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INTRODUCTION

The Romanian Journal of Victimology appeared as a natural consequence, as a qualitative leap necessary to complete and continue at another level the steps started in 2020 with the first national conference.

Concretely, we are talking about the first edition of the national conference entitled "*Landmarks on Victimology, victimization and victims in Romania*", dedicated exclusively to this topic, due to a push coming from the staff of the *Cost Action CA 18121: Cultures of Victimology: understanding processes of victimization across Europe*.

The scientific manifestation that took place on November 29 on 2020 was held in two sections: the first one implies the psychologists, sociologists, medical doctors, other professionals, while the second section was supported by jurists (lawyers, researchers, teachers).

The conference continued the following year, respectively 2021, also online due to the pandemic, under the auspices of the two initials partners institutions in the mentioned Cost action project, the Faculty of Legal and Administrative Sciences Bucharest of the "*Spiru Haret*" University, and the Faculty of Economic, Legal and Administrative Sciences, within the "*George Bacovia*" University, from Bacău, the event aroused the interest of a double number of participants compared to previous year, namely a total of 45 participants doubled from 2020, also divided into two sections.

Another novelty that must be highlighted is that, even although initially the objective was to organize a national conference, our colleagues from the Republic of Moldova and an NGO from Italy responded to our call, so we added *national conference with international participation*. The latter one the attended NGO is located in the Calabria area and it has also as a goal the protection of victims of human trafficking, among whom there were also women from Romania. Considering the mentioned premises, since 2021 we completed the announced title of the conference, thus becoming *Landmarks on Victimology, victimization and victims in/from Romania*, but also the type of manifestation, namely a national conference with international participation.

One year later, on July 2022, we succeeded to create the Romanian Society of Victimology (<https://victomologie.ro>) and, since that year, the conference lasts 2 days, respectively Friday and Saturday, meaning we kept the two sections in Romanian in the first day (Friday) and added the third one in English on Saturday. We tried to ensure a certain continuity of the partners with whom we started these conferences, but at the same time we put efforts to gathered other professionals, theoreticians and practitioners.

The year 2023 registered new progress, both in the number of participants and in the diversity of professionals who got involved in this scientific event. However, if for the interventions in the Romanian language we

ensure the publication in the volume of the conference for the articles sent by the participants, we found that it is necessary to take measures to publish also the intervention in English also because the value, novelty and usefulness of these should be known also to the general public.

That is precisely why, after the fourth volume of the conference (in 2024), we focused our efforts on publishing some articles from the section in English. Thus was born the first journal from Romania dedicated exclusively to victimological studies in our country and abroad.

The journal is structured in several sections. So, the structure for this journal that we are proposing is:

- Pages from the history of Victimology
- Studies about victimization, victim's protection and rights
- Chronicles, scientific manifestation, interviews (for the future)

We tried to attract to the Editorial board renowned professionals from as many continents, faculties, universities etc. in the hope that the peer-review of the articles will ensure the qualitative level of the information.

Also, we will focus to support the publication of the two issues of this journal annually, from Romanian Society of Victimology`s (RSV) funds.

The first issue will contain, mainly, the works from the section in English of the previous year's conference. The second issue of the year will collect/consist of works sent to the email address: svr@victimologie.ro.

If you think that you can send original, interesting things, useful reflections, legislative or institutional, administrative proposals to a wide audience that can contribute to improvement of this mentioned topic, we are waiting for your contributions to the email address. You will find the writing instructions for the articles on the website www.victimologie.ro or you will receive it on email.

The journal will be published also on paper in a limited number, but it will be available on the RSV`s site, open access journal.

We think that is also mandatory/necessary to add the following:

- Each invitation contents some directions on the most important topic in this area in order to obtain interdisciplinary and multidisciplinary approaches mandatory for the needs of different types of victims/victimizations.
- Each author has the full responsibility for the all content provided for publishing.

The Editor-in-Chief

Aura Marcela PREDA

SECTION I
- PAGES FROM THE HISTORY OF VICTIMOLOGY -

**FROM ACADEMIC DISCIPLINE TO VICTIM SERVICES AND
VICTIMS' RIGHTS: THE EVOLUTION OF VICTIMOLOGY
IN CANADA**

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Violette Prignac Merle³, Jo-Anne Wemmers⁴

Abstract

This paper examines the evolution of victimology in Canada, tracing its development from early theoretical frameworks to contemporary practices and emerging research trends. It explores the impact of the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power on Canadian victimology and highlights the unique legal framework within which victim services have developed. Key historical milestones, including the establishment of victimology as a recognized academic discipline and the influence of foundational European and American theories, are discussed. The shift from theoretical victimology to a focus on supporting crime victims is analyzed, along with the professionalization of victim services and the challenges faced in providing comprehensive support. The paper also addresses current issues such as disparities in compensation, barriers to access, and the specific needs of marginalized groups, including Indigenous Peoples. Future directions in Canadian victimology are considered, emphasizing the importance of restorative justice mechanisms, alternative justice models, and a sustained commitment to victim-centered research and policy development.

Key words: *victimology in Canada, theoretical frameworks, contemporary practices, emerging research trends*

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Introduction

Understanding the history of victimology in Canada is essential for appreciating its current practices and future directions. Victimology, the study of victimization, its causes, and effects, has significantly evolved. Victimology encompasses research, theoretical aspects, and practical services (Burgess et al., 2009). Early perspectives predominantly focused on the victim's role in the crime and their relationship with the offender, before shifting towards victim experiences, needs and rights. These perspectives have been shaped by various socio-legal contexts and influenced by international frameworks such as the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (hereafter *Declaration*).

The Declaration marked a significant milestone in the global recognition of victim rights. It established basic principles to ensure that victims of crime and abuse of power receive justice and fair treatment. The Declaration emphasizes access to justice, fair treatment, restitution, compensation, and assistance for victims, advocating for victims' rights to be respected and upheld across different jurisdictions. This Declaration has significantly influenced Canadian victimology, promoting the adoption of more victim-centred approaches in research, victim services, and the legal system.

In Canada, victimology has developed within a unique legal framework characterized by a system where federal and provincial rights often intersect and sometimes clash. The Canadian justice system, with its accusatory procedure, positions the victim differently compared to inquisitorial systems found in countries like France or Germany. In the Canadian adversarial system, the victim is primarily regarded as a witness to the crime rather than a party with independent rights within the criminal proceedings. The procedural rules regarding the role of victims means that victims do not have the same level of participation or influence over the proceedings as they might in systems where the victim's role is more central. Instead, their involvement is generally limited to testifying and providing evidence to support the prosecution's case. This distinction reflects the Canadian legal tradition, which prioritizes the state's role in prosecuting crimes while maintaining the rights of the accused.

In this paper, we will explore the emergence of victimology in Canada, the development of victim services, and the current challenges facing victims. We will conclude by discussing emerging trends in research and future directions for the field.

Emergence of Victimology in Canada

In the early 2000s, victimologists lamented the lack of a comprehensive account of the history of this field (Fattah, 2000a, 2010). Although no systematic review of this kind has been produced to our knowledge, many authors have endeavored to trace the beginning of victimology in Canada (see Waller, 2011; Wemmers, 2010). The history of the discipline in Quebec has especially been the subject of historical work, given the province's notable impact on the discipline. The first part of this article aims to present the main developmental trajectories of victimology in Canada during the mid-20th century, highlighting its transition from a predominantly academic discipline to one increasingly integrated into professional victim services. It does not intend to provide an exhaustive account of all authors or victimological currents that have crossed the country but rather to explore the main trends visible at the birth of the discipline, as well as key researchers who contributed to its development.

The rise of classical Canadian victimology: The victim as a tool to better understand the criminal

While the origins of victimology can be traced back to renowned American and European authors, Canada has also played a significant role in this field. Although still in its infancy in the 1950s, research about victims had been ongoing since the 1960s, primarily under the umbrella of criminology as it aimed to explain crime by studying victims (Fattah, 1980; Wemmers, 2010, 2017). Alongside the growing body of research, large-scale academic events significantly contributed to the expansion and dissemination of victimology knowledge. With support from the Canadian Council on Social Development and the Canadian Crime Prevention Society, the newly established American National Organization for Victim Assistance (NOVA) held its annual conference in Toronto in 1981. This marked a foundational moment as it was the first time the conference targeted Canadians supporting victims (Cunningham, 1994; Gaudreault, 1996). This event had a significant impact on victimology in Canada.

The renewed World Society of Victimology played a significant role in the development of victimology (Wemmers, 2010). As part of its series of international victimology symposia, the 2000 symposium in Montreal, Canada, further established the importance of Canada, particularly Quebec, within the field of victimology (Fattah, 1980; Schneider, 2001; Wemmers, 2003a; Dussich, 2015). In 2011, the 50th anniversary of victimology in Quebec was celebrated alongside the 50th anniversary of the School of Criminology, emphasizing both the diverse needs of victims and the school's pivotal role in the evolution of the field.

Today, seven Canadian universities - the University of Ottawa, the University of Toronto, the University of Montreal, the University of Calgary, the University of Alberta in Edmonton, Simon Fraser University in Vancouver, and Université Laval in Quebec City - offer courses in victimology (Winterdyk, 2017). The beginnings of victimology in Canada, and specifically in Quebec, are tied to the establishment of the first criminology department in Canada at the University of Montreal in 1960 (Wemmers, 2011, 2017).

The influence of European and American victimology

Despite being a leader in victimology, Canada was not the primary originator of the field (Szabo, 1995). The history of Canadian victimology must be understood within the context of the early development of the discipline in Europe and the United States (Fattah, 2000a; Wemmers, 2003a). The emergence of victimology occurred around the second half of the 20th century (Wemmers, 2017; Fattah, 2000a). After years of neglecting victims' rights, this era emerged from the realization that those most affected by crime were rarely involved in the procedures (Mendelsohn, 1956; Ferguson and Turvey, 2009; Wemmers, 2017; Fattah, 2000a). It is, therefore, relevant to briefly revisit the early theories developed by these authors to understand how Canadian victimologists adopted them. The works of Romanian lawyer Benjamin Mendelsohn and German-American criminologist Hans von Hentig were particularly foundational (Wemmers, 2010)

Originally a criminal defense lawyer, Mendelsohn was profoundly impacted by the events of the Second World War. During the war, he fled Romania to escape the Nazis and settled in Israel. While Mendelsohn began writing about victims before the war, the atrocities of the Second World War prompted him to dedicate his studies to this issue by promoting a new branch of the discipline: victimology (Mendelsohn, 1956). He identified a close link between a delinquent and their victim, suggesting that some victims play a role, often unconsciously, in their victimization. Depending on the situational characteristics of the crime, Mendelsohn envisioned a continuum of victim culpability, suggesting that a victim could have more or less facilitated their misfortune.

Victimology appears to have emerged globally after World War II in 1948, with the publication of *"The Criminal and His Victim: Studies in the Sociobiology of Crime"* by Von Hentig (1948) (Wemmers, 2017). In his chapter "The Victim's Contribution to the Genesis of Crime," Von Hentig argued that some victims have a share of responsibility and contribute to the criminal act due to their characteristics (e.g., women, racialized individuals, depressed, elderly, or young people) (Fattah, 1980). He identified specific characteristics of

victims that could place them in vulnerable situations (Audet and Katz, 2006; Ferguson and Turvey, 2009). These theories inspired future Canadian scholars.

The founders of Victimology in Canada

In the early 1960s, Denis Szabo established the new Department of Criminology at the University of Montreal, which would later become the School of Criminology (Cusson and Le Blanc, 2010; Wemmers et al., 2010; Wemmers, 2011). As a leading scholar, Szabo aimed to create a top-tier department conducting cutting-edge research. He specifically recruited Professor Henri Ellenberger to Montreal to develop his work on victims and crime (Wemmers, 2011). The efforts of Canadian researchers, including Ellenberger, to invite and collaborate with prominent figures in victimology such as Mendelsohn, demonstrate their proactive engagement in the field from the outset.

Henri Ellenberger, a Swiss-Canadian psychiatrist and professor at the University of Montreal's School of Criminology, is recognized as one of the pillars of criminology due to his work on the psychological dynamics between a delinquent and their victim (Ellenberger, 1954; Cario, 2004; Dussich, 2015; Wemmers, 2010, 2017). Following the case of a young boy who killed his abusive father, Ellenberger illustrated that the roles of victim and criminal are flexible and interchangeable (Ellenberger, 1954; Wemmers, 2017). Victimization and criminality are thus seen as existing on a continuum, rather than being confined to two mutually exclusive binary categories.

Ellenberger's doctoral student, Ezzat Abdel Fattah, is a leading figure in Canadian victimology (Wemmers, 2011). Fattah, a Canadian of Egyptian origin, wrote the first victimology dissertation in Canada in 1968 (Cario, 2004; Dussich, 2015). Guided by Ellenberger's discoveries and becoming a prominent professor-researcher himself, Fattah is today among the most cited and internationally recognized Canadian experts in victimology (Cario, 2004; Winterdyk, 2017). Following the work initiated by Von Hentig and Mendelsohn, Canadian victimology began with criminologists studying victims as a means to better understand crime and criminals.

Theories and early typologies of victims

Early victimologists primarily aimed to understand and prevent criminal acts by studying victims (Campeau and Gravel, 1996; Wemmers, 2003a; Wemmers, 2011). They viewed crime as a dynamic interaction process rather than isolated actions, involving an analysis of the factors contributing to the

criminal's choice of victim. The first wave of victimologists argued that there are mutual relationships between victims and criminals (Wemmers, 2003a, 2011). To refer to the shared similarities between a victim and an offender, Ellenberger coined the term "penal couple" in 1954. He and Fattah then sought to better understand the relationship between victim and delinquent by addressing the role played by the victim in the crime (Fattah, 2000a; Wemmers, 2003a).

In line with the work of international victimologists, developing victim typologies was a primary concern for the pioneers of Canadian victimology (Fattah, 1980). Similar to Von Hentig, Ezzat Fattah's research focused on the degree of responsibility the victim may have had in the criminal act, particularly through behaviors that may have led to the crime (Fattah, 1971). Elements such as *"the victim itself, their characteristics, their relationships and interactions with the criminal, their role and contribution to the genesis of crime"* are part of this analysis (Fattah, 1980, p. 8; Rossi and Gaudreault, 2018). In his typology of victims, Fattah classifies victims according to their participatory situations (Fattah, 1992). He distinguishes between a "participating" victim in the crime and an "innocent" one who does not take part. The opposite is found in the "provocative" victim, who acts with negligence and aggressiveness. The "wrong victim" refers to one who owes their misfortune solely to themselves and does not constitute a real victim in this typology (Fattah, 1992). The status of "victim" is thus flexible: a person who is a victim may one day or another become a criminal, a notion referred to as a "criminal-victim" (Wemmers, 2003b; Audet and Katz, 2006).

Fattah also employs the term "catalyst victim," used by American criminologist Marvin Wolfgang in his 1958 study on homicidal murder, to describe the influence of the victim in the crime, both through their predispositions to be victimized and their behavior at the time of the offense (Fattah, 1980; Cario, 2004; Wemmers, 2017). In addition to the victim's role in the crime, victimologists also establish that some people are more exposed to victimization. For Fattah, *"there are people who attract the criminal as the lamb attracts the wolf"* (Time magazine, 1971, cited in Ferguson and Turvey, 2009, p. 10). The "predisposed" victim, due to their fragility stemming from various sources such as naivety or loneliness, is subject to additional, almost innate, risks of being victimized. Still relevant today, Fattah (1991, p.101) acknowledges that social context can also designate certain individuals or groups as appropriate or, at the very least, acceptable "victims," such as people from marginal socio-economic statuses, racialized individuals, and women.

The second wave of Canadian victimology: A shifting focus towards supporting crime victims

Victim-centered victimology emerged in the 1960s, marking a shift toward human rights research aimed at preventing atrocities like those witnessed during World War II (Wemmers, 2017; Fattah, 2000a). This focus culminated in the Declaration, ensuring that victims of crime and abuse of power receive justice and fair treatment. In Canada, this era was characterized by the rise of feminist movements and the emergence of research on the victimization of women (Wemmers, 2017; Fattah, 2000; Van Dijk, 1988). This period marked the entry of victimology into a new phase: the rediscovery of the victim (Fattah, 1980, p. 25). Two factors influenced this shift in focus: the women's movement and the introduction of victim surveys.

The feminists' criticisms of fundamental theories about victims

Early theoretical work in victimology led to backlash from practitioners regarding victim-blaming. The concept of the "catalyst victim" proposed by early victimologists was criticized by victim rights advocates as early as the 1970s, who accused these theories of blaming victims for their victimization (Fattah, 1980). Critics also reproached victimologists for not addressing the post-crime needs of victims and for focusing solely on retrospective reflections about the crime, with the victim being just one of the factors (Cusson, 1995).

Aggravated by these criticisms, which he deemed unfounded, Fattah (1980) responded by urging critics to distinguish between described behavior (precipitation) and the legal jargon related to determining guilt (victim provocation). According to Fattah, victimology does not aim to judge or blame victims but rather to study them appropriately to prevent crime and, by extension, criminal victimization (Fattah, 1994a, p. 96; Schneider, 2001).

Under the influence of the women's movement, the study of domestic and sexual violence against women rose notably in the US and across Canada (Campeau and Gravel, 1996). This period marked the entry of victimology into a new era: the rediscovery of the victim (Fattah, 1980, p. 25). Unlike early victimologists who studied the role of the victim in the commission of the crime, this new form of victimology focused on addressing the needs of victims and advocating for their interests (Rossi and Gaudreault, 2018; Burgess et al., 2009). These criticisms not only led to a shift in focus from the victim's role in crime to the victim's needs and the development of victim services but also fueled a transition from theoretical victimology to a more applied science

(Fattah, 1980). Micheline Baril and Irvin Waller emerged as key figures representing this movement.

New research focus: dynamics of victimization and victims' needs

In the 1980s, victimologists began exploring the dynamics of victimization, the consequences of crime, and the recovery process of the victim (Fattah, 1980). The rise of studies involving interviews with crime victims about their perceptions of victimization and their individual needs enhanced the understanding of the victimization experience (Schneider, 2001). Irvin Waller, an English professor of Criminology at the University of Ottawa and the University of Toronto, conducted pioneering research on the needs of victims, focusing on victims of burglary in Toronto (Waller and Okihiro, 1978). His studies concluded that protective actions were not aligned with the actual concerns of victims and that poor young men living alone were at the highest risk of burglary (Waller et al., 2020).

Micheline Baril, a Canadian criminologist, was also at the forefront of this new wave of victimology. She was one of the first Canadian victimologists to move away from purely statistical analyses to focus on victims' testimonies and narratives (Gaudreault, 2003; Lopez, 2019). In her 1984 doctoral thesis "L'envers du crime," she aimed to address victims' needs and ensure their respect. Her research focused on the interaction between victims and the criminal justice system, one of the primary resources available to victims (Baril, 1984, 1986, 2002; Baril and Morissette, 1985). Her groundbreaking work revealed that victims were often neglected or mistreated by the criminal justice system (Gaudreault, 2003). Subsequent victimological research highlighted how the criminal justice system is founded on social myths and stereotypes that disadvantage female victims (Rossi and Gaudreault, 2018).

In the 1990s, victimological studies began focusing on groups with specific vulnerabilities to victimization. Research during this time provided a better understanding of the power dynamics and interpersonal relationships involved (Gaudreault, 2003). Baril emphasized in 1986 that efforts were "*currently concentrated on women and children's victims within the family and on victims of sexual assault.*" While these populations remained a significant focus for many victimologists, other groups, such as the elderly and racialized individuals, also became subjects of victimological research. Insights from fieldwork allowed for the adjustment and creation of interventions to address the complexity and diversity of victims' needs and issues related to criminal victimization.

Victimologists focused on the needs of crime victims, and victimology began to concern itself with the rights of victims, seeking to take action to improve their conditions. Waller spearheaded numerous legislative changes to uphold victims' rights by providing evidence about the harm victims faced after victimization in Canada (Waller et al., 2020). His advocacy efforts led to the General Assembly's adoption of the Declaration on Justice for Victims (Wemmers, 2010). Following this, he continued to work on ways for countries to implement the standards outlined in the Declaration (Waller, 1989a). As the World Society of victimology's secretary general for more than 25 years (1979-2007) and throughout his still going on career as an emeritus professor at the University of Ottawa, Waller aimed to influence policy with victimological evidence, leveraging his research results and connections with influential political figures (Waller et al., 2020).

Micheline Baril also directed her work towards improving the conditions of victims "post-crime" by bridging academic knowledge and practical insights related to clinical interventions with victims (Waller, 1996). As a professor at the School of Criminology at the University of Montreal for over a decade, she founded the Plaidoyer-Victimes Association (AQPV), which fights for victims' rights (Coiteux, 1996; Wemmers, 2011). She also established the victim support center in Montreal (see André Normandeau's 1981 publication on the emergence of victim support in Quebec and Maurice Cusson's obituary for Micheline). Her influence was so significant that, following her passing, the field of victimology at the School of Criminology experienced a period of decline.

An academic and political victimology?

With this second generation of victimologists, the focus shifted from determining the victim's role in the crime to emphasizing the victims' experiences and ensuring society's responsibility towards them (Fattah, 1980). This shift led to the implementation of services, interventions, and the creation of laws. Micheline Baril notably advocated for the inclusion of victim impact statements (Wemmers, 2003b).

In political and institutional spheres, several critiques have been raised by early victimologists regarding the direction taken by the discipline. The primary critique is their adherence to a specific agenda (Elias, 1983, 1993; Ferguson and Turvey, 2009; Gordon, 2011). Fattah criticized the politicization of victim advocacy movements and the perceived activism within academic circles, arguing that associating victimology with activism undermines the development of critical and scientific thought (Fattah and Mzouji, 2010). He

suspected that the rise of right-wing political movements played a role in the emergence of the victim movement (Fattah, 1986; Gordon, 2011). In the name of a pro-victim ambition, stronger penal measures against criminals could be encouraged, although such measures may not effectively help, according to evidence from studies.

Throughout the 1980s and into the 1990s, no significant theoretical work in victimology was being done. This trend began to change in the late 1990s with the introduction of data from victim surveys. Since 1982, and approximately every five years, Canada has conducted surveys on criminal victimization (Dussich, 2015; Wemmers, 2017). These surveys ask respondents if they have been victims of crime, usually during the last 12 months (Cusson, 1995). According to Fattah, these new types of data collection represent "*the most exciting developments in criminology*" in recent years (Fattah, 1991, p. 30; Schneider, 2001; Szabo, 1995). Previously relying mostly on official police statistics, which were a dubious reflection of reality, the international rise of victimization surveys marked an important step for Canadian victimology (Lopez and Lusignan, 2012; Wemmers et al., 2010; Wemmers, 2017; Landau, 2024). These surveys provided systematic information about victimization, victim characteristics, consequences of victimization, and victims' needs (Wemmers et al., 2010). Despite their methodological limitations, they allowed researchers in Canada and elsewhere to collect a vast amount of detailed data on crime victims, such as risk factors and the percentage of victims who reported to the police (Wemmers et al., 2010). Notably, they helped to establish that victimization and criminality share common characteristics and that some individuals are more frequently victimized than others (Fattah, 2000d; Wemmers et al., 2010). This exemplifies how research influenced practice and fueled the development of victim services in Canada.

The state of contemporary Canadian victimology

From its inception, victimology has sought to define its contours, a problematic issue that remains unresolved to this day. One of the discussions among the first Canadian researchers concerns its place within criminology: should it constitute two distinct entities or one? Unlike his counterpart Mendelsohn, Fattah, like many of his contemporaries, views victimology as a specialization within criminology rather than an autonomous discipline (Wemmers, 2017). In his view, victimology fits into criminology as a branch where the victim is a medium for explaining crime and reflecting on its prevention. Interestingly, the tendencies for victimological studies over the past 50 years in Canada have been to publish in journals specializing in psychoeducation, social services, or feminist studies rather than in criminology

journals (Rossi and Gaudreault, 2018). The publication of victimological research in non-criminology journals reflects its interdisciplinary nature.

As a consensus on the status of victimology vis-à-vis criminology is not established, it is also challenging for victimologists in Canada, as it seems to be the case globally, to agree on a definition of the victim and to determine the spectrum of victimizations that can be their subject of study (Rossi and Gaudreault, 2018). Initially, Canadian victimology focused primarily on victims of specific crimes: violent acts (homicide), sexual assaults (rape), and property crimes (burglary and fraud) (Fattah, 2000d). Although Fattah (1991; 1994) acknowledges other forms of victimization, such as those caused by technological disasters, he believes that victimology should be the science of studying crime victims (Szabo, 1995). His definition of criminal victimization as resulting from an "*intentional criminal act, punishable by law*" is what constitutes penal victimology (Fattah, 1994; Szabo, 1995; Wemmers, 2010). On the contrary, some victimologists, drawing inspiration from Robert Elias (1994), argue that victimology should broaden its scope to include all violations of rights, crimes against humanity, and abuses of power (Wemmers, 2010). In that sense, human rights victimology considers crime as an offense against the victim before being a crime against society (Wemmers, 2012). In this view, all victimization resulting from human action may be the subject of victimology (Wemmers, 2017). Consequently, victims of mass crimes, as well as genocide, war crimes, and environmental crimes, enter the domain of victimology, not solely confined to penal crime victims. This framework, reflecting the Declaration, seems to be the one most followed nowadays within victimology (Kirchhoff, 2010; Wemmers, 2010, 2017).

Despite theoretical advancements, the path remains long and fraught with obstacles. To echo Fattah's words (1980), the more we seem to discover about crime victims, the more our ignorance becomes apparent, highlighting the importance of generating further knowledge on the subject. Currently, Canadian victimology seems to focus more on the "post-crime" phase rather than solely on prevention (Rossi and Gaudreault, 2018). Although sometimes still criticized, this victimological approach holds significant scientific interest. According to Rossi and Gaudreault (2018), it transcends mere activism by informing societal decisions, the distribution and funding of support services, as well as victims' perceptions and access to these services.

Prominent Canadian researchers, such as Jo-Anne Wemmers, Mireille Cyr, and Stéphane Guay, deserve mention for their extensive work developing victimological concepts such as restorative justice, victim empowerment, youth child witness testimonies, and trauma-focused interventions (Rossi and

Gaudreault, 2018; Lopez, 2019). Shifting from a “positivist” victimology to a “post-positivist” one, there is now a growing focus on understanding context and power dynamics, including the role of the state in creating victimization (Lopez & Lusignan, 2012). These challenges facing contemporary victimology in Canada will be explicitly addressed in the third and final part of this article.

At the dawn of a new century, Fattah (2000, p. 24) predicted that victimology would play a crucial role within criminology. In 2024, it is evident that his work and that of previous victimologists have inspired, challenged, questioned, and pushed numerous Canadian practitioners and researchers further, maintaining the momentum of the movement and the development of victimology across Canada.

One way of seeing the evolution of victimology in Canada is to recognize that it was initially led by academics, followed later by the involvement of practitioners and victim advocates. The debate regarding the scope of victimology remains relevant today, as victimology is intrinsically linked to clinical interventions for crime victims (Wemmers et al., 2010; Rossi and Gaudreault, 2018). Without necessarily being militant, the victimological movements in Canada have led to numerous advances in victim support, which will be presented in the second part of this article.

Development of Victim Services Programs and Initiatives in Canada

Over the past decades, Canada has made significant advancements in the development of services for victims of crime. These initiatives have grown from small, non-governmental programs to a wide array of services provided by police departments, courts, and various non-governmental organizations. This section explores the evolution, professionalization, and challenges of victim services in Canada, highlighting the successes and barriers encountered along the way.

Until the 1960s, victims were largely overlooked within the justice system. They had no legal status or rights, and their needs were frequently ignored by both the criminal justice system and social justice mechanisms (Fattah, 1989; Rock, 1986; Wemmers, 1996). Victimization surveys revealed that only a minority of victims reported the crime to the police and indicated a lack of trust in the justice system, which prompted authorities to take action (Fattah, 2000b; Wemmers et al., 2010). Police-based services were implemented to help victims become better witnesses and to increase their confidence in the police (Wemmers, 2017). Feminist advocacy led to the creation of sexual assault centers and shelters for women, which provided essential services for victims of sexual violence and domestic abuse.

Advocates like Margery Fry (1959) stressed the collective responsibility for compensating victims. Although the state does not have a legal obligation to compensate victims, it has a moral one (Fattah, 1980; Fry, 1959; Young and Dhanjal, 2021)). Victim compensation schemes began to take shape across Canada, with Saskatchewan implementing the first scheme in 1967, setting a precedent for other provinces (Young and Dhanjal, 2021). By 1988, all Canadian provinces and territories had established victim compensation schemes to provide financial assistance to victims of crime⁵. However, these schemes vary significantly across jurisdictions, with important differences in eligibility criteria and the types of expenses and damages covered. Canada's three-tiered governmental system—federal, provincial, and municipal—significantly impacts victim assistance, resulting in no national standards or unified rules. This leads to considerable variation in the development and availability of victim services across regions (Fattah, 2000c; Wemmers, 2017). Barriers to access will be addressed later in this section.

Besides the institutionalization of victim services, the 1980s marked a decade of institutionalizing victim participation in the justice process through the creation of rights and entitlements, driven by the Declaration (Young and Dhanjal, 2021; Roach, 1999, 2004; Waller, 1984). In 1983, the Federal-Provincial Task Force on Justice for Victims of Crime released a report addressing the challenges faced by crime victims, particularly their role in the criminal justice process, the traumatic experience of judicial procedures, and the lack of information about the offender's status and whereabouts (Government of Canada, 2020; Young and Dhanjal, 2021). This report led to significant changes in legislation, policies, and procedures. Notably, federal legislation was amended to allow victims to prepare victim impact statements (Manikis, 2015b) and to grant them the right to obtain information about their case and the offender. In 1988, the federal, provincial, and territorial governments endorsed the Canadian Statement of Basic Principles of Justice for Victims of Crime (hereafter the Statement). This statement was updated in 2003. In 2015, the federal government introduced the Crime Victims Bill of Rights (hereafter the Bill). The implications of this bill will be discussed later in the third section of this paper.

Professionalization of victim services

The emergence of victim services has led progressively to their professionalization, aiming to legitimize and recognize this work as essential in

⁵ The Northwest Territories and Yukon now provide only limited, short-term emergency financial relief, while Nunavut offers a travel support program for victims (Allen 2014). Newfoundland does not have victim compensation.

responding to crime and trauma (Waller 2011; Muscat 2010; McDonald 2007; Karmen 1995). Except for Quebec, many victim services, especially those based in community settings, relied on and still rely heavily on volunteers (Allen, 2014). These volunteers play various roles, including assisting clients, providing administrative support, fundraising, and serving on boards. Organizations offer training to equip volunteers with the skills needed to assist victims effectively. Volunteers often bring valuable life experience and empathy, creating a supportive environment for victims. However, reliance on volunteers can compromise the consistency and quality of services due to insufficient funding and the lack of research evaluating these services (Muscat, 2010; Waller, 2011; Wemmers, 2017; Fattah, 2000c).

Professionalization in victim services involves training, establishing consistent standards, and defining a specific skill set. This transition moves towards employing full-time, paid staff rather than relying solely on volunteers, aiming to improve service quality, provide legitimacy, and create common language and expectations for service delivery (McDonald, 2007; Wilensky, 1964; Hall, 1968). It also includes formalizing the profession through the development of professional organizations, codes of ethics, and accreditation programs (McDonald, 2007; Wilensky, 1964; Hall, 1968). Consistent training and standards are crucial for maintaining high-quality victim services, with programs covering crisis intervention, legal rights, trauma-informed care, and cultural competency. This ensures all workers are equipped to provide top-notch support.

Several barriers hinder the professionalization of victim services, including jurisdictional differences, lack of resources, and diverse delivery models across provinces (McDonald, 2007; Wilensky, 1964; Fattah, 2000c). The dependence on volunteers can also obstruct achieving uniform professional standards. Inconsistent funding and support further impede efforts to professionalize the field (Waller, 2011). Additionally, the availability and accessibility of standardized training programs and certifications, which ensure that all workers have the necessary skills and knowledge (McDonald, 2007; Wemmers, 2017; Wemmers et al., 2024), vary across Canada provinces, making it challenging to achieve uniform standards nationwide. Overcoming these barriers requires coordinated efforts across government levels and stakeholder involvement.

Professionalization is not just about service quality; it also seeks recognition and legitimacy within the broader criminal justice system (McDonald, 2007; Wilensky, 1964; Hall, 1968). Victim services workers, despite playing a crucial role in supporting victims, often go unrecognized compared to other criminal justice professionals (McDonald, 2007; Wemmers, 2017). The professionalization process aims to correct this imbalance, ensuring these workers receive the respect and acknowledgment they deserve.

In Quebec, following the 2003 legislative change in the Statement, a significant increase in funds to finance victim services resulted in the professionalization of these services. A significant success of professionalization is seen in Quebec's Centre d'Aide aux Victimes d'Actes Criminels (CAVAC)⁶, which transitioned from volunteer-based to professional staff, expanding its reach across Quebec with government funding (Wemmers, 2017). These independent services prioritize victims' needs and well-being, providing comprehensive support that addresses emotional, psychological, and practical needs. They inform and accompany victims through the criminal justice system, offering emotional support and empowering them in decision-making processes. Programs like these exemplify effective, victim-centered approaches.

Types of Victim Services

Following victimization, the needs of victims are complex and multifaceted, encompassing a wide range of categories. These needs typically fall into several broad categories: physiological needs, safety needs, informational needs, reparations, practical needs, and recognition needs (ten Boom and Kuijpers, 2012; Wemmers 2012, 2014, 2017; Waller, 1989b; Maslow, 1968). Addressing those needs is crucial for their recovery. There are many different types of victim services in Canada, offered by governments, police services, courts, volunteers, non-governmental organizations and more (Government of Canada, 2006). Though not exhaustive, the primary categories of services will be detailed below, following a victim-centered approach.

Housing and Shelter

Safety needs are paramount for victims, as they often experience heightened fear and anxiety following a crime (ten Boom and Kuijpers, 2012; Wemmers 2014; Maslow, 1968). This includes the need for personal security and protection from further harm. Services addressing safety needs may involve providing safe housing, implementing protective measures such as restraining orders, and ensuring that victims are not re-victimized. Creating a secure environment allows victims to begin their recovery without the constant fear of additional threats.

Emergency housing and shelters provide safe havens for victims of domestic violence and other crimes. These facilities offer immediate safety and support, helping victims escape dangerous situations. Shelters often provide not only a safe place to stay but also access to counseling, legal assistance, and other support services. This holistic approach helps victims rebuild their lives

⁶ See <https://cavac.qc.ca/en/> for more information.

and move towards long-term stability. For example, Canada has established hotlines and shelters to support victims of domestic violence (See <https://www.domesticshelters.org/help> for more information; Government of Canada, 2022).

Medical Assistance

Victims often face immediate physical consequences of crime, such as injuries that require medical attention (ten Boom and Kuijpers, 2012; Wemmers, 2014; Maslow, 1968). Addressing these physiological needs involves providing access to healthcare services, including emergency medical care, ongoing treatment, and rehabilitation. Ensuring that victims receive the necessary medical support is a crucial first step in their recovery process.

Medical services address the physical injuries and health issues resulting from criminal acts. These services ensure that victims receive the necessary medical care and support. Medical assistance can include emergency care, ongoing medical treatment, and access to specialized services such as forensic examinations. Providing timely and appropriate medical care is essential in helping victims recover from their physical injuries and regain their health. For instance, across Canada, there are specialized centers and clinics for victims of sexual assault that can provide medical services, information, advocacy, and counselling (<https://www.reescommunity.com/resources/>).

Counseling and Therapy

Professional counseling and therapeutic services are essential for helping victims cope with the emotional and psychological impacts of crime. These services offer a safe space for victims to process their experiences and work towards healing. Counseling can be provided on an individual basis or in group settings, offering peer support and a sense of community for those who have experienced similar traumas. Therapy can also include specialized approaches, such as trauma-informed care, which acknowledges the impact of trauma on an individual's mental health and well-being. These services, whether private or public, are not always accessible and may be covered by compensation schemes or personal insurance (Wemmers, 2017).

Financial Assistance

Victims often incur significant financial costs as a result of the crime, including medical expenses, lost wages, and property damage (ten Boom and Kuijpers, 2012; Wemmers 2014, 2017; Waller, 1989b). Victims may require

practical assistance to manage their daily lives. This can include help with transportation, childcare, financial advice, and assistance with basic necessities such as food and clothing. Addressing these practical needs ensures that victims can maintain some degree of normalcy and stability in their lives while dealing with the aftermath of the crime. Compensation schemes are designed to alleviate these financial burdens and provide victims with the resources they need to recover. This financial support is crucial for victims who may be unable to work or afford necessary medical treatment due to their victimization.

Advocacy and Guidance

Victims need access to accurate and timely information about the criminal justice process, their rights, and the services available to them (ten Boom and Kuijpers, 2012; Wemmers 2014, 2017; Waller, 1989b). This includes information on legal procedures, case updates, details about the offender's status, and court-based victim services that provide emotional support for people who have become involved in the criminal justice process as witnesses. Providing clear and comprehensive information helps victims navigate the often complex and intimidating criminal justice system, ensuring they understand their rights and the support available to them. This support is crucial in empowering victims and helping them regain a sense of control over their lives.

These services are often police-based or community-based and are typically referred by the police after their initial contact with the victim. For instance, the Canadian Resource Centre for Victims of Crime (CRCVC) offers support, research, and education to survivors of serious crime and stakeholders across Canada. In Quebec, Crime Victims Assistance Centres provide additional resources and support.

Legal Services

Legal aid services help victims navigate the legal system (ten Boom and Kuijpers, 2012; Wemmers, 2017; Wemmers et al., 2024). These services include assistance with legal proceedings, representation, and advice on legal rights and options. Legal support is essential for ensuring that victims' voices are heard that they understand their rights, and that they can make the best choices for their situation (Wemmers, 2017). This support can also involve helping victims obtain restraining orders, custody arrangements, and other legal protections. Legal information is essential for victims.

Given the high cost of legal advice, legal aid programs supported by the federal government are available in all provinces and territories, though with

some variations (Government of Canada, 2023). In Quebec, numerous free services have been established to support victims. The Justice Center for Victims of Crimes (CVJAC) provides free legal information to victims and all persons who are concerned or affected by a crime (see also Wemmers et al., 2024). Additionally, Rebâtir offers free or affordable legal services to victims of domestic violence and sexual violence.

In all these services, it is essential that victims feel their suffering is acknowledged and that they are treated with dignity and respect. This involves not only the formal recognition of their victimization within the criminal justice system but also a broader societal acknowledgment of their experiences. Providing platforms for victims to share their stories, participate in restorative justice processes, and receive public support can help fulfill these recognition needs (Wemmers, 2017). By addressing the various needs of victims comprehensively, victim services should aim to support the holistic recovery and well-being of those affected by crime.

Challenges in Providing Comprehensive Victim Support

Despite significant advancements in victim services, several challenges persist in providing comprehensive support to crime victims (James and Eyjolfson, 2020), including disparities in compensation across provinces, barriers to access, and secondary victimization.

First, in 2011-2012, police-based services were the most common, accounting for 36% of all victim services, followed by community-based services at 24%. Sexual assault centres provided 14% of services, court-based providers 10%, Victim Crisis and Referral providers in Ontario 7%, and system-based services in other provinces the remaining 7% (Allen, 2014). Together, system-based services, including police and court-based services, constitute more than half of the available services in Canada (Wemmers, 2021). However, this means most services cater to victims who are in the justice system and have made a complaint, limiting access to those who have not (Wemmers, 2021). Negative interactions with agents are common for those who engage in the criminal justice system (Wemmers, 2013). These experiences can decrease trust in the system, highlighting the need for all justice actors to have a solid understanding of trauma and its impacts to better serve victims and reduce the risk of secondary victimization (Wemmers et al., 2024).

Second, compensation schemes for crime victims vary significantly between provinces (Wemmers, 2017; Wemmers, 2021). Canada lacks national standards or norms for victim compensation, and state compensation is not

included in the Bill. Some provinces offer comprehensive compensation covering a wide range of expenses, while others have more restrictive criteria, limiting the types of expenses and damages covered. This variation poses a challenge to ensuring equitable support for all victims across Canada. Furthermore, some victims may not qualify for certain services or compensation due to stringent eligibility criteria (Zaykowski, 2017; James and Eyjolfson, 2020). These criteria can exclude victims based on factors such as the type of crime, the relationship to the offender, or the timing of the crime. Not all crimes are eligible, and all provinces limit compensation to violent crimes, excluding property crimes from all programs in Canada (Wemmers, 2021). Thus, compensation is often limited to "ideal" victims who are perceived as innocent in relation to the crime and deserving of services (Christie, 1986; De keersmaecker and Roets, 2020; Kirchengast, 2006, 2016; Wemmers, 2017, 2021).

Third, many victims do not have access to necessary services due to geographical limitations (Zaykowski, 2017; James and Eyjolfson, 2020). Rural and remote areas, in particular, face challenges in providing accessible victim services, resulting in limited support for victims in these regions (Wemmers, 2017). Access to culturally appropriate (e.g., Indigenous) or linguistically appropriate (e.g., English and French) services is also challenging, especially in rural areas (Wemmers, 2021). Victims are often unaware of the services available to them or how to access them (Wemmers, 2021; Zaykowski, 2017). This lack of knowledge can prevent victims from seeking the support they need, leaving them to cope with the aftermath of crime on their own. Additionally, services are often not adapted to meet the needs of specific populations, such as victims of human trafficking, persons with disabilities, and LGBT individuals, further complicating their access to appropriate support (Zaykowski, 2017).

