

Sexual Support for Female Victims in Sexual Crimes

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This research investigates the types of support that can be provided to female victims in cases of sexual crimes. Victimization of women and the methods of prevention vary from one society to another, depending on temporal, spatial, and especially cultural factors. In Iran, the issue of women's victimization concerning violence and sexual crimes is closely tied to cultural and religious factors. Consequently, the type of support and preventive measures is also influenced by these factors. The research methodology is descriptive-analytical and relies on library sources. The findings indicate that one of the major issues faced by female victims of sexual crimes is the weakness in the system of evidence. Since most sexual crimes occur in secrecy, the current evidence laws are not applicable. Another right of victims in criminal proceedings is ensuring their safety, which depends on implementing measures to prevent threats or retaliatory actions by the accused or their family. Raising awareness and informing the victim is one of the most important ways to respond to victims' needs. This awareness could pertain to the human and ethical rights of victims, information about the progress of criminal investigations, the timeline of the proceedings, the status of the case, and whether the accused is detained or released on bail or surety. Ultimately, achieving a model of criminal support within the framework of criminal policy not only requires precise and comprehensive planning but also the support of governmental institutions and organizations, including welfare organizations and civil institutions.

Keywords: *Sexual crimes, female victims, sexual support, ensuring safety.*

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1. Introduction

Violence against women is not exclusive to underdeveloped or Muslim societies. Even in the most advanced countries, women and children suffer from the consequences and effects of violence, particularly within the family. The physical, sexual, and psychological abuse they endure not only endangers their health, mental well-being, and emotional balance but also harms society as a whole. The costs associated with these damages involve governments in various

economic, cultural, and service-related challenges. In many cases, governments are unable to bear this heavy burden, resulting in a vicious cycle where the phenomenon of violence is exacerbated and intensified. Interaction and relationships between the opposite sexes outside conventional standards, whether in the form of emotional bonds leading to friendships or in advanced physical and sexual relationships without marital ties, constitute a crime and are punishable under Article 637 of the Islamic Penal Code. The increase in population, especially after the revolution, has led to a



younger demographic in the country. This phenomenon brings with it various natural and inevitable consequences. Unfortunately, the lack of legal provisions to address the problems and needs of the youth, including marriage, on the one hand, and the imposition of strict social and criminal measures on the relationships of the youth, have led to the promotion of clandestine relationships between boys and girls.

Some women, through association with deviant women, knowingly or unknowingly, are drawn into places of corruption and become victims of crime. Later, they themselves become instruments of deviating others. Sometimes, the choice of certain professions contributes to the deviation of women and widely provides conditions for their deviation. Unfortunately, some women become corrupted through their husbands, to the extent that some of them place themselves at the disposal of their husbands' friends.

The primary expectation that victims have from the criminal justice system is the preservation of their dignity and reputation. At the international level, extensive actions have been taken to support female victims and eliminate violence against them, with governmental, non-governmental, and international organizations contributing in various ways to the elaboration and development of these supports. In our country, there are no institutions specifically dedicated to supporting female victims, and within our criminal justice system, the only action taken to support women victims of domestic violence is the processing of their complaints within the framework of legal regulations.

In the Islamic Penal Code, the legislator has paid special attention to female victims in relation to crimes against bodily integrity in certain articles. For example, in the section on blood money, Article 369 of the Islamic Penal Code states: "If someone destroys a woman's hair in such a way that it does not grow back, they are liable for the full blood money of the woman. If it grows back, they are responsible for the equivalent of the woman's dowry, regardless of the woman's age."

After the Islamic Revolution, the legislator criminalized brothel activities to prohibit their operation. Among these, in the context of pimping and in the Law on Discretionary Punishments, in Article 103 and later in Article 639 of the Islamic Penal Code, the establishment of brothels and the promotion and encouragement of corruption and prostitution were prohibited. In light of

the aforementioned issues, the present research aims to examine the sexual support for female victims of sexual crimes.

2. Sexual Violence

There is a distinction between sex and gender. Gender refers to the cultural and social identity of an individual, while sex pertains to the individual's physical, biological, and physiological characteristics (Najafi Abrand Abadi & et al., 2005). Therefore, in sexual violence, the violence is directed against the female sex. In society, women are subjected to harassment and violence due to their physiological differences from men, particularly because of sexual instincts and satisfaction. Sexual violence revolves around the sexual differences between men and women, where women, due to general sexual weakness, are sexually exploited. Sexual crimes are not merely crimes against individuals but are considered offenses against public morality and decency. However, such crimes committed by force and coercion are not only crimes against public morality and decency but also, given the disregard of the perpetrator for the victim's autonomy over their own body and the potential physical harm that such crimes may cause to the victim, they are also considered crimes against individuals. Therefore, sexual violence stains the honor and dignity of women, and in many cases, inflicts physical harm upon them.

