

International Law on the Rights of Victims of Crime and some Recommendations for Viet Nam

Nguyen Duy Dung*, Nguyen Nhu Anh, Nguyen Minh Hien

Faculty of Law, Nguyen Tat Thanh University, Ho Chi Minh City, Viet Nam

*nddung@ntt.edu.vn

Abstract

This research aims to clarify the international legal standards on the rights of victims of crime and to assess the extent to which Vietnamese law aligns with these standards, thereby identifying gaps and reform needs. It employs doctrinal legal analysis method of key international instruments (including the 1985 UN Declaration and the 2005 Basic Principles and Guidelines) combined with comparative analysis of the 2013 Constitution, the 2015 Criminal Procedure Code (as amended), and selected specialised statutes of Viet Nam. Results from the present study have shown that while Viet Nam has significantly incorporated general human rights principles and some specific victims' rights, important shortcomings remain regarding the legal status of victims, their participatory rights, and mechanisms for protection and reparation. The research mainly contribute to systematically mapping international standards against current Vietnamese law, proposing the recognition of victims as an independent legal subject, and recommending a dedicated victims' rights law together with state-backed protection and compensation mechanisms.

Received 26/01/2026

Accepted 23/03/2026

Published 28/03/2026

Keywords

International law;
victims' rights;
recommendations;
Viet Nam.

© 2026 Journal of Science and Technology - NTTU

1 Introduction

Over the long evolution of criminal justice systems, the position and role of crime victims have undergone a profound transformation. In traditional state-offender models, the victim's rights and interests were often marginalized, turning the victim into a "silent party" in criminal proceedings and exposing them to secondary victimization [1]. With the development of human rights discourse in recent decades, the international community has shifted from viewing victims merely as witnesses to recognizing them as participants who hold independent rights and interests within justice processes [2]. Victims' rights movements since the

1970s facilitated the creation of legal instruments that articulate standards on victims' rights in international law. Documents such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1985 UN Declaration and the 2005 Basic Principles and Guidelines collectively form a relatively comprehensive framework on victims' rights and guide states in reforming domestic law to afford better protection [3].

Viet Nam has made strong human rights commitments through ratification of major human rights treaties and their incorporation into the 2013 Constitution, the 2015

Criminal Procedure Code and related legislation. Nonetheless, significant gaps remain between Vietnamese regulation of victims' rights, especially for victims of trafficking, and international standards [1]. Vietnamese law still does not treat victims as an independent legal subject in procedure (except for specific regulation on trafficking victims), and many rights set out in international instruments have not been fully, coherently or effectively incorporated. This situation calls for a systematic study of international standards on victims' rights, an assessment of the extent to which Vietnamese law converges with them, and the formulation of recommendations to improve the current legal framework [4].

2 International Standards on the Rights of Victims of Crime

2.1 Principles on the Rights of Victims of Crime

The 1985 UN Declaration is the first international instrument to set out in a relatively systematic manner the fundamental principles governing victims' rights, and although it is not legally binding, it plays an important orienting role for national law-making. The Declaration adopts a broad concept of "victim", covering individuals, groups, immediate family members and persons who suffer harm when intervening to assist a victim or prevent a crime, thereby recognizing both direct and secondary victims [5]. This approach provides the basis for identifying the holders of rights and for states to incorporate an appropriate concept of victim into domestic law. Together with the 2005 Basic Principles and Guidelines and other "soft law" instruments, the Declaration has contributed to the emergence of cross-cutting principles on victims' rights.

First, the principle of equality and non-discrimination affirms that all victims have a right to protection and support measures without discrimination on grounds such as race, sex, age, language, religion, nationality, social status, property or political opinion. The definition of victim extends beyond the person directly harmed to include relatives, dependents and persons harmed while assisting a victim, reflecting the diffuse

impact of crime and the need to protect the wider social network affected [6]. Crucially, victim status does not depend on whether the offender has been identified, arrested, prosecuted or convicted, nor on any family relationship between offender and victim, thereby decoupling victims' rights from the outcome of criminal proceedings. The principle also underlines that even persons suspected or convicted of offences remain entitled to protection of the right to life and to be free from arbitrary deprivation of life [7].

Second, the principle of respect for human dignity and humane treatment requires that victims, as persons who have suffered physical, psychological and financial harm, be treated with respect for their dignity and with humanity throughout the criminal process. All individuals are born free and equal in dignity and rights, so victims must be recognized as rights-holders rather than as mere instruments of the justice system [8]. This principle demands measures to prevent re-victimization, to protect privacy, to shield victims from degrading treatment by public authorities, and to restore honor and dignity through adequate remedies and compensation. In contemporary approaches, this is a central thread in the shift from a purely retributive model towards restorative justice, in which victims' harm and needs are placed at the center of the response to crime [9].

