

CRIME, VICTIM, AND THE STATE: DIFFERING RATIONALES

Written by Dr. Manisha Mirdha

*Assistant Professor, Faculty of Humanities and Social Sciences, National Law University,
Jodhpur*

INTRODUCTION

Crime's wrongfulness is in part determined by the harmfulness it inadvertently causes, but research in victimology reveals that the experienced consequences of similarly severe crimes display large variation from one case to the next (Winkel, 2007). Although there is a clear correlation between the harm victims experience and the severity of the offence, pre-existing, co-occurring and aftermath factors all influence the experience of victims of crime (Ozer et al., 2003). Whereas people's reactions to offenders follow the logic of empirical reason and are guided by the severity of the crime committed, assistance and support to help victims recover from the crime's impact are guided by the harm that actually emerges. The reactions to offenders and victims in the aftermath of crime follow different rationales. The severity of the crime determines the punishment of the offender, the actual harm that results drives the need for support and assistance of the victim. The latter is correlated to, but not determined by, the severity of the crime. In addition, people's reactions are contingent on their expectations of a reasonable response to a crime of a given severity. With the introduction of the Victim Impact Statement, the question is raised of whether allowing such victim input during the criminal proceedings would influence the offender's sentence.

REFLECTING ON VICTIMOLOGY

The study of victims has had a much shorter history than criminology but it has reflected the concerns of many theories of crime. Diaganan (2005) and Goodey (2005) describe Victimology as a new and expanding sub-discipline within criminology. The status of victims of crime has altered significantly in the last century. The role of victims in the justice system has been reconsidered. Victims have become the 'key actors' rather than the 'forgotten players' in the

criminal process Crime surveys have extended their remit to include information concerning victims' experiences of the crime and the responses of the criminal justice agencies. But it's just the beginning of the alteration. The struggle is on and the fight is long. Though both victimology and criminology are vital in the criminal justice field, they are different from one another both in aim and scope. Victimology focuses on helping victims heal after a crime, while criminology aims to understand the criminal's motives and the underlying causes of crime. Victimologists are concerned with fostering recovery, while criminologists seek prevention.

Victimology which aims at entering the minds of a crime victim is that branch of criminology that scientifically studies the relationship between an injured party and an offender by examining the causes and the nature of the consequent suffering. It is the study of victimization. It includes the relationship between offenders and victims, along with the role victims play in the criminal justice system. The field that studies the process, rates, incidence, effects, and prevalence of victimisation is called [victimology](#) including the psychological effects on victims, relationships between victims and offenders, the interactions between victims and the [criminal justice](#) system be it the [police](#), the [courts](#), the corrections officials—and the connections between victims and other social groups and institutions, such as the media, businesses, and social movements. In criminal jurisprudence, mere punishing of offender is not sufficient to redress the grievance of victim; there is need to compensate the loss or harms suffered by the victim. Victimology studies about the harms caused to victim in commission of crime and the relative scope for compensation to the victim as a means of redressal.

Victims of crime began to receive academic attention after the Second World War with the emergence of Victimology (Mawby and Walklate, 1994). This theoretical interest in victims was matched at the policy level by a welfarist focus on the government's responsibility to provide citizens with protection from 'disease, squalor, and ignorance, idleness and want' (Mawby and Walklate, 1994 pp.70). This notion of government was based on the assumption that, as citizens are parties to an implied social contract, they are entitled to insurance against such conditions. (Mawby and Walklate, 1994 pp.70-1). These welfarist principles informed the recommendations for victim compensation made by Margery Fry, one of the leading social reformers of the 1950s. on the basis of the principles of collective responsibility and collective social insurance, she contended that the state had a duty to compensate victims for injuries consequent upon crime. (Diagnan, 2005, p. 43) Criminal justice professionals work to solve

crimes and ensure that justice is served; however, they also play an important role when it comes to helping victims of crime. It's important to note that criminal justice professionals do more than put criminals away. They also help victims cope using approaches grounded in victimology. Though criminal justice professionals seek to understand the mind of perpetrators to solve crimes and rehabilitate offenders, law agencies also use victimology to understand why a victim was targeted.

