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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **JUSTICE BEYOND BORDERS: THE INTERNATIONAL EVOLUTION OF VICTIM RIGHTS**

AUTHORED BY - MANSIRAT KAUR SANDHU<sup>1</sup>

## **Abstract**

*Over the years, the recognition and protection of victims' rights has become a matter of great interest in both national and international legal frameworks. There are viability differences in terms of the extent to which victims' rights are recognized and protected. This paper conducts a comparative study of victims' rights in five countries – the United States, the United Kingdom, China, Canada, and Nigeria. These countries are representative of legal traditions (common law, civil law, or mixed) and reflective of the various ways in which cultural, political and legal structures inform the treatment of victims in the criminal justice system. Particular focus is placed on factors related to rights of victims including right to information, the right to participate in proceedings, the right to be protected from harm, the right to access of legal representation and/or assistance, and the right to restitution/compensation. While it is clear that (in) the United States and Canada, victims' rights are, arguably and unarguably in some cases, protected in legislative frameworks and constitutional amendments allowing victims to meaningfully participate in proceedings as well as be provided with support services if they choose to make use of them, the United Kingdom has so to speak, established the Victims' Code, outlining entitlements provided by the civil service, with oversight. China has primarily ensured existing procedural rights for victims of crime, which values and prioritize state-led justice, with limited access victims' rights, albeit incremental reforms that do represent the right for compensation and access to legal assistance. Nigeria, although there exists progressive national legislation, such as the Violence against Persons Prohibition Act, there are existing issues regarding violations of victims ' rights in practice, massive enforcement challenges as well as the limited infrastructure related to victim services access.*

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## INTRODUCTION

The criminal justice system theory, which emerged with the transformation of the criminal justice theory of justice into the concepts of "criminal justice", INTRODUCTION was repeated to the victims' Restorative justice. For examples, if we examine European countries, we see that the main actors of justice (police, lawyers, courts) constantly torture victims. Inspired first by the women's .The cause of the oppressed gave birth to a powerful mass, the "Lobby". In many countries, including the United States and Canada, there is a movement to rethink laws and the penal system victim-friendly and develop victim-satisfying strategies.

## RIGHTS OF VICTIMS IN UNITED STATES

There is a great difference between the rights of criminals and victims in the United States. Although there is hope for the victim, US jurisprudence emphasizes the benefits for the perpetrator. Therefore, the victim must be under the command of the perpetrator. In the 1960s and 1970s, a coalition of different organizations began working. In the early 1980s, President Ronald Reagan appoints a task force to investigate crime and determine the status of crime victims. It is a contract that recognizes to come to court, to have their voices heard at all important stages of the trial, and to receive compensation in all cases where victims suffer financial loss.<sup>2</sup>

Prior to this task force, the best-known victim-witness protection law was the Victim-Witness Protection Act of 1982. The law took into account the recommendations of the working group. The study was published and contained important provisions regarding victims' rights including the right to compensation for victims. The bill also gives weight to victims' statements when sentencing criminals in court. The bill also requires the attorney general to develop laws to protect victims and witnesses. In general, the law ensures justice for victims in the federally criminal justice systems by ensuring their participations and protections from victims, their suffering, and their recovery first.

Following passage of the Victims of Crime Act (VOCA) in 1984, Congress provided victim assistance, compensation, education, and assistance to government victim service providers. This bill redistributes federal offenders' money in the form of fines, civil penalties, and liens

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<sup>2</sup>.|Victim rights Act



into state and local funds designed to pay victims of government brutality to make necessary changes in their legal response.