Third, the principle of access to justice, reparation and redress is both a right and a guarantee for restoring victims' dignity and interests. Access to justice encompasses victims' real ability to seek truth, justice and remedies through judicial and non-judicial mechanisms, under procedures that are prompt, fair, inexpensive and accessible. The 2005 Basic Principles and Guidelines identify five forms of reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, thus building a comprehensive remedial framework [9]. The Human Rights Committee has repeatedly affirmed that a state's human rights obligations are not fully discharged unless adequate and effective reparation is ensured, confirming that compensation is not a purely civil

matter but an integral element of the right to an effective remedy under international human rights law.

2.2 Specific Rights of Victims of Crime

First, the right of access to justice and fair treatment is clearly set out in Article 4 of the 1985 UN Declaration, which provides that victims shall be treated with compassion and respect for their dignity and shall have access to the mechanisms of justice and to prompt redress as provided by national law. This right is realized through judicial and administrative mechanisms, whose procedures must be expeditious, fair, affordable and accessible [10]. Victims must be adequately informed of their rights, duties and relevant procedures throughout the case so that they are not excluded from the pursuit of justice by informational or procedural barriers. Fair treatment also requires that victims enjoy a more balanced legal position vis-à-vis other participants, be respected as rights-holders, and have effective access to support, compensation and rehabilitation services.

Second, the right to participate in proceedings and to be heard is a cornerstone of modern approaches to victims' rights. The 1985 Declaration requires that victims be afforded the opportunity to present their views and concerns at appropriate stages of proceedings where their personal interests are affected, without prejudice to the rights of the accused. This right encompasses being informed of the role of victims, the scope and course of proceedings, and the disposition of the case; submitting views, concerns and claims for reparation; having these considered at appropriate stages; receiving necessary assistance; and enjoying protection of safety and privacy and freedom from unnecessary delay [10]. A concrete manifestation is the "victim impact statement", which enables victims to address the court about the harm suffered, thereby informing sentencing and providing psychological acknowledgement of their status as subjects of rights. In some systems, such as the 2001 Russian Criminal Procedure Code, victims participate as an independent party who actively asserts their rights in adversarial proceedings, illustrating a more substantive realization of the right to be heard.

Third, the rights to protection, to be free from re-victimization and to comprehensive reparation further refine the normative framework on victims' rights. Victims, particularly in cases of organized crime, drug-related offences, domestic violence and trafficking, face heightened risks of threats and retaliation, which require protective measures for both victims and their families, including direct protection, urgent interventions, warnings, and judicial or administrative measures with a deterrent effect. International standards also require compensation to cover both material and non-material harm and to restore the victim as far as possible to the situation prior to the crime, through restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition [8]. Alongside offender-funded compensation, states are encouraged to establish mechanisms to provide financial, medical, psychological and social support, especially where offenders lack the means to compensate, to secure victims' right to effective redress.

3 Vietnamese Law on the Rights of Victims

3.1 Principles on Victims' Rights in Vietnamese Law

The principles relating to victims' rights in Viet Nam's current legal system broadly converge with general international standards on human rights and victims' rights. The 2013 Constitution affirms fundamental human rights, emphasizing the inviolability of the person, the right to protection of life, health, honor, dignity and property, and permitting limitations on rights only when strictly necessary for reasons such as national defense, national security, public order, social morality or public health. These provisions reflect the principles of equality, non-discrimination and respect for and protection of human rights, which also underlie international victims' rights instruments [11]. The 2015 Criminal Procedure Code, as amended in 2021, translates these constitutional principles into the criminal procedure sphere, with Article 8 requiring procedural authorities to respect and protect the life, health, honor, dignity, property and lawful rights and interests of all individuals, including crime victims.

Sectoral legislation, notably the 2024 Law on Prevention and Combat of Human Trafficking, further stresses protection of victims' identity, personal safety and privacy throughout proceedings, in line with principles of respect for dignity, humane treatment and protection against re-victimization in international standards [12].

