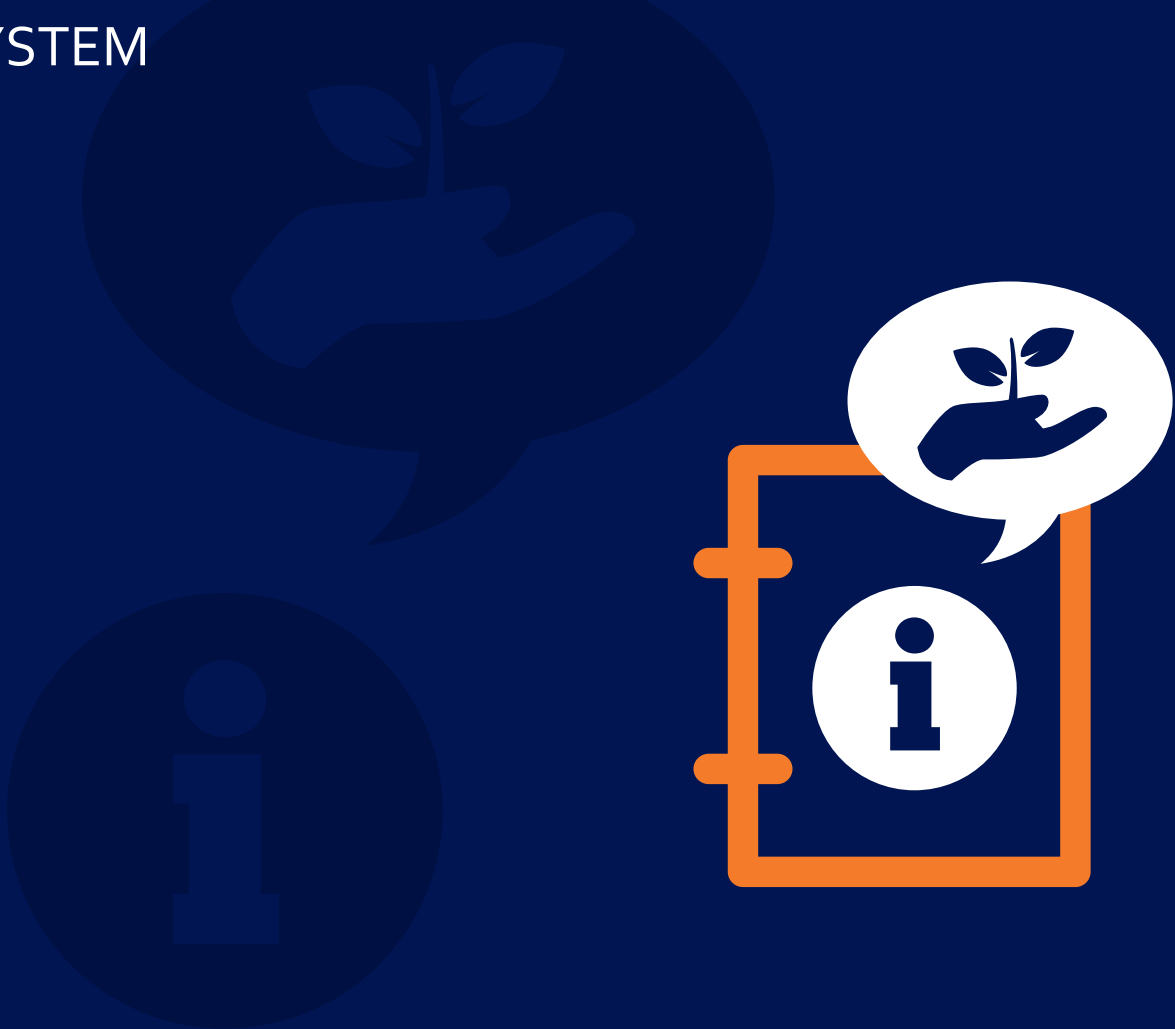
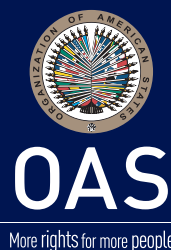


# GUIDE

FOR THE ASSISTANCE OF ORGANIZED  
CRIME VICTIMS IN THE COUNTRIES OF  
THE CENTRAL AMERICAN INTEGRATION  
SYSTEM



Department of Public Security  
Secretariat for Multidimensional Security  
Organization of American States







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# **Guide for the Assistance of organized crime victims in the countries of the Central American Integration System**



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The present Guide was drawn up in the framework of the project “Strengthening of Institutions Specializing in the Assistance and Protection of Victims and Witnesses of Violence from Organized Crime in Central America,” which is aimed at tackling the impact of violence arising from crime on victims and witnesses in Central America, by providing capacity building for the institutions in charge of helping and protecting victims of crime and violence.

