




# MODERN INTERNATIONAL APPROACHES TO VICTIMS' RIGHT TO INFORMATION: UNDERSTANDING MAJOR LEGAL REQUIREMENTS

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Article Info	ABSTRACT
<p><b>Article type:</b> Research Article</p> <p><b>Article history:</b> Received 10 June 2025 Revised 3 September 2025 Accepted 5 September 2025 Published online 17 December 2025</p>  <p><a href="https://ijicl.qom.ac.ir/article_4013.html">https://ijicl.qom.ac.ir/article_4013.html</a></p> <p><b>Keywords:</b> European Union, Victim, Victim's Right to Information, Victims' Rights Directive, Code of Criminal Procedure (CCP), Iran.</p>	<p>The protection of victims' rights has long attracted significant academic and legal interest, finding expression in both international instruments and national legislation. Among these rights, the right to information occupies a central position, serving as a prerequisite for the meaningful exercise of all other entitlements within any justice system. Modern instruments such as the European Union Directive 2012/29/EU Establishing Minimum Standards on the Rights, Support, and Protection of Victims of Crime 2012 ('Victims' Rights Directive'), and the Canadian Victims Bill of Rights 2015, explicitly enshrine this right as foundational to effective victim participation and access to justice. Within this context, this article employs a qualitative methodology to examine how contemporary international instruments conceptualise and operationalise the victims' right to information, and to identify the core legal and institutional requirements for its effective implementation across jurisdictions. Following an introduction, literature review, and theoretical framework, the study traces the historical evolution of this right, analyses mainstream international approaches, and outlines the key elements necessary for its adequate realisation in national legal systems. The analysis concludes that while international norms increasingly promote a more expansive and structured approach to victims' right to information, several domestic frameworks - particularly in developing jurisdictions - frequently remain underdeveloped or inconsistent in their application. The article consequently argues that aligning national legislation, judicial procedures, and institutional support mechanisms with emergent international standards is essential to ensuring the full and effective enjoyment of this right by all victims of crime.</p>

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## **Introduction**

Victims of criminal conduct often find themselves in neglected and disadvantaged positions, suffering physically, financially and psychologically as a result of the offences committed against them. Therefore, the protection of victims' rights has drawn the attention of jurists and scholars from multiple perspectives, including the imperative of ensuring justice and fair treatment, providing compensation, offering appropriate assistance, and safeguarding their security. Among these, the right to information assumes critical importance. This right is a key element in enhancing the position of victims and improving the effectiveness of criminal justice systems, as the pursuit of justice with dignity in criminal proceedings, protection against secondary victimisation, ensuring the safety of victims, facilitating legal assistance, and guaranteeing appropriate compensation all depend upon its full and effective implementation. Absent timely and comprehensive awareness of their rights, how can victims be expected to meaningfully exercise them? It is in this context that the evolving international approach has sought to define and strengthen the right to information for victims.

Examining the modern scope and requirements of the victims' right to information is particularly urgent, given the rising crime rates in several jurisdictions. This urgency is compounded by the fact that, in many cases, victims are not even aware that a criminal act has been committed against them, while others, though aware of the crime and the identity of the perpetrator(s), refrain from reporting it due to fear, concerns about reputation, or a lack of knowledge regarding legal procedures and available services and protections. These circumstances contribute to the perpetuation of criminal behaviour and the further victimisation of individuals across countries. Raising victims' awareness may also promote public awareness, encourage the reporting of crimes, and ultimately contribute to crime prevention. However, not all national laws and regulations fully recognise the victims' right to information, nor do they support it with sufficient enforcement mechanisms.

In light of the foregoing, this article seeks to analyse the normative approach adopted by modern international instruments towards the full implementation of the victims' right to information. Employing a qualitative methodology, it addresses the central question: 'How do modern international instruments approach the victim's right to information, and what are the main legal requirements for better ensuring and implementing this right?' To



answer this question, the article begins with a literature review. The second section outlines the theoretical and conceptual frameworks underpinning the study. This is followed by an overview of the historical development of the victims' right to information. Section four examines contemporary international approaches to this right, establishing a foundation for assessing how it is recognised and applied in practice. Building on these findings, section five explores the major legal requirements for enhancing the victims' right to information across jurisdictions. These requirements - derived from international standards and comparative analyses - are broadly categorised under three headings: the reform and enactment of relevant legislation; the streamlining of judicial procedures; and the strengthening of institutional frameworks. The article concludes with a synthesis of the findings and affirms the research hypothesis, highlighting the need for comprehensive and coherent strategies to align domestic legal systems with evolving international standards.