Over the past decades, Canada has made significant progress in developing and professionalizing victim services. However, multiple barriers remain in areas such as training, standards, and comprehensive support. Ensuring that victims of crime receive the necessary assistance is crucial. Access to justice, which will be further detailed in the next section, remains one of the most significant challenges.

Access to justice: an improbable path for victims in Canada

As explained earlier, victims in Canada are considered key witnesses to the judgment of their own victimization experience, and participation in the justice system is never on their own terms (Young, 2001). Thus, although the victim suffers almost all of the consequences, their suffering is not considered. On the one hand, the state monopolizes victimization (Christie, 1986), and on

the other, the efficiency of the justice system is based on the recognition beyond any reasonable doubt of the guilt of the accused. This way of viewing wrong - as social but also impersonal - excludes victims from their own experience (Nikolić-Ristanović and Čopić, 2006). As an exclusive witness, the victim of a crime acts at best as a facilitator to the Crown prosecutor and, in general terms, is a powerless spectator of the legal mobilization of their own suffering.

Victim needs as fundamental human rights

Access to the criminal justice system can be a crucial element in one's recovery, but it can yield both positive and harmful effects. Participation in various stages of the judicial process allows victims to have their suffering recognized and to obtain reparation, particularly through the acquisition of procedural rights (Kunst et al., 2015). Despite this, the criminal justice system is not designed to meet the diverse needs that victims express (Spencer et al., 2018). However, the idea of including the victim is gaining traction in Canada and other Common Law countries. This shift is partly because excluding victims affects their willingness to cooperate with authorities (Manikis, 2015b), thereby undermining legitimate access to justice.

We consider procedural justice as a conceptual framework because it allows us to analyze victim satisfaction with the quality of the process that led to the outcome (Blader and Tyler, 2003; Thibaut and Walker, 1978). Victimology studies show that a sense of justice can be achieved beyond the outcome of the process itself (Wemmers and Raymond, 2011). By focusing on procedural justice—promoting support, respect for rights, and validation—victims are more likely to be satisfied and to trust both the actors involved and the broader criminal justice system (Murphy and Barkworth, 2014). According to Laxminarayan and colleagues (2013), victims consider various aspects when assessing the quality of criminal proceedings, including their voice (e.g., "I can express my point of view"), respect (e.g., "I am treated respectfully"), accuracy (e.g., "proceedings are not biased"), information (e.g., "I have access to all the information concerning me"), and fairness (e.g., "my rights are respected"). Beyond satisfaction, the treatment victims receive from those involved in the criminal justice system also impacts their recovery. This is demonstrated by Wemmers' study, which found an improvement in victims' PTSD symptoms from the moment the prosecutor received the case file, up to six months later (2013).

Victims' recovery also depends on having their needs met. As mentioned before, after a crime, victims generally express information, support, reparation, protection, and recognition needs (Wemmers, 2009). These needs are similar to those felt by everyone, beyond the experience of victimization. According to Maslow's Hierarchy of needs (1943), there is a specific order of needs for all human beings. These needs are universal and interdependent. At the base of the

pyramid are the most fundamental needs: physiological and security needs. Beyond the desire for protection, victims also seek information about their situation to regain a sense of control and security that was disrupted by the victimization (Wemmers, 2014). Once these basic needs are met, victims can focus on higher-level needs such as belonging, self-esteem, and fulfillment. These higher needs can be addressed through support, recognition, and ultimately reparation for the harm they suffered, contributing to their overall healing (Wemmers, 2014, 2017).

Regarding direct participation in the justice system, it has been demonstrated for several years now that victims want the justice system, society, and sometimes the person who caused them harm, to recognize their suffering (Herman, 2005; Wemmers, 2009). Although they don't want to have the power to decide the outcome of the trial, they do want to be heard during the various stages of the process and to feel that their point of view is being considered by decision-makers from the outset of the administration of justice (O'Connell, 2020; Reed and Caraballo, 2022). Victims also express the need to obtain reparation for the suffering incurred, which takes various forms, including monetary compensation, restitution, or rehabilitation (Hoskins et al., 2015; ten Boom and Kuijpers, 2012; Wemmers, 2014, 2020). In short, victims who engage in the criminal justice process wish to regain control over their lives, acquire answers to their questions, and restore their emotional well-being (Jorge, 2021). Nevertheless, in Canada today, the unenforceable Bill and secondary victimization prevent sufficient access to the criminal justice system.

The Victims' Bill of Rights: a tool in appearance

The Canadian Victims Bill of Rights, enacted in 2015, grants victims the right to information, protection, participation, restitution, and the ability to lodge a complaint if these rights are not respected. This Bill applies throughout the entire criminal proceedings, from the moment the state takes over the criminal act (i.e., from investigation and prosecution) to the conditional release of the accused. As a federal statute, some of the rights mentioned in the Bill are also enshrined in several pieces of legislation, notably the Criminal Code and the Corrections and Conditional Release Act, which provide, under certain conditions, the right to information and protection, among others.

Since the implementation of the Bill in 2015 until 2020, the Office of the Federal Ombudsman for Victims of Crime (OFOVC) has reported several complaints from victims regarding the non-respect of their rights as prescribed by the Bill. The OFOVC is an independent federal resource that ensures victims' rights are respected in Canada by supporting individual victims and proposing recommendations for improving their care within the criminal justice system. Although it is mandated to receive complaints, the OFOVC reports that

most crime victims are unaware of the organization's existence (OFOVC, 2021). Of the 407 complaints filed by victims since 2015, 168 concerned the right to information, 65 the right to participation, 57 the right to protection, 30 the right to restitution, and 87 the right to lodge a complaint as provided by the Bill (OFOVC, 2021).

For example, regarding the right to information, it is expected that victims will be able to request and receive information on the criminal justice system, the services and programs available to them, and the progress of their case, notably from police officers, prosecutors, and correctional service administrators. However, this right depends on the victim's proactivity; the Bill does not oblige those involved to provide information automatically, without the victim's request. Unfortunately, most victims know little about the services and workings of the justice system (OFOVC, 2021), and in practice, useful information is not provided automatically or consistently. Victims report receiving follow-up information too late (rendering it obsolete), and the transmitted information is often confusing and difficult to interpret (OFOVC, 2021). As for front-line players, there is to date no national data reported or published on police services or Crown prosecutors to determine whether they provide information to victims and under what conditions (OFOVC, 2020). This is even more damaging given that respect for the right to information influences the quality of other prescribed rights, facilitating the safety and interests of victims (Perrin, 2017).

From a victimological point of view, the Bill's biggest obstacle is undoubtedly its non-binding legal provision, meaning that victims have no measures or guarantees to assert their rights. If victims feel that their rights have not been respected, they can submit a complaint to a federal or provincial department or organization, which must then set up an internal complaint analysis mechanism and notify them of any recommendations for improving service, without compensation.

In short, the procedural rights available to the victim remain subject to the discretion of each actor or organization and are not applied automatically, as they are non-constitutional (Manikis, 2021). As a result, victims in the Canadian criminal justice system have no guarantee that their needs will be met, whether in terms of safety, information, participation, or restitution, which can impact their recovery or, conversely, lead to re-victimization (Manikis, 2019; Wemmers, 2013). As Wemmers stated: "It is time to move victims' rights to the next level. We need to acknowledge the victim as a person before the law with rights and privileges." (2012, p.80).

Secondary victimization as an aggravating factor for recovery and sense of justice

In victimology literature, the notion of secondary victimization is fundamental to understanding and intervening with crime victims, particularly in legal settings. Initially developed to explain the behaviors of victim-survivors of sexual violence, secondary victimization is now considered for all types of violent crime (Mendonça et al., 2016; Pemberton and Mulder, 2023). It arises from victims perceiving themselves as unsupported or disrespected, feeling judged or discouraged in their choices due to unsolicited comments or ignorance from professionals, justice system actors, or those around them (Symonds, 1980; Wemmers, 2013). This failure to meet the victim's need for recognition and support leads to severe suffering, akin to a new victimization (Schneider, 2001; Wemmers, 2013).

Secondary victimization has numerous repercussions on both the victim and their recovery, as well as on the judicial process, often representing a negative experience for the victim (Pemberton and Mulder, 2023). For instance, police authorities, who frequently serve as the first point of contact with the criminal justice system, are among the main actors contributing to secondary victimization, partly due to stereotypes about the "ideal victim," victim-blaming, and the persistence of rape myths (Christie, 1986; Landau, 2000; Maier, 2014; Spencer et al., 2018). It is therefore unsurprising that sexual violence remains one of the least reported crimes. In recent decades, the prevalence of both violent and non-violent crime has declined, except for sex crimes. In Canada, it is estimated that 90% of sexual crimes go unreported (Luce et al., 2010).

However, police officers are not the only ones responsible for secondary victimization; any actor within the justice system can contribute to this issue, proactively or otherwise, due to the nature of the criminal justice system itself. *"In common law countries, like Canada, the legal system can be construed as placing a significant burden of proof on the victim, which further displaces their needs and experiences throughout the investigation and trial process"* (Spencer et al., 2018, p. 191).

Researchers Pemberton and Mulder caution against viewing secondary victimization as an anti-emancipatory consequence of victim participation in the justice system (2023). Instead, it should not reinforce the idea that victims have no place in the proceedings but rather foster participation and relationships with system actors that positively respond to victims' needs. For example, as victims are often confused, frustrated, and unaware of the proceedings, it is recommended that actors proactively offer support and information before it's too late and schedule a meeting with the Crown Prosecutor before the victim's

first court appearance whenever possible (Gillis et al., 2006), rather than ignoring victims' needs.

Ignorance of rights or lack of support is also a precursor to secondary victimization (Pemberton and Mulder, 2023), which can occur when victims do not receive the information they need or do not benefit from all the resources to which they are entitled. The secondary victimization experienced by the victim is therefore not directly linked to a crime, but rather to the injustice inflicted on them by the actors and procedures within the justice system itself (Pemberton and Mulder, 2023).

Victims' poor experiences with the justice system also impact its internal workings, which rely on their cooperation, as they can report and testify about crimes committed. Their dissatisfaction with and lack of confidence in the criminal justice system should therefore be a significant factor in improving procedures and ensuring that their rights are truly respected (Reed and Caraballo, 2022). In the Canadian context, with the Bill in place, it is pertinent to question access to justice for victims of crime whose procedural rights are not guaranteed. The secondary victimization that victims experience thus becomes an aggravating factor in the initial trauma and stems from the lack of respect for victims' rights, including support, information, and participation.

Colonial status quo: how the Canadian state victimize Indigenous populations

In Canada, certain populations with difficult access to justice are also marginalized within the very structures of power. It would be conceptually erroneous to analyze contemporary Canadian victimology without considering the past and the Canadian colonial status quo. Colonial design in America has impacted the course of history as it is told today, ever since the first contact between "explorer" settlers and the first peoples at the end of the 15th century.

Residential schools were one of the means used by the Canadian state to subjugate Indigenous peoples while keeping them dependent on the political, social, and economic system. For over 100 years, more than 150,000 Indigenous children were forcibly removed from their families and all cultural references to be Christianized, educated, and assimilated into Euro-Canadian culture (Kipling, 2003; TRC, 2015). The use of native languages and spiritual rites was punished, some children experienced physical, emotional, and sexual abuse, while others died of abuse and neglect (TRC, 2015). The long-term consequences of residential schools are passed down from generation to generation (Evans-Campbell, 2008). For example, the grandchildren of residential school survivors suffer the physiological, emotional, and psychological scars of their grandparents (Bombay et al., 2014).

While it may be tempting to view the colonial past as something that has ended, Indigenous peoples are still subjugated to the colonial ideal, making them victims of structural violence. Colonization in the modern state is not just about territory and resources; it's also about asserting unequal power over Indigenous populations, notably through the country's most stable institutions, such as the economic, educational, and criminal justice systems (Cunneen and Rowe, 2015; Lockwood et al., 2023). According to the Institut de recherche et d'informations socio-économiques (IRIS), Indigenous people in Canada tend to remain more disadvantaged on all social, economic, education, health, and safety indicators compared to the rest of the non-Indigenous population (Posca, 2018). The current situation of Indigenous peoples can be analyzed in terms of structural victimization (Schneider, 2001). They still suffer from historical victimizations, impacting actual living conditions while interacting with contemporary stressors: "*The structural factors that contribute to current mental health problems for Indigenous peoples include the disruption of traditional patterns of subsistence, the undermining of community autonomy, the mass expropriation of aboriginal lands and resources, and the creation of enormous economic inequalities*" (Kirmayer et al., 2014, p.311).

Moreover, simply being an Indigenous woman increases the risk of violent victimization compared to Indigenous men and the non-Indigenous population. The rate of violent victimization among Indigenous women is twice as high as among Indigenous men and almost three times higher than among the non-Indigenous female population (Boyce, 2016). Indigenous girls and women are one of the most victimized populations in Canada, partly due to their severe socioeconomic marginalization and barriers to accessing protection and justice within the Canadian justice system (Feir and Akee, 2019). According to Roswell (2021), there is a link between the socio-economic marginalization reinforced by the colonial state, barriers to access to justice, and the disproportionate level of vulnerability and sexual victimization of Indigenous women in Canada. The homicide rate among Indigenous women is six times higher than among non-Indigenous women (Miladinovic and Mulligan, 2015). Colonial history, systemic discrimination, and socioeconomic precariousness exacerbate the problems of violence faced by Indigenous women. A national inquiry was therefore set up in 2016 to report on "*the systemic causes of all forms of violence*" (MMIWG, 2019, p.11). These forms of violence included institutional racism, child welfare, police and justice administration, and inter-family violence.

As explained above, access to justice depends, among other things, on the support services and information that victims receive. Victims must have the knowledge and tools at their disposal to access services enabling them to participate and defend their rights (Roswell, 2021). The precariousness of Indigenous people living in rural communities exacerbates the difficulty of

accessing basic resources, including health care, affordable food, psychosocial support, and so on. These gaps widen the divide between non-Indigenous populations in the rest of Canada and Indigenous peoples, who must bear the brunt of lack of funding, deficient practical supports, and non-culturally appropriate services in their communities (OFOVC, 2021; Posca, 2018; Roswell, 2021).

Beyond the inability to access services, some victims are simply unaware of what exists (Zaykowski, 2017). In this sense, justice system actors play an essential role in informing and referring victims, and police officers represent, for many victims, the gateway to the world of justice (Zaykowski, 2014). According to Langton (2011), victims who reported the crime to the police were more likely to use victim support services afterward, 14% vs. 4%. Police officers also have a great deal of discretion regarding the offer of support, determining which victim would or would not need help (Zaykowski, 2014). In Canada, relations between police officers and Indigenous populations are more negative than with the general population (Cotter, 2022). Specifically, Indigenous women are still victims of discriminatory behavior by police authorities, and many have reported abuse and violence by them, leading to national inquiries across the country (MMIWG, 2019; Flores and Román Alfaro, 2023).

Although the Canadian Charter of Rights and Freedoms (1982) and the Victims Bill of Rights stipulate that everyone should be treated with equal protection and benefits, in practice there are still discrepancies between different groups of individuals (Cotter, 2022). It is therefore important to consider discrimination within the criminal justice system from a victimological point of view, considering the vulnerability of victims and their needs. When they so wish, victims should have access to justice so that they can assert their rights (Barrett, 2008; Manikis, 2015a). This also implies that the Bill should be applied automatically so that every victim has access to legal recourse if their rights are not respected.

Conclusion

In conclusion, the field of victimology in Canada has made significant strides since its inception, evolving from early theoretical frameworks that analyzed victims' role in crimes to a more nuanced understanding of victim needs and rights. However, the discipline continues to seek its place within the broader criminological and social justice landscapes. Emerging research trends indicate a growing focus on diverse forms of victimization, including cybercrimes, the experiences of marginalized groups such as Indigenous Peoples, racialized communities, and LGBTQ2IA+ individuals, and the impacts of collective, international, economic, and environmental crimes.

Future directions in Canadian victimology will likely explore these new types of victimization, emphasizing the development of restorative justice mechanisms and alternative responses to victimization. The continued advancement of victimology in Canada calls for a sustained commitment to research, policy development, and practice that prioritizes the voices and experiences of victims. Emphasis should be placed on victim-centered services. By addressing these emerging issues and integrating innovative theoretical perspectives, Canadian victimology can further its impact on both national and international stages, ensuring that victim rights and needs remain at the forefront of justice and social policy discussions.

REFERENCES

- 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. (s. d.). Consulté 27 avril 2024, à l'adresse https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm
- Allen, M. (2014). *Victim services in Canada, 2011/2012*. 1,3-24.
- Audet, J., & Katz, J.-F. (2006). *Précis de victimologie générale (2e éd)*. Dunod.
- Baril, M. (1984). *L'envers du crime—Étude victimologique Micheline Baril* (U. de M. Centre international de criminologie comparée, Éd.; Collections de BAnQ). <https://numerique.banq.qc.ca/patrimoine/details/52327/2009771>
- Baril, M. (1986). *Les victimes d'actes criminels au Québec*.
- Baril, M. (2002). *L'envers du crime*. L'Harmattan.
- Baril, M., & Morissette, A. (1985). Du Côté Des Victimes. Une Autre Perspective Sur Le Vol À Main Armée. *Criminologie*, 18(2), 117-133.
- Barrett, J. (2008). Expanding Victims' Rights in the Charter Era and Beyond. *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference*, 40(1). <https://doi.org/10.60082/2563-8505.1127>
- Blader, S. L., & Tyler, T. R. (2003). What constitutes fairness in work settings? A four-component model of procedural justice. *Human Resource Management Review*, 13(1), 107-126.
- Bombay, A., Matheson, K., & Anisman, H. (2014). The intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma. *Transcultural psychiatry*, 51(3), 320-338.
- Boyce, J. (2016). *Victimization of Aboriginal people in Canada, 2014*. Statistics Canada.
- .Bureau de l'ombudsman fédéral des victimes d'actes criminels. (2020). *Rapport d'étape : La Charte canadienne des droits des victimes*. Gouvernement du Canada.
- Bureau de l'ombudsman fédéral des victimes d'actes criminels. (2021). *Le droit à l'information comme point d'entrée*. Gouvernement du Canada.

- Burgess, A. W., Regehr, C., & Roberts, A. R. (2009). *Victimology: Theories and Applications*. Jones & Bartlett Publishers.
- Canadian Charter of Rights and Freedoms*, s 7, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
- Cario, R., & Mbanzoulou, P. (2004). *La victime est-elle coupable ? : autour de l'oeuvre d'Ezzat Abdel Fattah*. L'Harmattan.
- Campeau, P. & Gravel, S. (1996). Chapitre 8 - La recherche victimologique au Québec. In *Question d'équité: l'aide aux victimes d'actes criminels*, Association québécoise Plaidoyer-Victimes.
- Christie, N. (1986). The ideal victim. In *From crime policy to victim policy: Reorienting the justice system* (pp. 17-30). London: Palgrave Macmillan UK.
- Coiteux, C. (1996). *Question d'équité : L'Aide aux victimes d'actes criminels*. Association Québécoise Plaidoyer-Victimes. <https://www.biblio.com/book/question-dequite-laide-victimes-dactes-criminels/d/270996416>
- Cotter, A. (2022). Perceptions of and experiences with police and the justice system among the Black and Indigenous populations in Canada. *Juristat: Canadian Centre for Justice Statistics*, 1-31.
- Cunneen, C., & Rowe, S. (2015). Decolonising Indigenous Victimisation. In D. Wilson & S. Ross (Éds.), *Crime, Victims and Policy : International Contexts, Local Experiences* (p. 10-32). Palgrave Macmillan UK. https://doi.org/10.1057/9781137383938_2
- Cusson, M. (1995). *Délinquants pourquoi? Nouvelle édition*. Montréal: Bibliothèque québécoise inc, 295 pp.
- Cusson, M. (1993). In Memoriam: Micheline Baril. *Criminologie*, 26(2), 3–5. <https://doi.org/10.7202/011178ar>
- Cusson, M., & Le Blanc, M. (2010). Hommage à Denis Szabo et aux professeurs de l'École de criminologie de l'Université de Montréal. In M. Le Blanc & M. Cusson (éds.), *Traité de criminologie empirique* (1-). Presses de l'Université de Montréal. <https://doi.org/10.4000/books.pum.6643>
- Cunningham , A. H. (1994). Victims of crime and the justice system in Ontario: an issues paper. Solicitor General Canada Secretariat Ontario Region. <https://www.publicsafety.gc.ca/lbrr/archives/hv%206250.3.c2o5%20c8%201994-eng.pdf>
- De keersmaecker, J., & Roets, A. (2020). All victims are equally innocent, but some are more innocent than others: The role of group membership on victim blaming. *Current Psychology*, 39(1), 254-262. <https://doi.org/10.1007/s12144-017-9763-9>
- Dussich, J. (2015). The Evolution of International Victimology and its Current Status in the World Today. *Journal of Victimology*, 1(1), pp. 1-46.
- Ellenberger, H. (1954). Relations psychologiques entre le criminel et la victime. *Revue Internationale de criminologie et de police technique*. 8 (2), pp. 103-121.

- Elias, R. (1983). The symbolic politics of victim compensation. *Victimology*, 8(1-2), 213-224.
- Elias, R. (1993). *Victims Still: The Political Manipulation of Crime Victims*. <https://doi.org/10.4135/9781483326412>
- Elias, R. (1994). *Has victimology outlived its usefulness?* _The Journal of Human Justice.
- Evans-Campbell, T. (2008). Historical trauma in American Indian/Native Alaska communities: A multilevel framework for exploring impacts on individuals, families, and communities. *Journal of interpersonal violence*, 23(3), 316-338.
- Fattah, E. (1980). Victimologie : tendances récentes. *Criminologie*, 13(1), pp. 6–36. <https://doi.org/10.7202/017114ar>
- Fattah, E. A. (1986). *From Crime Policy To Victim Policy*. New York: St. Martin
- Fattah, E. A. (1989). Victims and Victimology: The Facts and the Rhetoric. *International Review of Victimology*, 1(1), 4366. <https://doi.org/10.1177/026975808900100104>
- Fattah, E. A. (1992). *Towards a critical victimology*. New York : St. Martin's Pre
- Fattah, E. A. (1994a). Some problematic concepts, unjustified criticism and popular misconceptions. In G. F. Kirchhoff, E. Kosovski, & H. J. Schneider (Eds.), *International debates of victimology* (pp. 82-103). Moenchengladbach, Germany: World Society Of Victimology.
- Fattah, E. A. (1994b). *Understanding Criminal Victimization*, Scarborough. Ontario: Prentice Hall.
- Fattah, E.A (2000a). Victimology: Past, Present and Future. *Criminologie*, 33(1), 1746. <https://doi.org/10.7202/004720ar>
- Fattah, E. A. (2000b). Preventing Repeat Victimization as the Ultimate Goal of Victim Services. *International Annals of Criminology*, 38(12), 113134.
- Fattah, E. A. (2000c). Victim Assistance in Canada. *Resource Material Series*, 56. https://www.unafei.or.jp/publications/pdf/RS_No56/No56_08VE_Fattah1.pdf
- Fattah, E.A. (2000d). *Victimology today recent theoretical and applied developments*. Resource material series no. 56. Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI). Fuchu, Tokyo, Japan. p.60-70.
- Fattah, E. A. (2010). The Evolution of a Young, Promising Discipline: Sixty Years of Victimology, a Retrospective and Prospective Look. In *International Handbook of Victimology*. Routledge.
- Fattah, E.A., & Mzouji, R. (2010). Quand recherche et savoir scientifique cèdent le pas à l'activisme et au parti pris. *Criminologie*, 43(2), pp. 49–88. <https://doi.org/10.7202/1001770ar>
- Fattah, E. A. (2019). *Victimology: Discipline in Transition*. Canadian Scholar Press. 308 p.
- Ferguson, C. & Turvey, B. (2009). Victimology: A brief history with an introduction to forensic victimology. In Turvey, B & Petherick, W

- (Eds.) Forensic victimology: *Examining violent crime victims in investigative and legal contexts*, 1st Edition. Academic Press, United States of America, pp. 1-32.
- Feir, D., & Akee, R. (2019). First Peoples lost: Determining the state of status First Nations mortality in Canada using administrative data. *Canadian Journal of Economics/Revue canadienne d'économie*, 52(2), 490-525.
- Flores, J., & Román Alfaro, A. (2023). Building the Settler Colonial Order: Police (In)Actions in Response to Violence Against Indigenous Women in “Canada”. *Gender & Society*, 37(3), 391-412. <https://doi.org/10.1177/08912432231171171>
- Fry, M. (1959). Justice for Victims Compensation for Victims of Criminal Violence: A Round Table. *Journal of Public Law*, 8(1), 191-253.
- Gaudreault, A. (1996). Chapitre 7 - Les premiers centres d'aide aux victimes d'actes criminels: lorsque la mémoire refait surface. In *Question d'équité: l'aide aux victimes d'actes criminels*, Association québécoise Plaidoyer-Victimes. https://aqpv.ca/wp-content/uploads/1996_questiondequite_chapitre7.pdf
- Gaudreault, A. (2003). La violence conjugale: les relations victimiseur/ victimisé. In Cario, R., & Gaudreault, A. (2003). *L'aide aux victimes : 20 ans après : autour de l'oeuvre de Micheline Baril*. L'Harmattan. pp. 59-69.
- Gaudreault, A. (2010). Les lois et chartes qui enchâssent les droits des victimes d'actes criminels : Réflexions autour de l'expérience canadienne. *Les Cahiers de PV*, 3.
- Gillis, J. R., Diamond, S. L., Jebely, P., Orekhovsky, V., Ostovich, E. M., MacIsaac, K., Sagrati, S., & Mandell, D. (2006). Systemic Obstacles to Battered Women's Participation in the Judicial System: When Will the Status Quo Change? *Violence Against Women*, 12(12), 1150-1168. <https://doi.org/10.1177/1077801206293500>
- Gordon, K. (2021). Mobilizing Victimhood: Situating the Victim in Canadian Conservatism. *Canadian Journal of Political Science/Revue Canadienne de Science Politique*, 54(1), 41-59. <https://doi.org/10.1017/S0008423920001031>
- Gouvernement du Canada. (2020, janvier 4). *La recherche sur les victimes : Les leçons du passé (partie I) - Recueil de recherches sur les victimes d'actes criminels, no 13*. <https://www.justice.gc.ca/fra/pr-rp/jp-cj/victim/rr13-rd13/p2.html>
- Government of Canada. (2022, avril 12). *Les établissements d'hébergement canadiens pour les victimes de violence, 2020-2021*. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00006-fra.htm>
- Government of Canada. (2023, may 26). *Legal Aid in Canada 2021-22*. <https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2022/p1.html>
- Government of Canada, D. of J. (2006, mars 8). *Overview of Victim Services across Canada*. <https://www.victimsworld.gc.ca/res/overview-survol.html>
- Hall, R. H. (1968). Professionalization and Bureaucratization. *American Sociological Review*, 33(1), 92-104. <https://doi.org/10.2307/2092242>

- Herman, J. L. (2005). Justice from the victim's perspective. *Violence against women*, 11(5), 571-602.
- James, C., & Eyjolfson, A. (2020). Evaluating the Challenges to Victim Services in North America. In J. Joseph & S. Jergenson (Éds.), *An International Perspective on Contemporary Developments in Victimology: A Festschrift in Honor of Marc Groenhuijsen* (p. 295-308). Springer International Publishing. https://doi.org/10.1007/978-3-030-41622-5_21
- Jorge, A. P. (2021). *What Works for Crime Victims: Criminal justice, victim support centers, and the emotional well-being of crime victims*, Editora Dialética.
- Karmen, A. (1995). "Towards the institutionalization of a new kind of justice professional: The victim advocate". *The Justice Professional*, 9(1), 1-15. <https://doi.org/10.1080/1478601X.1995.10383045>
- Kipling, G. D. (2003). Peuples autochtones, résilience et séquelles du régime des pensionnats. *Fondation autochtone de guérison*.
- Kirchengast, T. (2006). Emergence of the Victim Rights Movement. In T. Kirchengast (Éd.), *The Victim in Criminal Law and Justice* (p. 159-185). Palgrave Macmillan UK. https://doi.org/10.1057/9780230625778_7
- Kirchhoff, G.F. (2010). History and a Theoretical Structure of Victimology. In Shoham, S.G., Knepper, P., & Kett, M. (Eds.). (2010). *International Handbook of Victimology* (1st ed.). Routledge. <https://doi.org/10.1201/EBK1420085471>
- Kirmayer, L. J., Gone, J. P., & Moses, J. (2014). Rethinking Historical Trauma. *Transcultural Psychiatry*, 51(3), 299-319. <https://doi.org/10.1177/1363461514536358>
- Kunst, M., Popelier, L., & Varekamp, E. (2015). Victim Satisfaction With the Criminal Justice System and Emotional Recovery: A Systematic and Critical Review of the Literature. *Trauma, Violence, & Abuse*, 16(3), 336-358. <https://doi.org/10.1177/1524838014555034>
- Landau, T. C. (2000). Women's experiences with mandatory charging for wife assault in Ontario, Canada: A case against the prosecution. *International Review of Victimology*, 7(1-3), 141-157.
- Landau, T. C. (2024). *Challenging Notions, Third Edition Critical Victimology in Canada (3rd ed)*. Canadian Scholars.
- Lockwood, K., Stringfellow, R., Corporal, S., & Weidle, S. (2023). Indigenous People. In *Culture, Diversity, and Criminal Justice*. Routledge.
- Lopez, G. (2019). *La victimologie, 3ème édition*. Dalloz.
- Lopez, G. & Lusignan, R. (2012). Chapitre 24. Évolution de la pensée victimologique. In J. Senon, G. Lopez & R. Cario (Dir), *Psychocriminologie* (pp. 309-318). Paris: Dunod.
- Luce, H., Schrager, S., & Gilchrist, V. (2010). Sexual assault of women. *American family physician*, 81(4), 489-495.

- Maier, S. (2014). *Rape, Victims, and Investigations: Experiences and Perceptions of Law Enforcement Officers Responding to Reported Rapes*. Routledge. <https://doi.org/10.4324/9780203578940>
- Manikis, M. (2015a). Imagining the Future of Victims' Rights in Canada: A Comparative Perspective Symposium: Emerging Issues in Crime Victims' Rights. *Ohio State Journal of Criminal Law*, 13(1), 163-186.
- Manikis, M. (2015b). Victim impact statements at sentencing: Towards a clearer understanding of their aims. *University of Toronto Law Journal*, 65(2), 85-123. <https://doi.org/10.3138/UTLJ.2717>
- Manikis, M. (2019). A new model of the criminal justice process: Victims' rights as advancing penal parsimony and moderation. In *Criminal Law Forum* (Vol. 30, pp. 201-223). Springer Netherlands.
- Manikis, M. (2021). Conceptualising the Victim in England and Wales and the United States within a Spectrum of Public and Private Interests. *Oxford Journal of Legal Studies*, 41(1), 219-242.
- Maslow, A. H. (1968). *Toward a psychology of being* (Second Edition). D. Van Nostrand Company New York.
- McDonald, S. (2007). The professionalization of victim services in Canada. *JustResearch: Research and Statistics Division of the Department of Justice Canada*, 14, 24-31.
- Mendonça, R. D., Gouveia-Pereira, M., & Miranda, M. (2016). Belief in a Just World and secondary victimization: The role of adolescent deviant behavior. *Personality and Individual Differences*, 97, 82-87. <https://doi.org/10.1016/j.paid.2016.03.021>
- Mendelsohn, B. (1956). La victimologie. *Revue Internationale de criminologie et de police technique*. 10 (2), pp. 95-109.
- Miladinovic, Z., & Mulligan, L. (2015). Homicide in Canada, 2014. Statistics Canada.
- Murphy, K., & Barkworth, J. (2014). Victim Willingness to Report Crime to Police: Does Procedural Justice or Outcome Matter Most? *Victims & Offenders*, 9(2), 178-204. <https://doi.org/10.1080/15564886.2013.872744>
- Muscat, B. T. (2010). Victim Services in the United States. In *International Handbook of Victimology*. Routledge.
- National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. Ottawa.
- Nikolić-Ristanović, V., & Čopić, S. (2006). The position of victims in Serbia: Criminal procedure and possibilities of restorative justice. *Temida*, 9(1), 67-75.
- Noor, M., Vollhardt, J. R., Mari, S., & Nadler, A. (2017). The social psychology of collective victimhood. *European Journal of Social Psychology*, 47(2), 121-134. <https://doi.org/10.1002/ejsp.2300>
- Normandeau, A. (1981). Les droits et libertés des victimes. *Déviance et société*, 5(3), 283-292. <https://doi.org/10.3406/ds.1981.1090>

- O'Connell, M. (2020). Improving Access to Justice: Procedural Justice Through Legal Counsel for Victims of Crime. In J. Joseph & S. Jergenson (Éds.), *An International Perspective on Contemporary Developments in Victimology: A Festschrift in Honor of Marc Groenhuijsen* (p. 207-223). Springer International Publishing.
https://doi.org/10.1007/978-3-030-41622-5_15
- Pemberton, A., & Mulder, E. (2023). Bringing injustice back in: Secondary victimization as epistemic injustice. *Criminology & Criminal Justice*, 17488958231181345. <https://doi.org/10.1177/17488958231181345>
- Perrin, R. L. (2017). Overcoming biased views of gender and victimhood in custody evaluations when domestic violence is alleged. *Am. UJ Gender Soc. Pol'y & L.*, 25, 155.
- Posca, J. (2018). *Portrait des inégalités socioéconomiques touchant les Autochtones au Québec*. Institut de recherche et d'informations socio-économiques.
- Reed, M. D., & Caraballo, K. (2022). Voice of the Victims: Accounts of Secondary Victimization With the Court System Among Homicide Co-victims. *Journal of Interpersonal Violence*, 37(13-14), NP10832-NP10861.
<https://doi.org/10.1177/0886260521989732>
- Rivard, J. (2023). *Justice environnementale et criminologie verte : Exploration des représentations autochtones des injustices et des transgressions liées à l'environnement*.
<https://papyrus.bib.umontreal.ca/xmlui/handle/1866/28402>
- Roach, K. (1999). *Due Process and Victims' Rights*. University of Toronto Press. <https://doi.org/10.3138/9781442674127>
- Roach, K. (2004). Victims' Rights and the Charter Articles and Addresses. *Criminal Law Quarterly*, 49(4), 474-516.
- Rock, P. E. (1986). *A View from the Shadows. The Ministry of the Solicitor General of Canada and the Making of the Justice for Victims of Crime Initiative*. Clarendon Press.
- Rossi, C., & Gaudreault, A. (2018). Cinquante ans de victimologie. Quelle place pour les victimes d'actes criminels dans la revue *Criminologie* de 1968 à aujourd'hui ? *Criminologie*, 51(1), 271-290.
<https://doi.org/10.7202/1045316ar>
- Roswell, L. (2021). Barriers to Access to Justice for Racialized and Economically Disadvantaged Women Victims of Sexual Violence: A Study of Indigenous Women in Canada. https://www.etsd.ceu.edu/2021/roswell_lea.pdf
- Schneider, H. J. (2001). Victimological Developments in the World during the Past Three Decades: A Study of Comparative Victimology – Part 2. *International Journal of Offender Therapy and Comparative Criminology*, 45(5), 539-555.
<https://doi.org/10.1177/0306624X01455002>

- Spencer, D., Dodge, A., Ricciardelli, R., & Ballucci, D. (2018). "I Think It's Re-Victimizing Victims Almost Every Time": Police Perceptions of Criminal Justice Responses to Sexual Violence. *Critical Criminology*, 26(2), 189-209. <https://doi.org/10.1007/s10612-018-9390-2>
- Symonds, M. (1980). Victim responses to terror. *Annals of the New York Academy of Sciences*, 347(1), 129-36.
- Szabo, D. (1995). Victimologie comparée et services aux victimes au Québec/Canada. *Int'l Annals Criminology*, 33, 139.
- ten Boom, A., & Kuijpers, K. F. (2012). Victims' needs as basic human needs. *International Review of Victimology*, 18(2), 155-179. <https://doi.org/10.1177/0269758011432060>
- Thibaut, J., & Walker, L. (1978). A theory of procedure. *Calif. L. Rev.*, 66, 541.
- Truth, & Reconciliation Commission of Canada. (2015). *Final Report of the Truth and Reconciliation Commission of Canada, Volume One: Summary: Honouring the Truth, Reconciling for the Future*. James Lorimer & Company.
- van Dijk, J. J. M. (1988). Ideological trends within the victims movements: An international perspective. In M. Maguire & J. Pointing (Éds.), *Victims of crime* (p. 115-126). Open University Press.
- Von Hentig, H. (1948). *The Criminal and His Victim*. New Haven CT: Yale University Press.
- Waller, I., & Okihiro, N. (1978). Introduction. In *Burglary: The Victim and the Public* (pp. 3–14). University of Toronto Press. <http://www.jstor.org/stable/10.3138/j.ctvcj2mn5.5>
<http://www.jstor.org/stable/10.3138/j.ctvcj2mn5.5>
- Waller, I. (1984). Victims Bill C-19: Reforming the Criminal Law. *Ottawa Law Review*, 16(2), 444-454.
- Waller, I. (1989a). Justice Even for the Crime Victim: Implementing International Standards. *International Review of Victimology*, 1(1), 89-108. <https://doi.org/10.1177/026975808900100106>
- Waller, I. (1989b). The Needs of Crime Victims. In E. A. Fattah (Éd.), *The Plight of Crime Victims in Modern Society* (p. 252-276). Palgrave Macmillan UK. https://doi.org/10.1007/978-1-349-20083-2_11
- Waller, A. (1996). Chapitre 3 - Rights for victims of crime: the second decade. In *Question d'équité: l'aide aux victimes d'actes criminels*, Association québécoise Plaidoyer-Victimes. https://aqpv.ca/wp-content/uploads/1996_questiondequite_chapitre3.pdf
- Waller, I. (2011). *Rights for Victims of Crime: Rebalancing Justice*. Rowman & Littlefield Publishers.
- Waller, I., Martínez, V., Monette, A., & Bradley, J. (2020). Using Criminological Evidence to Shift Policy: From a Punishment to a Prevention Agenda. In C. Côté-Lussier, D. Moffette, & J. Piché (Eds.), *Contemporary Criminological Issues: Moving Beyond Insecurity and Exclusion* (pp. 265–296). University of Ottawa Press. <http://www.jstor.org/stable/j.ctv1198zp4.15>

- Wemmers, J.-A. M. (1996). *Victims in the Criminal Justice System*. Kugler Publications.
- Wemmers, J.-A. (2003a). 3. L'histoire du mouvement en faveur des victimes. In *Introduction à la victimologie* (p. 43-54). Presses de l'Université de Montréal. <https://doi.org/10.4000/books.pum.10772>
- Wemmers, J.-A. (2003b). 9. Les victimes face à la justice. In *Introduction à la victimologie* (p. 149-172). Presses de l'Université de Montréal. <https://doi.org/10.4000/books.pum.10781>
- Wemmers, J. A. (2009). Where do they belong? Giving victims a place in the criminal justice process. In *Criminal Law Forum*, 20(4), pp. 395-416. Dordrecht: Springer Netherlands.
- Wemmers, J.-A. (2010). A short history of victimology. (SSRN Scholarly Paper 2482627). In O. Hagemann, P. Schafer, S. Schmidt (Eds.) *Victimology, Victim Assistance and Criminal Justice*. Monchengladbach: Niederrhein University of Applied Sciences. <https://papers.ssrn.com/abstract=2482627>
- Wemmers, J.-A., Chamberland, C., Cousineau, M.-M., & Guay, S. (2010). 7. Victimes et victimisations : les progrès récents en victimologie. In M. Le Blanc & M. Cusson (éds.), *Traité de criminologie empirique* (1-). Presses de l'Université de Montréal. <https://doi.org/10.4000/books.pum.6655>
- Wemmers, J.-A. (2011). *50 ans de victimologie au Québec : Le passé, le présent et ce que réserve l'avenir*. Association des services de réhabilitation du Québec, pp. 44-47.
- Wemmers, J.-A. (2012). Victims' rights are human rights: The importance of recognizing victims as persons. *Temida*, 15(2), 71-83.
- Wemmers, J. A. (2013). Victims' experiences in the criminal justice system and their recovery from crime. *International review of victimology*, 19(3), 221-233.
- Wemmers, J.-A. (2014). The healing role of reparation. In *Reparation for Victims of Crimes against Humanity*. Routledge.
- Wemmers, J.-A. (2017). *Victimologie: Une perspective canadienne*. Les Presses de l'Université de Québec.
- Wemmers, J.-A. M. (2021). *Compensating Crime Victims* [Report for the Federal Ombudsman for Victims of Crime.]. <https://www.victimfirst.gc.ca/res/cor/CCV-CCV/Report%20-%20Compensating%20Crime%20Victims%20-%20EN.pdf>
- Wemmers, J.-A., Manirabona, A., Lachance Quirion, M., Zota, A., Sipowo, A.-G., & Deschênes, A. (2024). Including the Forgotten Party in Legal Education : Victims of Crime. *Erasmus Law Review*, 4 (incomplete).
- Wemmers, J. A., & Raymond, É. (2011). La justice et les victimes: l'importance de l'information pour les victimes. *Criminologie*, 44(2), 157-169.

