
VICTIMS UNDER THE CRIMINAL JUSTICE SYSTEM: INDIA, UK, US, RUSSIA, FRANCE

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ABSTRACT

The status, rights, and difficulties faced by victims in the criminal justice systems of India, the United States, the United Kingdom, France, and Russia are compared in this article. It charts the development of victimisation from a marginal, witness-centric role to a more rights-based, participatory view influenced by international norms, victimology, and constitutional principles. The study demonstrates how various legal traditions adversarial, inquisitorial, and hybrid systems conceptualize victim participation, protection, compensation, and access to justice through an examination of statutory provisions, judicial interpretations, and institutional procedures. While the United States and Russia place a strong focus on enforceable statutory rights, the United Kingdom pursues a service-oriented model through its Victims' Code, while France offers a strong civil-party structure for victim participation and compensation. Despite constitutional acknowledgement of victims' rights, India's system is nonetheless beset by procedural restrictions, delays, and implementation inadequacies. The article identifies common challenges across jurisdictions, including secondary victimisation, delays, weak enforcement of rights, and barriers to compensation. It concludes by advocating a hybrid victim-centric framework that integrates enforceable legal rights, participatory mechanisms, effective compensation, and institutional support services, thereby promoting a more balanced and humane criminal justice process.

Keywords: Victims of crime, criminal justice system, victim rights, comparative criminal law, victimology, compensation and restitution, victim participation.

INTRODUCTION:

The role of victims within the criminal justice system has developed dramatically among jurisdictions, reflecting various legal traditions, legislative agendas, and public expectations. In India, the discourse has increasingly centred on improving victims' participatory rights and assuring access to justice amid systemic delays and procedural limits. Despite ongoing difficulties in striking a balance between victim interests and due process guarantees, the United States and the United Kingdom, with their developed adversarial systems, place a strong emphasis on victim protection, compensation, and institutional support. Russia's largely inquisitorial framework offers a separate model in which victims hold formal procedural roles, whereas France's mixed legal system provides an advanced structure for victim participation through civil party rights and state-backed assistance structures. A comparative analysis of these nations offers unique insights into changing worldwide standards, revealing both convergence and divergence in how modern legal systems conceptualise, safeguard, and empower victims within the criminal process.

CONCEPT OF VICTIM:

In criminal justice, a *victim* is understood as any individual or group that suffers physical, emotional, psychological, or financial harm due to a criminal act or abuse of power. Historically, victims were treated largely as witnesses whose role was limited to supporting the prosecution, leaving their own interests overlooked. This marginalisation often resulted in *secondary victimisation*, where the justice process itself caused additional distress.

Over time, legal thought and the development of victimology have shifted this perspective. Modern approaches recognise victims as essential participants in the justice system, entitled to protection, information, and opportunities to express the impact of the crime, such as through victim impact statements. International instruments, notably the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, have reinforced the need for accessible remedies, safeguards against further harm, and rights to compensation and restitution.

VICTIMS ACROSS VARIOUS COUNTRIES:

INDIA: VICTIMS OF THE CRIMINAL JUSTICE SYSTEM:

Victim' as under criminal law, means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardian or legal heir of such victim, as defined under section 2(wa) of the Criminal Procedure Code and section 2(y) of Bharatiya Nagarik Suraksha Sanhitha. And the word victimology, as per Britannica Dictionary, is a 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 focuses on whether the perpetrators were complete strangers, mere acquaintances, friends, family members, or even intimates and why a particular person or place was targeted. Criminal victimisation may inflict economic costs, physical injuries, and psychological harm.

The Hon'ble Supreme Court in **Rattiram & Ors vs State Of M.P**¹, observed "The criminal jurisprudence, with the passage of time, has laid emphasis on victimology which fundamentally is a perception of a trial from the viewpoint of the criminal as well as the victim. Both are viewed in the social context. The view of the victim is given due regard and respect in certain countries. In respect of certain offences in our existing criminal jurisprudence, the testimony of the victim is given paramount importance. Sometimes it is perceived that it is the duty of the court to see that the victim's right is protected."

