civil and Traffic Judges: two male Civil Judges, with 10 and 20 years of experience as judges, and two female Traffic Judges with 10 years of experience responded.

B. Application of Financial Reparation Laws: the following were the responses given to questionnaire 1C:

1. In the Civil Courts, victims of crime seldom exercise civil action to obtain financial reparation for the damages occasioned by crime. However, victims of traffic accidents, very frequently exercise civil action in Traffic Courts to obtain financial reparation.
2. Reparation of material damages is more frequently ordered by these Judges. Moral indemnification is accorded in some cases as well, but not always, because it is difficult to prove.
3. Only one Traffic Judge reported that victims of crime must participate more actively in the process to avoid unfair agreements between the victim's lawyer and the offender's lawyer. So to speak, as victims do not understand the justice process, they are in the hands of lawyers who may, in some instances, not take good care of their interests. The other 3 Judges suggested that victims do not participate in the process since their interests are represented in Court by their lawyers.
4. As Judges do not maintain any type of statistics on victims, it was not possible to obtain information on the number of cases in which they have ordered financial reparation.
5. Civil Judges did not answer the question about limitations in making financial reparation possible. One

Traffic Judge reported that there is no type of limitation and the another one noted that victims should be more attentive to keeping receipts of expenditures to be able to prove to the court the financial damages they claim were occasioned by the crime.

2.3. A. Crown Attorneys: of the twelve Crown Attorneys interviewed, seven were female and five male. They had from 3 to 10 years experience working as Crown Attorneys. (One Crown Attorney of the plenary had only 10 months in her job).

B. Application of Financial Reparation Laws: the following were the responses given to questionnaire 1D:

1. Three sources reported that there is a lack of awareness on the part of the Crown Attorney Department about the necessity of assisting victims of crime in their recuperation from victimization and that this should be changed in the sense that victims' assistance must be systematized. Five reported that things should continue as they are because the Crown Attorney Department already offers assistance to victims of crime. Nine suggested that other organization must be made responsible for assisting victims of crime. /

2. Eight Crown Attorneys considered that victims of crime should participate more actively in the process; two considered that they should not; and two did not answer. Those who answered suggested that victims should participate in the process to collaborate with the administration of justice in the procedures.
3. None of the Crown Attorneys have exercised penal and civil actions jointly to obtain financial reparation for the victim of crime. It was not possible to obtain information on the frequency with which the General Crown Attorney had authorized this procedure.
4. The main limitations with the Crown Attorney Department to exercise penal and civil actions jointly in order to make financial reparation possible for victims of crime is lack of awareness of the needs of victims' needs on the part of Crown Attorney personnel. They do not inform the victims of crime about their right to obtain financial reparation and, therefore, victims do not do so. Crown Attorneys appear to feel that because of the victims' lack of awareness and the lack of human resources in the institution, there is little point in taking action - they have to deal only with what is possible in reality given the financial limitations of the institution. They feel that, unless more resources (human, financial and material) are provided to the organization there is no

point in publicizing the right of poor victims to request that Crown Attorney exercise for them both penal and civil action; with the resources they are actually working with, it would not be possible to answer all potential requests poor victims may make.

2.4. A. Proof Delegates: of the nineteen Proof Delegates interviewed, only one was male. They had different professional backgrounds, the majority being social workers, but there were psychologists, sociologists, educators and lawyers as well. The majority of them had been working as Proof Delegates from 3 to 4 years, with the exception of three who had been working from 8 to 10 months.

B. Application of Financial Reparation Laws: the following were the responses given to questionnaire 1E:

1. Table 16 presents the quantity of active parole cases; the frequency with which financial reparation was ordered for the victim; the type of crime; whether or not reparation was made; if not, why; if yes, the way in which it was made. Unfortunately, the characteristics of victims and offenders were not available in all cases, therefore, they are not presented.

Table 16: Application of Financial Reparation Laws by Proof Delegates.

Proof Delegates	No. Active		No. in which Financial Reparation to the victim was accorded	Type of Crime	Whether or not it was made effective		Ways in which it was made effective
	From-to	No. Cases			Y/N	Why	
1	83-85	5	0				
2		0	0				
3		0	0				
4		7	0				
5		1	0				
6	82-85	23	1	Seduction	NO	The father of the minor did not want it.	
7	83-85	16	1	Homicide	NO	The offender did not have financial resources. Victim was not contacted.	

Table 16: Application of Financial Reparation Laws by Proof Delegates. (Cont'd)

Proof Delegates	No. Active	No. in which Financial Reparation to the Victim was accorded	Type of Crime	Whether or not it was made effective	Y/N	Why	Ways in which it was made effective
8	81	1	Personal Assault	YES			1) A wheelchair 2) Financial aid for the family for 2 years according to offender's income. 3) Scholarship for children of victim through the Ministry of Education.
9	81-85	2	Homicide	NO		Lack of economical resources of offender	
10	81	1	Rape			Lack of economical resources of offender	
11	No answer		Homicide				
12	84-85	8					

Table 16: Application of Financial Reparation Laws by Proof Delegates. (Cont'd)

Proof Delegates	No. Active From to	No. Cases	No. in which Financial Reparation to the victim was accorded	Type of Crime	Whether or not it was made effective Y/N	Why	Ways in which it was made effective
13	83-85	12	0				
14	84-85	13	7	4 Homicide 3 Against Property (robbery, theft)	NO	The offender did not have financial means (even to help the victim with funeral expenses).	
15	81-85	22	2	Homicide Personal Assault	NO	Judge did not establish ways of making restitution.	
16	83-85	8	2	Robbery	NO	1) Victim did not accept. 2) Proof Delegate did not consider this requirement.	
17	81		1	Robbery	NO	The victim was not able to be found.	
18	84-85	0	0				
19	83-85	15	0				

Proof Delegates supervise probationers and parolees. Parole is a measure which is not very frequently accorded in Venezuela. Among the few active parole cases, very few have involved orders for the financial reparation of victims of crime. This measure is almost always considered in crimes against the person, but it has also been accorded in some cases of property crime. Reparation was possible in only one case; a case in which the Proof Delegate used her personal contacts to help the victim and his family. She obtained a wheelchair and scholarships for the victim's children. She also established, in keeping with the offender's income, financial aid to the victim's family, up to \$ 500,00 (Bs. 5,000).

The rule is to not make financial reparation to the victim. The main reason is lack of financial means on the part of the offender, but also a lack of guidelines, a lack of information about the victim, a lack of awareness of the victims' needs on the part of Proof Delegates, and, surprisingly enough, many victims do not want anything which comes from the offender. In two cases in which financial reparation was accorded and the victim was contacted, they refused to accept any financial help from the offender.

2. The parole law establishes that the conditions in ordering parole include reparation, restitution and compensation. The different types of measures for obtaining financial reparation in Venezuela were pointed out in chapter IV. As Proof Delegates are not given guidelines to apply those measures, they were asked what they understood by those measures they have to apply. Most of them did not know the meaning of these words or did not have a clear idea of the difference among them. Most reported that they had not thought about it before the question was asked. All of them gave different answers; some of them even thought there is no difference among these measures.
3. Proof Delegates do not have guidelines to ensure that a reparation order is fulfilled. When they have a parole case which has a financial reparation condition, they try to create consciousness in the offender of damages occasioned to the victim, and if the offender has financial resources to make financial reparation they would contact the victim; however, this rarely occurs in practice. According to them, there are no possibilities within the program to make offenders give financial reparation to the victim. Most of them disagree with giving financial reparation to the victim.

4. Most responded that Judges must consider the circumstances in which the crime occurred and the financial situation of the offender when they decide about ordering the financial reparation of the victim of crime. Only one reported that Judges must consider victims' needs. The majority agreed that certain guidelines must be given to them by the Judges to make reparation possible, and that Judges must individualize the conditions imposed and not limit themselves to writing the articles of the parole law in the order.

REPARATION AND SECONDARY INJURIES OF VICTIMS OF CRIME IN
VENEZUELA.

The present study revealed some of the major needs Venezuelan victims of crime have which are not presently satisfied by the services currently available to them. Table 17 presents the primary responses that are made by Venezuelan organizations and institutions to the financial consequences of victimization. It also indicates the primary responses from service providers to avoid secondary victimization and the major shortcomings of these responses.

Table 17: Response to financial and secondary consequences of victimization, in Caracas.