## 1. Review of Literature

A review of relevant research, both within Iran and internationally, reveals that the dimensions and requirements of the victims' right to information have received scant scholarly attention. While some studies have addressed adjacent areas, they often do so without a particular focus on this specific right. For instance, some scholars have examined victims' rights within Islamic jurisprudence and Iran's Code of Criminal Procedure (CCP). However, their works primarily focus on domestic legal texts and jurisprudential foundations, avoiding engagement with the evolving global approaches to victims' rights.<sup>1</sup> Similarly, the article entitled 'Participation of the Victim in the Judicial Process: Basics, Challenges and Solutions', despite addressing several aspects of victims' rights, fails to focus on the right to information, nor does it substantively engage with the international perspectives on the development and protection of victims' right to information.<sup>2</sup>

Among the few relevant international studies, reference may be made to the article by *Rakipova* and others titled 'Communication of the Victim in the Criminal Proceedings of Ukraine in the Conditions of Martial Law'. This study is limited to the issue of communication with the victim, merely one facet of the right to information. Furthermore, the study is confined to Ukrainian laws and practice.<sup>3</sup> Another example is the article 'Transforming Crime Victims' Rights: From Myth to Reality', which, while offering insights into the nature and evolution of victims' rights from a human rights perspective, does not comprehensively address the modern requirements attending the victims' right to information.<sup>4</sup>

The distinctive contribution of the present article resides in its dual emphasis. It focuses specifically on the victims' right to information - a relatively emergent and often neglected area

1 E.g., Ahmad Ahmadi, 'Victims' Rights in Jurisprudence and Criminal Procedure Law' (2021) 1(3) Comparative Criminal Jurisprudence 41.

2 Sajad Shahsavari, Hassanali Mozenzadegan, and Mehrdad Rayejijyanasli, 'Participation of the Victim in the Judicial Process: Basics, Challenges and Solutions' (2023) 28 The Quarterly Journal of Judicial Law Views 127.

3 Inna Rakipova and others, 'Communication of the Victim in the Criminal Proceedings of Ukraine in the Conditions of Martial Law' (2023) 25 DIXI 1.

4 Robyn Holder, Tyrone Kirchengast, and Paul Cassell, 'Transforming Crime Victims' Rights: From Myth to Reality' (2021) 45 International Journal of Comparative and Applied Criminal Justice 1.



of study - and pays particular attention to the international approach to this right. Concurrently, it elucidates the legal requirements and best practices for implementing different aspects of this right.

## 2. Theoretical and Conceptual Framework

The theoretical foundation of this study is anchored in the concept of the victim and his/her right to information, as articulated in international instruments. Identifying an individual as a victim entitles them to specific rights and access to state support and services. Among the most fundamental of these rights is the right to information. Modern instruments, such as the Canadian Victims Bill of Rights of 2015, define this as the right to receive general information about the criminal justice system, the victim's rights, available services and support programmes, as well as timely and specific updates on the progress of the relevant case, including the stages of investigation, prosecution, and the conviction of the offender.<sup>1</sup>

Overall, international instruments and domestic laws generally manifest two overarching approaches to the victims' right to information. The first is a narrow perspective, which conceives of the right to information as applicable principally during the trial phase - emphasising communication between the victim and judicial authorities, including the exchange of information and legal documents until the proceedings conclude. The second, broader approach sees the right to information as extending beyond the judicial process. Under this view, the victim's right to information as accrues from the discovery of the crime or the likelihood of victimisation and may persist until a final verdict is rendered - and even subsequent to the completion of the offender's sentence.<sup>2</sup>

## 3. Historical Background

The adoption of the Universal Declaration of Human Rights (UDHR) in 1948 marked one of the earliest global milestones in articulating and safeguarding the dignity and rights of all human beings, irrespective of race, religion, ethnicity, or gender. Articles 8 and 10 of the UDHR affirm the right of every individual to seek legal redress before competent tribunals and to a fair and public hearing. Notwithstanding these provisions, the Declaration contains no explicit reference to the term 'victim'. Therefore, subsequent international instruments - such as the Convention Against Torture (CAT) of 1985, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 2005 - have sought to address this gap. These instruments collectively aim to strengthen the international legal framework for the protection of victims, ensuring the provision of medical, psychological, social, and welfare services, as well as access to justice and reparations.<sup>3</sup>

It was particularly from the 1970s onwards that legal systems and societies began to adopt a more coherent and structured approach to the protection of victims' rights. During this period, the necessity of ensuring victims' access to relevant information was broadly acknowledged within policy and legislative frameworks. Over time, this requirement evolved

<sup>1</sup> Canadian Victims Bill of Rights (2015), §§ 6-8.

<sup>2</sup> Rakipova and others (no 3), 5-6.

