
CONTENTS

<i>Preface</i>	v
1 The Evolution of Victims' Rights	1
I. The Victim through History	2
Shifting Ideologies: The Political State	4
II. The Rebirth of the Victim	7
Victims in Contemporary Criminal Justice Policy: The Realisation of Rights?	12
III. The Normative Basis for Victims' Rights	19
Defining 'Victims'	20
Defining 'Rights'	25
The International Perspective	28
IV. Victims' Rights and the Adversarial Process	34
2 The Right to Protection	37
I. Protection from Victimisation	38
Positive Obligations: The Duty to Protect Life	39
Ramifications for Domestic Practice	45
II. Secondary Victimisation	51
The Nature and Extent of the Problem	52
International Standards	64
Domestic Practice	76
Discussion	109
IV. Conclusions	113
3 The Right to Participation	115
I. Prosecution and Pre-Trial Processes	118
Influencing Prosecutorial Decisions	118
Private Prosecutions	124
Preparing for Trial	126
II. The Trial Process	135
Participation within the Adversarial Context	138
III. Sentencing	147
The International Perspective	148
Domestic Practice	150
IV. Conclusions	156

4 The Right to Justice	159
I. International Standards	159
International Human Rights Law	160
Progressing the Concept	164
II. The Right to a Remedy in the Domestic Legal Order	171
Victims of Non-State Crime	175
III. A Right to Truth?	180
International Developments	182
Truth in the Adversarial System	186
The Trial	193
The Verdict	201
Summary	203
IV. Conclusions	204
5 The Right To Reparation	207
I. Reparation as an International Standard	208
The Origins of Reparation in International Law	208
Reparation in Human Rights Law	211
Lessons from International Criminal Law	219
Discussion	222
II. Realising Reparation in the Criminal Justice System	226
State Compensation	227
Reparation from the Offender	231
III. Rethinking Reparation	236
IV. Conclusions	240
6 A Place For Victims' Rights?	243
I. Victims' Rights and Adversarial Justice	244
The Nature of Victims' Rights	245
The Inherent Limits of Adversarial Justice	249
Summary	254
II. Alternative Approaches	254
Restorative Justice	254
The Inquisitorial Approach	265
III. Looking to the Future	285
Reforming the Adversarial Paradigm	285
<i>Bibliography</i>	293
<i>Index</i>	319