- Wilensky, H. L. (1964). The Professionalization of Everyone? *American Journal of Sociology*, 70(2), 137-158. <https://doi.org/10.1086/223790>
- Wilson, D., & Segrave, M. (2011). Police-based victim services: Australian and international models. *Policing: An International Journal of Police Strategies & Management*, 34(3), 479-496. <https://doi.org/10.1108/13639511111157528>
- Winterdyk, J. (2017). *Pioneers in Canadian Criminology*, Oakville et Toronto, Rock' Mills Press.
- Young, A. (2001). The Role of the Victim in the Criminal Process: A Literature Review - 1989 to 1999. *Commissioned Reports, Studies and Public Policy Documents*. <https://digitalcommons.osgoode.yorku.ca/reports/157>
- Young, A. N., & Dhanjal, K. (2021). Victims' Rights in Canada in the 21st Century. *Department of Justice Canada, CanLIIDocs 13572*. <https://www.canlii.org/en/commentary/doc/2021CanLIIDocs13572#!fragment//BQCwhgziBcwMYgK4DsDWszlQewE4BUBTADwBdoByCgSgBplfTCIBFRQ3AT0otokLC4EbDtyp8BQkAGU8pAELcASgFEAMioBqAQQByAYRW1SYAEbRS2ONWpA>
- Zaykowski, H. (2014). Mobilizing victim services: The role of reporting to the police. *Journal of traumatic stress*, 27(3), 365-369.
- Zaykowski, H. (2017). Issues in Victim Services. In *Routledge Handbook on Victims' Issues in Criminal Justice*. Routledge.

MENDELSON'S VICTIMOLOGY BEFORE THE WAR

Rebecca STRINGER⁷

Abstract

This article examines victimology founder Benjamin Mendelsohn's first publication and his correspondence with Freud, in order to gain a closer understanding of the pre-war origins of victimology than is currently available in the Anglophone literature. Through these texts I identify the method of criminal defence Mendelsohn developed in the 1930s, showing that it had both a criminology (an approach to the defendant) and a victimology (an approach to the complainant). Focusing on Mendelsohn's approach to the defendant, I explore the way Freudian psychoanalysis furnished Mendelsohn with new grounds on which to render defendants as victims and complainants as victimisers. Contrary to the idea that Mendelsohn identified ideal innocent victimhood as a feminised or typically female status, my analysis shows that, in Mendelsohn's early work, the ideal innocent victim is always a man.

Keywords: Mendelsohn, Benjamin; victimology; Freudian psychoanalysis – legal application; criminal defence.

Introduction

This article explores the emergence of victimology prior to the second world war by examining victimology founder Benjamin Mendelsohn's 1930s correspondence with Sigmund Freud and Mendelsohn's first publication, the 1937 article '*Methode a Utilizer par la Defence in the Recherches Concertant la Personalite du Criminal*' ('Method to be Used by Defence Counsel in Researching the Personality of the Criminal', hereafter 'Method to be Used').⁸ As Jo-Anne Wemmers (2017: 20) observes, the war interrupted the emergence of victimology: 'The idea of victimology was planted before the war, but the germination of this idea was interrupted by the war, and only picked up again after the war was over.' The post-war development of victimology is well known, but the form victimology assumed prior to the war is significantly less clear. By examining Mendelsohn's letters from Freud and his 1937 publication, this article sheds light on victimology's deriving context and original pre-war form.

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⁸ As part of this research I commissioned Frédéric Dichtel to translate Mendelsohn's 1937 essay from French to English, and I am immensely grateful to him for his diligent work. In this article quotes from the translation are page referenced to the original publication in *Revue de Droit Penal et de Criminologie et Archives Internationale de Médecine Légale*.

Mendelsohn was a criminal defence attorney and my recent analysis of his second pre-war publication (Mendelsohn, 1940) shows that his victimology began as a uniquely modern ‘bio-psycho-social’ approach to criminal defence in rape cases (Stringer, 2024). While that work focuses on how Mendelsohn’s pre-war legal victimology approaches rape complainants, my analysis in this article builds on that work by focusing on Mendelsohn’s approach to defendants, and the role of Freud and Freudian psychoanalysis in the pre-war ‘planting’ and ‘germination’ of victimology. Mendelsohn’s pre-war publications were written in French and are not generally available in English translation. Accordingly, discussion of them in the Anglophone literature is extremely limited. My analysis of these publications here and in my earlier work thus contribute new knowledge to Anglophone discussion of the origins of victimology.

In what follows I begin with Mendelsohn’s 1934 and 1937 letters from Freud (Winnik, 1974). As part of their correspondence Mendelsohn effectively engaged Freud as an expert witness, and my discussion suggests the legal successes that flowed from this were crucial to Mendelsohn’s adoption of psychoanalysis in his method of criminal defence. I then move on to examine ‘Method to be Used’ (Mendelsohn, 1937). Mendelsohn’s method sought to give lawyers modern tools of legal defence and examining ‘Method to be Used’ gives insight into the questionnaire Mendelsohn developed to enable lawyers to probe the psychology of defendants. Following this I briefly compare ‘Method to be Used’ with Mendelsohn’s second pre-war publication concerning rape complainants, observing that Mendelsohn’s manner of using psychoanalysis depended upon whether he was addressing the defendant or the complainant. When applied to the defendant psychoanalysis potentially yields mitigating factors that reduce perceived guilt, but when applied to the complainant it does the opposite, intensifying perception of the complainant as the guilty party and painting the defendant as their victim. This suggests the need to revise how we understand Mendelsohn’s conception of the ‘ideal innocent victim’, who, it seems, is a man – the ‘innocent defendant’ (Mendelsohn, 1940: 47) – and not the feminised figure usually identified with ideal innocent victimhood. Overall, my discussion shows that before the war Mendelsohn developed, practiced and launched his method of criminal defence, which was significantly influenced by Freudian psychoanalysis and had both a criminology (an approach to the defendant) and a victimology (an approach to the complainant).

The Mendelsohn-Freud correspondence

Those familiar with Lou-Andreas Salomé’s voluminous twenty-four year-long correspondence with Sigmund Freud (Pfeiffer, 1972) might find Mendelsohn’s correspondence with Freud disappointing in comparison, consisting as it does of two exchanges, in 1934 and 1937, in which Mendelsohn

approaches Freud for a psychoanalytic perspective on a defendant he is representing, and receives from Freud a solid but hastily composed response (Winnick, 1974). These exchanges took place in the last decade of Freud's life, and in the first decade of Mendelsohn's career as a barrister at the Court of Criminal Justice in Bucharest, Romania (Mendelsohn 1974) – a decade during which fascism and anti-Semitic racism rose, threatening both men on account of their Jewishness. As Winnick (1974: 3) documents, their correspondence concluded in 1938 with Mendelsohn sending Freud felicitations 'on the occasion of his escape from Nazi occupied Vienna'. Within two years German troops had begun entering Romania, and Mendelsohn reportedly spent the war in hiding (Mass, 1991). Though brief, hasty and forced to conclusion by Freud's death and the onset of war in September 1939, the Mendelsohn-Freud correspondence nonetheless gives insight into the generative role of psychoanalysis in the origins of Mendelsohn's victimology.

Freud's letters responding to Mendelsohn are presented in German and English by H. Z. Winnick in a 1974 edition of *The Israel Annals of Psychiatry and Related Disciplines*. Winnick does not supply Mendelsohn's letters to Freud, but these are summarised in Freud's responses, and Mendelsohn discusses one in detail in 'Method to be Used'. Winnick met Mendelsohn at a victimology symposium in Jerusalem in 1973 and afterwards gained his approval to translate and publish the letters. Winnick (1974: 3) documents that Mendelsohn stated the letters 'were of decisive influence, in stimulating his interest to study the psychology of victims of aggression, which finally led to his concept of victimology.' Mendelsohn's inquiries to Freud are both concerned with sexuality as a mitigating factor in sentencing. Freud provided ways for Mendelsohn to depict his clients as subject to sexual urges and proclivities that are beyond their conscious control, diminishing their legal responsibility. Mendelsohn was not merely guided by Freud's responses, but presented them as expert testimony for the defence. As we will see, in both cases this led to success in securing a lesser penalty.

The prison escape case

The 1934 letter deals with a case of man who escaped while serving his third prison sentence for offences including assault and robbery. Mendelsohn sought details from the man about the escape and discovered that, afterwards, 'the first place he had visited was a brothel' (Mendelsohn, 1937: 888). The following paragraph from 'Method to be Used' describes how, with Freud's input, this detail became a mitigating factor that reduced the sentence:

I asked what his true motive was for escaping from the prison, and why he had frequented such an establishment in a town not far from the prison. He confessed that his sexual urges which, for

many years, only perverse sexual practices could satisfy, had reached a paroxysmic level ... I requested an interview with Professor Freud in Vienna, to ask him if in theory, sexual urges that had been unfulfilled for years could drive a man at the peak of his vigour (32-years of age), to escape from prison, and could it be so overwhelming as to even lead him to risk his own life? His answer was a definite “yes” ... the court found mitigating circumstances in his favour, and he was sentenced to five years in jail ... as a result of this ruling, the offender only had to serve the penalty he had incurred the first time, as if he had not committed the latest offence. (Mendelsohn, 1937: 888)

Freud’s brief letter to Mendelsohn had confirmed ‘the urgency of the sexual drive and the compulsory character of its impulses’ (Freud quoted in Winnick, 1974: 7), providing expert legitimation for Mendelsohn’s novel line of defence and assisting in its success. As Winnick summarises: ‘The judge did not impose additional penalty, considering the explanations of the defence, supported among other factors by the letter of Freud’ (Winnick, 1974: 3).

The sexual abuse case

The 1937 letter deals with a case described by Winnick (1974: 3) in the following way: ‘a 20-year old teacher, a hunchback, accused of sexual abuse of two male children.’ It appears Mendelsohn’s query to Freud asked after the causes of homosexuality, which Freud refers to as a ‘psychic disturbance’ (Winnick, 1974: 7). Freud’s reply addresses the three potential causes of homosexuality Mendelsohn’s query had named: ‘deformation of the vertebral column’, neglect of that ‘somatic defect’ in youth, and ‘alcoholism in the former generation’ (Freud quoted in Winnick, 1974: 7). Freud responded that the first and third factors have ‘no proven influence in the aetiology of homosexuality’, and that the second factor ‘appears obvious’ but is ‘questionable’, before offering a factor he regards as legitimate: ‘Tender attachment to the mother is a prevailing feature with the most frequent types of homosexuals’ (Freud quoted in Winnick, 1974: 7). Freud then addresses Mendelsohn’s final query – ‘Could young men of adequate capability and character achieve normal social behaviour and performance, despite somatic defects and unfavourable conditions as described in this case?’ – confirming that ‘this is certainly possible’. This is consistent with the depiction of homosexuality as a curable youthful malady (Schildcrout, 2014), and it seems likely that Freud’s confirmation supported a line of defence emphasising the defendant’s youth and prospects for future ‘normality’. As in the first case, Freud’s letter affected the sentencing outcome: ‘On the basis of elucidations

proffered by the defence counsel, attenuating circumstances were accepted in the judge's sentence' (Winnik, 1974: 3-4).

Freud was an internationally known authority in the 1930s, but the heyday of Freudian psychoanalysis both legally and culturally would not take place until the 1950s. The Mendelsohn-Freud correspondence is thus a unique example of Freudian psychoanalysis being applied in the legal context before this became orthodox, and it can be speculated that Mendelsohn was among the pioneering lawyers (including Clarence Darrow) who tangibly helped psychoanalysis attain the legal status it later enjoyed. As we have seen, Freud's direct input helped to authorise mitigating circumstances in two cases. Arguably, these successes influenced Mendelsohn's decision to incorporate Freudian psychoanalysis into the method of criminal defence he developed, which we see him do in 'Method to be Used', analysed in the following section. Following Freud's death, Freudian psychoanalysis lived on as an increasingly prevalent perspective in psychiatry, always available to potentially authorise paths of legal defence. Mendelsohn continued to apply his method of criminal defence in Bucharest until 1951 when he emigrated to Israel. There his legal qualifications were not recognised and so he ceased to practice law (Mass, 1991), ironically missing the legal heyday of Freudian psychoanalysis.

Mendelsohn's 'Method to be used'

Published in *Revue de Droit Penal et de Criminologie et Archives Internationales de Medicine Legale* in 1937, 'Method to be used' is Mendelsohn's first publication. As the title suggests, the article is aimed at the European legal community and schools lawyers in the method of criminal defence Mendelsohn had devised. In the article Mendelsohn argues lawyers should follow an 'ideological trend' within criminology toward using scientific methods to investigate 'the offender's personality and social background', and the aim of his article is to give lawyers 'credible resources' enabling them to follow this trend (Mendelsohn, 1937: 877), namely a lengthy defendant questionnaire he had developed over several years. Mendelsohn observes that the resources lawyers standardly receive about a case are inadequate for developing the 'complete picture of the defendant's personality' (877) required to mount a robust legal defence. By administering his questionnaire a lawyer will come to 'know the personality of the accused from every angle' (878), enabling them to genuinely 'respond to criminal charges and defend a man' (877).

As this implies, by giving the lawyer the 'new responsibility' of probing the 'the true personality of the accused' (Mendelsohn, 1937: 881), Mendelsohn's method seeks to establish for the lawyer a modicum of credibility on the terrain of psychiatric knowledge, bringing them into a potentially rivalrous relation with the court-appointed psychiatric expert – depending,

perhaps, upon whether the expert is a Freudian and accepts the idea of unconscious processes that can blur criminal responsibility, or is still wedded to legal psychiatry's pre-Freudian criminal responsibility/criminal insanity binary. Mendelsohn envisages that the new relation between the psychiatrically-informed lawyer and the psychiatric expert will be cooperative, while also arguing that data gathered by a lawyer is necessarily more reliable than data gathered by a psychiatrist because, in the defendant's eyes, the lawyer is a trusted figure and therefore elicits truth telling. Mendelsohn writes, 'Of course, it would be ideal if defence lawyers, who are also criminologists in all senses of the word, were allowed to examine themselves the offender clinically, from a medical and psychiatric point of view' (886). He admits this is not a realistic prospect, yet at the same time his questionnaire actualises this very scenario, promoting the lawyer to a psychoanalyst-style role (the trusted listener) and couching the questionnaire as deriving clinical knowledge. In any case, it is certain that the Mendelsohn-style lawyer was to ensure the Freudian perspective was visited in the investigation phase.

Most of 'Method to be Used' is devoted to describing Mendelsohn's questionnaire-based method for gathering data on the defendant's personality. Showing his Freudian stripes by making reference to the unconscious, and calling upon lawyers to 'trust science and its power', Mendelsohn writes:

What would then be the most adequate procedure to allow the lawyer to glean the information they need in relation to the offender's personality? I have conducted some experiments: using a procedure involving a broad questionnaire, with around 300 questions phrased in simple language whenever possible, I have achieved pleasing and, at times, surprising results which completely turned the trial around. In the process of writing up this questionnaire, I have taken into account the findings of Anthropology, Criminal Sociology, Criminology, Forensic Medicine, Neurology, Psychology, Psychiatry, and Psychoanalysis. Thus, to be able to answer these questions, offenders must delve deep into their conscious and unconscious. (Mendelsohn, 1937: 881)

Mendelsohn will soon begin using the term 'bio-psycho-social' to capture the range of perspectives drawn upon in his approach, though it appears that of these perspectives psychoanalysis is the most influential. Mendelsohn indicates the broad terrain of his defendant questionnaire by including its table of contents in his article, showing its ten categories of inquiry together with their subheadings (the excerpted table of contents is included in this article – see Appendix). Mendelsohn explains that the original questionnaire had seventy questions, was 'piloted with almost illiterate people', and was gradually

expanded as it was shown to ‘elicit crucial information’ (886). He details the procedure for administering the questionnaire, claiming it elicits two kinds of ‘clinical information’: ‘medico-psychological’ and ‘social’ (885).

Mendelsohn (1937: 887-890) discusses three cases to demonstrate the effectiveness of the questionnaire as a legal tool. As we have already seen, one of these is the prison escape case. It was only by having the defendant complete the questionnaire that Mendelsohn became aware he had visited a brothel, leading to Mendelsohn’s first letter to Freud and the successful line of defence that sprang from their correspondence. The questionnaire had thus elicited information upon which a successful defence could be built, with Freud’s aid. This clarifies that Mendelsohn was already creating a ‘scientific method’ of criminal defence prior to his interaction with Freud, and that this provided the context for that interaction. The other cases Mendelsohn discusses in ‘Method to be Used’ do not involve Freud, but similarly show how information derived from the questionnaire led to a line of defence that served to lessen the sentence. In one case the questionnaire led a man on property crime charges to reveal past experiences of financial and physical abuse in the navy, and in view of these the court acknowledged extenuating circumstances and lessened the penalty. In the third case a man who killed one person, injured another, and blinded a child in the course of a violent episode, indicated on the questionnaire that he was ‘in a state of inebriation’ during this and earlier violent episodes. Pursuing the idea that alcohol and its suppliers may share culpability for the man’s crimes, Mendelsohn (1937: 888) observed that his criminal offending coincided with moving to a particular district where rules that ‘fight’ and ‘prevent’ crime by limiting the sale of alcohol were not being observed. The court avoided the maximum penalty, accepting Mendelsohn’s argument that ‘it is no longer possible to apply the full severity of the law given that the offender, before he moved to that neighbourhood, was not an alcoholic and had not committed any criminal infringements’ (889).

As these cases demonstrate, Mendelsohn’s method primarily aims to yield information presenting mitigating factors that, if they do not lead to acquittal, might lessen the penalty.⁹ Acknowledging that his method is time-consuming and asks lawyers to go to great lengths in their investigations, Mendelsohn invokes the lawyer’s credo of zealous advocacy:

Does not a criminal lawyer—someone who practises a profoundly humane profession, who ought to go to the trouble to find an explanation, and to the extent possible, a measure of

⁹ As Mendelsohn (1937: 883) puts it, ‘the only thing capable of assuring success is to employ one’s perspicacity to discern a hitherto overlooked element in a sufficiently convincing way that the accused, even if he does not merit complete acquittal, at least has the right to a gentler fate than the prosecution’s case would otherwise accord him.’

justice despite the burden of accusations and even in the case of the most heinous crimes—have a moral duty to invoke such arguments? Should not the profession of a lawyer be exercised like an apostolate? (Mendelsohn, 1937: 890)

Mendelsohn's legal practice was clearly shaped according to the revolutionary tradition of zealous advocacy (Smith, 2012), but as his 'scientific' approach and questionnaire indicate, Mendelsohn was engaged in modernising zealous advocacy by wedding it with twentieth century concepts and tools. Overall, Mendelsohn (1937: 884) perceives benefits in his method of criminal defence for defendants and also for the profile of the legal profession generally, as seen in this optimistic prediction: 'By doing some humanitarian work, by the effort we are making, through the contacts we have with the defendant's family and acquaintances, through the prestige we assign to the job of defending someone, we will get people to worship lawyers.'

From 'Method to be Used' to 'Rape in Criminology'

While 'Method to be Used' was published in the lead up to the second world war, Mendelsohn's second article providing the modern lawyer with modern tools was published in 1940, just after the outbreak of war. Where 'Method to be used' is about the way Mendelsohn's scientific method approaches defendants, Mendelsohn's second publication, *Le Viol en Criminology et l'Importance de la Femme-Magistrat* ('Rape in Criminology and the Importance of the Female Judge', hereafter 'Rape in Criminology') (1940) details how his method approaches the victim/complainant in rape cases. Together, the essays thus impart the criminology and the victimology of Mendelsohn's method of criminal defence – its manner of conceptualising and investigating defendants (criminology) and complainants (victimology). In 'Method to be used' Mendelsohn (1937: 884) states he is writing a guidebook that imparts his method called *The Lawyer's Guide to Studying the Criminal*, acknowledging 'Dr Schaechter-Nancy from the Jubirea de Oameni Hospital in Bucharest for kindly suggesting the idea of this guide'. Instead of completing that guide, however, Mendelsohn shifted his focus from studying the criminal to studying the victim/complainant, writing 'Rape in Criminology' to instruct lawyers in the ways of his 'bio-psycho-social' method of investigating rape complainants. Mendelsohn (1963: 241) later marks this shift in focus as the origin point of victimology, retrospectively re-titling this publication 'Rape in Victimology'.

One category of Mendelsohn's 1937 questionnaire instructs lawyers to gather information about 'the defendant's victims' (Mendelsohn, 1937: 883), but by the time Mendelsohn wrote 'Rape in Criminology' the task of investigating the victim had become more elaborate and consuming than the

1937 questionnaire implies. ‘Rape in Criminology’ is twice the length of ‘Method to be Used’ and significantly more complex in its aims and argumentation. I have elsewhere contextualised and examined ‘Rape in Criminology’ and there describe the suite of lawyerly tools Mendelsohn devised for investigating rape cases and his rape law reform advocacy, arguing that his scientific method updates rape law’s historical rape myths, creating a modern victimological iteration (Stringer, 2024). Here I am more narrowly concerned with the role of psychoanalysis in ‘Rape in Criminology’, in comparison with its role in ‘Method to be Used’. As we have seen, in ‘Method to be Used’ Mendelsohn’s psychoanalytically-informed investigation of the defendant is oriented to identifying forms of victimisation – uncontrollable sexuality, past mistreatment, environmental hazards – that could translate into mitigating circumstances, lessening the defendant’s perceived degree of guilt and the associated penalty. In ‘Rape in Criminology’, however, Mendelsohn’s psychoanalytically-informed investigation moves in the opposite direction. When focused on the complainant instead of the defendant, Mendelsohn draws upon Freud to depict women and girls as unconsciously desirous of rape and prone to lying, using psychoanalysis to dispute the complainant’s victimisation and depict them as victimising the defendant by bringing a false rape accusation. In short, Mendelsohn’s application of psychoanalysis is oriented to recasting the defendant as a victim, and the complainant as a victimiser. This is significant because Mendelsohn’s victimology is usually seen as supporting the idea that the ‘ideal innocent victim’ is a feminised figure – more likely a woman than a man. But by examining the role of psychoanalysis in his method of criminal defence, we can see that his victimology actually emerged as a further tool for rendering the always notionally male defendant as a victim.

Conclusion

By examining Mendelsohn’s correspondence with Freud and his first publication, this article has offered new insights into the ‘planting’ and initial ‘germination’ of victimology prior to the second world war. Mendelsohn’s modernising scientific method of criminal defence began with the defendant questionnaire that in turn led to his correspondence with Freud, and the legal successes that followed helped to secure the role of psychoanalysis in Mendelsohn’s method, with Mendelsohn thus playing an active role in the incorporation of Freudian psychoanalysis in the legal genre. In Mendelsohn’s method psychoanalysis had both criminological and victimological applications, and in both cases these are oriented to asserting defendant victimhood. In this way Mendelsohn’s method was oriented to masculinising victimhood and constructing men as psychically and socially vulnerable victims. In the victimology literature Mendelsohn’s pre-war works have not

been closely examined, and instead his post-war publication ‘The Victimology’ (1956) is seen as being the truly ‘seminal’ work that launched victimology as a science. As Hoffman (1992: 91) observes, however, the victimology Mendelsohn launched after the war, *was* his pre-war legal victimology ‘raised to the level of a new science.’ As this and my analysis in this article suggest, examining the pre-war works is essential if we are to fully understand the origins of Mendelsohn’s victimology.

Appendix

Mendelsohn’s Defendant Questionnaire Table of Contents, excerpted from ‘Method to be Used’ (Mendelsohn, 1937: 883), translated by Frédéric Dichtel.

I. The defendant’s family

Questions about the father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, from a sociological, psychopathological, anthropological, criminal and medico-social viewpoint.

II. The defendant’s life up to the date of the current indictment. General information.

III. Type of upbringing at home

A. Relationship between the parents

B. Relationship between the defendant and his parents

C. Relationship between the defendant and his siblings

D. The way the defendant was disciplined compared to the other children

IV. Physical and psychological abilities; social and antisocial behaviour.

Feelings of inferiority and superiority

A. Physical state

B. Psychological state

C. Social interactions

1. Social interactions between the defendant and his wife

2. Interactions between the defendant and his children

3. Interaction between the defendant and his parents

D. Anti-social acts

V. Sexuality

A. Psycho-pathological development of sexuality in childhood

B. Puberty. Adolescence. Maturity.

1. Information specific to the sexuality of female subjects

2. Sexuality in old age

VI. Specific psychoanalytical information

A. Miscellaneous

B. Neuroses

C. Anxiety neurosis

VII. Description of the various aspects of everyday life in prison

- VIII. Offences committed by the defendant
 - A. Prior offences
 - B. Pending charges
 - C. Subsequent offences
- IX. The defendant's victims
 - A. General information
 - B. Victims' social relationships and physical state (illnesses)
- X. Witnesses and informants involved in the current trial
 - A. Relations between the opposing party's witnesses with the defendant and the victims; their pathological sides
 - B. The defendant's witnesses

Reference List

- Hoffman, Hanoch. 1992. What Did Mendelsohn Really Say? In *International Faces of Victimology*, ed. Sarah Ben-David and Gerd F. Kirchhoff, 89-104. Mönchengladbach: WSV Publishing.
- Mass, Haim. 1991. A Victim of Circumstance: Interview with Benjamin Mendelsohn. *Jerusalem Post*, 13 September, 22.
- Mendelsohn, Benjamin. 1937. Méthode à Utilizer par le Défenseur Pour les Recherches Concertant la Personalité du Criminel. *Revue de Droit Penal et de Criminologie et Archives Internationale de Médecine Légale* 8-9-10: 877-891. Translated by Frédéric Dichtel.
- Mendelsohn, Benjamin. 1940. Le Viol en Criminology et l'Importance de la Femme-Magistrat. *La Giustizia Penale* I-II-III-IV: 28-50. Translated by Frédéric Dichtel.
- Mendelsohn, Benjamin. 1956. The Victimology. *Etudes Internationales de Psycho-Sociologie Criminelle* 10: 4-36.
- Mendelsohn, Benjamin. 1963. The Origin of the Doctrine of Victimology. *Excerpta Criminologica* 3(3): 239-244.
- Pfeiffer, Ernst (ed) *Sigmund Freud and Lou-Andreas Salomé: Letters* (London: Hogarth, 1972).
- Schildcrout, J., 2014. *Murder Most Queer: The homicidal homosexual in the American theatre*. Ann Arbor: University of Michigan Press.
- Smith, Tom 2012. Zealous Advocates: The Historical Foundations of the Adversarial Criminal Defence Lawyer. *Law, Crime and History* 2(1): 1-20.
- Stringer, Rebecca. 2024. Rape Myths, Rape Law and Mendelsohn's Victimology: Law's 'Bio-psycho-social' Witness. *Feminist Legal Studies* <https://doi.org/10.1007/s10691-024-09548-x>
- Wemmers, Joanne. 2017. *Victimology: A Canadian Perspective*. Toronto: University of Toronto Press.
- Winnik, H. Z. 1974. *Two Unpublished Letters of S. Freud*. *The Israel Annals of Psychiatry and Related Disciplines* 121: 3-9.

THE STATE OF CONTEMPORARY VICTIMOLOGY AND VICTIMS' PROTECTION IN ROMANIA

Aura PREDA¹⁰

Abstract

The article is structured in several sections, but it is focused on Mendelsohn's biography and ideas as a premise for Victimology in Romania.

Another section is dedicated to specialized literature from Romania that refers to the thoughts and classification proposed by Mendelsohn, also other authors who have been preoccupied by this interdisciplinary field.

It is very important to design the main direction about the statute of art of a new discipline in our country such as Victimology. For this reason, we navigate on the website on the main faculties (law, psychology, sociology and social assistance) in order to see how the problematic of victims is covered in the university curriculum.

The last part points out only the Romanian legislation in the field of victims' protection and the main agencies and NGO's involved, a part that will continue in the following issues of the this journal.

Keywords: *victimology, Mendelsohn's biography, classification of victims, victimization, victims' protection, victimization surveys.*

1. Biographical highlights about Benjamin Mendelsohn

In most of the textbooks/manuals and scientific volumes/articles (all over the world) dedicated to the topic of Victimology, with very noun and less noun authors, the name of Benjamin Mendelsohn is always mentioned as one of the pioneers¹¹, next to the name of Hans von Hentig.

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¹¹ Jo-Anne Wemmers, *Victimologie. Une perspective canadienne*, Presse de l'Université du Québec, Québec, 2017, p.23-25; E. Fattah, *La Victimology – Science sociale ou travail social ?*, Liege, 2022, p.59 ; Caroline Villacampa Estiarte and others, *Introduction a la Victimologia*, Ed. Sintesis, Madrid,2019, p.28, p. 57 ; Roberta Bisi , *Vittimologia. Dinamiche relazionali tra vittimizzazione e mediazione*, Ed. Franco Angeli, Miano,2004, p.112, M.Baril, *L'envers du crime*, Ed. L'Harmattan, Paris, 2002, p. 18, 24, 25; R. Cario, *Victimologie – De l'effraction du lien intersubjectif à la restauration sociale*, vol.1, 3ème edition, L'Harmattan, Paris, 2006, p.29, 31, 35-36, 102, 116,120-123, 131-132, 194 ; R. Gassin, S. Cimamonti and P. Bonfils, *Criminologie*, Ed. Dalloz, Paris, 2011, 7ème edition, p.28 ; G. Lopez and S. Tzitzis, *Dictionnaire des sciences criminelles*, Ed. Dalloz, p. 963-964 ; Gerard Lopez, *La Victimologie*, Ed. Dalloz,

About his life, there are fewer sources, but they are equally valuable because they give us details about how his scientific personality was structured, about the culture he had, about his concerns and ideas.

On the occasion of two interviews with Mr. Prof. Lucian Herșcovici¹², I managed to find out more details that helped me better understand the context in which the concepts and classification appeared, how the ideas about victims, victimization and Victimology have been transmitted by Mendelsohn.

Next, I will present some aspects of his life, relevant to his career and the new discipline that was taking shape in the 1950s.

Benjamin Mendelsohn¹³ was born in Bucharest, Romania in the fall of 1900 and finished the Law Faculty within Bucharest University in 1934. So, this year we celebrate 90 years since his graduation.

He started the faculty later, because from the age of 24, he became a Zionist activist, right at the beginning of this movement and the Rabin gave him a lot of tasks to solve. He liked to write and was fluent in Romanian, French and German, and later he also communicated in Hebrew.

After graduating the faculty, he wanted to become a lawyer. As a lawyer, despite how his Jewish colleagues from the Bucharest Bar encouraged him to practice commercial law, he wanted to be dedicated to the criminal field, where most of the lawyers were Romanians. The Romanian lawyers politely refused him by not supporting him as an intern.

That is why, at the beginning, he was the lawyer of the World Jewish Congress, and later, because he had not found a mentor and because he was alone, he has to accept to become *ex officio* lawyer.

The criminal file that launched him into the orbit of Victimology was the file of the criminal Coman, convicted of rape who managed to escape and commit another rape for which he was retried. This time the criminal was represented by the *ex officio* lawyer B. Mendelsohn., because any criminal defense lawyer didn't want to take this file.

It was a difficult case in which, initially, it was believed that many years of conviction would accumulate. In order to prepare his plea for this file, B. Mendelsohn wrote to S. Freud asking specific questions related to the behavior of the detainee Coman. He wanted to understand if it is normal behavior for a prisoner who committed a rape and who was kept in isolation in prison to want to escape in order to resort to the same crime.

2nded.,2014, p.20; Anne- Blandine Caire, *Criminologie*, Ellipses Edition Marketing S.A., Paris, 2022, p.110, etc.

¹² He is an Israeli historian and librarian, originally from Romania. Lucian-Zeev Herșcovici is also an associate professor at the Universities of Bucharest and Cluj-Napoca, but he graduated from the faculty at the University from Iasi. He left Romania in 1972.

https://ro.wikipedia.org/wiki/Lucian-Zeev_Her%C8%99covici

¹³ If we refer to the etiology of the name, *mendel -sohn* would mean the son of Mendel, and *mendes* has a Portuguese origin. In Hebrew, *menahem* means the one who consoles, sometimes his destiny seems to have merged with this last meaning.

Processing the detailed information received from Freud and bringing as evidence in court the correspondence with the founder of psychoanalysis, the lawyer B. Mendelsohn obtained a remarkable result: the judge did not convict the criminal for the other two crimes (the escape and the second rape), but forced him to finishing the remainder of his sentence from the first conviction (after the first rape). Somehow, Mendelsohn saw in that man a victim of his environment, of society and of the conditions in the penitentiary.

Moreover, the judge addressed the convict, warning him not to dare to escape, because later he would no longer be able to pay the lawyer B. Mendelsohn!

After this resounding success, an article appeared in the newspaper *Universul* with the title "Psychoanalysis at the courthouse", an article signed by a Romanian Jewish from Bessarabia, moved to Bucharest.

The interlocutor also mentions about a professional collaboration of Mendelsohn with the lawyer Ionel Teodoreanu, whom he appreciated more as a writer.

Mendelsohn's journalistic inclination was also materialized through the polemics about the Anglican mission, published in the newspaper "*Curierul israelit*".

During his stay in Romania, especially on the interwar period, he was asked to found a new political party, but he refused because he believed that people should be offered concrete, achievable things, not empty words.

From Mendelsohn's testimony to Prof. Herscovici, it seems that the idea of Victimology came to him during his college days, when he was active as a Zionist, being a member of a traditional cultural organization and observing how people were attracted/convinced to become Muslims. He considered it as victimization.

He managed to support a communication in 1947 in which he pleaded for Victimology, a new term, but also as an independent science based on the science of law and psychoanalysis. That communication was published after the war.

After the Second World War, he decided to leave Romania because he was no longer assigned trials, but also because he was secretly advised by a Romanian lawyer to leave Romania because of the political reasons. So, in 1951, he took his wife¹⁴ and his father (the mother had died and had no children) and left Romania going to Israel, with the ship *Transilvania* on the Constanta-Haifa route. There was an incident before the departure, because his father was detained separately by the authorities, for checks, but in the end, they allowed him to accompany his family.

He lived with regrets all his life for his Jewish colleagues from the Romanian Bar who had to remain in Romania and were persecuted by the new regime, some of them even arrested.

Arriving in Israel, a very difficult period followed, as Mendelsohn did not know Hebrew, diplomas from Romania were not recognized and he had to find a

¹⁴ His wife, younger, works at a bank that grants real estate loans in Romania, and in Israel she worked at a medicine factory.

solution to support his family. The only job he found was that of porter at the Ministry of Finance, but he came to work when wasn't any working at the ministry. He lived in a very poor neighborhood in Jerusalem, a place where emigrants from Romania and Morocco were gathered and where cultural conflicts often arose.

Although only a janitor, Mendelsohn received a typewriter from his wife's American uncle and continued to send correspondence (especially in France) and resume his scientific activity. He was 65 years old when the Faculty of Law in France recognized the diploma in Law from Romania, after he passed the differences. After this delayed success, the Minister of Finance promoted him only on paper to the position of legal advisor.

Practically, however, he had become a receptionist offering useful information to those who came to the ministry for various problems. He retired from there too, with a "messy pension".

At the age of 90, the University of Jerusalem invited him to pay tribute to his personality and activity, in a ceremony. Then Mendelsohn finally felt that his value was officially recognized in his adopted country. After the ceremony they led him to the synagogue, and on the way, he said: "*This was the celebration for Mendelsohn!*"

After 1990, he was contacted by scientists from Romania, concerned with the field of Victimology, which made him happy because there was also an interest for this discipline.

During this period (approximately 1977-1978) Mr. Mendelsohn and Prof. Herșcovici met at the neighborhood synagogue (which was more of an improvised room), but they remained close, over 20 years, visiting and meeting, discussing, until the death of the former, in the winter of 1998.

After his death, a great-grandson of his donated the documents he had in the house to the National Library of Israel. Later, they were processed by Francesco Zanvetor at the University of Jerusalem under the name Mendelsohn's Archive (not only scientific papers). To access it, the following steps can be taken:

1. search for: University of Jerusalem
2. Bernard G. Segal Law Library - <https://en.libraries.huji.ac.il/law>
3. https://huji.primo.exlibrisgroup.com/discovery/collectionDiscovery?vid=972HUJI_INST:972HUJI_V1&vid=972HUJI_V1
4. https://huji.primo.exlibrisgroup.com/discovery/collectionDiscovery?vid=972HUJI_INST:972HUJI_V1&vid=972HUJI_V1&collectionId=81287525280003701
5. https://huji.primo.exlibrisgroup.com/discovery/collectionDiscovery?vid=972HUJI_INST:972HUJI_V1&vid=972HUJI_V1&collectionId=81297036260003701

In conclusion, we must also point out aspects of his activity and ideas that brought him to the position of founder of Victimology and which are still used today in manuals, volumes and articles, at least in the sections on the

History of Victimology, also in victim's definition, the classification of victims, in precipitation victim theory, etc.

Mendelsohn was the first to announce the founding of this discipline. He was interested in victims as early as **1937**. On March **1947**, he presented a paper entitled *New Biopsychosocial Horizons: Victimology* at the Romanian Society of Psychiatry.

As a criminal lawyer, he protested against the difference in treatment reserved for the criminal and the victim, who had to bear the burden of proof and rarely received the damages awarded, due to the criminal's insolvency. He studied the victim's personality and vulnerability factors. He drew up a typology of victims, which has remained famous, based on the relationships that are woven between the victim and the offender.

In years **1965**, 1969 and 1989, he published articles on genocide that revolutionized victimological thinking. In his second article on genocide (**1969**), he presented a victimology, in the broad sense of the term, which went beyond the framework of the victim of criminal offences. He understood that only a small proportion of victims had an unconscious tendency to punish themselves and that it was necessary above all to retain biological, psychological and social factors.

Mendelsohn's concerns were not only theoretical; he wanted the needs of the victim and of society to be assessed and ways of preventing victimization and revictimization to be considered. He wanted attention to be paid to dealing with the consequences of victimization on all levels. In the last part of his work, he insisted on the need to punish criminals.

From a critical point of view, his approach lacks theoretical coherence because he was unable to undertake any empirical research for verifying the validity of his ideas.¹⁵ But, since he was just a lawyer, not a researcher, in our opinion the scientific recognition he has now validated his intuition since then, successfully passing the test of time.

2. About Mendelsohn's ideas in specialized Romanian literature

The history of Victimology in Romania can begin only with "*the father of Victimology*", the Romanian criminal defense lawyer with Jewish roots, Benjamin Mendelsohn. It is time to look over the specialized Romanian literature to see how his ideas, conception, classification were integrated in the dedicated volumes.

Apart from the works of Benjamin Mendelsohn, which were not written in Romanian, although they were supported verbally at various congresses, meetings, we will try to make a brief presentation of other authors from Romania and their works that deserve to be mentioned¹⁶.

¹⁵ G. Lopez and S. Tzitzis, *Dictionnaire des sciences criminelles*, Ed. Dalloz, 2004, p. 963

¹⁶In the sense that they do not present invented laws, events that did not exist or works without scientific value.

Being an objective criterion, I opted for a chronological presentation.

As about Romanian authors¹⁷ we have to mention some of them who took over and processed information about and from Mendelsohn, some of which are not proven. In the volume named *Clinical Criminology*, the authors **Scripcaru and Astarastoe**¹⁸ noted the following: "*Victimology was initiated by the Romanian lawyer Benjamin Mendelsohn, who in 1947 presented the work on the contribution of the victim in crime to the Society of Psychiatry, Psychology and Legal Medicine in Bucharest. Later, he publishes his works in magazines in Paris and then emigrates to Israel, where, although a janitor at the Ministry of Finance, he does not give up his ideas about victimology, so that, in 1973, he organizes the first Victimology Congress in Ierusalem.*"

Ștefan Pruna's work, suggestively named "*Judicial Victimization*"¹⁹ allocates chapter II, "Victimology and the analysis of the criminal act" more space to Mendelsohn's ideas. Here is what the practitioner Prună remembers: "*If we take into account that Mendelsohn has Romanian origin, born in Bucharest in 1890, he became a lawyer of the new discipline at the end of the 40s, we can say that the foundations of victimology as a science were laid in Romania.*"²⁰

He argues that in the meeting of the Romanian Society of Psychiatry in 1947, held in the *Colțea* Hospital, the amphitheater from Bucharest, it defines deviant individual behavior, social and inter-individual factors, the unique meaning and role of the victim in a context of deviant behavior, the interpretation of the victim's behavior perceived by the offender, the role of the aggressor and of the isolated victim, opening thus a new path in the scientific analysis of the crime, the criminal and the victim. Following the research carried out, Mendelsohn appreciates that the victim's reaction to the criminal act is dependent on the victim's receptivity potential, different from individual to individual, because it is conditioned by age, the cultural and intelligence level, the bio-psychic aspect, the degree of familiarity with aggressive instincts.²¹

The author continued considering that to a greater extent than von Hentig, Mendelsohn emphasized the active role played by the victim in committing the aggression. In his works, he drew attention to the involvement of the victim, with the intention of excusing the aggressor and placing some of the blame on the victim. At the beginning of his career, Mendelsohn was influenced by Sigmund Freud, with whom he corresponded on some criminological ideas.

¹⁷ I have chosen only the books from my personal library

¹⁸ G. Scripcaru and V. Astarastoe, *Clinical Criminology*, Polirom Publishing house, 2003, Iasi/Bucharest, p. 84

¹⁹ S. Prună, *Judicial Victimization*, Ed. Ministerului Administratiei și Internelor, 2003, p.57, p.63-64

²⁰ Idem, p.57

²¹ Idem, p.58

Prună claims that in the works published later, Mendelsohn shows that the involvement of the victim in committing the crime is thoroughly analyzed by explaining the dynamics of criminal behavior determined by the victim's reaction. Precipitation of the victim, a term he introduced, was later criticized in feminist research on rape. The idea that the provocative behavior of the victim triggers their own victimization is considered false and likely to divert attention from the structural causes of violence against women.²²

Another author who deserves to be mentioned is **George Basiliade**, sociologist²³, makes the following assessment: "*B. Mendelsohn, the Israeli criminologist of Romanian origin, the creator of "victimology" as a relatively autonomous scientific concern, believes that the analysis of the "victim" as a research subject should not be limited to the consequences that a certain deed of "another" has on a person, but it is necessary to take into account human vulnerability in general, in the presence of exogenous or endogenous determinants*". It is obvious that, understood in this way, "victimology" has a much larger scope than the victim-offender relationship, exceeding the area of criminological concerns. This is also the meaning to which Mendelsohn refers in a letter received by us in the 70s of the last century at the Center for Research on Youth Issues.²⁴ We are talking about a period of communism when relations, even scientific ones, were censored, but they are living proof of the constant interest of Romanian specialists in this field.