Studies on crime victims by researchers started in India only during the late 1970s. Early studies were on victims of dacoit gangs (i.e. gangs of armed robbers) in the Chambal valley (Singh, 1978); victims of homicide (Rajan & Krishna, 1981); and victims of motor vehicles accidents (Khan & Krishna, 1981). Singh and Jatar (1980) studied whether compensation paid to victims of dacoits in Chambal Valley was satisfactory or not. Since the 1980s, many scholars have conducted studies in Victimology, which have been published.

In Criminal Procedure Code, though provisions have been made in Section 357 to provide compensation to victims, who have suffered loss or harms in consequence to commission of offence. But, what has been provided in Indian Law, as a compensatory measure to victims of crimes, is not enough and this aspect needs to be reviewed by the legislature to frame or enact necessary law, so as to sufficiently compensate to victims of crimes and to provide safeguards to victims of crimes, besides compensating him in monetary terms. [S.P. Sharma, Advocate, Rajasthan High Court, Jodhpur, December, 2010].

VICTIMIZATION

Victimization is a highly complex process encompassing a number of possible elements. It is the relation between victim and the accuse. Criminal victimization may inflict economic costs, physical injuries, and psychological harm. Perhaps the first theory to explain victimization was developed by Wolfgang in his study of murders in Philadelphia. Victim precipitation theory argues that there are victims who actually initiated the confrontation that led to their injuries and deaths. Although this was the result of the study of only one type of crime, the idea was first raised that victims also might play a role in the criminal activity.

The first element, often referred to as ‘primary victimization’ comprises whatever interaction may have taken place between offender and ‘victim’ during the commission of the offence, plus any after effects arising from this interaction or from the offence itself. The ‘primary victimization’ phase of the process, it may be helpful to begin by distinguishing between the ‘effects’ or consequences that are known to result from crimes of different kinds and their ‘impact’ on victims themselves. Certain crimes entail physical effects, which are likely to involve some degree of pain and suffering, and may also entail loss of dexterity, some degree of incapacity and/or possible temporary or permanent disfigurement. Many crimes also have financial effects, which may be either direct. Very often crime can result in additional costs that might be incurred, for example, in seeking medical treatment or legal advice, or loss of income as a result of attending to the crime and its aftermath, or possible loss of future earning potential. Certain crimes can also have psychological and emotional effects upon victims including depression, anxiety and fear, all of which can adversely affect their quality of life.

The second element encompasses ‘the victim’s reaction to the offence’, including any change in self-perception that may result from it, plus any formal response that she/he may choose to make to it. The third element consists of any further interactions that may take place between ‘the victim and others’, including the various criminal justice agencies with whom she/he may come into contact as a result of this response. Where this interaction has a further negative impact on the victim, it is often referred to as ‘secondary victimization’. Secondary victimization refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim. Institutionalized secondary victimization is most apparent within the criminal justice system. At times it may amount to a complete denial of human rights to victims from particular cultural groups, classes or a particular gender, through a refusal to recognize their experience as criminal victimization. It may result from intrusive or inappropriate conduct by police or other criminal justice personnel. More subtly, the whole process of criminal investigation and trial may cause secondary victimization, from investigation, through decisions on whether or not to prosecute, the trial itself and the sentencing of the offender, to his or her eventual release. Secondary victimization through the process of criminal justice may occur because of difficulties in balancing the rights of the victim against the rights of the accused or the offender. More normally, however, it

occurs because those responsible for ordering criminal justice processes and procedures do so without taking into account the perspective of the victim.

Re-victimization implies that crime is not distributed randomly. According to an estimate, based on data from the British Crime Survey, 44% of all crime is concentrated on 4% of victims. (Farrell and Pease, 2001). Some of the repeat victimization is due to the victim living or being associated with the offender. Some of the repeat victimization in property offences is due to the location of the victim or their residence. Those who live close to a concentration of potential offenders in residences that are unprotected are particularly at risk of repeat victimization. Repeat victimization is disillusioning to victims who report their experience to the police and the criminal justice system because they were not protected. Being victimized a second time increases the psychological trauma of the event.

Self victimization is that category where the person himself commits or indulges in such acts which result in his own victimization which might emerge from wrong persons' company, wrong habit, etc. Victims of abuse and manipulation often get trapped into a self-image of victimisation. The psychological profile of victimisation includes a pervasive sense of helplessness, passivity, loss of control, pessimism, negative thinking, strong feelings of guilt, shame, self-blame and depression. This way of thinking can lead to hopelessness and despair. It may take a long period of time for therapists to build a trusting relationship with a victim. There frequently exists a distrust of authority figures, and the expectation of being hurt or exploited.