Later in the Rights and Compensation Act 1990, victims were given the right to report a case to the courts and the right to participate in the proceedings, the right to know the manner of the cases and the offender's right to change in custody, the right to consult a lawyer and the right to defend offenders. Later, during President Bill Clinton's administration, the Crime Control and Prevention Act gave federal victims the right to speak at judicial hearings, mandated compensation in harassment cases, and extended the next major law. Giving federal judges the powers to award damages, some cases of fraud, customer abuse, etc. cases, it is completely illegal. By 1998, 29 states had acted under Reagan's influence on the group's recommendations, and the Constitution was amended to provide victims with new rights, summary and parole. The most important legislation, (CVRA) 2004 was passed, Providing rights and remedy to all victims of violence and crime, supporting those involved in serious crimes at all critically levels, and providing a justice system that gives victimized the right to challenge violations of their rights system provides Seventy-two hours of an emergency law giving victimised the rights to appeal violations of Federal rights to the Federal Court of Appeals. This law provides victims with the following rights:

- The right to reasonable protection of the accused.
- The right to adequate, accurate and prompt access.
- The right to participate in civil proceedings or any judicial proceeding involving a crime or prosecution.
- The right shall not be waived in any civil case unless the court first makes a decision after receiving clear and convincing evidence that the victim's testimony will be a major change.
- The right to a proper hearing in any proceeding involving acquittal, plea, sentencing, or other judicial proceeding in a district court.
- The right to consult with government counsel in the case,
- The right to immediate and lawful reimbursement.
- Right to object without cause.
- The right to be treated fairly and to respect for the dignity and privacy of the victim.

The Victims Rights Act (CVRA) of 2004 is to advance the rights of victims by Justice System. In addition to providing greater rights to attend a hearing, the bill also ensures the victim's right to fair treatment and respect for the victim's dignity and privacy. This will allow victims to

cooperate with police, lawyers and judges. In addition, the judicial system has of new laws. It establishes standards to guide the practice of judges, prosecutors, defence attorneys, and other criminal justice practitioners when interpreting and applying victims' rights.

## **VICTIMS' RIGHTS IN THE UNITED KINGDOM**

In England and Wales, victims' rights are subsidiary rights. The Victims of Crime Act plays an important role in providing services to victims who honestly require minimal services from eleven agencies contains a general list and a detailed list of rules. In addition the law also clearly defines the service obligations of various criminal justice institutions in order to facilitate the application of different rules and prevent conflicts between criminal organizations. There are different criminal organizations to facilitate enforcement and prevent conflicts between different organizations. For example, the Act (under the Criminal Justice Act and the Crown Prosecutors Act) recognizes the key role of prosecutors not only in informing the judge's victims but also in meeting some victims and giving them<sup>3</sup>

The law provides additional assistance to victims and threats through witness protection institutions. These units have a special responsibility under the Law to detain victims of crime and to identify victims and witnesses.

This was done under the Victim Personal Statement (VPS) Scheme 2001, which gives victims the right to submit a Victim Personal Statement (VPS) to the police; this is also. .. Information for justice agencies on the need for special services for victims: Prior to this legislation, the priority in UK law was compensation for victims of crime. In the UK, the best legislation targeting victims of crime is the Criminal Justice Act 1972 (c.71). Accordingly, compensation is the most appropriate provision for criminals after conviction.

This Act was replaced by the Powers of Criminal Courts Act 1973 (c.62). This law allows the court to make money and other orders it deems appropriate. 13 The action is independent of the victim's application and may be for any personal injury, loss or damage resulting from the offense or any other offense as determined by the court in the judgment. It is worth noting that

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<sup>3</sup>.UN General Assembly, Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power, General Assembly Resolution 40/34, November 29, 1985, para. 1 (hereinafter —Basic Principles for Victims). The Declaration was adopted as a part of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy, August 26 –September 6, 1985.

personal injury or damage caused to the direct victims of the crime but also to those directly affected by the crime, provided this is of course interesting and inconsistent. The Criminal Courts Act of 1973 also went through various amendments and was eventually replaced by the Criminal Courts Act of 1988. Under the 1973 Act, all money awards are at the discretion of the court. However, under the Criminal Justice Act 1988, the court has no discretion or not to award compensation to the victim. The 1988 Act placed a duty on the court to record not awarding compensation.