A relatively recent doctoral thesis, belonging to Mrs. Carmen Mihaela Necula, the only doctoral thesis coordinated at the level of the Institute of Legal Research within the Romanian Academy, summarizes the following about the activity and ideas of B. Mendelsohn: The first use of the term victimology is due to Benjamin Mendelsohn, a criminal lawyer of Romanian origin, whose concern with victims` dates back to 1937. After 10 years of concern in the field, at the Congress of March 29, 1947, organized by the Romanian Society of Psychiatry in Bucharest, Benjamin Mendelsohn presented a communication with the title "*New bio-psycho-social horizons: victimology*".²⁵ Mendelsohn synthesized in this communication his theoretical concerns with victims, thus introducing a new concept in the science of criminology and paving the way for what was to revolutionize/change the science of criminology and criminal sciences as a whole.

In his communication regarding victimology, *Mendelsohn highlighted and questioned for the first time the existing inequality between the treatment given to the criminal and the treatment given to the victim by society. Thus, Mendelsohn emphasizes, while the criminal is given a preferential treatment, proposing-different methods of social reinsertion, society's interest in the*

²² Idem, p.64

²³ G. Basiliade, *Comprehensive Criminology*, Bucuresti, Ed. Expert, 2006, p.846-847

²⁴ <https://www.romanasociala.ro/neadevaruri-despre-centrul-de-cercetari-pentru-problemele-tineretului/>

²⁵ B. Mendelsohn, *A new branch of bio-psycho-social science: victimology*, *Revue Internationale de criminologie et de police technique*, 1956, vol. XI, nr. 2, p. 95-109

*assistance that should be given to the victim of the criminal act was not shown to the same extent. The victim was thus in a much more disadvantageous position, because in the criminal trial the burden of proof rested on him. Many times, the victim did not recover the damages suffered either because the author of the criminal act remained unknown, or because he was insolvent. He believes that society's lack of interest in the victim's situation is due to the fact that she, unlike the perpetrator of the criminal act, is harmless.*²⁶

Also, she understand that in Mendelsohn's conception, this inequality of treatment accepted and even promoted by society is justified by the fact that, for society, the victim is harmless, while the author of the criminal act disrupts the social order and there is a risk of continuing to do so, without a series of effective interventions to reintegrate him socially. In this way, the society, which takes safety measures, trying to prevent the commission of new criminal acts, by recovering their authors, leaves the victims of criminal acts, who do not endanger and do not harm the social order, into oblivion.

In the course of his work as a defense lawyer, listening to people accused of committing a criminal act, Benjamin Mendelsohn also came to another conclusion, that victim can play a considerable role in committing the act. Starting from this discovery, Mendelsohn initiated a series of theoretical approaches aimed at the victims of the criminal act. Initially, Mendelsohn created a questionnaire of 300 variables to describe the personality of the criminal and published the results obtained in the *Revue de Droit Penal et de Criminologie* in 1937. Later, in 1940, he moved on to study the personality of the rape victim in order to capture the characteristics that make a person a victim of this type of criminal act.²⁷ In this article, Mendelsohn approaches a complex, bio-psychological approach, aimed at describing the personality of the rape victim.

It was only in 1956 that the term victimology was used for the first time in a publication, being also used by Mendelsohn in an article announcing the emergence of a new branch of bio-psycho-social sciences: victimology.²⁸ In this article, Mendelsohn makes a real plea in favor of the victim, underlining the fact that society, concerned exclusively with the rights and social integration of the perpetrator of the criminal act, completely ignores the victim and his rights: "*Why does this society, so humane when it comes to those who break the law, have no interest in the victim, who, apart from the suffering caused by the aggressor, also bears the burden of proof? Why is it not asked what becomes of the victim, who, obtaining the right to these damages in court, receives nothing, the offender being insolvent?*"²⁹

²⁶ C.Necula, PhD thesis, unpublished, p. 6

²⁷ B. Mendelsohn, *Rape in criminology*, in the journal „Criminal justice”, 1940, Roma;

²⁸ B. Mendelsohn, *International Review of Criminology and Technical Police*, 1956, vol. XI, no. 2, pp. 95–109;

²⁹ *Ibidem*

The criminal lawyer, who can rightfully be considered the founder of victimology,³⁰ has the merit of shedding light for the first time on the consequences that the criminal act has on the victim and the almost non-existent role attributed to the victim in that the problem of criminal justice.

That's why, think Necula, Mendelsohn believes that the problem must be studied from the perspective of the victim's personality, which includes biological, psychological and sociological aspects, in order to carry out the prevention activity, which is as important as the social reintegration activity of the perpetrator of the criminal act. The prevention activity, being prior to the commission of the criminal act, is more important than the social reintegration activity, which takes place after the criminal act has occurred. Even if the prevention activity can often entail high costs, they are fully justifiable, implying the saving of human and financial resources necessary for the social reintegration of the perpetrators of criminal acts.

Thus, contrary to the opinion according to which the criminal is the main actor of the criminal act and of the reintegration activity in order to restore the social order, Mendelsohn shows that the victim has at least an equally important role in the crime prevention activity, which is more effective and less expensive than that social reintegration. Mendelsohn argues that it is easier to prevent than to repair the consequences, and to effectively prevent criminal acts, society must pay equal attention to the victim and the criminal.

Among the merits of Benjamin Mendelsohn as a trailblazer in the field of victimology, the creation of the first typology of victims, which is based on the relationship between the victim and the criminal,³¹ should be mentioned. In this sense, Mendelsohn was the first to discover that the victim represents "a real key" for understanding the criminal act, studying the victim offering new etiological explanations of crime.

The purpose of victimology, for Mendelsohn, consists in assessing the needs of victims for their reintegration into society, along with the activity of preventing victimization and revictimization. It is not only the perpetrators of criminal acts who need social integration, but also the victims who feel marginalized or socially excluded because of having become victims.³²

In his theoretical work, Mendelsohn also established the existence of a number of six factors responsible for victimization: natural disasters, society, the automobile, technological and domestic accidents, the industry that favors overpopulation, crime and last but not least, the victim himself.

The originality of Mendelsohn's conception resides in the fact of considering, paradoxically, the victim himself as a victimization factor. The

³⁰ C. Necula, op. cit., p.7

³¹ Susanna Vezzadini, *Criminal mediation between the victim and the perpetrator*, Clueb Publishing House, Bologna, 2003, p. 27

³² C. Necula, op.cit., p.8

fact that the victim is a victimization factor emphasizes once again the need to study the personal characteristics of the victim.

Another idea that emerges from the analysis of the victimization factors identified by Mendelsohn is that, in his conception, the object of study of victimology is not limited to victims of crime, but includes different categories of victims, regardless of the victimizing event.³³

Last but not least, we remind you about the 4 volumes coordinated by the author of the present work, with the title Milestones regarding Victimology, victimization and victims in Romania published in the years 2021-2024 following the holding of online conferences with the same title.

We reproduce only an intervention from the first volume, belonging to a psychologist: *"As far as the history of victimology is concerned, in the meeting of the Romanian Society of Psychology and Psychotherapy on March 29, 1934, organized in the amphitheater of the Coltea Hospital in Bucharest, Benjamin Mendelsohn plays an important role in defining the conduct deviant individual, social and inter-individual factors, the unique meaning and role of the victim in a context of deviant conduct, the interpretation of the victim's behavior perceived by the criminal, the role of the aggressor and the isolated victim. In his professional activity he capitalized on the concepts of Freudian psychoanalysis.*

*Considering that between the sexual impulse and the death instinct "there is a permanent uncontrollable connection", he distinguishes the cognitive functions likely to influence the environment, the instinctive behaviors and to stabilize the individual aggressive experience."*³⁴

The recent Romanian volume which mentions the name of Mendelsohn is written by the prof. Tudorel Butoi. He highlights the following: *"The victimological considerations that "research the relationships between criminal and his victim" belong to the Romanian lawyer Benjamin Mendelsohn. B. Mendelsohn analyzes the criminal-victim report starting in 1937 and appreciates that the victim's reaction to the aggressive act is dependent on the victim's receptivity potential, which differs from individual to individual, being conditioned by age, sex, degree of culture and intelligence, bio-psychic aspect, degree of habituation to aggressive starts, stability or instability. He classify the victims as follows: totally innocent victim (infanticide), victim less guilty than the criminal (ignorance, imprudence), victim just as guilty as the criminal (provocateur), totally guilty victim (stimulators, aggressors), born victim."*³⁵

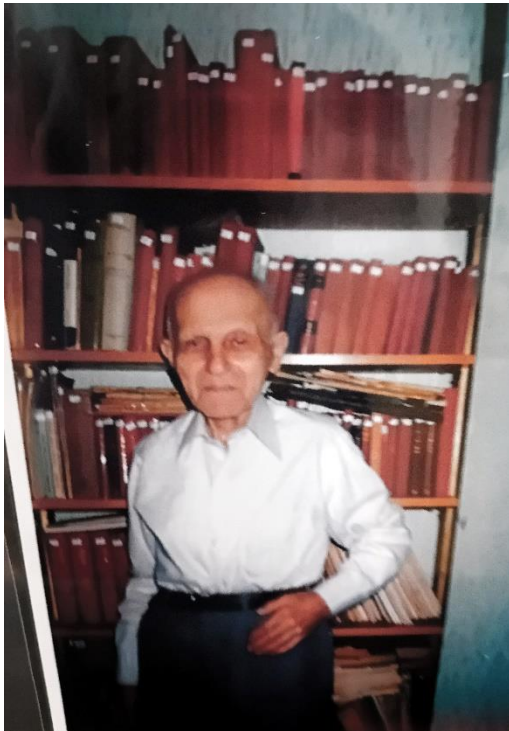
It seems that they are some inconsistencies related to the year in which he spoke for the first time about victimology and the name of the professional society in which he gave that memorable presentation.

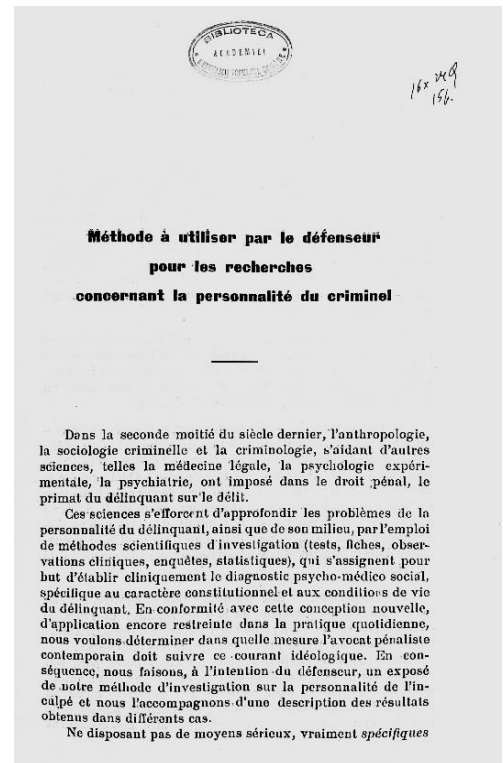
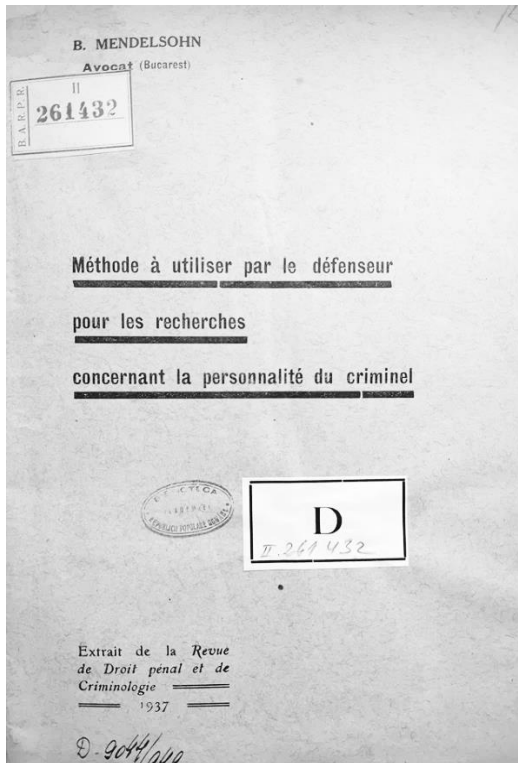
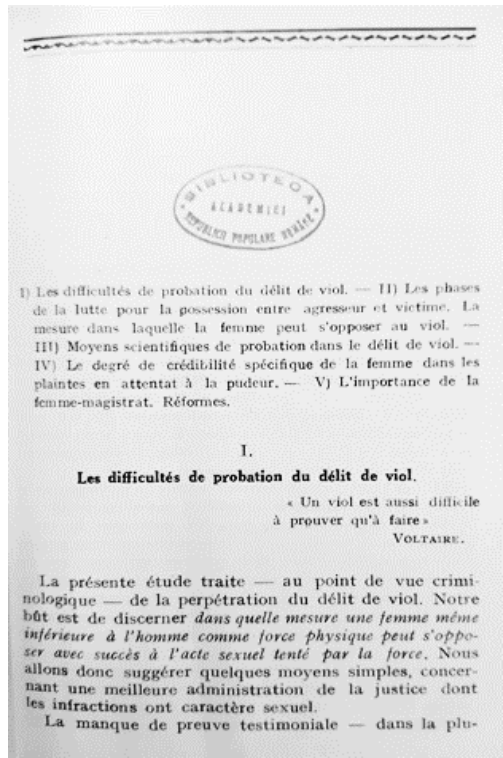
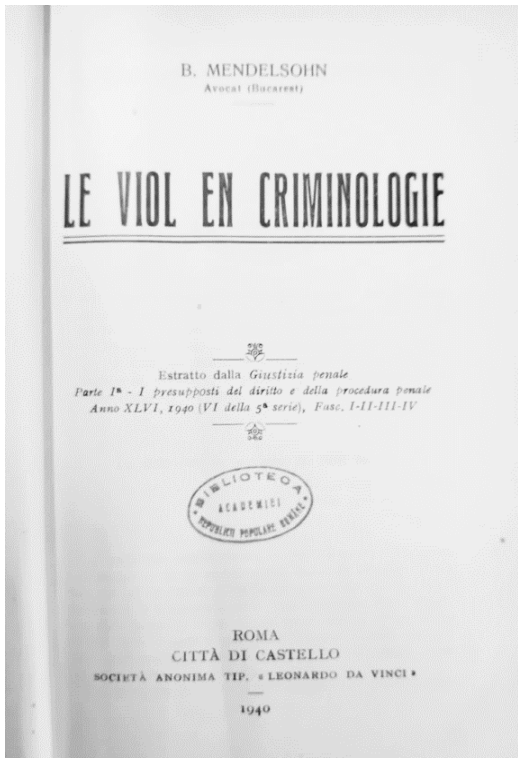
³³ Ibidem, p.9

³⁴ G. Sion, *Landmarks about Victimology, victimization and victims in Romania*, ed. Sitech, Craiova, 2021, p.16

³⁵ T. Butoi and colab., *Victima, Victimologie, victimizare, abordarea cuplului penal victima-agresor din perspectiva socio -psihologica, medico-legala si juridica*, Ed. ProUniversitaria, Bucharest, 2019, p. 11







3. Specialized Romanian literature

There have been in Romania over time a series of authors who were closely concerned with the issue of the victim, victimization and Victimology, emphasizing one or other of the three aspects listed.

Specialized research is continued by important names from the fields of convergence, criminologists, psychologists, forensic doctors, university professors in legal sciences, some magistrates.

We will pointed out only their opinion about victims, Victimization, Victimology, starting with the teachers in Criminology.

The most recognized and quoted prof. from Romania, also the President of the Romanian Society of Criminology is the ex-minister of Justice, Rodica Mihaela Stănoiu. She wrote a lot of articles and books about Criminology and she is the only PhD Coordinator from Romania, specialized in Juridical Sciences-Criminology/Penology.

We mention from one of her books³⁶, some ideas about the victim at that time. An interesting problem, affirmed her, that has arisen in other fields is whether the object of criminology should not include the fourth meaning the crime victim. More colleagues were worried that they would have concentrated their efforts on the criminal problem, almost neglecting the victimological sad.

Thus, some criminological studies have highlighted, especially in the case of the group of crimes against the person and against property, a certain relationship between the criminal and the victim, a relationship whose effective contribution to the criminal act could not be neglected within a complex causal model. *The study of the relationship between the victim and the perpetrator of the crime occupies a very important space in criminological research today. (meaning in 1998) The existence of a special branch of criminology is even supported, and more recently the existence of an autonomous discipline called "victimology".*³⁷

Given the place that the study of the victim occupies, especially in the examination of pre-criminal situations, we consider that the object of criminology also includes the victim of the crime.

Prof. Tudor Amza, in his manual of Criminology,³⁸ at the section about victims crime affirmed that *"The problem of victims was studied especially after the 1970s, because it being known that the attention of specialists was directed especially to the criminal and the crime itself towards the issue of the criminal and his deed, completely neglecting the victimological study. However, in the last period of time, works have begun to appear that demonstrate complex relationships between the perpetrator, the act and the victim, often*

³⁶ R.M. Stănoiu, *Criminology*, Ed. Oscar Print, Bucharest, 1998, p 24

³⁷ Ibidem

³⁸T. Amza, *Criminology*, Ed. Lumina Lex, Bucharest ,1998, p. 36

between them there is a complex causal relationship, even supporting the idea of a new discipline, called Victimology" ³⁹.

Taking into account the criminological investigation of the victim of the crime, can only bring additional data in the efforts made to establish the dimensions that real crime can have. Moreover, from this point of view, it must be admitted that the object of study of criminology does not represent a template, but it will continue to undergo changes, in relation to the new problems that appear and which will be examined and explained. This, however, does not mean that the research object should be understood as a way of unlimited expansion.⁴⁰

Another prof. of Criminology, Ioan Oancea, also in his manual named "*Problems of Criminology*"⁴¹ is agree that *in the last decades, in contemporary criminology, a new concept has been given place, namely the victim⁴², the person against whom or whose interests the crime is committed. In addition, the victim and the process of "victimization", that is, choosing the victim or falling into the role of victim, is not only an accident, but also a more complex process. So far, in his opinion, in criminology and even in criminal law, the victim was only the innocent person who fell victim to the criminal. More recent criminological research shows, with pertinent arguments, that in many cases the victim also has a causal or enabling role in committing the crime. In other words, the victim, in certain cases, it also becomes a criminogenic factor. On the other hand, often in criminal practice, the rights of the victim are underappreciated. For all these reasons, the concept of victim has become an operational concept and must be investigated by the science of criminology. Moreover, a special science has developed and is developing, namely victimology.*

Another manual of Criminology, written by Dumitru Culcea⁴³, has some short aspects related with the victimological topic on the section *The victim of crime*. He consider that this concept appeared in criminology after the seventh decade of 20th century represents the person against whom the criminal act was directed and appreciate that it is natural that *the victim* to be included in the object of criminology study, along with the criminal and the crime, because the crime necessarily involves the existence of the two actors in a complex process, in which the choice of the victim very often does not occur only by chance, but also by several factors (of different attributes), the victim, herself, having the causal or facilitating role in the committing of a crime.

The recent criminological research, in his opinion, has proven that the victim is a factor with criminogenic content. He have shown before that, the

³⁹ Ibidem

⁴⁰ R.M. Stanoiu, *Introduction in Criminology*, Ed. Academiei, Bucharest, 1989,p.11-12

⁴¹ I. Oancea, *Problems of Criminology*, Ed. All Educational, Bucharest, 1998, p.10

⁴² E. Seelig, *Traite de criminologie*, P.U.F., Paris, 1956, p.188

⁴³ D. Culcea , *Criminology Course*, Ed,. National, 2001, p.13-14

victimization surveys have as their subjects the people who were victims of crimes, on the basis of which data approximates the size of the black figure of crime. The new discipline called "victimology", is very close to "*her mother Criminology*", but the aim of the field of "victimology" is much wider as for criminology, the first including not only the victims of offence, but also those of natural disasters or other behaviors actions that are not considered crimes. The studies of the two sciences overlap only when the subject is the victims of crimes, concluded prof. Culcea.

This preoccupation, with an apparently new theoretical aspect, quickly gained followers, reproaching criminology for directing all its attention also in the works of others, such: Aurel Dincu, Ion Gheorghiu-Bradet, Nicolae Mitrofan, Voicu Zdrenghia, Tudorel Butoi, Constantin Paunescu, Gheorghe Nistoreanu, Costică Paun.

Thus, in 1993, Professor Aurel Dincu considers in the volume "*Basics of criminology*" that victims can initiate criminogenic acts "that integrate concretely, in the socio-human causal process at the end of which intentional crimes with violence are committed".⁴⁴

In 1993, Ion Gheorghiu-Brădet publishes the volume entitled "*Romanian General Criminology*", in which he reveals the imperative requirement of knowledge of victimology, as an integral part of crime.⁴⁵ He believes that the object of victimology includes the consequences of any kind produced by crime and borne by society, population and victims of crimes, but it can also be completed with the interference of the relationship between the aggressor and the victim, as well as with social intervention to restore social order.

It classifies the victims as follows: victims who from birth acquire illnesses and traumas that are part of the hereditary dowry; victims of parents and the family environment; victims of society and its political and legal organization; victims of the law and the judiciary; victims of terrorism and genocide; victims of advanced technology; the victims of their own desired and unwanted actions.

In 1992, Nicolae Mitrofan and his collaborators⁴⁶ revealed the specific characteristics of the following categories of victims: women, children, elderly people, suicides. The research carried out highlighted the role of the victim in the discovery of criminals by highlighting some data that contributed to the legal framing of the act, some data related to the circumstances of its production, the outline of the victim's personality.

⁴⁴ <https://www.hamangiu.ro/ion-aurel-dincu?srsltid=AfmBOoqBAAt-DRuZhxc6SgFaGM5n32y-4rZUIN7daxG1SGg04jE7GFrpC>

⁴⁵ T. Butoi și alții, *Victimology and victim Psychology*, (compendiu universitar), Ed. Pinguin book, București, 2008, p.15

⁴⁶ N.Mitrofan, T.Butoi, V. Zdrenghia, *Forensic Psychology*, Editura Sansa, București, 1992, p.62-103

Two years after, 1994, the psychologist Constantin Păunescu believes that "*both the moment of taking the act and that of triggering the defense system are the result of an increase in the tension of aggression, their causality from the affective nature, the aggressive act being carried out in the presence of factors of intrapersonal, conjunctural and environmental risk*".⁴⁷

In 1996, Gheorghe Nistoreanu and Costică Păun⁴⁸ highlight that until now the study of victimology has been almost totally neglected, although there are complex relationships between the perpetrator and the victim in the production of the criminal act, the victim's contribution cannot be excluded from the scope of a complex causal model, as well as from identifying the extent of real crime.

At the same time, we notice more and more frequently the materialization of an extremely interesting in studies and researches of some authors of police training, e.g. Victimological study, from 2003, belonging to the chief commissioner Nicolae Pescaru.⁴⁹ It develops extremely interesting algorithm: the victim risk - conflict situation, but also talks about the multidimensional protection of the victim (therapeutic, psychological, psychiatric, legal), etc.

The list of names goes on, proving that victimology is an evolving and developing concern.

In Romania, the topic of victimology was poor in publications and studies. In the last decades Prof. Univ. Dr. Tudorel Butoi⁵⁰, expert forensic psychologist, through his numerous publications of treatises, textbooks, monographs, studies and research in the field of forensic psychology and victimology.

Mihai Adrian Hotca, a lawyer concerned of this problematic of the Victimology written a volume named *Protection of Victims - Elements of Victimology*⁵¹. His volume focuses on the victims of crimes, but because an important side of victimology is the prevention of victimization, the paper also addresses the protection measures of some people in precarious situations. At the end of the work, some regulations aimed at preventing victimization and legal protection of people in unfortunate situations (refugees, abandoned children, mentally ill, disabled people) are examined.

The unilateral study of the causes of victimization, i.e. only from the perspective of the criminal, by ignoring the victim of the crime, would constitute an unforgivable error, because the data taken from the examination of the criminal determines a distorted picture of the reality of the causes of the crime and especially in terms of preventing the commission of new crimes. In

⁴⁷ T. Butoi and others, *Victimology and Victimal Psychology*, (compendium university), Ed. Pinguin book, Bucharest, 2008, p.15

⁴⁸ G. Nistoreanu and C. Paun, *Criminology*, Ed. Europa Nova, Bucharest, 1996.

⁴⁹ N. Pescaru, *Victimological study*, S.C. Cuget liber Poligraf, SA. Constanța, 2003.

⁵⁰ T. Butoi, *Forensic Psychology*, (tratat universitar - teorie si practica), Ed. Pinguin Book, Bucharest, 2008, p.81-86

⁵¹ Mihai Adrian Hotca, *Protection of Victims - Elements of Victimology*, Ed. C.H. Beck, Bucharest, 2006

our country, it is inappropriate to talk about the "disadvantage" of the victim in favor of the offender in the activity of scientific criminological research, because in recent years even the offender has been "abandoned" by the factors involved in the activity of scientific research. We consider the lack of an overall criminal policy, since the existence of an exclusive sectoral criminal policy (for example, the fight against grand corruption, smuggling, human trafficking, etc.) even if it is effective in particular, it becomes ineffective in general, if it does not fit into a global strategy

Another book which impressed by the documentation, originality, sensibility and, also by professionalism is the book of Dalina Groza , *Victim's rights. Recovery from forgetfulness*.⁵² Regardless of the historical stage, the form of organization of the society, the legal system or the collective mentality to which we would have belonged, we would have been around criminals and implicitly victims. We don't need denials. We need, however, a realistic and comparative view of the rights of the victim and the offender, in order to say that humanity has mentally, not just chronologically, traveled the distance between justice "tooth for tooth" – as the primitive form of restoring the disturbed balance. through crime and the philosophy of "two front teeth of justice: the victim and the offender" – as an elegant and honest form of approach, generating judicial fairness and psychological comfort.⁵³

Her work naturally combines elements of international, regional and national legislation with case studies, but also with many psycho-sociological aspects, developing a unique transdisciplinary approach in the landscape of specialized literature in Romania. Practically through this book, the author combines the skills of a practitioner (probation counsellor) with a thorough theoretical training, finally preparing a series of recommendations, additions and proposals de *lege ferenda*.

4. Victimology as a discipline in the universities from Romania

We looked for the "Victimology" as an independent discipline. Searching on the websites of many public and private universities, we found that none of the law schools in the country do not have, as an optional discipline, Victimology, at first level. Given the multitude of the European legislation (especially directives) dedicated to victims' rights and protection, as well as the numerous and diversity of Romanian legislation in the field, would be justified to include Victimology in the Law faculties study programs, if not in the bachelor's degree, at least in the master's degrees in Criminal sciences and/or Human rights. We get to an exception: The Law Faculty within "*Dunărea de*

⁵² D. Groza, *Victim's rights. Recovery from forgetfulness*, Ed. Lumen, Iasi, 2006

⁵³ <https://lumenpublishing.com/victims-rights-recovery-from-forgetfulness-dalina-groza/>

Jos" University included on the Master degree curriculum the Victimology (from 2022/2023)⁵⁴.

Also, within the Master's degree in Criminal Sciences from the University of West Timisoara, we identified the discipline of *Penology and Victimology*⁵⁵, whose bibliographic resources are not only poor, but centered almost on the death penalty.

On the contrary, many faculties of Psychology and Educational Sciences or Sociology and Social Work (or such Departments from other faculties) have both, to bachelor's degree and master's degree disciplines such as: *Criminology and Victimology*,⁵⁶ *Methods of intervention in cases of domestic violence*,⁵⁷ *Victims' Sociology*,⁵⁸ *Abuse and domestic violence and Fundamentals of forensic psychiatry and victim psychology*,⁵⁹ etc.

Also, within the Faculty of Theology at the University of Bucharest, we identify the discipline of Victimology. Social assistance for people with trauma, loss and suffering, but the emphasis is on the assistance of victims.

Faculty of Sociology and Social Work of the University of Bucharest, at the Master degree in Sociology, we found as a discipline The sociology of victim with a lot of sections about legislation, taught by a sociologist.⁶⁰

Also, we have to mention the first one master degree program entitled *Forensic psychology and Victimology*, was organized at the private University "Spiru Haret", Faculty of Sociology and Psychology, became Faculty of Psychology and Education Sciences more than 10 years (2004-2017).⁶¹

In conclusion, the discipline of Victimology is taught only in master's degrees in Criminal Sciences, therefore, less so in Law Faculties, but it is more common in master's degrees from the Faculties of Psychology and Sociology.

It is possible that, within the Criminology discipline (compulsory or optional), taught in most Law Faculties, at the undergraduate level, some professors would also introduce the basic issue of victimization and victims' rights, as would be normal.

We can continue, putting forward the idea that a large part of victimological scientific research could be done in faculties by co-opting students in joint projects, especially in faculties where this discipline appears in the curricula.

⁵⁴ <https://www.ugal.ro/studii/studii-universitare-masterat>

⁵⁵ <https://drept.uvt.ro/administrare/files/1705501470-12-penologie-s-i-victimologie.pdf>

⁵⁶ https://www.fssp.uaic.ro/images/fise_disciplina/scv/SCCV07_ro.pdf, University of Iasi

⁵⁷ https://sas.unibuc.ro/assets/fise-discipline-asistenta-sociala/Master_Grupuri_Risc_Servicii_Sociale-Suport/master-i-grss-metode-de-interventie-in-cazurile-de-violenta-domestica-fd-radulescu-ana.pdf, University of Bucharest

⁵⁸ <https://sas.unibuc.ro/assets/Fise%20sociologie/teme-curs-sv.pdf>, University of Bucharest

⁵⁹ Master degree, https://psiedu.ubbcluj.ro/data/uploads/doc/fise-discipline/master-psihologie-judiciara/pmr1721abuz-violenta-domestica_semnote.pdf, University of Cluj

⁶⁰ <https://sas.unibuc.ro/assets/Fise%20sociologie/13-victimologie.docx>

⁶¹ Master degree, <https://pse-b.spiruharet.ro/psihologie-judiciara-si-victimologie>

For example, even the discipline Victimology is not taught at the Faculty of Legal and Administrative Sciences, Bucharest and nor at the Department of Teaching Staff Training, within the "Spiru Haret" University, all of them in their research plan include the topic Reactions to victimization a study which is realized not only in the study of specialized literature (from the world and in the country), but also in the administration of a victimization survey, initially administered to students from the two departments, later having the form of a google forms. Thanks to this technologically transformed form, the questionnaire reached the most remote areas of Romania. Thus, from a questionnaire set for the Bucharest area and neighboring regions, it turned into a national study. The preliminary results will be presented in the fall of 2024 on the occasion of several national, european and international conferences. We will insist and discuss more details about victimological researches and their results in Romania in the next number of this journal.

The support for the introduction of disciplines such as Victimology in the curricula of Law Faculties is also mentioned by a renowned practitioner, namely Mr. Proc.- head of section Cătălin Andrei Popescu from the Prosecutor's Office attached to the High Court of Justice and Cassation⁶², in a magazine dedicated exclusively to the legal aspects of the victimology issue.

At the same time, another argument and at the same time the urge to do scientific research in the field of victimology also comes through Recommendation Rec(2023)2 of the Committee of Ministers to the member states regarding the rights, services and support for victims of crimes, art. 23-26.⁶³

5. Legal framework on victims` protection in Romania

The legislation in Romania regarding the protection of victims was in a permanent dynamic, in our opinion, from the perspective of at least of the following factors:

- the outline and affirmation, after the 1990s, of several forms of crime, which reached the stage of phenomenon that required special regulations
- the increase and diversification of crimes after the 1990s and the need for clearer regulations for certain categories of victims
- Romania's entry into the European Union and the obligation to transpose into the national legislation (under penalties) European legislation (in our field of European directives)
- the entry into force of the new codes: the Criminal Code and the Criminal Procedure Code (in February 2014)

Since space does not allow us to discuss the entire legislation adopted in the mentioned direction, we will select some special laws, obviously with

⁶² C. A. Popescu, *Protecția victimei. O radiografie neromanțată. Nevoia unui plan de redresare*, Revista Prolege, nr. 2/2020, p.19, p.24, <http://revistaprolege.ro/revista-pro-lege-nr-2-2020/>

⁶³ <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52023PC0424>

reference to the Criminal Code and the Criminal Procedure Code, implicitly to some European Directives.

We have in mind the basic special laws regarding the protection of victims: Law no. 211/2004 regarding some measures to ensure information, support and protection of crime victims, Law no. 217/2003 regarding the prevention and combating of domestic violence and Law no. 678/2001 on preventing and combating human trafficking.

5.1. Law no. 211/2004 regarding some measures to ensure information, support and protection of crime victims

After the transposition of the **Directive 2012/29/EU** of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA ⁶⁴ there have been three laws modified. The first one was law no. 211/2004.⁶⁵

Regarding law no. 211/2004, the very title of the law was changed, previously it was called "*concerning some measures to ensure the protection of crime victims*". Thanks to the directive, 15 articles of Law no. 211 of May 27, 2004 have been modified/extended, out of a total of 37 articles.

The law establishes for the Support and Protection Services granted both to victims of crimes and to their family members, several types of assistance measures that directly address the needs of the victim (direct and indirect), namely:

- informing crime victims about their rights, advice on the role of the victim in criminal proceedings, including preparation for participation in the trial
- psychological counseling
- referring the victim to other specialized services, when appropriate: social services, medical services, employment services, education services or other services of general interest provided under the law.

- social insertion/reinsertion services;

- emotional and social support for the purpose of social reintegration;

Free legal assistance for people who were victims of **attempted**: murder, aggravated murder and especially serious murder, the crime of serious bodily harm, an intentional crime that resulted in serious bodily harm to the victim, a crime of rape, sexual intercourse with a minor and sexual perversion.

Also, indirect victims, i.e., the spouse, children and dependents of deceased persons can also benefit from free legal assistance in the cases of serious crimes.

The most important victim protection mechanism provided by law concerns the financial compensation granted by the state to the victims of

⁶⁴ <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32012L0029>

⁶⁵ <https://legislatie.just.ro/Public/DetaliuDocument/52468>

certain crimes.⁶⁶ A special attention must be taken into account if the perpetrator is unknown, insolvent⁶⁷ or missing, the damages are borne exclusively by the victim of the crime. Financial compensation is granted within the limit of an amount equivalent to 10 minimum gross basic salaries per country established for the year in which the victim submitted the request for financial compensation. Precisely because the purpose of granting the financial compensation does not represent the double compensation of the victim, the compensation granted by the state has a subsidiary character⁶⁸, the sums of money paid by the perpetrator as civil compensation and the compensation obtained by the victim from an insurance company for the damages caused by committing the crime are deducted from the amount of financial compensation granted by the state to the victim.

A special protection is enjoyed by the minor victim, because if neither he nor his legal representative has submitted the request for financial compensation within the terms provided by law, these terms begin to run from the date the victim turned 18 years old. Likewise, indirect victims of crimes that resulted in the victim's death (spouse, children and dependents, related to the listed crimes) can also benefit from compensation under some conditions.

Among this changes we could mention is the definition of secondary victimization: in article 3⁴, letter e) of secondary victimization - the trauma suffered by the victim, which does not appear as a direct result of the criminal act, but through the reaction towards the victim of the institutions and the people with whom it comes into contact. Also, a new provision in accordance with art. 3¹ "(1) *In order to provide support and protection services for victims of crimes, in the organizational structure of each general directorate a compartment is established for supporting victims of crimes, a structure within which at least three specialists will work, respectively: social worker, psychologist, legal advisor.*"

Sharing a recent initiative proposed by the ANAIS⁶⁹ association and its collaborators, the Romanian Society of Victimology⁷⁰ supports this approach, having as its main motivation the fact that the obstacles faced by victims, currently (in fact, for 20 years, since the law existed), in accessing their rights, it imposes the legislative solutions that the draft law proposes (as a quantitative argument, at the country level, in a year, there are only a few requests before the courts).

It is pointed out by the authors of the legislative amendment that there are other practical problems that resulted in a new situation of legislative

⁶⁶ advice on the financial and practical aspects subsequent to the crime

⁶⁷ Aspect also noticed by B. Mendelsohn in his works, since the 1950s-1960s

⁶⁸ M. Mareș, *Protecția martorilor și a victimelor infracțiunilor*, Ed. Universul Juridic, București, 2024, p.252

⁶⁹ <https://asociatia-anais.ro/>

⁷⁰ <https://victimologie.ro/>

vacuum that must be corrected, by generating new legislative solutions. It is about the advance from the financial compensation in cross-border situations.

Thus, at the Senate, the legislative proposal was registered under no. L419/2024 and also aims at repealing the condition of proving the perpetrator's insolvency for access to financial compensation from the state represents an enormous obstacle for the victims, even for those who are currently provided by law as holders of the claim.

Therefore, the analyzed law, on the one hand, regulates the information, support and protection measures granted to victims of crimes, and on the other hand, enshrines several cumulative rights: their right to be recognized as such from the moment of identification, to correctly and completely informed in time, to be treated with respect, professionalism, to benefit from an individualized assessment and protection, to obtain financial compensation and, possibly, to have his rights restored.

5.2. Law no. 217/2003 regarding the prevention and combating of domestic violence

The previous name of this law was "*the prevention and combating of violence in the family*". They are a lot of Romanian literature (volumes, articles) about this subject, even with inter- and trans-disciplinary approaches.

In Romanian legislation, it was initially considered that the events that happen within a family are problems related to private life, but at the moment when the scope (quantity) and intensity (murder, attempted murder) of the negative ones exceeded expectations, with effects serious endangering the life, health, safety of the victims (adults and/or children from a family or cohabitation relationship), then the state reacted by adopting normative acts of the nature of severely sanctioning some crimes, but also to protect and secure the victims and minor witnesses (recently). The intervention of the statute through coercive, punitive measures can also be argued from the point of view of ensuring the quality of life, as a guarantor of respect for human rights.⁷¹

Precisely for this reason, we will try to trace the trajectory of these changes aimed at ensuring and restoring balance in the couple, as well as providing protection and multidisciplinary consultation to the victim.

When we talk about family violence, we have in mind, from the point of view of legislation, first of all, the Criminal Code⁷² and the Criminal Procedure Code⁷³ each of these amended after February 2014, the date of entry into force

⁷¹ A. Preda, *Historical landmarks regarding domestic violence in Romania (I)*, in Journal of History and philosophy, vol. 1 (6), issue 2, febr.2024, Romania de Maine Foundation Publishing House, Bucharest, p. 135

⁷² Lege nr. 286/2009, <https://lege5.ro/Gratuit/gezdmnrzgi/codul-penal-din-2009>

⁷³ Legea nr. 135/2010, <https://lege5.ro/Gratuit/geztkobvha/codul-de-procedura-penala-din-2010>

of both. Regarding the Criminal Code, the special part, most of these crimes are grouped in Title I - Offenses against the person (art. 188-227), according to the following chapters:

Chapter I - Crimes against life, Chapter II - Crimes against bodily integrity or health, Chapter III - Crimes committed against a family member, Chapter IV - Aggression against the fetus, Chapter V - Crimes regarding the obligation to assist those in danger, Chapter VI - Crimes against personal freedom, Chapter VII - Trafficking and exploitation of vulnerable people, Chapter VIII - Crimes against sexual freedom and integrity. Chapter IX - Crimes affecting the home and private life. the provisions of art 199, with the two paragraphs that refer to some articles listed previously.

”(1) If the facts provided in art. 188, art. 189 and art. 193-195 are committed against a family member, the special maximum of the punishment provided by the law is increased by a fourth.

(2) In the case of the crimes provided for in art. 193 and art. 196 committed against a family member, the criminal action can also be initiated ex officio. Reconciliation removes criminal liability.”

Therefore, the first paragraph supplements the criminal sanction, precisely to act as a lever for general prevention.

If we refer to the Criminal Procedure Code, we note art. 79 which defines the injured person as the person who suffered a physical, material or moral injury through the criminal act.⁷⁴ Further, according to art. 81, entitled The rights of the injured person, the set of these rights is presented, provided for in paragraph (1):

- a) the right to be informed about his rights;
- b) the right to propose the administration of evidence by judicial bodies, to raise exceptions and to make conclusions;
- c) the right to make any other requests related to the resolution of the criminal side of the case;
- d) the right to be informed, within a reasonable time, about the stage of the criminal investigation, upon his express request, on the condition that he indicates an address on the territory of Romania, an e-mail or e-mail address, to which this information to be communicated to him;
- e) the right to consult the file, under the law;
- f) the right to be heard;
- g) the right to address questions to the defendant, witnesses and experts;
- g¹) the right to benefit from an interpreter free of charge when he does not understand, does not express himself well or cannot communicate in Romanian. In urgent cases, technical means of communication can be used, if it

⁷⁴ <https://lege5.ro/Gratuit/geztkobvha/art-79-persoana-vatamata-codul-de-procedura-penala?dp=gqztimbzq3te>

is judged that this is necessary and that it does not prevent the exercise of the injured person's rights;

g²) the right to be notified of the translation in a language he understands of any decision not to send him to court, when he does not understand the Romanian language;

h) the right to be assisted by a lawyer or represented;

i) the right to appeal to a mediator, in cases permitted by law;

j) other rights provided by law.