In India, Justice V.R. Krishna Iyer was a strong advocate for victim-centric reforms. In **Rattan Singh v. State of Punjab**², he criticized the persistent neglect of victims, especially the inadequate provision for compensation. In **Maru Ram v. Union of India**³, he observed that punishing offenders alone does not address victims' suffering and stressed the necessity of mandatory compensation to support victim restoration. His views underscore the need for a justice model that balances offender accountability with meaningful remedies for victims.

VICTIMS AND THEIR RIGHTS UNDER CRIMINAL LAWS:

1. VICTIM RIGHTS UNDER BHARATIYA NAGARIK SURSKSHA SANHITHA, 2023:

A victim is permitted under section 18(8) of BNSS (section 24(8) of Cr.P.C) to engage an advocate of his/her choice to assist the prosecution. However, the Advocate's power is limited,

¹ Rattiram & Ors. v. State of M.P., (2012) 4 SCC 516 (India)

² Rattan Singh v. State of Punjab, (1979) 4 SCC 719 (India).

³ Maru Ram v. Union of India, (1981) 1 SCC 107 (India).

and he may only present written arguments after the evidence has been recorded unless the court grants permission.

A Victim at the stage of filing the First Information Report as under section 173 of BNSS (section 154 of Cr.P.C) is entitled to get a copy of the information as recorded to be given forthwith, free of cost. In cases of offences under sections 64 to 71 and 74 to 79 and 124 of Bharatiya Nyaya Sanhitha, 2023, the victim's statement has to be recorded by a woman police officer. In case the victim is mentally or physically disabled temporarily or permanently, such information has to be recorded at the residence of the victim or at a convenient place of the victim's choice and in the presence of an interpreter or special educator.

As under section 173 of BNSS, the victim can also give the information by electronic communication, and it shall be taken on record by the officer in charge of a police station on being signed by the informant within three days of giving it.

As under section 339 of BNSS (section 302 of Cr.P.C), the court can permit an advocate on behalf of the victim to conduct the prosecution.

In **Shiv Kumar v. Hukam Chand**⁴, the question that was posed before a three-Judge Bench of the Hon'ble Supreme Court of India was whether an aggrieved has a right to engage his/her own counsel to conduct the prosecution despite the presence of the Public Prosecutor. The Hon'ble Supreme Court noted that "the role of the Public Prosecutor was upholding the law and putting together a sound prosecution; and that the presence of a private lawyer would inexorably undermine the fairness and impartiality which must be the hallmark, attribute and distinction of every proper prosecution.

In that case, the advocate appointed by the aggrieved party ventured to conduct the cross-examination of the witness, which was allowed by the trial court but was reversed in revision by the High Court, and the High Court permitted only the submission of written argument after the closure of evidence." Upholding the view of the High Court, the Hon'ble Supreme Court went on to observe that before the Magistrate, any person (except a police officer below the rank of Inspector) could conduct the prosecution, but that this laxity is impermissible in the

⁴ Shiv Kumar v. Hukam Chand, (1999) 7 SCC 467 (India).

Sessions by virtue of Section 225 CrPC, which pointedly states that the prosecution shall be conducted by a Public Prosecutor.”

2. VICTIM RIGHTS UNDER BHARATIYA SAKSHYA ADHINIYAM, 2023:

Under Section 154 and 155 of BSA (section 151 and 152 of Indian Evidence Act), the Court has the power to forbid questions which it regards as indecent or scandalous and intended to insult or annoy to be put to victims and other witnesses.

3. VICTIM RIGHTS UNDER THE INDIAN CONSTITUTION:

Apart from the safeguards provided under criminal laws, the Indian constitution also provides rights to victim, such as right to fair investigation and trial. In **Nirmal Singh Kahlon V. State of Punjab**⁵, the Hon'ble Apex Court was pleased to observe that the right to fair investigation and trial is applicable to the accused as well as the victim and such a right to a victim is provided under Article 21 of the Constitution of India. The Hon'ble Apex Court held "An accused is entitled to a fair investigation. Fair investigation and fair trial are concomitant to preservation of fundamental right of an accused under Article 21 of the Constitution of India. But the State has a larger obligation i.e. to maintain law and order, public order and preservation of peace and harmony in the society. A victim of a crime, thus, is equally entitled to a fair investigation.