<sup>3</sup> Holder, Kirchengast and Cassell (no 4), 5-7.



from a general principle into a clearly defined legal right, with international instruments and domestic legislation increasingly articulating and enshrining its various dimensions.<sup>1</sup>

#### **4. Assessing the Contemporary International Approach to Victims' Right to Information**

A review of international legal instruments reveals a pronounced trend towards the adoption of an expansive interpretation of the right to information for victims. These instruments address the right either in general terms or within specific legal contexts. A notable example is the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which recognises the right of victims to be informed of their legal rights, the proceedings relevant to their case, and the services available to them, including legal, social, and health-related support.<sup>2</sup>

Similarly, the International Convention for the Protection of All Persons from Enforced Disappearance seeks to ensure the right to information for both the disappeared person and those directly affected by the crime of enforced disappearance. This includes the right to be informed of the criminal nature of the act, the status and results of any investigation, and the fate of the disappeared individual.<sup>3</sup> It is evident, however, that the majority of international instruments that purport to guarantee victims' right to information are non-binding soft law instruments or offer less than comprehensive protection to all categories of victims. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law - sometimes referred to as the International Bill of Victims' Rights - is no exception.<sup>4</sup>

However, the Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive), has arguably had the most significant impact on recognising and enforcing the right to information so far. Owing to its binding legal nature and relatively comprehensive scope, the Directive represents a turning point in international practice. It safeguards various dimensions of this right regardless of the nature of the offence, including: the right to understand and to be understood, the right to receive information from the first contact with a competent authority, the victim's right when making a complaint, the right to receive information about the case, and the right to interpretation and translation.<sup>5</sup> Furthermore, it requires Member States to implement the necessary laws, procedures, and administrative measures to comply with its provisions by 2015.<sup>6</sup>

1 Bonnie S Fisher, and Steven P Lab, *Encyclopedia of Victimology and Crime Prevention*, Volume 1 (Sage Publications 2010) 1014-1020.

2 UN General Assembly Resolution, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc No. 40/34, 1985, paras. 5, 6 and 15.

3 International Convention for the Protection of All Persons from Enforced Disappearance (2006), preamble and art. 24.1-2.

4 Michael Humphrey, 'The Individualising and Universalising Discourse of Law', in Thorsten Bonacker and Christoph Safferling (eds), *Victims of International Crimes* (Asser Press 2013) 85.

5 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 (2012) ('Victims' Rights Directive'), arts. 3-7.

6 *Ibid.*, art. 27.



Naturally, the realisation of victims' right to information is predicated on the establishment of effective communication. Such communication is intrinsically linked to human rights norms, as it serves to uphold the rights and legitimate interests of victims. Therefore, establishing meaningful communication with victims is contingent upon providing equal access to rights, fostering balanced relationships with victims, and exercising empathy and patience throughout administrative procedures, with the overarching objective of safeguarding their rights.<sup>1</sup> Accordingly, the Directive emphasises the importance of communication quality. One nuanced feature of this approach is the requirement for member states to ensure 'simple and accessible language' when communicating with victims - a result-oriented obligation. Article 3(2) of the Directive underscores the necessity of tailoring communication to the personal characteristics of each victim, including any disabilities that may impair their ability to understand or to be understood. Furthermore, Article 3(3) entitles victims to be accompanied by a person of their choice from the very first contact with the competent authority, particularly when the traumatic impact of the crime hinders effective communication.

A necessary corollary of victims' right to information is the obligation to provide translation and interpretation services to those who do not speak or understand the official language of the country. This obligation, which must be fulfilled free of charge, is essential to ensuring meaningful access to justice for all victims, including nationals who experience difficulties with the official language and foreign victims.<sup>2</sup> Its importance has grown significantly in the light of the global rise in migration. In 2020, an estimated 281 million people were living outside their country of birth - 128 million more than in 1990 and more than three times the number recorded in 1970.<sup>3</sup> In addition to language barriers, which commonly impede communication with migrants and refugees, a substantial proportion of this population is either entirely or functionally illiterate. This reality often leaves them unfamiliar with the legal frameworks, regulatory systems, and social expectations of their host states.<sup>4</sup> The challenge is further compounded by the fact that the overwhelming majority of migrants have no formal legal education or professional experience in legal systems.<sup>5</sup> It is therefore encouraging that the provision of information and advice is recognised as a core component of the right to information under the Victims' Rights Directive. Pursuant to this framework, victims must be provided with timely and accessible guidance - beginning from their initial contact with the competent authorities - regarding the judicial process, the support services available, the means of accessing such services, potential avenues for compensation, and other restorative justice mechanisms.<sup>6</sup>

The provision of medical services and psychological counselling may, at first glance, appear to fall within the broader category of victims' rights. However, in the case of vulnerable

1 Rakipova and others (no 3), 4.

2 Victims' Rights Directive (no 12), preamble and arts. 5,7; Mariana Vilas Boas, 'Crime Victims' Right to Information: Plain Language and its Implementation' [2024] Special Issue, *Polissema* 316, 329-331.

3 Marie McAuliffe and Linda Adhiambo Oucho, *World Migration Report 2024* (International Organisation for Migration (IOM) 2024) 21.

4 Hervé Adami, 'The Role of Literacy in the Acculturation Process of Migrants' (Council of Europe, 2025) <<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802fc1b7>> accessed 30 May 2025.