The court's decision on reinstatement is considered complementary to the decision. The court orders the criminal to compensate the victim for the damages caused by his crime and exempts the victim from civil lawsuits. *R.v. In wood* Scarman LJ observed that compensation orders were introduced into our common law as a simple and rapid way of avoiding the costs of legal action where the offender was in paid employment.

The court can award compensation for personal injury, loss or damage, but there must be a connection between the crime and the victim's loss. The court agreed with the judge's majority decision, expressing concerns about the simple payment process. Payment orders are usually administered by judges. The money order is merely a payment, not a penalty. in *R. v. Maynard* said Compensation should clearly state the damage. Section 35(4) of the 1973 Act provides that the court the circumstances offender made the payment.

Next to perpetrators providing compensation to victims, there is also a government program to provide financial assistance to victims. Punishment Damages were introduced as early as 1964<sup>236</sup> as an illegal attempt to provide compensation to victims Violent crimes and people injured while trying to catch criminals and prevent crime. The program was reorganized in 1979 and significant changes were made to make the program more effective and to expand the program to include victims of domestic violence. The UK government has introduced reforms to the Criminal Justice Act, which has been in force since 1979, with the aim of providing compensation to victims of crime. As a result, the Civil Rights Act of 1988 replaced the previous process with legislation so that all eligible applicants now have the basic legal right to payment.<sup>4</sup>

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<sup>4</sup>.Marie Manikis, —A Comparative Overview of Victims' Rights, Enforcement Mechanisms, and Redress in England And Wales and the American Federal Jurisdiction,



Previous plans stipulated that only victims of violent crime, including arson and entertainment, were eligible, but the sentence has not been further translated and its interpretation is problematic. Therefore, section 109 of the Criminal Justice Act 1988 provides a new, more detailed definition of eligibility that aims to equally cover a group of victims. Under the current plan, those injured during law enforcement would also be eligible to receive compensation under the previous plan.

The law regulates compensation various crimes such as rape, corporate crimes, traffic violations, dangerous driving and others. The focus on victims continues with the launch 'Support and welfare of victims, Protection from law enforcement, right to reimbursement, right to support and assistance, etc. The Victims' Charter 1990 and the Victims' Charter 1996, published by the Ministry of Internal Affairs, set out services for victims and their families. It includes the right to be treated with dignity and respect, the rights to supports and protections, and the right to compensations and compensation. Compensation from the government-funded criminal injury program Instituted in 1964 and amended in 1969, 1979 and 1990. Finally, the Code of Criminal Procedure 1995 (c.53) creates a classification based more on injury. It is more than an individual determination of injury or damage.

The law provides fixed payment models ranging from £1,000 to £2,50,000 divided by 25 hours, depending on the severity of the injury.

Later legislation in England viewed compensation as a forms of justice for victimology crime. The Crime and Riots Act 1998, the Youth Justice and Crime Act 1999 and the Criminal Justice Act 2000 are other important legislation that addresses the issues of compensation victims of crime. The program applies to three different levels of criminal justice. Before being prosecuted, criminals are held consistent with their sentences, between conviction and sentence. In recent years, the importance of the number of victims of violence has increased and the perception towards them has also changed.

In the past, the relationship between victims and justice professionals was overshadowed by the needs of the organization, especially the police. Its purpose is almost entirely for victims to report crimes, identify perpetrators, and provide evidence. However, the emphasis has gradually shifted from a focus on police needs for victimology to a recognition that victimology are not only emotionally capable of acting on their own but also have good rights. Advocates

in the UK say the law's focus on victims means they are seen more in people's minds about criminal justice, not just in evidence.

On the whole, England and Wales have managed to achieve a balanced judicial system without the need for a single employee, declaration or decision. When the Magna Carta for Victims of Crime was adopted in 1985, the Government of England and Wales set up a network of vigilante groups as well as victim support organizations (known as the Victim Support Scheme). The National Association of Victim Support Schemes (NAVSS) was established by the UK government in 1979 to set standards for victim support programs in England and Wales. The UK government has also changed its refund policy to allow refunds to be made before fines are imposed.<sup>5</sup>

Statute announced two more projects in 1996 and 2004. The British government did not stop. In 2006, it passed the Victims of Violence Act, an agreement that regulates services for victims of violence. This means what services victims of violence will benefit from and what services they will benefit from. The Chief Justice of England and Wales has appointed a Victim Advocate to campaign and advice the government on victim issues.

