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# Evaluation on Victimization and Mental Health

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## ABSTRACT

*Diverse perspectives exist on the point of interest and area of the field of Victimology. While a few trust that Victimology need to feature as an independent area of enquiry, others view it as a subfield of Criminology.*

*A second issue concerns the breadth of victimology and its related issues to be covered in the field of Victimology. Some scholars believe that Victimology should limit itself to the study of victim-offender interaction only. Others argue that the needs of victims, functioning of the corporations and institutions which respond to these needs, and the emerging roles and responsibility for crime victims within the Criminal Justice System are important areas of inquiry in the field of Victimology.*

*A third issue is the breadth of the definition of the term 'victim'. One approach is to limit the concept of victims to traditional crimes such as murder, rape, robbery, burglary etc. However, it has additionally been proposed to encompass a broader definition of the concept by covering groups such as prisoners, immigrants, subjects of medical experimentation, and persons charged with crime but not proved guilty.*

## I. VICTIMIZATION

Victimization is particularly a complicated system encompassing of various elements;

1. **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 the interaction or from the offence itself.
2. **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 he/she may choose to make to it. <sup>2</sup>
3. **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 s/he may come into contact as a result of this response. Where this interaction has a negative impact on the victim, it is often referred to as 'secondary victimization'.

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<sup>2</sup> <http://www.legalservicesindia.com/article/1349/Victims,-victimization-and-victimology.html>

- a. Primary victimization
- b. Secondary victimization (post crime victimization)
- c. Re-victimization (repeatedly became the victim)
- d. Self-victimization (variety of reason to justify abuse)

### **(A) Primary victimization**

The ‘primary victimization’ phase; it may be helpful to begin by distinguishing between the ‘effects’ and consequences that are known to be result from crimes of different kinds and their ‘impact’ on victims. Certain crimes cause physical effects, which are likely to involve degrees of pain and suffering, some degree of incapacity and/or possible temporary or permanent disfigurement.

Many crimes have financial after effects, which can be direct or indirect. Very often crime can result in costs that might be incurred, for example, in seeking medical assistance 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 have an effect on their quality of life.

### **(B) Secondary victimization**

Secondary victimization is referred to the victimization that occurs as indirect result of the criminal act additionally 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, by a refusal to recognize their experience as criminal victimization. It may result from inappropriate conduct by police or other criminal justice personnel.

Moreover, 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, till his or her eventual release.

Secondary victimization in criminal justice system 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.

**(C) Re – victimization**

Crime isn't dispensed randomly. Some of the repeat victimization is because of the victim living or being associated with the offender.

Violence is bound to happen more than once to the same victim who continues to live with the same offender. This is also true for sexual incidents.

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 area are specifically more liable to repeat of 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 mental trauma of the event.

**(D) Self Victimization**

In this category person himself commits such act which result in his own victimization we can say up to certain extent that it can be included in repeat victimization only as it result from wrong persons company, wrong habit, etc.

**II. PSYCHOLOGICAL VICTIMIZATION**

Diagnosable Mental disorders which are relatable with victimization experiences include depression, anxiety, and post-traumatic stress disorder (PTSD).

Psychological symptoms that are disruptive to a person's lifestyle may be present in some form even if they do not meet diagnostic criteria for a specific disorder.

Psychological distress is a term often used in the literature to describe the presence of a number of symptoms including depression, anxiety, anger, restlessness and symptoms of Post-Traumatic stress Disorder.

The MHC-SF includes such as happiness; interest in or satisfaction with life; contributions to and feelings about society, belonging to a community; personal abilities; and relationships.<sup>3</sup>

- Algorithms developed for this tool were applied to place respondents as having flourishing mental health (i.e. high positive mental health functioning and high emotional well-being),

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<sup>3</sup> <https://europepmc.org/article/PMC/PMC7878241>

- Moderate mental health (i.e. high positive mental health functioning and low emotional well-being or low positive mental health functioning and high emotional well-being), and
- Languishing mental health (low positive mental health functioning and low emotional well-being).

The moderate and languishing categories were combined into a dichotomous variable for the current analysis and then used compared to flourishing mental health and emotional well-being (i.e. flourishing vs. moderate/languishing).

This dichotomized approach was taken for two reasons. **First**, we were interested in comparing optimal mental health (i.e. flourishing mental health) to anything less than optimal (i.e. moderate and languishing mental health). **Second**, we wanted to ensure the reliability of the model estimates once stratified by gender, grade, and frequency of types of victimization, including in daily experiences.<sup>4</sup>

#### **(A) Victimization of People with Mental Illness**

People with mental illness frequently become vulnerable and easy targets of physical and mental abuses. Many of these incidents don't get reported for a variety of reasons. A multitude of barriers come in to play, including discrimination, accessibility, fear of retaliation and the potentially intimidating court process.

Stigma and discrimination are common barriers to reporting crime. Many victims with mental disorders fear they are perceived as not being credible because they suffer from delusions. They fear this is thought to impair their ability to recount events accurately.

- People with mental illness are tend to be victimized more.
- People with mental illness are more likely to be victimized than the general population—on average 11.8 times more.<sup>5</sup>

### **III. VICTIM WITH MENTAL HEALTH ISSUES AND CRIMINAL SYSTEM**

Victims largely suffer from shock, confusion, anger, humiliation and guilt, which is intensified by a mental health condition as post trauma. Examiner can also additionally sense that a sufferer who is experiencing these symptoms is exaggerating details; the court has to ensure that witnesses are reliable.

