

Basics of Victimology for Medical Personnel

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ABSTRACT

Forensic physicians, gynecologists, forensic nurses, emergency medical officers and other doctors are coming across victims of violence and they need to know the basics of victimology. They need to know how to deal with them to recognize the investigative, therapeutic, judicial, social and cultural needs of the victims. They should know that victims have the right. A brief exploration of the various aspects of victimology which can be useful to the medical stakeholders is being introduced and discussed in this paper. Starting from the history of victimology to the various theories of its origin, victim's rights, victimology ethics, and the financial burden on the society are being discussed in this paper so that medical professionals can get aware of these aspects of victimology and ultimately this knowledge can guide and help them to deal with the victims rightfully.

Keywords: Ethics, Restorative justice, Rights of the victims, Victim, Victimology.

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INTRODUCTION

History

The word "victim" originated in English in 1497, when the victim was sacrificed as an offer to some God during the worshipping rituals. By 1660, it referred to a person being hurt, tortured or sacrificed.¹

In the last century (1940), victimology was part of social science and the victim's role in the occurrence of crime was studied. It was thought that the victim too played a part in the victimization. Later on, the victim's treatment in the criminal justice system was studied.²

History is divided into three distinct stages: the Golden period, the Dark period, and the re-emergence of the victim period.

Golden Period: In the Golden Period, victims determined the compensation or punishment to the offenders as it is in most tribal laws. It was also known as a victim justice system.

Dark Period: In the Dark period, also known as the criminal justice system, offenders were considered to do crimes against the king or government, and the king or government decided about punishment to the offenders and the rights of the offenders were talked about. Compensations of the victims were left to the civil courts. Victims were ignored in this system and they did not have a say in punishment or compensation.

Re-emergence of the Victim Period: In the Re-emergence of the victim era, emphasis is on the rights and needs of the victims.

In the last 40 years, emphasis on dealing with victims has changed by merging positivist, radical and critical approaches leading to changes in policies of dealing with the victims.³

Definition

Victimology denotes different things to different observers: scientific, academic, social movement, advocacy or reform;

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a humanitarian or political campaign.⁴ In modern days victimology is defined as the psychological effects of the experience of being a victim as deduced from the victims of crime study. It is also considered an attitude is constantly perpetuating being a victim.⁵

Forensic victimology is concerned with the critical evaluation of the lifestyle, circumstances, and events which lead to a person being injured.⁶ Forensic Victimology is a branch of applied victimology in which victimization is studied scientifically to find out the truth. It deals with finding out the worthiness of the statements of the victims.⁷

Ferguson and Turvey best define victimology as a "Scientific study of the victims and victimization which involve investigation, media, social movements, courts, and corrections; and the relationship between victim and offender".⁶

Theories

In victimology, the criminal justice system is usually much talked about with some emphasis on the remedies for the victims but the lesser part which is not talked about is the patterns and risk factors of victimization.⁸

In the victimology concept, the victim's relationship to criminology and social sciences is important, but society's reaction to the victimization is equally important for helping the victim and preventing the crime. It is important to treat the victim in a criminal system in a good manner, but

simultaneously, an alleged offender may become a victim if he is falsely accused. Victimization may result in homicides, suicides, victimization of children and elders and genocides. Victimization may be by exploitation by institutions, including white-collared crime and sexual offenses.⁹

Positivistic Theory: Human behavior is affected by factors that may not be in the control of humans as per positivistic theory.⁹ This theory studies factors of victims and environment that lead to victimization.¹⁰

Defective Genes and Injuries: Crime may be due to hereditary defects resulting from defective genes. It may also be due to injury to the head and some brain illnesses.⁹

Social Structural Theory: Crime may be the result of sociological factors. Social structural theory mentions the crimes due to unequal distribution of resources and crimes is done by not haves.

Control Theory: Control theory says criminal activity is due to bonds with a crime that a person learns from.

Labelling Theory says that some people are labeled as criminals due to which crime occurs. Critical victimology says that labeling a person as a victim is like stating values. Social psychology plays an important role in why some are labeled as victims with injuries and others not labeled as victims.¹⁰

Lifestyle Exposure Theory: explains the different rates of victimization to individual lifestyles.¹¹

Asli in 2013 had explained the occurrence of crime on the active personality of the victim, passivity of victim and nature of victimhood/victimization, and this theory can help to prevent the crime and make a good judicial system by framing proper policies.¹²

Victimology is on the social theories like criminology, and there is a lack of strong theoretical orientation. There is more stress on the assistance to the victims and the victims' rights. It has less teaching content and is almost the same as in criminology. As a separate branch, it has less recognition internationally. The scope of the branch still has not expanded as it should have.¹³

Routine Activity Theory is most commonly being used for victimization.¹¹

Green Victimology is the latest in victimology and includes the non-human species and the environment and it takes the call for Eco-justice.¹⁴

Now the applied victimology is getting its due importance comparing to the theoretical approaches of victimology, improving the services in victimology.¹⁵

Criminology

"Criminology is the study of the crime as a social phenomenon."