VICTIM- CLASSIFICATION AND MENTALITY

Benjamin Mendelsohn, often referred to as the 'father of victimology' argues in his major contributions about the term 'general victimology' and a typology of crime victims. In the most general sense, a victim is anyone who experiences injury, loss, or misfortune as a result of some event or series of events. Individuals may identify as a victim if they believe that: they were harmed; they were not the cause of the occurrence of the harmful act; they were under no obligation to prevent the harm; the harm constituted an injustice in that it violated their rights and/or in that they possessed qualities making them persons whom that harm did not befit; they deserve sympathy. The desire of empathy is crucial in that the mere experience of a harmful

event is not enough for the emergence of the sense of being a victim. In order to have this sense, there is the need to perceive the harm as undeserved, unjust and immoral, an act that could not be prevented by the victim. The need to obtain empathy and understanding can then emerge.

Victim Classifications

Victimology is concerned with three categories of victim: primary victims, secondary victims and related victims. This is because crime creates a ripple effect, depending on the severity of the offense.

- Primary victims are individuals who are injured or otherwise directly affected by a crime committed against them. For example, the primary victim of an armed robbery loses his or her possessions and may require therapy to cope after experiencing violence.
- Secondary victims are present at the scene of a crime and may be injured as a result of witnessing it. They might also be the parent or guardian of the primary victim. The family and friends of the robbery victim above would be considered secondary victims because the crime has indirectly affected them.
- Related victims are people who are dependent on the primary victim, have a close relationship with the primary victim or are connected to the victim in some other way. For example, the neighbors of the robbery victim would be considered related victims if the crime occurred on their street.

Victim mentality is an acquired [personality trait](#) in which a person tends to recognize or consider themselves as a victim of the negative actions of others, and to behave as if this were the case in the face of contrary evidence of such circumstances. Victim mentality depends on clear [thought](#) processes and [attribution](#). In some cases, those with a victim mentality have in fact been the victim of wrongdoing by others or have otherwise suffered misfortune through no fault of their own. However, such misfortune does not necessarily imply that one will respond by developing a pervasive and universal victim mentality where one frequently or constantly perceives oneself to be a victim. The term is also used in reference to the tendency for recognizing one's misfortunes on somebody else's misdeeds, which is also referred to as victimism. Victim mentality is primarily developed, for example, from family members and

situations during childhood. Individuals harboring a victim mentality would believe that their lives are a series of challenges directly aimed at them; most aspects of life are negative and beyond their control; because of the challenges in their lives, they deserve sympathy; as they have little power to change things, little action should be taken to improve their problems.

A victim mentality may manifest itself in a range of different behaviours or ways of thinking and talking: Identifying others as the cause for an undesired situation and denying a personal responsibility for one's own life or circumstances, Exhibiting hyper vigilance when in the presence of others, Awareness of negative intentions of other people, Believing that other people are generally more fortunate, Gaining relief from feeling empathy for oneself or receiving empathy from others. People with victim mentality may develop convincing and sophisticated explanations in support of such ideas, which they then use to explain to themselves and others of their situation. In 2005, a study lead by psychologist Charles R. Snyder indicated that if a victim mentality sufferer forgives himself and/or the situation leading to that mental state, symptoms of PTSD and/or hostility can be mediated. Similarly, criminals often engage in victim thinking, believing themselves to be moral and engaging in crime only as a reaction to an immoral world and furthermore feeling that authorities are unfairly singling them out for persecution.

VICTIM AND CRIMINAL JUSTICE SYSTEM: THE INDIAN PERSPECTIVE

India's criminal justice system is from the British criminal justice system. There is a clear Doctrine separation of power by the Legislature, Executive, and Judiciary. The judiciary is independent and there is a free press. The penal philosophy in India has accepted the concepts of prevention of crime and treatment and rehabilitation of criminals, which we can see by many judgments of the Supreme Court and High Court of India. Victims have no rights under the criminal justice system, and the state undertakes the full responsibility to prosecute and punish the offenders by treating the victims as mere witnesses.