Returning to the title of the section, some clarifications are required. Law no. 217/2003 on the prevention and combating of family violence, was substantially modified by another normative act: Law no. 25/2012 which regulates several aspects such as:

- a definition of family violence consisting of action or inaction

- the 8 forms of violence and brief explanations of their content

- what is meant by family member

- the rights of the victim

- about the attributions of the central and local public administration authorities, as well as of the ministries and other specialized central bodies of the public administration, through their territorial structures, in this matter

- the 5 types of units for preventing and combating domestic violence (art. 23)

Regarding the rights of the victim, a comparison with the rights of the injured person in the criminal process is pertinent and indicated. We consider art. 2³ of the new law, newly introduced, which has the following content: The victim of domestic violence has the right: a) to respect his personality, dignity and private life; b) to information regarding the exercise of his rights; c) to protection special, appropriate to his situation and needs; d) to counseling, rehabilitation, social reintegration services, as well as to free medical assistance, under the conditions of this law; e) to free counseling and legal assistance, under the conditions of the law.

At the same time, the most important tool that the legislator puts at the disposal of the direct and indirect victims is the protection order issued by the judge, on which occasion he can temporarily dispose of one or more of the following measures - obligations or prohibitions:

- a) temporary eviction of the aggressor from the family home, regardless of whether he is the owner of the property right;

- b) reintegration of the victim and, as the case may be, the children, into the family home;

- c) limiting the aggressor's right to use only a part of the common home when it can be shared in such a way that the aggressor does not come into contact with the victim;

- d) obliging the aggressor to keep a certain minimum distance from the victim, from her children or from her other relatives or from the residence, workplace or educational unit of the protected person;

- e) the prohibition for the aggressor to move to certain localities or determined areas that the protected person frequents or visits periodically;
- f) prohibition of any contact, including telephone, correspondence or in any other way, with the victim;
- g) obliging the aggressor to hand over the possessed weapons to the police;
- h) entrusting minor children or establishing their residence.

In time, the special law no. 217/2003 was later amended by normative acts, such as:

- Government ordinance, approved by Law no. 160/2015
- Law no. 272/2015
- Law no. 351/2015
- Law no. 35/2017
- Law no. 174/2018
- Law no. 212/2019
- Law no. 106/2020
- Law no. 146/2021⁷⁵ regarding electronic monitoring in the framework of criminal judicial and execution procedures, etc.

The last three laws also refer to the protection order. Thus, according to Law no. 272/2015, which has a single article, only art. 31 of Law no. 217/2003 in the sense that a copy of the decision by which the request for the issuance of the protection order was ordered is communicated, within a maximum of 5 hours from the moment the decision is pronounced, to the structures of the Romanian Police in whose territorial radius the victim's residence is located and/or of the aggressor.

Also in 2015, this law, Law no. 217/2003, was also amended, also through a single article. This time the amendment referred to art. 27 para. (1) from Law no. 217/2003 for the prevention and combating of family violence, with the following content: *"Requests for the issuance of the protection order are judged urgently and, in any case, their resolution cannot exceed a term of 72 hours from the submission of the request. Applications are judged in the council chamber, the participation of the prosecutor being mandatory"*.

According to law no. 35/2017 regarding the completion of art. 23 of Law no. 217/2003 for the prevention and combating of family violence, the single article intervenes after paragraph (3) of article 23 of Law no. 217/2003 for the prevention and combating of family violence.⁷⁶ Therefore, a new paragraph is introduced, paragraph (4), with the following content: *"(4) By the same decision, the court can order the taking of a measure to control compliance with the protection order and to prevent its violation, such as: a) obliging the aggressor to*

⁷⁵ <https://legislatie.just.ro/Public/DetaliuDocumentAfis/242354>

⁷⁶ Institutul Român pentru Drepturile Omului (IRDO), Drepturile femeilor. O viață fără violență este dreptul fiecărei femei, București, 2023, p.60

*appear periodically, at a time interval determined by the court according to the circumstances, to the competent police station with the supervision of compliance with the protection order; b) obliging the aggressor to provide information to the police body regarding the new residence, in the event that through order was ordered to evict him from the family home."*⁷⁷

Other laws or subsequent acts that need to be mentioned are:

- **Law no. 174/2018** regarding the amendment and completion of Law no. 217/2003 for the prevention and combating of family violence, according to which the provisional protection order can be issued and signed by the police officer on duty.

- **Order of the Minister of Internal Affairs no. 146/2578/2018** on the method of handling cases of domestic violence by the police, as well as related aspects with incidence in criminal matters

- **Order of the Minister of Labor and Social Justice (OMJS) no. 2525/2018** on the approval of the Procedure for emergency intervention in cases of domestic violence

- **Law no. 212/2019**, regarding the amendment of para. (1) of art. 30 of Law no. 217/2003 for preventing and combating domestic violence: "*Art. 30- (1) The decision resolving the request for the issuance of the protection order is only subject to appeal, within 3 days from the pronouncement if it was issued with the summoning of the parties and from the communication if it was issued without summoning them.*" grants the victim an essential right of which she was deprived until now. She will be able to appeal in court, the rejection of a protection order by a judge, in the process of consultation of the legislator with civil society.⁷⁸

- **Law no. 233/2020** for the amendment of art. 199 para. (2) from Law no. 286/2009 regarding the Criminal Code, "In the case of the offenses provided for in art. 193 and art. 196 perpetrated on a family member, the criminal action can also be initiated ex officio", allowing the continuation of the criminal liability of the offender even after the reconciliation of the parties or the withdrawal of the victim's complaint.⁷⁹

- **Government Decision no. 592/2021** - NATIONAL STRATEGY for the prevention and combating of sexual violence "SYNERGY" 2021 - 2030, promotes multidisciplinary intervention, without stereotypes, with equal opportunities between women and men, responsibility, guides and work tools, information and training, education for all the levels.

- **Government Decision no. 1.547/2022** for the approval of the National Strategy regarding the promotion of equal opportunities and treatment between women and men and the prevention and combating of domestic violence for the

⁷⁷ <https://www.mmuncii.ro/j33/images/Documente/Legislatie/L35-2017.pdf>

⁷⁸ The ANAIS association contributed in a special way to the success of this legislative initiative.

⁷⁹ <https://lege5.ro/gratuit/gm4taojzgyya/legea-nr-233-2020-pentru-modificarea-art-199-alin-2-din-legea-nr-286-2009-privind-codul-penal>

period 2022-2027,⁸⁰ as well as the Operational Plan for the period 2022-2027 for the implementation of the Strategy. The role of the National Agency for Equal Opportunities between Women and Men is defined to promote the principle of equal opportunities and treatment between women and men, in order to eliminate all forms of discrimination against women. The decision envisages the establishment and development of services intended for the protection of victims of domestic violence, in parallel with the provision of institutional capacity to implement projects in their support.

Closely connected with law no. 217/2003 is Law no. 146 /2021 on electronic monitoring in the framework of criminal judicial and executive proceedings.⁸¹ By HG 1.025/2022, it was established that electronic monitoring is applied, in a pilot system, in the case of simple, provisional and European protection orders. From October 1, 2022, monitoring by electronic bracelet is applied in stages, per county, but by the end of 2025 the entire country will be covered.

Another impactful change in the field is Law no. 240/2023 regarding the amendment of Law no. 217/2003 for the prevention and combating of domestic violence raises the level of protection of the victims, giving the possibility of a quick intervention in case of danger. The maximum duration of the protection order is increased from 6 months to 12 (one year).⁸²

Law No. 26/2024 regarding the extended protection order entered into force on August 31, 2024. It was initiated with the aim of protecting all victims, regardless of the relationship that exists between them and the aggressor. Until this moment, the protection order and the protection order provisionally they only protected victims of domestic violence, but from now on, through the new normative act, the perimeter of the family is exceeded and the protection offered becomes general.⁸³

Although the legislation in the field of domestic violence is very generous, we expect new changes following the adoption of a new European directive in this field: Directive (eu) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.⁸⁴

5.3. Law no. 678/2001 on preventing and combating human trafficking⁸⁵

Also, this is a law amended quite often to become an effective tool, promptly both for the competent institutions, for the NGOs connected to this

⁸⁰ https://www.mmuncii.ro/j33/images/Documente/MMPS/Transparenta_decizionala/09032021Anexa_1_SNESVD_cu_ANDPDCA_CNPP_29_01.pdf

⁸¹ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/242354>

⁸² <https://legislatie.just.ro/Public/DetaliiDocumentAfis/272310>

⁸³ <https://legislatie.just.ro/Public/DetaliiDocument/279559>

⁸⁴ https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:L_202401385

⁸⁵ <https://legislatie.just.ro/Public/DetaliiDocument/32589>

problem, as well as for the victims` protection. We will present them in a chronological order:

- Emergency Ordinance no. 194/2002 regarding the regime of foreigners in Romania⁸⁶
- Emergency Ordinance no. 79/ 2005 for the amendment and completion of Law no. 678/2001 on preventing and combating human trafficking⁸⁷
- Law no. 230/2010 for the amendment and completion of Law no. 678/2001 on preventing and combating human trafficking⁸⁸
- Emergency Ordinance no. 41/2011 for the amendment of Law no. 678/2001 on preventing and combating human trafficking ⁸⁹
- Law no. 187/2012 for the implementation of Law no. 286/2009 regarding the Criminal Code
- Law no. 255/ 2013 for the implementation of Law no. 135/2010 on the Code of Criminal Procedure and for the amendment and completion of normative acts that include criminal procedural provisions⁹⁰
- Emergency Ordinance no.100/2022 regarding the approval and implementation of the National Plan of measures regarding the protection and inclusion of displaced persons from Ukraine, beneficiaries of temporary protection in Romania, as well as for the modification and completion of some normative acts⁹¹
- Law no. 136/2023 for the amendment and completion of Law no. 678/2001 regarding the prevention and combating of human trafficking, as well as for completing the Government Emergency Ordinance no. 97/2005 regarding the records, domicile, residence and identity documents of Romanian citizens ⁹²

6. Public authorities involved public involved in the prevention of victimization/revictimization

There are several institutions subordinated to different ministries that, through the activities they carry out according to their legal attributions and competences, implicitly assume aspects related to either the prevention of secondary victimization, or the prevention of victimization and/or re-victimization.

6.1. Institutions subordinate to the Ministry of Internal Affairs

The presentation begins with the institutions subordinate to the Ministry of Internal Affairs (MAI), for two reasons. On the one hand, its structures, as a

⁸⁶ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/41005>

⁸⁷ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/63316>

⁸⁸ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/124159>

⁸⁹ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/128117>

⁹⁰ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/150697>

⁹¹ <https://legislatie.just.ro/Public/DetaliiDocumentAfis/256915>

⁹² <https://legislatie.just.ro/Public/DetaliiDocumentAfis/270735>

rule, first come into contact with both criminals and victims, on the other hand, these structures are more numerous, being specialized in different forms of crime, respectively types of victimization. From the latter, we have selected a few that, in our opinion, have high prevalence and incidence with respect to the mentioned theme. So, they will refer to some central structures as well as to some territorial or sectoral ones.

We are talking about the following institutions:

- The Institute for Research and Crime Prevention⁹³ (ICPC) - the research of this institute is available on the institution's website and represents not only a scientific diagnosis of some types of victimization, but also a source of inspiration for new research/analysis⁹⁴.

- The National Agency Against Trafficking in Persons⁹⁵ (ANITP) fulfills the role of national rapporteur, collecting data from governmental and non-governmental actors working in the field of combating human trafficking, also with campaigns and lectures on this topic at different educational or cooperatives institutions.

- The National Anti-Drug Agency⁹⁶ (ANA)- The CPECA centers, existing as territorial structures of the ANA, also carry out prevention activities at the request of some institutions (of pre-university and/or university education, public or private), launch prevention campaigns, but they are prepared also for emergency intervention.

- The General Anti-corruption Directorate⁹⁷ (DGA) – specialized institution on organizing and carrying out activities at the request of the beneficiaries (eg information and training activities, education activities to promote integrity, etc.).

All the agencies subordinate to the Ministry of Internal Affairs have emergency telephone numbers on the front page where they can call to report an antisocial act in the respective field or request help, information, measures.

6.2. Institutions subordinate to the Ministry of Family, Youth and Equal Opportunities

The most relevant institution subordinated to this ministry and relevant to the debated topic is the *National Agency for Equal Opportunities between Women and Men* (ANES).⁹⁸

Among the most important goals of this agency with relevance for the topic addressed, are the following:

⁹³ <https://www.politiaromana.ro/ro/structura-politiei-romane/unitati-centrale/institutul-de-cercetare-si-prevenire-a-criminalitatii>

⁹⁴ <https://www.politiaromana.ro/ro/prevenire/violenta-domestica>

⁹⁵ <https://anitp.mai.gov.ro/despre-noi>

⁹⁶ <http://ana.gov.ro/>

⁹⁷ <https://www.mai-dga.ro/storage/2023/02/Bilant-DGA-2022-pentru-BIRP.pdf>,

⁹⁸ <https://www.rfi.ro/social-134467-guvernul-adoptat-strategia-nationala-pentru-prevenirea-si-combaterea-violentei-sexuale>

- Continuous training of all categories of relevant professionals (teachers, doctors, psychologists, police officers, judges, prosecutors, social workers, etc.), as well as representatives of NGOs active in the field, on the topic of preventing and combating sexual violence in all its forms, including acts committed in the online environment;

- Development and approval of a mandatory educational content for mass education at all levels, adapted according to age, on the topic of preventing and combating sexual abuse of any type and from any medium, including online;

- Annual information and awareness actions on the topic of preventing and combating sexual violence addressed to journalists, bloggers and vloggers whose activity has an impact on children and adolescents;

- Analysis of the current legislative framework from the perspective of the need to ensure safety in the online environment, to combat pornography, revenge pornography, harassment and blackmail regarding the dissemination of materials with sexual content;

- Information activities for children, young people and parents regarding the management of dangers in relation to accessing online social media platforms;

- Analysis of the need to establish cyber patrol services/compartments at the level of the national police;

- Strengthening the capacity of support services for crime victims, services within the DGASPC;⁹⁹

A free number is available for victims or other persons for support, counseling, guidance (Non Stop Telephone Line 0800500333)

6.3. Local councils

The General Directorate of Social Assistance and Child Protection (DGASPC)¹⁰⁰ at the level of each sector in the capital and in every county of the country is the public institution with legal personality established under the local council of the respective sector. The general purpose is to ensure the application of social policies in the field of child protection, family, elderly people, people with disabilities, as well as other people, groups or communities in social need, with a role in the administration and granting of social assistance benefits and services.

In order to carry out the duties provided for by law, the DGASPC of the sector performs, mainly, the following functions relevant to the topic of the article:

- coordination of social assistance activities and protection of the family and the rights of the child, persons with disabilities, victims of domestic violence, elderly persons, etc., as well as measures to prevent and combat

⁹⁹ <https://anes.gov.ro/wp-content/uploads/2023/01/Raport-de-activitate-ANES-2021-1.pdf>

¹⁰⁰ <https://dgaspc4.ro/despre-noi/organizare.html>

situations of marginalization and social exclusion in which there may be certain groups or communities at the level of the county, respectively of the sector of the municipality of Bucharest;

- of communication and collaboration with the decentralized public services of the ministries and institutions that have responsibilities in the field of social assistance, with local public social assistance services, as well as with representatives of civil society that carry out activities in the field, with representatives of private providers of social services, such as and with the beneficiary persons;

- of execution, by ensuring the human, material and financial means necessary for the implementation of strategies regarding anti-poverty actions, preventing and combating social marginalization, as well as for solving individual and collective social emergencies at the level of the county, respectively of the sectors of the city of Bucharest;

- promoting human rights, a positive image of individuals, families, vulnerable groups¹⁰¹.

7. The main NGOs involved in victims` protection

7.1. The VIF network (**Violence against Women**)¹⁰² brings together several NGOs that work in the area of combating and preventing victimization and re-victimization, even secondary victimization. The network for preventing and combating violence against women is an informal structure, without legal personality, that brings together organizations active in the field of promoting women's rights, protecting victims of gender-based violence and combating gender-based discrimination. The member organizations in the Network are:

1. TRANSCENA Association, Bucharest
2. Association of Women Against Violence ARTEMIS, Cluj-Napoca,
3. SENSIBLU Foundation, Bucharest,
4. GRADO Association – Romanian Group for the Defense of Human Rights, Bucharest,
5. Partnership Center for Equality Foundation, Bucharest,
6. Association for Freedom and Gender Equality, A.L.EG., Sibiu,
7. Association of the Center for Curricular Development and Gender Studies: FILIA, Bucharest
8. FRONT Association, Bucharest,
9. ANAIS Association, Bucharest,

¹⁰¹ <http://www.dgaspc-sectorul1.ro/UPLOAD/2021/Protec%C8%9Bia%20Copilului/COMPARTIMENTUL%20PENTRU%20SPRIJINIREA%20VICTIMELOR%20INFRAC%C8%9BAIUNILOR.pdf>

¹⁰² <https://violentaimpotrivafemalelor.ro/>

10. E-ROMNJA – Association for the Promotion of Women's Rights
Rome, Bucharest,
11. East European Institute for Reproductive Health – IEESR, Tg. Mureș
12. Center for Mediation and Community Security Foundation - CMSC, Iasi
13. ALTERNATIVE STEP, Brașov
14. INOVATRIUM Association, Timisoara
15. Society of Bucovinine Ladies, Suceava
16. ATENA DELPHI Association, Cluj-Napoca
17. SEVA Association – Equal opportunities – Value – Authority, Suceava
18. SPICC Association – Solidarity, Participation, Inclusion, Communication,
Cooperation, Timișoara
19. Quantic Association, Bucharest
20. All for family association, Constanța
21. Association of University Women, Bucharest
22. Viitor – Integrity – Success Association (V.I.S), Constanța
23. Association Psychosfera Brașov

We notice that most of the organizations are from Bucharest, moreover they are also the most active in the field of combating and preventing victimization. Some of them apply jointly for projects, sometimes together with ANES or separately, organize awareness marches, carry out joint studies, post statistical data. Another observation consists in the fact that some are mainly specialized in courses, others in prevention campaigns, some have proposals to improve legislation, others offer shelters to victims, some publish articles and books, others publish training volumes/articles for specialists in the justice system criminal and support assistants.

7.2. ProTECT network¹⁰³

Human trafficking is the slavery of the modern era, where some people profit from the control and exploitation of others. Whether we're talking about sexual exploitation, forced labour, forced begging or child trafficking, together the organizations on this platform are fighting to change that.

By way of enumerative title, we show the members of ProTECT: *Abolishion* (since 2013 and until now Abolishion has offered direct services to 11,694 beneficiaries), *ADPARE* (promoted the rights of victims and followed the development of collaboration with other institutions, both at the national level and and international), *AIDRom* (was founded in 1991 and is a platform for ecumenical dialogue between the Churches in Romania), *Salvation Army Romania* (actions to prevent and raise awareness of human trafficking, carried out in programs for children, young people, people who live in vulnerable conditions), "*Generație Tânără*" *Association* (Unga-Liv - active in the field of

¹⁰³ <https://traficdepersoane.ro>

assistance and protection of victims of human trafficking, but also on the component of preventing human trafficking since 2001), *Social Alternatives Association* (assisted over 38 thousand of beneficiaries, created over 45 specialist publications and trained over 6000 specialists within over 100 projects, *Association Centrul Creștin Betania* (afterschool courses in Cheresig, Gepiu, transit house for beneficiaries from DGASPC Bihor), *Association F.R.E.E - Redeemed and Liberated Women* (offers • "Casa Talita" residential program "Outreach indoor, outdoor and online" • "Day Centre"), the *Bucovina Institute for Social Partnership Association*, the *IZA Association* (in Bucharest and Tulcea, prevention programs for vulnerable women are being held), the Center for the Study of Democracy (Cluj), *Dorcas Aid Romani*, *eLiberare* (courses with 832 social workers, 327 priests, 39 labor inspectors, 126 policemen and future policemen, 265 community workers and people working in social NGOs), the *Micu Bogdan Foundation* (awareness and prevention actions through educational activities carried out in schools and institutions, as well as training sessions for different relevant actors, police, social workers), the *Missio Link International Foundation* (programs for their social inclusion, but also for the prevention of child exploitation and human trafficking in high-risk communities), the *People to People Foundation* (since 2009 is a provider of specialized assistance services for victims of human trafficking people), *Open Door Foundation* (assists 90 survivors annually, since 2013), *International Justice Mission – Romania*, *Justice and Care – Romania*, *LiberatED* (an educational curriculum dedicated to prevention), *LOGS* (Over 300 minor students took part in the activities of prevention of human trafficking, from 2019). Members of the ProTECT platform come together in 5 working groups: Protection and Specialized Assistance, Research, Prevention, Education and Training, Detection and Notification of Human Trafficking Cases, Public Policy and Advocacy.

7.3. There are other institutions (public authorities and non-governmental organizations¹⁰⁴) involved and dedicated to the protection of victims, but space does not allow us to develop this subject except in a future issue.

Conclusions

Regardless of the forms of victimization and regardless of the types of victims, we believe that there should be more information and awareness campaigns, especially at the level of vulnerable groups and in rural areas, especially at this moment of societal evolution when "unfortunately only the limits of technology matter."

In my opinion, it is necessary in some institutions to employ a larger number of specialized personnel in the territorial centers of ANITP (at this moment the Bucharest territorial center has two people, and the social worker

¹⁰⁴ Necuvinte, ALEG, etc.

serves the capital and 5 neighboring counties) and the implementation of prevention campaigns, especially in the counties where more victims come from, depending on the type of exploitation. Also, the same recommendation for the National Anti-Drug Agency, CPECA centers.

Such needs for more numerous and specialized staff (from employment and/or even over time) are also felt at the level of other public institutions such as ANES and DGASPCs, the problem faced by employees being more and more difficult.

Also, at the same time, public policies and effective measures are required for the consistent reduction of vulnerabilities (poverty, lack of education, inadequate family environment, lack of opportunities, etc.), they are more than necessary. At the same time, an additional fund or partnership projects would be required for many NGOs involved in this field. As we know, some of them closed their doors during the pandemic due to this problem. Others preferred to convert to refugee centers/camps because they were able to obtain the necessary funds more easily and quickly.

It is felt at the level of scientific research the need for an Institute with the role of coordinating research in this field, and not only that. We have in mind the broken destiny, twice, of the National Institute of Criminology, which in the period 2002-2007 managed to develop landmark works referring to different forms of crime, but also in the field of victimization.

It is true that there is an Institute for Research and Prevention of Crime at the MAI level, but the data is processed from its own system. There are other Crime Prevention departments within several ministries, but their results are not very visible, with little impact, in our opinion.

On the part of the academic environment, a deep involvement is required in the following directions:

- to organize many more national conferences with national and international participation
- to publish the articles/volumes as a result of each edition of these conferences
- to promote and participate in several campaigns with all institutions, NGOs, other entities, in the field of preventing any type of victimization
- to promote the positive results of all these activities whenever opportunities arise
- to contribute, after consultations in work teams, to the promotion of ferenda law proposals

Also, for a positive feedback it is important to start the research studies with a pilot unit (perhaps at the sector, capital level), then think about a longitudinal study, improve the conditions at this level and then generalize this type of experience in other counties.

In other words, there is a lack of empirical research that brings causality and potential viable victimization prevention measures to the fore.

We mention in this sense that many European countries have national Societies of Victimology with their own journal (e.g. Serbia). Several researchers, teachers, mediators, doctors, lawyers, psychologists, etc. they considered it the right moment to establish a Victimology Institute or a Victimology Association, with branches in the country. In this sense, the Romanian Society of Victimology (SRV) was created in the summer of 2022 (July) with the role of initially coordinating the fundamental research activity in this matter (analyzing the legislation and administrative measures taken to prevent victimization and control crime), but also to carry out empirical research, to promote and support campaigns to prevent any type of victimization, together with public and private entities.

In this regard, we underline few of the initiatives of the Romanian Society of Victimology (SRV):

- the organization and holding of the first National Conference with international participation, from November 2020, the two traditional sections in Romanian and since October 29, 2022, a section in English, with guests from outside the country,

- the participation of SRV members in several national and international conferences

- concluding collaboration protocols with various institutions in the field

- starting some unique researches in the country (in some faculties of the "Spiru Haret" University and in some penitentiaries in Romania, with the aim of identifying the black figure of victimization, the causes of the types of victimization and the main directions of prevention, etc.)

- in the process of finalizing some projects with DGASPC sect. 2 and with a police station from sect. 1

- the participation of some SRV members in training and specialization courses on forms of victimization, etc.

REFERENCES

VOLUMES, chapters, articles

Jo-Anne Wemmers, *Victimologie. Une perspective canadienne*, Presse de l'Université du Québec, Québec, 2017, p.23-25;

Ezzat Fattah, *La Victimology – Science sociale ou travail social?*, Liege, 2022, p.59 ;

Caroline Villacampa Estiarde and others, *Introduction a la Victimologia*, Ed. Sintesis, Madrid,2019, p.28, p. 57 ;

Roberta Bisi, *Vittimologia. Dinamiche relazionali tra vittimizzazione e mediazione*, Ed. Franco Angeli, Miano,2004, p.112 ;

Micheline Baril, *L'envers du crime*, Ed. L'Harmattan, Paris, 2002, p. 18, 24, 25 ;

- R. Cario, *Victimologie – De l'effraction du lien intersubjectif à la restauration sociale*, vol.1, 3^{ème} édition, L'Harmattan, Paris, 2006, p.29, 31, 35-36, 102, 116,120-123, 131-132, 194 ;
- R. Gassin, S. Cimamonti and P. Bonfils, *Criminologie*, Ed. Dalloz, 2011, 7^{ème} édition, p.28 ;
- G. Lopez and S. Tzitzis, *Dictionnaire des sciences criminelles*, Ed. Dalloz, p. 963-964;
- Gerard Lopez, *La Victimologie*, ed. Dalloz, 2nded., 2014, p.20;
- Anne-Blandine Caire, *Criminologie*, Ellipses Edition Marketing S.A., 2022, Paris, p.110;
- Gheorghe Scripcaru and Vasile Astarastoe, *Clinical Criminology*, Polirom Publishing house, 2003, Iasi/ Bucharest, p. 84;
- S. Prună, *Judicial Victimization*, Ed. Ministerului Administratiei și Internelor, 2003, p.57, p.63-64;
- G. Basiliade, *Comprehensive Criminology*, Bucuresti, Ed. Expert, 2006, p.846-847;
- B. Mendelsohn, *A new branch of bio-psycho-social science: victimology*, *Revue Internationale de criminologie et de police technique*, 1956, vol. XI, nr. 2, p. 95-109
- C.Necula, PhD thesis, unpublished, p. 6;
- B. Mendelsohn, *Rape in criminology*, in the journal „*Criminal justice*”, Roma, 1940;
- Susanna Vezzadini, *Criminal mediation between the victim and the perpetrator*, Clueb Publishing House, Bologna, 2003, p. 27;
- G. Sion, *Landmarks about Victimology, victimization and victims in Romania*, Ed. Sitech, Craiova, 2021, p.16;
- R.M. Stanoiu, *Criminology*, Ed. Oscar Print, Bucharest, 1998, p. 24;
- Tudor Amza, *Criminology*, Ed. Lumina Lex, Bucharest ,1998, p. 36;
- Ion Oancea, *Problems of Criminology*, Ed. All Educational, Bucharest, 1998, p.10;
- E. Seelig, *Traite de criminologie*, P.U.F., Paris, 1956, p.188;
- Dumitru Culcea, *Criminology Course*, Ed. National, 2001, p.13-14;
- Tudorel Butoi and colab., *Victima, Victimologie, victimizare, abordarea cuplului penal victima-agresor din perspectiva socio-psihologica, medico-legala si juridica*, Ed. ProUniversitaria, Bucharest, 2019, p. 11;
- Tudorel Butoi și alții, *Victimology and Victimal Psychology*, (compendiu universitar), Ed. Pinguin book, Bucharest, 2008, p.15;
- Nicolae Mitrofan, T.Butoi, V. Zdrengea, *Forensic Psychology*, Editura Sansa, Bucharest, 1992, p.62-103;
- Gheorghe Nistoreanu and Costică Paun, *Criminology*, Ed. European Nova, Bucharest, 1996;
- Nicolae Pescaru, *Victimological study*, S.C. Cuget liber Poligraf, SA. Constanța, 2003.
- Tudorel Butoi, *Forensic Psychology* (tratat universitar - teorie și practica), Ed. Pinguin Book, Bucharest, 2008, p.81-86;

Mihai Adrian Hotca, *Protection of Victims - Elements of Victimology*, Ed. C.H. Beck, Bucharest, 2006;

Dalina Groza, *Victim's rights. Recovery from forgetfulness*, Ed. Lumen, Iasi, 2006;

Mihai Mareș, *Protecția martorilor și a victimelor infracțiunilor*, Editura Universul Juridic, București, 2024, p.252

Aura Preda, *Historical landmarks regarding domestic violence in Romania (1)*, in *Journal of History and philosophy*, vol. 1 (6), issue 2, febr. 2024, Romania de Maine Foundation Publishing House, Bucharest, p. 135

Institutul Român pentru Drepturile Omului (IRDO), *Drepturile femeilor. O viață fără violență este dreptul fiecărei femei*, București, 2023, p.60

WEB sources

https://ro.wikipedia.org/wiki/Lucian-Zeev_Her%C8%99covici

<https://lumenpublishing.com/victims-rights-recovery-from-forgetfulness-dalina-groza/>

<https://www.ugal.ro/studii/studii-universitare-masterat>

<https://drept.uvt.ro/administrare/files/1705501470-12-penologie-s--i-victimologie.pdf>

https://www.fssp.uaic.ro/images/fise_disciplina/sccv/SCCV07_ro.pdf, University of Iasi

https://sas.unibuc.ro/assets/fise-discipline-asistenta-sociala/Master_Grupuri_Risc_Servicii_Sociale-Suport/master-i-grss-metode-de-interventie-in-cazurile-de-violenta-domestica-fd-radulescu-ana.pdf, University of Bucharest

<https://sas.unibuc.ro/assets/Fise%20sociologie/teme-curs-sv.pdf>, University of Bucharest

https://psiedu.ubbcluj.ro/data/uploads/doc/fise-discipline/master-psihologie-judiciara/pmr1721abuz-violenta-domestica_semnate.pdf, University of Cluj

<https://sas.unibuc.ro/assets/Fise%20sociologie/13-victimologie.docx>

<https://pse-b.spiruharet.ro/psihologie-judiciara-si-victimologie>

<https://asociatia-anais.ro/>

<https://victimologie.ro/>

<https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32012L0029>

<https://legislatie.just.ro/Public/DetaliiDocument/52468>

<https://violentaimpotriva femeilor.ro/wp-content/uploads/2015/05/Prezentare-multilingva.pdf>

Legea nr. 286/2009, <https://lege5.ro/Gratuit/gezdmnrzgi/codul-penal-din-2009>

Legea nr. 135/2010, <https://lege5.ro/Gratuit/geztkobvha/codul-de-procedura-penala-din-2010>

https://www.mmuncii.ro/j33/images/Documente/MMPS/Transparenta_d ecizionala/09032021Anexa_1_SNESVD_cu_ANDPDCA_CNPP_29_01.pdf

<https://legislatie.just.ro/Public/DetaliiDocument/279559>

https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:L_202401385

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■ SITECH ■

SECTION II - STUDIES ABOUT VICTIMIZATION, VICTIM'S PROTECTION AND RIGHTS

ENHANCING POLICE ACCOUNTABILITY TO MITIGATE SECONDARY VICTIMISATION: INSIGHTS FROM THE GHENT POLICE DEPARTMENT

Kim COVENT¹⁰⁵

Abstract

Secondary victimisation refers to the additional harm, trauma, or distress experienced by individuals who have already been victims of a crime, caused by the responses of institutions and individuals. This article will explore what it means for law enforcement. Often overlooked and unaccounted for, secondary victimisation remains a critical issue that demands attention for the welfare of citizens and the professional legitimacy of police officers. We trust that phenomenon within the Ghent Police Department in Belgium mirrors broader trends in many European police services.

We examine three primary categories of secondary victimisation: deliberate, accidental, and systemic. Deliberate secondary victimisation involves intentional harm due to bias or prejudice. Accidental secondary victimisation arises from unintentional actions stemming from a lack of awareness. Systemic secondary victimisation is rooted in institutional practices and policies that perpetuate harm through bureaucratic processes and insufficient training.

The Ghent Police Department faces two major challenges: increasing awareness among all officers and providing comprehensive trauma-informed training. Raising awareness necessitates a cultural shift, promoting empathy, respect, and sensitivity through regular workshops and discussions. Trauma-informed training equips officers with the skills to interact with victims in ways that minimise harm, emphasizing the psychological impacts of trauma and effective communication strategies.

The experiences and solutions developed by the our police service can serve as a model for other European police services, aiming to improve victim interactions and build public trust through increased awareness, trauma-informed training, and innovative approaches like dilemma training.

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Defining secondary victimisation

All citations are from Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, also known as the EU Victims' Rights Directive.

(9) Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.¹⁰⁶

Secondary victimisation refers to the additional trauma and distress that victims of crime may experience through the actions (or inactions) of institutions and individuals after the initial victimisation has occurred. Unlike primary victimisation, which is the direct harm inflicted by the perpetrator of the crime, secondary victimisation stems from the responses of those who are supposed to help, in our case particularly law enforcement and the judicial system.

Victims may face various forms of secondary victimisation from law enforcement, such as invasive questioning, where they are repeatedly asked to recount their traumatic experiences in detail, often in a manner that feels intrusive and insensitive. This can be compounded by doubt or disbelief from officers, who may question the victim's credibility or the veracity of their account. Victims might also encounter blaming, where they are held responsible for the crime or for not preventing it, adding to their emotional burden. Social stigmatization and public exposure, often exacerbated by sensationalist media coverage, can further isolate victims, making them feel like they are under a public microscope.

Lack of adequate support services can leave victims feeling abandoned and unsupported. Re-victimisation in court, through harsh cross-examinations or exposure to the perpetrator, and delays and lengthy legal proceedings can prolong their suffering, contributing to feelings of frustration and hopelessness.

Impact of secondary victimisation

The effects of secondary victimisation are profound and far-reaching. Victims often experience re-traumatization, as the additional stress and negative experiences compound their initial trauma. This can lead to feelings of isolation and distrust towards authorities and institutions that are supposed to provide support and protection. Such experiences can make victims reluctant to report crimes in the future or to engage with the legal system, fearing further victimisation.

Psychological toll includes a decline in mental health, with increased risks of anxiety, depression, and post-traumatic stress disorder. Victims may

¹⁰⁶ (9) Directive 2012/29/EU

also fail to seek necessary help, either because they feel it is futile or because they have lost trust in available support systems. Their coping mechanisms can become impaired, leading to difficulties in managing their daily lives and recovering from the trauma.

Clarifying related terms to avoid confusion

It's crucial to distinguish secondary victimisation from related concepts to avoid confusion. Unlike secondary victimisation, being a *secondary victim*, or *collateral victim*, involves individuals indirectly affected by the crime, such as family members. Similarly, *vicarious victimisation* refers to trauma experienced by those who witness or learn about the victimisation of others. Lastly, secondary victimisation should not be confused with *revictimisation*, which occurs when a person is victimized by multiple, separate incidents of crime over time.

Victim precipitation refers to the concept that a victim's own actions or behaviours might have contributed to the crime committed against them. It explores whether certain behaviours, such as risky actions or provocations, may have influenced the likelihood of victimisation. However, this concept should be handled carefully and not used to excuse the perpetrator's actions or to place undue blame on the victim. Instead, it should be understood as a factor among many that can contribute to the complexity of victimisation.

Victims versus offenders

(12) The rights set out in this Directive are without prejudice to the rights of the offender. The term 'offender' refers to a person who has been convicted of a crime. However, for the purposes of this Directive, it also refers to a suspected or accused person before any acknowledgement of guilt or conviction, and it is without prejudice to the presumption of innocence.¹⁰⁷

The cited article from Directive 2012/29/EU highlights an important legal principle: the rights of offenders who are suspected or accused but not yet convicted, must also be respected. In the context of secondary victimisation, this broad definition is critical. The extension emphasizes the need to uphold the presumption of innocence until guilt is proven. It aligns with the broader goals of the Directive to provide a humane and balanced approach to justice that safeguards the dignity and rights of all individuals involved in the criminal process.

The presumption of innocence means that suspected or accused individuals must not be treated as if they are guilty. This principle protects them

¹⁰⁷ (12) Directive 2012/29/EU

from secondary victimisation through public shaming, media sensationalism, or biased treatment by authorities. Even after conviction, offenders should be treated with respect to prevent further harm and support their rehabilitation and reintegration into society.

Types of secondary victimisation and their offenders

Article 26. Cooperation and coordination of services

Member States shall take appropriate action to facilitate cooperation between Member States to improve the access of victims to the rights set out in this Directive and under national law.¹⁰⁸

Articles 26 of the EU Victims' Rights Directive specifies that Member States must work together to improve victims' access to rights set out in this Directive and national law, focusing on exchanging best practices, consulting in individual cases, and assisting relevant European networks. They must also work to raise awareness of these rights and reduce the risk of victimisation, particularly among vulnerable groups, through the internet and other means. This may include information campaigns, research, and education programs, often in collaboration with civil society organizations and other stakeholders.

Types of victimisation

Secondary victimisation can be classified into three primary categories: deliberate, accidental, and systemic. Each category represents different sources and manifestations of harm that victims may experience after the initial crime, often exacerbating their trauma and complicating their recovery.

Deliberate secondary victimisation occurs when law enforcement officers or other authorities intentionally inflict harm on victims due to personal biases or prejudices. This intentional harm can be seen in practices such as ethnic profiling, where victims from certain racial or ethnic backgrounds are subjected to more intrusive questioning or scepticism based solely on their identity. Another example is when victims are blamed for the crime, with authorities suggesting that their actions or personal characteristics contributed to their victimisation. Additionally, deliberate neglect, where authorities intentionally delay investigations or withhold support due to biased attitudes, further exacerbates the victim's suffering and sense of abandonment.

Accidental secondary victimisation arises from a lack of awareness or sensitivity on the part of law enforcement and other authorities. This form of harm is not intentional but results from inadequate training, procedural shortcomings, or simple misunderstandings. For instance, invasive questioning

¹⁰⁸ Directive 2012/29/EU. Chapter 5. Other provisions. Article 26.

might occur when officers repeatedly ask victims to recount their traumatic experiences in a manner that is psychologically damaging. Doubt or disbelief from authorities, whether through dismissive attitudes or scepticism, can undermine a victim's sense of validity and support. A lack of knowledge about available support services can leave victims without necessary help, leading to further isolation and hindrance to recovery.

Systemic secondary victimisation is embedded in institutional practices and policies that inadvertently perpetuate harm through bureaucratic processes and insufficient training. This form of victimisation is systemic, affecting the entire structure and operations of the criminal justice system. Examples include re-victimisation in court, where victims may face harsh cross-examinations or be forced to confront their perpetrators without adequate emotional support, causing additional trauma.

Types of offenders

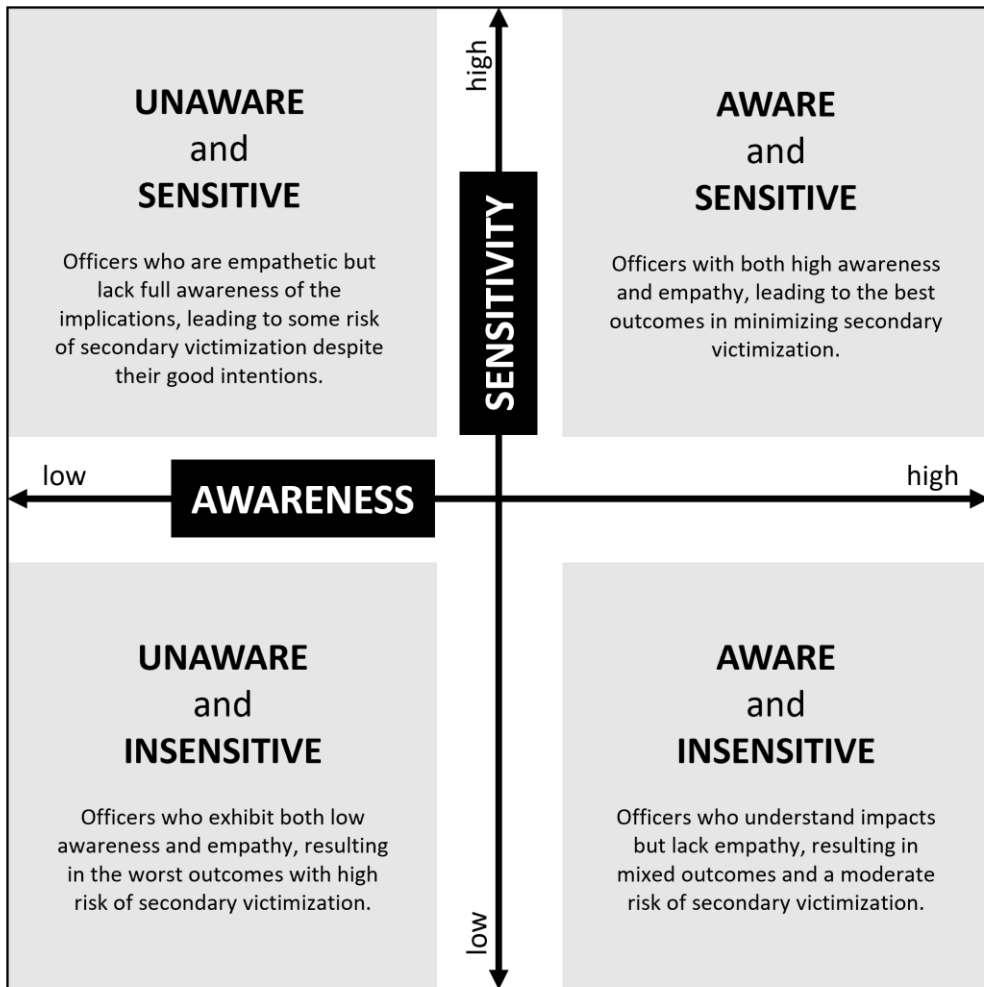
The offenders in these scenarios include not only individual officers but also the institution as a whole. Individual officers who engage in purposeful secondary victimisation do so through personal biases, while those who contribute to accidental secondary victimisation may lack proper training or awareness. On a broader scale, systemic secondary victimisation results from the institutional policies, procedures, and cultural norms that perpetuate harm.