Sexual violence or harassment refers to any form of sexual misconduct directed at a woman. This includes forcing a woman into submission (non-consensual sexual relations with a spouse), becoming aggressive when sexual advances are rejected, insisting on engaging in unconventional and painful sexual practices (such as oral or anal sex), using objects or physically assaulting the woman during sexual intercourse, administering or forcing the use of drugs to facilitate or initiate sexual intercourse, or compelling sexual relations immediately after childbirth and discharge from the hospital.

3. Criminalization of Acts Against Decency and Public Morality

The legislator, in Chapter 18 of the Fifth Book (Discretionary Punishments and Preventive Measures) under the title of crimes against decency and public morality, has addressed the criminalization of such acts.

The legislator has considered acts against decency and public morality to be those committed openly and in public view, addressing them generally as unlawful acts in Article 638. Additionally, the legislator has criminalized another category of acts against decency and public morality that do not require public visibility. These acts vary in type and nature; some pertain to sexual relations, as is the case in Article 637 of the Islamic Penal Code concerning unlawful relationships or acts against decency by force and coercion, excluding adultery. Another example includes the establishment of centers of corruption and prostitution, encouraging people to engage in corruption or prostitution, or facilitating it, which is addressed in Article 639 of the Penal Code. Furthermore, the promotion of sexual issues through speech, writing, or images is criminalized under Article 640 of the Islamic Penal Code.

In Islamic jurisprudence, any relationship established between a man and a woman without the bond of marriage, accompanied by sexual contact and pleasure, but not leading to intercourse as defined strictly, depending on the type of bodily contact, falls under the categories of "muzaj'ah" and "taqbil" (kissing and embracing) and is considered among the religiously forbidden acts, punishable by discretionary penalties (Mousavi Khomeini, 1980). Most jurists, after mentioning these examples, have stated a general rule that any sexual contact between a man and a woman outside of marriage is forbidden and subject to discretionary punishment (Shibili, 1986). Among the various forms of unlawful relationships that may arise between a man and a woman, jurists have typically explicitly referred to a few specific examples. For instance, "muzaj'ah," which is derived from the concept of lying side by side, refers to the act of two people lying next to each other in bed, and "taqbil," derived from the root word "qubl," which means forward, refers to kissing, particularly on the lips (Amid, 1984). Generally, Islamic law prohibits all physical and sexual interactions between a man and a woman without the bond of marriage, deeming them punishable by religious penalties (Shahid, 1983).

The legislator, in the Public Penal Code of 1933, had anticipated the criminalization of any act against decency accompanied by force or threat under Article 208 of the mentioned law.

The Islamic legislator, without defining decency, stated in Article 101 of the Discretionary Punishments Law of

1983: "If a man and a woman who do not have a marital bond commit an act against decency other than adultery, such as kissing or embracing, they will be sentenced to up to 99 lashes, and if the act is committed by force and coercion, only the coercer will be punished." This article did not include the term "unlawful relationship," leading to varied court practices. In response, the Legal Office of the Judiciary issued an advisory opinion that any act against decency and an unlawful relationship between a man and a woman falls under Article 101 of the Discretionary Punishments Law. To address this issue, the legislator in Article 637 of the 1991 Penal Code stipulated: "If a man and a woman who do not have a marital bond commit unlawful relationships or acts against decency other than adultery, such as kissing or embracing..." Thus, it is evident that the legislator did not define unlawful relationships or acts against decency, leaving their determination to religious and customary standards. The legislator used the terms "unlawful relationships" and "acts against decency" in Article 637 of the Islamic Penal Code, raising the question of whether acts against decency are the same as unlawful relationships, and if not, what the difference between the two is. In response, it should be noted that since the legislator used examples such as "taqbil" and "muzaj'ah" for acts against decency, there is an absolute and inclusive relationship between unlawful relationships and acts against decency, such that any act against decency other than adultery is considered an unlawful relationship, but not every unlawful relationship is an act against decency unless it involves a specific physical connection between the man and woman (Motahhari, 1984; Shibili, 1986).

