

International Association of Judges
47th Annual Meeting 2004
Valle de Bravo (Mexico), 31 October – 4 November 2004

3rd Study Commission
Questionnaire

Restorative Justice and the position of the Victim in Criminal Law

A. Compensation.

1. Can your criminal courts order a defendant to pay compensation to his victim? What are the rules of your scheme? How is the amount fixed? What happens if a defendant does not pay? Can someone in prison be ordered to pay a part of his earnings in prison to his victim?
2. Do you have any state system to compensate victims from a public fund? Does such a fund compensate only for personal injuries? Or for any financial loss? How is the amount fixed?

B. Alternatives to Imprisonment.

1. Can a defendant be ordered to do unpaid work? Must he agree? What are the rules of your scheme? What sort of work is done? What happens to him if he does not do the work?
2. Have you any schemes which allow a defendant and his victim to meet? Can a defendant reach an agreement with his victim to compensate him and so avoid a prosecution?
3. Have you any schemes to divert a defendant from the criminal courts, or to reduce the penalty imposed if he agrees to attend a training course to modify his conduct?
4. Are there any special schemes which apply to young defendants?

C. The Victim.

1. How is the victim's voice heard in the criminal process? Does your system allow him to appear in person or through an advocate to express a view about the appropriate sentence or the proper level of compensation? Is he entitled to be consulted by the prosecution about the progress of the criminal case? Is he told the result? In the case of a serious crime, is he told when the defendant is to be released from prison? Can he ask for conditions preventing the defendant from making contact with him? or living nearby?
2. What procedures do you have to protect vulnerable witnesses before and after a trial? May they give evidence at trial behind a screen or through a video-link? Do any rules protect them from intrusive questioning, in for example, a sexual case? Are there any special rules for children?