5 Evie Browne, *Evidence on Education as a Driver for Migration* (Institute of Development Studies 2017) 12-15.

6 Victims' Rights Directive (no 12), preamble and art. 4.



victims - such as those subjected to rape, sexual assault, attempted murder, grievous bodily harm, or comparable serious offences - the full realisation of the right to information may, in practice, be contingent upon the availability of preliminary psychological or medical assistance. Such support enables victims to begin recovering from trauma and, within an environment characterized by dignity, respect, and security, to make informed decisions regarding the exercise or waiver of their legal rights.<sup>1</sup> This is particularly important, as victims retain the right not to be informed, to forget the crime, and to be forgotten. Many - whether to avoid further exposure, or due to fear, dissatisfaction, or a loss of confidence - may choose to disengage from the criminal justice process altogether, or expressly decline to receive information concerning criminal proceedings, complaints mechanisms, compensation procedures, and related matters.<sup>2</sup> Therefore, any decision by a victim to pursue or forgo his/her rights must be made in a protective environment, free from intimidation, coercion, or undue influence by the offender(s) or third parties, to ensure that it reflects his/her free and informed will. Failure to observe this condition risks the concealment of crucial facts in criminal proceedings and may allow perpetrators to evade prosecution by exploiting the fear and silence they instil in their victims.

It is important to note that the significance of providing a supportive environment for victims has also been acknowledged by international courts either. A salient example is the International Criminal Court (ICC). According to the Rome Statute, the Court is mandated to take appropriate measures to protect the safety, physical and psychological well-being, dignity, and privacy of victims, taking into account all relevant factors, including age, gender, health, and the nature of the crime - particularly, though not exclusively, where the crime involves sexual or gender-based violence or violence against children. In this respect, the Prosecutor bears primary responsibility for ensuring the adoption of such measures during the investigation and prosecution of crimes. To more effectively fulfil this mandate, a Victims and Witnesses Unit (VWU) has been established within the Registry. This Unit, staffed with experts in trauma, including trauma associated with sexual violence, provides - in consultation with the Office of the Prosecutor - protective measures, security arrangements, counselling, and other appropriate forms of assistance. Such assistance ranges from basic medical care and clothing to long-term counselling and advanced medical procedures for victims who appear before the Court.<sup>3</sup> The Registry has also sought to operationalise Rule 88 of the ICC Rules of Procedure and Evidence through the establishment of a Vulnerability Protocol. This Protocol facilitates the recommendation and implementation of a broad range of measures in favour of victims, based on reports prepared by VWU psychologists. The development of these mechanisms constitutes a milestone in integrating psychosocial expertise into the judicial process at the international level, attributable to the central role accorded to psychologists in the proceedings and the consequent emphasis on addressing the individual needs of victims and witnesses.<sup>4</sup> Moreover, beyond its strictly judicial and procedural functions, the ICC -

1 Boas (no 15), 320.

2 Stefano Ruggieri, *Audi Alteram Partem in Criminal Proceedings: Towards a Participatory Understanding of Criminal Justice in Europe and Latin America* (Springer 2017) 390.

3 Rome Statute of the International Criminal Court (1998), arts. 43.6 and 68.1-4.

4 Rules of Procedure and Evidence for the International Criminal Court (ICC) 2002, rule 88; An Michels, 'The Psychologist-



through the VWU - has undertaken initiatives to enhance victims' right to information even in the territories of non-Member States. For instance, although Ukraine's accession to the Court formally took effect only on 1 January 2025, the VWU organised a training workshop in Kyiv from 13 to 16 March 2023. This programme, which involved prosecutors, judicial officials, and representatives of Non-Governmental Organisations (NGOs), addressed a range of issues, including multidisciplinary approaches to victim support and protection, relevant institutional frameworks, the implementation of survivor-centred and trauma-informed methodologies, and the safeguarding of consent and confidentiality for victims of conflict-related sexual violence.<sup>1</sup>

It is crystal clear that providing support services for victims of genocide, crimes against humanity, war crimes, and aggression, and addressing the harm they have suffered, necessarily requires well-structured programmes and adequate financial resources. Such resources must be commensurate with both the scale of the atrocities committed and the crimes falling within the jurisdiction of the ICC, thereby ensuring the Court's capacity to meet these pressing needs. To this end, Article 79 of the Rome Statute has envisaged the establishment of a Trust Fund, which was created in 2004 by the Assembly of States Parties. The Trust Fund is a unique mechanism designed for the benefit of victims of crimes within the Court's jurisdiction, and their families, and is mandated to deliver general assistance to victims of conflict without prejudice to ongoing proceedings before the ICC. In other words, it may be activated prior to the issuance of a ruling, and it possesses the capacity to extend assistance to victims who have not instituted proceedings before the Court at all.<sup>2</sup> Under its assistance mandate, the Fund implements physical and psychological rehabilitation, as well as material support initiatives, for victims, their families, and their wider communities. These programmes include medical care and treatment, surgical interventions, individual and group trauma counselling, information sessions, community therapy, psychological education through community dialogue and reconciliation, educational and vocational training, and access to referral services and capacity-building opportunities aimed at fostering the long-term empowerment of victims and their communities. To date, the Trust Fund has implemented its victim support activities in Uganda, the Central African Republic, the Democratic Republic of Congo, Côte d'Ivoire, Mali, Georgia, and Kenya.<sup>3</sup>

In parallel with these international developments, an increasing number of national and subnational governments have adopted independent legislation to safeguard victims' rights.