In 2008 Sara Payne was appointed Victims' Advocate, calling for greater integration between victims and the criminal justice system. In 2010, two new strategies were implemented in order to better serve victims of violence. One of these is the establishment of the National Victim Services Centre as a national network of victim support organizations and court services. The second is to displace victims by permanently competing with them for control of national victim services.

## **VICTIMS' RIGHTS IN CANADA**

Canada's Victims' Rights Act 23, which came into force on July 23, 2015, Gives clear rights to victims of the first federal crime in Canadian history. It establishes laws regarding information, protection, cooperation and remediation, and conducts the complaint process in cases where these rights are violated by government agencies or departments. The Act defines victims of crime broadly to include anyone who suffers physical or emotional harm, damage or financial

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<sup>5</sup>.Compensation for victims of crime of violence: Her Majesty's Stationery Office, London, command No. 2323; Alec Samuels: " Compensation for Criminal Injuries in Britain", University of Toronto, Law Journal, Vol 17 (1967) pp.20-50

loss as a result of an offence.

Youth Criminal Justice The Criminal Justice Act 1892 Act 2002 also covers certain offenses under the following offences: Drugs and sections of the Substances Control Act 1996 and the Immigration and Refugee Protection Act 2001.

These rights also apply to victims who live in Canada or are Canadian citizens or permanent residents. These rules apply to crimes committed in Canada, including crimes that are being investigated or prosecuted, or an offender convicted or released in Canada. The law also allows the following persons to exercise the victim's rights if the victim dies or becomes incapacitated:<sup>6</sup>

- The victim's spouse or the person who lived with the victim for at least one year before the victim's death;
- Relatives or dependents of the victim; and
- Anyone caring for the victim or their family.

Anyone accused or found guilty by reason of mental illness of a crime committed against the victim shall not be defined as a victim. For example, if a parent is accused of child abuse, the parent may not be allowed to exercise the victim child's rights or his or her own rights as a parent.

## **REDRESS MECHANISMS OF RIGHTS VIOLATIONS**

When the victim is violated, the victim first files a complaint with the government or appropriate agency. The law requires all government departments and organizations with legal responsibility to have an internal complaints system available to victims so that they can investigate complaints, make recommendations to redress violations, and inform victims of the results of the investigation. Complaints about state or local officials, including police, prosecutors, and victim services, will be resolved in accordance with state or local law. In order to improve compensation for victims, the government also provides funding from Victims of Crime. This funding promotes the integration of reporting procedures for victims of crime across the country, without requiring victims to receive money for committing a crime.

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<sup>6</sup>.Overview of Canadian Victims Bill of Rights taken from [www.news.gc.ca/web/article-en.do?nid](http://www.news.gc.ca/web/article-en.do?nid) assessed on 01/10/2015



## **EXERCISE OF RIGHTS**

Victims may exercise their rights under the Canadian Victims' Bill of Rights during the investigation or prosecution of a crime and the prosecution of the perpetrator, in the process of reparation or legal release unable to stand trial or is not convicted due to mental illness, the victim may exercise his or her rights in court or during the examination while the defendant is in custody. In the event of a conflict between the Canadian Victims' Rights Act and other statutory provisions made on or after the date of entry into force of the Canadian Victims' Rights Act, the Canadian Victims' Rights Act shall control. shall not conflict with and maintain balance with the Canadian Victims' Bill of Rights, the Canadian Charter of rights, the Canadian Human Rights Act, the Languages Act, the Access to Information Act or this Privacy Act or other applicable law.<sup>7</sup>

## **RESTRICTIONS ON THE EXERCISE OF RIGHTS**

The Canadian Victims' Bill of Rights contains restrictions that ensure that rights must be exercised properly to avoid interference with child police or judicial proceedings. In addition, these rules shall not endanger the life or safety of any person Ministry regarding the decision to be used by the person or organization that allows the release of offenders into society or causes harm. to international relations. or protection or damages. This restriction of these laws are interpreted and applied in a manner that addresses the concerns of victims while avoiding unfair or inappropriate punishment.