4. Nirmal Singh Kahlon v. State of Punjab & Ors., (2009) 1 SCC 441 (India).

When serious allegations were made against a former Minister of the State, save and except the cases of political revenge amounting to malice, it is for the State to entrust one or the other agency for the purpose of investigating the matter. The State, for achieving the said object at any point of time, may consider handing over of investigation to any other agency, including a Central agency which has acquired specialisation in such cases."

The Hon'ble High Court of Madras in **Sathyavani Ponrani vs Samuel Raj**⁶ held "Free and Fair Investigation and Trial is enshrined in Article 14, 21 and 39-A of the Constitution of India. It is the duty of the state to ensure that every citizen of the country has a free and fair investigation and trial. The preamble and the constitution are compulsory and not facultative, in that free access to the form of justice is integral to the core right to equality, regarded as a

⁵ Nirmal Singh Kahlon v. State of Punjab & Ors., (2009) 1 SCC 441 (India).

⁶ Sathyavani Ponrani v. Samuel Raj, 2010 (4) CTC 833

basic feature of our Constitution. Therefore, such a right is a constitutional right as well as a fundamental right. Such a right cannot be confined only to the accused but also to the victim, depending upon the facts of the case. Therefore, such a right is not only a constitutional right but also a human right. Any procedure that comes in the way of a party in getting a fair trial would violate Article 14 of the Constitution.”

5. VICTIM RIGHTS UNDER SPECIAL ACTS:

The special Acts like The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, protect atrocity victims or their dependents and witnesses from intimidation and harassment; (section 15A(11)(h)) and also right to information and other such rights.

The Hon’ble High Court of Andhra Pradesh at **Amaravathi, in Writ Petition no. 27193/2023** dated 09.01.2024, held that the scope of the 15-A of the SC and STs (POA) Act is more wider and broader than the scope of Section 302 Cr.P.C.⁷

The Hon’ble High Court also held that “where a right of Audi Alterm Partem is conferred on the victim of his dependents, then the court has to give an opportunity/right of audience to the victim of his/her dependent to hear them as to enable them to participate in the proceedings including bail proceedings also. Therefore, a victim or dependent has a right to be heard by the Court enabling the victim or dependents to participate in any proceedings in respect of not only bail proceedings but also in the proceedings of discharge, release, parole, conviction or sentence of an accused of any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing of a case.”

Section 33(7) and (8) in The Protection of Children from Sexual Offences Act, 2012, provides for the protection of the identity of child victims and for payment of compensation as may be prescribed to the child victims for any physical or mental trauma caused to him/her or for immediate rehabilitation.

The Hon’ble Supreme Court of India in **Nipun Saxena And Another Vs. Union of India**⁸ and others, while dealing with the question of protection of identity of adult victims of rape and children who are victims of sexual abuse, laid the following directions:

⁷ <https://www.ielrc.org/content/a0402.pdf>, Rights of Victims in the Indian Criminal Justice System,

⁸ Nipun Saxena & Anr. v. Union of India & Ors., (2019) 2 SCC 703 (India).

- I. No individual or entity shall print, publish, or circulate—whether through print, electronic platforms, or social media—the name of a victim, or disclose any information that may directly or indirectly result in the identification of the victim or reveal her identity to the public at large.
- II. In situations where the victim is deceased or is of unsound mind, the disclosure of the victim's name or identity shall remain prohibited, even with the consent of the next of kin, unless exceptional circumstances warrant such disclosure. The determination of whether such circumstances exist shall rest exclusively with the competent authority, presently being the Sessions Judge.
- III. First Information Reports pertaining to offences under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, or 376E of the Indian Penal Code, as well as offences under the Protection of Children from Sexual Offences (POCSO) Act, shall not be made accessible in the public domain.
- IV. Where a victim prefers an appeal under Section 372 of the Code of Criminal Procedure, disclosure of the victim's identity shall not be required, and such appeal shall be adjudicated in accordance with the procedure established by law.
- V. Law enforcement authorities shall, as far as practicable, maintain all records containing the victim's name in sealed covers and substitute them with anonymised versions in all documents that may be subject to public scrutiny.
- VI. All authorities to whom the victim's identity is revealed by the investigating agency or the court shall be under a strict obligation to preserve confidentiality and refrain from any form of disclosure, except where such information is transmitted in a sealed report to the investigating agency or the court.
- VII. Applications seeking permission to disclose the identity of a deceased victim or a victim of unsound mind under Section 228A(2)(c) of the Indian Penal Code shall be made exclusively before the concerned Sessions Judge,

until such time as the Government prescribes criteria for identifying appropriate social welfare institutions or organisations in accordance with judicial directions.