In the first phase, with the endorsement and support of the governments of El Salvador, Guatemala, and Honduras, a document was initially drafted. It was called the “Handbook for providing assistance and protection to crime victims in Central America.” Afterwards, with the support from technical delegates of El Salvador, Guatemala, Honduras, Costa Rica, Belize, Panama, Nicaragua, and the Dominican Republic, this instrument was drafted taking into consideration the descriptive and analytical assessments of the standards, policies, programs, government institutions, and civil society organizations that carry out assistance and/or protection activities for victims and/or witnesses in each one of these states.

This initiative was implemented by the Department of Public Security of the Organization of American States (DPS/OAS), in collaboration with the General Secretariat of the Central American Integration System (GS/SICA) and with the support of the Spanish Agency for International Development Cooperation (AECID). It was carried out in the framework of the Central American Security Strategy D.B.3. “Strengthening the Program for the Protection of Victims, Witnesses, and other Actors Involved in Criminal Proceedings in Central America.”

This was made possible thanks to support from







## BACKGROUND

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The member states of SICA have developed, organized, or created national or territorial mechanisms for providing assistance to crime victims. Victim assistance services that institutions or offices provide to human beings who have sustained injury to their legal rights as protected by criminal law or to their basic rights and liberties consist of all those associated with urgent and necessary comprehensive assistance which may be of a medical, psychological, social, temporary or legal safeguard nature, among others, and prevents harmful consequences or revictimization.

In some cases, the victims are provided assistance because of their vulnerability, as in the case of violence against women, children, elderly, human trafficking victims, indigenous, lesbian, gay, bisexual, transgender and intersex people (LGBTI population)<sup>1</sup>. Likewise, to support the administration of justice, they have designed and developed programs to assist victims and witnesses who shall be involved in criminal proceedings.

The state institutions of the member states of SICA, in their national victim assistance systems, are implementing the following: Brasilia Regulations Regarding Access to Justice for Vulnerable People; the Santiago de Chile Guidance on an Integrated Approach to Victim Assistance; and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the United Nations General Assembly in its Resolution 40/34 of November 29, 1985, whereby the victims should receive assistance from the specific services of the state, without requiring their participation in criminal proceedings.

In this regard, the States have signed international instruments to prevent, punish, and eliminate all acts of violence and discrimination against women, such as the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Belém do Pará, and each State has issued its own regulations to combat acts of violence against women and to help them as victims.

As for the protection of children and adolescents, the State Parties to SICA are signatories to the Convention on the Rights of the Child and, in each one of their regulatory frameworks, provisions have been issued to assist children when they are victims.

The participating States have also signed the United Nations Convention against Transnational Organized Crime and its protocols.

Therefore, it is necessary to adopt orientations so that states can establish services with a comprehensive approach to assisting victims which can, without proposing new victim assistance

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<sup>1</sup> According to the Unit for the Rights of Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) of the Inter-American Commission on Human Rights (IACHR), this name is used in order to give an easily recognizable nomination and unify in a practical way some of the main debates that persist in relation to the categories of sexual orientation, gender identity and gender expression. The IACHR takes note of this terminology and at the same time recognizes each person's self-identification as a fundamental guideline; as a result, it is possible that persons subject to the attention of this Guide do not self-identify within these or other categories.

institutions or units in addition to those already existing, orient and coordinate those that do exist to provide better services.

The following guidelines are being proposed so that the states can establish a National Comprehensive Crime Victim Assistance Network or System to adequately help victims, providing legal support, psychological and health care aimed at making sure victims secure or recover the capacities and competencies they need to effectively exercise their rights to have access to justice, truth, and reparations.

What is being proposed in the present Guide is consideration of a pro-victim vision as a cross-cutting approach, where the state can protect those affected by crime with human sensitivity and solidarity. In this context, the following text is being proposed as a tool so that the countries can build up institutions specializing in providing assistance and protection to crime victims in Central America.

# 1

## **Scope of Application, Purpose, And General Goals**



## 1. SCOPE OF APPLICATION, PURPOSE, AND GENERAL GOALS

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The "Guide for the Care of Crime Victims of Organized Crime in the Central American Integration System" (hereinafter "The Guide") has as its scope the orientation of state institutions regarding the attention to victims of organized crime.

### 1.1.- PURPOSE

The present "Guide for the assistance of organized crime victims in the countries of the Central American Integration System" (hereinafter "The Guide") is aimed at setting norms or guidelines that States could adopt in accordance with their legal system to strengthen the scope of intra and inter-institutional coordination, at the national and subregional levels, for the provision of comprehensive and consolidated crime victim assistance and protection services.

### 1.2.- GENERAL GOALS FOR ASSISTANCE TO VICTIMS

The Guide has the following general goals:

- 1) comprehensive, complementary, and differentiated assistance to crime victims, on the basis of a gradual and planned process;
- 2) encouraging the promotion and comprehensive reparation of the rights of victims;
- 3) structuring, fostering, and facilitating intra- and inter-agency coordination at the national level to assist victims with dignity and respect regarding their human rights; and
- 4) promoting the cooperation and joint coordination of the national entities of each of the States of the subregion in charge victims care.
- 5) promoting the cooperation and joint programming of international entities in support of victim care programs.



