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AN IN-DEPTH BOOK REVIEW ‘A GLOBAL PERSPECTIVE ON VICTIMS OF CRIME & VICTIM ASSISTANCE; BEST PRACTICES AROUND THE WORLD’

AUTHORED BY - HARINI RANGAVITTAL

ABSTRACT:

This book primarily, covers various research articles, on victimisation around the world. Prevention of Victimisation, the after effect on the victims, the concept of justice, sexual victimisation, victimisation of women, etc are principally thrown some light onto.

These research articles published in the form of book gives a wide area of gamut in the said field. Since global practices are analysed, many insightful recommendations have been made which substantially are felicitous in the modern era.

This book analysis, predominantly scrutinizes the 19 chapters published and gives a concise view on the same and encompasses the essence of the material. Further, ascendancy includes the merit of inclusion of diverse authors which acts as an under one roof manual.

The numerous judicial pronouncements analysed provide helpful comprehension of the current issues pertaining in the current scenario. Researches include empirical study as well as doctrinal study which enables the readers to peruse first-hand information.

Victims of crime as well as victims of other predicament matter are included. Besides mentioning the legal intricacies involved in the subject matter, it also covers the psychological challenges faced by the victim, which acts as a major conundrum in the current society.

KEY WORDS: Victims, crime, justice, fear, victim assistance, etc.

INTRODUCTION:

Crime and Victim are two sides of the same coin. But very often the other side of the coin namely victim is not given the required assistance. This issue is prevalent throughout the world. Numerous studies have been made which delves into the significance of victim study. This enables one to sympathise with the victims, thereby providing the right assistance required to them. Society as a whole will evolve for better when the crimes occurring in the society relegate to a considerable extent.

Various scholars have presented numerous solutions for attaining the said object. But implementation of such solutions is a strenuous progression. The diversity among nations adds up to the hurdle. Providing victim assistance is the indebtedness of the society as a whole. This review gives a comprehensive view over the study of victimology throughout the world.

CHAPTER 1¹:

The father of victimology Benjamin Mendelson defined victimology with a diverse inclusion of victims not just limited to crime but extending upto victims of disasters, accidents, wars, discrimination, etc. The key emotion is suffering which may occur due to various causes. This article mainly analyses the corelation between technological advancement and victimology in a victimogenetic technical environment. Prominent figures such as Elias and Fattah tend to refer towards criminal victimisation.

Driverless vehicles operate on set of algorithms programmed which are expected to think humanely as feasible. Harari's analysis on replacement of human workforce with technology has been examined. The author states the victimisation of potential employees who may face joblessness if technology is substituted with them. The statistical references of unemployment in US have provided a neoteric standpoint. A Ban on such technology may not be effective socio-economically unless all the countries agree to do so which is utopian.

It is suggested by the authors to adopt deontological framework to algorithms instead of pre-programming whom to victimise in case of any misfortune. A value-for-life framework in modern society is unacceptable as it discriminates based on age, gender or social status for

¹ A CONTEMPORARY VICTIMOLOGICAL DIMENSION OF TECHNOLOGY: THE ALGORITHMIC SOCIETY AND POLITICS OF LEGITIMATE VICTIMIZATION By Armando Saponaro

victimisation which is against the human rights principles.

CHAPTER 2²:

The author focuses on the quandary of wrongful detention and custodial death which are the results from abuse of power. Abuse of power is executed when the power is exercised beyond the legal limitations. The United Nations declaration of 'Human Rights' also represents its legal power. Abuse of power in relation to wrongful custody is done also as a result of pressure imposed involving social, systematic and personal issues faced by the investigating body. The UN Secretary General, 1990 and The European Convention on Human Rights enumerates that arrest can only made with a valid detention order. A person arrested is entitled to know the reason of his arrest. Arrested person, within 24 hours has to be presented before the magistrate. Even in case of preventive detention maximum period of 2 months only is allowed.

In the cases of *Sunil Batra v. Delhi Administration*³ and *Rama Murthy v. State of Karnataka*⁴ protection of fundamental rights of the accused has been reinstated. The third report of National Police Commission made observation that the power given to the police are often misused by them. People who have political connections often getaway as opposed to common people who tend to be harmless. Several cases are analysed in detail in this paper. The custodial death of Jayaraj and Bennix in Thoothukudi and Father Stan Swamy are analysed in detail. Constitutional provisions such as Art. 32, 20, 21, 22 are also pondered in this study. This paper throws light upon both national and international provisions relating to arbitrary arrest and custodial death and suggests that it could be reduced by raising awareness of legal rights that people are entitled to.