## **VICTIMS' RIGHTS IN AUSTRALIA**

New South Wales deserves praise for being the first state in Australia to provide legal compensation to victims. The Criminal Code Act (hereinafter CICA) requires criminal courts to use the compensation system. In fact, in the early 1900s, New South Wales provided compensation through compensation from the offender's estate (in an amount not to exceed \$1,000).

Importantly, the CICA provides must grant permission if any order is offender regarding compensation or if the decision results in conviction, deportation or the provision of

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<sup>7</sup>Richard S. Frase, Introduction to the French Code of Criminal Procedure (Gerald L. Kock& Richard S. Frase trans. Rev.ed., Fred B.Rothman& Co (1988)p.42

information against the accused certify that compensation will be provided if found guilty and that the victim may apply to the Vice President for payment from the Consolidated Revenue Fund.

On receipt of such an application, the Vice-Chancellor shall send notice to the Treasury stating<sup>8</sup> the amount applied for, and Whether the applicant thinks he or she has obtained Due to the damage caused by the application independent of this Law, may apply to all legal remedies and other legal remedies.

In case of the Minister of Finance, if deemed necessary, the applicant may submit the application Minister's Report (It may pay the amount equal to the difference between the amounts specified in parts a) and (b). Compensation under the New South Wales scheme is limited to certain types of harm caused to the victim by an offense under the Act. CICA defines injury as “physical injury, including pregnancy, mental and emotional distress.”<sup>25</sup> The Act requires the court to make an award of damages under sections 437 or 554 of the Act to specify the damages, if any, to be awarded. and the price for this is borne only by the criminal himself. The 26 crimes included in the program include “criminal, terrorist or other criminal activities.” Because New South Wales' payment system is new, published data can't say much about how well it works. Additionally, the design of the program creates problems during use.

- First of all, the process is easy and difficult to operate
- Second, courts are delaying payment orders. It can take months or years for a criminal to be tried and found guilty or not guilty. For this reason, the final payment application is delayed and even if the application is accepted, the final payment is further postponed by the Bank.
- Thirdly, there is a serious danger of obstruction of justice if legal responsibility is transferred to the criminal court
- Fourth, with little help in the law, courts face difficulties in determining the criteria to be used in determining victims' damages.

Queensland, South Australia and Western Australia introduced legislation in 1968, 1969 and 1970 respectively. Victoria's legislation, adopted in 1972, is more comprehensive than other states. Unlike other states, restitution is not limited to specific crimes. Reimbursement may

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<sup>8</sup>.The victim can be ordered to pay court costs when the defendant has been acquitted or when the court, in its discretion, has dismissed the case, STOP@383, para,2&471. Paras. 2&3.

also be made for financial crimes such as burglary, theft and arson. The only condition is that the crime must be punished with imprisonment.<sup>9</sup>

But delays in Australia's judicial system are a big problem. The veto power of magistrates and magistrates (except in Victoria) over the granting of compensation undermines society's sense of responsibility for criminal offending. Victorian courts have resolved these issues by granting prior permission in exceptional cases. It is surprising how little compensation for victims has been received by Australian authorities.

## VICTIMS' RIGHTS IN CHINA

Before the reform of the criminal law in 1996, criminal proceedings in China were judicial in nature. This change reveals the "contradictory" content and structure of criminal trials as a competition between prosecutors and defendants. It is generally accepted to play a significant role in the investigation process than the opposition. But the Chinese case serves as an example. China's new "protest" recognizes victims as "parties" and supports equal treatment with defendants.