The legislator, in Article 637 of the Islamic Penal Code, by criminalizing acts committed by force and coercion, stipulated that only the coercer would be punished, thereby addressing the protection of female victims in this crime (Shambayati, 2006). However, it is noteworthy that the legislator has imposed the same punishment for a person who resorts to force and coercion as for those committing the act under normal circumstances, without any increase in the severity of the punishment (Mir Mohammad Sadeghi, 1992, 1997). In contrast, in other countries such as Canada and some states in the United States, if sexual relations are accompanied by force and coercion, it is considered a broader criminal offense, and judges are given the discretion to determine the extent of

the punishment within the legal minimum and maximum based on the severity of the act and the extent of the harm caused.

4. Protection of Women Against Obscene Depictions (Pornography)

The term "pornography" is derived from the Greek words "porno," meaning prostitute, and "graphy," meaning writing about prostitutes, which translates to "the description of the activities of prostitutes." In common usage, pornography refers to content that is sexually explicit and primarily presented with the intent of sexual arousal. However, defining pornography or delineating its boundaries depends on the criteria set in each society or country, which are influenced by the religious, moral, cultural, sexual, and social beliefs of that society (Pourafkari, 1998).

The term used in Persian for pornography is "harzanegari" (obscene depiction). Pornography is a term that, in addition to international conventions, is referenced in the laws and regulations of various countries, often accompanied by specific policies. For instance, in the Beijing Conference document, which aims to combat pornography, the responsibility to promote a balanced and non-stereotypical portrayal of women in the media is assigned to governments and international organizations. Additionally, in part two, paragraph 243, it is stated that governments are required to adopt or create effective measures, including enacting appropriate laws, against pornography and the depiction of violence against women and children in the media. The Beijing Convention does not provide a definition of pornography but offers strategies to combat it. Similarly, the final document of the 2000 Women's Summit, while not proposing specific strategies to combat obscene imagery, outlines actions to combat violence against women in general, regardless of its form, which also includes pornography. Despite this, the concept of pornography is not well recognized in Iran, and the term is not used in any of Iran's laws (Hosseini Dashti, 1997).

The legislator, in Article 213 of the Public Penal Code, declared any transaction involving pornography as prohibited and prescribed punishment for it. After the revolution, laws derived from Islamic jurisprudence gave special attention to relations between men and women and the preservation of boundaries between

them in society. There are also multiple rulings concerning the concealment and privacy of sexual relations, including the aversion to sexual intercourse between husband and wife in a place where others might observe them, and even the prohibition of looking at the site of intercourse by the husband and wife themselves. Numerous other similar rulings exist in Islamic sources that, by nature and content, can be likened to pornography. As a result, although the Iranian legislator has not used the term "pornography," multiple cases have been criminalized according to customary norms and religious standards within the framework of jurisprudential rulings and principles. The legislator, recognizing the importance of the issue, has criminalized it in various laws. For example, Article 28 of the Press Law, approved on March 12, 1986, criminalizes the publication of images, pictures, and content that violate public decency and prescribes religious punishment for it. It seems that considering the significance of the press in publishing any image or content, merely prescribing religious punishment may not provide sufficient legal enforcement.

Obscene works, as defined in Note 1 of Section B, Article 3, include those containing indecent scenes and images that promote and conclude with content contrary to Islamic law and ethics. In this type of criminalization, where the meanings of words and phrases are defined in the same law, the legislator can effectively protect the victims.

Another law concerning pornography is Article 640 of the Islamic Penal Code, approved in 1996. In this article, the legislator introduces and criminalizes certain acts related to pornography (crimes against public morality), including displaying or placing pornographic products in public view for the purpose of distribution and commerce.

5. The Legislator's Stance on Other Sexual Crimes Against Women

Given the transitional nature of our society from traditional to modern structures, women's participation in various fields, which requires their active presence in society, has increased. This participation exposes women to unwanted behaviors of a sexual nature. These unpleasant behaviors can include a range of verbal, non-verbal, and physical actions. Verbal behaviors may include unsolicited sexual proposals or invitations,

sexual comments about a person's appearance or clothing, and sexual taunts or remarks. Non-verbal behaviors may include winking, indecent exposure, following, pinching, touching the body, and similar actions. Although these behaviors and assaults are generally less severe than acts of forced sexual intercourse or rape, and their consequences are comparatively less severe, in some cases, touching a woman's body can be as repulsive and distressing as rape to some women. Therefore, the legislator has criminalized such behaviors, which will be examined in the first section. Considering that human trafficking, including the trafficking of women, is a crime that has emerged based on contemporary societal conditions, it cannot be examined based on the provisions related to traditional sexual crimes. Moreover, due to the profitability of the trade in women for sexual exploitation, it extends beyond national borders to the international level and is perpetrated by organized criminal groups, with women being treated as commercial commodities. Consequently, the legislator has criminalized the trafficking of women for prostitution, disregarding the element of consent, and this issue is discussed in the second section.