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Client Relationship at the ICC: A Road Map for the Development of the Counsel-Victim Relationship', in Rudina Jasini and Gregory Townsend (eds), *Advancing the Impact of Victim Participation at the International Criminal Court: Bridging the Gap Between Research and Practice* (Oxford: Oxford University and International Criminal Court Bar Association 2020) 115-116.

1 ICC, 'Ukraine', (ICC, 2025) <<https://www.icc-cpi.int/situations/ukraine>> accessed 3 September 2025; ICC, 'ICC Victims and Witnesses Section Training for Public Prosecutors and police officials from Ukraine "Applying an integrated, witness and victim-centred model for protection and support for victims of conflict-related Sexual Violence in Ukraine"', (ICC, 20 March 2023) <<https://www.icc-cpi.int/about/cooperation/icc-victims-and-witnesses-section-training-public-prosecutors-and-police>> accessed 3 September 2025.

2 Anne Dutton and Fionnuala Ní Aoláin, 'Between Reparations and Repair: Assessing the Work of the ICC Trust Fund for Victims Under Its Assistance Mandate Trust Fund for Victims Under Its Assistance Mandate' (2019) 19 *Chicago Journal of International Law* 490, 494.

3The Trust Fund for Victims, 'Assistance programmes', (The Trust Fund for Victims, 2025) <<https://www.trustfundforvictims.org/en/what-we-do/assistance-programmes>> accessed 3 September 2025.



The most notable examples are the Canadian Victims Bill of Rights 2015, the Code of Practice for Victims of Crime in England and Wales (Victims' Code) 2015, and the Victims' Rights and Support Act 2013 of New South Wales. These laws affirm and guarantee victims' right to information to varying degrees. Nevertheless, they still fall short of the standards established by the Victims' Rights Directive and the comprehensive approaches adopted by the ICC in several respects. For example, the Canadian Victims Bill of Rights dedicates three substantive provisions to the right to information and its implications. It expressly guarantees victims the right - upon request - to be informed about the functioning of the criminal justice system, their role within it, available services and programmes, the right to file complaints concerning the infringement or denial of their rights, the status and outcome of criminal investigations, and details of conditional release decisions, including their timing and conditions.<sup>1</sup> Moreover, the Bill establishes a complaints mechanism under which any relevant federal department, agency, or body involved in the criminal justice system must review alleged violations of victims' rights under the Bill, make recommendations to address such infringements, and notify victims of the outcome of their complaints and the measures recommended.<sup>2</sup> It is also noteworthy that the Bill of Rights was enacted through the Victims Bill of Rights Act 2015, which introduced reforms across various provisions of Canadian criminal law.<sup>3</sup> However, the Act fails to confer party or intervener status on victims - or on those acting on their behalf - in criminal proceedings, nor does it provide an independent ground for initiating judicial proceedings in the event of an alleged infringement or denial of the rights it guarantees.<sup>4</sup>

## 5. Legal Requirements for Enhancing Victims' Right to Information

Understanding the evolving international approaches to victims' right to information, along with the challenges surrounding its implementation, highlights the major legal requirements needed to enhance this right in each country.

### 5.1. Legislative Reform and Enactment of Relevant Laws

The most fundamental benchmark for strengthening victims' right to information lies in the substantive legal provisions governing the judiciary and law enforcement organs. However, a comparative analysis of domestic legislation and international standards reveals divergence regarding the definition of 'victim' and the scope of his/her rights. For instance, international instruments, such as the UN General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985, explicitly recognise psychological and emotional harm as legitimate grounds for victimhood - allowing the recognition of family members and close relatives of direct victims as 'victims' in their own right, rather than limiting them to the role of legal heirs, agents, or representatives.<sup>5</sup> By contrast, some domestic frameworks adopt narrower definitions. Article (10) of the Iranian Code of Criminal Procedure (CCP) 2013, for example, defines a victim as 'a person who suffers harm or damage as a result

1 Canadian Victims' Bill of Rights (2015), §§ 6-8.

2 Ibid., § 25.

3 Tyrone Kirchengast, *Victimology and Victim Rights: International Comparative Perspectives* (Routledge 2017) 181-182.

4 Canadian Victims' Bill of Rights (2015), §§ 27-28.

5 UN General Assembly Resolution (no 9), arts. 1-2.



of the commission of a crime'. This formulation is both limited in scope and insufficiently precise. Crucially, it makes no express provision for emotional or psychological harm, nor does it acknowledge those who suffer such harm - such as close relatives - as victims. Although interpretative practices and advisory opinions may, in some cases, permit family members or legal representatives to initiate criminal complaints, these individuals are not legally recognised as victims. This ambiguity may carry significant implications in practice, particularly with respect to the claims for compensation for emotional damages suffered by the relatives of direct victims.