CHAPTER 3⁵:

This paper analyses the result of IDPs due to local ethnic conflicts. This issue is predominantly seen in many African countries facing political instability, violence, ethnic mobilisation, etc. Democratic Republic Congo, Syria and Ethiopia are the top three countries which has the worst internal displacements. Internal Displacements are not only the issue of national concern but

² CROSSING THE TRESHOLD FROM OFFENDER TO VICTIM: ROLE OF THE POLICE AND JUDICIARY IN TILTING THE SCALES By Beulah Shekhar

³ (1978) 4 SCC 409

⁴ (1997) 2 SCC 642

⁵ CONFLICTS AND INTERNAL DISPLACEMENTS: AN OVERVIEW OF VICTIMIZATION ON INTERNALLY DISPLACED PERSONS(IDPs) AND VICTIM ASSISTANCE TRENDS IN ETHIOPIA By G. Shunmuga Sundaram and Getinet Debalke

also involves international attention. The UN Guiding Principle of internal displacement has 30 principles which aims at protecting the rights of IDPs. According to the Norwegian Refugee Council, Africa has a population of 25.1 million people who are internally displaced. Besides internal disturbances, natural disaster in the continent attribute to this problem as well. The Kampala Convention of 2009 has been scrupulously examined which protects the human rights of IDPs. Statistical information of internal displacement due to natural calamity has also been provided by the author. Many organisations such as International Labour Organisation, United Nations Children's Fund, United Nations High Commissioner for Refugees, Government of Netherlands, the World Bank have been aiding Ethiopia in its internal crises. The author thereby suggests resettlement assistance to be provided for curbing this issue.

CHAPTER 4⁶:

This paper mainly articulates the crime prevention strategies which is the first step to prevent victimisation. Crime prevention model has been compared with public health model for facilitating both prevention, control and reformation. This was conceptualised by Wolfgang. Criminal justice functionaries have multiple components which has to be analysed judiciously. It has been divided into Primary, Secondary and Tertiary.

The popular models in the paper includes Community-based crime prevention which consists of inclusion of heterogenous neighbourhood. The environment surrounding also may contribute to any wrong-doing. Monitoring has been prescribed for reduction in crime rate based on observations made in Delhi and Chennai. Target solidifying mainly deals with reduction of possibilities of committing wrongful act. Various crime prevention models discussed in this research is suggested to be executed according to the need of the society by the author.

CHAPTER 5⁷:

The primary emotions of victims include fear, anger, guilt, grief, pain, loneliness, confusion, shame, etc. Maslow's paradigm of needs starts from basic human survival and reaches to self-actualisation. Social acceptance and love are essential to survive and overcome the aftermath of the trauma. Anthony A.J. Taylor recognises Justice as a Basic Human Need. The emotional

⁶ CRIME PREVENTION AND VICTIM ASSISTANCE: TWO SIDES OF THE SAME COIN By Vipin Vijay Nair

⁷ FEAR AND JUSTICE: THE HEART OF THE RESPONSE TO VICTIMIZATION By Marlene A. Young

trauma undergone by the victims can be treated with the help of the community surrounding them. The author enunciates that justice is served only when the victims have reconstructed themselves towards their abilities to meet their needs. Different combination of emotions has different effects on the victims. Substantive Justice is widely aspired, but systematic justice is the one that is implemented. The author concludes the paper by stating that hope is the ultimate key to emerge out of trauma.

CHAPTER 6⁸:

This paper has implied empirical data to study the fear of sexual victimisation of women and the protective strategies they adopt consequentially. Ferraro made an observation that victimisation of women in rape and sexual assault is 10 times higher than men's. Protective strategies include prevention mechanism such as taking up self-defence classes, carrying weapons, installing burglar alarms, etc. Avoidance behaviour includes reduction of contact with areas that are crime-prone. Cronbach's reliability test of questionnaire proved to be effective. This paper proved that with decrease in age, protective strategies adopted by women increased. It was observed that the mere fear of sexual victimisation impacts women to a greater extent.

CHAPTER 7⁹:

Compliance of societal norms was regarded to be a mandate in order to elude the possibilities of crime which may occur against them. The definition of crime was found to be dynamic which changes according to the facts and circumstances. The general laws and specific laws governing crime against women have been analysed. Statistical inferences drawn related to crime against women proved to be increasing at an alarming rate. Victim precipitation theory states that victim plays a part in the commission of crime, which has its own criticisms. Lifestyle theory suggesting that the surrounding environment contribute to crime commission. Routine activity theory is based on three variables-suitable target, motivated offender, capable guardian. Various other models such as SARA Model, Ekbloms 51s, were analysed. The study's object includes mechanisms of crime-prevention against women in Kerala. The observation of the study presented better policies need to be formulated for reducing

⁸ FEAR OF SEXUAL VICTIMIZATION AND ITS INFLUENCE ON AVOIDANCE AND PROTECTIVE STRATEGIES: AN EMPIRICAL STUDY AMONG WOMEN IN CHENNAI CITY By K. Kuralarasan and M. Priyamvadha

⁹ PREVENTION OF VICTIMISATION OF WOMEN: A STUDY ON THE POLICIES AND MECHANISMS IN KERALA By Archana S. Viswan

victimisation of women.