Consequence of Victimization	Current Primary Responses	Shortcomings
1.) Financial Injury or Property Damage	a) Private Insurance b) Civil Justice System c) Criminal Justice System d) Social Security Schemes (pensions for handicap, partial or temporary inability and death of beneficiary resulting from any type of accident) e) Devolution of Objects f) Correctional System	- coverage not universal - little actual reparation is obtained - free legal assistance in Court for victims of crime is seldom offered. Private lawyers may be very costly - restitution, reparation and indemnification are not frequently obtained in practice. - exclusions may discriminate against victims not affiliated - no adequate mechanisms of reclamation - is not done with the victim in mind - reparation, restitution and compensation are not frequently accorded as conditions for Parole. When it is, it does not result in any financial remedy for the victim

Table 17 (Cont'd)

Consequence of Victimization	Current Primary Responses	Shortcomings
2) Secondary Injury	a) Law Enforcement Officials Police Crown Attorneys Judges b) Social, Medical, Legal, Psychological, Information and Educational Service Providers	- no specific service is provided to assist victims of crime. - service for victims of crime are beginning to emerge, but they are not fully established. In general, no specific service is provided to assist victims of crime

1. NEEDS RESULTING FROM FINANCIAL INJURY or PROPERTY DAMAGE

Those victims who do obtain financial satisfaction after victimization generally do so through participation in private insurance schemes. However, not everyone can afford insurance. Furthermore, there are many forms of property which have an emotional or sentimental significance which cannot be replaced by any amount of money. The Criminal Justice System does not deal successfully with financial losses of victims of crime, although they can also make use of the civil law process to obtain reparation for their losses. However, this is of limited value for most victims because it is difficult to identify the offenders and bring

them to justice. Even if it can be done, there is still no guarantee that the accused will be found legally responsible. If he is, in the majority of cases he is not able to make reparation for the harm done. Moreover, as judicial delay is remarkable in Venezuela, it will take years until the penal action is decided, and as it must occur before civil action, it will take a very long time to make reparation possible, therefore limitation periods may be an impediment to launching a civil action for damages. Furthermore, damages have to be proven in court which must make an "appropriate award"; but there is no coherent framework of theory and principles for assessing damages and no clear guidelines for establishing the amount of monetary restitution necessary.

The victim does not generally find satisfaction within the criminal law process. Little use is made of reparative sanctions; the focus on sentencing is on the needs of society. The sentencing process is not designed to give priority to the needs of the victims, nor even to take them into account. In order to participate in the Justice System, victims must be assisted by a lawyer. Although Crown Attorneys or lawyers designated by the court can represent the civil interests of victim of crime who do not have financial means this rarely occurs in practice. Free legal assistance is very seldom offered to victims of crime by legal aid

offices. These facts make it almost impossible for certain victims of crime to participate in the justice procedures, as their resources may be whittled away by the legal costs involved in bringing any action to obtain satisfaction for their losses, and other costs incurred in executing the court's decision.

Victims can obtain the devolution of stolen objects from the police and even Penal Courts may accord the devolution "officially", but there is no process which makes it easy for victims of crime. Bureaucracy, lack of guidelines about victims, and lack of sensitivity from authorities makes it a complicated process in which most victims of crime would rather not participate.

The Venezuelan Institute of Social Security offers loans and pensions to affiliated workers who die or have accidents (no matter the cause). It was not possible to obtain any information from this institution about what benefits victims of crime who are affiliated may receive from these schemes. It must be noted that any benefit would be limited only to workers affiliated with the institute. It has been argued that this institution does not have established mechanisms for making "formal" claims, as the practice for making claims is having a friend within the institution (Ministerio de Justicia, 1982). This situation may add

inconveniences to crime victims if they ever need to request any of the benefits this institution might provide.

Overall, a number of changes are required in both legal assistance and government policy and practice before any significant improvements can be expected in this area.

2. NEEDS RESULTING FROM SECONDARY INJURIES

It has been contended that some victims may suffer additionally when they try to find remedies for the direct consequences of victimization. Secondary injuries are engendered by lack of concern of service providers for the victims' needs to be treated fairly and with respect and care. The vast majority of service providers are people of good will who are doing the best they can with the limited resources they are provided and the imperfections of the systems in which they work. However, law enforcement officials, may respond to victims without sensitivity because they are primarily concerned with retribution and with enforcing the law. Service providers from the justice, health, social and welfare systems are often unaware of victims' needs. Moreover, victims of crime are often unaware of their right to have a place in those systems and to be treated accordingly.

After victimization occurs, victims may go to different social, legal, health and welfare agencies requesting assistance and information. Furthermore, if they decide to report crime to legal authorities they will have a number of responsibilities such as to make a declaration to the Judicial Police and identify suspects, and later on they will have to ratify in Court the declaration made to the Judicial Police. All these are designed to aid in obtaining the punishment of the offender.

Although in Venezuela, in the plenary part of the trial, anybody (including crime victims) may have access to their file (expediente); no organized practices to provide information to victims on their "own" case exists in any phase of the process. Studies have reported that victims of crime experience so much confusion, inconveniences (loss of time, money, work), interrogations and humiliation (people disbelieving or discrediting their stories and blaming them for their victimization) that sometimes they prefer not to report the crime.

At this point, it is known that, with the exception of victims of abuse (family and children) and rape (women), for whom some special programs are in the initiation phases, no other type of victims have been considered, no other type of services have been provided, and very few needs of the vic-

tims are actually satisfied. It is expected that these new special programs will consider the suffering that secondary victimization can cause for victims; otherwise, they would be missing their main purpose.

Overall, there is a need for service providers to be willing to acknowledge the impact of their current practices on victims of crime. This would include a reassessment of victims' needs and a hierarchization of possible activities. This would also include the expansion and/or improvement of the quality of their services to victims, and mostly, a cooperative working relationship among agencies which provide services.

SUMMARY

This chapter presented the findings related to the application of financial laws by the authorities responsible for making financial reparation possible to victims of crime. According to Venezuelan law, crime not only provides punishment and security measures, but also civil consequences for the offender to enable reparation of victims for the damages and harm occasioned by the crime. The results showed that, in practice, most victims of crime have little or no real possibility to obtain financial redress. It is unusual for victims of crime to request financial reparation either in

Penal or Civil Courts; however, it seems that victims of traffic accidents do so more frequently. This tendency of victims of crime to be reluctant to pursue civil action seems to be based upon a realistic assessment of their low chance of success. Even successful civil suits are likely to be a costly, frustrating and time-consuming adventure for most victims of crime as in none of the organizations interviewed is there awareness of crime victims' needs, and there are no established guidelines in relation to the monetary restitution needed to satisfy the victim.

It also considered the secondary injuries that may be produced after victimization because of the lack of awareness or sensitivity to victims' needs, the lack of services directed toward their assistance, the lack of interest in considering victims of crime as part of the objectives of most agencies and the lack of resources with which the majority of agencies operate. In regard to the Justice System, secondary victimization may be worse as they have to be involved in a complex, expensive and an almost unknown process. Moreover, the difficulties faced by victims in their attempts to obtain reparation for losses they have suffered, and the law enforcement officials' failure to provide information, tend to make victims feel ignored, and unimportant and to feel that the Criminal Justice System is organized to respond only to crimes and to offenders, not to victims.

SECTION 4 - DISCUSSION

Chapter IX

CONCLUSIONS AND RECOMMENDATIONS

For too long victims have been ignored, forgotten or, at least, neglected by a Criminal Justice System. They have been left to be treated simply as witnesses whose only function is to provide testimony which would enable conviction and punishment of the offender, and thereby provide some satisfaction for the public's interest in securing a response to public wrongs. Victims have traditionally had only a minor role in the process and their needs have, until recently, seldom been considered or, if considered, accorded priority. This is the state of affairs in many countries. This thesis has demonstrated that it is certainly the case in Venezuela.

Victims of crime have recently become an important concern for criminal justice agencies and health, social and welfare agencies in the public and private sectors in many countries throughout the world. The recent surge of interest in victims of crime is a reflection of a number of factors. Perhaps foremost among these is an increasing awareness of the suffering that crime⁷ can cause for the victims.

Victims can suffer in at least three major ways as a direct result of crime: 1. physical injury; 2. financial and property loss; and 3. trauma and distress. They may also suffer by their involvement in the criminal justice process as a result of inconvenience, and, often, discourtesy and humiliation (Canadian Council on Social Development, 1981).

In many, perhaps most instances victims receive very little assistance to help them recover from the physical or psychological effects of the crime or to reparate them for their losses (e.g. by restitution or compensation). Moreover, they are seldom informed about their obligations and rights in the criminal justice process (particularly in Court); they may not even be informed about the progress of the case; and they are unlikely to be consulted on any decisions that are made. It has increasingly been recognized that crimes and the state's response to those crimes create considerable suffering for the victims of crime.

Ironically, while the concern for victims of crime has been fostered by the recognition of the possibility that they will suffer if they participate in the criminal justice process, the increasing interest for victims has also been stimulated by a growing recognition that the success of the Criminal Justice System depends on the cooperation of vic-

tims in reporting crimes, providing information in the criminal investigation and testifying in Court.

Concern for victims has also been motivated by a political/moral consideration - the state has an obligation to protect crime victims and assist them in their recuperation from the effects of crime.

UNITED NATIONS DECLARATION

1

The growing concern for victims of crime has been reflected in a recent proposal of the United Nations. In August 1985, the United Nations, recognizing that dignity and the equal rights of all people are the foundation of freedom and justice, that victims of crime are unjustly subjected to loss as the result of crime and that victims may also suffer by their participation in the Criminal Justice System, drafted a proposal to recognize the rights of victims of crime and to "establish ways and means of ensuring their protection, redress of wrongs and humane treatment" (United Nations, 1984b, Annex: Draft Declaration on Justice and Assistance for Victims). This proposal will be presented at the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders.

