

Interpretation of Foreign Legislation in Protecting the Rights of Criminal Victims



Law

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ABSTRACT

With the deepening of the study of criminal victims, as well as the development of human rights, the rights of criminal victims have gradually drawn more and more attention. To strengthen the protection of the victims is a major trend in the development of legislation of criminal procedure and international conventions in every country; is a sign of a nation's democracy and legal system process, and it is also the important content of protecting human rights.

Introduction

At present, with the strengthening of the protection of the victims' rights in international scope, various countries in the world have formed a consensus on many issues in the protection of the rights of criminal victims.

Interpretation of the Legislation in Protecting the Rights of Criminal Victims

From the perspective of the rights protection, the rights of victims are mainly as follows: (1) Right of accusation: in both the continental law system countries and common law countries, the victims can start the prosecution procedure through certain ways under certain conditions. (2) Right to participate in proceedings: In order to make the judicial process to meet the needs of the victims, it is needed to enable the victims to present their views in the appropriate stage of the proceedings involving their interests and take related matters for into consideration. Legislation for the victims' rights to participate in the proceedings has different rules in different countries. (3) Right to get informed. Since the 1960s, the UK, the USA and Australia and many European countries have one after another enacted relevant laws to protect the victims, which regulate the rights to get informed for the victims in the criminal justice activities. (4) Right to aid: The United Nations legal specifically established the victim's right to legal aid from time, ways, content of the legal aid and proper care of the special victims. (5) Right of privacy. In criminal procedure, it is needed to strengthen the protection of the victims' privacy in order to effectively avoid the "second times of victimization" in criminal proceedings. (6) Right to choose punishment. In foreign countries, in the field of criminal prosecution centered at the victims, thanks to the lack of interference of national public prosecution, the victims may have a relatively complete substantive criminal disposition power. (7) Right to ask for compensation and national compensation, that is to give the different forms of economic compensation or compensation to the victims; many countries have formed a common legislative trend.

Conclusions

Generally speaking, the strengthening of the protection of criminal victims' right is an important trend in the legislation of criminal lawsuit in foreign countries. It is needed to strengthen the protection of the victims' rights, which is also a safeguard to strengthen the protection of human rights in the criminal law, and the needs to achieve the overall justice in criminal justice.

REFERENCE

[1] Jiehui Liu(2003). Analysis of protecting the rights of criminal victims. Politics and law, 23(6), 136-139.