CHAPTER 8¹⁰:

The aim of the study is to escalate the aviation security to relegate victimisation through hijacking. This paper seeks to bridge the gap between passenger's satisfaction and security concerns. Various security systems have been analysed in detail. Few examples include Advance License Plate Recognition System, Driver's image capturing technology, Door Frame Metal detector, Behaviour profiling technique, body worn cameras, Shoe scanner, Liquid Bottle scanner, Beacon technology, etc. Primary data collection in this regard demands for innovative technologies to be introduced to speed up the screening process.

CHAPTER 9¹¹:

This paper focuses on the appointment of Commissioner for victims' rights. The Appointment of commissioner also had association with the political system prevailing there. The role of the commissioner was not to replace the voices of the victims but to just amplify it and provide them with all the required assistance. This paper articulates the structural framework of victim assistance which is provided by the commissioner in various parts of Australia.

CHAPTER 10¹²:

Victimisation avoidance occurs firstly by not reporting the crime fearing backlash, denial of support, etc. Secondary victimisation occurs at police stations, when they fail to sympathise with the sensitive issue provided before them. Tertiary victimisation involves the society as a whole which includes police communication of investigation reports, court room hassles, etc. Secondary sources of data were collected from Crime record bureau of Chennai and Villupuram. Primary sources of data were collected from the arrested persons. The study revealed that criminal laws have to be amended to be more victim friendly.

¹⁰ PREVENTION OF VICTIMISATION THROUGH HIJACKING BY THE INTEGRATION OF EMERGING TECHNOLOGY IN CIVIL AVIATION By P.Gireeshan

¹¹ THE COMMISSIONER FOR VICTIMS' RIGHTS, SOUTH AUSTRALIA: INTEGRAL TO STRENGTHENING THE RIGHTS OF VICTIMS OF CRIMES By Michael O'Connell

¹²TWO SIDES OF THE SAME COIN PROACTIVE POLICING AND VICTIM ASSISTANCE By K.R. Shyamsundar

CHAPTER 11¹³:

Kashmir has been a land which has always been a dispute between Pakistan and India. This research has collected primary data from the local civilians there, concerning their PTSD encountered due to terrorism prevalent there. Out of 332 respondents, 47% exhibited PTSD symptoms. The civilian victimisation in Kashmir, has caused major disruption of peace in the state, which requires the governmental interference was inferred in this study.

CHAPTER 12¹⁴:

This paper aims to identify the paucity in the existing legislation regarding protection of women and to suggest effective solution for reduction of harassment of women. The legislations examined in this study includes Molestation(sec 354 IPC), Sexual harassment(sec 509 IPC) and Tamil Nadu Prohibition of Harassment of women Act, 1998. It was observed that more than 70% of the victims are opined that the existing laws are not fully efficient to address the raising problem. It is recommended that awareness of law has to be raised among women and children by the government by including this as a subject in schools and colleges.

CHAPTER 13¹⁵:

The practice of restorative justice aims at reforming the offender and restoring the victims and the community. Compounding of offences is seen as a centre piece of restorative policing. This research is exploratory research whose sample size consists of police officials of Karnataka. It was observed that though the respondents majorly were not aware of the term 'restorative policing', they were familiarised with the concept. More than 90% of the respondents agreed that restorative policing was in actual parlance practised. The author opined that restorative justice process does provide highest benefit to the victim and therefore proper training regarding the said concept should be given to the police force.

¹³ PSYCHOLOGICAL IMPACT ON THE VICTIMS OF TERRORISM AND ARMED CONFLICT IN KASHMIR By Sharon Thomas

¹⁴ TAMILNADU PROHIBITION OF HARASSMENT OF WOMEN ACT, 1998: AWARENESS OF LAW AND PREVENTION STRATEGIES AMONG VICTIMS By Sowmya Kumar

¹⁵ TRACING THE SIGNS OF RESTORATIVE POLICING IN KARNATAKA STATE POLICE: A MICRO-LEVEL EXPLORATORY STUDY FROM UDUPI AND MANGLORE CITIES By Jovita Caroline Andrade and Rufus Devairakkam

CHAPTER 14¹⁶:

The paper highlights the practise of human trafficking around the globe which usually takes place between a less developed country to wealthier countries. United Nations strongly opposes sex trafficking and prostitution. Consequences of exploitation includes psychological impact, health, physical consequence, legal consequences and economic consequences. The Ujjwala scheme of the Central government was analysed. The research concluded that better efforts by various stakeholders is essential to aid the victims of commercial sexual exploitation, concerning their vulnerable state.