6. Legislative Protection of Women Against Harassment and Assault in Public Places

There is a category of crimes motivated by sexual intent that does not involve any physical contact between the perpetrator and the victim. These crimes can be described as having a sexual-psychological nature, where the victim suffers emotional rather than physical harm. Nonetheless, these victims are considered sexual victims, and it is essential to examine such behaviors and actions, especially as the legislator has addressed them to protect female sexual victims.

The opening clause of Article 619 of the Islamic Penal Code includes the terms "public places or thoroughfares," indicating that the legislator has criminalized such acts to protect women's presence in society against harassment. To clarify the issue, we will examine the meanings and concepts of the terms used in Article 619 of the Islamic Penal Code, which states: "Anyone who harasses or molests a child or woman in public places or thoroughfares or insults them with words or gestures contrary to decency and dignity shall

be sentenced to two to six months' imprisonment and up to 74 lashes."

One of the most prominent examples of harassment or indecent behavior is indecent exposure. This act is a form of sexual deviation where the perpetrator derives satisfaction by exposing their genitals to women in public places. This behavior is typical of individuals who feel sexually inadequate and seek to assert their sexual power by displaying their genitalia. Although indecent exposure is immoral and illegal, it is essentially an insult to the other person's dignity. The harm caused by this act includes fear, anxiety, and disgust experienced by the woman who encounters such a scene. Although a woman might feel uncomfortable by simply seeing a man's back, such displays pose little threat. Unfortunately, the legislator has not explicitly criminalized this act (Juni, 1997).

Psychological harassment and assaults that women face daily take various forms. These forms of harassment are often not included in statistics, and sometimes, women themselves are blamed as the primary cause. Unfortunately, in current circumstances, the practice of cars stopping in streets and alleys to solicit sexual favors from women and girls has become one of the most common forms of sexual harassment in society. As these types of harassment increase, the distinction between passenger vehicles and those causing harassment becomes blurred, making it difficult to differentiate between them. Street prostitution is also observed in countries where unregulated sexual relations are not considered deviant, but with the difference that street prostitution in those countries is regulated, with specific streets designated for this purpose, and the individuals offering such services are clearly identified and distinct from ordinary people, so clients know whom to approach (Mir Mohammad Sadeghi, 1992, 1997).

Another common occurrence that women face in public places is the use of derogatory and obscene sexual insults. The use of vulgar language towards women and girls, or what is commonly referred to as "lewd speech," is a form of sexual deviation where those affected derive pleasure from uttering obscene and vulgar sexual words, using this unconventional method for gratification. The phenomenon of lewd speech and the use of vulgar language, or in colloquial terms, "catcalling," has gradually increased in our society and can be considered a subculture among many young people. Today, this form

of harassment against women has become so prevalent in our society that the police have repeatedly mentioned the protection of public decency and the defense of women's honor in implementing social security measures, indicating an intent to take strong action against such behaviors (Goudarzi, 1998, 2007). In any case, the legislator, in Article 619 of the Islamic Penal Code, has criminalized the use of language contrary to decency and dignity against women, providing special protection for women in cases of insult. While Article 608 of the Islamic Penal Code generally criminalizes insults, in this case, the legislator, considering the text of the article, intends to address language with a sexual connotation and has increased the penalty in light of the victim being a woman.

7. Human Trafficking

Before the Islamic Revolution, the legislator criminalized human trafficking in Article 211 of the Public Penal Code of 1933 as part of the fight against the exploitation of prostitution and the trafficking of women abroad. Article 213 of the same law states that anyone who facilitates the departure of a woman or child with the intent of prostitution is considered a criminal. In this scenario, a person who knowingly assists the victim in leaving the country with the intent of sexual exploitation is considered an accomplice and is subject to punishment. Here, the legislator considers sexual exploitation the criterion, even if the trafficker does not sell the victim abroad but facilitates their departure with knowledge of their intentions. The legislator has also imposed harsher penalties on close relatives up to the third degree or first-degree in-laws who sell women and girls.