Constitution, Criminal Law and Procedure:

The Indian criminal justice system is governed overall by four laws: (i) The Constitution of India (ii) The Indian Penal Code (iii) The Code of Criminal Procedure of India (iv) The Indian Evidence Act

The legislative power is vested with the Union Parliament and the state legislatures and the law-making functions are divided into the Union List, State List and Concurrent List in the Indian Constitution. The Union Parliament alone can make laws under the Union list and the state legislatures alone can make laws under the State list, whereas both the Parliament and the State Legislatures are empowered to make laws on the subjects mentioned in the Concurrent List of the Constitution.

The Constitution of India guarantees certain fundamental rights to all citizens. Under the Constitution, criminal jurisdiction belongs concurrently to the central government and the governments of all the states. At the national level, two major criminal codes, the Indian Penal Code, 1861 and the Code of Criminal Procedure, 1973, deal with all substantive crimes and their punishments, and the criminal procedure respectively to be followed by the criminal justice agencies, i.e. the police, prosecution and judiciary during the process of investigation, prosecution and trial of an offence. These two criminal laws are applicable throughout India and take precedence over any state legislation. All major offences are defined in the Indian Penal Code and these apply to resident foreigners and citizens alike. Besides the Indian Penal Code, many special laws have also been enacted to tackle new crimes. The Indian criminal justice system has four subsystems which include: Legislature, (Union Parliament and State Legislatures), Law enforcement (Police), Adjudication (Courts), and Corrections (adult and juvenile correctional institutions, Probation and other non institutional treatment). The legal system in India is adversarial.

At present, a crime victim or a complainant is only a witness for the prosecution. Whereas the accused has several rights, the victim has no right to protect his or her interest during criminal proceedings. Sometimes, even the registering of a criminal case in the police station depends upon the mercy of the police officer: victims suffer injustice silently and in extreme cases, take the law into their own hands and seek revenge on the offender.

Victims have few legal rights to be informed, present and heard within the criminal justice system. Victims do not have to be notified of court proceedings or of the arrest or release of the defendant, they have no right to attend the trial...

VICTIMS' RIGHTS IN INDIA

Victims have few legal rights to be informed, present and heard within the criminal justice system. Victims do not have to be notified of court proceedings or of the arrest or release of the defendant, they have no right to attend the trial or other proceedings, and they have no right to make a statement to the court at sentencing or at other hearings. Moreover, victim assistance programs are virtually non-existent. The core rights for victims of crime include:

- The right to attend criminal justice proceedings;
- The right to apply for compensation;
- The right to be heard and participate in criminal justice proceedings;
- The right to be informed of proceedings and events in the criminal justice process, of legal rights and remedies, and of available services;
- The right to protection from intimidation and harassment;
- The right to restitution from the offender;
- The right to prompt return of personal property seized as evidence;
- The right to a speedy trial; and
- The right to enforcement of these rights.

VICTIM BLAMING: AN INDIAN PERCEPTION OR GETTING GLOBAL?

As kids, it used to sound endearing when someone asked 'Why did you have to walk on the edge?' right after we had fallen. It was a sign of concern, however masked the blame was. Somehow, we were asking for it. We believed it as we wiped away the tears while the wound stung. Then we grew up and those innocent counters were replaced with more serious ones. "Why did you have to stay out so late, or wear that short skirt, or smile at him?" was a retort to opening up about how we had been eve-teased, assaulted or raped. Somehow, we're still asking for it, despite the fact that we lock our doors and windows, carry pepper sprays and

look sheepishly at a stranger who walks too close to us. Part of the reason why we do this is also to avoid the questions. So that it doesn't come back to us. That's what victim blaming is. We've all done it at some point, no matter how 'innocent' and 'harmless' it might have come across as. We blamed the victim. We shouldn't have; but, we did. While it might seem quite inconsequential when it comes to falling off the edge, it gets problematic when we apply this tactic to more complex issues, like assault. And this to an extent isn't just in India; it's America, it's Europe. It's global. But it's wrong. Then, why do we - society, as a whole - continue to do it? The answers apparently lie in deep-seated psychology as we've been given to understand. According to Sherry Hamby, Professor of psychology at the University of the South, and founding editor of APA's Psychology of Violence journal, the biggest factor that promotes victim blaming has to do with the 'Just World' Theory.