In China, the law addresses the following crimes:

*-damaging the country's sovereignty and territorial integrity; consists of entire individuals or groups of workers; violates public property rights, violates the privacy rights, freedoms and other rights of individuals according to law; and other crimes against persons will be punished according to law. However, obviously minor and less violent acts should not be considered crimes.*<sup>10</sup>

Thus, by definition, victims are excluded and rarely mentioned in major legislation. Some renowned scholars in the country have concluded that crime has three sources; These are social pressure, breaking the law and punishment. Before the reform of the Criminal Code in 1996, China's criminal system was entirely investigation-based. However, victims are not considered "parties" to the crime. They're not even guaranteed to receive notice of a hearing. In 1996, reforms were planned that would give the system some resilience.

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<sup>9</sup>.Boyd. L. Wright: What about the Victims? Compensation for the Victims of Crime, North Dakota Law Review,(1972)

<sup>10</sup>.Gao Mingxuan(ed). Xingfaxueyuanli (General Principles of Criminal Law), (People's University Press.2005).



## **VICTIM'S RIGHT TO SELF-PROSECUTE**

For documents required for self-prosecution, the victim may directly file a lawsuit in court. There are three categories of situations that fall within the scope of private litigation these include: information is checked against the victim's complaint. These include using violence to interfere with another person's freedom to marry, abusing a family member, manufacturing, and insulting or insulting others.

Minor crime that the evidence provided by the victim is sufficient to prove, e.g. minor injury to others, refusal to comply with humanitarian court order Punishment, trial, bigamy, marriage with others, etc. Documents showing that there is evidence that the victim's personal rights and property have been violated. In a private prosecution, the victim must conduct his or her own investigation. Public safety agencies or prosecutors do not help victims obtain evidence. The right of private prosecution is the most common right of disposition for victims. Let the victim make the decision to file, review and prosecute.

## **VICTIM'S RIGHTS DURING THE CRIME**

Victims have the following rights during the trial of the crime.

*Right to choose a lawyer:* The victim and his/her legal representative or relatives in the case, and the parties and their representatives in the case, have the right to appoint a trial lawyer in additional cases, starting from the date of their formation. The file has been sent for review and prosecution. The private lawyer and his legal representative in a private case, as well as the parties to a criminal case and their legal representative, have the right to allow the lawyer to file a lawsuit at any time.

## **RIGHTS OF VICTIMS DURING VARIOUS STAGES**

*Right to sue:* Victims have the rights to report or claim crimes committed against them or their property to the police, prosecutor's office or court. The right to sue without prosecution and to fight against criminal conviction. If the victim agency should report to the Ministry of Security, People's Justice should request a public explanation from the security agency as to why a lawsuit should not be filed. If the Security Council finds that the justification is not valid, it must nnotification he public security-related agency to files a lawsuit, and citizens' security agencies must file a lawsuit after received notice.

Right to accompaniment: If a victim under the age of 18 is questioned, his/her legal representative will be notification to attend.

## **RIGHTS OF VICTIMS DURING PROSECUTION**

During prosecution, the victim has the following rights

Right to know. The company notifies the victims & his/her legal representatives or relatives to the parties along with the plaintiffs and their legal's representative within three day from the date of receipts of the documents submitted for examinations and prosecutions. The court must notification the private lawyer and his legal representatives within three days from the date of acceptance of the private case, and the parties to the case must notify the public and his legal representative that they have the right to sue the plaintiff case. In practice, this right is expanded: the prosecutor's office sometimes provides victims with practical instructions listing all victims' rights specified in the notification process.

Right to comment: The prosecutor must consult and takes into accounts the views of victims and victims when examination the cases file. The right to convert a civil case into a private case:

The victim can also file a complaint directly with the People's Court without following the appeal process. the court agreed After the Appellate Committee accepts a case, it must send the relevant documents to the Appellate Committee.

Meanwhile, the victim gained many rights. They can request a review of judicial decisions, seek judicial review, and also retain prosecutorial authority. The roles of these victims include a change in hierarchy, with the uses of laws as the primary goal. If the victims fulfill these obligations, the processes of the crimes will be affected.