2

**Concepts**





## 2.-CONCEPTS

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Without detriment to what is set forth in international conventions to which every State is a party and in applicable domestic laws, the following concepts are hereby adopted for the present instrument:

### ASSISTANCE TO VICTIMS

It refers to the comprehensive assistance services that institutions or offices in charge of assistance to victims provide to a human being whose legal rights protected by criminal law or basic rights and freedoms have been violated or threatened, in connection with urgent and necessary comprehensive assistance, which may be of a medical, psychological, social, legal, or temporary protective nature among the many that are available. The assistance does not require the victim to participate in any criminal proceedings.

### CRIMES OF ORGANIZED CRIME

It refers to the definition contained in the "United Nations Convention against Transnational Organized Crime" and its Optional Protocols, which defines the need to combat transnational organized crime, as well as the guidelines to be adopted by the States for international cooperation and the appropriate measures to be taken to effectively protect victims from possible acts of reprisal or intimidation.

### LAW ENFORCEMENT AUTHORITIES AND SECURITY SERVICES

It refers to the police and/or armed forces, regardless of how they are called, who act in the field of public security or citizen safety.

### GROUPS IN VULNERABLE CONDITIONS

The following groups are considered to be living in conditions of vulnerability: women; children and adolescents; LGBTI populations, persons with disabilities, elderly persons, indigenous peoples, persons who are victims of human trafficking, smuggling of migrants<sup>2</sup> and any other circumstance and context of violence that put them in said circumstance of vulnerability.

### RISK SITUATION

Reasonable threat or damage to life, physical and psychological integrity, liberty and / or security of persons with expectations of access to the care and protection services, as well as the vulnerability of the person threatened, probability that the hazard will occur and the impact it may have.

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<sup>2</sup> It is considered of the utmost importance to include this sector, given the particular conditions of vulnerability they are in and the increasing incidence of this criminal phenomenon associated with international organized crime.

### **ATTORNEY GENERAL'S OFFICE OR PROSECUTION SERVICE**

Institution that, in the countries of Central America, are entrusted with the duty of filing public criminal proceedings and, in certain cases, providing assistance to victims and witnesses in criminal proceedings.

### **VICTIM PROTECTION**

It refers to the State's actions to ensure the physical and mental integrity of victims on the basis of adequate and suitable measures in keeping with the threats or risk, as previously assessed or weighted.

### **JUDICIAL BRANCH OF GOVERNMENT OR THE JUDICIARY SECTOR**

This is the judicial body or branch of government that exercises jurisdiction over judges and courts in each one of the Member States, in keeping with their rules of competence and according to domestic law.

### **NATIONAL INTEGRATED CRIME VICTIM ASSISTANCE SERVICES NETWORK OR SYSTEM**

This is the body established in every State by representatives of a series of national institutions, in charge of providing comprehensive services to assist and protect victims, witnesses, and other persons involved in criminal proceedings, in case it does not exist.

### **VÍCTIM**

Any person directly offended or injured in his or her legal rights by an incident punishable by law on the basis of each State's criminal law, including abuse of power, shall be considered a victim. Additionally, in crimes that result in death, the life partner or live-in partner, shall be considered as victims, to the relatives to the fourth degree of consanguinity or second degree of affinity, the child or adoptive father.

### **OTHER ACTORS INVOLVED IN CRIMINAL PROCESSES**

By other actors it can be understood those officials or individuals who intervene in the criminal process permanently or occasionally due to a job position or to their participation in any phase of the criminal process. This name includes, but is not limited to, judges, prosecutors, lawyers, prosecutors or courts assistants, experts, police officers, psychologists, social workers, etc.



3

**Guidelines for Assistance  
to Crime Victims**



## 3.- GUIDELINES FOR ASSISTANCE TO CRIME VICTIMS

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### 3.1.- PRINCIPLES FOR ASSISTANCE

Each State, by means of its institutions and/or organizations, must set up a comprehensive crime victim assistance system, with provisions for the most adequate human and financial resources, without detriment to the resources involved in victim assistance programs.

Additionally, each State must maximize coordination and coverage of assistance to victims, including the incorporation of duly authorized public service institutions and civil society organizations, such as health, education, public security, social security, and others that entail rationalizing national budgets.

The principles to be applied are as follows:

#### 1) Principle of comprehensive assistance

In all decisions taken by national authorities with respect to victims, priority shall be given to their rights and protection, regardless of their participation in the criminal proceedings, providing comprehensive and appropriate legal, psychosocial, health, education, and other assistance differentiated by their belonging to vulnerable groups. National institutions for assistance to victims must undertake all the actions that are needed to respect the dignity of victims in criminal proceedings.

#### 2) Principle of application of the human rights-based approach

All national provisions, protocols, or guidelines, as well as the provisions of security, justice, and other services, must be aimed at helping declared or potential crime victims and must adopt, as a core principle, respect for and reinstatement of their basic human rights. For all purposes, the specificities of sex, gender, age, cultural or ethnic identity, and disability must be considered.