In law enforcement, the risk of secondary victimisation during police interactions can be understood through four distinct categories based on officers' awareness and sensitivity:

- **Aware and sensitive:** Officers in this category are both knowledgeable about the psychological impacts of their actions and empathetic towards individuals. Their approach minimizes the risk of secondary victimisation by addressing victims' emotional needs effectively, leading to the most positive outcomes.
- **Aware and insensitive:** These officers are informed about the potential impacts of their actions but lack the empathy needed to apply this knowledge compassionately. Although they understand the risks of secondary victimisation, their insensitivity can still perpetuate harm, leading to suboptimal outcomes.
- **Unaware and sensitive:** Officers who are sensitive but unaware of the broader implications of their actions may inadvertently cause harm despite their empathetic approach. Their lack of awareness about the full impact of their behaviour can result in secondary victimisation, though their sensitivity offers some protection against it.
- **Unaware and insensitive:** Officers who lack both awareness and empathy pose the highest risk of secondary victimisation. Their interactions can exacerbate victims' trauma and contribute significantly

to negative outcomes, making it essential to address both their lack of awareness and insensitivity through targeted training and reforms.

By categorizing officers in this way, it becomes clear where intervention is needed to reduce secondary victimisation and improve overall interactions with the public. The aim is to enhance training and foster a culture of empathy and awareness, ensuring that all officers move towards the *aware* and *sensitive* category.



Insights from the Ghent Police

Ghent is Belgium's third-largest city, boasting a population of almost 270,000 residents. Known for its vibrant cultural scene and historic architecture, Ghent is a bustling urban centre that maintains a relatively low

crime rate compared to other cities of similar size. The Ghent Police Department is the third-largest in the country, with a dedicated team of 1,200 people working to ensure public safety and order.

At the Ghent Police Department, we view complaints about our officers as opportunities to improve and excel. A majority of the complaints are unfounded, and while the officers involved must justify their actions, these outcomes affirm their good work and dedication. The process reinforces the high standards of our police service and fosters a culture of continuous improvement.

Complaint management

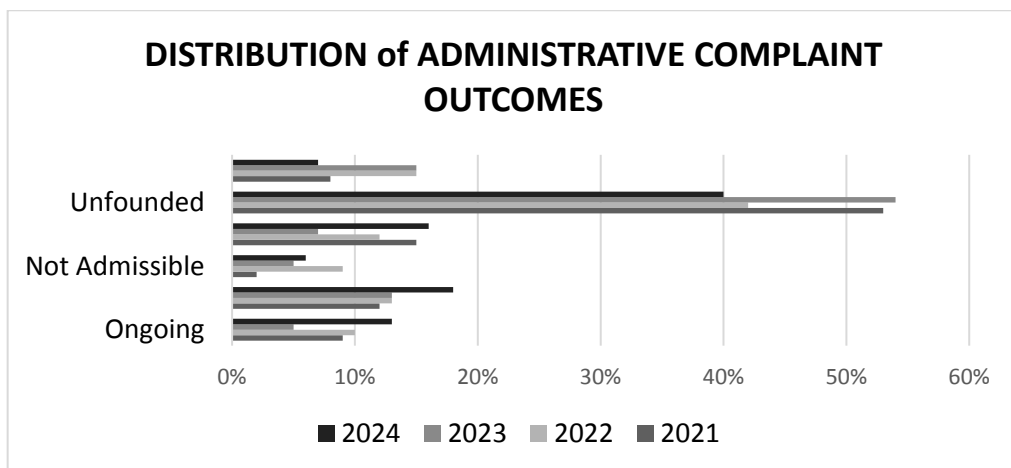
At the Ghent Police Department, citizen complaints are managed through a structured process that distinguishes between administrative issues and disciplinary matters. Complaints are either handled by the Customer Coordinator or escalated to the Department of Internal Affairs, depending on the nature of the offense or misconduct.

The Customer Coordinator, a specialized advisor with extensive experience in communication and law enforcement policy, manages administrative complaints. These are complaints from citizens who feel victimized by police interactions. Emphasizing a preventive and empathetic approach, the Customer Coordinator focuses on building trust, managing emotions, and adjusting expectations.

Through these interactions, valuable insights are gained into how citizens sometimes feel victimized by law enforcement practices. These insights are analysed to signal patterns and inform improvements within the police service. The goal is to share this information with law enforcement colleagues in other countries, helping them understand and address similar challenges to enhance their approach to public interactions.

Administrative complaints and secondary victimisation

Currently, we do not keep a record of secondary victimisation mainly because it is not something that police departments typically track. Defining and recognizing the vast array of behaviours that constitute secondary victimisation is challenging. This article suggests that initiating data collection on secondary victimisation might be a beneficial starting point for addressing and mitigating its impact on citizens.



We present a breakdown of how administrative complaints against the Ghent Police Department were resolved over the last years. *Unfounded* complaints represents the largest portion, indicating that after thorough investigation, the complaints were determined to lack sufficient evidence of misconduct. *Founded* complaints are cases where the investigation concluded that the complaints were valid, and appropriate actions were taken to address the issues raised. *No Conclusions* applies to complaints that had insufficient information on the part of the investigating officers, making it impossible to reach a definitive conclusion. *Not Admissible* indicates complaints that lacked adequate information from the complainant, preventing a full investigation from being conducted. *Ongoing* are those complaints that are still under investigation or have been escalated to the Department of Internal Affairs for further review.

Note that the numbers for 2020 were skewed due to the impact of the COVID-19 pandemic and were not included, and the data for 2024 includes only complaints recorded until July. While the high number of unfounded complaints can be seen as a validation of our officers' actions, each complaint—regardless of outcome—provides an opportunity for our police department to improve its service and build trust with the community.

Case studies

To illustrate some insights from our administrative complaint management, we present three case studies that have been anonymized and partially fictionalized in order to safeguard the identities of the victims and officers involved. These cases are intentionally chosen from everyday interactions, rather than high-profile incidents, to highlight how secondary victimisation can insidiously weave itself into routine police interventions and support processes. Through these examples, we aim to shed light on the hidden or significant ways secondary victimisation manifests, emphasizing the need for heightened awareness and improved practices within law enforcement.

Case study 1

A 59-year-old woman, recently pickpocketed at a shopping centre, goes to the local police office to report the theft. Shocked and deeply upset, she seeks assistance after losing her official documents (identity card, driver's license), bank cards, car keys, and crucial medications. The perpetrators remain unidentified and at large. Upon her arrival at the busy police office, her distress is met with immediate dismissal.

Citizen: 'I need to report a theft.'

Officer: 'Do you have an appointment?'

Citizen: 'No, it just happened. I am in need of help.'

Officer: 'Sorry, we're really busy. We can't help you now. You should make an appointment through our dedicated webpage.'

Citizen: 'But... what am I supposed to do? All my things were stolen in [shop].'

Officer: 'Lady, you should have called 112 at the shop. Now it's not an urgent matter, and you should wait your turn and get an appointment.'

This scenario illustrates a combination of systemic and deliberate secondary victimisation. While the local police's preference for a web-based appointment system aims to benefit both officers and citizens, the lack of urgency and empathy in handling the woman's immediate needs exacerbates her trauma. Although the crime doesn't necessitate urgent intervention, the manner in which information is conveyed and the woman's immediate needs are addressed can significantly impact her experience and perception of the police service. The rigid adherence to procedural norms, while intended to streamline services, failed to account for the immediate emotional and psychological needs of the victim. This lack of flexibility and empathy also diminishes trust in law enforcement.

Case study 2

A 19-year-old university student, accompanied by a student counsellor, goes to the police station to report that he has unknowingly ingested edible marijuana. The student feels ill and disoriented after consuming three brownies offered by fellow students, unaware they were laced with the substance. Having never used marijuana before, he felt scared and called for help. The student counsellor assisted him in driving to the police station to give a statement. The student is unable to provide the names of the other students involved; he is also missing important classes and laboratory sessions. The statement from the counsellor highlights a concerning interaction with the police officer at intake.

"The officer clearly didn't believe our student. He kept raising his eyebrows and making remarks as if the student was a habitual user. As if the student wanted to get out of his classes with a weak excuse. He didn't take the student feeling bad seriously. We both got the feeling at the end of the

conversation that the police would not really look into our case or do any actual investigating. It was a very bad experience."

This case demonstrates how personal cognitive biases from the admitting officer negatively influenced the handling of the report. The stereotype of a student using cannabis affected the officer's perception, leading to the victim feeling disbelieved and even mocked. Although the report was eventually followed up correctly, both the student and the counsellor left the station convinced that their case would not be taken seriously.

Case study 3

A 22-year-old man is involved in a fistfight at 4 am in a well-known nightlife area of the city. The altercation involves at least six different individuals and takes place in front of several bars and discotheques, with numerous witnesses present. When the police arrives, they are occupied with separating the parties, attending to the injured, taking statements from those involved and witnesses, and addressing property damage reported by bar owners. The 22-year-old, though involved, does not appear injured and is slurring his words due to intoxication.

Police Officer: 'Where is the big guy? A real giant that guy.'

22-Year-Old: 'Sir, could you please step aside?'

Police Officer: 'But my glasses. I am looking for my glasses.'

22-Year-Old: 'Sir, are you okay? Do you need medical help?'

Police Officer: 'Look at the big guy. The big guy was the big guy. The wall guy. Maybe my glasses are behind the wall.'

22-Year-Old: 'Sir, you are not making sense. Please, move to the side.'

The young man then leaves the scene. The next day he reports that he has a broken nose and a few broken ribs. He has been hit during the fight but sat on the curb and seemed uninvolved when the police arrived. He lost his glasses in the scuffle and was both drunk and frightened when he spoke to the officers.

This case illustrates a combination of systemic secondary victimisation and a lack of awareness. Police procedures dictate how officers should handle such situations, including separating combatants, checking for injuries, and creating a perimeter. However, it can be challenging to distinguish between relevant and irrelevant testimonies. The story about the glasses may have seemed trivial, but had the officers paid more attention to the man, they might have discovered how the fight started and provided appropriate assistance.

The right to understand and to be understood

Article 3. Right to understand and be understood

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further

necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.¹⁰⁹

Article 4. Right to receive information from the first contact with a competent authority

Member States shall ensure that victims are offered information, without unnecessary delay, from their first contact with a competent authority in order to enable them to access the rights set out in this Directive¹¹⁰

Articles 3 and 4 of the EU Victims' Rights Directive specify that Member States must ensure that victims are able to understand and be understood from their first contact with authorities throughout criminal proceedings, taking into account any personal characteristics or disabilities. Communications should be simple, accessible, and considerate, with victims allowed to be accompanied by a person of their choice if needed for better understanding, unless this conflicts with their interests or the proceedings. Additionally, Member States must promptly provide victims with comprehensive information to access their rights, including available support, complaint procedures, protection measures, legal advice, compensation, interpretation services, and contact details for case communications. This information should be tailored to the victim's specific needs and circumstances, with additional details provided as necessary during the proceedings.

These two articles provide a promising first step towards combating secondary victimisation by addressing a common and recognizable problem: lack of information. Similar to how modern dentists meticulously explain each step in their procedure to their patients, law enforcement officers can significantly reduce secondary victimisation. By providing comprehensive, accessible information about their rights and available support, officers can alleviate much of the confusion and anxiety that victims often experience.

Possible solutions and discussion

(61) Any officials involved in criminal proceedings who are likely to come into personal contact with victims should be able to access and receive appropriate initial and ongoing training, to a level appropriate to their contact with victims, so that they are able to identify victims and their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner.¹¹¹

¹⁰⁹ Directive 2012/29/EU. Chapter 2. Provision of information and support. Article 3.

¹¹⁰ Directive 2012/29/EU. Chapter 2. Provision of information and support. Article 4.

¹¹¹ (61) Directive 2012/29/EU

The Ghent Police Department made impressive improvements over the years and continues to strive for optimal treatment of every victim in our city. Of course, we are aware of our shortcomings and weaknesses. We continuously work on solutions to address them. On the one hand, we offer highly developed Victim Protection with a strongly performing Victim Care Office and very specialized colleagues (cf. reporting hate crimes and gender violence). We have an emotional support dog called Fluf, who is available to provide comfort to victims in need. Many find solace in the company of our sweet golden retriever. On the other hand, we face two major challenges: achieving increased awareness and offer trauma-informed training to all officers.

For a long time, our key initiative was dilemma training, which enhances cognitive empathy by engaging officers in ethical decision-making using practical cases. This training fosters an environment of honesty and openness, connecting colleagues from different services and ranks to promote a unified approach to victim care.

As of 2023, our police department professionalised police behaviour on the street based on a widely supported action framework. This framework offers basic principles and tools for carrying out identity checks, searches, and vehicle searches. Key principles include explaining the reason for the intervention on your own accord as much as is tactically possible; treating people respectfully and maintaining a neutral, unbiased attitude; and reflecting afterward on what was learned.

To all personnel, we provide a five-part e-learning trajectory that includes theory and realistic case studies. Within our police organisation, we use virtual reality (VR) training that simulates street scenarios with actors, allowing officers to respond in various ways. These responses are then discussed in small groups. Additionally, we use a discussion board in team-based exercises. The discussion board includes, in addition to examples from the literature, statements from and for colleagues that we have collected over the past three years.

Finally, *'Dealing with Police Dilemmas, a Serious Game'* is an integrated project in which the police use a board game to raise awareness among (future) employees about integrity issues, initiate group discussions on delicate situations, and promote ethical behaviour through a playful approach. The game is suitable for everyone and is coordinated by the Integrity Unit of the Belgian Federal Police. It addresses themes such as professional profiling, workplace harassment, the boundary between work and private life, discrimination, and the consultation of surveillance footage and databases, among others. The game can be easily adapted to current events and provides an initial introduction to secondary victimisation among our peers.

Body cams are a useful tool with many objectives. First of all, they help keep our officers safe and assist them in gathering crucial information. Body

cams could potentially help our officers maintain appropriate attitudes and behaviours on the street. Studies have shown that the presence and use of body cams de-escalate situations, which might help reduce secondary victimisation caused by unawareness or insensitivity. However, this approach has not yet been adopted by the Belgian police. Nor has it been studied to that effect. We are interested in hearing from our international colleagues about their experiences with secondary victimisation caused by law enforcement officials and their solutions to this challenge.

Conclusion

Secondary victimisation is a critical issue that undermines the trust and effectiveness of law enforcement. Through the experiences of the Ghent Police Department, this paper has highlighted the various forms of secondary victimisation—deliberate, accidental, and systemic—and the profound impact they have on victims. The Ghent Police Department's efforts in increasing awareness and providing trauma-informed training serve as a model for other police services aiming to improve their interactions with victims and build public trust. Continued dialogue and sharing of best practices among international law enforcement agencies are essential in addressing and mitigating secondary victimisation, ultimately leading to more just and empathetic policing.

Bibliography

- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.
- Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime (Adopted by the Committee of Ministers on 15 March 2023 at the 1460th meeting of the Ministers' Deputies)
- Council of Europe (CoE) (2006), Recommendation Rec (2006) 8 of the Committee of Ministers to member states on assistance to crime victims. Retrieved July, 2024, from https://eige.europa.eu/publications-resources/thesaurus/terms/1248?language_content_entity=en
- European Crime Prevention Network (EUCPN) (2016) Preventing Secondary Victimisation policies & practices. *EUCPN Toolbox Series No. 7*. Retrieved July, 2024, from <https://eucpn.org/document/toolbox-7-preventing-secondary-victimisation-policies-practices>
- Federale Politie (22 March 2022) Police win prizes for 'serious game' on ethical dilemmas. Retrieved July, 2024, from <https://www.politie.be/5998/nl/nieuws/politie-valt-in-de-prijzen-met-serious-game-rond-ethische-dilemmas>

Okón, A. (1 Aug 2023) Beyond the Crime: Understanding Secondary Victimization and Its Impact on Victims. *Medium*. Retrieved July, 2024, from <https://medium.com/@okonagata/beyond-the-crime-understanding-secondary-victimisation-and-its-impact-on-victims-dd25e071a486>

About the author

Police Advisor Kim Covent has over 14 years of experience in communication and policy for local law enforcement. As Customer Coordinator she handles all administrative complaints from citizens against police officers, anticipating the effect and impact of certain interactions on public opinion and on internal satisfaction within the police department.

Her target audience consists of people who feel/are victimised by the police. The handling of complaints is not so much a repressive task, but rather preventive and empathetic. It mainly concerns trust building, emotion management, and adjusting expectations. Through the contacts with citizens she learns about digital illiteracy and lack of access to digital media; freedom of expression; the deadlock of opposite accounts; and the dilemma of letter versus spirit of the law.

THE DEPICTION OF VICTIMS IN ALBANIAN MEDIA: A CONTEMPORARY ANALYSIS

Dr. Ardita REÇI¹¹²

Abstract

Since the collapse of communism, Albania has navigated a complex political and cultural transition. In this evolving landscape, marginalized groups—who often remain voiceless—suffer disproportionately from the instability of the system. These individuals frequently lack sufficient state support and are mainly represented in the media when they become victims or subjects of crime. This paper explores how Albanian media has constructed the image of victims over time, with a focus on communication strategies and public opinion formation. It provides a comprehensive overview of a criminal phenomenon that tarnishes Albania's image and has deep historical roots dating back to medieval times. The paper discusses how the Albanian people, historically subjected to external threats and invasions, developed their own customary laws to maintain internal order. This traditional legal framework, which often holds significant influence within communities, contrasts with state laws and continues to impact how victims are portrayed in the media today.

Keywords: Victims, media portrayal, public opinion, customary law, Albania

Introduction

The status of victims in Albania is shaped by a complex interplay of societal, legal, and political factors. Media reports are crucial in shaping public perceptions and influencing policy responses to victimization issues (Balkan Investigative Reporting Network, 2023). This document provides a comprehensive analysis of the current state of victims in Albania, focusing on the various forms of victimization reported in the media and exploring the theoretical framework of media representation of victims.

Since the fall of communism, Albania has undergone significant political and cultural transitions, profoundly affecting its society. Marginalized groups, in particular, have been significantly impacted, often suffering in silence and receiving insufficient state support. This paper investigates how media reports have shaped the image of these victims in Albanian society and how these portrayals have influenced public opinion.

A particularly severe form of victimization in Albania is the "blood feud," a traditional practice rooted in vendetta and revenge killings. Notably, this practice ruthlessly targets defenseless individuals, including children, the

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elderly, and women. Despite ongoing efforts by the Albanian government to address this issue, blood feuds remain largely unresolved. Although reliable statistical data is scarce, the media widely reports the dire consequences faced by victims. This report analyzes media coverage to assess the current situation of victims within the context of the blood feud crisis in Albania.

Overview of the Issue

Blood feuds are deeply rooted in Albania's social fabric, representing a persistent and complex challenge with no universal remedy. These feuds often instill fear in families, with children attending school in secret locations and vulnerable individuals becoming isolated due to safety threats. The repercussions of blood feuds extend beyond the immediate victims to affect entire families and communities, perpetuating a cycle of violence across generations. Despite the vital role media plays in raising awareness and reaching broader audiences, there remains a significant need for improved representation and support for victims. Strengthening communication between media outlets and the government is crucial to effectively support victims. Journalists should be trained to address the specific challenges faced by these vulnerable populations, particularly those unable to advocate for themselves. Consistent and transparent communication between victims and authorities can help disrupt the cycle of violence, with media acting as an essential intermediary to ensure that complaints are acknowledged and addressed. By leveraging its influence, the media can urge the government to confront these issues more directly. Victims of crime and abuse in Albania must not be overlooked or silenced. Media coverage plays a critical role in bringing their stories to light, from investigative reporting to interviews.

Newspapers and news platforms should cover various forms of abuse, including physical and sexual violence, exploitation, and trafficking. Journalists bear the responsibility of highlighting these issues and advocating for justice, thereby raising public awareness and mobilizing support for meaningful change. Addressing blood feuds in Albania requires a multifaceted approach involving not only legislative measures but also community engagement and support services for affected families. The media can significantly contribute to promoting dialogue, sharing resources, and fostering societal solidarity. While eradicating blood feuds remains a challenging goal, combined efforts from the government, media, and community can drive progress towards a safer and more just society for all Albanians.

Historical Context and Media Evolution

Following the fall of communism in the early 1990s, Albania underwent profound political and cultural transformations. After decades of isolation under

Enver Hoxha's regime, the country shifted to democracy and a market economy, experiencing significant political instability, economic difficulties, and extensive social change. Culturally, the end of communism marked a revival of Albanian identity and cultural expression, influenced by Western culture and global trends, resulting in a major shift in societal values and norms.

According to Schwandner-Sievers and Fischer (1997), Albania faced numerous challenges during this transitional period, including economic hardships, political polarization, and social unrest. In an effort to align with European standards, Albania undertook comprehensive reforms, including institutional restructuring, legal revisions, and steps toward European integration. This transformative era not only reshaped Albania's political and economic landscape but also revitalized its cultural identity and re-positioned the country within the global community.

Media Landscape

Since Albania's transition from communism, its media landscape has undergone considerable transformation. Under the communist regime, media outlets were tightly controlled by the state and served as propaganda tools. However, the post-communist era brought about a rapid expansion of media freedom and diversity, marked by the emergence of independent newspapers, television channels, and radio stations. This diversification introduced a range of voices and perspectives into the Albanian media environment, promoting pluralism.

Despite these advancements, the media in Albania has faced significant challenges. Issues such as political interference, inadequate professional standards, economic pressures, and occasional threats to journalists' safety have impacted the quality and independence of journalism. Nevertheless, the media continues to play a crucial role in shaping public opinion and discourse, acting as a watchdog that holds authorities accountable and addresses societal issues. Media coverage influences public perceptions on a wide array of topics, from politics and governance to social and cultural trends.

Customary Law

Albanian Customary Law, known as the "Kanun," has deep historical roots and remains influential in contemporary society, particularly in rural areas. The Kanun of Lekë Dukagjini, which dates back to the 15th century or earlier, is a traditional code that governs various aspects of life, including family relations, property rights, blood feuds, and community interactions. Despite efforts to modernize the legal framework, aspects of the Kanun persist, especially in remote regions where traditional customs still prevail.

In modern Albania, the relevance of the Kanun is debated. While some view it as an outdated relic, others see it as a vital cultural heritage that contributes to community identity. The Kanun continues to impact social norms and practices, especially in areas related to dispute resolution and family matters.

Theoretical Framework

This paper draws on key theoretical perspectives to explore media influence on public opinion and the representation of victims:

- **Agenda-Setting Theory:** This theory suggests that the media influences what people think about rather than what they think. By emphasizing certain issues, media coverage can shape the public agenda and determine which topics become prominent in public discourse.
- **Uses and Gratifications Theory:** This theory examines how audiences actively select media content to meet their needs and interests. It emphasizes that media consumption is driven by individual motivations and goals, which can affect opinion formation.
- **Social Learning Theory:** According to this theory, media exposure can lead to observational learning, influencing attitudes and behaviors through modeling. It suggests that individuals learn from media portrayals and incorporate these lessons into their own beliefs and opinions.
- **Victimology Perspective:** This approach focuses on the study of crime victims and their portrayal in media narratives. It explores how media representations shape perceptions of victimhood, vulnerability, and justice.
- **Framing Theory:** This theory analyzes how media frames issues for audiences, including how victims are presented in stories. It considers how framing can influence public perception and understanding of victim experiences.
- **Cultural Hegemony Theory:** This theory explores how dominant cultural beliefs and values shape media representations and societal norms. It examines power dynamics and how media can either reinforce or challenge prevailing social structures.
- **Cultural Studies Perspective:** This interdisciplinary approach views media as a site of cultural production and consumption. It analyzes how media representations reflect and shape broader cultural practices, identities, and ideologies.
- **Symbolic Interactionism:** This framework focuses on how individuals interact with symbols, including media representations, to construct meaning and social reality. It explores how media messages are interpreted and negotiated by audiences.

Methodology

- To explore the status of victims in Albania and the role of media in shaping public perception and policy responses, this study employs a method of text analysis, focusing on case studies from various media sources. The analysis centers on several articles and reports, with a specific case study illustrating the impact of blood feuds on victims.
- **Case Study: Florian Përvathi**
In January 2022, 17-year-old Florian Përvathi committed a violent act in an attempt to avenge his father's death, a tragedy he witnessed years earlier. After the death of his parents, Florian was taken in by his paternal family, growing up under the shadow of his father's blood feud. The media reports from that period describe Florian's tragic journey from a child traumatized by the loss of his parents to a teenager driven by a sense of vengeance. This case study illustrates how the blood feud phenomenon not only creates victims but also perpetuates cycles of violence through generations. The portrayal of Florian and his victim in online media provides insight into the media's role in depicting and framing such cases.
- **Hypothesis**
Albanian media influence public perception and policy responses towards victims by highlighting the challenges and demands for support and justice in cases of domestic violence, human trafficking, and economic exploitation.
- **Argument**
This study posits that the media in Albania significantly impacts public perception and political agendas concerning victimization. Through a review of reports from organizations like the Balkan Investigative Reporting Network and local media outlets, it is evident that media coverage not only informs the public about victimization but also raises awareness about systemic challenges and deficiencies in victim support services. The media's portrayal of issues such as domestic violence, human trafficking, and economic exploitation engages and mobilizes public opinion, thereby influencing demands for legal and policy reforms.
- The hypothesis will be tested by analyzing how media reports on these issues affect public perceptions and institutional responses. The methodology involves a critical examination of media articles and reports to determine whether they reflect and shape societal attitudes towards victims, and if they contribute to the push for improvements in policies and practices addressing victimization.

Text Analyses

Text analyses:

- I. "The victim of the blood feud in Lezhë was not stuck for a day"
Euronews Albania 01-27-2022 18:16

<https://euronews.al/programs/shqiperi/sot/2022/01/27/viktima-nga-gjakmarrja-ne-lezhe-nuk-u-ngujua-asnje-dite/>

1. Textual Focus: The text focuses on the story of Lekë Lekgjonaj, a victim who refused to defend herself due to the fear of blood exchange, in a context where the country is affected by old blood feud traditions.

2. The characters and the role of Pjeter Gjoka: Pjeter Gjoka appears as a person who tries to reconcile conflicts and mediate in such cases, while telling about the growth of trapped families and the challenges related to this reality in Lezhë.

3. Social and Cultural Context: The text gives a deep picture of the blood feud culture in Lezhë, showing how this practice has affected the life and determination of individuals like Lekë Lekgjonaj and other families in the area.

4. Unity and Consequences: At the end of the text, the consequences of blood feuds in local society are highlighted, including the increase in the number of trapped families and the social problems this brings for children and young people who grow up with the intention of continuing the conflicts.

Also, the text reflects a wider social dimension, where blood feud appears as a constant challenge for peace and stability in the region. The analysis of this text gives a deep and sensitive view of a sensitive and complex issue in Albanian society. The analysis of this text based on communication theories helps us to better understand the status of the victim of the blood feud in Lezha in the social and media context.

Here are some communication theories that can be applied:

1. Agenda Theory: This text presents the co-creative agenda theory, where media and society co-create meanings and perceptions about the victim of blood feud. The media, including Euronews Albania in this case, help define the public aspect of the story and convey messages that shape public opinion and reactions.

2. Critical Frame Theory: Analysis can see the text through critical frame theory, assessing how the media is involved in endorsing and promoting powerful structures of society, such as blood feuds and the dangers associated with them.

3. Frame Theory: Here, blood feud victims appear in different frames that influence public perception. In the text, the victim frame focuses on the inability of individuals to protect themselves from the continuation of old conflicts, despite attempts at mediation and reconciliation.

4. Theory of Social Construction of Reality: This theory points out that social reality and its perception are formed through communication. The text describes how a 17-year-old boy grew up with the intention of avenging a blood feud, illustrating how traditions and cultural values shape the identity and behavior of individuals.

5. Media Influence Theory: Euronews Albania uses its format to report on the history of events, influencing public opinion and its perception of the blood feud in Lezhë. This text reflects the influence of the media on the identification and interpretation of victims, determining how they appear in public.

- II. "The 17-year-old who took revenge for the murder of his father in Lezhë, was present at the scene".

<https://euronews.al/programs/shqiperi/miremengjes/2022/01/26/17-vjecari-ge-u-hakmor-ne-lezhe-i-pranishem-ne-vrasjen-e-babait/>

The analysis of this text describes a serious event in Lezha and offers a complex perspective on the status of the victim and that of the character who committed the act of revenge. Here are some key points of text analysis:

1. Title and Focus of the Text: The title focuses on the fact that the 17-year-old has taken revenge for the murder of his father, emphasizing the nature of revenge and the importance of the event.

2. Text Frames: The text defines the event as an act of revenge, but also as an emotional reaction to a painful family situation. They also included the further tragedy of the 17-year-old's mother, who decided to kill herself after the incident.

3. Characters and the Role of the Media: Journalist Gjergj Figuri appears as the main source of information, presenting details and explaining the context of the event. This way of reporting helps shape perceptions and public opinion about the event.

4. Social Reflection and Criticism: Psychologist Arjana Mucaj highlights the fault of the family and institutions for the way the 17-year-old grew up, suggesting that social and institutional changes could have prevented such a drastic reaction.

5. Analysis of the Social and Cultural Context: The text gives an in-depth look at the context of the society and culture of Lezha, where the blood feud tradition and family emotions appear as key factors in attracting the 17-year-old to his act.

6. Resolution and Conclusion: The conclusion of the text underlines the escalation of risk and the need for changes in society and institutions to prevent such events in the future.

This text analysis uses communication theories to understand how the status of the victim and the main character of the event is constructed and interpreted in the media. It reflects a complicated situation and social challenges related to revenge and the protection of human rights in a certain cultural context. Today, a 17-year-old shot Lekë Lekgjonaj to death. The event happened around 12:00 in the village of Manati in Lezha. The police caught the author in record time, while they have not yet announced the circumstances of the incident. So far, revenge is suspected. According to sources from the Police, there are suspicions that in 2011 the victim's brother killed the minor's father. The victim worked at the Forestry Department of Lezhë Municipality. The investigative team is at the scene to clarify the details. This text defines a serious criminal event in Lezha, and can be analyzed in the context of communication theories to understand how the status of the victim and the perpetrator is presented in the media. Here are some key points of the analysis:

1. Title and Focus of the Text: The title and focus of the text focus on the fact that a 17-year-old shot dead Lekë Lekgjonaj in the village of Manati in Lezha. This defines the event as an act of serious violence and describes important details of the event.

2. Co-Creative Agenda Theories: The media (in this case, Police sources) sets the reporting agenda, identifying and presenting the event as an act of revenge. This can affect the public perception about the victim and the perpetrator of the event.

3. Context and Information: The text provides important contextual information, such as the victim's job and his family's possible connections to the previous criminal event. This helps form a broader framework for understanding the motives and circumstances of the event.

4. Resistance and Social Response: This event raises awareness of the danger of violence in society and raises questions about the effectiveness of the law and public safety. A possible social reaction could be a call for increased security measures and to prevent such acts of violence in the future.

5. Conclusion and Impact: The conclusion of the text underlines the commitment of the police to unravel the details and circumstances of the event, suggesting that the investigation is in progress and that more details are expected to come to light in the coming days. In this way, text analysis based on communication theories allows us to understand how the media and public reporting influence the perception and construction of the status of the victim and the author of a serious criminal event in a certain community.

- III. “Gjakmarrja – fenomeni i një të kaluare të dhimbshme që vijon të jetë aktual “

<https://ahc.org.al/gjakmarrja-fenomeni-i-nje-te-kaluare-te-dhimbshme-qe-vijon-te-jete-aktual/>

The article discusses the practice of blood feuds ("gjakmarrja") in Albania, highlighting a recent incident where a 17-year-old youth, F.P., fatally shot a 65-year-old man, L.L., in the village of Manati in Lezhë. This crime is connected to an earlier murder in 2009, where the father of the current perpetrator, N.L., was the victim. N.L.'s murderer was sentenced to 7 years and 6 months in prison for intentional murder and illegal possession of firearms, but served only 4 years due to reduced sentencing. The Albanian Helsinki Committee (KShH) expressed concern that such reduced sentences weaken trust in the justice system and may contribute to retaliatory crimes like the recent shooting. F.P., the current perpetrator, is considered a minor under the law but managed to obtain a firearm for the crime. The Committee attributes this crime to a culture of revenge cultivated either by influential individuals or within family circles, which created a "kanun"-based obligation for blood revenge on F.P. KShH has previously called for greater societal and governmental attention to such cases, suggesting that there are children still confined at home due to

fear of blood feuds, missing out on education. The Committee criticizes the inadequate awareness and preventative measures against this phenomenon, noting shortcomings in state enforcement and responsiveness to reports and warnings about potential crimes. The Committee hopes that ongoing judicial reforms will positively impact this issue and stresses the need for effective preventative measures, noting that under Albanian law, murder for blood feud purposes carries a life sentence.

The text presents a serious social situation in Albania, where blood feud continues to be a serious and widespread problem. The analysis of the status of blood feud victims from this text gives us some key points:

1. Number of victims: The text mentions different numbers of blood feud victims, starting from 69 in 2017, 74 in 2018 and 34 in the first months of the current year alone. This high number indicates a widespread and continuous phenomenon, which affects the lives of affected families and communities.

2. Geographic concentration: The report mentions that Tirana and Shkodra are the cities with the largest number of blood feud victims. This shows that the phenomenon is more frequent in these areas, especially in certain parts of the country such as the northern regions.

3. Determining factors: Sociologists and analysts identify several factors that influence the continuation of blood feuds, such as the lack of impunity, the non-implementation of protection orders by the courts and the tendency for revenge inherited from tradition and social circumstances.

4. Impact on society: The text shows that blood feud has a deep impact on society, mentioning that hundreds of children remain uneducated and entire families are under the pressure of the consequences of this phenomenon. This behavior of revenge has great impacts on the development of society and the continuation of conflicts.

5. Reconciliation efforts: The National Reconciliation Committee is mentioned as an initiative to help end family feuds and promote blood forgiveness. However, the text shows that the challenges are great and strong legal and social measures must be taken to face this phenomenon. In summary, the analysis of the status of blood feud victims from this text shows a serious social situation in Albania, where the victims are part of a shocking reality and where there is a need for strong commitment of institutions and civil society to address and prevent this complicated problem.

Discussions:

1. Media Strategies: Analysis of the strategies used by media to create public opinion about victims.

Media Framing and Agenda Setting: The media plays a crucial role in shaping public perception and opinion about victims of blood feuds. Here are some strategies identified:

- **Framing:** Media outlets use specific frames to present victims of blood feuds. For instance, they may portray them as helpless individuals caught in a cycle of violence, highlighting their vulnerability and the impact on their families and communities. This framing aims to evoke sympathy and highlight the human cost of blood feuds.

- **Agenda Setting:** By selecting which stories to cover and how prominently to feature them, media outlets influence what issues become salient in public discourse. Coverage of specific cases, like that of Lekë Lekgjonaj, can elevate awareness of the broader social implications of blood feuds and shape public attitudes towards the victims.

- **Sensationalism vs. Advocacy:** Media can also choose between sensationalizing incidents to attract attention versus advocating for victims' rights and systemic change. Sensationalism may risk perpetuating stereotypes or trivializing the issue, whereas advocacy journalism can promote understanding and support for victims.

2. Cultural Continuity and Change: How historical and cultural factors influence current media practices.

Impact of Tradition: Historical and cultural factors deeply influence how media approaches and reports on blood feuds:

- **Traditional Norms:** Albania's history of blood feuds has created entrenched cultural norms around honor, vengeance, and family obligations. Media coverage often reflects these norms, either by perpetuating the idea of honor-bound retaliation or by challenging them through narratives of forgiveness and reconciliation.

- **Changing Attitudes:** Despite cultural continuity, there are gradual shifts in public attitudes and media practices. Modernization, education, and exposure to global norms of human rights have prompted some media outlets to advocate for legal reforms and social interventions to mitigate the impacts of blood feuds.

- **Ethical Dilemmas:** Journalists face ethical dilemmas when reporting on sensitive issues like blood feuds. Balancing cultural sensitivity with the need for objective reporting and advocacy for victims' rights requires careful consideration of historical contexts and contemporary social realities.

3. Policy Implications: Recommendations for improving media practices and state responses to victimization.

Enhanced Media Ethics and Training:

- **Ethical Guidelines:** Implementing and enforcing ethical guidelines for reporting on sensitive issues like blood feuds can mitigate sensationalism and ensure balanced coverage that respects victims' dignity.

- **Training for Journalists:** Providing training for journalists on cultural sensitivity, conflict reporting, and human rights can improve the quality and impact of media coverage. Journalists equipped with these skills can better navigate complex narratives and contribute to constructive public discourse.

State Support and Legislative Reform:

- **Legal Framework:** Strengthening legal protections for victims of blood feuds and enacting stricter penalties for perpetrators can deter violence and provide recourse for victims. Media advocacy can play a crucial role in pushing for legislative reforms that prioritize victim rights.

- **Victim Support Services:** Developing and promoting victim support services, including counseling, legal aid, and community outreach programs, can empower victims and help break the cycle of violence perpetuated by blood feuds.

Community Engagement and Education:

- **Public Awareness Campaigns:** Collaborating with media outlets to launch public awareness campaigns can educate communities about the human rights implications of blood feuds and promote tolerance and conflict resolution strategies.

- **School Curriculum:** Integrating education about human rights, conflict resolution, and cultural diversity into school curricula can foster a future generation that is more empathetic and informed about the consequences of violence.

In conclusion, addressing the complex issue of blood feuds in Albania requires a multifaceted approach that involves media strategies aligned with ethical considerations, understanding of cultural dynamics, and robust policy measures supported by state and community efforts. By improving media practices, promoting cultural change, and advocating for comprehensive policies, there is potential to reduce the impact of blood feuds and support victims towards reconciliation and justice.

Findings

1. Persistence of Blood Feud Tradition:

The analysis demonstrates that blood feuds remain a deeply embedded cultural practice in certain regions of Albania, notably in areas like Lezhë. Despite efforts towards modernization and reconciliation, this tradition continues to exert a significant impact on local communities, perpetuating cycles of violence.

2. Impact on Victims and Families:

Victims of blood feuds, including individuals like Lekë Lekgjonaj, endure profound psychological and social stress. They often live in a constant state of fear and insecurity, constrained by cultural taboos against retaliation, which severely limits their ability to protect themselves or seek resolution.

3. Media's Role in Shaping Perception:

According to communication theories such as Agenda Setting and Frame Theory, media plays a pivotal role in shaping the narrative around blood feuds. Media coverage influences public perception and policy discussions, with the potential to either reinforce traditional norms or advocate for systemic change and victim support.

4. Social and Institutional Failures:

The texts reveal significant shortcomings in both societal and institutional responses to blood feuds. These include deficiencies in legal protections, inadequate mechanisms for victim protection, and challenges in implementing effective reconciliation efforts.

5. Human Rights Issues:

The issue of blood feuds raises serious human rights concerns, particularly regarding justice, the protection of minors involved in revenge, and the broader societal impact on education and development. There is a pressing need for stronger governmental and societal commitments to uphold human rights and safeguard vulnerable individuals.

6. Calls for Comprehensive Reform:

There is a widespread call for extensive reforms across legal, social, and educational systems to tackle the root causes of blood feuds and provide sustainable solutions. Initiatives like the National Reconciliation Committee aim to promote forgiveness and reconciliation but encounter significant implementation challenges.

7. Complexity of Victimhood and Perpetration:

Victimhood in the context of blood feuds is complex, encompassing not only direct victims of violence but also affected families and communities. Understanding the motivations behind acts of revenge requires a nuanced approach that takes into account historical grievances, cultural norms, and individual circumstances.

Summary of Findings:

- **Persistence of Tradition:** Blood feuds are deeply rooted in specific Albanian regions, continuing to drive cycles of violence and fear.
- **Impact on Victims:** Individuals affected by blood feuds face severe psychological and social challenges, with daily life heavily restricted by cultural norms.
- **Media Influence:** Media significantly shapes public perception and policy discussions on blood feuds, with coverage either reinforcing traditional views or advocating for reform.
- **Cultural Dynamics:** Historical and cultural factors shape media practices and societal responses, influencing how blood feuds are perceived and addressed.
- **Policy Recommendations:** There is an urgent need for improved media ethics, better journalist training, and comprehensive legal reforms to protect victims and address the causes of blood feuds. Public awareness campaigns and educational programs are essential for promoting tolerance and conflict resolution.

Future Research Directions

1. Longitudinal Studies:

Conduct studies tracking changes in media portrayals of blood feuds over time and their effects on public attitudes and policy.

2. Comparative Analysis:

Examine media practices and societal responses to blood feuds across various Albanian regions to identify differences and influencing factors.

3. Media Framing Analysis:

Perform in-depth content analysis to understand how different media outlets frame blood feud stories and the impact of these frames on public perception and policy.

4. Impact of Digital Media:

Explore the role of digital and social media platforms in shaping narratives and influencing public opinion on blood feuds.

5. Community Perspectives:

Investigate how affected communities perceive media portrayals of blood feuds and the implications for their social status and safety.