The proposal includes a number of general principles on which the rights are based and a number of articles related to several particular rights. In discussing the results of the present study these principles and rights will be noted and the degree to which they are accepted and applied in Venezuela will be indicated, and a number of recommendations made.

1. REPARATION

The United Nation proposal states that one of the primary goals of the process of justice must be reparation to the victim. Specifically, it declares that a victim has a right to obtain fair reparation from the offender, including restitution of property. Moreover, it is declared that offenders should be accountable for reparation to victims or, where appropriate, to their dependents for the loss, pain and injury they have caused.

The kinds of losses and damages for which victims should obtain reparation include the following: loss of life; impairment of health; pain and suffering (both physical and mental); loss of liberty; loss of income and earning capacity or support; loss of or damage to property or deprivation of the use of property; special damages, expenses incurred by the victim as a result of victimization (e.g. medical,

legal, transportation, funeral and burial expenses). They should also receive reparation for intangible damages, such as loss of reputation.

VENEZUELA

The present study found that in Venezuela there are laws which establish the responsibility of the offender to make reparation to the victim. The laws provide regulations to govern the reparation of the victim, specify the different types of orders (reparation, restitution, indemnification) which can be accorded by the justice system and the procedures which must be followed.

The underlying principle of these laws is that the offender is considered to be responsible for the reparation of the victim; the rule is that if the accused is found criminally responsible, he or she is automatically civilly responsible as well. However, the actions which are involved are independent: the offender may be punished and also may be compelled to make restitution to the victim as a result of a civil action or of a reparative sentence.

The Venezuelan Justice System specifies two approaches through which victims of crime may obtain reparation for their losses: they may seek civil redress for the damages or costs that they suffer as a result of the behavior of

another individual either in 1. a civil or 2. a criminal court. These two approaches are not mutually exclusive and it is possible for victims to seek redress through either or both processes.

Victims must be assisted by a lawyer in order to become a party in the justice process. If the victims are poor and cannot afford a lawyer, they must first be declared poor through a court hearing and then they must ask the court to appoint a private lawyer to represent the victims' interest in court. The lawyer will be reimbursed by the state. Alternatively, the General Crown Attorney may appoint a Crown Attorney representative to exercise jointly a penal and civil action.

In law, devolution of stolen objects may be ordered by Penal Judges. The law also specifies the procedures which are to be followed by police for returning stolen objects to the victims.

There is a dramatic contrast between what is specified in the law and what occurs in practice. Although the law clearly espouses reparation and clearly specifies how it should be ordered and regulated, in actual practice it seldom is ordered by the court or obtained by the victim. There appear to be a number of reasons for this. Victims do

not usually request civil reparation; victims are seldom able to pursue civil actions because they cannot afford private lawyers; obtaining legal support through "poor" declarations is complicated and slow; the few centres which provide free juridical assistance do not consider victims of crime to be their priority. Moreover, the possibility of launching a civil action based on a definitive penal sentence is greatly limited because of the remarkable judicial delay in Venezuela (on March 14, 1985, 19,247 of the 25,292 inmates were waiting to be sentenced). (Ministry of Justice: Statistic Department, 1985).

Even when victims obtain a successful civil suit they must also secure a lawyer to go through an additional procedure - requesting another court to order executive seizure of the offender's property. Moreover, there are no clear guidelines for assessing damages or the amount of monetary indemnification required to reparate the victim.

Victims must prove all the damages they claim to have suffered; even if they do, they are not likely to obtain reparation if, as is often the case, the offender does not have the financial means to pay. No practical policy has been developed which would enable the reparation of the victim by an offender who is insolvent (as is usually the case). Although penitentiary law requires that one third of

the money that an offender earns through his work in prison should be saved for him till the time of his release, the purpose of this "peculio" is to help the family of the offender. Nothing of this nature has been established for reparation of the victim of crime. Moreover, the enormous judicial delay which exists in Venezuela has created a crisis in the Penitentiary System, which has reduced the opportunities for work in those institutions where some type of work might be allowed. It is also impossible to consider reparation by the offender since inmates awaiting trial (76%) are not allowed to work.

Perhaps because of the foregoing factors, very few reparative sentences are ordered by Judges. Crown Attorneys, Judges, Proof Delegates are not very much in favor of reparation by the offender.

RECOMMENDATIONS

1. The present study made it clear that until certain reforms in the Justice and Penitentiary Systems are introduced, the possibility for victims of crime to obtain financial reparation by participating in the administration of justice is very remote. It is not the law that is the problem, it is the implementation and the administration of the law that needs to be modified.

2. It is essential that guidelines be established and practices be instituted which will ensure that assessment and response to the victims' need for reparation becomes an integral part of the process.
3. These mechanisms must be accessible to all victims, must be understandable to them and their availability must be communicated to them.
4. The availability of legal aid must be extended to enable victims to become an important party in the justice process and to request reparation.
5. Legal and social research is needed not only on methods of getting the offenders to financially reparate crime victims, but to seek ways to establish briefer and less complicated tort actions by victims since it is clear that judicial bureaucracy and the complexity of juridical orders makes reclamation difficult.
6. Designate a court agent to interview the victim and present information to the court about the damage and harm occasioned to the victim by the crime.
7. Changes in attitude of law enforcement official responsible for financial reparation, so reparation is ordered more frequently and becomes an option in practice.
8. Modification of justice procedures to decrease judicial delay.

2. COMPENSATION

The United Nations proposal states that when insurance programs are insufficient, the state should provide compensation to assist crime victims who cannot obtain reparation from offenders. State compensation should be provided promptly and should include financial awards for physical or mental injuries, rehabilitation, loss of income and funeral expenses.

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In Venezuela, the state has no compensation programs for victims of crime. The only way for victims to get compensation is from the offender - a possibility which this study has indicated is remote.

In contrast to reparation of the victim by the offender, compensation of the victim by the state is not even contemplated in the law; the only law which establishes compensation is the Parole Law (as a condition for the offender to obtain parole). Therefore compensation in Venezuela is not equivalent to the term compensation used in other countries to describe the obligation of the state to compensate crime victims. In Venezuela, compensation has not been defined in theory or in practice.

RECOMMENDATION

Two interrelated actions must be taken to ensure that victims are adequately compensated for those losses which cannot be repaired by the offenders: 1. improving social insurance and 2. legislation based on the study of the various approaches to providing adequate and efficient state compensation. It is recommended that when legislation is enacted that the police be assigned responsibility for advising victims of the possibilities of being compensated and that a Compensation Board be established.

3. SUPPORT TOWARD RECOVERY: SERVICES

The United Nations proposal urges that the state should ensure the necessary physical, psychological and social assistance and support for victims including legal services, material aid and prompt return of their property. The World Federation for Mental Health has also urged that attention be given to the "post-traumatic stress disorder" that many victims of crime experience after victimization. This is the American Psychiatric Association term for fear, anger, repulsion and immobility that may consume victims after a sudden arbitrary attack which threatens their person or their security (Waller, 1982).

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The present study yielded clear evidence that the provision of services for victims of crime in Venezuela falls far short of the recommendations of the United Nations.

GENERAL SERVICES:

- The majority of social agencies do not consider victims of crime to be a matter of their concern. Victims are systematically neglected by most social agencies both in policy and practice.
- There is very little awareness of the needs of victims of crime either in the Criminal Justice System or in the Health, Social and Welfare Systems.
- There is a lack of sensitivity on the part of many social service providers to the material, social and psychological needs of crime victims. The majority view assisting victims of crime as an act done for humanitarian reasons rather than as a part of their role or duty. There is no universality of assistance since it depends on the particular social service agent with whom the victim comes into contact and the agent's personal interest, willingness and possibilities to help.
- "Victims of crime are not our responsibility" is the stated position of most social services agencies.

- The main form of assistance which victims are likely to receive is a referral. Referrals are unlikely to be helpful because there are so few places to which they can be referred where they can actually receive any service other than another referral...
- Service providers often have no knowledge about the availability of services or their nature (even when some services are similar to or complement those that they provide themselves).
- There is an almost total lack of coordination among social agencies which could provide service to victims. This not only makes the referral process inefficient, it also means that victims experience long delays in receiving services or that they receive none. It also means that victims never learn that some services might be available to them because the agency with which they have contact is simply unaware that any agencies are offering services. The lack of coordination and cooperation is augmented by the dispersity of organizations, inter-institutional jealousy and by gaps in the regulations governing organizations.

There is very little reason to believe that there will be an early or easy resolution to this coordination problem, but some encouragement can be taken from the interest some social agencies have been showing in

exploring possibilities for greater cooperation and coordination in the provision of services at the community level. The issue of services to crime victims is seldom considered in these initiatives, but the Crime Prevention Department (Ministry of Justice) and the Family Department (Ministry of Youth) have shown interest in co-ordinating services for victims.