"It's this idea that people deserve what happens to them. There's just a really strong need to believe that we all deserve our outcomes and consequences," In 'Psychology Today', Ronnie Janoff-Bulman, Psychologist, University of Massachusetts, [reasons](#) that we believe in our personal invulnerability because of our 'positive assumptive worldview.'

As human beings, we live in a bubble, believing that good things happen to good people and bad things to bad ones. The down side to it is when we justify our wrongful deeds under the guise of righteousness; we continue to believe that we are good. And so, we deserve good. And to those whom bad things have happened, well, they deserved it.

In theory, it seems relatively harmless a concept. But, in practice, it ostracizes a victim. We, as a society, are telling someone they deserved to be harmed. They 'asked for it'. And we believe it. Case in point: Almost every politician's statement post a rape/assault case, almost every lesser knowing person in society and the perpetrators. "In my experience, having worked with a lot of victims and people around them, people blame victims so that they can continue to feel safe themselves," explains [Barbara Gilin](#), professor of social work at Widener University. "I think it helps them feel like bad things will never happen to them. They can continue to feel safe. Surely, there was some reason that the neighbor's child was assaulted, and that will never happen to their child because that other parent must have been doing something wrong."

Explanations

Several theories predict this fundamental attribution error.

1. [Just-world fallacy](#). The belief that people get what they deserve and deserve what they get, the concept of which was first theorized by [Melvin J. Lerner](#) (1977). Attributing failures to dispositional causes rather than situational causes—which are unchangeable and uncontrollable—satisfies our need to believe that the world is fair and that we have control over our lives. We are motivated to see a just world because this reduces our perceived threats, gives us a sense of security, helps us find meaning in difficult and unsettling circumstances, and benefits us psychologically. Unfortunately, the just-world hypothesis also results in a tendency for people to [blame and disparage victims](#) of an accident or a tragedy, such as [rape](#) and [domestic abuse](#), to reassure themselves of their insusceptibility to such events. People may even [blame the victim's](#) faults in a "past life" to pursue justification for their bad outcome.
2. [Salience](#) of the actor. We tend to attribute an observed effect to potential causes that capture our attention. When we observe other people, the person is the primary reference point while the situation is overlooked as if it is nothing but mere background. As such, attributions for others' behavior are more likely to focus on the person we see, not the situational forces acting upon that person that we may not be aware of. Such a differential inward versus outward orientation accounts for the actor–observer bias.
3. Lack of effortful adjustment. Sometimes, even though we are aware that the person's behavior is constrained by situational factors, we still commit the fundamental attribution error. This is because we do not take into account behavioral and situational information simultaneously to characterize the dispositions of the actor. Initially, we use the observed behavior to characterize the person by [automaticity](#). We need to make deliberate and conscious effort to adjust our inference by considering the situational constraints. Therefore, when situational information is not sufficiently taken into account for adjustment, the uncorrected dispositional inference creates the fundamental attribution error. This would also explain why people commit the fundamental attribution error to a greater degree when they're under [cognitive load](#); i.e. when they have less motivation or energy for processing the situational information.

4. Culture. It has been suggested cultural differences occur in attribution error:¹ people from [individualistic](#) (Western) cultures are reportedly more prone to the error while people from [collectivistic](#) cultures are less prone. Based on cartoon-figure presentations to Japanese and American subjects, it has been suggested that collectivist subjects may be more influenced by information from context (for instance being influenced more by surrounding faces in judging facial expressions). Alternatively, individualist subjects may favor processing of focal objects, rather than contexts. Others suggest Western individualism is associated with viewing both oneself and others as [independent agents](#), therefore focusing more on individuals rather than contextual details.