#### 3) Principle of preventing secondary victimization

Civil servants and employees of both public and private institutions must avoid all action or omission in assistance and protection processes that might do further harm to the victim's physical, mental, or psychic state, including exposure to the media, and must at all times strictly abide by and respect basic human rights.

Assisting victims must not be subject or conditional to their collaboration in investigating the crime or dismantling of national or transnational criminal organizations.

#### 4) Principle of immediate assistance

Civil servants and employees of both public and private institutions must immediately and efficiently provide assistance, removing bureaucratic obstructions to all actions by ensuring accessible, simple, and quality services

to all persons who are crime victims, helping them with dignity and respect for their rights, starting with the first time they request assistance and/or protection. State institutions must ensure the coordination and creation of one-stop service centers to provide assistance to victims to guarantee that the petitions filed by victims are addressed and pursued.

If there are specialized services because of special vulnerabilities or because of gender or public interest, such as offices providing services to victims of human trafficking, violence against women or children and adolescents, the institutions must foster inter-agency coordination with the other general services for assisting victims to avoid any duplicate processing in the services.

### **5) Principle of nondiscrimination**

Authorities must enforce the provisions of the present Guide, so as to guarantee nondiscrimination of persons victims of crime for reasons of ethnic belonging, gender, sex, age, language, religion, disability, sexual orientation, political opinions, or views of any kind, origin, nationality, economic status, or any other social or migratory condition.

Authorities must carry out their assistance, protection, or investigation actions without stereotyping the victim. Nor shall there be public or private statements made that communicate or carry out harmful or stereotypical actions.

### **6) Principle of participation and being apprised of information**

The specific opinions and needs of persons who are victims must be taken into consideration when any kind of decision is taken with respect to their interests.

Persons who are victims have the right to receive full information about their rights and entitlements. At the victim's request, the victim shall also have access to information about the final provisions, opinions, and rulings that are taken and affect his or her interests whether directly or indirectly, as long as the disclosure of the information does not undermine the confidentiality of third-party information.

### **7) Principle of life Project**

Means shall be provided to victims in proportion to their needs to support their life project, in order to eliminate or minimize the causes of their victimization and develop their expectations.

### **8) Principle of suitability of the measures**

The assistance measures must be applied according to the specific case and special needs of the persons who have been victims of a crime and always for their benefit.

### **9) Principle of confidentiality**

All administrative or jurisdictional information associated with the assistance given to persons who are victims of crime, their dependents, and related persons shall be confidential. Its use must therefore be kept exclusively for the purposes of the investigation, administrative proceedings or the respective criminal proceedings.

#### **10) Principle of gratuitousness**

The requests and actions relating to care services shall be free of charge, in accordance with the legislation of each country, and, as a consequence, the certified copies issued thereof may be exempt from all types of fees, taxes and taxes. Officials, employees of the justice system, public administration, and military aid bodies who intervene in any way in such matters, will dispatch them with all preference and will not be able to collect remuneration, nor any additional right to those received by the party of the State.

#### **11) Principle of voluntariness.**

The care services and actions relating to them must be consented by the victim, or in case the victim is not able to do so by their parents or legal representatives. To this purpose, they must provide informed consent in order to receive care services.

### **3.2.- CHARACTERISTICS OF THE SERVICES**

National authorities could apply the following criteria when taking the decision to implement assistance and protection measures: importance, need, considering the petition; analyzing and assessing the petition; delivery of the services.

As for decision making, it shall be steered on the basis of the principles set forth in these guidelines and using an approach based on human rights, gender, and the comprehensive protection of the victim's rights.

National assistance services can be:

- a) Comprehensive and inter-agency.
- b) Capable of providing emergency care services such as medical, psychological, or psychiatric assistance aimed at the victim's physical and mental health. Post-emergency assistance and protection services must also be provided in keeping with the personal modalities and circumstances of the victim and the context of the violent incidents. Assistance and support services shall also be planned to reinsert the victim into a new life project or socio-economic reintegration. Services shall be provided for a given time, depending on what is indicated in the technical studies and on the availability of resources.
- c) Assistance in any category must be differentiated without discrimination, in line with the characteristics of the victims such as their age, sex, belonging to an indigenous community, disability, and sexual orientation.







4

**Identifying and  
Assisting Crime Victims**



## 4.- IDENTIFYING AND ASSISTING CRIME VICTIMS

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### 4.1.- IDENTIFYING AND DETECTING VICTIMS

Crime victims are detected, in most cases, as a result of a report or notification that the victims file after perpetration of the crime or because of investigations carried out by law enforcement authorities or security services or immediate-response teams.

Any person who is aware, by any means, of the existence of a possible crime or a possible victim of said crime must file, in due time, the report or notification in the respective institutions having jurisdiction.

Without detriment to the actions that pertain, under law, to the security and justice institutions in each one of the states, the police force or attorney-general's office must coordinate the immediate assistance that the health and integrity of the victim requires.