- Very little information is provided to victims as to their rights or the services which are available to them. When information is provided it is done in a haphazard fashion.
- Victims are often unaware of their own needs for assistance (particularly psychological assistance) and never consider the possibility that they might or should be entitled to some help.
- The United Nations recommends training for police, medical personnel, community workers, the judiciary and justice workers and others who come in contact with victims (e.g. lawyers, psychiatrists, social workers) to sensitize them to the needs of victims and to develop their skills in working with victims. No such training is provided in Venezuela.
- The majority of public service agencies work with very meager resources. Some consider that publicizing the needs of crime victims would increase the demand for services which they cannot afford to provide.

- Health institutions provide assistance for the direct physical consequences of the criminal act, but psychological assistance is offered only in acute cases. Sometimes emergency-room staff and doctors are insensitive to the emotional trauma experienced by victims, and the special needs of women who have been raped (cf. Waller. 1984).

The health care "system" in Venezuela is in the hands of a considerable number of organizations, which provide an endless number of institutions for medical assistance to the Venezuelan population. A national system of health has not yet been implemented and there is very little coordination and co-operation (even at the policy level) among the organizations which are engaged in health services in Venezuela. Even the Health and Social Assistance Ministry, which is the major national organization in this area does not control all the public and private medical institutions within the country. Each organization operates independently in policy, organization and function.

- Some churches or religious organizations are concerned with the problems of offenders and provide some services to them and their families in an organized fashion. However, there are no such organized services for the victims of crime.

• The United Nations recommended encouraging community organizations to become involved in victims assistance. In Venezuela, there have recently been efforts to motivate and organize the community to participate but these efforts have not yet had much impact because of the lack of coordination among the institutions involved. As pointed out before, the awareness on victims' needs is not yet present in the programs developed to organize communities. The North American trend to the use of volunteers in social agencies is rare in Venezuela.

SPECIAL SERVICES

The United Nations recommended that special efforts be made to assist victims of domestic violence and sexual assault, and that special attention be given to the needs of individuals who are particularly vulnerable because of age, sex, disability, race, religion or nationality.

• Recently efforts have been made in Caracas to implement special programs for victims of child abuse, family maltreatment and rape. These efforts mainly comprise coordinating the agencies which are already involved in work with children, youths, families and women, and coordinating them to provide assistance to those who have been maltreated or raped. However, the programs are only in

the organizational stages. For instance, the Program for Assistance of Raped Women provides psychological assistance; however, it is not yet organized to provide crisis intervention. These special programs are neither permanently or adequately financed; they lack staff trained in victims' assistance and they have received very little publicity.

- No special services are provided for other special groups of crime victims such as the natives, the elderly or the survivors of violent crimes.

SUMMARY OF SERVICES

Although the availability of services in Venezuela falls far short of the standards recommended by the United Nations, there are some services available. Unfortunately, as indicated in Table 18 which summarizes these services, most have major shortcomings and limitations.



Table 18: Services available for Victims of Crime in Venezuela

Services or Programs available	Directed to	Type of assistance offered	Where it functions	Main limitations and shortcomings
Services for the general public, including victims				
	Health Services	all victims	a) Physical and private health organizations b) Psychological (at medical doctor's discretion)	- Lack of awareness of victims needs - Public Health organizations have limited resources
	Financial Aid	Insured victims	Private companies	- Coverage is not universal
	Legal Aid	Poor victims	Public and Private agencies Legal assessor and assistance	- Lack of awareness of victims needs - No publicity - Rarely offer legal assistance in court to victims of crime

Table 18: Services available for Victims of Crime in Venezuela (Cont'd)

Services specifically for victims	Services or programs available	Directed to	Type of assistance offered	Where it functions	Main limitations and shortcomings
a) Outside the Criminal Justice System	1) Child Abuse Report Office	Children	a) Take reports of crime b) Make referrals to legal authorities	Children Hospital	- New (Nov. 1983) - Lack of financial support - Not much publicity
	2) Program for Attention of Women Raped	Women	a) Psychological assistance b) Referrals to medical and legal services; referrals to psychological services for long term treatment	Venezuelan Association of Alternative Sexual Education	- New (March 1985) - Not adequate for crisis intervention
	3) Program of Defense of the Family Against Maltreatment	All members of the family	a) Advocacy to victims of maltreatment or abuse b) Unify criteria and coordinate activities among service provider and agency in the area. c) Take reports of crime d) Referrals to social services and legal authorities	Ministry of Youth	- New (August 1984)

Table 18: Services available for Victims of Crime in Venezuela (Cont'd)

Services specifically for victims	Services or Programs available	Directed to	Type of assistance offered	Where it functions	Main limitations and shortcomings
b) Within the Criminal Justice System	1) Civil Tort	all victims	Financial reparation	Penal, Civil and Traffic Courts	- Does not result in any significant degree of reparation
	2) Criminal Procedure	all victims	a) Punishment of the offender b) Financial reparation	Penal Courts	- Financial reparation is unlikely to be made
	3) Poor victims may get Crown Attorneys to exercise jointly civil and penal actions or may get the court to designate a private lawyers, paid by the state.	poor victims	Financial reparation	Crown Attorneys	- Lack of awareness among victims of crime - Rarely enacted - Slow and complicated

RECOMMENDATIONS

1. Increase the resources for services for victims of crime and encourage the extension, improvement and establishment of programs and services where victims can obtain both emergency and long-term medical, material, and psychological assistance. In this regard, the specific nature of the needs of crime victims in Caracas must be determined in order that appropriate services can be extended or established and in order that priorities for expenditures can be determined.
2. Determine which public and private agencies or institutions should be responsible for services for crime victims.
3. Identify the specific components of the Criminal Justice System and the Social, Health and Welfare "Systems" which should provide service to crime victims and the specific responsibilities which each should assume.
4. Achievement of recommendations 1, 2 and 3 will provide the necessary information base for the fourth recommendation: establishing and maintaining co-operation and co-ordination among service providers, and avoiding unnecessary duplication and fragmentation of services.

5. The dispersity of services and division of authority in the justice, health, social assistance and welfare systems make it difficult to coordinate efforts and to articulate a single and integrated policy for victims. Study should be made of the possibility of establishing a central organization to integrate policy, communicate information, and to plan and co-ordinate services for victims of crime.
6. Agencies which are currently engaged in stimulating, organizing and educating citizen groups involved in community activities should include the issue of victims of crime.
7. Priority should be given to the establishment of victim service units at police stations, courts, Crown Attorney and Ministry of Justice offices.
8. Develop an efficient referral system.
9. Establish psychological interventions to provide support and understanding, reduce self-blame, restoring trust, desensitize incapacitating fears and anxiety precipitated by trauma, manage hostility and address sleep disturbances, guilt and difficulties in concentrating. These interventions must be guided by appropriate theory and research and evaluated field trials. Attention must also be paid to whether assistance aids or hinders the victims' recovery.

10. Persons who interact with victims early and frequently (family, friends, bystanders, police, medical personnel, judges, prosecutors, and court staff) must be tapped as important sources of helpful intervention (Waller, 1985).
11. New services must be established. In view of current economic restraints, whenever possible, they should be provided by existing agencies (working in a coordinated manner) rather than by a potpourri of new agencies whose establishment would require excessive expenditure of funds.
12. Encourage agencies in the Justice, Health, Social and Welfare Systems to be more attentive to the needs of victims of crime.

4. ACCESS TO JUSTICE AND FAIR TREATMENT

The United Nations proposal states that victims have a right to access to justice and are entitled to "humane and fair treatment before judicial, administrative and social institutions..." (art. 5, U.N. draft, May 1985).

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In Venezuela, at this point of time, victims of crime are still not considered important either in policy or in prac-

tice by the majority of agencies and institutions in the legal, health and welfare fields and, as this study clearly demonstrated, there is a general lack of awareness or concern about victims' needs and inconveniences.

This state of affairs is particularly prevalent in the justice area; very few criminal justice policy makers or practitioners consider the assistance of the victim as part of their responsibility. For instance, Police, who are the first officials to meet the victims after crime are not sufficiently sensitized to the need to treat victims with humanity, care, respect and courtesy, or to be careful to avoid creating more discomfort and distress for them than that which crime has already produced. The same can be said about the rest of the law-enforcement officials. Judges avoid contact with victims in case their judgement becomes biased. Crown Attorneys represent mainly the interest of "society" rather than the particular interests of victims; they feel they must "not take sides" in justice procedures because they represent "good faith" in the justice process. Ironically, they fail to consider that "good faith" and justice can only be served if a balance of all circumstance that relate to a crime are taken into account; specifically, they ignore the suffering of victims and the problems which they experience not only as a direct result of crime but as a result of the insensitivity of criminal justice agents. Proof Delegates consider that their role requires that they

assist only offenders and therefore, in those few occasions where reparation is ordered, little consideration is given to victims. Too often, victims may feel that justice has not been served and that "good faith" is absent in the justice process.

In general, helping victims to obtain assistance or access to justice is considered to be the role of lawyers, not that of court officials or law enforcement agents. Victims are not even provided with information by these institutions about what access to justice they are entitled to, or how to obtain it.

Victims of Crime are also not considered by most of the other social, health and legal agencies and institutions which provide services for the general population to be their responsibility. Whether or not victims receive assistance is essentially a matter of chance - whether they are lucky enough to find a "humanitarian" person who may be willing to help and has "good contacts".