VIII. In cases involving minor victims under the POCSO Act, disclosure of identity may be permitted only by the Special Court, and solely where such disclosure is demonstrably in the best interests of the child.

IX. All States and Union Territories are urged to establish at least one 'One Stop Centre' in every district within a period of one year.

CHALLENGES FACED BY THE VICTIMS:

1. Limited Statutory and Procedural Rights

Victims in the criminal justice system continue to have restricted legal rights, with limited participation during investigation and trial. Even though provisions like Section 357A CrPC provide compensation, victims are still treated mainly as witnesses rather than independent stakeholders, reducing their ability to influence the justice process.

2. Delay and Inefficiency in Justice Delivery

Long delays in investigation and trial processes cause victims prolonged stress and uncertainty. Repeated court appearances and recounting of traumatic events worsen their emotional and psychological burden, often discouraging them from pursuing justice.

3. Lack of Awareness and Access to Support Services

Many victims, especially from rural or marginalized communities, are unaware of their rights or available assistance. Access to legal aid, psychological counselling, and victim support centres is limited, making it difficult for victims to navigate the system effectively.

4. Secondary Victimization and Social Stigma

Victims often face insensitive treatment from police, prosecutors, and society. Lack of empathy, inadequate communication, and victim-blaming attitudes—especially in sensitive cases like sexual violence—lead to further trauma and discourage reporting of crimes.

5. Inadequate Compensation and Weak Implementation

Although compensation schemes exist, delays, bureaucratic hurdles, and inconsistencies between states make them ineffective. Many victims either do not receive timely compensation or are unaware of the entitlements available to them.

6. Marginalisation in Legal Proceedings

Victims have minimal involvement in crucial stages such as plea bargaining, bail, or sentencing. Their perspectives are often overlooked, and their interests take a backseat to those of the State or the accused, limiting their sense of justice and closure⁹.

UK: VICTIM OF THE CRIMINAL JUSTICE SYSTEM:

The term "victim" in the UK is derived from a composite concept created by government standards of practice, legislation, and judicial interpretation rather than from a single codified statutory definition. The contemporary criminal justice system's move to put victims at the centre of legal proceedings is reflected in this multifaceted term.

The Code of Practice for Victims of Crime, also referred to as the Victims' Code, has the most authoritative and practical definition. According to the Code, a victim is someone who has been personally harmed by a criminal offense; "harm" includes bodily hurt, psychological or emotional suffering, and quantifiable financial loss. This comprehension encompasses not only the immediate victims of crime but also the grieving relatives of those who have died as a result of criminal activity, as well as the parents or guardians of children who have been harmed.

Domestic Violence, Crime and Victims Act of 2004 defines victims as those who are negatively impacted by criminal activity and provides them with procedural safeguards, such as the right to information, assistance, and improved safeguarding measures, even if it does not provide a single definition¹⁰.

⁹ <https://docs.manupatra.in/newslines/articles/Upload/D4A9C7F0-8A98-4E34-B88E-0145775149D7.pdf>, ANALYZING INDIAN CRIMINAL JUSTICE ADMINISTRATION FROM VICTIMS' PERSPECTIVE, Adv. Amit Bhaskar

¹⁰ <https://www.cps.gov.uk/victims-guide>

RIGHTS OF THE VICTIM UNDER THE UK LAW:

According to the *Victims' Code* (as presented in the government's "Victims of crime: Understanding your rights" leaflet), victims of crime in England and Wales are guaranteed a set of minimum entitlements by criminal-justice agencies. Below is an exposition of these rights, framed in a professional, academic style for your article.

1. Right to Fair, Respectful, and Dignified Treatment

Victims are entitled to be treated with respect, sensitivity, and professionalism by all criminal-justice agencies. Their privacy must be protected, and information must be communicated clearly and without discrimination throughout the process.