The term victim came to be defined in criminal law only in 2009 in India. The victim of a crime is never heard as a victim during the trial of a case, but as a witness. As the victim is represented by a prosecutor, her concerns as well as the impact of her victimisation remain unexpressed. By and large, the police, prosecutors and courts do not have any substantive legal obligation towards crime victims. Indifference to crime victims remains deep-rooted in the accused-centric criminal justice system. ‘Secondary victimisation’ takes place when the agencies of the criminal justice system treat victims of crime unfavourably, or marginalise them during the trial. The trial process is organised in such a manner that the personal appearance of the victim at all the crucial stages is restricted. The victim is not present when charges are framed against the accused, when the accused is discharged, when bail is granted, when parole is considered, and when punishment or compensation is decided. On the other hand, the accused is always required to be present during all these stages. Crimes are registered in the form of sections of the Indian Penal Code (in numbers) which do not mean anything to the victims of crime in terms of their impact. Crimes do not impact all victims in the same manner. There is no way to assess the impact suffered by a victim. And whatever little is tried in this direction is always through a third party, such as a prosecutor or judge, who is invariably incapable of registering the aftermath of victimisation.

It is time to make victim impact statements mandatory. In *Mallikarjun Kodagil (Dead) v. State of Karnataka* (2018), the Supreme Court stressed the need to have a victim impact statement “so that an appropriate punishment is awarded to the convict”. This throws up many issues that are of interest to the victims of crimes.

VICTIM IMPACT STATEMENT

A victim impact statement is a written or oral statement made as part of the judicial legal process, which allows [crime](#) victims the opportunity to speak during the [sentencing](#) of the convicted person or at subsequent [parole](#) hearings. Typically, a victim impact statement will contain the following: physical, financial, psychological or emotional impact of the crime. Contrary to perception, victim impact statements don't usually affect the duration of a sentence, and most prison terms imposed are mainly the result of plea agreements or strict sentencing guidelines.

The purpose of victim impact statements is to allow crime victims, during the decision-making process on sentencing or parole, to describe to the court or parole board the impact of the crime along with the emotional damage; financial costs etc to the victim from the crime.

It is seen to personalize the crime and from the victim's point of view it is regarded as valuable in aiding their emotional recovery from their ordeal. It has also been suggested they may confront an offender with the results of their crime and thus aid [rehabilitation](#).

Another purpose of the statement is to inform a court of the harm suffered by the victim if the court is required to, or has the option of, having regard to the harm suffered by the victim in deciding the sentence. In cases of crimes resulting in death, the right to speak is extended to family members. In some jurisdictions there are very different rules on how victim impact statements from family members may be regarded. This is because it is seen as unprincipled that different punishments for death are given according to the how much the victim is missed, or conversely that someone's death is relatively less harmful if they have no family. In the circumstance of death, some jurisdictions have described victim impact statements from family members as 'irrelevant' to sentence but not 'unimportant' to the process: they are valued for restorative purposes but cannot differentiate punishment for causing death.

In general terms, the person making the statement is allowed to discuss specifically the direct harm or trauma they have suffered and problems that have resulted from the crime such as loss of income. Some jurisdictions allow for attaching medical and psychiatric reports that demonstrate harm to the victim. They can also discuss the impact the crime has had on their ambitions or plans for the future, and how this also impacted their extended family. Some

jurisdictions permit statements to express what they deem to be an appropriate punishment or sentence for the criminal, whereas some jurisdictions expressly forbid any proposal or suggestion on punishment or sentencing. Among other reasons, this is because the sentencing process is solely the domain of the judge who considers many more factors than harm to victims. Allowing suggestions on punishment or sentence can create a false hope of the eventual sentence and undermine the notion of restorative justice.

CONCLUSION

From this discussion we can say that there are certain laws relating to victim and their protection. But the crucial question before us is its implementation. There is a provision of compensation and protection of victim but the question is whether this is sufficient for victim. The Indian criminal justice system is mostly emphasized on the accuse only and not victim, which we can see. Though no separate law for victims of crime has yet been enacted in India, the silver lining is that victim justice has been rendered through affirmative action and orders of the apex court. Besides, many national level Commissions and Committees have strongly advocated victims' rights and reiterated the need for a victims' law.

People's reactions to offenders and victims of crime follow different rationales. Whereas the punishment of the offender is primarily determined by the severity of the crime, the actual harm that is experienced by the victim drives the need for his or her support and assistance. The fact that the male perspective is primary in our culture causes a lot of hostility toward women who come forward and testify against them in these cases, offering a challenge to their otherwise good names or hitherto good reputations, which is of course what breaking silence involves. We never blame the perpetrator for having taken advantage of a woman under the influence of alcohol, or wearing a short skirt, or walking down a street alone at night. We blame the woman. *Why did she indulge in liquor, wear that skirt or get out at night?* We still live in a bubbled idea that the victim had a choice and the perpetrator didn't.