It should be noted that with the recent initiation of a few special programs for specific types of crime victims, service providers are beginning to become aware of the need to treat victims in a fair manner (at least the victims that these programs consider). Many of the people involved in the

assistance of victims of maltreatment and rape have become sensitized to the victim issue, and the procedures that they are trying to implement may result in better treatment for these victims from service providers. It is too early to reach any kind of conclusion as to whether or not they will be successful, but the fact that they are trying to create simple and easy practices to assist these type of victims is already a step forward in the consideration of the victim issue as a priority.

No agency systematically provides information on the following:

- Services available: focus of the service, location, hours, during which assistance is provided, etc.
- Criminal justice procedures: victims' role, rights and duties, and role of other parties within the justice procedures.
- Information on matters related to the case in which the victim is involved: changes, adjournments, return of property.

There are no guidelines for criminal justice practitioners and policy makers with a comprehensive set of recommendations for the fair treatment of victims of crime.

Victims of crime who wish to seek reparation must be assisted by a lawyer. However, most victims cannot afford a lawyer and must depend on legal assistance. That is tantamount to saying they cannot obtain reparation because interest in providing legal assistance services in Venezuela is very low; the available services vary in quality and ways of operating; they are often housed in inappropriate locales; they lack co-ordination and they function with limited resources (both financial and human). Moreover, these agencies seldom take contentious cases because of the costs (and delays) in court processing. They mainly function on a mediation and conciliation basis; however, since service providers are not trained in mediation or conciliation, sometimes they are perceived as being too partial to the other party.

As the foregoing indicates, victims of crime in Venezuela have very limited access to justice; when they do come in contact with the Justice, Health, Social and Welfare Systems they are likely to be ignored, or treated without respect or concern.

RECOMMENDATIONS

Many of the following recommendations are precisely those the United Nations has recommended and may be considered to be appropriate for Venezuela; others are more directly derived from the results of the present study.

1. The state should establish civil, criminal and administrative institutions through which determinations may be made concerning criminal liability, reparation and compensation. The state should facilitate reparation from the offender in criminal proceedings without prejudice to the right of the victim to obtain redress through the use of informal, administrative or civil procedures. Victims should have the right to prompt access to these institutions and their decisions should be rendered and enforced fairly and quickly.
2. Legislation and procedures relevant to victims should be simplified and made more comprehensible to the general public.
3. Victims of crime should be included in the bill on Juridical Defense (Proyecto de Ley Organica de Defensa Juridica), already introduced in Parliament in 1984.
4. Facilitate the participation of victims in the justice process; offer them information on their rights (including how to obtain information about the scope, timing, place and progress of the proceedings) and take measures to minimize inconveniences to them.
5. The public must be made aware of the necessity to treat victims fairly and of the necessity to offer ways for victims to obtain assistance.
6. Agencies must be sensitive to the potential for "secondary victimization" that is present when agencies

intervene in the lives of victims. Care must be taken by service providers to avoid additional suffering for victims of crime "through callous or inadvertent inattention to victims needs" (Waller, 1985).

7. Develop a comprehensive set of guidelines for guaranteeing the fair treatment of victims taking into account international recommendations in this area (e.g. American Bar Association, 1982; American Psychological Association, 1984; United Nations Declaration, 1985).
8. Ensure adequate facilities for victims of crime in law enforcement establishments.
9. Major improvement in the system "of referral" is urgently required. This, in turn, requires communication, co-operation and co-ordination among the agencies involved. A list of available services should be provided for Police, Social, Health, Legal and Welfare agencies and all the agencies of the Criminal Justice System.
10. Foster a change in attitude and orientation of a large number of persons in different agencies and professional fields, so they can be concerned with the treatment of victims of crime (and their families). Involve volunteers (students, professionals) and community and church groups.

11. Train professionals (lawyers, medical doctors, hospital staff, psychologists, psychiatrists, social workers, etc.), to identify the needs of crime victims and provide services to them appropriate to those needs. Special training also needs to be provided for officials: judges, crown attorneys, law enforcement agents, proof delegates and police.
12. Train service providers in conflict management to enable the resolution of certain disputes outside the formal Justice System, and to facilitate peaceful, non-adjudicatory resolution of conflicts.
13. Modify the philosophy and practices of the police to include the consideration and assistance of crime victims. They must be able to offer information to victims of crime as well as protection when needed. Practices in regard to the speedy release of recovered property (e.g. including notifying and follow up procedures) must also be established.

5. VICTIM RECOGNITION

The United Nations has proposed that the needs and problems of victims of crime must be recognized in law. The law must be based on the assumption of the principles of the right to life, liberty, personal security and well-being of all people, including victims of crime.

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The present study found that these principles are clearly stated in the Constitution of Venezuela. The National Constitution could, in fact, provide the basis for the establishment of rights and services for victims of crime in Venezuela. However, the "Magna Carta" makes no specific mention of victims of crime. Moreover, although the Constitution provides the articulation of fundamental principles for human life, with few exceptions these have not been translated into laws and practices specifically for victims of crime. Finally, whatever rights are guaranteed in the Constitution are very general in nature and no means of redress are available when these rights are abused, except for financial reparation as established in the Civil and Penal Codes (these are seldom applied).

The results of the present study indicates that, in general, victims of crime in Caracas are seldom recognized by the community or, in fact, by the Criminal Justice System, by legal, social and health agencies or even by the church or community. There is little awareness of the suffering of crime victims or of their needs. Their needs and their rights are seldom recognized in the law or in the policy or practice of the agencies. In fact, victims themselves appear to have little recognition of their rights.

RECOMMENDATIONS

Hopefully, in 1985 Venezuela will officially endorse the United Nations Declaration of the Rights of Victims. At this point, specific rights should be prescribed in the law and clearly stated guidelines should be issued by those justice agencies responsible for law enforcement and court procedures and by those social, health and welfare agencies which must deal with victims of crime. However, the suffering of victims of crime in Venezuela must first be recognized by the private and public sectors and the state must recognize its responsibility to alleviate their suffering.

The achievement of the recommendations requires that a fundamental change occur in the perspective of the Criminal Justice System: it must recognize and accept that it has an obligation not only to protect society by bringing offenders to justice with due recognition of their rights to due process and fair treatment. It must also recognize that it has an obligation to provide justice for the victims of crime. Justice must be brought back into a system which has become a system only for criminals (Waller, 1982). The achievement of all the foregoing recommendations also requires that the public recognize and express concern about the needs of victims of crime.

It is taken as axiomatic that the rights of victims must not only be recognized by concerned citizens or by the agencies and institutions who should have a responsibility for victims; they must also be established in law. The National Parliament of Venezuela (Congreso Nacional or Congreso de la Republica) is currently reviewing Venezuelan law including the Penal Code and the Criminal Indictment Code. Victims of Crime should be a central consideration of reforms in those laws, in the bill Ley Organica de Defensa Juridica and in all those whose reform or promulgation may contribute to the recognition of victims rights. However, the rights of citizens are not guaranteed just because they are declared; appropriate actions must be taken to ensure compliance.

Obviously, the achievement of the recommendations requires that the issue of victims of crime become a matter of concern to the government, to social service, legal and health agencies, to criminal justice personnel and to the public. Attention must be focussed on these issues and kept focussed on them. This requires disseminating information on victims' problems, their rights and the services which are required for them.

Although it is recommended that a National Office on Victims Issues within the Ministry of Justice be established whereby information and materials could be disseminated,

activities co-ordinated and research promoted, much more will be required. The greatest need is to publicize victims issues through such means as conferences, workshops, educational programs in the schools and universities, involvement of the media, etc. Concerted and continuing efforts are required to bring the problems of victims to light and to increase awareness and interest in trying to help them.

RESEARCH

In order to implement many of the recommendations appropriately and effectively, some basic research must be conducted to enable the formation of policy and procedures for the assistance of victims of crime. One research priority should be to determine through victimization surveys the specific nature and extent of financial, physical and psychological consequences of victimization in Venezuela. Careful study also needs to be made of the most cost-efficient ways to respond to those problems and to provide victims with access to justice and fair treatment.

FUNDING

It is recognized that, attempting to adequately meet the need of crime victims through research, training, legislation or new programs would undoubtedly involve the expenditure of funds which, given Venezuela's current economic con-

dition, are in very short supply. Accordingly, wherever possible the achievement of the foregoing recommendations should be pursued by modifying current practices, and redirecting, redeploying and co-ordinating existing resources to deal with new responsibilities rather than by establishing new organizations or institutions. Moreover, although permanent funding with professionals should be sought for some specialized services, much progress could be made in serving crime victims by better use of existing services and by involvement of the community in volunteer activities.

Moreover, it must be stressed that major achievements could be made without the expenditure of large sums of money by bringing about a change in the attitudes of service providers. One would also hope that improving the inefficiency in the public service and the Criminal Justice System would help victims of crime and, at the same time, reduce wasteful expenditure of money.

PREVENTION

Perhaps it goes without saying that successful broader-scale efforts to reduce poverty, increase employment, decrease crime rates and ameliorate other fundamental social problems in Venezuela will be required to ensure victims of crime the satisfaction of one of their greatest needs: the need to be protected from further criminal victimization.