## **VICTIMS' RIGHTS DURING TRIAL & APPEALS**

In court after the indictment is read, the defendants and the victims in the indictment, about the crime to be charged can speak separately, and the prosecutor can ask and ask questions to the plaintiff. Victims, plaintiffs, defendants and representatives in future proceedings may ask questions of the defendant with the permission of the presiding judge.

The rights to examine evidence: a court hearing, parties, defence and representatives new

witnesses to come to court, to receive and evaluate new evidence or to request re-examination. I have to do it again. The court will decide whether to accept or reject the above application.

## **PROCEDURE FOR THE CARE OF VICTIMS**

Right to appeal: If such as victims) or their representatives have rights or their relations are not satisfied with the legal decision, they can appeal to the Supreme Court or People's Court. The decision or order cannot be suspended has been implemented. Judicial review is a special arrangement in the Chinese judicial system by which "final" decisions and orders can be made. A legal or valid decision can be reopened and "corrected" if a legal or factual error is found. It is suitable for all kinds of cases. The Presidency is a body with the authority to initiate this study. Crime victims often request the prosecutor's office to reopen the case.

Victims' right to return recognize the right to return. Art 36 the Criminals Code states that if a crime causes material damage to the victims, to being punished according to the law, the defendant will also be ordered to pay compensation according to the conditions. Relevant provisions of the Criminal Code regulate that the victim has the right to file a criminal complaint again if he or she suffers material damage during the crime. In case of damage to the state's property or assets, the lawyer may also file an additional civil lawsuit while filing a civil lawsuit. When necessary, the people's court may freeze or freeze the defendant's property.

China's current criminal law provides victims with full rights. One of the lead legal newspapers even published a report stating that "victims' rights have been almost forgotten." According to statistics, among all subpoenas issued last year for those who should be tried. Care for the prosecution is about 30% from the victims. In 2006, this rate increased to 37.8%. Most complaints are submitted not through this corporate channel, but through social media or other unofficial means. The public discontent expressed by these victims is considered one of the main obstacle to the peaceful construction of China.

## **RIGHTS OF VICTIMS IN NIGERIA**

Before the arrival of the British, Nigerians had its own criminal law; While there are many legal rules in the south, Islamic criminal law is used in the north. In both cases, a constitutional law and system for the administrations of justices for all people was established by local courts. In additions to punishment, compensation or compensation and many other rights are provided



to victims of violence. With the arrival of British colonial rule in Nigeria, British law was imposed on the people and as a result, crimes and punishments according to British law emerged.

To date, the judiciary in Nigeria has on various punishments, these provisions in the CPC AND CRPC are objectionable; that is, and there is no need to litigate to award monetary damages, although there are no clear criteria to be determined. . If the court of for instance determines the amount of damages, it usually makes the decision without hearing the opinion of the victim, the amount of compensation is taken into account for the victim's injuries and other expenses. If the victim accepts the money received, he is prohibited from committing the crime under any other circumstances, Under English law (also valid in Nigeria) when an offense is committed in favour In a private claim the law provides that the private person (i.e. the injured person) It stipulates that this should be allowed until an investigation is opened against the offender or a good reason for not prosecuting emerges. The logic behind this legal concept is that to eliminate the damages to people's privacy, crime against the state and culture must first be reduced. In recent years, the potential of this legal concept continues, and its victims are always private individuals. It is our interest to see that criminals are tried and punished for the crimes they committed at the time the crime was committed.<sup>11</sup>

Nigeria's criminal justices currently focuses on prevention law but often fails to achieve the goal of prevent and control the nature of crime rules in society. It is therefore necessary to analyse the smallest areas of the Nigerian justice system, which is based on the imposition of paid punishment in addition to or instead of other punishments. This allows us to highlight the shortcomings of the criminal justice system in redressing, compensating and rehabilitating victims of violence.