### 4.2.- TIMELINESS FOR INFORMING VICTIMS OF THEIR RIGHTS

Victims or their next of kin shall be informed of the rights they have to act and have access to justice and to receive the assistance and protection they need to safeguard their physical and mental integrity and health.

During the interview process they shall be informed of the services that the state has available, both those provided by its institutions and those they can refer them to from non-profit social organizations that can cooperate to assist victims. Victims shall be assisted by all available state services, without requiring the victims to eventually participate in criminal proceedings as a source of evidence.

In cases where it is deemed necessary, the victim should be made aware of the possibility of regional relocation for their care and / or protection, always and as long as there are duly signed and ratified agreements that empower them to do so.

To assist victims, basic health, psychological, legal counseling, and social work support services must be included; in some cases various services are planned such as child care services and interviews, education services, shelters, and security. If the victims are foreigners, their respective consular representative must be contacted. In the case of eminent danger if the victim travels back to his or her country, due legal counseling must be provided to establish the corresponding migratory status.

The interviews must inform the victims of their services and rights, and these services must be given taking into account the age, the sex, as well as the other specific characteristics of each victim, such as their belonging to an ethnic group, their disability, their sexual option, and their migratory status.

It is recommended that crime victim care services take into account, according to the crime and its context, the specific conditions of vulnerability of the victim and his / her environment and the available resources, at least:

- Medical care. It should preferably be provided by a professional of the same sex as that of the victim and consist of at least the following: checkup of health status; where necessary specific tests targeting pregnancy, HIV or other STDs, addictions, brain damage, bodily injuries either treated or inadequately treated, gynecological checkup and checkup aimed at identifying illnesses specific to males, and a dental checkup.
- Psychological care. It must be comprised of at least the following: crisis intervention, preliminary individual counseling and subsequent group therapy sessions, sports and recreational activities; innovative techniques for emotional work and empowerment. Nor should services fail to provide therapy tackling the Stockholm syndrome when it is present or other similar symptoms stemming from forms of attachment associated with seduction.
- Legal counseling. It must consist of providing information to the victims about their rights, including that of not reporting and about what participating in a proceeding entails when reporting the crime. Whoever provides legal counseling services must check that all current tools and methods are being used to avoid secondary victimization. In addition, victims must be given the spaces and tools needed to guarantee their security and, if necessary, that of their next of kin and witnesses.
- Social welfare support. It must include all the steps needed for the victims to meet their needs so they can be empowered and move on. In addition to support in terms of medical and psychological care and legal counseling, whoever provides social welfare services must handle the steps that need to be taken, such as obtaining copies of birth certifications, access to education and vocational training for employment, support for securing housing, access to microbusiness loans, reestablishing contact with family and community reinsertion without stigmatization or the search for diverse reinsertion opportunities; the appraisal of risk and referrals to a safe house, shelter, or halfway house, if required by the case

#### 4.3.- CONDUCTING THE INITIAL INTERVIEW

Conducting the initial interview of the victims must be the responsibility of trained staff, with specific training in assisting crime victims, without detriment to reorienting them to other specialized bodies, organizations, and entities with experience in supporting the victims. To avoid revictimization, the institutions should try to conduct one single interview, unless it is necessary to conduct another one. The interviews shall be documented in writing or by any other technology-based system. The names of those involved, the place, date, and time shall be indicated. For this purpose, national authorities shall prepare common forms that are easy to complete, each one bearing a unique number making it possible to automate the information.

The interviews shall be carried out privately and confidentially, in a language the victim understands or with the help of an interpreter if necessary. Victim interviews must be conducted in an environment that is appropriate for the victim's gender, age, or other personal circumstances. The institutions must adopt adequate measures to avoid any contact with the perpetrators of the violence.

When the interview has been completed, the victim shall be informed of his or her right, including to free legal counseling from the institution, as well as the possibility of contacting a specialized organization for assistance and support.

In the public, private, or social security hospital network, there must be staff available specializing in the treatment of crime victims so that a preliminary interview can be conducted, traces of evidence of a criminal incident can be recognized, and police authorities or the attorney-general's office having jurisdiction can be called. In any case, persons must receive the professional medical or psychological care they require.

If the attorneys of the perpetrators wish to conduct an interview, this can be verified on the basis of the law, while protecting the identity of the victim and his or her rights, and it shall always take place through the attorney-general's office or the prosecution service in the presence of the prosecutor in charge of the case. The prosecutor or judge, depending on the law applicable in the case, shall be responsible for deciding whether or not to authorize said interview.

Interviews with protected victims and witnesses shall be confined to what is established in the protection measures.

#### **4.4.- DECIDING IF THERE ARE GROUNDS FOR PROVIDING ASSISTANCE AND PROTECTION**

To determine if there are reasonable grounds for identifying a person as a crime victim, the indicators set forth in the protocols that, for the purpose, are issued by the national authorities shall be taken into account. In the initial interview and identification process, all available information about the alleged victim's personal situation shall be gathered, along with his or her psychosocial and legal situation, with the assistance of qualified professionals.