As the ability of vulnerable victims to exercise and enjoy the right to information may, in many instances - particularly in cases involving serious crimes, grievous bodily harm, or sexual assault - depend on access to medical services and other essential forms of support such as psychological care and counselling, national legal systems must adopt clear and consistent approaches concerning the obligations of relevant authorities and service providers in this regard. It is therefore promising that some national legal frameworks expressly mandate the provision of medical treatment to victims of serious crimes by all hospitals, free of charge, and impose a corresponding duty to notify the police immediately upon admission.<sup>1</sup>

In addition to refining the legal definition of the victim and identifying the necessary health sector responses to ensure victims' meaningful enjoyment of their rights, modern justice systems must also give due regard to the legal status and protection of individuals who report wrongdoing. This is particularly critical in contexts where such disclosures are essential to the detection and prevention of serious criminal activity. As many societies continue to grapple with rising levels of crime and corruption, the capacity to report offences swiftly and securely assumes a central role - not only in facilitating the detection and prosecution of unlawful conduct but also in preventing such acts, and associated victimisation *ab initio*.<sup>2</sup> For instance, the enactment of whistleblower protection laws can encourage individuals who, despite being aware of criminal conduct, abstain from reporting it due to fear or other concerns, to report illegal or unethical activity to competent authorities. This is particularly vital in relation to the growing incidence of economic crimes, which frequently involve the misappropriation of public or governmental resources, a reduction in the quality of goods and services, environmental degradation, and reputational harm to public or private institutions - thus harming society at large, and indeed the interests of members within the affected entities.<sup>3</sup> In other words, those who report such crimes may themselves, in certain circumstances, be regarded as victims, and as such, their rights also require legal protection. Despite the longstanding implementation of whistleblower protection laws in many developed countries,

1 E.g., Indian Code of Criminal Procedure (CrPC) as amended in 2018, s. 357c; Cf., e.g., Iranian Code of Criminal Procedure (CCP) 2013.

2 World Population Review, 'Crime Rate by Country 2025', (World Population Review, 2025) <<https://worldpopulationreview.com/country-rankings/crime-rate-by-country>> accessed 22 May 2025. Seokhee Yoon, 'Why Do Victims Not Report? The Influence of Police and Criminal Justice Cynicism on the Dark Figure of Crime' (Ph.D. Dissertation, The City University of New York (CUNY) 2015) 5-9. Derek Pyne, 'Crime, (Incentive to)', in Alain Marciano and Giovanni Battista Ramello (eds), *Encyclopedia of Law and Economics* (New York: Springer 2019) 467-468.

3 Leah Ambler, Calaire Leger, 'Whistleblower Protection: The Next Frontier in the Transnationalization of Anti-Corruption Law', in Régis Bismuth, Jan Dunin-Wasowicz, and Philip M Nichols (eds), *The Transnationalization of Anti-Corruption Law* (Routledge 2021) 316-323. Shahram Ebrahimi and Majid Sadegh Nejad Naeni, 'Criminological Analysis of Economic Crimes' (2014) 2 *Journal of Criminal Law Research* 147, 160-161.



the legal frameworks of numerous developing jurisdictions remain deficient, particularly where adequate safeguards and incentives are lacking.<sup>1</sup> On the other hand, raising public and victim awareness of the protections enshrined in such laws, alongside the implementation of educational and cultural initiatives aimed at promoting the reporting of corruption and misconduct, are essential policy objectives that must be meaningfully addressed within domestic legal systems.<sup>2</sup>

A further prerequisite for realising victims' right to information is the simplification and intelligibility of the legal language, forms, and procedures required to initiate complaints and pursue their rights. This is particularly necessary given the general public's unfamiliarity with legal terminology - language which is, at times, difficult even for lawyers to grasp. In this regard, some jurisdictions have enacted legislation specifically aimed at simplifying legal language. Although such an approach carries the risk of reducing legal precision, a cost-benefit analysis generally favours this shift, and many legal scholars have endorsed it.<sup>3</sup> Given the growing migrant population in the world - many of whom lack formal education or knowledge of domestic laws - there is a clear need for host states to designate individuals and institutions to assume roles that facilitate communication and legal awareness among victim communities.<sup>4</sup>

Last but by no means least, the enactment of special legislation for the protection of victims' rights - such as the EU Victims' Rights Directive or the Canadian Victims Bill of Rights - can play a pivotal role in clarifying and reinforcing the legal foundations of the victim's right to information. Beyond strengthening this right in substantive terms, such measures are also likely to yield broader benefits, including the promotion of the rule of law and the enhancement of both the consistency and perceived legitimacy of judicial decisions.<sup>5</sup>