As the United Nations proposal states, victims have a right to protection and preventive measures.

A FINAL NOTE

This thesis has discussed the extent to which Venezuela has recognized and responded to the suffering of victims of crime and have recommended a number of steps which must be taken if justice for victims is to be achieved. It remains for the state to recognize victims, to promote public awareness of their plight and to establish laws, policies and practices for victims of crime. The private sector must actively participate in these endeavours.

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ANNEX (QUESTIONNAIRES)

QUESTIONARIO - TYPE 1

1. cuánto tiempo lleva desempeñándose como juez?

2. cuántas veces se ha intentado por ante su tribunal, conjuntamente recurrir a la víctima del delito de los daños ocasionados por el

AÑO tipo de casos TIPO DE DELITO VICTIMA sexo - edad - ocupación sexo - edad OFENSA

3. cuántas veces se ha intentado por ante su tribunal la acción por restitución de la acción civil. luego de esto, ha sido acordado en la sentencia de acuerdo a lo estipulado en el juicio civil?

AÑO tipo de casos TIPO DE DELITO VICTIMA sexo - edad - ocupación sexo - edad OFENSA

QUESTIONARIO - TYPE 1

(FORMA: JUECES PENALES)

puez?

tribunal, conjuntamente con la acción penal, la acción civil para
daños ocasionados por el hecho ilícito?

ocupación	sexo -	<u>OFENSOR</u>	ocupación	<u>MEDIDA ACORDADA</u>	<u>SUPERVISION DE</u> <u>SU CUMPLIMIENTO</u>
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tribunal la acción penal y, por ante los tribunales civiles compe-
nd. acordado en la sentencia penal la obligación de resarcir a la
juicio civil?

ocupación	sexo -	<u>OFENSOR</u>	ocupación	<u>MEDIDA ACORDADA</u>	<u>SUPERVISION DE</u> <u>SU CUMPLIMIENTO</u>
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4. Cuántas veces ha acordado en sentencia la restitución de la cosa por parte del responsable penalmente? (art. 121 C.P.)

<u>AÑO</u>	<u>Nº de casos</u>	<u>TIPO DE DELITO</u>	<u>VICTIMA</u>			<u>OFENSOR</u>		
			Sexo -	Edad -	Ocupación	Sexo -	Edad -	O

5. En cuántos casos en que el agraviado o víctima del delito se ha proceso ha acordado el pago de las costas procesales y la pena condenatoria?

<u>AÑO</u>	<u>Nº de casos</u>	<u>TIPO DE DELITO</u>	<u>VICTIMA</u>			<u>OFENSOR</u>		
			Sexo -	Edad -	Ocupación	Sexo -	Edad -	O

- 2 -

ia la restitución de la cosa ajena o su valor a la víctima del delito
? (art. 121 C.P.)

VICTIMA	OFENSOR	MEDIDA ACORDADA	SUPERVISION DE
Edad - Ocupación	Edad - Ocupación	Restituc. - Valor	SU CUMPLIMIENTO

o o víctima del delito se ha constituido en acusador o parte civil en el
las costas procesales y la indemnización de perjuicios en la misma senten-

VICTIMA	OFENSOR	MEDIDA ACORDADA	SUPERVIS. DE
Edad - Ocupación	Edad - Ocupación	C.proces. Indem.perj.	SU CUMPLIMIENTO

6. En cuántos casos se ha indemnizado a la víctima, su familia, o los familiares, por los daños morales provenientes de un delito? (art. 122 C.P. y 1.196 C.C.)

AÑO	Nº de casos	TIPO DE DELITO	VICTIMA			OFENSOR		
			sexo	edad	ocupación	sexo	edad	ocupación

7. Cuántas veces la obligación de restituir, reparar o indemnizar establecida en los juicios que ya haya conocido? (art. 123 C.P.)

AÑO	Nº de casos	TIPO DE DELITO	VICTIMA			OFENSOR		
			sexo	edad	ocupación	sexo	edad	ocupación

- 3 -

a víctima, su familia, o terceros por razón de daños materiales y/o
(art. 122 C.P. y 1.196 C.C.)

OFENSOR			MEDIDA ACORDADA	
Ocupación	sexo	Edad - Ocupación	A LA VICTIMA - A ELIA. O TERCEROS	
			D.Hor. D.Mat. Ambos	D.Hor. D.Mat. Ambos

uir, reparar o indemnizar se ha transmitido a los herederos del respon-
sable? (art. 1.196 C.P.)

OFENSOR			MEDIDA ACORDADA	
Ocupación	sexo	Edad - Ocupación	Restituir - reparar - Indemnizar	

8. cuántas veces el ofensor de los delitos que se enumeran a continuación, ha causado enteramente el daño causado cuando no ha sido posible la reparación

AÑO	Nº de casos	TIPO DE DELITO	sexo - VICTIMA	Edad - Ocupación	sexo - OFENS	Edad
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HURTO

ESTAFAS Y OTROS
FRAUDES

APROP. INDEBIDA

APROV. COSAS
PROVENIENTES
DE DELITO

DAÑO A LA PROPIEDAD

ESTRAGOS EN
FUNDO AJENO

MATADO UN ANIMAL

datos que se enumeran a continuación ha restituido lo que tomó o ha reparado no ha sido posible la restitución? (art. 432 C.P.)

ESTIMA ocupación sexo - ~~OFENSOR~~ ocupación

MEDIDA ACORDADA

Antes de toda provi-
dencia del juez contra
el ofensor.

Antes de la
sentencia

RESTITUCION - REPARAC. REST. - REPARAC

9. cuántas veces en caso de falsificación o alteración de o
quiera ha dispuesto que la condena se publique en un per:

<u>AÑO</u>		<u>VICTIMA</u>		<u>OFENSOR</u>
	sexo -	Edad -	Ocupación	sexo - Edad - Ocupación

10. cuántas veces el ofensor de los delitos que se enumeran
civil (dotar a la ofendida)? (atr. 395, ord. 3o)

<u>AÑO</u>		<u>VICTIMA</u>		<u>OFENSOR</u>		<u>Nº Casos</u>
	sexo -	Edad -	Ocupación	sexo -	Edad -	Ocupación

- 5 -

cación o alteración de obras del ingenio o productos de una industria cual-
quiera se publique en un periódico a costa del reo? (art. 338 C.P.)

OFENSOR			
Sexo - Edad - Ocupación	Nº de fals. o Alter. OBRAS DEL INGENIO	Nº de fals. o Alter. PRODUCTOS DE LA INDUSTRIA.	

delitos que se enumeran a continuación han sido condenados a la indemnización
(art. 395, ord. 3º)

OFENSOR	<u>Nº Casos SEDUCCION</u>	<u>Nº Casos VIOLACION</u>	<u>Nº Casos RAPTO</u>
Sexo - Edad - Ocupación			

11. cuántas veces ha condenado a los reos de bigamia a mantener a 1
centa? (art. 403 C.P.)

<u>AÑO</u>	<u>VICTIMA</u>			<u>OFENSOR</u>			<u>Nº de Casos</u>	<u>PROLE</u>
	sexo-	Edad-	Ocupación	sexo-	Edad-	Ocupación		

12. cuántas veces ha aplicado las sanciones disciplinarias que se
durante el juicio alguna de las partes produzca un escrito dif

<u>AÑO</u>	<u>VICTIMA</u>			<u>OFENSOR</u>			<u>Nº Casos</u>	<u>SUP ESTION</u>
	sexo-	Edad-	Ocupación	sexo-	Edad-	Ocupación	<u>TOTAL</u>	<u>PARCIAL</u>

- 6 -

os reos de bigamia a mantener a la prole menor de edad y a la contrayente ino-

SOR	Nº de casos	PROLE MENOR EDAD	CONYUGE INOCENTE	SUPERVISION DE
- ocupación				SU CUMPLIMIENTO

sanciones disciplinarias que se mencionan a continuación en los casos en que las partes produzca un escrito difamatorio? (art. 449 C.P.)

SORSOR	Nº CASOS SUPERVISION		Nº CASOS REPARACION PECUNIARIA
	TOTAL	PARCIAL	

13. En los casos de difamación o injuria, cuántas veces la víctima sea publicada a costa del condenado, la supresión o confizcación ter el delito? (art. 450 C.P.)

AÑO	Nº de casos	TIPO DE DELITO	VICTIMA			OFENSOR		
			sexo-	Edad-	Ocupación	sexo-	Edad-	Ocupación

DIFAMACION

INJURIA

14. cuántas veces ha acordado el pago de tres veces el monto de da de transgresiones a las disposiciones de la Ley de protección

AÑO	TIPO DE DELITO	VICTIMA			OFENSOR			Nº	M
		sexo-	Edad-	Ocupación	sexo-	Edad-	Ocupación		

- 7 -

ia, cuántas veces la víctima ha solicitado que la sentencia condenatoria
o, la supresión o confizcación de los escritos que han servido para come-

VICTIMA		OFENSOR		MEDIDA ACORDADA	
ocupación	sexo-	Edad-	ocupación	publ.sentence-	SUPRESION - CONFIZC.

do tres veces el monto de daños y perjuicios sufridos como consecuencia
ones de la Ley de protección al consumidor? (art.33 L.p.alc.)