There are concerns internationally about the situation of the victims in the last three years. The 1985 United Nations report opened new horizons in this context. The Declaration outlines general principles for the protection of victims of violence and abuse of power. The report includes many topics such as the concept of victim, victim's rights, recovery process, health services and health. The manifesto creates positive energy. It also provides a range of victim

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<sup>11</sup>.Wang Doudou and Zhang Qingshen, —xingshibeihairenquanlijibeiyiwang, \_lianggao‘helipotil (—Victims' Rights Have Almost Been Forgotten, Two \_Supremes' Join Force to Solve the Problem), FazhiRibao (Legal Daily), 28 August 2007. Available at <http://www.chinanews.com.cn/gn/news/2007/08-28/1012127.shtml>

compensation options that the international community can use to compensate victims.

The EU has victims' rights in Europe. Through its directives, the EU primarily plans measures to improve the rights, support, protection and participation of crime victims. These guidelines are binding on their members and require their inclusion in national legislation. By requiring Member States to ensure these rights for all victims of crime, regardless of their place of residence, the Directive has the potential to become a more important legal tool for crime prevention at the EU level.<sup>12</sup>

Research on victims' rights around the world has confirmed that the victims' rights movement has grown stronger over the last 30 years. Real power in Westerns country has only emerged in the last 20 years. Victims received much help from significant measures introduced in the mid-1980s. These include two recommendations from the Committee on Justice and justice for victims, as well as assistance for victims. Before this, only three countries, the UK, Germany and the Netherlands, had made some kind of commitment to the problems of torture. This is important for the UN to report on the Fundamental Rights of Humanity, Principles of justice for victims of violence and abuse of power. The increase in crime and the public's reaction to it can be considered the main reason for the unprecedented increase in interest in victims. An unfair, careless and ineffective justice system can also be seen as another reason for increased awareness of the impacts of crimes and victims.

This issue is being discussed efforts are being made to address the rights of victims correctly and fairly in the country. State laws are generally lenient on criminals and silent on victims. This global initiative is the beginning of amplifying the voices of victims around the world. This is also to ensure that victims are treated in each country's criminal justice systems.

## **CONCLUSION**

Comparative research on the state of victims' rights in the United States, United Kingdom, China, Canada, and Nigeria demonstrates both advancement of and continuing inequities in the treatment and support of victims of crime through the justice system. In the U.S., U.K., and

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<sup>12</sup>.Discussions on how unaddressed victims 'grievances are disturbing social harmony are abundant in academic journals and policy forums. See RuanShiping, —Goujianhexienshehuijixuxingshibeihairenguojiabuchangzhidul (—To build up a harmonious society we need state compensation to victims urgently), Chief Procuratorates 'Forum, 30 August 2007. Available at [http://www.cnjccn.com/showinfoclass.asp?id\\_4808](http://www.cnjccn.com/showinfoclass.asp?id_4808).

Canada, legal frameworks have been established to recognize victims as identifiable stakeholders in the criminal justice system and offer them statutory and simulative rights to information, participation, protection and restitution. They are backed by institutional structures such as provisions for victim support, legal aid, and oversight/regulation, which work in series to provide victims with fair and humane treatment.

In contrast, although China and Nigeria have legislated some victims' rights reforms, there are still obstacles to implementing those legal provisions. The state-centered model of justice in China, that allocates limited and mostly procedural roles for victims in the legal process, has do far tolerated some instances of legal reform moving forward in support of victims' rights; however, there has not been an effective transition in the mode of justice. In Nigeria, with relatively more progressive legal instruments, weak enforcement at both federal and state levels is partly attributable to limited resources, systemic corruption, and pervasive societal attitudes which often silence victims, particularly victims of gender-based or domestic violence.

In conclusion, progress has been made in many countries but achieving an ideal standard of victim treatment will rely on ongoing political commitment and resources, alongside a focus on human dignity. Only by creating and advocating comprehensive, inclusive, and enforceable legal sanctions, will justice systems, not only for the accused, also for the clientele.

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