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<sup>4</sup> <https://link.springer.com/article/10.1007/s42380-019-00056-0S>

<sup>5</sup> Crime victimization in adults with severe mental illness: Comparison with the National Crime Victimization Survey. *Archives of General Psychiatry*, 62(8), 911-921.

It is my experience, in working with individuals in the courts who have past experience with abuse and violence, they tend not to completely trust that the system. As a result, these victims are much less probable to depend upon on the court system to combat their battles.

Once a crime has been reported, it takes substantial amount of time and energy for the victim to follow through with all the follow-up lengthy requirements. Required practical tasks, such as filling in victims statement forms and providing medical information, also add up to barriers for accessing support in the criminal justice system.

Filling up of personal information require a person to have an address or contact number for follow-up, as well as a certain level of literacy in the court framework. Also, these forms can be invasive and may require information and documentation from a physician.

Medical examinations can be introduced as part of evidence for charge approval. But many mental health suffer don't want to seek medical attention, because of the stigma attached to mental health issues in our country.

There is no support available to help people maintain mental health and self-care throughout the court proceeding process. Moreover introduction and access to community mental health care through their physician or mental health team should be provided.

In my capacity as lawyer and frequent court worker; I have tried assisting people who have been victims by accompanying them to court or by helping them file documents, or in general by just engaging with them. This role ought to be performed by a government agency associated with court, or by a non-profit service contracted to provide victims services.

**Responding to someone with a mental illness who has been victimized we should remember that:**

- Being a victim of, or witness to, a crime is often traumatic and may trigger symptoms of mental illness or can have an effect on mind.
- Victims with mental illness might not comfortable disclosing their condition.

Therefore, some signs to watch for:

- Accelerated speech or discomfort
- Delusions, hallucinations, paranoia
- Depression
- Inappropriate emotional responses
- Memory loss

- Unfounded anxiety, panic or fright
- Approach from the front and maintain eye contact Introduce yourself and your role that helps to more comfortable.
- Remove victims from noisy environments.
- Include victims in all conversations for feeling of oneness.
- Explain your actions before proceeding to make them comfortable.
- Be calm, reassuring, patient with them
- Contact someone in their support network.
- Keep interviews one-on-one, simple and brief
- Remember that despite paranoia or delusions, a person with serious mental illness may still be able to provide accurate details of the crime

A common barrier for victimized individuals when reporting crime against them is the fear of retaliation. Offenders may deliberately target people with mental illness because they see them as vulnerable and people who are less likely to go to the police.

And as well, they don't want to be subject to further violations and emotional abuse.

#### **(A) Daunting Court Process**

The court process or legal framework itself is intimidating and anxiety producing. Anxiety and fear is further complicated by the fact that the person who has been victimized must once again see the accused in the law courtroom. Also, the mentally ill person must deal with police in uniform, which can be difficult for those with negative past histories with authority, or delusions or paranoia related to authority systems in the framework.

As an advocate, I have also seen homeless and poor people trying to come into the building, but having nowhere to put their worldly possessions while attending court. This situation reduces the accessibility of the court process for these individuals.

It is important to recognize that all individuals, including those with mental post trauma, should be treated with respect and compassion and empathy while they cope with situations of violation. They should know that they are not alone and helping hand should be given through various programmes.

Helpful Resources for assistance should be identified, created and made available to the victim. These may include women's groups, in the case of spousal abuse; mental health

teams, for counselling and treatment; the Native Court worker and Counselling Association, to assist people; and the Victim Safety Unit, should be made which attempts to contact victims when offenders will be released in the community. We can assist them through various helping modes, however we can be more helpful by providing additional referrals to appropriate community services.

#### **IV. CONCLUSION**

From this Research paper we know that there are various laws relating to victim and their protection but the big question before us is its implementation.

There are various provisions being made for compensation and protection of victim but the question is whether this is sufficient for victim. For example if a person is killed by other person and the person who died is the only bread earner in his family then what will be the amount of compensation is to be paid to his family member of the victim.

The Supreme court of India in a case of death of a person order the compensation of only 1.5 lakh and that also after 5 to 6 year of commission of crime. Can this be considered as a proper order basis of humanitarian ground?

According to UN declaration there should be a settled law for it and that is the reason for which India has made law for victims as under Criminal Procedure Code. The Indian criminal justice system is mostly emphasized on accuse only and not victim, which we can see clearly.

There has been a direct relation between offender and victim for this reason it becomes very difficult to protect the victim from the offender and According to my personal observations that this is the reason for very low rate of conviction in our country.

There are various countries in which the victim protection program are being introduced.

If victim feel themselves safe and protected then only they can speak freely in courts. When victim are directly approached by the offender it becomes difficult to work even police is not taking proper note of these issues.

When person is suffering from such mental trauma it becomes difficult to approach to them and so we have to study the science behind it. And by using the scientific and medical methodology we can get the result and make some good in the life of the victim. According to me till today I don't find the practical use of victimology in general, it is only on paper in our country. If we take a serious considerations of it then our criminal justice system can improve a lot and will bring some positive change in governance of the nation and in victim life as well.

**V. REFERENCES:**

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