2. Right to Information and Regular Updates

Victims have the right to be informed about key developments in their case, including decisions to investigate, arrest, charge, or close the case. They may choose how and when they receive updates, ensuring transparency and meaningful involvement.

3. Right to Support and Special Assistance

Victims can access a range of support services, including emotional, legal, and practical assistance, regardless of whether they choose to report the crime. Vulnerable or high-risk victims may also receive enhanced support and special measures to help them give evidence safely.

4. Right to Make a Victim Personal Statement (VPS)

Victims may provide a formal statement explaining the impact of the crime on their life. This statement can influence sentencing and may be read in court, ensuring that the victim's voice is acknowledged in the judicial decision-making process.

5. Right to Compensation and Redress

Victims of violent crime may apply for compensation through the Criminal Injuries Compensation Authority, while courts may order offenders to pay compensation in appropriate cases. Victims also retain the option of pursuing civil remedies through independent legal

action¹¹.

CHALLENGES FACED BY THE VICTIMS:

1. Lack of Empathy and Poor Treatment

Many victims felt that staff in the criminal justice system did not treat them with kindness or understanding. Instead of seeing them as people dealing with trauma, staff often treated them like case files, which made the process feel cold and impersonal.

2. Feeling Ignored or Dismissed

Victims reported that when they tried to express their concerns, they were often overlooked or not taken seriously. They were left confused because no one clearly explained what went wrong or what steps they could take next.

3. Weak and Complicated Complaints Process

The system does not clearly explain how victims can make a complaint or what will happen after they file one. Many victims do not know how to get help or escalate their concerns. The report suggests that staff should receive proper training so they can handle complaints with care and sensitivity.

4. Lack of Clear Information and Updates

Victims often felt frustrated because they were not given enough information about the progress of their case. This lack of communication made them feel forgotten. The report stated that agencies should keep victims updated, explain what support they will receive, and inform them about the status of their complaints.

US: VICTIM UNDER CRIMINAL JUSTICE SYSTEM:

The definition of "victim" in the United States is derived from a variety of federal regulations, state constitutional provisions, and specific criminal laws. The term generally refers to a person who has experienced legally cognizable harm as a result of criminal activity, while there isn't

¹¹ <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>

a single, consistent definition that applies to all jurisdictions. This harm can take many different forms, such as bodily pain, psychological or emotional trauma, financial loss, or violations of one's security, autonomy, or dignity.

Any individual who has been "directly and proximately harmed" by a federal crime is considered a victim under the Crime Victims' Rights Act (CVRA), the system's main federal guideline. This standard serves as the criminal justice benchmark for determining who is allowed to participate in proceedings, guaranteeing that official victim status is only granted to individuals who have a proven causal relationship to the offence.

Additionally, criminal justice law permits more expansive interpretations of statutes. The Victims of Crime Act (VOCA) and several state victims' bills of rights recognise victims as people who experience financial losses, psychological injuries, or emotional suffering in addition to physical harm. Additionally, broader legal definitions of victimhood are included in some types of crimes, such as trafficking, domestic abuse, sexual assault, and crimes involving minors. These provisions, which reflect the criminal justice system's emphasis on protecting vulnerable populations, automatically recognise as victims children exploited in pornography, people forced into labour or sexual activity, and survivors of intimate partner violence, regardless of perceived consent or self-blame.

Moreover, criminal justice law recognises secondary victims in specific circumstances. Family members or guardians of homicide victims, dependents of incapacitated victims, and caretakers of child victims may be accorded limited procedural rights when the primary victim is unable to participate in the legal process. This ensures the continuity of representation and the meaningful inclusion of interests that arise from the criminal act¹².

VICTIMS' RIGHTS UNDER U.S. FEDERAL CRIMINAL LAW (CVRA)

Under **18 U.S.C. § 3771**, federal crime victims are granted a set of rights. These rights are enforceable in court, and responsible officials (e.g., in the Department of Justice) must make their "*best efforts*" to ensure these rights are afforded. Here is a detailed breakdown of each right, along with its purpose and legal implications.