Victim blaming is never right. Sure, there will always be the instance of innocent, until proven guilty - a benefit of doubt we readily offer to the perpetrator. But, before pronouncing our own personal judgments, can we take a moment to stop and consider this: - A victim speaking up about assault and reliving the incident, along with the trauma of being shunned and ostracized.

A perpetrator; more often than not a person of power and privilege who took advantage of a victim's circumstance who is being sympathized and supported for assault. Who has more to lose and nothing to gain? Are we leaving a legacy of shame in our treatment towards women?

With the introduction of the Victim Impact Statement, the question is raised whether allowing such victim input during criminal proceedings would influence the offender's sentence. Previous research has shown that decisions about the punishment of an offender are based upon the severity of the crime rather than the extent of the harm that is experienced by the victim.

Through the course of history, human kind is filled with numerous instances of unleashing terror on fellow beings; persecution and extermination of Jews, enslavement of Africans, colonization of Asians, destruction of Native Americans, war-time brutalities, terror attacks, and sex slavery. The list is endless. Irrespective of the region and the nature of conflict, women have always been at the receiving end. In the absence of a sustainable institutional support system, the rape victims go back to the same environment where they were violated, to be intimidated by the rapist into turning hostile during the trial, the single most factor leading to low convictions in rape cases. Though stringent laws will do justice to a certain extent, in the absence of a collective social responsibility towards women's safety, legal enforcement alone can't protect our women. The criminal justice system we created is often oriented towards compensating for the violation, catching the culprit and producing them before Court. There is no effective system in place to know how the victim is doing, or to keep a track of the offender. It's high time we refined the business process leading to conviction.

REFERENCES

1. Alter AL, Kernochan J, Darley JM. (2007) Transgression wrongfulness outweighs its harmfulness as a determinant of sentence severity. *Law and Human Behavior* 31: 319–335.
2. Andrew Karmen, 2003, *Crime Victims: An Introduction to Victimology*, Wadsworth Publishing, ISBN 978-0-534-61632-8.
3. Ashworth A. (1993) Victim impact statements and sentencing. *Criminal Law Review* 498–509.
4. Bandes S. (1996) Empathy, narrative, and Victim Impact Statements. *University of Chicago Law Review* 63: 361–412.

5. Burger, J.M. (1981). "Motivational biases in the attribution of responsibility for an accident: A meta-analysis of the defensive-attribution hypothesis". *Psychological Bulletin*. **90** (3): 496–12. doi:10.1037/0033-2909.90.3.496.
6. Correia I, Vala J. (2003) When will a victim be secondarily victimized? The effect of observer's belief in a just world, victim's innocence and persistence of suffering. *Social Justice Research* 16: 379–400.
7. Crime, Office of the Federal Ombudsman for Victims of (2010-10-23). "Home: Federal Ombudsman for Victims of Crime". www.victimfirst.gc.ca.
8. Daniel W. Van Ness, *Crime and its victims: what we can do*, (InterVarsity Press, 1986) ISBN 978-0-87784-512-6 at 29, found at Google Books. Retrieved April 1, 2009.
9. Duff A. (2001) *Punishment, Communication, and Community*. New York: Oxford University Press.
10. Erez E, Rogers L. (1999) Victim Impact Statements and sentencing outcomes and processes: The perspectives of legal professionals. *British Journal of Criminology* 39: 216–239.
11. Erez E. (1994) Victim participation in sentencing: And the debate goes on... *International Review of Victimology* 3: 17–32.
12. Europe, Council of (1 January 2007). *Victims: Support and Assistance*. Council of Europe. ISBN 9789287163776 – via Google Books.
13. Frohmann L. (1991) Discrediting victims' allegations of sexual assault: Prosecutorial accounts of case rejections. *Social Problems* 38: 213–226.
14. Gilbert, D.T., & Malone, P.S. (1995). The correspondence bias. *Psychological Bulletin*, 117, 21–38. PDF Archived 2005-12-11 at the Wayback Machine
15. Hill T. (2005) Victim Impact Statements: A modified perspective. *Law and Psychology Review* 29: 211–222.
16. Jacobsson, Maritha; Wahlin, Lottie; Andersson, Tommy (2012). "Victimoffender mediation in Sweden: Is the victim better off?". *International Review of Victimology*. **18** (3): 229–249.
17. Kingma, Johannes (1999). "Repeat Victimization of Victims of Violence: A Retrospective Study From a Hospital Emergency Department for the Period 1971–1995". *Journal of Interpersonal Violence*. **14** (1): 79–90. doi:10.1177/088626099014001005.