Despite this, Vietnam's alignment with international principles remains largely at the level of general human rights guarantees and has not been fully developed into specialized standards for victims. The Constitution and Criminal Procedure Code strongly affirm duties to respect and protect human rights, but the law does not yet recognize victims as an independent category with their own principles and protection regime; instead, they are mainly subsumed under the status of "victim" (bi hai) in criminal proceedings. These risks limiting the practical implementation of principles of equality, non-discrimination, respect for dignity and effective redress for victims, and makes their realization heavily dependent on how authorities interpret and apply general provisions [12]. Hence, while Viet Nam has achieved notable convergence at the level of overarching principles, a further step is needed to "specialize" these principles for crime victims within a clear and coherent legal framework.

3.2 Victims' Rights under Vietnamese Law

Within the Vietnamese legal system, crime victims are primarily identified through the procedural status of "victim", a participant in criminal proceedings, except for trafficking victims who are separately regulated by the Law on Prevention and Combat of Human Trafficking. Victims' rights are scattered across various instruments but are concentrated in the 2015 Criminal Procedure Code. Although the term "access to justice" is not explicitly used, it is implicit in specific procedural rights, such as the right to give testimony, to provide evidence on harm and the offence, to request additional investigation when evidence is incomplete, to participate in trial, to appeal judgments and decisions, and to access and copy case files as provided by law. These rights offer a minimum framework that enables victims to access the justice system and protect

their interests, and they exhibit a certain degree of compatibility with international standards on access to justice.

Regarding participation and the right to be heard, Article 62 of the 2015 Criminal Procedure Code grants victims the right to submit evidence, documents, objects and requests; to express opinions on evidence; to request verification and evaluation of evidence; to propose penalties, compensation levels and measures to secure compensation; to take part in questioning and argument at trial; and, in cases initiated at the victim's request, to present the accusation at trial; they also have the right to self-representation or to be represented by a person protecting their lawful rights and interests. These provisions demonstrate that Viet Nam has approached international standards on victims' participation and voice, moving beyond mere presence in proceedings to confer certain procedural tools. However, the victim's position remains closer to that of a participant in procedure than a co-decision-maker, and there is no mechanism ensuring that victims' views substantively influence key decisions such as prosecution, settlements or the level of compensation [13]. Empirical studies note a persistent gap between rights "on paper" and their practical implementation. Compared with systems that have institutionalized victim impact statements and more substantive involvement at various stages, Vietnam's level of convergence remains moderate [14].

As to protection, dignity and compensation, the 2015 Criminal Procedure Code recognizes victims' right to request competent authorities to protect their life, health, honor, dignity, property and lawful interests, as well as those of their relatives, when threatened. The Code provides for certain measures to protect privacy and allows in camera trials in cases involving sexual offences and domestic violence ... [15]. Special laws such as those on trafficking and domestic violence add measures such as shelters, confidentiality of personal data and restricted contact with the accused, indicating progress in protecting vulnerable victims. Regarding compensation, victims may claim material and moral damages under the Civil Code, either within the

criminal case or via separate civil proceedings and may request measures to secure compensation such as seizure of assets or freezing of accounts. Nonetheless, compared to international standards on comprehensive reparation, Vietnamese law remains limited: compensation focuses mainly on material and certain moral damage, with less attention to harm to fundamental rights and freedoms; elements such as rehabilitation, satisfaction and guarantees of non-repetition appear only sporadically in specialized laws. Viet Nam has not yet established a state-funded compensation mechanism where offenders lack resources, and victim support centers remain underdeveloped, so the level of compliance with international standards on effective and comprehensive redress is still modest.

4 Recommendations for Improving the Law and Enhancing Protection of Victims' Rights in Viet Nam

First, Vietnam should refine the general legal framework and progressively develop a dedicated law on the rights of crime victims. Compared with the relatively comprehensive and structured international standards, Vietnamese law currently embeds victims' rights in broader human rights provisions and in the procedural status of "victim", without a unified, policy-oriented framework specifically for victims. Enacting a standalone statute (or an equivalent normative instrument) would make it possible to systematize principles, concepts, rights and protection mechanisms for victims in a manner aligned with the 1985 UN Declaration, the 2005 Basic Principles and Guidelines and the recommendations of UNODC, while overcoming fragmentation and inconsistency in existing regulations.

Second, the legal position of victims in criminal procedure should be reconceptualized, and the structure of their rights strengthened to foreground their role as rights-holders. The 2015 Criminal Procedure Code currently employs a single concept of "victim" for both natural and legal persons, whereas international standards on victims' rights are primarily

concerned with individuals as bearers of human rights. The lack of differentiation risks diluting rights closely linked with personal dignity and human rights of individual victims. Accordingly, the law should distinguish clearly between individual and organizational victims and design specific rights related to dignity, safety and rehabilitation for individuals. At the same time, the right to participate and to be heard should be further elaborated towards a more co-decisional model on issues directly affecting victims' interests, for example by introducing victim impact statements and by expanding victims' role during prosecution, trial and case settlement. In addition, consideration could be given to establishing regulations on the independent legal status of victims in criminal cases, distinguishing them from victims who are organizations.