¹² <https://www.justice.gov/criminal/criminal-vns>

1. Right to Protection from the Accused

Victims have the right to be reasonably protected from the offender, ensuring they are safeguarded from threats, intimidation, or retaliation throughout the criminal process.

2. Right to Timely and Accurate Information

Victims must receive prompt and clear notice of key developments in the case, including court hearings, release decisions, or changes in the offender's status, helping them remain informed and prepared.

3. Right to Attend Public Court Proceedings

Victims have the right to be present at public court hearings related to their case. They may only be excluded if the court finds strong evidence that their presence would affect the fairness of their testimony.

4. Right to Be Reasonably Heard in Court

Victims are entitled to make their views known during important stages such as bail decisions, plea hearings, and sentencing, ensuring their experiences and concerns are considered by the court¹³.

5. Right to Confer with the Prosecutor

Victims have the right to communicate with the government attorney handling the case. While they cannot control prosecution decisions, this ensures their perspectives and interests are conveyed.

6. Right to Fair Treatment, Privacy, and Restitution

Victims must be treated with fairness, dignity, and respect, with their privacy protected. They also have the right to receive full and timely restitution for losses as allowed by law.

¹³<https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1840&context=mulr>

CHALLENGES FACED BY VICTIMS UNDER U.S. CRIMINAL LAW

Despite significant statutory protections most prominently those codified in the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771 victims of crime in the United States continue to face numerous structural, procedural, and practical challenges within the criminal justice system. These challenges arise from the historical orientation of U.S. criminal law toward the prosecution of offenders rather than the empowerment of victims, and they persist across the investigative, prosecutorial, and post-conviction phases of criminal proceedings.

1. Weak Enforcement of Victims' Rights

Although the CVRA provides strong protections, many rights are difficult for victims to enforce in practice. Courts treat several guarantees as limited rather than absolute, and victims lack effective remedies when their rights are violated, creating a large gap between law and reality.

2. Poor Notification and Limited Participation

Victims often do not receive timely updates about hearings, plea negotiations, or offender release. As a result, they may miss key stages of the case and have little meaningful opportunity to participate in decisions that directly affect them.

3. Re-traumatization During Legal Proceedings

The criminal process especially repeated interviews and aggressive cross-examinations can force victims to relive traumatic events. This is particularly severe for survivors of sexual assault and domestic violence, who frequently face credibility challenges and invasive questioning.

4. Privacy, Safety, and Protection Challenges

Victims regularly struggle to secure consistent protection from retaliation or intimidation. Personal information may become public through court records, and protective measures are not always uniformly available, leaving victims exposed to safety risks.

5. Limited Access to Legal Support and Restitution

Victims do not have a constitutional right to legal counsel and often lack an advocate to

represent their interests. Financial burdens also remain high, as restitution is difficult to enforce and compensation programs have restrictions that prevent many victims from receiving full support¹⁴.

FRANCE: VICTIM UNDER CRIMINAL JUSTICE SYSTEM

VICTIM UNDER FRENCH CRIMINAL LAW

Under French criminal law, the term “victim” refers to any individual or legal entity that has personally suffered harm directly caused by a criminal offence, whether the act constitutes a crime, a *délit* (misdemeanour), or a *contravention* (minor offence). This understanding is primarily derived from the *Code de procédure pénale*, which recognises the victim as a person whose material, physical, psychological, or moral interests have been adversely affected by the unlawful conduct of another.

French law adopts an inclusive approach, recognising several forms of legally compensable damage (*préjudice*), including:

- **Material damage:** such as financial loss or destruction of property;
- **Physical damage:** encompassing bodily injury or medical impairment;
- **Moral or psychological damage:** relating to emotional suffering, trauma, or harm to personal dignity.

The concept also extends to indirect victims, such as family members or dependents of a directly injured person, who may experience personal harm as a result of the offence. Moreover, certain associations and legal persons may be treated as victims when the offence infringes upon the interests they are legally tasked to defend.

In procedural terms, a victim in France may acquire the status of the civil party (*partie civile*), which grants the right to participate actively in criminal proceedings and seek reparation. Thus, the French definition of a victim is not limited to passive suffering but emphasises the individual’s recognised legal interest in obtaining justice and compensation within the criminal

¹⁴ <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/victimswithdisabilities/stateguide/challenges.html>

process.