After the Islamic Revolution, until 2004, there was no direct concept of "combating human trafficking." Before this date, penalties were prescribed for border smugglers or those who smuggled people according to the "Law on Punishment for Persons Illegally Crossing Borders," enacted in 1988. Finally, the "Law on Combating Human Trafficking" was passed in 2004.

Human trafficking is defined in Article 1 of this law, which, while not specifically mentioning women, can be generally considered a basis for criminalizing the trafficking of women for sexual exploitation. The definition provided in this law aligns closely with the definition found in the Palermo Convention. However, this law unfortunately does not consider human

trafficking as an organized crime, failing to mention its organized nature. This omission is significant, as this crime is difficult to commit by a single individual and requires a powerful group to carry it out. It is worth noting that the legislator considers acts committed by one person as "human trafficking," while those committed by a group or organization are considered "tantamount to human trafficking" without increasing the penalty in the latter case (United Nations Office on & Crime, 1999).

8. Criminal Protection in the Process of Prosecution and Punishment

Female victims of sexual crimes are often subject to threats, intimidation, and harassment, making the security of these victims against threats and the protection of their privacy particularly important. Therefore, this issue is examined in this section.

The criminal justice system must assure female victims that they will not be subjected to personal retaliation or secondary victimization. However, due to the lack of special protection for victims, particularly victims of sexual assaults, many victims are reluctant to report crimes and pursue them. Additionally, witnesses are often hesitant to come forward and provide evidence. This situation is also relevant to trafficked individuals, as they are not only victims but also witnesses in the apprehension and conviction of offenders (United Nations Office on & Crime, 1999).

Ensuring the safety of victims throughout the legal process is one of the duties of the criminal justice system. Victims should not have to face the fear of threats or retaliation from the accused alongside the impact of the crime itself. Threats can take various forms, such as kidnapping a victim's child or family member, or the threat to release films or photos taken during the assault. Although threats are substantively criminalized and punishable under the Islamic Penal Code, the burden of the assault itself is so overwhelming that filing a complaint about the threat becomes an additional burden that few can bear. Different legal systems have implemented various measures to protect the safety of victims at this stage. For example, Article 273 of the French Code of Criminal Procedure stipulates that "as soon as the trial begins, the accused is placed under judicial supervision to ensure not only their presence at the trial but also to reduce pressure on victims and

witnesses." Similarly, in the United Kingdom, two standard measures, also common in continental Europe, are employed to protect victims: first, the removal of the accused from the courtroom when their presence poses a danger to the witness; second, the examination of adult sexual crime victims behind closed doors during the testimony phase (Spencer, 2005).

The draft of the Code of Criminal Procedure has shown greater attention to the protection of victims, generally, not just specifically to female victims of sexual crimes. Article 90 stipulates that in cases of necessity, the protection of the victim and their family against threats is assigned to judicial officers, who are obligated to carry out the orders and report to the investigating judge. Additionally, Article 52 states: "The imposition of costs resulting from the duties of judicial officers in protecting the victim and their family against threats is prohibited, and these services must be provided free of charge." Furthermore, provisions have been made in this draft regarding the protection of witnesses and informants against assaults by the accused and to prevent retaliatory actions against them, although these are not specifically related to the protection of victims. As mentioned, the Iranian legislator has not provided specific measures for protecting female victims of sexual crimes against threats, although this is one of the most fundamental rights of female victims of sexual crimes.

Article 188 of the 1999 Code of Criminal Procedure provides some degree of protection for the privacy of sexual crime victims by stipulating that trials in cases of moral offenses be held privately. Another provision aimed at protecting the privacy of victims is the prohibition of media coverage in these cases. Specifically, the publication of trial proceedings with the names, identities, and professional or social positions of individuals is prohibited. In this regard, Article 287 of the draft Code of Criminal Procedure stipulates that the disclosure of the identity of the accused and the victim is legally prohibited, stating: "Journalists may attend court proceedings and prepare written reports, but they may not publish names or details that identify the identity or social or professional status of the complainant or defendant. Violation of this clause is considered slander." In Iran, victims are referred to the forensic medical organization only after reporting a crime, and typically, the victim is introduced (as the case may be, by the police or judicial authorities) to confirm the injuries they have

sustained. After paying a fee, they are examined by forensic doctors, who then issue a medical certificate detailing the injuries sustained by the women. This certificate serves as evidence to support the victim's claim of coercion or threat. If no signs of injury are found, it may be considered evidence of the victim's lack of credibility.