6. Policy Evaluation:

Assess the effectiveness of existing policies and interventions related to blood feuds, focusing on implementation challenges and opportunities for improvement.

7. International Comparative Studies:

Compare Albania's media strategies and policy responses to blood feuds with those of other countries facing similar issues to identify best practices and lessons learned.

Addressing these research areas can provide a deeper understanding of the complexities surrounding blood feuds in Albania and inform effective strategies for promoting peace, justice, and human rights in affected communities.

References:

- "Viktima nga gjakmarrja në Lezhë nuk u ngujua asnjë ditë" Euronews Albania 27-01-2022 18:16

<https://euronews.al/programs/shqiperi/sot/2022/01/27/viktima-nga-gjakmarrja-ne-lezhe-nuk-u-ngujua-asnje-dite/>

- "The 17-year-old who took revenge for the murder of his father in Lezhë, was present at the scene".

<https://euronews.al/programs/shqiperi/miremengjes/2022/01/26/17-vjecari-qe-u-hakmor-ne-lezhe-i-pranishem-ne-vrasjen-e-babait/>

- "Gjakmarrja – fenomeni i një të kaluarë të dhimbshme që vijon të jetë aktual"

<https://ahc.org.al/gjakmarrja-fenomeni-i-nje-te-kaluare-te-dhimbshme-qe-vijon-te-jete-aktual/>

- Biberaj, E., Albania in transition: The Rocky Road to Democracy. I.B. Tauris, 1998.

- Pettifer, J., Vickers, M., *The Albibanian Question: Reshaping the Balkans*. I.B. Tauris, 2007
- Robin Alison Remington: Foreword to “Albania in Transition: The Rocky Road to Democracy”, Westview Press, 1998
- Bevapi K (2012) “The Albanian Custom’s Right in Historical-Juridicial Aspect. A Note about Leke Dukagjini and Skanderberg’s Code”. *European Scientific Journal* 8 (7).
- McCombs, Maxwell E., and Donald L. Shaw. *The Agenda-Setting Function of Mass Media*. *Public Opinion Quarterly*, 1972
- Katz, Elihu, et al. *Uses and Gratifications Research*. *The Public Opinion Quarterly*, 1973.
- Bandura, Albert. *Social Learning Theory*. Prentice-Hall, 1977
- Christie, Nils. *The Ideal Victim*. *From Crime, Justice and Society*, 1986.
- Entman, Robert M. *Framing: Toward Clarification of a Fractured Paradigm*. *Journal of Communication*, 1993
- Gramsci, Antonio. *Selections from the Prison Notebooks*. International Publishers, 1971.
- Hall, Stuart. *Encoding/Decoding*. *Media and Cultural Studies: KeyWorks*, 1980.
- Blumer, Herbert. *Symbolic Interactionism: Perspective and Method*. University of California Press, 1986.
- Balkan Investigative Reporting Network. (2023). "Investigating Domestic Violence Cases in Albania." Retrieved from <http://www.birn.eu.com/investigations/domestic-violence-albania>
- Council of Europe. (2020). "Discrimination against Roma in Albania." Retrieved from <https://www.coe.int/en/web/albania/discrimination-roma>
- Greer, C., & McLaughlin, E. (2017). The impact of media representation on public perception of victims: Evidence from a natural experiment. *The British Journal of Criminology*, 57(2), 265-285. doi:10.1093/bjc/azv121
- International Labour Organization. (2021). "Informal Economy in Albania: Challenges and Solutions." Retrieved from https://www.ilo.org/global/countries-covered/albania/what-we-do/projects/WCMS_762869/lang--en/index.htm
- Tirana Times. (2023). "Opinion: Strengthening Legal Frameworks for Victim Protection." Retrieved from <http://www.tiranatimes.com/opinion-strengthening-legal-frameworks-victim-protection>
- UN Women. (2023). "Addressing Domestic Violence in Albania: Challenges and Progress." Retrieved from <https://albania.unwomen.org/en/news/stories/2023/03/addressing-domestic-violence-in-albania>
- US Department of State. (2022). "Trafficking in Persons Report: Albania." Retrieved from <https://www.state.gov/reports/2022-trafficking-in-persons-report/albania/>

THE EVOLVING ROLE OF VICTIMS IN CANADA'S CRIMINAL JUSTICE SYSTEM: TIME FOR REFORM

Aline VLASCEANU¹¹³

Abstract

This article examines the evolving role of victims in Canada's criminal justice system, highlighting the transition from a victim-centred prosecution process to a system where crimes are seen primarily as offences against the state. The shift has marginalized victims, limiting their participation mainly to that of witnesses. Despite advocacy from victims' groups and the feminist movement, which has brought attention to issues like domestic violence and sexual assault, victims' rights are still not fully integrated into the justice process. The article critiques the limitations of the Canadian Victims Bill of Rights (CVBR), enacted in 2015, which, despite recognizing four key rights—information, protection, participation, and restitution—has struggled with inconsistent enforcement and implementation across the country. It emphasizes the need for reform to ensure victims are adequately supported, informed, and given a meaningful role in legal proceedings. As the 10th anniversary of the CVBR approaches, the article calls for clearer guidelines, improved information dissemination, and greater accountability to address the gaps in victims' rights and support systems.

Keywords

Victims' rights, Canadian criminal justice system, advocacy, reform, accountability

The landscape of Canada's criminal justice system has undergone a profound transformation over the years. Historically, the system was oriented around the offender and the victim, with the latter often central to the prosecution process. Yet, in today's system, crime is increasingly perceived as an offence against the state, pushing victims to the periphery of the legal proceedings and limiting their role primarily to that of witnesses.¹¹⁴

This shift has been incremental but notable, fueled by the advocacy of victims and the support of various actors within the criminal justice system. One significant force driving this change has been the feminist movement, which has been pivotal in highlighting and addressing issues such as domestic

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¹¹⁴ This shift in focus has significantly altered the role of victims in the Canadian justice system, pushing them from a central position in prosecution to a more passive role as witnesses (Canadian Resource Centre for Victims of Crime, 2015).

violence and sexual assault.¹¹⁵ Their tireless efforts have injected a new sense of hope for a future where victims' rights are not merely acknowledged but fully integrated into the justice process.

Despite these advances, many victims continue to find themselves marginalized. While it is crucial to protect the rights of offenders, it is equally important to ensure that victims' voices are heard, and their concerns addressed. Victims are often thrust into their roles involuntarily; crimes are inflicted upon them rather than chosen. Recognizing this, the justice system must do more than merely offer theoretical support—it must provide tangible, enforceable rights that acknowledge the ongoing impact and trauma of victimization.

In Canada, the federal correctional system has dual objectives: enforcing court-imposed sentences and rehabilitating offenders for reintegration into society. While rehabilitating offenders is undeniably beneficial for societal well-being, it is equally imperative to address the needs of victims. Unfortunately, despite various provisions in the Criminal Code intended to aid victims—such as testimonial aids, victim impact statements, restitution, publication bans, non-communication orders, and peace bonds—the rights of victims remain inadequately enforced.

The Criminal Code includes measures designed to assist victims, but these provisions often fall short in practice. The Code lacks explicit directives on who is responsible for informing victims of their rights or the measures available for their protection and assistance during legal proceedings.¹¹⁶ This oversight means victims frequently find themselves navigating a complex system without adequate support or recourse.

The administration of victims' rights falls to provincial and territorial authorities, leading to a fragmented approach across Canada. While many provinces have established victims' rights legislation, these laws generally offer only vague guidance on what victims "should" have access to, without providing clear enforcement mechanisms. This results in inconsistent protections and leaves victims struggling to assert their rights amidst a maze of bureaucratic obstacles.¹¹⁷

In federal cases, victims may participate in parole hearings and submit impact statements, which can influence the conditions of an offender's release. While financial support is available to assist with attending these hearings, the process of securing restitution remains fraught with difficulties. Victims often

¹¹⁵ The feminist movement's influence has been crucial in bringing issues like domestic violence and sexual assault to the forefront, though the integration of victims' rights into the justice system remains incomplete (Canadian Resource Centre for Victims of Crime, 2015).

¹¹⁶ Government of Canada, *Criminal Code* (RSC 1985, c. C-46), <https://laws-lois.justice.gc.ca/eng/acts/C-44.6/page-1.html>

¹¹⁷ The fragmented approach to victims' rights across provinces and territories leads to inconsistent protections and enforcement (Standing Committee on Justice and Human Rights, 2022).

face significant challenges in enforcing restitution orders, a process that can be both financially and emotionally draining.¹¹⁸

The Canadian Victims Bill of Rights (CVBR), enacted on July 23, 2015, marked a pivotal step in formally recognizing victims' rights within the criminal justice system. The CVBR enshrines four key rights: the right to information, the right to protection, the right to participation, and the right to restitution. These rights aim to give victims a more substantial role in the justice process and ensure their needs are addressed more systematically.¹¹⁹

However, the CVBR's implementation has revealed several shortcomings. The right to information mandates that victims receive timely and clear details about investigations, legal proceedings, and support services. Yet, ensuring victims receive this information remains problematic, as it largely depends on the discretion of justice professionals. There is no uniform mechanism across Canada to guarantee that victims are consistently informed about their rights and available services.

The CVBR also includes provisions for protection, particularly in sensitive cases like intimate partner violence. While protective measures such as physical security, privacy safeguards, and testimonial aids are intended to enhance victims' safety, the lack of a national strategy and centralized data collection exacerbates these issues. Many victims report feeling uninformed about their rights and the support systems available to them.

Similarly, the CVBR's provisions for participation and restitution are crucial but face practical challenges. The right to participation allows victims to express their views and concerns through victim impact statements, which are considered during sentencing. However, the effectiveness of this right can vary widely depending on the jurisdiction and specific case details. The right to restitution aims to provide financial compensation for losses incurred due to crime, yet enforcing this right can be arduous and costly for victims.

The CVBR's framework is hindered by vague language regarding implementation, leaving much to the discretion of justice professionals and resulting in inconsistent application across provinces and territories. This lack of clarity and accountability means that victims' experiences with the justice system can vary widely, often leaving them feeling unsupported and frustrated.¹²⁰

As we approach the 10th anniversary of the CVBR in 2025, it is evident that while the framework for victims' rights is in place, its practical realization remains limited. The 2022 report by the Standing Committee on Justice and

¹¹⁸ The enforcement of restitution orders remains a significant challenge for victims, often resulting in financial and emotional strain (Wemmers, Manikis, & Sitoianu, 2017).

¹¹⁹ Government of Canada, *Canadian Victims Bill of Rights* (RSC 1970, c. C-23.7), <https://laws-lois.justice.gc.ca/eng/acts/c-23.7/page-1.html>

¹²⁰ The CVBR represents a significant step forward, but its implementation has faced challenges that limit its effectiveness (Office of the Federal Ombudsman for Victims of Crime, 2020).

Human Rights, which garnered all-party support for amendments to the CVBR, highlighted the need for reforms to better integrate victims' rights into the criminal justice system. However, progress has been slow, and many of the proposed changes have yet to be enacted.

Addressing these challenges requires a concerted effort from both federal and provincial governments. There is a pressing need for clearer guidelines, better information dissemination, and a more accountable system to ensure that victims' rights are not only recognized but actively upheld. Victims deserve a justice system that truly reflects their needs and experiences, placing their rights and well-being at the forefront of our collective priorities.

Significant Dates in the Canadian Victims' Movement

- 1963** – New Zealand enacts first victim compensation program
- 1967** – Saskatchewan enacts victim compensation program
- 1967** – Ontario passes Law Enforcement Compensation Act
- 1968** – Newfoundland enacts victim compensation program
- 1969** – Alberta enacts victim compensation program
- 1969** – Ontario amends compensation act to include victims of a violent crime
- 1971** – Ontario passes Compensation for Victims of Crime Act (replacing Law Enforcement Compensation Act)
- 1971** – Manitoba enacts victim compensation program
- 1971** – New Brunswick enacts victim compensation program
- 1972** – Quebec enacts victim compensation program
- 1972** – BC enacts victim compensation program
- 1972** – First transition houses in BC and Alberta
- 1973** – The federal government began contributing to provincial compensation plans
- 1973** – First International Symposium on Victimology
- 1974** – The Law Reform Commission of Canada expresses support for restitution
- 1974** – First victim-offender reconciliation takes place in Kitchener, Ontario
- 1974** – First sexual assault centres open in Vancouver
- 1976** – The Criminal Code was amended to limit questions about the complainant's past sexual history
- 1977** – Federal contributions to provinces for compensation plans enhanced;
- 1979** – Ontario Corrections Minister raises the issue of victims at the inaugural meeting of the federal-provincial ministers of justice
- 1979** – Edmonton Police Victim Service Unit founded, Brampton Victim Witness Program established.
- 1980** – Throne Speech references violence against women as an issue
- 1980** – MADD (Mothers Against Drunk Driving) was established in the United States

- 1980** – R. v. Pappajohn (Supreme Court decision regarding honest but mistaken belief)
- 1980** – Wisconsin becomes the first state to enact a Victims Bill of Right
- 1980** – National Workshop of Services to Crime Victims (Quebec does not participate)
- 1981** – Formation of Federal-Provincial Task Force on Justice for Victims of Crime
- 1981** – President Reagan announces the first National Victims' Rights Week
- 1981** – President's Task Force on Victims
- 1981** – Federal government forms Committee on Sexual Offences Against Children and Youth
- 1981** – Citizens United for Safety and Justice formed in BC
- 1982** – Solicitor General Robert Kaplan encourages police forces to lay charges in domestic violence cases regularly
- 1982** – National Victim Resource Centre established in Ottawa
- 1982** – Victims of Violence is formed in Ontario
- 1982** – Bill C-127 (husband could be convicted of raping his wife; rape changed to 3 levels of sexual assault; questions about complainant's background)
- 1982** – First General Social Survey (GSS) on Victimization in Canada
- 1983** – Release of Federal-Provincial Task Force on Justice for Victims of Crime report 1983 London Police Force first in Canada to issue mandatory charge policy regarding domestic violence cases
- 1983** – Federal government issues guidelines re: spousal assault to prosecutors in Territories
- 1984** – Badgley Committee Report makes 52 recommendations
- 1984** – Federal-Provincial Working Group on Victims of Crime established
- 1985** – First National Conference on Victims of Crime in Toronto
- 1985** – Federal government creates Victim Assistance Fund - 2 - year funding payments to provinces for victim services and programs
- 1985** – National Parole Board publishes a handbook for victims with assistance from David Nairn, father of a murder victim
- 1985** – The United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- 1986** – Manitoba enacts Justice for Victims of Crime Act;
- 1987** – US Supreme Court rules Victim Impact Statements not admissible in death penalty cases
- 1987** – Federal government negotiates interim enhanced cost-sharing agreement on compensation
- 1987** – New Brunswick passes Victim Services Act
- 1988** – PEI enacts victim compensation program
- 1988** – Bill C-15 (screens, videotape statements, publication bans, exclusion of public)
- 1988** – Newfoundland passes Victims of Crime Services Act

- 1988** – NWT passes Victims of Crime Act
- 1988** – PEI passes Victims of Crime Act
- 1988** – Quebec passes An Act Respecting Assistance to Victims of Crime
- 1988** – The National Victim Resource Centre transferred from the Solicitor General to the Department of Justice;
- 1988** – Federal, provincial and territorial governments adopted the *Statement of Basic Principles of Justice for Victims of Crime*
- 1989** – Bill C-89 (victim impact statements, restitution (never proclaimed in force), victim fine surcharges)
- 1989** – Nova Scotia passes Victims Rights and Services Act
- 1989**– National Parole Board releases discussion paper, Victims and the National Parole Board
- 1990** – R. v. Lavalee (Supreme Court upholds battered women’s defence)
- 1991** – R. v. Seaboyer (Supreme Court strikes down rape shield laws)
- 1991** – The Canadian Sentencing Commission recommends judges be required to consider restitution and be allowed to impose jail sentences where the accused willfully defaults.
- 1991**– US Supreme Court overturns previous decision and allows Victim Impact Statements in death penalty cases
- 1992** – Bill C-49 (rape shield, no means no)
- 1992** – Bill C-36 (Corrections and Conditional Release Act)
- 1992** – The federal government ceases contributions for provincial compensation plans
- 1992** – Newfoundland repeals compensation plan
- 1993** – Yukon repeals compensation plan
- 1993** – Yukon passes Victim Services Act
- 1993** – Bill C-126 (protection for child witnesses, sex offences)
- 1993** – Canadian Police Association announces creation of Canadian Resource Centre for Victims of Crime
- 1994** – R. v Daviault (Supreme Court rules extreme drunkenness a defence to rape)
- 1995** – Saskatchewan passes Domestic Violence Act
- 1995** – Saskatchewan passes Victims of Crime Act
- 1995** – R. v. O’Connor (Supreme Court allows defence access to sex assault complainants’ private records)
- 1995** – Bill C-37 (amended the Young Offenders Act to allow victim impact statements);
- 1995** – National Victims’ Resource Centre closed
- 1995** – Ontario passes Victims Bill of Rights
- 1996** – NWT repeals compensation plan
- 1996** – Bill C-41 (sentencing principles, victim impact statements, restitution, hate crime)
- 1996** – BC passes Victims of Crime Act

- 1996** – Alberta passes Victims of Crime Act
- 1996** – R. v. Swietlinski (Supreme Court rules Victim Impact Statements not relevant to judicial review hearings)
- 1996** – Reform Party motion in House of Commons for creation of a National Victims’ Bill of Rights;
- 1996** – BC Victim Advisory Committee formed (PBC/CSC)
- 1997** – Bill C-27 (child sex trade workers)
- 1997** – Bill C-45 (section 745)
- 1997** – Bill C-46 (private records of sex assault complainants)
- 1997** – BC allows victims to give oral impact statements at provincial parole hearings
- 1998** – Release of Victims’ Rights: A Voice, Not a Veto, Standing Committee on Justice and Human Rights
- 1998** – Ontario Government creates the Office for Victims of Crime
- 1999** – Vanscoy decision confirms Ontario victims of crime legislation does not give victims any rights
- 1999** – Bill C-79 (Victim Impact Statements, Victim Fine Surcharge, bail, etc.)
- 2000** – Department of Justice Policy Centre for Victim Issues opens
- 2001** – Manitoba passes new Victims Bill of Rights
- 2001** – Victims are permitted to provide oral impact statements at federal parole hearings
- 2002** – New crime victim compensation legislation comes into effect in BC; no longer compensates for pain and suffering
- 2002** – Manitoba Minister of Justice Gord Mackintosh calls for amendment to Charter to support victim’s rights
- 2003** – B.C. government eliminates all Crown-based victim services
- 2003** – B.C. government repeals no-drop policy in domestic violence cases
- 2003** – Federal-provincial-territorial governments adopt new Basic Statement of Principles for Victims of Crime
- 2003** – Policy Centre for Victim Issues commissions research papers on feasibility of amendment to the Charter supporting victims’ rights
- 2003** – Department of Justice victim conference
- 2004** – CAVA formed and (Canadian Association for Victim Assistance) holds its first conference
- 2004** – Canadian Centre for Justice Statistics releases report on Victims Services in Canada
- 2005** – Bill C-10 (VIS at mental health review board hearings)
- 2005** – Bill C-2 (expansion of protection for vulnerable witnesses)
- 2005** – Creation of a fund to assist victims and their support persons in attending federal parole hearings
- 2005** – Creation of the National Office for Victims of Crime (CSC/PBC)
- 2007** – Creation of fund for Emergency Financial Assistance for Canadians Victimized Abroad
- 2007** – Creation of the Office of the Federal Ombudsman for Victims of Crime
- 2007** – Creation of the Federal Victims Strategy, renewed permanently in 2011. The objective of the Strategy, which the Department of Justice Canada leads, is to give victims a more effective voice in the criminal justice system.

- 2010** – Ongoing funding provided across Canada for communities to operate Child Advocacy Centres, which provide a coordinated approach to addressing the needs of child and youth victims and/or witnesses in the criminal justice system. CACs seek to minimize system-induced trauma by providing a single, child-friendly setting for young victims or witnesses and their families to seek services.
- 2011** – S-6 (Repeal of the faint hope clause, which previously allowed some killers to apply to a jury after 15 years for an early parole hearing)
- 2011** – C-48 (Consecutive parole ineligibility periods could be imposed for multiple murderers)
- 2012** – C-10 (expanded rights for victims in the Corrections and Conditional Release Act, including more information about offenders)
- 2012** – C-21 (Federal Income Support for Parents of Murdered or Missing Children (PMMC) - an income support grant available to applicants who have suffered a loss of income from taking time away from work to cope with the death or disappearance of their child or children, as a result of a probable Criminal Code offence)
- 2013** – C-37 (Legislation passed to double the federal victims' surcharge and make it mandatory, where money collected goes into provincial funds to finance various operations to help victims of crime and their families)
- 2013** – C-54 (Criminal Code mental disorder regime amended to enhance the safety of victims and opportunities for greater involvement, also new high-risk designation)
- 2014** – C-32 Introduction of the Canadian Victims Bill of Rights in Parliament
- 2015** – the Canadian Victims Bill of Rights was passed. It was enacted on July 23rd, 2015.

References

- Canadian Resource Centre for Victims of Crime. (2015). *Victims' rights in Canada*. https://crevc.ca/wp-content/uploads/2011/10/victims-rights_paper_DISCLAIMER_Feb2015.pdf
- Government of Canada. (n.d.). *Canadian Victims Bill of Rights* (RSC 1970, c. C-23.7). <https://laws-lois.justice.gc.ca/eng/acts/c-23.7/page-1.html>
- Government of Canada. (n.d.). *Criminal Code* (R.S.C., 1985, c. C-46). <https://laws-lois.justice.gc.ca/eng/acts/C-44.6/page-1.html>
- Office of the Federal Ombudsman for Victims of Crime. (2020). *Progress report: The Canadian Victims Bill of Rights*. <https://www.victimfirst.gc.ca/res/pub/prcvbr-reccdv/index.html>
- Standing Committee on Justice and Human Rights. (2022). *Improving support for victims of crime* (R. Sarai, Chair). House of Commons. <https://www.ourcommons.ca/Content/Committee/441/JUST/Reports/RP12132484/justrp07/justrp07-e.pdf>
- Wemmers, J.-A., Manikis, M., & Sitoianu, D. (2017). *Restitution in the context of criminal justice* (Research paper). Department of Justice Canada. https://www.cicc-iccc.org/public/media/files/prod/onglet_files/8/Reparation-final-EN.pdf

THE NORMALIZATION OF GENDER BASED VIOLENCE CONSEQUENCES AND INTERVENTION STRATEGIES FOR WOMEN-VICTIMS OF VIOLENCE

Letiția ANCULETE¹²¹

Abstract

Nowadays, common attitudes towards violence - in general - and the cultural, social and psychological normalization of gender violence in Romania, highlights the lack of correct psycho-social models, typical for a healthy society. Insufficient studies on this topic generate an acute lack of strategies to combat and intervene on this scourge. Identifying these socio-cultural and psychological aspects that generate the normalization of violence is an essential movement, to develop effective intervention strategies, that can be used in the future, for the evolution of our current society as well as for creating a safe environment in which the new generations will grow.

Key words: *women, victims, gender-based violence, normalization of violence, intimate partner violence, help seeking actions, depression, socio-cultural factors, narrative inquiry.*

Gender based violence (GBV) is defined as an accumulation of harmful/aggressive acts directed to a person based on their gender, that is a constant threat to girls and women around the world, regardless of their age, ethnicity or socio-economic status; this phenomenon creates a danger in all environments: work, school and home (UNO, 2022).

National Institute for Public Health (2023) reiterates the UN General Assembly (1993) definition of *violence against women* as "any act of gender-based violence that results, or is likely to result, in physical, sexual, or psychological harm to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether if they appear in public or private life."

The European Institute for Gender Equality (2024) states that GBV is any type of violence based on someone's gender from physical to emotional, financial or reproductive violence. While anybody can be a victim of GBV, women are overwhelmingly the victims. Violence against women continues to be one of the most severe human rights violations within societies. It is deeply rooted in systemic power imbalances between women and men.

The phenomenon of gender-based violence identifies women and girls as the main victims, but men can also be affected. LGBTQ+ people are also frequently targeted. The European Parliament's (2021) estimates regarding the

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phenomenon of gender-based violence show that 22% of women have faced physical or sexual violence, and 43% have faced psychological violence. In the same time, many cases of violence against women were not reported to the bodies empowered to intervene.

Intimate partner violence (IPV) – or domestic violence - is the most common form of violence against women and the most extreme form of gender discrimination. It poses a threat to the fundamental rights to dignity, liberty, security, health and, eventually, the lives of women (EIGE, 2023).

In the European Union, 1 in 3 women have been subjected to physical abuse or sexual violence since the age of 15. Every week, around 50 women lose their lives as a result of domestic violence to which they are subjected by their partners. At least 2 women are killed every day by an intimate partner or family member (NIPH, 2023).

Recent research shows that Romania does not have a case-centralization of intimate partner violence, or other forms of violence against women. Therefore, the European Union's attempts to develop new laws to combat this widespread phenomenon of gender-based violence jeopardised by the lack of data¹²².

Old data shows that in our country, 1 in 4 women have been physically or sexually assaulted by their partner or ex-partner and 55% of Romanians believe that rape is justified in certain situations.¹²³

Also, the statistics showed that, in the last 8 years, 1,885 girls and 202 boys were victims of crimes of rape, sexual assault or sexual intercourse with a minor, where the perpetrator was a family member. In the last 9 years, 445 women and girls have been killed by a family member. Violence produces a traumatic dimension on women-victims, but more than that, the normalization of this violence leads to women's lack of access to clinical intervention services for their psychological recovery. Therefore, the women-victim mentality is maintained and later gets to propagate from one generation to another, in any culture, and it doesn't promote help seeking actions (NIPH, 2023).

The Comparative Ethnographic Narrative Analysis Method (CENAM) and the tool Structured Clinical Ethnic Interview (CENI) allows, on one hand, the identification - through this qualitative and analytic strategy - of the social, cultural and psychological factors that normalize gender-based violence and that really allow the transgenerational propagation of this phenomenon, and on the other hand, it also has a therapeutic effect, by generating a meaning for the interviewed person, an experience of self-knowledge and self-direction towards the search for solutions and support (Saint Arnault, 2023).

In other words, the metanarrative analysis allows researchers to interpret shared and distinct phenomena within cultural contexts, providing a holistic understanding of how culture shapes meaning, identity, and behaviour. The research

¹²² Baseline Evaluation Report Romania 2022, p. 23 *apud* Băluță, I. & Tufiş, C., 2022, p. 12

¹²³ Eurobarometer 449, 2017 *apud* NIPH, 2023

question guiding the analysis focuses on understanding the meaning of healing for women recovering from gender-based violence (Saint Arnault & Sinko, 2021).

„Narrative inquiry, located in the interpretive paradigm, explores the experience of an individual and how their physical, social, and cultural environment impacts and shapes their individual experiences” (Haydon, Browne & van der Riet, 2017, p.2).

The narrative inquiry method involves using personal meanings reflecting on personal experiences, analysing field texts, identifying narrative threads, emphasizing the importance of maintaining a responsive researcher-participant relationship, creating relational spaces with participants, creating knowledge through storytelling, deep reflexivity, understanding experiences through stories in the context of *time*, *place*, and *sociality*, exploring personal, social, and cultural narratives, data analysis using a three-dimensional narrative inquiry space framework, ensuring trustworthiness through ongoing conversations, feedback, and guidance, encouraging researchers to reflect on their own narrative beginnings, engage in ongoing reflexivity, and maintain ethical researcher-participant relationships (Finaly & dela Cruz, 2023).

A narrative inquiry - such CENI- has a methodology who supports the person in understanding of their situation, identifying and developing help-seeking strategies (Bury, 2001; Frank, 1995 *apud* Haydon et al, 2017).

Furthermore, a metanarrative analysis allows researchers to interpret the cultural nuances of shared and distinct themes related to help-seeking behaviours and provides a deeper understanding of how culture influences individuals' approaches to seeking help and healing after experiencing trauma (Saint Arnault & Sinko, 2021).

A cross-cultural comparison from 2006 between 50 Japanese women and 44 American women (college students) using the Beck Depression Inventory (BDI) reveals significant differences between the two groups in terms of depression and somatic-distress: the BDI scores for the Japanese women were significantly higher than those for the American women; also, Japanese women had higher somatic distress mean scores compared to the American women; somatic symptoms were significantly correlated with depressive symptoms for the Japanese women but not for the American women (Arnault, Sakamoto & Moriwaki, 2006).

Furthermore, study revealed that high BDI Japanese women reported numerous somatic symptoms, including gastrointestinal, neurological, musculoskeletal, and skin symptoms; in contrast, American women primarily reported joint pain as a somatic symptom associated with high depressive symptoms. The study suggests that Japanese cultural model may influence how somatic symptoms are experienced and expressed in relationship to depression (Arnault *et.al.*, 2006).

CENI facilitates a movement from Social Network Map (an external part who reveals the social relationships and the participant perception on the

available social resources), to Body Mapping (internal part who focuses on locating traumas, distress and illness within the body); afterwards, the Lifeline explore highs and lows throughout life of the participant, and manages to highlighting the trauma patterns occurrence as well as the existence of their help-seeking actions; in the Card Sort phase, the participant chooses cards who describe most accurately the feelings, emotions, psycho-somatic symptoms that occurred at a low point in their life, this process being designed to facilitate the construction of a meaning regarding her experience (Saint Arnault, 2017, p.7-8).

After this, the Integration phase is the final step where the participant connects all the above parts, to arise self-knowledge and the power to find proper solutions for help-seeking actions (Saint Arnault, 2017, p.9).

We can see CENI as an efficient instrument used to identify the social, cultural, and psychological factors that are normalizing, maintaining and allowing the perpetuation of gender-based violence; as well as having the ability to highlighting the occurrence of somatic symptoms, emotions/feelings, intrusive cognitions (all of which are associated with anxiety, depression and post-traumatic stress syndrome). Moreover, the transition of the participant through CENI phases, changes the perspective and offers a meaning that empowers her to prepare for further changes.

The necessity of research and of developing new strategies to diminish socio-cultural factors who normalize and perpetuate the gender-based violence against women determined researchers around the world to collaborate for this aim.

In this direction, on 23-28th of June 2023, Romanian Society of Victimology (SRV) organized Bucharest RESEARCH Event which had two parts:

The prevention part - in collaboration with The Training Department for Educational Staff (DPPD) of Spiru Haret University - presented by PhD Grația Sion. In this section Grația Sion highlighted the necessity to identify factors and influences who encourage and promote violence against women and made suggestions about strategies to prevent violence.

The training session for the research team - by Multicultural Study of Trauma Recovery (MiStory) International Research Laboratory, coordinated by PhD Denise Saint Arnault; the practitioners who participated in the training session worked with Clinical Ethnographic Narrative Interview (CENI) in order to understand the functions of this instrument, to use it in most safely mode and to identify the outcomes that can emerge from this.

MiStory International Research Laboratory have research centres from over a dozen countries, each of these organizations has an experienced lead researcher, and each country is an autonomous but engaged member who collects country-specific data and shares it with the MiStory collective.

The mission of MiStory group of research is to discover how culture, gender and the self-interact to shape trauma recovery, in a safe and secure manner so that the survivors walked away from the interview feeling satisfied,

and maybe a little bit better for having participated in this project. Furthermore, the mission of MiStory is to develop strategies to diminish and eliminate cultural factors who maintain gender-based violence against women around the world, and ultimately to create social and systemic change. Sociocultural change refers to any significant change in social patterns or cultural developments over time.

In conclusion, there is a real need for researchers to collaborate with organizations who use appropriate tools, within the psychological research, that can bring to light essential data for developing effective customised strategies on each culture to combat the scourge of gender-based violence and the depression occurrence in women victims of violence, through self-knowledge and help seeking support.

References

1. Arnault, D. S., Sakamoto, S., & Moriwaki, A. (2006). *Somatic and depressive symptoms in female Japanese and American students: a preliminary investigation*. *Transcultural psychiatry*, 43(2), 275–286.
<https://doi.org/10.1177/1363461506064867>
2. Băluță, I., Tufiș, C. (2022). *Barometrul violenței de gen 2022. Violența împotriva femeilor în România: reprezentări, percepții*. Ed. Dota, Presa Universitară Clujeană, Cluj-Napoca
3. European Institute for Gender Equality (2024)
<https://eige.europa.eu/gender-based-violence> accessed 25.03.2024
4. European Institute for Gender Equality (2023). *Understanding intimate partner violence in the European Union: The essential need for administrative data collection*
<https://eige.europa.eu/publications-resources/publications/understanding-intimate-partner-violence-european-union-essential-need-administrative-data-collection>
5. Finaly, Jenise; dela Cruz, Aniela (2023). *Reflexivity and Relational Spaces: Experiences of Conducting a Narrative Inquiry Study With Emerging Adult Women Living With Chronic Pain*. *Global Qualitative Nursing Research* Volume 10: 1–10, sagepub.com/journals-permissions DOI: 10.1177/23333936231190619 journals.sagepub.com/home/gqn
<https://doi.org/10.1177/2333393623119061>
6. Haydon, Gunilla & Browne, Graeme & Riet, Pamela. (2017). *Narrative inquiry as a research methodology exploring person centred care in nursing*. *Collegian*. 10.1016/j.colegn.2017.03.001.
7. Multicultural Study of Trauma Recovery (MiStory) (2023).
<https://mistory-traumarecovery.org/ro/welcome/>
8. National Institute for Public Health (2023). *Ziua Internațională pentru Eliminarea Violenței Împotriva Femeilor*.

<https://insp.gov.ro/2023/11/25/25-noiembrie-2023-ziua-internationala-pentru-eliminarea-violentei-impotriva-femeilor/>

9. Romanian society of Victimology (SRV). <https://victimologie.ro/>

10. Saint Arnault D. M. (2017). *The Use of the Clinical Ethnographic Narrative Interview to Understand and Support Help Seeking After Gender-Based Violence*. TPM. Testing, Psychometrics, Methodology in Applied Psychology, Vol.24(3), p. 423–436. <https://doi.org/10.4473/TPM24.3.8>

11. Saint Arnault, D.; Sinko, L. (2021). Comparative Ethnographic Narrative Analysis Method: Comparing Culture in Narratives. *Global Qualitative Nursing Research*. 2021; 8.

<https://doi:10.1177/23333936211020722>

12. Saint Arnault, D. (2023). *Clinical ethnographic narrative interviewing. Illuminating Culture and Meaning*. Cognella, San Diego.

13. The European Parliament (2021). *Cum combate UE violența pe bază de gen*. <https://www.europarl.europa.eu/news/ro/headlines/society/20210923STO13419/cum-combate-ue-violenta-bazata-pe-gen>

14. United Nations Organization (2022). Stand with her: 6 women-led organizations tackling gender-based violence (Gabriela Carbo Zack).

https://unfoundation.org/blog/post/stand-with-her-6-women-led-organizations-tackling-gender-basedviolence/?gclid=Cj0KCQjwy4KqBhD0ARIsAEbCt6ijfao5ApTUK2dseE2FuqdxfdMetZxAA_1pwinVDdk3IaZirdIOKOsaAuDjEALw_wcB

VICTIMIZATION IN PAKISTAN AND ITS SOLUTIONS

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Abstract

Objectives: *Victimization in Pakistan represents a significant socio-legal challenge, encompassing various forms including violent crime, domestic and sexual violence, economic exploitation, and political and sectarian violence.*

Proposals and methodology: *This paper investigates the multifaceted nature of victimization within the country, delving into its prevalence, underlying causes, and far-reaching impacts on individuals and society. It highlights how socio-economic factors, cultural norms, political instability, and inefficiencies within the legal system contribute to the widespread nature of victimization. The psychological, social, economic, and institutional repercussions of these crimes are examined to illustrate their profound effects on both victims and the broader community.*

The paper also explores current efforts to address victimization and identifies gaps in existing strategies. Through a comprehensive review of legal frameworks, law enforcement practices, and support services, it underscores the need for a more robust and integrated approach.

Results and implications: *Recommendations are proposed, including strengthening legal protections, improving law enforcement and investigative methods, increasing public awareness, expanding victim support services, and addressing economic disparities. By presenting case studies of successful initiatives and offering actionable solutions, this paper aims to provide a strategic roadmap for mitigating victimization and fostering a more just and secure environment in Pakistan.*

Key words: Violent Crime, Domestic Violence, Sexual Violence, Public Awareness, Support Services

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INTRODUCTION:

Victimization, a term encompassing the various ways in which individuals suffer from crimes or abuses, is a significant issue in Pakistan. It includes violent crimes, domestic and sexual violence, economic exploitation, and political and sectarian violence. In Pakistan, victimization is exacerbated by a range of factors such as socio-economic disparities, cultural norms, and political instability. The purpose of examining this subject is to understand the prevalence and impact of these forms of victimization on individuals and society at large. This understanding is crucial for developing effective strategies to address and mitigate these issues. The significance of this topic lies in its potential to inform policy reforms, improve support services, and enhance public awareness, ultimately contributing to a safer and more equitable society.¹²⁶ Addressing victimization is essential not only for ensuring justice for victims but also for fostering overall social stability and progress in Pakistan.

TYPES OF VICTIMIZATION IN PAKISTAN:

- i. Violent Crime: Analysis of incidents like murder
- ii. Assault: Robbery.
- iii. Domestic Violence: Patterns and statistics related to abuse within households.¹²⁷
- iv. Sexual Violence: Incidence of rape and harassment.¹²⁸
- v. Economic Exploitation: Cases of fraud, exploitation & other financial crimes.
- vi. Political and Sectarian Violence: Impact of political instability¹²⁹
- vii. Sectarian conflict on individuals.

¹²⁶Khalid Zaman and Muhammad Tariq, "Socio-Economic Factors and Crime in Pakistan: A Study of Karachi"*, Examines the link between socio-economic factors and crime rates in Pakistan's largest city, 2024, p. 34

¹²⁷ Ashfaque H. Khan "The Political Economy of Pakistan: From Independence to the Present", Examines the economic factors influencing various societal issues, including crime and victimization, 2015, p. 24-25

¹²⁸ Shirin M. Rai and others "Violence Against Women in South Asia: A Critical Analysis", Offers insights into the issue of violence against women in South Asia, with relevant information applicable to Pakistan, 2014, p. 31

¹²⁹ Anatol Lieven "Pakistan: A Hard Country", provides an in-depth analysis of Pakistan's socio-political landscape, including issues related to violence and victimization, Journal of Business and Social Review in Emerging Economies, Volume 6: No. 4, December 2020, p.41

CAUSES OF VICTIMIZATION

1. Socio-Economic Factors:
2. Poverty, unemployment, and lack of education.
3. Cultural and Social Norms:
4. Gender roles, societal attitudes, and discrimination.¹³⁰
5. Political Instability¹³¹:
6. Effects of corruption, ineffective law enforcement, and political unrest.
7. Legal System Inefficiencies:
8. Gaps in the legal framework and justice system.

Victimization in Pakistan is driven by a complex interplay of socio-economic, cultural, and political factors.¹³² Socio-economic disparities, including high levels of poverty and unemployment, create environments where crime and exploitation are more likely to occur. Cultural norms and societal attitudes, particularly those that perpetuate gender inequality and discrimination, exacerbate the prevalence of domestic and sexual violence.¹³³ Political instability and corruption further undermine the effectiveness of law enforcement and judicial systems, making it difficult for victims to seek justice and protection.¹³⁴ Additionally, the inefficiencies within the legal framework, such as inadequate laws and enforcement mechanisms, contribute to a lack of accountability for perpetrators. These factors collectively create a landscape where victimization is pervasive and often goes unaddressed, highlighting the urgent need for comprehensive reforms to address these root causes and protect vulnerable individuals.¹³⁵

¹³⁰ Naila Kabeer "*Sexual Violence in Pakistan: Patterns and Prevention Strategies*", focuses on the prevalence of sexual violence and suggests strategies for prevention and intervention, 2014 Human Development Report Office, p.5-6

¹³¹ Ashfaq H. Khan "*The Political Economy of Pakistan: From Independence to the Present*", Examines the economic factors influencing various societal issues, including crime and victimization, 2015, p. 21-22

¹³² Sajid Ali and Muhammad Ali "*Victimization and Crime in Pakistan: An Overview*", Provides statistical analysis and insights into different forms of victimization in Pakistan, Islamabad, 2024, p.23

¹³³ Shirin M. Rai and others "Violence Against Women in South Asia: A Critical Analysis", Offers insights into the issue of violence against women in South Asia, with relevant information applicable to Pakistan, 2014, p. 28

¹³⁴ Raza Ali and Hina Aftab "*Law Enforcement and Victim Protection in Pakistan: Challenges and Opportunities*", Analyzes the current state of law enforcement in Pakistan and its effectiveness in protecting victims, 2011, p.17-18

¹³⁵ "Pakistan Human Rights Report"* by Human Rights Commission of Pakistan (HRCP), Regularly updated reports on various human rights issues, including victimization and crime, Country Reports on Human Rights Practices for 2022 United States Department of State • Bureau of Democracy, Human Rights and Labor, p. 45-46

IMPACTS OF VICTIMIZATION

- i. Psychological Effects:
- ii. Mental health consequences for victims.
- iii. Social Consequences:
- iv. Effects on community cohesion and social stability.
- v. Economic Impact:
- vi. Financial costs borne by individuals and the state.
- vii. Legal and Institutional Consequences:
- viii. Strain on the legal system and its effectiveness.

There is a broad consensus that the use of domestic violence varies greatly depending on the culture, the traditions and social attitudes to which is added the fact that many women refuse to confess that they have been victims of domestic violence because of feelings of guilt, shame or fear and the attachment to traditional ideas about marriage and power relations or addiction that it exists within the family.