OFENSOR		Nº de daños		Nº de PERJUICIOS		SUPERVISION DE	
ocupación	sexo-Edad-ocupación	MOR.-	MAT.			SU CUMPLIMIENTO	

15. cuántas veces ha acordado como condición en caso de suspensión co
ofensor de reparar el daño, hacer restitución o pagar compensació
S.C.de la p.)

AÑO	TIPO DE DELITO	VICTIMA			OFENSOR			Nº Casos DE DAÑO Hor. -
		Sexo-	Edad-	Ocupación	Sexo-	Edad-	Ocupación	

16. En los caos arriba mencionados quién supervisó el cumplimiento de
coordinaciones zonales del min. de justicia?

adicción en caso de suspensión condicional de la pena la obligación del
restitución o pagar compensación a la víctima del delito? (art. 13 L.S.AJ. y

OFENSOR
sexo-Edad-Ocupación

Nº Casos REPAR:
DE DAÑOS.
Hor. - Mat.ºº

Nº Casos RESTITUC.

Nº Casos COMPENS

¿Se supervisó el cumplimiento de las medidas acordadas? El Tribunal o las
Justicias?

17. Fallas que observa para hacer efectivo el resarcimiento de la víctima.

18. Considera ud. que las víctimas de delito deberían participar más en el tipo de participación y momentos. En caso negativo diga el por qué.

19. Las víctimas de delito acuden a sus oficinas solicitando algún tipo de información general, legal o sobre el estado de la causa; orientación que uds. reciben y el rol de su organización.

20. ¿Qué tipo de servicios de asistencia a las víctimas de delitos cree que debería tener la organización?

¿Se ha logrado el resarcimiento de la víctima de delitos en cualquiera de sus formas?

¿Los organismos de la sociedad civil deberían participar más activamente en el proceso? Especifique el caso negativo diga el por qué.

¿Las oficinas solicitando algún tipo de asistencia a sus necesidades (p.e. de información sobre el estado de la causa; orientación, etc.)? Especifique el tipo de asistencia o su organización.

¿La sociedad civil a las víctimas de delitos cree yd. debería promover y ofrecer su organi-

QUESTIONARIO - TYPE 1

Le agradecería a Ud. su colaboración al facilitarme información en las:

1. cuánto tiempo lleva desempeñándose como juez?

2. Es usual el que la víctima de delitos ejerza acción civil para obtener sus formas: RESTITUCION DE LA COSA O SU VALOR, REPARACION DE DAÑOS: PERJUICIOS) de los daños provenientes del delito?

3. En los casos que Ud. ha conocido, cuál de los siguientes tipos de frecuencia?

TIPO DE RESARCIMIENTO

FRECUENCIA
Siempre - A veces - Nunca

a) RESTITUCION DE LA COSA

b) SU VALOR

c) REPARACION DE DAÑOS:

MATERIALES

MORALES

d) INDEMNIZACION DE PERJUICIOS

QUESTIONARIO - TYPE 1

(para: JUECES CIVILES
JUECES DE FAMILIA)

litarme información en las siguientes áreas:

Juez?

¿Acción civil para obtener el resarcimiento (en cualquiera de
VALOR, REPARACION DE DAÑOS: MATERIALES + MORALES, INDEMNIZACION DE
del delito?

¿De los siguientes tipos de resarcimiento se han acordado con mayor?

FRECUENCIA
Siempre - A veces - Nunca

HA SUPERVISADO EL CUMPLIMIENTO
Siempre - A veces - Nunca

4. cree ud. que la colectividad en general debería participar más activamente evitando ser victimizada?. Especifique cómo?. En caso negativo diga por qué?
5. cree ud. que la víctima debería participar más activamente en el proceso de pacación y momentos. En caso negativo, diga por qué?
6. ¿Las víctimas de delito acuden a sus oficinas solicitando algún tipo de ayuda o sobre el estado del caso, orientación, etc.)?. Especifique el tipo de ayuda?
7. ¿Qué tipo de servicios de asistencia a la víctima de delitos cree ud. deberían?

- 2 -

¿debería participar más activamente en la prevención del delito,
y cómo? En caso negativo diga por qué?

¿debería participar más activamente en el proceso? Especifique el tipo de partici-
pación por qué?

¿debería solicitar algún tipo de asistencia (información general, lu-
gares, etc.)? Especifique el tipo de solicitud y su rol.

¿la víctima de delitos cree que debería promover y ofrecer su organiza-

ARO	Nº de Casos	TIPO DE DELITO	sexo-	VICTIMA	sexo-	OCESOR
			Edad-	Edad- Ocupación	Edad-	Edad- Ocupación

- 3 -

ste su tribunal, acción civil para reparar a la víctima del delito
específico.

Ocupación	sexo-	ORIGEN- edad-	Ocupación	<u>TIPO DE MEDIDA ACORDADA</u>	<u>SUPERVISION DE SU CUMPLIMIENTO</u>
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9. Fallas que observa para hacer efectivo el resarcimiento (en cualquiera de los. Especifique las que dependen de su organización y/o las que dependen

10. Indique las fallas que observa dentro de su organización para brindar su víctima de delitos.

- 4 -

asarcimiento (en cualquiera de sus formas) a la víctima de deli-
minación y/o las que dependen de otros.

organización para brindar cualquier tipo de asistencia a la

CU ESTIONARIO - TYPE 1

(PA)

Le agradecería a Ud. su colaboración al facilitarme información en las si-

1. Cuánto tiempo lleva desempeñándose como fiscal del ministerio público.
2. Considera Ud. que los fiscales del ministerio público deberían participar de las víctimas de los delitos y sus necesidades: (de información proceso; orientación; emocionales; físicas y financieras) sean ejercidos del proceso? comentarios.

3. Cree Ud. que la colectividad debería participar más activamente en la victimizada? especifique cómo? en caso negativo diga por qué.

4. Cree Ud. que la víctima debería participar más activamente en el proceso y momento.

QUESTIONARIO - TYPE 1 (Para: FISCALES DEL MINISTERIO PUBLICO)

Facilitarme información en las siguientes áreas:

¿El fiscal del ministerio público?

El ministerio público deberían participar más activamente en que los derechos y necesidades (de información general, legal o sobre el estado del sistema y financieras) sean ejercidos y satisfechos en forma cabal den-

participar más activamente en la prevención del delito, viéndolo ser caso negativo diga por qué.

participar más activamente en el proceso. Si especifica el tipo de partici-

5. cuántas veces ha ejercido conjuntamente con la acción penal, la acción de las víctimas de delitos?

AÑO	Nº de casos	TIPO DE DELITO	VICTIMA			OFENSOR		
			sexo-	edad-	ocupación	sexo-	edad-	ocupación

6. En los casos que ya ha conocido cuál de los siguientes tipos de reparación y/o ninguna frecuencia?

TIPO DE RESARCIMIENTO

FRECUENCIA

a) RESTITUCION DE LA COSA

SIEMPRE - A VECES -

b) REPARACION DE DAÑOS:
MORALES

MATERIALES

c) VALOR DE LA COSA

d) INDEMNIZACION DE PERJUICIOS

con la acción penal, la acción civil para lograr el resarcimiento.

acción	sexo- edad- ocupación	OFENSOR	<u>TIPO DE MEDIDA</u>	<u>SUPERVISION DE</u>
			Solicitada - Acordada	<u>SU CUMPLIMIENTO</u>

los siguientes tipos de resarcimiento se han acordado con mayor,

<u>FRECUENCIA</u>	<u>HA SUPERVISADO SU CUMPLIMIENTO</u>
SIEMPRE - A VECES - NUNCA	SIEMPRE - A VECES - NUNCA

7. ¿Cuáles que observa para hacer efectiva la disposición legal del art. 42, ord. ministerio público?
8. ¿Cuáles que observa dentro de su organización para brindar cualquier otro tipo de delitos (p.e. de información general, legal o sobre el estado del caso)?
9. ¿Las víctimas de delito acuden a sus oficinas solicitando algún tipo de asistencia y su rol?
10. ¿Qué tipo de servicios de asistencia a la víctima de delitos cree qd. debería tener?

- 3 -

Disposición legal del art. 42, ord. 23 de la Ley Orgánica del

¿Se para brindar cualquier otro tipo de asistencia a la víctima de
o sobre el estado del caso)?

¿Está solicitando algún tipo de asistencia? Especifique el tipo de

victimiza de delitos, cree yd. debería promover y ofrecer su organi-

(PARA: DELEGADOS DE PRUEBA)

CUESTIONARIO - TYPE 1

Agradezco a Ud. su colaboración al facilitarme información en las siguientes áreas:

1.- Cuál es su profesión y cuánto tiempo lleva desempeñándose como Delegada de Prueba del Programa de libertad condicional, sometimiento a juicio y suspensión condicional de la pena?