## 5.2. Streamlining Judicial Procedures

The implementation of victims' rights requires objective standards, one of which is the public's perception of how a particular right is realised in their everyday lives. Hence, judicial procedures and approaches that fail to generate a shared understanding among the public or remain abstract in nature hold limited practical value.<sup>6</sup>

Therefore, the discretions afforded to the police officers, prosecutors, and other criminal justice officials need to be clarified to limit the margin of interpretation and delay while bringing consistency and determination to the judicial administration of justice. This is a prerequisite to the realisation of victims' right to information and to securing their consent for criminal prosecution under improved conditions.<sup>7</sup> Similarly, a necessary component for the

1 NWC, 'Whistleblower Laws Around the World', (National Whistleblower Center, 2025) <<https://www.whistleblowers.org/whistleblower-laws-around-the-world/>> accessed 24 May 2025.

2 DataGuard Insights, 'Implementing an Effective Whistleblower System: Key Benefits and Best Practices', (DataGuard, 23 January 2025) <<https://www.dataguard.com/blog/implementing-an-effective-whistleblower-system/>> accessed 24 May 2025.

3 Boas (no 15), 326.

4 Ibid., 329-331.

5 Manjiao Chi (2023), 'Regulatory Transparency in International Investment Law: From an Investment Protection Requirement to a Rule-of-Law Requirement', in August Reinisch and Stephan W Schill (eds), *Investment Protection Standards and the Rule of Law* (Oxford University Press 2023) 137-138.

6 Albin Dearing, *Justice for Victims of Crime: Human Dignity as the Foundation of Criminal Justice in Europe* (Springer 2017) 375.

7 UN General Assembly Resolution (no 9), annex, para. 16; Shahsavari, Mozenzadegan and Rayejijanasli (no 2), 137-138;



effective implementation of this right is the specialisation of lawyers and the proper training of legal practitioners and advisors. Enhancing legal qualifications and expertise in pursuing victims' rights, provides societies with professionals who are uniquely positioned to give practical effect to such rights. Thus, providing specialised training to lawyers active in the field of victim support is imperative. Establishing institutions similar to the National Crime Victim Law Institute (NCVLI) in the United States - which delivers educational programmes for lawyers specialised in the field of victims' rights - is a notable strategy which can be modelled in other countries to facilitate this objective.<sup>1</sup>

### 5.3. Strengthening Institutional Frameworks

The fulfilment of victims' right to information, together with related services such as effective legal and psychological counselling and access to appropriate medical care, requires the establishment of competent institutions comparable to the ICC's victim support mechanisms, which operate at the international level. Accordingly, Iran's judiciary, for instance, has established certain mechanisms - most notably the Guidance and Legal Aid Units, as well as the Judiciary's Electronic Services Empowerment and Response Centre. However, the services offered by such bodies are often constrained by narrowly defined mandates and suffer from a shortage of specialised personnel and resources.<sup>2</sup> However, under the normative frameworks of contemporary international instruments, such institutions are expected to provide services far beyond providing basic legal information following the reporting of a crime or the identification of a suspect. That is why, for instance, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power stipulates the necessary material, medical, psychological and social assistance for victims through governmental, voluntary, community-based and indigenous means, and specifically calls upon states to establish, strengthen and expand national funds for compensation to victims, and, where appropriate, other types of funds, to support victims and compensate them where compensation is not fully available from the offender or other sources, and/or where the State is not in a position to compensate the victim for the harm.<sup>3</sup>

Today, many developed countries - including the United States, Germany, Australia, Austria, Canada, and Japan - have established compensation funds for victims of crime. These mechanisms are often based on specific legislation that, in many cases, also mandates free provision of various requirements of victims' right to information, including legal and psychological counselling.<sup>4</sup> Therefore, the establishment of victim compensation funds - designed to facilitate and expand service provision in support of victims' full enjoyment of their rights - appears both necessary and beneficial in other countries as well. Such funds

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Moosa Akefi Ghaziani, 'Empowering Iranian Judges: A Venue for Reducing Capital Punishment', (Georgetown Journal of International Affairs, 13 February 2023) <<https://gija.georgetown.edu/2023/02/13/empowering-iranian-judges-a-venue-for-reducing-capital-punishment/>> accessed 30 May 2025.

1 National Crime Victim Law Institute, 'Professional Resources' (NCVLI, 2025) <<https://www.ncvli.org/our-team/>> accessed 15 April 2025.

2 Tayebeh Bijani Mirza and Bagher Shamloo, 'Litigative Proceedings in Light of Primary Victimology in Iranian Law and International Documents' (2017) 10 International Legal Research 31, 39.

3 UN General Assembly Resolution (no 9), annex, paras. 12-15.

4 Rakipova and others (no 3), 10.



could be financed not only through state budgets but also via fines, penalties, or charitable contributions.