The appraisal of existing clues about the victim's status shall be carried out using the maximum protection principle, in order to ensure comprehensive assistance and security.

The interviewer must include an appraisal of the risks that the victim is facing and make recommendations on measures for the protection, safety, and privacy of the victim and his or her next of kin, if any. The interviewer must decide whether or not to refer the victim to other specialized entities.

All actions taken shall be registered in the respective case file.

Before completing the assessment of the victim's circumstances and situation, the interviewer shall provide him or her with the following information:

- a) On the victim's rights to care and protection. The interviewer must make all victims understand that the support they receive do not depend on whether or not they participate in criminal proceedings.
- b) That the victim has the right to benefit from the Victim Assistance Program, depending on the case, in accordance with each country's legal provisions.
- c) In crimes of organized crime when the victims are women, children and / or adolescents, the victim should be accompanied by specialized personnel;

- d) The right to be referred or taken to one of the welfare resources of health, education, or social security provided by the state, local institutions, or non-profit specialized organization.

#### 4.5.- SECURITY MEASURES THAT MAYBE ADOPTED

Based on the attention of each particular case and the needs of the victims, which means that protective measures must be adopted to protect their integrity; the police force or public security unit or the public prosecutor's office or the national authorities responsible for protection programs shall inform the victim of the possible risks and self-protection, safety or security measures to be taken. If the victim turns down one of the protection and security measures, this rejection must be specified in the respective case file.

Protection and security measures may consist of the following:

- a) establishing procedures for the physical protection of the persons, including relocation with their next of kin or in safe centers;
- b) forbidding either completely or partially, when appropriate, the disclosure of information about the identity or whereabouts of the victim;
- c) facilitating a cell phone, if necessary, and/or facilitating a phone number for permanent communication with the staff in charge of the investigation or protection; and
- d) any other measure that is reasonable and worthy in view of the personal circumstances and context of the incident and/or the surroundings.

Protection and security measures can be extended to children who are minors or have a disability, as well as to persons who are next of kin to the victim.

#### 4.6.- REFERRAL TO PUBLIC WELFARE RESOURCES

Victims shall be informed of public welfare resources, such as health and education, which are at their disposal, along with housing or convenient and safe shelter, the material assistance they can receive, medical assistance, legal counseling, and other available services, including employment.

Victims can consent to being referred to specialized assistance entities or the services of non-profit organizations.

All entities shall be required to guarantee confidentiality and the informed consent of victims.

#### 4.7.- DRAFTING THE CASE FILE

The entities that have had contact with the victim must open a case file using the form that the national authority specifies for that purpose. This form can be completed by hand or on an electronic file, ensuring that

access to it from other institutions that provide care and / or protection services is possible, so as to avoid revictimization. The person who conducts the interview must have specialized knowledge and training.

The case file shall be forwarded, within the following twelve (12) to twenty-four (24) hours after being completed, to the competent authorities for its internal analysis and distribution. The attorney general's office or prosecution service will be able to categorize the contents as a notification or report about the occurrence of a criminal act.

#### **4.8.- PROCEDURAL ACTIONS FOR ACCESS TO JUSTICE**

The attorney-general's office or prosecution service, when providing assistance to crime victims in keeping with domestic law, shall guarantee that all victims will be given humane treatment, will be clearly and accessibly informed of their rights, including understanding that information, in addition to their right to access to justice, truth, and judicial protection, the right to comprehensive reparations, and the obligation to inform them about any procedural actions that might affect their security.

The victims shall also receive explanations on their right to be assisted, regardless of whether or not they collaborate with the criminal proceedings.

The prosecutors and judges shall be careful that statements provided by the victims are taken as required by law to avoid challenges to their admissibility or prevent them from being disqualified as evidence.

The experts, medical examiners, physicians, psychologists, or forensic psychiatrists, in the context of their competencies, shall make sure that the interview and questioning of the victim be undertaken comprehensively at one single time, thus preventing secondary victimization, the repetition of the interview, evidence, and additional tests.

#### **4.9.- ACTIONS OF NON-PROFIT ORGANIZATIONS AND ENTITIES SPECIALIZING IN ASSISTANCE TO VICTIMS**

The contributions made by nonprofit organizations, civil society and specialized entities providing support to victims are recognized, especially those that provide comprehensive assistance and participate in coordinating the programs of public institutions.

The support and intervention of non-profit organizations specializing in providing assistance to victims must be considered as additional to the public resources involved.

The specialized organizations and entities in charge of assisting victims may support victims in the action taken with state bodies, in criminal proceedings, according to the legal framework of each State, ensuring an understanding of, and respect for, the rights of victims and that state bodies provide all assistance and protection with efficiency and quality. Services must abide by the law and be provided with the highest standards of confidentiality, service and quality, as monitored and evaluated.

These civil society organizations and specialized entities must inform the authorities of the attorney-general's office, the national police force, or the corresponding local authority about the cases of organized crime victims that they are assisting for the purpose of strengthening the respective investigations.