RIGHTS OF THE VICTIMS:

1. Right to File a Complaint and Initiate Proceedings

Victims have the right to report offences either through a simple complaint or by filing a complaint with civil-party status (*plainte avec constitution de partie civile*), which allows them to directly trigger a judicial investigation when prosecutorial inaction occurs.

2. Right to Information

Victims are entitled to timely and clear information about the progress of the investigation, prosecutorial decisions, court dates and outcomes, the detention or release of the accused, and available support services, ensuring transparency throughout the proceedings.

3. Right to Participate as a Civil Party

By becoming a *partie civile*, victims gain recognised procedural status that allows them to access elements of the case file, request investigative acts, be heard by the investigating judge, and challenge decisions that affect their civil interests.

4. Right to Protection and Dignified Treatment

French law ensures victims' physical and psychological protection through measures such as no-contact orders, anonymity in sensitive cases, secure hearings, and specialised safeguards for vulnerable victims. Throughout the process, victims must be treated with respect, dignity, and sensitivity.

5. Right to Legal Assistance and Compensation

Victims have the right to be assisted by legal counsel, receive legal aid when needed, and access accredited support organisations. They may also seek compensation through criminal or civil courts or through state compensation funds such as the FGTI for cases involving violent crimes or insolvency of the offender¹⁵.

¹⁵ https://fra.europa.eu/sites/default/files/fra_uploads/france-rights-of-crime-victims-justice_en.pdf

CHALLENGES FACED BY THE VICTIMS:

1. Secondary Victimisation

Victims frequently experience additional trauma during the justice process due to repeated questioning, insensitive treatment by authorities, obligatory confrontations with the accused, and prolonged procedures, all of which may discourage continued participation in legal proceedings.

2. Procedural Delays and Judicial Backlogs

Lengthy investigations, congested court schedules, and recurring adjournments impede timely justice, prolong victims' psychological suffering, and undermine confidence in the efficiency and credibility of judicial institutions.

3. Evidentiary Barriers in Sensitive Cases

Victims of offences such as domestic violence and sexual assault often face significant challenges in meeting evidentiary thresholds, as these crimes frequently occur in private settings with limited physical proof, leading to heightened scrutiny of victims' credibility.

4. Inconsistent Implementation of Protective Measures

Although protective mechanisms exist, their uneven application—such as delays in issuing protection orders, inadequate enforcement, and insufficient risk assessment—leaves many victims vulnerable to continued intimidation or harm.

5. Barriers to Compensation and Support Services

Complex administrative procedures, delays in accessing state compensation funds, limited psychological support, and regional disparities in victim-services hinder victims' ability to obtain timely reparation and adequate emotional assistance.

RUSSIA: VICTIM UNDER CRIMINAL LAW:

The concept of a *victim* in the Russian legal system is rooted primarily in the **Criminal Procedure Code of the Russian Federation**. Russian law defines a victim as a person who

has sustained legally cognizable harm resulting directly from a criminal act. This harm may be physical, property-based, or moral, with the term encompassing both natural persons and, where applicable, legal entities whose property or business reputation is injured by crime.

Crucially, recognition as a victim under Russian law is not merely descriptive but constitutive, meaning that a person is legally treated as a victim only after the competent authority issues a procedural ruling. The law requires that this recognition occur immediately upon the initiation of a criminal case, or as soon as information about the harmed person becomes available. When a crime results in death or incapacity, close relatives or other close persons may assume the victim's procedural rights, ensuring continuity of representation and participation in the proceedings.

While Article 42 establishes the general definition, certain categories of crime broaden or deepen the understanding of victimhood. In cases involving terrorism, human trafficking, domestic violence, sexual crimes, and crimes against minors, Russian law and judicial commentary often grant heightened protections, presumptions of vulnerability, or expanded participatory rights¹⁶.

RIGHTS OF VICTIMS UNDER THE RUSSIAN CRIMINAL JUSTICE SYSTEM

The Russian criminal justice framework recognizes the victim as an essential procedural participant whose interests merit substantive protection throughout the investigative and judicial process. The legal foundation for victims' rights is principally established in Article 42 of the *Criminal Procedure Code of the Russian Federation (CPC RF)*, complemented by Article 52 of the Russian Constitution, which guarantees state support, access to justice, and compensation for harm.