Finally, the enhancement of victims' right to information must be supported by continuous monitoring, periodic reviews, and strengthened cooperation between governmental victim support institutions and professionals working in the field of victims' rights, all within a coherent strategic policy framework.

An exemplary model is the European Union Agency for Fundamental Rights (FRA), established in 2007 as an independent EU body tasked with advising EU institutions and decision-makers. The FRA conducts continuous assessments of the implementation of victims' rights across Member States.<sup>1</sup> It benefits from a dedicated budget line for victims of crime, enabling it to collect and analyse data and carry out evaluations at the EU level. These evaluations are disseminated consistently, and the FRA may also share its views with the European Parliament.<sup>2</sup> Similarly, the European Network on Victims' Rights (ENVR), established in 2016 pursuant to the Council conclusions, aims to enhance cooperation among Member States, relevant organisations, and other stakeholders. Its objectives include facilitating the exchange and development of best practices in supporting victims' rights, identifying areas for potential improvement, and consistently providing professional information to professionals working with victims across the EU.<sup>3</sup>

Civil society organisations also play a vital role in this process, particularly by monitoring Member States' compliance with the European Union's obligations concerning victims' rights. They may report instances of non-compliance with EU laws and directives to the European Commission. The Commission, however, retains discretionary authority in determining whether to initiate proceedings against Member States on the basis of such reports.<sup>4</sup> A notable outcome of these collective efforts is the adoption of the EU's first Victims' Rights Strategy in 2020, which reaffirms the necessity of respecting the right to information for all victims in all Member States.<sup>5</sup>

## Conclusion

This article has been both a tribute to and a critique of the contemporary legal approaches to victims' rights. As demonstrated, enhancing victims' awareness is not only a necessary precondition for the meaningful exercise of their rights, but also a vital tool in preventing criminal behaviour and mitigating the recurrence of victimisation within society. Accordingly, jurisdictions such as the European Union, Canada, and Australia have adopted specific legislative and policy frameworks that explicitly recognise and substantively regulate victims' right to information. While divergence persists in the legal and institutional approaches to the

1 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Strategy on victims' rights (2020-2025), COM/2020/258 final (24 June 2020) 22-23.

2 Amandine Scherrer and others, Victims' Rights Directive: Study (European Parliament Research Service 2017) 18.

3 European Network on Victims' Rights, 'Role and objectives of ENVR', (ENVR, 2021) <<https://envr.eu/about-us/role-and-objectives-of-envr/>> accessed 5 June 2025.

4 Chloe Briere, 'Transnational Responses to Trafficking in Human Beings in Europe', in Ricardo Pereira, Annegret Engel and Samuli Miettinen (eds), *The Governance of Criminal Justice in the European Union* (Edward Elgar 2020) 117-120.

5 European Commission (no 46), 7-18.



scope and implementation of this right, it has, nonetheless, increasingly assumed the status of a global norm and continues to evolve.

Given that criminal justice systems constitute a cornerstone of good governance - and that the right to information plays a pivotal role in enabling the effective realisation of victims' rights and preserving social justice - concerted efforts must be undertaken to ensure its full protection. The normative obligations enshrined in foundational international instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and the EU Victims' Rights Directive, together with state practice, indicate three principal requirements for the realisation of this right: legislative reform and clarity; the streamlining of judicial processes; and the strengthening of institutional frameworks.

Domestic legal systems require particular revision in their definition of 'victim' and in the legal treatment and substantive rights accorded to such persons. These reforms should ideally be accompanied by the enactment of dedicated victims' rights legislation. The EU Victims' Rights Directive 2012, which imposes binding obligations on Member States, provides a comprehensive and instructive model in this regard. Moreover, its normative content could serve as a valuable foundation for the development of an International Convention on Victims' Rights in the future. In this respect, all states - not only those in the Global North - have the opportunity to formulate coherent national strategies and contribute meaningfully to the elaboration of a global legal framework as well.

Finally, it is essential that the implementation of the right to information be underpinned by robust institutional mechanisms. While international bodies such as the ICC have taken considerable strides, inter alia, towards the global realisation and protection of this right, many domestic victim support institutions have, in practice, proved inadequate owing to shortcomings in expertise, resources, or coordination. To address these deficiencies, the engagement of both public and private mechanisms may serve to enhance institutional capacity and improve service delivery. The establishment of dedicated support funds - modelled on the ICC Trust Fund or those operating in a number of developed jurisdictions - would likewise be highly beneficial. It is, however, imperative that such institutions and funds, whether domestic or international, neither confine their activities to victims within a particular geographical region nor restrict assistance solely to those who have formally lodged complaints or who are aware of their victimisation. Moreover, the training of judicial officials and legal professionals, including lawyers and advisers, on the scope and practical imperatives of this right should draw upon the experience of institutions such as the National Center for Victims of Crime in the United States.



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