The forensic medical organization generally conducts the medical examinations required by the court without taking any measures to reduce the harm suffered by the victim. Although there is no other institution to provide medical support to victims, the victim does not receive any special assistance or guidance from the forensic doctors present (Najafi Dolatabad, 2007).

The forensic medical organization is responsible for determining the presence of sexual intercourse in cases involving intact hymens. In many cases, a girl may be raped, and her hymen may be of the type that does not rupture. The inexperience or incorrect assessment by the examining doctor may result in the girl's claim being dismissed, with the intact hymen being taken as evidence of virginity, allowing the perpetrator to escape punishment. Therefore, such individuals must be carefully examined by experienced professionals to ensure that the victim's rights are not violated (Tosefi, 2001).

If the hymen is of the elastic type (capable of dilation), intercourse can occur without the hymen being torn. However, the intact state of these hymens does not rule out the possibility of intercourse. In these cases, although signs of tearing may not be observed, the occurrence of rape cannot be ruled out. There are two possible scenarios (Goudarzi, 2007):

a. If the rape is recent, in addition to examining the hymen and observing the vagina, collecting vaginal secretions and confirming the presence of semen, along with determining the blood group and DNA of the perpetrator, can confirm the rape and even identify the perpetrator.

b. If the victim comes to the forensic medical center late, and it is not possible to collect samples from the vagina and cervix, only an examination can be relied upon, which can be done in two ways:

If the rape occurred only once and some time has passed since the incident, it is indeed difficult to make a decision. However, if multiple rapes have occurred, it is possible to determine whether penetration took place. If there are

no signs of penetration, according to the aforementioned principles and the principles of forensic medicine, the certificate should be issued as follows: "The hymen is of the annular type (if it is of another type, it should be mentioned), elastic, and without rupture. In these hymens, penetration is possible without leaving any definite signs." This certificate is issued if the vaginal mucosa is intact, thick, and the vaginal canal is narrow. The collection of forensic evidence is a critical aspect of medical care that victims in Iran are deprived of, as they do not receive specific medical care in this crime. Nonetheless, this evidence is crucial for the criminal proceedings and is highly needed by the victims.

9. Judicial and Protective Measures During Trial and Sentencing

Victims often worry that sufficient time and attention are not allocated to them during court proceedings to express their suffering and concerns. They are concerned that criminal justice professionals, especially those responsible for issuing judgments, view them merely as witnesses rather than recognizing them as formal parties to the case. In this role, victims are limited to responding to questions posed by legal authorities, without their multiple needs and demands being considered in the court's decisions. As previously mentioned, victims have rights throughout the criminal justice process, both during investigations and trials, with the most important rights discussed in the previous section. To avoid repetition, other victim rights, particularly those more relevant to the trial stage, are examined in this section.

The legislator, through Articles 40 and 212 of the Code of Criminal Procedure, has attempted to prevent delays in the trial process as a means of protecting victims. However, one of the main issues faced by victims of sexual crimes is the delay in the legal process. In sexual crimes subject to discretionary punishments, the case is first formed in the prosecutor's office, and after the completion of preliminary investigations and in accordance with the provisions of Article 43, the case is prepared for indictment and subsequently sent to the criminal court. Several months may pass during the process from the prosecutor's office to the court before the victim reaches the trial stage. It is also possible that the accused may not appear during the trial, resulting in an *in absentia* judgment, which further prolongs the process when the victim seeks to enforce the judgment

after the legal deadlines, only to be met with the defendant's objection, adding further delays. As a result, victims of these crimes often believe that if they were to experience such victimization again, they would be reluctant to file a complaint.

One of the problems faced by female victims is the difficulty in proving coercion. Convicting someone for rape with the punishment of death requires proving that coercion was involved. In practice, the provincial criminal courts take the following steps to determine coercion:

a. Relying on forensic reports: If the forensic report does not explicitly confirm signs of injury or assault on the victim's body, the court does not accept the claim of coercion.

b. Interrogation of the accused and victim: The manner in which questions are posed to the victim plays a crucial role in supporting victims. The questions should not create an atmosphere of distrust between the victim and the court. In some cases, it has been observed that the questions are directed towards denying the occurrence of the assault. The mere denial by the accused of having engaged in the relationship is often accepted, placing the burden on the victim to gather evidence to convince the court that the assault took place.