The impacts of victimization in Pakistan are profound and multifaceted, affecting individuals, families, and society as a whole.¹³⁶ Psychologically, victims often experience severe mental health issues, including trauma, depression, and anxiety, which can have long-term effects on their overall well-being and ability to function in daily life. These psychological impacts are compounded by social consequences¹³⁷; victims may face stigmatization, social isolation, and strained relationships with their communities, leading to a diminished quality of life and further alienation. Economically, victimization imposes significant costs on both individuals and the state, with victims bearing the financial burden of medical expenses, legal fees, and loss of income, while the broader economy suffers from decreased productivity and increased social welfare expenditures. Additionally, the legal and institutional repercussions are considerable, as high rates of victimization strain the judicial system, undermine trust in law enforcement, and perpetuate a cycle of impunity.¹³⁸ This systemic failure not only hinders the delivery of justice but also erodes societal confidence in legal and institutional frameworks, exacerbating the sense of insecurity and perpetuating a climate of fear and instability.¹³⁹ Collectively, these impacts underscore the urgent need for

¹³⁶ Raza Ali and Hina Aftab "*Law Enforcement and Victim Protection in Pakistan: Challenges and Opportunities*", Analyzes the current state of law enforcement in Pakistan and its effectiveness in protecting victims, 2011, p.15-16

¹³⁷ Naila Kabeer "*Sexual Violence in Pakistan: Patterns and Prevention Strategies*", focuses on the prevalence of sexual violence and suggests strategies for prevention and intervention, 2014 Human Development Report Office, p.14

¹³⁸ "Annual Report on Crime and Victimization"* by Pakistan Bureau of Statistics, Provides official statistics and analysis on crime rates and victimization in Pakistan, 2024, p. 21

¹³⁹ Sajid Ali and Muhammad Ali "*Victimization and Crime in Pakistan: An Overview*", Provides statistical analysis and insights into different forms of victimization in Pakistan, Islamabad, 2024, p.19

effective interventions and support systems to address the multifaceted consequences of victimization and foster a safer, more resilient society.

SOLUTIONS AND RECOMMENDATIONS:

1. Strengthening Legal Framework: Enhancing laws and regulations to better protect victims.¹⁴⁰
2. Improving Law Enforcement: Training for police and better investigative practices.¹⁴¹
3. Public Awareness Campaigns: Educating the public about victimization and available support.¹⁴²
4. Support Services for Victims: Expanding access to counseling, legal aid, and shelters.¹⁴³
5. Economic Development: Addressing poverty and unemployment as preventive measures.¹⁴⁴
6. Community Engagement: Encouraging community-based solutions and support networks.¹⁴⁵

To effectively combat victimization in Pakistan, a comprehensive approach involving multiple strategies is essential.¹⁴⁶ Strengthening the legal framework is crucial; this includes enacting and enforcing more stringent laws that better protect victims and hold perpetrators accountable.¹⁴⁷ Enhancing the capabilities of law enforcement agencies through improved training and resources can lead

¹⁴⁰ Raza Ali and Hina Aftab "*Law Enforcement and Victim Protection in Pakistan: Challenges and Opportunities*", Analyzes the current state of law enforcement in Pakistan and its effectiveness in protecting victims, 2011, p.11-12

¹⁴¹ Idem, p. 14

¹⁴² Sajid Ali and Muhammad Ali "*Victimization and Crime in Pakistan: An Overview*", Provides statistical analysis and insights into different forms of victimization in Pakistan, Islamabad, 2024, p.13

¹⁴³ "The State of Justice in Pakistan: An Analytical Report"* by International Crisis Group, Examines the justice system and its ability to address issues of victimization, 2010, p. 21

¹⁴⁴ Naila Kabeer "*Sexual Violence in Pakistan: Patterns and Prevention Strategies*", focuses on the prevalence of sexual violence and suggests strategies for prevention and intervention, 2014 Human Development Report Office, p.16

¹⁴⁵ "Pakistan Human Rights Report"* by Human Rights Commission of Pakistan (HRCP), Regularly updated reports on various human rights issues, including victimization and crime, Country Reports on Human Rights Practices for 2022 United States Department of State • Bureau of Democracy, Human Rights and Labor, p. 39-41

¹⁴⁶ Raza Ali and Hina Aftab "*Law Enforcement and Victim Protection in Pakistan: Challenges and Opportunities*", Analyzes the current state of law enforcement in Pakistan and its effectiveness in protecting victims, 2011, p.14

¹⁴⁷ "Annual Report on Crime and Victimization"* by Pakistan Bureau of Statistics, Provides official statistics and analysis on crime rates and victimization in Pakistan, 2024, p. 20

to more effective investigations and justice delivery.¹⁴⁸ Increasing public awareness through educational campaigns can help shift cultural attitudes and promote a more supportive environment for victims. Expanding access to support services such as counseling, legal aid, and shelters is vital for providing immediate relief and long-term assistance to those affected.¹⁴⁹ Additionally, addressing the root socio-economic issues, such as poverty and unemployment, can help reduce the incidence of crime and exploitation.¹⁵⁰ Fostering community engagement and collaboration among various stakeholders, including government, civil society, and the private sector, is also important for creating a holistic and sustainable approach to reducing victimization. By implementing these recommendations, Pakistan can take significant steps toward mitigating victimization and enhancing the overall safety and well-being of its population.¹⁵¹

CONCLUSION:

In conclusion, victimization in Pakistan is a multifaceted issue deeply rooted in socio-economic, cultural, and political factors. The pervasive nature of violent crime, domestic abuse, sexual violence, and economic exploitation highlights a pressing need for comprehensive reforms. Socio-economic disparities, entrenched cultural norms, political instability, and deficiencies within the legal system significantly contribute to the high rates of victimization. Addressing these challenges requires a multi-pronged approach: enhancing legal protections, improving law enforcement practices, expanding support services, and fostering public awareness. Effective solutions must also involve tackling poverty, promoting gender equality, and strengthening community engagement. By adopting these measures, Pakistan can work towards reducing victimization and building a more just and equitable society, ultimately improving the safety and well-being of its citizens.

REFERENCES

1. Anatol Lieven "*Pakistan: A Hard Country*", provides an in-depth analysis of Pakistan's socio-political landscape, including issues related to violence and victimization.

¹⁴⁸ Mahbub ul Haq, "*Law and Society in Pakistan*", Centre for Human Development, Discusses the legal and social aspects of Pakistan's justice system and its impact on victimization, 2011, p. 19

¹⁴⁹ "The State of Justice in Pakistan: An Analytical Report"* by International Crisis Group, Examines the justice system and its ability to address issues of victimization, 2010, p. 26

¹⁵⁰ Mahbub ul Haq, "*Law and Society in Pakistan*", Centre for Human Development, Discusses the legal and social aspects of Pakistan's justice system and its impact on victimization, 2011, p. 16

¹⁵¹ Sajid Ali and Muhammad Ali "*Victimization and Crime in Pakistan: An Overview*", Provides statistical analysis and insights into different forms of victimization in Pakistan, Islamabad, 2024, p.16

2. Ashfaq H. Khan "*The Political Economy of Pakistan: From Independence to the Present*", Examines the economic factors influencing various societal issues, including crime and victimization.

3. Shirin M. Rai and others "*Violence Against Women in South Asia: A Critical Analysis*", Offers insights into the issue of violence against women in South Asia, with relevant information applicable to Pakistan.

4. Mahbub ul Haq, "*Law and Society in Pakistan*", Centre for Human Development, Discusses the legal and social aspects of Pakistan's justice system and its impact on victimization.

5. Sajid Ali and Muhammad Ali "*Victimization and Crime in Pakistan: An Overview*", Provides statistical analysis and insights into different forms of victimization in Pakistan.

6. Zubaida Mustafa "*Domestic Violence in Pakistan: A Review of Literature*", Reviews research and literature on domestic violence within the Pakistani context.

7. Khalid Zaman and Muhammad Tariq, "*Socio-Economic Factors and Crime in Pakistan: A Study of Karachi*", Examines the link between socio-economic factors and crime rates in Pakistan's largest city.

8. Naila Kabeer "*Sexual Violence in Pakistan: Patterns and Prevention Strategies*", focuses on the prevalence of sexual violence and suggests strategies for prevention and intervention.

9. Raza Ali and Hina Aftab "*Law Enforcement and Victim Protection in Pakistan: Challenges and Opportunities*", Analyzes the current state of law enforcement in Pakistan and its effectiveness in protecting victims.

10. "Pakistan Human Rights Report"* by Human Rights Commission of Pakistan (HRCP), Regularly updated reports on various human rights issues, including victimization and crime.

11. "Annual Report on Crime and Victimization"* by Pakistan Bureau of Statistics, Provides official statistics and analysis on crime rates and victimization in Pakistan.

12. "The State of Justice in Pakistan: An Analytical Report"* by International Crisis Group, Examines the justice system and its ability to address issues of victimization.

THE IMPORTANCE OF INTER-AGENCY COOPERATION IN PROVIDING ASSISTANCE TO VICTIMS (THROUGH THE PRISM OF THE PROJECTS)

Laura Zaleskiene¹⁵²

Abstract

An article emphasizes the critical role of inter-agency cooperation in effectively assisting victims of domestic violence. Drawing from experiences in Lithuania, the report highlights how collaborative efforts between state institutions, non-governmental organizations, and international partners have improved prevention, protection, and assistance services for victims. The text discusses various projects and initiatives, such as the Lithuanian Police's collaboration with the Oslo Police, aimed at enhancing the competence of law enforcement and judicial officials in handling domestic violence cases. Key outcomes of these cooperative efforts include increased public awareness, better-trained professionals, and the development of tools for identifying and managing high-risk individuals. The document also notes legislative changes in Lithuania that have strengthened the legal framework for protecting victims, underscoring the importance of continued cooperation in this area.

Keywords: Inter-agency cooperation, Domestic violence prevention, Lithuanian Police, Law enforcement training, Victim protection, Public awareness

Since my direct work in the police and the Bureau of Public Order is related to the organization, coordination and control in the implementation of the provisions of the Law of the Republic of Lithuania on Protection from Domestic Violence¹⁵³, I provide practical and methodological assistance to police officers implementing the provisions of this law, therefore all my report will be related to assistance to individuals, experiencing domestic violence.

Each state, based on internal and international legislation, has created its own plans and strategies for the fight against domestic violence.

It is very important not only for each institution to prepare operational guidelines, but to work in cooperation with other agencies, institutions, and non-governmental organizations.

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¹⁵³ Law of the Republic of Lithuania on protection against domestic violence. In Lithuanian language <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.400334/asr>

Inter-institutional cooperation is a process where different institutions or organizations work together to achieve common goals or solve specific problems. This cooperation can take place at both national and international levels and cover a wide range of fields, from policy development and implementation to the promotion of social welfare or law enforcement.

Effective inter-institutional cooperation requires good coordination, information exchange and trust between participating institutions. This helps ensure that all parties are working efficiently and in a coordinated manner to achieve common goals.

The fight against Domestic violence takes many forms.

First, I would like to talk about the inevitable cooperation with non-governmental organizations.

Because I am not only a police officer, but also a member of the world's largest police community organization, uniting more than 372,000 active and former officers from more than a hundred countries around the world. The International Police Association (IPA) is guided by the principles set in the Universal Declaration of Human Rights published by the United Nations in 1948, has consultative (special) status in the Economic and Social Council of the United Nations, as well as consultative status in the Organization of American States and UNESCO.

So, in 2019-2022, International Police Association Lithuanian Section had the opportunity to cooperate with non-governmental organizations operating in Lithuania, such as the association "Women's Information Center", the association "Kaunas County Women's Crisis Center", the association "Women's Activities Innovation Center", the association "Kretinga women's information and training center", the public institution "Klaipėda social and psychological support center", the association "Lithuanian women's lobby organization" to implement the project "Violence in the intimate environment: prevention, protection, assistance, cooperation", ¹⁵⁴financed with the funds of the European Union structural funds, the purpose of which is - raise society's intolerance to violence, promote the recognition of forms of violence, improve the professional competence of employees working in this field, while increasing the availability and quality of assistance to victims of domestic violence.

During the project, activities were carried out in the following directions:

- Notability. An active national publicity campaign was carried out on national television (400 video advertisements), social networks (521 messages) and in 38 medical institutions, 60 articles were prepared and published, etc.
- Trainings and discussions:

¹⁵⁴ more about Project "Violence in the intimate environment: prevention, protection, assistance, cooperation" <https://ipa.lt/es-projektas-smurtas-artimoje-aplinkoje-prevencija-apsauga-pagalba-bendradarbiavimas/>

* 1,263 specialists working in the field of domestic violence from all 60 municipalities of Lithuania participated in discussions and trainings, during which they discussed issues and challenges of ensuring the protection of persons who have experienced domestic violence and providing assistance to them, as well as opportunities for improvement of prevention and inter-institutional cooperation;

*88 Specialists of specialized complex assistance centers participated in trainings and supervisions and prepared guidelines for assessing the quality of assistance provided by those centers;

*18 communication specialists participated in a discussion during which they discussed the challenges of communication about domestic violence and possible solutions.

– Scientific research. A scientific study "Quality, availability and effectiveness of assistance from the point of view of victims of violence in the intimate environment" was conducted, which revealed barriers to protection, assistance and cooperation, on the basis of which recommendations were made to overcome them.

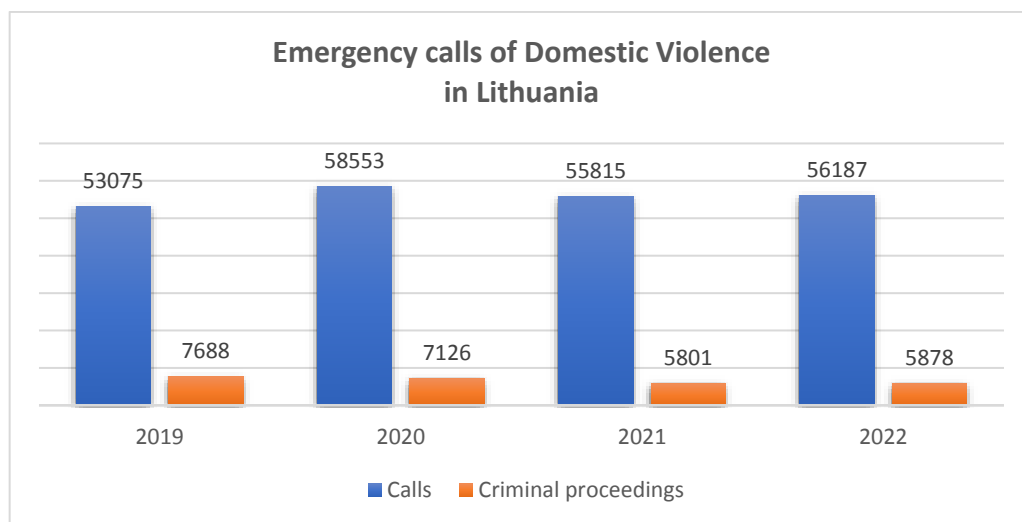
– Public survey. 3 representative surveys of the population on the awareness of the problem of domestic violence were carried out, which showed that intolerance to domestic violence is increasing (in 2019, 79% of the population did not justify domestic violence; in 2022 - 92%), awareness of specialized complex assistance centers (in 2022 12% of respondents knew about those centers, compared to none in 2019) and trust in the police (14% of victims contacted the police in 2019 and 17% in 2022).

After the implementation of the project, "Recommendations on the prevention, protection, assistance and provision of services to victims of domestic violence and improvement of inter-institutional cooperation" were prepared.

Even after the implementation of the project, these activities are continued and developed further.

So, this project, carried out at the national level, revealed several important nuances - a minority of the population knows about organizations that provide assistance to persons who have experienced domestic violence; only 17 percent of those who experience domestic violence contact the police. However, the good news that intolerance of domestic violence has increased.

Fight against domestic violence



In Lithuania, analyzing police reports on domestic violence revealed some nuances regarding assistance to the victim. Although the law obliges a police officer (when a pre-trial investigation begins) to report a person who has experienced domestic violence to the Center for Specialized Complex Assistance, after which they provide free legal, psychological, emotional and other assistance, but a large number of persons who contact the police and do not receive such assistance, because a pre-trial investigation has not been initiated. Therefore, the state began to consider that those persons who signal about the danger they are experiencing must be known to the state.

Thus, on July 1, 2023, a new version of the Law on Protection from Domestic Violence entered into force in Lithuania, which states that a police officer, upon receiving a report of domestic violence, regardless of whether a pre-trial investigation in the sense of criminal proceedings will be initiated or not, must notify the Specialized Complex Assistance Centers of such persons. And the provision that appeared in this law, that if no signs of a criminal act are detected, the police officer is obliged to assess the risk of experiencing domestic violence and to make a decision on the issuance of a domestic violence protection Order as a preventive measure. So, the principle came into force in the state: if there are no signs of a criminal act - it is necessary to evaluate the Risk.

The largest number of people who have experienced violence reported having experienced physical violence and psychological violence.

The Criminal Code of the Republic of Lithuania provides criminal articles for these criminal acts.¹⁵⁵ However, in order to prove that a person was

¹⁵⁵ The Criminal Code of the Republic of Lithuania. In Lithuanian language <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111555/asr>

beaten when there are no obvious signs, the person must report that pain was caused.

Thus, if a person reported ongoing violence in a close environment (physical, psychological, economic), in terms of proof, the person's statement that there was really pain is important, and in the case of psychological violence, the threat to kill or severely impair health was real. Although a police officer who has come to a call here and now can see and hear stories from victims that domestic violence is taking place, substantial evidence is needed to start a pre-trial investigation.

In domestic violence criminal cases, as in other cases, the dangerousness and reality of the threats must be assessed in order to find that the behaviour constitutes psychological abuse. And it is necessary to ensure that the victim actually experiences pain or other physical suffering as a result.

Therefore, seeing that many calls do not reveal signs of a criminal act, from July 1, 2023, police officers, following the criteria set by the Minister of the Interior, assess whether there is a risk of experiencing violence in a close environment. If a risk is identified, a domestic violence protection order valid for 15 days is issued to an adult person causing a risk, which imposes obligations to immediately leave the place of residence where the person experiencing the risk lives, is obliged not to visit this address during this period, not to approach this person at a distance determined by the officer, not to communicate with him. It is also forbidden to communicate, to seek connections not only with the person experiencing danger, but also with other adults or minors who live with this person at risk.

After issuing the domestic violence protection order, police officer must immediately inform person at risk, person who is causing the danger, State Service for the Protection of the Rights of the Child and Adoption (if the minor lives with person at risk) and Specialized interated assistance centre.

Persons who do not comply with the obligations of the domestic violence protection order shall be liable in accordance with the procedure established by the Code of Administrative Offenses. This Code provides for administrative liability for a person who does not comply with the obligations of a domestic violence protection order, i.e. a fine from 80 to 320 euros is imposed, and in case of repeated violations, a fine from 300 to 780 euros is imposed.

Therefore, at present, Lithuania has moved from concerns about the rights of the abuser and blaming the victims for the breakthroughs of violence to a system focused on real help and protection for persons experiencing domestic violence.

No matter where these innovations lead to the emergency barring Order institution, no matter how many people are disaffected with the police, no matter how many procedural errors are made, the most important thing is the victim and her needs.

As my boss says: 100 procedural errors are better than one injured person.

The amendments to the Law on Protection from Domestic Violence undoubtedly came about through cooperation. State institutions and non-governmental organizations worked together with one goal in mind - to help and protect people experiencing domestic violence or at risk.

Cooperation No. 2

Currently, the Lithuanian Police, together with the Oslo (Norway) Police, as well as the Lithuanian Prosecutor's Office and the National Courts Administration, are implementing the project "Improving the quality of work of the chain of justice and strengthening competences in order to protect victims of domestic and gender-based violence".¹⁵⁶ The need for the project is due to the following reasons: the lack of skills and competences of the representatives of the law enforcement chain in organizing domestic violence prevention, responding to incidents of domestic violence and conducting pre-trial investigation of domestic violence.

The aim of the project is to improve the preventive policy of domestic violence in courts and law enforcement institutions, to strengthen competences and inter-institutional cooperation in order to effectively share functions and to prevent domestic violence.

During the project, it is planned to:

- prepare a study of legal regulation of domestic violence;
- to prepare a practical guide for officials, judges, prosecutors on the effective collection of evidence and their unified evaluation;
- organize trainings for justice chain participants and NGO representatives, as well as specialized trainings for police officers responding to domestic violence calls, community officials and prosecutors;
- organize workshops on domestic violence topics in Lithuania and Norway;
- organize meetings with local communities in order to introduce the phenomenon of domestic violence and reduce the latency of domestic violence and gender-based crimes;
- organize inter-institutional meetings, meetings with other thematic cooperation networks and local government representatives, in order to strengthen inter-institutional cooperation;
- to create an IT tool that allows to identify the persons with the highest risk of repeated participation in an incident of domestic violence and to ensure the prevention of domestic violence and the protection of victims;
- to purchase portable video recorders (body cameras) that would allow more detailed recording of the circumstances of the incident of domestic violence.

¹⁵⁶ more about Project in english <https://norwaygrants.policija.lt/en/lt06-3>

The expected result of the project is an improved prevention, response system and the quality of pre-trial proceedings.

The following activities will be implemented during the project:

- The risk management system is designed to identify the highest risk individuals who are prone to repeated domestic violence. It is the first such IT tool that will allow to identify persons with the highest risk and to prevent possible incidents of domestic violence, to systematically organize general and individual prevention.

- Joint training to promote cooperation in the chain of justice and the search for solutions to common problems.

- Targeted meetings with community members, which will reach 50,000 individuals who will become less tolerant of domestic violence and report potential incidents to the police.

- Community officers will acquire skills and competencies that are specific to working with the community.

*During the project, the ongoing prevention of domestic violence will be strengthened and the opportunities of officers responding to domestic violence to capture the environment, evidence collection and the emotional and psychosocial microclimate of domestic violence invisible in protocols and official reports will be improved, which will help ensure high-quality further investigation.

Underline

The most successful projects in cooperation with institutions and organizations in the fight against domestic violence are when all parties are interested in helping the victims.

THE CHAIN OF ABUSE IN PARENTAL ALIENATION

Ana BAHMUTAN, Teofil DUȚU¹⁵⁷

Abstract

Children are increasingly used as weapons and weaponized in the spousal conflict and divorce, using psychological child abuse. Despite the popular opinion that "parents are putting the child in the middle of their divorce", in the vast majority of cases, there is only one pathological parent who weaponizes the child into the spousal conflict.

In the vast majority of cases, unfortunately, the Judicial System, social workers, psychiatrists, psychologists, and other state authorities adopt the same popular opinion, without searching for the accurate diagnostic. The Family Court, in particular, needs a diagnosis for its decisions in order to protect the children and the Best Interest of the Child. The consequence of an incorrect decision by a Family Court involved with this form of child abuse is extremely severe, as leaving the child with an abusive parent most often leads to the destruction of the child's relationship with their life.

By this article we strive to approach the conventional understanding and the controversies around the psychological child abuse, called Parental Alienation, in a more coherent and simplified perspective with the purpose of raising awareness about this pandemic phenomenon, frequently overlooked by some insufficiently trained professionals or state authorities. As well, we aim to bring to our readers' attention words of wisdom from dedicated researchers in the field of Parental Alienation and we hope for a constructive debate on this very sensitive topic.

Keywords: *Parental Alienation, abuse, accurate diagnostic, Family Court*

Terms and definitions: PA and PAS

Parental Alienation (PA) is a set of strategies and behavioural control tactics that a parent (the alienating parent, or Alienator) uses to foster a child's rejection of the other parent (the alienated/target parent). These strategies are most commonly punished by the criminal law, but in the vast majority of cases

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they remain concealed, they are mitigated or they are overlooked by authorities and society in general.

Parental Alienation Syndrome (PAS) is the result of PA in children who come to reject the alienated (targeted) parent as someone unworthy of having a relationship with them. A *syndrome* is a recognizable complex of symptoms and findings which indicate a specific condition.

PA is the crime. PAS is the consequence of that crime. PA and PAS could present in a variable degrees of severity.

PA actions of an alienating parent lead to PAS expression of the abused child. PA causes PAS through inducing a pathological attachment to the alienating parent and rejection behaviors towards the targeted parent, as an expression of the complete severing of a child's attachment bond to the alienated/targeted parent. PAS was labeled first in 1985 by Dr Richard Gardner, a child psychiatrist, after observing how children who were happy with their parents ended up behaving like strangers to those previously loved parents, after being exposed to divorce and custody litigation.

„The parental alienation syndrome (PAS) is a disorder that arises in children in the context of child-custody disputes. It is the result of the combination of the programming (brainwashing) of children by the alienating parent and the children's own contributions to a campaign of denigration against the alienated parent. A central factor operative in the children's contributions is their empowerment, most often by the indoctrinators, but occasionally by the passivity of the targeted parent. In addition to these intrafamilial factors, extrafamilial factors are also operative, especially the legal system and mental health professionals” (Gardner, 2002).

Gardner identified eight main behavioural manifestations of PAS, which became diagnostic criteria (Gardner, 1998). A child exposed to PA strategies might exhibit some or all of these manifestations, in a variety of combinations and intensity:

1. A Campaign of Denigration. The child run this campaign against the alienated parent, with whom the child previously shared a healthy, loving relationship;

2. Weak, Frivolous, and Absurd Rationalizations for their displayed hostility and hatred;

3. Lack of Ambivalence about the parents: the child idolizes the alienating parent and rejects the target parent, without normal ambivalence;

4. The “Independent Thinker” phenomenon wherein the child defends that the thoughts behind his behavior are one's own and not induced by the alienator;

5. Absence of Guilt about the maltreatment of the targeted parent and his distress;

6. Reflexive Support for Alienator in every parental conflict;

7. Presence of Borrowed Scenarios wherein the child uses phrases that are age-inappropriate or beyond the child's ability to recall and thereby seems to be coached by alienator;

8. Rejection of Extended Family of targeted parent, in spite of previously healthy, loving relationship.

Gardner identified three types of PAS (Table 1). The moderate and severe type of PA is produced by severe level alienators which are successful only by severing the healthy bonding of the alienated (normal) parent with the complicity of other participants to the Parental Alienation process. In order to sever a healthy bond between a healthy parent and his/her child, the alienating pathological parent needs space (isolation of the victim), time and some “exoneration” from the legal consequences of those crimes.

Table 1
**DIFFERENTIAL DIAGNOSIS OF THE THREE TYPES OF
 PARENTAL ALIENATION SYNDROME (PAS)**
 Adapted from Richard A. Gardner, M.D. (Gardner, 2001)

PRIMARY SYMPTOMATIC MANIFESTATION	MILD	MODERATE	SEVERE
The Campaign of Denigration	Minimal	Moderate	Formidable
Weak, Frivolous, or Absurd Rationalizations for the Depreciation	Minimal	Moderate	Multiple absurd rationalizations
Lack of Ambivalence	Normal ambivalence	No ambivalence	No ambivalence
The Independent-Thinker Phenomenon	Usually absent	Present	Present
Reflexive Support of the Alienating Parent in the Parental Conflict	Minimal	Present	Present
Absence of Guilt	Normal guilt	Minimal to no guilt	No guilt
Borrowed Scenarios	Minimal	Present	Present
Spread of the Animosity to the Extended Family of the Alienated Parent	Minimal	Present	Formidable, often fanatic
ADDITIONAL DIFFERENTIAL DIAGNOSTIC CONSIDERATIONS			
Transitional Difficulties at the Time of Visitation	Usually absent	Moderate	Formidable or visit not possible
Behavior During Visitation	Good	Intermittently antagonistic and provocative	No visit, or destructive and continually provocative behavior throughout visit
Bonding with the Alienator	Strong, healthy	Strong, mildly to moderately pathological	Severely pathological, often paranoid bonding
Bonding with the Alienated Parent	Strong, healthy, or minimally pathological	Strong, healthy, or minimally pathological	Strong, healthy, or minimally pathological

An example of alienating practice of current times consists in coaching children (by the alienating parent and by a dishonest and corrupt psychologist or lawyer) to declare that the child himself *"believe that both parents have good*

qualities and flaws” or anything that would apparently dismiss any of the classical PAS criteria.

Pathogenic parenting (patho=pathology; genic=genesis, creation) is the creation of significant pathology in the child through aberrant and distorted parenting practices. Among these practices is *the role-reversal technique*, described by Dr. Craig Childress.

The pathological alienating parent first manipulates the child’s desire and then hides his/her manipulation behind the child’s supposed “independent” decision (“*It’s not me, it’s the child who...*”).

Through *the role-reversal technique*, the pathological alienating parent apparently hands over parental decision making to the child, placing the child out front supposedly respecting his opinions, decisions, wishes etc.: “*It’s not me, it’s the child who wants...*”

Dr. Craig Childress coined the AB-PA (Attachment Based - Parental Alienation) and three principal diagnostic indicators of child abuse. In his opinion, if the child display all these three diagnostic indicators, definitive evidence exists for pathogenic parenting by an allied narcissistic/borderline parent.

- Diagnostic indicator 1 of AB-PA: significant developmental pathology in the child (attachment system suppression);

- Diagnostic indicator 2 of AB-PA: personality disorder pathology in the child (narcissistic personality traits evidenced in the child’s symptom display);

- Diagnostic indicator 3 of AB-PA: delusional-psychiatric pathology in the child (an encapsulated persecutory delusion).

The type of parenting that induces all these symptoms, evidenced in the child’s symptoms display – when no other mental health pathology exists, that could produce these specific set of three symptoms – is consistent with the DSM-5 diagnostic code V995.51, Child Psychological Abuse (Childress, 2017).

To reach an accurate diagnosis needs proper assessment. “*An essential question for the assessment is: Which parent is the source of pathogenic parenting? Which parent is creating the child’s attachment pathology?*” (Childress, 2018)

The PA Pathology - Coercive control of PA or Stockholm Syndrome

Alienation of children in divorce and separation depends upon a power imbalance, without that, alienation, as a family dynamic, cannot take root. Coercive control behavior is used by pathological parents having personality disorders like narcissism, borderline personality disorder and primary and secondary psychopathy. This scientifically proved essential information is often dismissed or ignored by the Family Courts.

A child has to be under the control of one parent and out of the control of the other, in order for coercive control and induced psychological splitting to occur. Hence the physical isolation that all alienating parents practice. “*Grab*

the child and keep it away of the other parent, by all means!" is the first advice of a dishonest lawyer, as strategy to win a trial in the Family Court for his/her client, the pathological parent.

Once the psychological splitting is induced, the child enters into a hyper alignment with the controlling pathological parent (the alienator) and a rejection of the healthy, protecting parent (the target).

The basis of this is total control over the child, deployed as is a form of intimate terrorism, in which the child's independent sense of self is removed and the dependency upon the terrorizing parent is induced and maintained. The abuser usually names this dependence and submission of the child as a *strong new attachment* between him/her and the child. Moreover, the alienating parent is bragging with this *strong new attachment*, thereby justifying the maintenance of their exclusive relationship by "rightfully" rejecting the targeted parent.

Children, victims of psychological coercive control are gradually dehumanized. *Psychological child abuse destroys the child from the inside out* (Craig Childress, 2018). Therefore they may appear to be angry or frustrated, lacking in warmth and joyless, because they are stripped of their agency.

Agency is one's ability to take action, be effective, influence your own life, and assume responsibility for your own behavior. This sense of agency is essential for you to feel in control of your life. Having a sense of agency influences your stability as a separate person; it is your capacity to be psychologically stable, yet resilient or flexible, in the face of conflict or change (Mary C. Lamia, 2010).

Alienated children are belittled and humiliated by using an insidious and perverse strategy, alternating episodes of severe violence with periods of unauthentic kindness, demonstrative rescue and support. Being in deep need of love and affection, the Child-victim is misled by this fake care and longs for it, accepting the violence and the abuse as the price to pay.

The violence of the alienating parent is usually well camouflaged and projected on the target parent. The alienated child becomes thus an extension of the abuser and voices all the abuser's pathological thoughts and feelings towards the alienated parent. The alienated child's authenticity is destroyed by the abuser, the child is the psychological hostage of the alienating parent. While one is talking to the child, is actually talking to the alienating parent. The child is just physically in front of you. This is how severe the damage of parental alienation is.

The Cycle of Abuse

Even if the alienating parent is at the origin of the abuse, his actions could not produce effects without the help of accomplices from the family and

society, and without the tolerance and validation of their abusive acts by the child protection, the judicial and the mental health system. The alienating parent is very capable to exploit the ignorance, to manipulate and sometimes even to corrupt all these structures. Without the support of these three systems, the alienated parent - victim has no power to protect the child-victim. This is a very serious weakness of the child protection state system, the mental health system and the judicial system.

Many of Judges and Prosecutors have scarce training and little interest on parental alienation and pathological parenting, therefore they disregard the pattern of behavior of an alienating parent committing PA over their children, as well as the pattern of a child displaying PAS. Many of them have hardly any concern on the profoundly severe consequences of their decisions over the abused child's quality of life.

When the potential case of psychological child abuse appears in Family Court, accuracy in diagnosis is paramount. A misdiagnosis will cause lasting damage to the child we seek to protect. Left undiagnosed will have lasting and dramatic repercussions on the children and the targeted parents, as well as their extended families. By allowing the perpetuation of that situational abuse, the Judicial system will leave the child to develop their own self preservation maladaptations and become the permanently damaged adults affecting other (healthy) members of society.

„Misdiagnosis of a shared persecutory delusion has particularly troubling implications. If you believe a shared delusion then you become part of the shared delusion, you become part of the pathology. When the pathology is child abuse, you become part of the child abuse” (Childress, 2018).

„If the involved mental health professional misdiagnoses (in good or bad faith) the pathology and believes the delusional disorder as if it were real, and if the Court then makes its decisions based on the false beliefs of a pathological parent that are misdiagnosed, then they all become part of the shared delusion, they all become part of the pathology, they all become part of the child abuse. Clinical concern for the family can present as a shared persecutory delusion created by the pathogenic parenting of the allied parent, this includes thought disorder in the allied parent from unresolved trauma that is being imposed on the child, which then destroys the child's attachment bond to the other parent”(Minuchin, 1974).

In our opinion, the actions or inactions of all of the participants to the Cycle of Abuse, represents a form of child exploitation. This trend rise from the lack of awareness, from little social reaction, from a scarce formal training for the professionals involved and from almost no legal sanctions for those illegal deeds of the participants to the Cycle of Abuse.

„The PAS arises in the context of child-custody litigation and the approaches to its alleviation involve the prompt intervention of courts of law. The recommendations of mental health professional's for dealing with these children often necessitate court implementation, e.g., court-ordered therapy, court-ordered visitation with the alienated parent, court-ordered transfer of custody, and even court-ordered imposition of sanctions against the alienating parent. Such possible sanctions include: posting a bond, fines, community service, probation, house arrest, and even short-term incarceration. (Richard A. Gardner, 2001)

Children do not Truly Reject a Parent

Unless they are being encouraged, forced or otherwise influenced to do so, children do not reject parents they love and not even those parents who may have severely harmed them. A child rejecting a parent goes against human biology. Children form a genuine deep bond with their parents. During a conflict between a parent and a child we see a certain pattern of behaviour when the child expresses being hurt and wanting to mend the problem and restore the bond, In Parental Alienation we see an abnormal pattern of hostility, full-blown rejection and copying the narrative of the alienating parent.

The motivation of rejecting a parent does not present naturally and professionals should see this as they should see how pathological is the act of using a child as an weapon and a pawn by the alienating parent.

“A child rejecting a parent is an attachment pathology, a problem in the love-and-bonding system of the brain. There are two potential causes, 1) child abuse by the targeted-rejected parent, specified by the assessment, or 2) child psychological abuse by the allied parent who is using the child as a weapon of Intimate Partner Violence (IPV), spousal abuse, or emotional abuse of the ex-spouse using the child as the weapon” (Childress, 2018).

A child rejecting a parent is a very concerning problem that affects the development of the child's brain. The attachment system is guiding all aspects of love and bonding throughout the lifespan of the child.

The attachment system is a primary motivational system of the brain, essential to coherent development and life success. Other primary motivational systems are eating and sex.

There is no more severe form of attachment pathology than the termination of the child's attachment bond to a parent. Severing the parent-child attachment bond is a brutal act of violence and is extremely damaging for child and future adult development. (Craig Childress, 2017)

“To understand the severity we can use an analogy to another primary motivational system, the eating system. The most severe eating pathology is anorexia, a person refuses to eat, their bond to food is completely severed, they starve, which can cause fatality. By analogy, a complete severing of a child’s attachment bond to a parent represents “anorexia” of the life anchoring attachment system, a most difficult form of attachment-related pathology” (Patrick di Santo, 2023).

Concluding Comments

In our opinion is paramount to understand and become aware and skilful about the Parental Alienation phenomenon.

Parental Alienation is one of the most traumatizing experience a child and an alienated parent can go through, under the ignorant eyes of the authorities.

In particular, the professionals and authorities involved must take into account, in every case of the child's refusal to a parent, the fact that one of the most important requirements for a harmonious human development is the existence of a healthy attachment between the child and each of his parents. Once this bond is compromised – and in the case of PAS it is compromised with both parents, either in the sense of a pathological attachment, with the alienating parent, or by severing the attachment with the target parent – the child's healthy psychological development is stunted.

Left unrepaired when damaged, this human development, as well as lost childhood time, can never be recovered and will certainly transmit the damage and the suffering of the next generation.

Parental Alienation is a highly sophisticated and disguised abuse process. It is basically the Stockholm Syndrome of the family system. The negative impact of this level of abuse is extremely damaging for an alienating child, to the point of that child is becoming a reflection of the abuser. The alienated child has his/hers authenticity, wishes, needs and desires practically suppressed and replaced by the alienator's. The child is practically an emotional and mental hostage of the pathological alienating parent.

By not recognising the Parental Alienation abuse dynamic, the authorities involved in a PAS case will go all against the healthy, alienated parent who will find himself/herself caught in a “web of lies” built by the abuser. The “web” is then validated by the judicial and mental healthsystem (psychologists, judges, prosecutors, police officers) therefore these authorities are becoming direct participants in the abuse dynamic for power and control set up by the pathological parent against the other parent, by using the child.

The damage done by Parental Alienation by an abusive parent is extremely severe, but the damage provoked by people involved and by not recognizing this abuse dynamic and when they not understanding this and not

having the knowledge of the remedies, especially when those people are professionals coming from a position of authority, is even more severe.

To stop the abuse (or at least to lessen it) and to restore the damaged attachment bonds, it is necessary, first of all, to remove the child and the healthy parent from the delusional and toxic environment created by the pathological parent. Afterwards, it is also necessary to ensure an adequate and authentic therapy for the victims, in order to eliminate the chronic trauma and psychosis induced by the pathologically alienating parent, in order to restore a normal life.

We express the firm conviction that the key to the problem of parental alienation in society, before being sought in the psychology and social assistance areas, must be sought in the field of law and the judicial system. That's why we applaud the recent modification of the Romanian law regarding the protection and promotion of children's rights, by including a succinct and unequivocal legal definition of Parental Alienation: Law 272/2004, article 4, states: *"parental alienation - form of psychological violence by which one of the parents or the persons referred to in letter c) and d), intentionally, pursued or assumed and appropriate, generates, accepts or uses a situation in which the child ends up showing unwarranted or disproportionate restraint or hostility towards either parent.*

In his Concluding comments of his research and article *Should Courts Order PAS Children to Visit/Reside with the Alienated Parent? A Follow-up Study*, published in 2001, Richard Gardner was saying:

"I consider losing a child because of PAS to be more painful and psychologically devastating than the death of a child. Death is final and there is absolutely no hope for reconciliation. Most bereaved parents ultimately resign themselves to this painful reality. The PAS child is still alive and may even be in the vicinity. Yet, there is little if any contact, when contact is feasible. Therefore, resignation to the loss is much more difficult for the PAS alienated parent than for the parent whose child has died. For some alienated parents the continuous heartache is similar to living death." (Craig Childress, 2017)

References

1. Amy J.L. Baker, Ph.D. and Paul R. Fine, LCSW, *Beyond the High Road: Responding to 17 Parental Alienation Strategies without Compromising Your Morals or Harming Your Child*, 2008
2. C.A. Childress Psy.D., *An Attachment-Based Model of Parental Alienation: Foundations*, Oaksong Press, 2015
3. C.A. Childress Psy.D., *Assessment of Attachment-Related Pathology Surrounding Divorce*, Oaksong Press, 2017

4. C.A. Childress Psy.D. , *The Narcissistic Parent – A Guidebook for Legal Professionals Working with Families in High-Conflict Divorce*, Oaksong Press, 2016
5. Richard A. Gardner. M.D, *Differentiating between Parental Alienation Syndrome and Bona Fide Abuse-Neglect*, *The American Journal of Family Therapy*. Vol. 27, No. 2, p 97-107, April-June 1999
6. Richard A. Gardner. M.D., *Should Courts Order PAS Children to Visit/Reside with the Alienated Parent? A Follow-up Study*, *The American Journal of Forensic Psychology*, 2001, 19(3):61-106.
7. Richard A. Gardner. M.D. *The Empowerment of Children in the Development of Parental Alienation Syndrome*, *The American Journal of Forensic Psychology* 20(2):5-29, 2002
8. Mary C. Lamia, *Empathy, Your Sense of Agency: Are You in Control of Your Life?* *Psychology Today*, 2010, <https://www.psychologytoday.com/intl/blog/the-white-knight-syndrome/201009/your-sense-agency-are-you-in-control-your-life>
9. Salvador Minuchin, *Families and Family Therapy*, Routledge, 1974
10. Teal Swan *The Truth About Parental Alienation – YouTube Channel*
11. Patrick di Santo, *Parental Alienation*, UCCER, 2023
12. DSM-5 diagnostic system from the American Psychiatric Association

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