⁹ In criminology, initially the offender was in focus and now the victim is in focus of research.¹⁵

Victimology is now a subarea of criminology which is well established and is a scientific study of the harms and the center of the study is a victim and not the offender.¹¹

Process of collecting the facts of the case, which could, later on, be put before the court as evidence to prove the case, is a criminal investigation.⁶

Now victimology is not a part of criminology but it has also not evolved completely as a social science too.² In 2009, Kirchhoff concluded that victimology has developed into a social science discussing victims, victimization, and the reactions to both these entities.¹⁶

Investigation

There can be a psychological investigation to look into the offender victim relationship. It helps in the scientific verification of the evidence of what the victim says. Victim profiling can be studied to make possible the investigation of the crime.¹⁷

Patterns

In business, there may be different patterns and businesses can be ideal victims, and research is needed on this type of victimization.¹⁸

In offenses of rapes, a person living alone or with someone may also affect the victimization. Rape victims also reported more lesbian experiences than non-raped in one of the studies.¹⁹ Incest has its patterns. The child sex industry shows the interest of the adults in children.²⁰

New types of crimes are emerging with the availability of new gadgets and studies are needed to effectively deal with such crimes e.g., carrying weapons to schools in some countries, the role of drugs in crimes, campus crime, stalking and female stalkers.²¹

Patterns may differ depending upon the type of the crime.

Risk Factors

Weak victims will stop engagement with the law enforcement agencies and this trait will make them further vulnerable to being victims again. Victims who withdraw early will help the police know that such victims will make themselves vulnerable to being victims again, especially in intimate partner violence.²²

Some clusters are seen where there is more victimization.¹⁵ Rapes in university campuses and mass shootings are situational victimizations. Cybercrimes also fall into the same category.²³

Depending upon the crime, risk factors may be different. These may be Criminal, Socioeconomic, Psychological, or Psychiatric factors. Social Feminism is a factor in domestic violence.²⁴ Research is required to know the factors that make the individuals vulnerable to becoming the victims.²⁵

Media and Social Media

Media changes the way a victim is looked upon.²⁶ Social media responds differently to the same type of crime depending upon the victim's plight, the severity of the crime, celebrity status of the victim or offender.⁹ It also depends upon the religion or minority status of the victim in India. It is also raised in



social media for the benefit of the political parties, especially near the elections.

When a victim is a celebrity, it attracts social media and even affects the policymaking as such victims are often heard more while policymaking, as had happened in one case in Australia and led to reforms on the family violence policies.²⁷

Obscene material, including pictures and videos, are transacted on social media to promote prostitution²⁸ and putting obscene materials online may lead to victimization of the persons.

Criminal Justice System

It is a system where government agencies enforce the law, deliver judgment on crime, and correct the conduct of the criminal. To make this system successful, offenders need to be punished and make such efforts that criminals do not repeat the offences, keep law and order in society and prevent the crime, compensate the victims, and rehabilitate the offenders.²⁹

In this system, multiple agencies and professionals are involved in law enforcement, investigative and supporting forensic science agencies, judiciary, and those involved with corrections. Academicians, too, play an important part in studying, teaching and researching these topics.³⁰

Punitive Justice System

The punitive system is still popular in the UK to control crime (26) and is prevalent in different countries less or more. It is more linked to the offenders and resources are used to prevent the crime.²⁶

Restorative Justice

Restorative justice is a criminal justice system in which offenders are rehabilitated by reconciliation with the community and the victims.

It is considered that restorative justice will make the environment of the schools better by diminishing the misbehavior and indiscipline in the schools.³¹

Zero tolerance may lead to suspensions and expulsions, especially in the colored students in the schools in the USA. Restorative justice removes the racial disparity in the schools and is considered better than punitive justice in schools.³² Theory and practice of restorative justice can be learnt by putting this in the academic curriculum of the schools and students learning the practice of restorative justice otherwise which is usually done by adults.³³ Though restorative justice seems acceptable in schools for misbehavior and indiscipline. There is meagre evidence and acceptability of restorative justice in the cases of sexual assaults.³⁴ Many institutions have emerged to take care of the victims and their rights in the last 4 decades.²⁶

Now the restorative justice is well accepted and well implemented in many countries.¹⁵

Relationship between the Victim and Offender

In the judicial process, the offenders' family is also victimized though there may not be any fault of theirs.³⁵ Victims and

offenders are a penal couple and an investigative outlook is required.