10. Examination of Sentencing in Sexual Crimes

In sexual crimes, given their direct impact on the victim's reputation and dignity, judges, when determining the punishment, can provide a sense of relief to the victim by choosing an appropriate penalty. This approach has been observed in judicial practices at the Ershad Judicial Complex, where judges tend to impose harsher sentences when a woman who adheres to full hijab is subjected to harassment compared to when the victim appears in public places in inappropriate clothing. Therefore, in sexual crimes subject to discretionary and preventive punishments, the judge can easily select a punishment appropriate to the victim's circumstances. Undoubtedly, imprisonment remains the primary form of punishment in various criminal justice systems. However, in some legal systems, such as in the United Kingdom, imprisonment is applied sparingly and only in exceptional cases as part of policies aimed at reducing reliance on incarceration. As a result, special attention to violent and sexual crimes, which are considered a form

of protection for women, compels the judiciary to impose imprisonment (Saffari, 2007).

The judiciary must take action to ensure victims' right to defense, alleviate their concerns, and provide the assistance they seek throughout the legal process (Lopez, 2000). The offender, by serving a sentence, merely pays for their wrongdoing, essentially repaying their debt to society (Samavati, 2006). The type of crime committed determines the kind of assistance the victim requires. Each victim has unique needs that should be individually considered, especially when compensating for damages incurred by the victim (Mehra, 2007).

One of the increasingly important principles in sentencing is the restitution of damages caused by the crime by the offender. This principle is not solely based on restoring balance between the offender and society, but also on making the offender aware of the nature and extent of the harm caused by their unlawful actions. Understanding the consequences of their criminal behavior helps offenders better comprehend their mistakes. Victimization often entails harm to the victim, whether directly or indirectly. While some crimes inflict moral harm, in many cases, victims suffer material damages.

Sexual crimes that place the victim in a state of fear and terror and violate their most private boundaries require more than just punishing the perpetrator to protect the victim. Incorporating restorative measures alongside punishment helps reconcile restorative justice with criminal justice, allowing them to complement each other. Therefore, compensating the victim's damages is essential and supported by both reason and religious principles. The legislator, by adopting measures to address the victim's damages, provides protection:

Among the damages inflicted on the victim are material damages, which affect the victim's physical or financial status, such as damage to their body or property. This type of damage is just one aspect of what the victim may face (Pourkhoshbakht, 2005).

Regarding material damages, the legislator, in addition to Article 9 of the Code of Criminal Procedure and Article 1 of the Civil Liability Law of 1960, as well as Articles 328 and 333 of the Civil Code, emphasizes the necessity of compensating material damages in civil matters. The legislator also considers the possibility of compensating for lost potential benefits. Article 9, Paragraph 2, of the 1999 Code of Criminal Procedure defines potential

benefits as those that the victim could reasonably expect to occur but were lost due to the crime. Essentially, potential benefits are certain and definite gains. It is worth noting that under Article 12 of the Code of Criminal Procedure, the legislator requires the court to issue a ruling for compensating the victim's damages, in addition to the criminal sentence, based on the evidence and documents provided.

Another type of damage inflicted on the victim is moral damage, which refers to the pain and suffering resulting from the crime and the emotional distress experienced by the victim during and after the crime (Pourkhoshbakht, 2005). This type of damage is sometimes referred to as secondary victimization. Moral damage also includes harm to the victim's reputation, dignity, honor, freedom, religious beliefs, life, beauty, feelings, and family relationships (Ashouri, 2001).

In Iranian law, the victim must submit a claim for compensation for damages. Such damages include expenses for transportation, especially in cases of adultery where the competent court is the provincial criminal court. Other damages may include forensic medical costs, legal fees, expenses related to gathering evidence, and other related costs.

Based on the analysis above, it can be concluded that the Iranian legislator can effectively support victims of sexual crimes through compensation measures in addition to or instead of criminal punishment. For example, in cases of harassment of women in public places, a restorative approach focusing on compensation could be more effective, potentially reducing the victimization of women in such crimes. In cases of rape and coercion, if the hymen is ruptured, the victim may be compensated even if the victim was not coerced.