Third, mechanisms for protection, compensation and redress should be enhanced to meet international standards on effective remedies. Vietnamese law currently focuses on offender-funded compensation, but offenders limited financial capacity often renders the right to compensation largely formal. Viet Nam should therefore consider establishing a state-funded compensation fund for crime victims, drawing on comparative models and international recommendations, to ensure redress where offenders cannot pay. In parallel, the country should create or strengthen a victim and witness protection regime either through a dedicated law or in a separate chapter of the Criminal Procedure Code with measures for risk assessment, emergency protection, relocation, and confidentiality of identity, consistent with UNODC guidance and international standards.

Fourth, conditions for victims' effective access to law and support services must be improved. Despite relatively extensive recognition of rights on paper, practical implementation is hampered by informational, financial, psychological and geographical barriers. Viet Nam should expand the legal aid network, improve the capacity of state legal aid centers, and encourage civil society and non-governmental organizations to provide free or low-cost

legal, psychological and social services for victims, particularly those in vulnerable groups. The development of multidisciplinary victim support centers (offering legal, psychological, medical and social assistance), simpler procedures and broader dissemination of information on victims' rights and available services through diverse channels would help translate legal rights into reality and advance the ideal of access to justice for all.

5 Conclusion

International standards on the rights of victims of crime have developed into a relatively comprehensive framework, encompassing principles of equality, non-discrimination, respect for dignity and access to justice, together with specific rights of participation, voice, protection and comprehensive reparation. Vietnamese law, grounded in the 2013 Constitution, the 2015 Criminal Procedure Code and sectoral statutes, has recorded important progress in recognizing victims'

rights but remains largely at the level of integrating these rights into general human rights guarantees and the procedural status of "victim", without a specialized, coherent and substantive legal regime.

The gap between international standards and Vietnamese law is evident in the absence of recognition of victims as independent subjects, the lack of mechanisms ensuring that their voices substantively shape procedural decisions, and the shortcomings in protection and reparation, particularly the absence of a state compensation mechanism and a robust professional support network. Addressing these deficiencies requires a dedicated or specialized legal framework on victims' rights, targeted amendments to strengthen victims' status as rights-holders, the establishment of protection schemes and compensation funds, and expansion of legal and social support services, thereby moving closer to the restorative justice model promoted by contemporary international standards.

References

1. Dinh Thi Mai. (2016). The Rights of Victims in Viet Nam. *Asia-Pacific Journal on Human Rights and the Law*, 17(1), 70-87. <https://doi.org/10.1163/15718158-01701006>.
2. Kirchengast, T. (2006). *Emergence of the Victim Rights Movement*. In: The Victim in Criminal Law and Justice. Palgrave Macmillan, London. https://doi.org/10.1057/9780230625778_7.
3. Mastrocinque, J.M. (2010), An Overview of the Victims' Rights Movement: Historical, Legislative, and Research Developments. *Sociology Compass*, 4: 95-110. <https://doi.org/10.1111/j.1751-9020.2009.00267.x>.
4. Nguyễn Đức Sơn. (2025). Pháp luật quốc tế về quyền của người bị hại – một số vấn đề đặt ra trong hoàn thiện pháp luật tố tụng hình sự Việt Nam. *Quản lý Nhà nước*, (354), 117-121. <https://doi.org/10.59394/qlnn.354.2025.1241>.
5. Liên hợp quốc. (1985). Tuyên ngôn về các nguyên tắc cơ bản của công lý cho các nạn nhân của tội phạm và lạm dụng quyền lực 1985, Mục 1.
6. Julia, S. (2025). The EU Victims Rights Directive: A Milestone or Stepping Stone?. *Constitutional Discourse*. Access from: <https://constitutionaldiscourse.com/the-eu-victims-rights-directive-a-milestone-or-stepping-stone/>.
7. Human Rights Committee. (2018). General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life. Access from: <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.
8. Nao, S. (2024). Between Accountability and Reconciliation: The Making of "the Victim-Centered Approach" at the International Criminal Court. *Global Studies Quarterly*. <https://doi.org/10.1093/isagsq/ksae014>.