CHAPTER 15¹⁷:

This article addresses the hurdles faced by women in accessing justice due to various sociological reasons. The International and national legislations such as the Constitution, the Vishaka guidelines, Indian Penal Code, etc to a considerable extent elate the principle of equality. Various initiatives taken up by the Central government has been explored in detail, whose examples include Nirbhaya fund, One stop Centre, Women Helpline, etc. Institutional framework setup by Odisha and Delhi government includes Maadhyam, ANWESHA, Sadhana Foundation, etc. Other initiatives are prominently taken up by NGOs, NOPS, etc. The overview of various frameworks enables one to cognise the desperate efforts made in order to uphold justice to the vulnerable group of the society.

CHAPTER 16¹⁸:

The civil war in Sri Lanka between the Elam Tamils and the Sinhalese ended in the year 2009. Transitional justice preaches for reconciliation process for providing justice to the victims. The stages of reconciliation is divided into

1. Non-violent coexistence for replacing fear
2. Trust and confidence development when fear is no longer present
3. Creation of empathy.

Maintenance of peace after the post-war scenario is the major challenge. This paper highlights

¹⁶ ROLE OF VICTIM ASSISTANCE SCHEME IN EFFECTIVE REHABILITATION FOR VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION By Vipin Vijay Nair, Sanjeev P. Sahni and D. Daniel T. Andzenge

¹⁷ VICTIM ASSISTANCE PROGRAMS IN INDIA: GOVERNMENTAL AND NON-GOVERNMENTAL INITIATIVES By Beulah Shekar, Priyamvadha M, Keerthi Bolleneni, Anuradha S, Neeru Mishra, Minakshi Sinha and Sujata Mohapatra.

¹⁸ VICTIMS IN POST-CONFLICT SRI LANKA SEEKING TRANSITIONAL JUSTICE ON THE ROAD TO PEACE AND RECONCILIATION By R. Ranjani

the requirement of transitional justice, by effective interference of Truth commissions, criminal tribunals, etc.

CHAPTER 17¹⁹:

More than 10% of the sexual assaults and rapes are committed against single victim by multiple offenders (according to the National Crime Victimization Survey) which cause serious negative psychological impact. 130 rape cases are studies in this research. Provisions of the Indian Penal Code governing this crime has been examined.

This research has two major case studies. This first one, where the woman was raped by her own maternal uncle and his friends and in the second case study, a woman was raped by the tenants of the building. These case studies enable one to understand the psychological effects faced by such gang rape survivors. Many such horrifying incidents go unreported due to various reasons such as victim shaming, lack of community support, etc. This research is concluded by observing that the term 'honour' is not dependent on the women of the society as it is generally perceived.

CHAPTER 18²⁰:

This research delves into the concept of victimisation of foreign tourists through crimes like robbery, theft, etc. This analytical study has been conducted using secondary data. Tourism being a crucial sector in the economy has to be protected as it reflects the pride of a country. NCRB Data has revealed that Delhi had most crimes against foreigners in 2019. Many horrifying crimes committed against foreigners have been analysed. It is suggested that foreign tourism in India has to be protected and assistance by police officials has to be implemented in an effective manner.

CHAPTER 19²¹:

This paper examines the notion of female foeticide and female infanticide in India. The societal perception of having son/s has been deep-rooted to the extent that people were ready to kill a girl child whether or not in the womb. Therefore, the author suggests to combat this issue by

¹⁹ NARRATIVES OF SURVIVING 'GANG RAPE' AND VICTIM ASSISTANCE PROGRAMS FOR SURVIVORS By Vibha Hetu

²⁰ VICTIMISATION OF FOREIGNERS IN INDIA: AN ANALYTICAL STUDY By Sunanda Bhagavathy

²¹ COMBATING COLLECTIVE GENDERED CRIMES AT BIRTH IN INDIA By K. Gulam Dasthagir

conducting various gender sensitization programs to facilitate positive revolution in the society. The Beti Bachao Beti Padhao scheme of the Central government aims at bringing the above positive change.

CONCLUSION:

This compilation of research papers gives a diversified observation of victims of various predicaments prevailing in the society. Victim assistance is not a straight jacket formula that can be implemented. For instance, different victims of similar crime may require different kind of assistance. Therefore, it is a separate field of study, which has to be given more prominence in the criminal field.