When civil society organizations and specialized entities receive referred victims, they shall make available resources for comprehensive services, including, among others, safe housing or shelter, medical assistance, health, psychological, or psychiatric care; other social, educational, and training resources, as well as resources or support for socio-occupational insertion, legal assistance, translation or interpretation in the case of a victim who does not speak Spanish, is a foreigner, or comes from a first-nation people.

## **4.10.- INTER-AGENCY TIES**

### **4.10.1.- COMMUNICATIONS**

Law enforcement authorities and public security services should keep the attorney-general's office, prosecution service, or offices assisting crime victims or the competent authorities informed at all times about the incidents of which they are aware that could affect the contents and scope of assistance or protection measures.

The attorney general's office or the prosecution services and courts, as well as victim and witness protection programs, shall notify the victims of all actions whereby security measures are agreed upon, as well as the lifting or alteration of these measures.

### **4.10.2.- REUNIONES DE COORDINACIÓN**

In every district of the national territory or judiciary district, a working meeting should be held for the purpose following up on the actions associated with assistance to crime victims. The meeting shall be convened by the national authority that acts as the coordinating entity.

The staff of the attorney-general's office and prosecution service, the senior levels of the police force, the bodies providing assistance to victims, local government, health and social assistance entities, and any other organization deemed relevant shall attend this meeting.



# 5

## **Assistance Services to Crime Victims**



## 5.- ASSISTANCE SERVICES TO CRIME VICTIMS

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### 5.1.- GUIDELINES FOR ACTIONS OF VICTIM ASSISTANCE SERVICES

Actions of the institutions should be based on a human rights promotion and protection approach that gives priority to victim assistance and prevents worsening their conditions and secondary victimization.

The institutions in charge must comprehensively tackle the problems of victims and witnesses: in the case of women and girls, they must use a gender-based perspective; in the case of children, the principle of the higher interest of the child must be applied; and the victims' age, vulnerability, ethnic belonging, or first-nation status, as well as sexual preference or orientation, must also be taken into account.

The institutions that apply the present Guide could follow the guidelines for action indicated below:

- 1) Guarantee that the victims know their rights and duties and that they receive adequate specialized assistance and information as required by law.
- 2) Verify that the victims understand the scope of protection that is provided by law in said state.
- 3) They must provide multidisciplinary assistance with civil servants and staff benefiting from adequate training.
- 4) They must provide assistance to the victims and their family environment, including a reasonably decent arrangement for their diet, health, education, and social protection.
- 5) They must make sure that all actions performed by national civil servants and institutions do not lead to the risk of secondary victimization of victims, thereby reducing the suffering stemming from their circumstances and establishing measures that foster their recovery and prevent traumatic experiences.
- 6) They must provide services that ensure recovery and physical, psychological, and emotional rehabilitation.
- 7) They must protect the privacy and identity of the victims.
- 8) They must foster the victim's life project and measures over the short, medium, and long terms.

### 5.2.- NATIONAL CRIME VICTIM ASSISTANCE SERVICES NETWORK OR SYSTEM

For coordination purposes, it is advisable that, in each state, a National Crime Victim Assistance Services Network or System (hereinafter the National Network) be established. The National Network can be comprised of various crime victim assistance services, specialized assistance bodies depending on the specific characteristics of the victim, and the victim and witness protection programs.

The National Network shall coordinate with other state bodies or secretariats that provide assistance services in health, civil protection, education, and others deemed advisable.

### 5.3.- COORDINATION OF THE NATIONAL NETWORK

In each one of the countries, the National Network shall be coordinated by the institution authorized to provide assistance services to victims, which could be designated as the national coordination authority. An agreement shall be adopted among the participating institutions of the National Network to establish their coordinating competencies in the framework of the attributions of the National Network.

The national coordinating body shall bring together the executive directors or their equivalent of each one of the institutions, national bodies, or victim assistance office, under any national or territorial name or location, and directors or managers of the victim and witness protection program to become a part of the National Network, among other institutions that provide victim assistance services.

Institutions providing assistance to victims could be coordinated on the basis of the following general goals:

- a) establishing a comprehensive service and differentiated assistance approach to crime victims, enforcing their rights without requiring them to eventually participate in criminal proceedings;
- b) promoting implementation of the higher interest of crime victims so that they can be given priority and protected in their rights and interests, respecting their dignity at all times and providing them with the differentiated service they need;
- c) promoting the cooperation, coordination, and joint programming of national organizations involved in giving assistance to victims for the purpose of preparing and applying common strategies and programs;
- d) ensuring adequate coordination and division of labor of national organizations or bodies, on the basis of the mandates and basic competencies set forth in domestic, regional, and international law for the purpose of avoiding the unnecessary overlapping of efforts, preventing secondary victimization of persons who reach out to request assistance and protection from the state, and rationalizing activities to make them more effective in terms of assistance to the victim; and
- e) supporting the victim and witness protection program.