18. Lens KME, Pemberton A, Brans K, Braeken J, Bogaerts S, Lahlah A. (2015) Delivering a victim impact statement: Emotionally effective or counter-productive? *European Journal of Criminology* 12: 17–34.
19. Lens KME. (2014) 'Do These Words Give Rise to Doubts?': Unraveling the Effects of Delivering a Victim Impact Statement. Ridderkerk: Ridderprint BV.
20. Lerner MJ. (1980) *The Belief in a Just World: A Fundamental Delusion. Perspectives in Social Psychology*. New York: Plenum Press.
21. Miethe, Terance D (1985). "The Myth or reality of victim involvement in crime: A Review and comment on victim-precipitation research". *Sociological Focus*. **18** (3): 209–220.
22. Ministry of Justice of Romania, '27th Conference of European Ministers of Justice. Victims: Place, Rights and Assistance', Yerevan, 2006, p.3
23. Ministry of Justice of Romania, '27th Conference of European Ministers of Justice. Victims: Place, Rights and Assistance', Yerevan, 2006, p.4
24. Mulder MR, Winkel FW. (1996) Social workers' and police officers' perception of victim credibility: Perspective-taking and the impact of extra-evidential factors. *Psychology, Crime & Law* 2: 307–319. Myers B, Arbuthnot J. (1999) The effect of impact evidence on the verdicts of and sentencing judgements of mock jurors. *Journal of Offender Rehabilitation* 29: 95–112.
25. Myers B, Greene E. (2004) The prejudicial nature of Victim Impact Statements: Implications for capital sentencing policy. *Psychology, Public Policy, and Law* 10: 492–515.
26. Ozer E, Best S, Lipsey T, Weiss D. (2003) Predictors of posttraumatic stress disorder and symptoms in adults: A meta-analysis. *Psychological Bulletin* 129: 52–79.
27. Pemberton A. (2014) Respecting victims of crime: Key distinctions in a theory of victims' rights. In: Vanfraechem I, Pemberton A, Ndahinda FN, editors. (eds) *International Handbook of Victimology*. London: Routledge.
28. Roberts JV. (2009) Listening to the crime victim: Evaluating victim input at sentencing and parole. *Crime and Justice: A Review of Research* 38: 347–412.
29. Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. In L. Berkowitz (Ed.), *Advances in experimental social psychology* (vol. 10, pp. 173–220). New York: Academic Press.

30. Schneider, H. J. (2001). "Victimological developments in the world during the past three decades (I): A Study of comparative victimology". *International Journal of Offender Therapy and Comparative Criminology*. **45** (4): 449–468. doi:10.1177/0306624x01454005.
31. Sebba, L., (1996). *Third Parties, Victims and the Criminal Justice System*. Ohio State University Press, Columbus.
32. Summers, G.; Feldman, N.S. (1984). "Blaming the victim versus blaming the perpetrator: An attributional analysis of spouse abuse". *Journal of Applied Social and Clinical Psychology*. **2** (4): 339–347. doi:10.1521/jscp.1984.2.4.339.
33. Wessel E, Drevland GCB, Eilertsen DE, Magnussen S. (2006) Credibility of the emotional witness: A study of ratings by court judges. *Law and Human Behavior* 30: 221–230.
34. Winkel FW, Koppelaar L. (1991) Rape victims' style of self-presentation and secondary victimization by the environment: An experiment. *Journal of Interpersonal Violence* 6: 29–40.
35. Winkel FW. (2007) *Post Traumatic Anger. Missing Link in the Wheel of Misfortune*. Nijmegen: Wolf.
36. "Zavackis, A., Judins, A., Dzenovska, I., Kronberga, I., & Sile, S. (2013). *Provision for the Needs of Crime Victims: Support to Prevention of Victimisation in Latvia*" (PDF).