9. Jain, R. (2025). Victim assistance under the Rome Statute: Approach and effectiveness of the Trust Fund for Victims assistance activities. *Leiden Journal of International Law*, 38(3), 641-664.
<https://doi.org/10.1017/S0922156524000608>.
10. Huong, T. L. P. (2023). Promoting access to justice for victims of sexual violence in Vietnam. *Journal of Human Rights Practice*, Volume 15, Issue 1. <https://doi.org/10.1093/jhuman/huac052>.
11. Đỗ Cảnh Thìn, Nguyễn Thị Thiên Trinh. (2020). Quan niệm về nạn nhân, bảo vệ nạn nhân của tội phạm trong qui định của pháp luật Việt Nam. *Tạp chí Khoa học và Công nghệ Đại học Duy Tân*, 03(40) (2020). [https://files02.duytan.edu.vn/svruploads/dtu-duytan/upload/file/12.-BAI-12-\(Do-Canh-Thin,-Nguyen-Thi-Thien-Trinh\)-84.pdf](https://files02.duytan.edu.vn/svruploads/dtu-duytan/upload/file/12.-BAI-12-(Do-Canh-Thin,-Nguyen-Thi-Thien-Trinh)-84.pdf).
12. Trần Hồng Lê, Nguyễn Quỳnh Quyên. (2022). Bảo vệ nạn nhân của tội phạm: nghiên cứu so sánh pháp luật Việt nam với các tiêu chuẩn pháp lý quốc tế. *Tạp chí Pháp luật về quyền con người*. <http://qcn.hcma.vn/Content/bao-ve-nan-nhan-cua-toi-pham-nghien-cuu-so-sanh-phap-luat-viet-nam-voi-cac-tieu-chuan-phap-ly-quoc-te-31309>.
13. Krešimir, K. (2020). Substantive and Procedural Criminal Law Protection of Human Rights in the Law of the European Convention on Human Rights. *Human Rights Law Review*, Volume 20, Issue 1. <https://doi.org/10.1093/hrlr/ngaa005>.
14. Holder, R. L., & Englezos, E. (2024). Victim participation in criminal justice: A quantitative systematic and critical literature review. *International Review of Victimology*, 30(1), 25-49.
<https://doi.org/10.1177/02697580231151207>.
15. Nguyễn Văn Oanh. (2021). Hoạt động hỗ trợ nạn nhân của tội phạm mua bán người trong quá trình tiến hành tố tụng hình sự. *Tạp chí Khoa học kiểm sát*, Số chuyên đề 1 - 2021.
<https://vjol.info.vn/index.php/tks/article/view/60706>.

Pháp luật quốc tế về quyền nạn nhân của tội phạm và một số khuyến nghị đối với Việt Nam

Nguyễn Duy Dũng*, Nguyễn Như Anh, Nguyễn Minh Hiền
 Khoa Luật, Trường Đại học Nguyễn Tất Thành, Thành phố Hồ Chí Minh
 *nddung@ntt.edu.vn

Tóm tắt Nghiên cứu làm rõ các chuẩn mực pháp lý quốc tế về quyền của nạn nhân tội phạm và đánh giá mức độ phù hợp của pháp luật Việt Nam với các chuẩn mực này, từ đó xác định những thiếu sót và nhu cầu hoàn thiện. Nghiên cứu sử dụng phương pháp phân tích pháp lý dựa trên các văn kiện quốc tế quan trọng (bao gồm Tuyên bố của Liên hợp quốc năm 1985 và Các nguyên tắc và hướng dẫn cơ bản năm 2005) kết hợp với phân tích so sánh Hiến pháp năm 2013, Bộ luật Tố tụng Hình sự năm 2015 (sửa đổi) và một số văn bản pháp luật chuyên ngành của Việt Nam. Kết quả cho thấy, mặc dù Việt Nam đã lồng ghép đáng kể các nguyên tắc nhân quyền chung và một số quyền cụ thể của nạn nhân, nhưng vẫn còn những thiếu sót quan trọng liên quan đến địa vị pháp lý của nạn nhân, quyền tham gia của họ và các cơ chế bảo vệ và bồi thường. Đóng góp chính của bài viết nằm ở việc hệ thống hóa việc so sánh các chuẩn mực quốc tế với pháp luật hiện hành của Việt Nam, đề xuất công nhận nạn nhân là một chủ thể pháp lý độc lập và khuyến nghị ban hành luật chuyên trách về quyền của nạn nhân cùng với các cơ chế bảo vệ và bồi thường do Nhà nước hỗ trợ.

Từ khóa Pháp luật quốc tế; quyền của nạn nhân; khuyến nghị; Việt Nam.