### 5.4.- REPRESENTATION OF PUBLIC INSTITUTIONS IN THE NATIONAL NETWORK

Public institutions that are members of the National Network shall be represented by their head or by the civil servant that the head designates in the framework permitted by the laws applicable to each institution.

## 5.5.- INTER-AGENCY COORDINATION

The bodies providing assistance to victims could undertake the following minimum actions:

- 1) Coordinate medical, social, legal, or psychological care depending on the needs of the victims;
- 2) In the case of displacements because of the crime, civil protection bodies must be organized to provide all the assistance and services needed for health, food, hygiene, security, and the search for, and protection of, a place where victims can live and develop;
- 3) Assist all victims with dignity;
- 4) Adopt adequate measures to minimize the inconveniences caused to the victims, protect their intimacy, and guarantee their security against all acts of intimidation and retaliation, as well as for their next of kin;
- 5) Inform victims clearly and simply about the institutional services that shall be provided, as well as the procedures and actions aimed at protecting their personal integrity;
- 6) Provide victims with support services in institutional services; and
- 7) Guide victims with respect to services in the areas of healthcare assistance, psychological assistance, legal counseling services, and social work support; in certain cases, various services are planned such as child care or interviews or providing education services, shelters, and security, offered by the national crime victims protection network.

## 5.6.- DUTIES AND POWERS OF THE NATIONAL NETWORK

The institutions that are members of the National Network could have the following duties and powers:

- 1) to draft and sign cooperation agreements that define the areas, guidelines, protocols for action, and mechanisms for intervention and collaboration;
- 2) to draw up and prepare an inventory and mapping of the services provided to victims, along with their respective resources;
- 3) to consolidate the services they provide on the basis of a work plan;
- 4) to establish a single primer providing easy-to-understand and simple information that can orient the user regarding services provided;
- 5) to create a web page that explains, steers, and consolidates services and that makes public all information that is not classified or confidential or personal data about the victims whose disclosure is forbidden;

- 6) to create simple and clear flowcharts accessible to victims;
- 7) to establish a single phone access system for emergency and information service requests or to consolidate current systems;
- 8) to adopt a public policy, along with its instruments, for providing assistance to crime victims;
- 9) to establish a yearly assessment that reviews and evaluates the functioning of the National Network and the need to continue the service, making it available to the public as a result of access to public information;
- 10) to keep a comprehensive system of institutional statistics and the National Network aimed at gathering, systematizing, and analyzing, on an ongoing basis, information on the subject of victim assistance and protection;
- 11) to manage the finance, material, or human resources that are needed to improve assistance services to victims;
- 12) to create, set up, and implement victim assistance programs;
- 13) to establish cooperation and coordination ties with victim and witness protection programs;
- 14) to draw up a work plan with periodic meetings once a month and whenever needed to examine the strategic perspective and results of actions, with a view to improving services; and
- 15) to adopt its own regulations governing its actions.

## 5.7.- NATIONAL POLICY TO ASSIST AND PROTECT CRIME VICTIMS

The National Network can design and issue the national crime victim assistance and protection policy. Policies focusing on protecting vulnerable groups can also be issued.

Current specialized policies can be harmonized with the national policy.

The national policy can be evaluated at least every three years, based on the cycle of violence and crime, as well as on the data on services from the institutions.

## 5.8.- IMPLEMENTATION OF MEASURES ISSUED IN CONTINGENCY SITUATIONS FOR VICTIM PROTECTION

To implement measures issued in contingency situations, such as the massive internal displacements of crime victims, the National Network will be able to benefit from the support of any state institution to tackle incidents.

The attorney-general's office or the competent authority shall keep control over operations to assist victims in situations of forced displacement in response to incidents of crime, so that response actions reach the places required on time.

The attorney-general's office or the competent authority shall coordinate the respective actions or, if appropriate, the timely responses to any event or situation of violence.

### **5.9.- WORK PLAN**

The National Network can design its work plan, containing the strategies and concrete actions to assist and protect victims, in the framework of the national policy.

The work plan can be updated on an ongoing basis, with a yearly review and evaluation.

### **5.10.- TECHNICAL STAFF**

Every institution of the National Network shall make available its technical and professional resources to prepare plans, provide training, conduct victimology or criminology studies, among others.

### **5.11.- HOSPITAL CARE FOR VICTIMS: DUTY TO ASSIST**

According to the domestic legal framework, persons have the duty to assist crime victims.

The national hospital network shall be the main entity in charge of assisting crime victims, drafting protocols and plans as required in the case of vulnerable victims, such as violence against women, crimes against sexual freedom, acts of violence against children and adolescents, and human trafficking, among others.

### **5.12.- PRINCIPLES FOR ACTIONS BY THE PUBLIC ADMINISTRATION**

The administrative actions of the National Network shall abide by the principles of economy, proportionality, rapidity, ex officio promotion, flexibility in procedures, effectiveness, truth, approach, antiformalism for the benefit of the victim, actions carried out in good faith, and maximum protection to the victim.









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