Compensation and Financial Impact of Victimology

Victims create a financial impact on the governments, society and families. It involves health costs, treatment costs, investigative costs, judicial system costs, punishment, and rehabilitation costs when it involves drugs and crime costs may be phenomenal. Surveys are needed to know the extent of victims and its various epidemiological factors, which themselves cost to the exchequer. These surveys tell the important aspect of crimes and the crime trends. whether these are increasing or decreasing and tell the efficacy of the prevention measures

Public Safety and Public Health

To keep the public safe from the offenders and preventing them from being the victims, and reduction in the offending behaviour.³⁰

Ethics

Ethics are the norms and values of how victimology should be practiced. How people should behave or deal with each other. It applies more to professionals while dealing with their clients so that no question of unfairness arises in the mind of anyone. Ethics are concerned with morality, usually set by society and professional bodies. Ethics may look different to the victim, and the offender as their perspectives are different. The victim thinks that ethics have not been followed, which is why the victim has suffered. After committing the crime, the offender expects ethics to be followed by the victim and society while being tried and brought to the books.

All those involved with the criminal justice system must follow ethics and all these professionals must be reliable and accountable. They should be competent and trustworthy. Ethical behaviour is the key factor in upholding the judicial system's pillars.⁽³⁰⁾ A relatively new concept of positive victimology is there so that it may be introduced for the benefit of society and will be an enhancement of victimology.³⁶

Remedies and Rights of the Victims

Though punishment to the offenders may give solace to the victims yet there is a need for proper treatment and insurance along with prevention of victimization and compensation.⁹

Why a person is targeted comes from the history and circumstances of the victim.

Victims have rights and these may differ from country to country.

Victims have rights; they should be notified of what is happening in the courts to be notified about all the court hearings. They have the right to be physically present in the courts and give their opinion.³⁷

The victim suffers financial losses too and he will have to either absorb the loss himself or depend upon the insurance companies.³⁸ They have the right to compensation.³⁷ and can

be helped by welfare schemes of the government or charity of some other agency.³⁸

They also have the right to restitution.^{37,38} The rights of the victims are increasing with time.²⁶

MATERIAL AND METHODS

A search was done on the Google scholar search engine with victimology and ethics as the keywords and some missing information was sought on the Google search engine. Articles found relevant after reading the abstracts were selected, read and the information gathered was presented in this paper.

DISCUSSION

Theories of victimology are applied practically by forensic physicians and forensic nurses while assessing and treating the victims. Forensic victimologists should be very objective, neutral and scientific.⁹

Victims have suffered physically, psychologically and financially in criminal events and care should be taken that they are not harassed further in the treatment, investigative and judicial process. Victims have rights that should be known to all and respected by all involved in dealing with the victims. Victims should be treated with respect and given proper dignity due to being human beings. They should be informed of all the court proceedings and have a right to present there if they wish. Their waiting area should be separate and not the same as that of an offender.

There is a need to further study the interaction between law enforcement agencies and the victim to improve the outcome. Research in elder and child abuse, sexual abuse, violent crimes, human trafficking, mobbing, victimization at detention and jails and cybercrime will further provide input that will help the victims and prevent victimization. There is a lot needed to be done to prevent the victimization of cybercrimes.

Same-sex violence and recurring victimizations also need to be researched.²³

In Russia, adult males are not given a space in victimology and are rather restricted to women and children. Hyper-masculinity is more related to the offenders or criminals.³⁹

Dynamics of crime, whether online or offline are seen from the viewpoint of the victims, including terrorism, hate crimes and identity thefts.⁴⁰

Victims should have a counselor if they need them and should know any monetary assistance or legal assistance if they can have for free.

In the case of sexual assaults, victims should know the Sexually transmitted diseases and HIV status of the offender if these tests are carried out of the offender.

Victims have many rights, but they are often not able to use these rights. The victim should too know their rights so that utilize their rights. Punishment is expected by society when a person does wrong to somebody else. Punishment may take different formats. But while this is being done human rights of the offenders must also be taken care of.

Victimology is often linked to every country's political, social, and economic aspects. Victimology needs to be linked to human rights and should include victims of repression along with victims of violence.⁴¹

CONCLUSIONS

Victimology is the scientific study of the causes, results and social reactions of victimization and victims. Again, the emphasis is shifting to the victims from the offenders in criminology, which is the right approach as the victim is the ultimate sufferer.

The rights of the victims should be recognized and should be followed.

Victimologists should follow the ethics completely while dealing with clients irrespective of the offender or the victim. Further research is needed to deal more effectively with the victims in different victimizations.

Once the medical and nursing professionals know about victimology and the various aspects of victimology, they will be in a better condition to deal with the different aspects of the victims and they will be able to handle the victim effectively.

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