11. Supportive and Relief Measures

The existence of relief organizations (both governmental and non-governmental) that interact with the criminal justice system can enhance the effectiveness of criminal protection for female victims of sexual crimes. In society, attention to victims often extends only to handling their cases, issuing judgments, and enforcing sentences. In other words, we tend to see the judicial system as the sole entity responsible for helping victims. However, most victims, especially victims of sexual crimes, need various services and assistance immediately after the crime, during legal proceedings, and even after the

issuance and execution of a judgment. The criminal justice system, burdened with heavy workloads, is unable to fully meet these needs. However, the presence of relief organizations can easily address the various needs of victims and reduce the psychological burden on them. The establishment of specialized centers for social problems and harms within government organizations and the formation of multiple non-governmental organizations focused on supporting vulnerable or victimized women demonstrate an increasing attention to victims. Given that victims face numerous obstacles in participating in the criminal justice process, relief organizations can serve as a crucial link in providing sexual crime victims with a voice in the criminal justice system.

In 2004, the Social Welfare Organization of Iran, with the support and collaboration of the Ministry of Communications and Information Technology, the National Police, the Ministry of Interior, the Judiciary, and other relevant agencies, launched the Social Emergency Hotline 123 to take a significant step toward supporting certain victims.

12. Conclusion

Given the prevalence and increase in cases of violence and violent sexual relations, these issues have become recognized globally as forms of violence against women. Consequently, some countries have prioritized the protection of female victims as a vulnerable group in their criminal policies.

In the Iranian legal system, any sexual relations outside of marriage are considered crimes, regardless of consent. Therefore, to better protect victims of sexual crimes, it is essential for the legislator to clearly and unambiguously define the element of coercion in these crimes. The current legal framework focuses primarily on physical coercion, and the existence of psychological coercion alone is often insufficient for establishing the crime. As a result, many offenders remain unpunished or receive lesser sentences than warranted. If the legislator fails to clearly define the terms that constitute the elements of a crime, it undermines the effectiveness of legal sanctions. Furthermore, it is necessary to incorporate restorative justice approaches into the legal framework to ensure that victims of sexual crimes, who suffer more than those of other crimes, receive compensation. The criminal justice system alone does not provide sufficient

opportunities for interaction between the parties involved in a case. However, when punishment is viewed as part of a restorative justice approach, the victim becomes central to the legal process. Restorative justice in these crimes should primarily focus on compensating the harm suffered by the victim. This approach requires a proper and realistic understanding of the damages inflicted on the victim, considering both their emotional and physical well-being.

What victims expect from the criminal justice system and what they value most is the opportunity to participate in the legal process and to see the offender take responsibility for compensating their damages. Unfortunately, in many cases involving these crimes in Iran, compensation for damages is not included in court rulings.

One of the problems faced by female victims of sexual crimes is the inadequacy of the evidentiary system. The current legal standards for evidence are often inapplicable in sexual crimes, which typically occur in secrecy. If the evidentiary system requires the victim to provide evidence that is practically impossible to obtain, the victim may choose not to report their victimization to official authorities.

It is also important to note that the criterion for judges in determining coercion is the harm inflicted on the victim, making forensic medical reports crucial evidence in such cases. Therefore, it is essential that the forensic medical organization does not view these victims merely as clients who must adhere to formal and administrative procedures before receiving assistance.

Today, with the strengthening of victimological perspectives, procedural laws play a significant role in supporting victims. Procedural laws can be seen as a bridge between substantive laws and criminal justice institutions. In the realm of victim protection, laws and institutions are interconnected, which is why the adoption of effective procedural laws can pave the way for protection under the umbrella of criminalization. Thus, respecting the rights of sexual crime victims ensures their active participation in the criminal justice process.

Another important right of victims in criminal proceedings is ensuring their safety, which requires the implementation of measures to prevent threats or retaliatory actions by the accused or their family. Such

threats not only create a sense of insecurity for the victim but may also lead to secondary victimization.

Raising awareness and providing information to the victim is one of the most important ways to address their needs. This awareness may involve informing victims of their human and ethical rights or providing updates on the progress of criminal investigations, the timeline of legal proceedings, and the status of the case. It also includes informing the victim whether the accused is in custody or has been released on bail or surety.

Finally, achieving a model of criminal protection within the framework of criminal policy requires not only precise and coordinated planning but also the support of governmental institutions, such as social welfare organizations, and civil institutions.

It is crucial to establish laws and regulations that specifically address the privacy of these victims. Privacy-related laws and regulations should not only guide the behavior of criminal justice personnel but also establish rules for the media, prohibiting them from reporting certain events.

To complement criminal protection, other organizations and institutions beyond the criminal justice system can play an important role in supporting victims of sexual crimes. For instance, the Welfare Organization can persuade the judiciary to ensure that a social worker is present in the branches of the provincial criminal court.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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