2.- Número de casos, en los que el Juez ha impuesto como condición, para conceder el beneficio de suspensión de la pena, el resarcimiento de daños y/o la indemnización a la víctima del delito en virtud de lo dispuesto en el art. 13 de la Ley Suspensión Condicional de la Pena, que a Ud. le ha tocado supervisar. Por favor, especifique el año en que empezó a conocer del caso, tipo de delito, características de la víctima y el ofensor (edad, sexo, profesión u ocupación).

<u>AÑO</u>	<u>Nº de casos de S.C. de la P.</u>	<u>Nº de casos en que se acordó la reparación de la víctima</u>
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<u>TRIBUNAL que dictó la medida</u>	<u>TIPO DE DELITO</u>	<u>Características</u>	<u>VICTIMA-</u>	<u>OFENSOR</u>	<u>Forma en que se efectuó</u>
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EDAD

SEXO

OCUPACION

3.- A pesar de no estar establecido en la Ley de Sometimiento a Juicio, se han dado casos en que el Juez ha otorgado este beneficio al ofensor imponiéndole como condición la de reparar el daño ocasionado a la víctima del delito. Ha tenido Ud. uno de estos casos?. Por favor, especifique el año, el número de casos en que ha sucedido, el tipo de delito, características de la víctima y el ofensor (edad, sexo, profesión u ocupación).

AÑO

Nº de casos de Som. a Juicio
en que se acordó la repara-
ción de la víctima

Tipo de Delito

TRIBUNAL que
dictó la medida

Características

VICTIMA

OFENSOR

Forma en que
se efectuó

SEXO

EDAD

Ocupación

4.- El art. 13 de la Ley de Suspensión Condicional de la Pena establece la restitución y la compensación como medidas que pueden ser acordadas por el Juez como condición al otorgar tal beneficio. Tales medidas tienen por objeto ayudar a la víctima de delitos a recuperarse de su victimización. Existe alguna diferencia entre ellas (a nivel teórico y/o práctico). Si es así, en qué consiste?

5.- ¿Cuál es la supervisión que Uds. como Delegados de Prueba hacen para asegurar que la condición de reparar a la víctima se cumpla. Si no ha tenido ningún caso hasta el momento, cómo cree debería actuar?

5.1. Con respecto al ofensor

5.2 Con respecto a la víctima

5.3 Con respecto a la forma en que la reparación debe ser realizada.

5.4 Fallas que encuentran en el programa para hacer cumplir tal condición.

6.- Las víctimas de delitos acuden a sus oficinas solicitando algún tipo de asistencia (p.e. información, orientación)?
Cuál es y cuál debería ser su rol?

7.- Existe coordinación entre Uds. y otros organismos e instituciones de carácter público o privado que colaboran a dar cumplimiento a la condición de reparar a la víctima (p.e. empleando a los beneficiarios de la medida, etc):

Mencione los organismos

Tipo de colaboración que se brindan

Frecuencia en que se realiza tal colaboración

8.-Cuál es, a su juicio, el criterio que debe ser considerado por el Juez para imponer esta condición de reparar a la víctima de delitos y para no imponerla?

9.- Comentarios.

CUESTIONARIO - TYPE 2

Le agradecería a Ud. su colaboración al facilitarme información en las siguientes áreas:

1. Algun servicio especializado en la asistencia a la víctima de delitos ha sido desarrollado bajo los auspicios de y/o con el apoyo de su organización? Podría explicar?

(Nota: Si Ud. está refiriéndose a más de un servicio, por favor, conteste las preguntas para cada servicio por separado).

a) Objetivos del servicio.

b) Descripción del servicio.

c) Facilidades que Uds. controlan.

d) Clientela a la que el servicio está dirigido y a la que sirve en la práctica. Tipo de víctima que el servicio trata.

e) Organización(es) que respaldan el servicio.

f) ¿Quién provee los servicios? Recursos humanos: (profesionales, paraprofesionales, voluntarios, otros).

5) ¿cuáles que observa dentro de su organización para cumplir con los objetivos del servicio dirigido a las víctimas de delito.

2. Si los servicios que provee su organización están dirigidos a la colectividad en general, ¿esto permitiría a las víctimas de delitos utilizar y beneficiarse de su asistencia, aún cuando sus servicios no estén dirigidos específicamente a ellas. ¿pasa si éstas (víctimas de delito) acuden a sus oficinas solicitando algún tipo de asistencia a sus necesidades (de información general, legal o sobre el estado del caso; orientación; de atención psicológica; de atención física; y/o de resarcimiento financiero; etc.)? ¿podría explicar?

a) ¿tipo de solicitudes que más reciben de las víctimas de delito.

b) ¿pol de su organización en caso de estar en posibilidad de brindarle asistencia y en caso de no brindársela.

c) objetivos de su organización.

d) descripción del servicio que más brindan con mayor frecuencia a las víctimas de delito.

e) facilidades que pds. controlan.

f) tipo de víctimas que mayormente acuden a pds. solicitando asistencia.

g) quién provee los servicios: recursos humanos (profesionales, para-profesionales, voluntarios, otros)

h) Fallas que observa dentro de su organización para responder a las necesidades de las víctimas de delito.

3. Está ud. al tanto de los servicios de asistencia a la víctima de delitos establecidos en otras organizaciones?

a) agencias dedicadas a cualquier tipo de víctima de delitos.

b) agencias dedicadas a un tipo específico de víctima de delitos.
tipo de víctima que tales agencias tratan.

c) Agencias que ofrecen servicios a la colectividad en general de las cuales la víctima de delitos puede beneficiarse.

d) relaciones que tiene su organización con otras existentes. Tipo de contacto que mantienen y frecuencia en el mismo.

4. cuáles, considera ud., son las condiciones requeridas por los servicios de asistencia a la víctima de delitos en Caracas, concretamente en su organización?

a) condiciones deseables para la provisión y ampliación de los servicios. (DESEABLE: implica todo aquello que podría coadyuvar a que dentro de su organización se le ofreciera una asistencia óptima a la víctima de delitos).

b) condiciones necesarias para la provisión y ampliación de los servicios. (NECESARIO: implica todo aquello que sería indispensable dentro de su organización para ofrecer una asistencia óptima a la víctima de delitos).

5. Cree ud. que la colectividad debería participar más activamente en la prevención del delito, evitando ser victimizada?. Especifique cómo?. En caso negativo diga por qué?

6. cree ud. que la víctima debería participar más activamente en el proceso de la administración de justicia?. Especifique el tipo de participación y momentos.
7. qué tipo de servicios de asistencia a la víctima de delitos cree ud. debería promover y ofrecer su organización?
8. cuál, considera ud., es la actitud existente sobre lo que las agencias que ofrecen servicios de asistencia a la víctima de delitos hacen o se proponen realizar?
9. qué cree ud. debería hacerse para crear mayor motivación por la provisión y la ampliación de los servicios de asistencia a la víctima de delitos en garacas, concretamente en su organización?
10. comentarios.

ANNEX TO ALL TYPES OF QUESTIONNAIRES

TIPO DE ASISTENCIA QUE SU ORGANIZACION BRINDA A LAS VICTIMAS

ASISTENCIA

QUIEN LA SUMINISTRA

INFORMACION	(dónde ir, qué hacer) (progreso de la invest.) (Otros: especifique)
EMOCIONAL	(inmediat. después del delito - CRISIS) (Seguimiento o tratamiento)
FISICA	(inmediat. después del delito - EMERGENCIA) (Seguimiento o tratamiento)
LEGAL	(inmediat. después del delito) (Durante el proceso)
FINACIERA	(restitución de la cosa o su valor) (reparación del daño: moral y/o material) (indemnización de perjuicios)

ANNEX TO ALL TYPES OF QUESTIONNAIRES

ORGANIZACION BRINDA A LAS VICTIMAS DE DELITO

QUIEN LA SUMINISTRA

QUIEN SUPERVISA
SU CUMPLIMIENTO

DONDE SE
SUMINISTRA

FRECUENCIA
POCO - REG. - MUCHO

nto)

nto)

cios)

TIPO DE ASISTENCIA QUE SU ORGANIZACION BRINDA A LAS VICTIMAS DE D

<u>ASISTENCIA</u>	<u>QUIEN LA SUMINISTRA</u>	<u>QUIEN SU SU CUMPI</u>
EN SU RELACION CON USTEDES	(Trato digno, res- petuoso y justo) (Sala de Espera) (Notificación antici- pada sobre la cancela- ción de algún acto don- de deban participar) (Referencia a otras Instituciones: Cuáles) (Rapidez y certeza en el cumplimiento de me- didas que se acuerden a su favor: Tipo de medida) (Entendimiento de la problemática de la víctima para evitar que ésta sea atropella- da o re-victimizada al querer hacer valer sus derechos) (Es escuchada y sus ar- gumentos son considerados: MOMENTOS ESPECIFICOS en el proceso legal) (Otros: Especifique)	

ACION BRINDA A LAS VICTIMAS DE DELITO

LA SUMINISTRA

QUIEN SUPERVISA
SU CUMPLIMIENTO

DONDE SE
SUMINISTRA

FRECUENCIA
POCO - REG. - MUCH