1. Right to Active Participation in Proceedings

Victims are granted extensive participatory rights during the investigation and trial. They may provide statements, present evidence, file petitions for investigative actions, and take part in interrogations, confrontations, and identifications. They may also question participants during court proceedings, ensuring they are active procedural actors rather than passive observers.

¹⁶ Victims' Participation Rights within the International Criminal Court: A Critical Overview

2. Right to Information

Victims must be informed of critical procedural developments, including the initiation, suspension, or termination of the case, and the charges filed against the accused. Upon completion of the investigation, they have access to relevant case materials. These guarantees support transparency and prevent procedural exclusion.

3. Right to Compensation and Civil Redress

Russian law enables victims to seek compensation for physical, property, moral, or reputational harm by filing a civil claim directly within the criminal case. Authorities may secure potential compensation through measures such as seizure of the accused's assets, eliminating the need for separate civil litigation.

4. Right to Protection and Security Measures

When a victim faces risks of retaliation, intimidation, or secondary harm, protection mechanisms may be implemented, including confidentiality of personal data, physical protection, restricted disclosure, and closed court hearings. These safeguards are especially vital in sensitive or high-risk cases.

5. Right to Appeal and Challenge Procedural Decisions

Victims have the right to appeal actions, omissions, or decisions of investigators, prosecutors, or courts when their interests are affected. They may also participate in post-conviction proceedings, including parole or sentence modification hearings, ensuring their interests remain recognized throughout the criminal justice process.

CHALLENGES OF THE VICTIM:

1. Limited Practical Access to Justice

Despite formal rights, victims often struggle to have their complaints registered, to compel investigative actions, or to have their evidence considered. Investigators retain broad discretion, leading to delays, refusals to open cases, and inconsistent investigation quality.

2. Weak Enforcement of Procedural Rights

Even though victims have rights on paper, these rights are not consistently upheld. Victims may be denied access to case materials, receive inadequate explanations of their rights, or face officials who prioritize convictions over victim protection due to limited training and systemic inefficiencies.

3. Difficulty Obtaining Compensation

Victims often face significant barriers in receiving financial restitution. Civil claims within criminal cases are frequently sidelined, compensation orders may go unenforced, and recovery is especially difficult when offenders lack resources or when the case involves state actors.

4. Inadequate Protection Against Harassment or Retaliation

Protective measures such as confidentiality, identity shielding, or security support are unevenly applied. Victims of domestic violence, trafficking, organized crime, and sexual offences remain vulnerable to threats, intimidation, and secondary victimisation.

5. Socio-Economic and Geographic Barriers

Victims in rural or economically disadvantaged areas often lack access to legal aid, psychological support, and specialized services. The high cost of private legal representation and the limited availability of state-funded assistance further restrict victims' ability to pursue justice.

CONCLUSION:

A comparison of the victim-rights frameworks in Russia, France, the United Kingdom, the United States, and India shows that while each system offers valuable protections, none of them independently provides a fully comprehensive model. Therefore, a hybrid and integrated victim-protection framework is recommended.

Such a model should combine the clarity of statutory rights seen in the United States and Russia, ensuring victims have legally enforceable rights to information, participation, and protection. It should also incorporate France's civil-party mechanism, which allows victims to seek compensation directly within criminal proceedings, making the process faster and more

accessible. Further, the model should adopt the service-standard approach of the United Kingdom's Victims' Code, which guarantees timely communication, emotional support, and special measures for vulnerable victims. Alongside these elements, India's focus on representation for minors, dependants, and families of deceased victims should be included to ensure that vulnerable groups are not excluded from justice.

To make this integrated framework effective, strong administrative support is essential. This includes specialised victim-assistance units, fixed timelines for providing information, and proper monitoring to ensure compliance.

In summary, a hybrid model combining statutory certainty, accessible compensation, strong support services, and inclusive representation would create a more consistent, victim-centred system. Such an approach addresses gaps found in existing frameworks and promotes a more balanced and just criminal process.