

# Anonymity for child victims who have died: Scottish context & international examples

## Introduction

1. A number of countries and jurisdictions have sought to, or currently have, statutory provision in the area of anonymity for child victims who have died either in the commission of a crime or as a consequence of an offence. This factual paper explains the approach taken in a number of such countries and jurisdictions (see the 'Limitations' section below for more information on how the particular examples were selected).
2. As part of developing this paper, we have considered the two following points which speak to the Scottish context for discussions about child anonymity:
  - Scottish and international statistics on child murder victims in order to understand the context for any future policy developments, and potential impact of changes; and
  - The approach applied by a number of different jurisdictions in relation to anonymity for victims extending beyond death.

## Limitations

3. This paper is not designed to be a comprehensive account of anonymity around the world. It was informed by desk research by officials, and it was not possible to cover all comparable jurisdictions. Therefore, there were a number of factors driving the selection of jurisdictions to focus on.
4. A primary factor was the availability of existing research and/or literature. Another factor was where there had been recent changes to legislation in relation to the anonymity for victims. Furthermore, consideration was given to jurisdictions with an adversarial system, sharing similar roots with the Scottish criminal justice system, and we looked to include at least some examples with a population size comparable to Scotland, such as Victoria, Australia. The countries and jurisdictions selected for inclusion were Ireland, Northern Ireland, the Australian states of Victoria and New South Wales in Australia, Canada and India.
5. The paper seeks to assist in the consideration of policy around the extent of anonymity for child victims and protecting the privacy of family members of children who have died as a result of crime. Therefore, the paper draws on relevant literature from two areas: research specifically on anonymity for child victims who have died and, research on anonymity for victims of sexual offences who have died. Both bodies of research provide insight into the merits and disadvantages of extending anonymity for victims beyond their natural lifetime, the consequences of such a decision on families, the impact on open justice, and the varied purpose and design of anonymity legislation across jurisdictions.

## Scottish and international statistics

6. In considering anonymity and deceased child victims<sup>1</sup>, it is helpful to understand the number of child homicide victims there are per year in Scotland. Table 1<sup>2</sup> provides a breakdown of the number of homicide victims per year according to age and gender.

Gender and age of victim		Financial year recorded				
		2018-19	2019-20	2020-21	2021-22	2022-23
All victims	Victims - all cases	64	66	59	53	52
	Under 18	5	2	4	2	0
	18 and over	59	64	55	51	52
Male	Victims - all cases	48	47	49	37	39
	Under 18	2	1	2	1	0
	18 and over	46	46	47	36	39
Female	Victims - all cases	16	19	10	16	13
	Under 18	3	1	2	1	0
	18 and over	13	18	8	15	13

7. It is also helpful to understand who the perpetrators are in child homicide cases when considering any extension of anonymity as rules around jigsaw identification<sup>3</sup> could (and in the domestic context almost certainly would) result in an extension of anonymity to the perpetrator where identifying them would risk identifying the victim. An international study published in the BMJ Paediatrics<sup>4</sup> identified that parents committed 56.5% of child homicides. This number rose to 64.2% in higher income countries<sup>5</sup>. Parental involvement is also higher where the victim is aged under 1 year old – with 77.8% of infant victims having been killed by a parent.

## Approach taken in other countries and jurisdictions

<sup>1</sup> Victims aged under 18. This reflects section 47 of the Criminal Procedure (Scotland) Act 1995 and the definition of a child in the United Nations [Convention on the Rights of the Child text | UNICEF](#).

<sup>2</sup> [Homicide in Scotland statistics - gov.scot \(www.gov.scot\)](#)

<sup>3</sup> Defined in the Independent Press Standards Organisation (IPSO) Sexual Offences: Guidance for journalists and editors, "Jigsaw identification occurs when different pieces of information appear in a publication or different publications, which allows readers who have seen the reports to work out who the victim is." [Sexual offences guidance \(ipso.co.uk\)](#)

<sup>4</sup> Stöckl H, Dekel B, Morris-Gehring A, et al Child homicide perpetrators worldwide: a systematic review BMJ Paediatrics Open 2017;1:e000112. doi: 10.1136/bmjpo-2017-000112 [Child homicide perpetrators worldwide: a systematic review | BMJ Paediatrics Open](#)

<sup>5</sup> The high-income countries (classified by the World Bank) included Australia, Austria, Canada, Chile, Denmark, England and Wales, Estonia, Finland, France, Germany, Hungary, Iceland, Isle of Man, Japan, Korea Rep., Netherlands, New Zealand, Norway, Portugal, Scotland, Sweden, Switzerland, the UK and the USA.

## **Key themes**

8. A number of themes emerged from the examination of the approach to anonymity in the jurisdictions detailed below:
  - a. **Impact on bereaved families** – The experiences from Ireland, India and Victoria, Australia all illustrated the potential for anonymity for child victims that apply after death to negatively impact on the ability of bereaved families to talk about their loved one – with some measures even being described as “gag laws”<sup>6</sup>. Concerns were also raised about putting family members through the emotional and financial cost of going to court to seek an order to talk publicly about their deceased relative. In comparison, in New South Wales, anonymity for child homicide victims was seen as protecting family members from the trauma of unwanted publicity and empowering them to decide whether their child’s name was released to media – though with the potential for them having to deal with multiple media outlets wishing to publish details.
  - b. **Risks of introducing new laws without full consultation** – The potential negative consequences of passing legislation without proper consultation with those impacted - including people with lived experience and media representatives – was highlighted. In several areas, the legislation was subsequently reformed to ensure families of deceased victims were able to speak publicly about their loved ones without risking breaking the law or having to apply to court for an order to do so.
  - c. **Open justice and public interest** – Concerns were raised in some jurisdictions about the impact of restrictions on open justice and the potential for offenders to use the child’s privacy rights to conceal their own identity, specifically where the perpetrator was related to the victim.
  - d. **Lack of international consensus on model** – The research highlighted the range of different approaches taken to anonymity across jurisdictions and the challenges of the operation of the differing models in practice, even within the small sample examined. Some apply anonymity automatically and in perpetuity, others restrict it to the lifetime of the person concerned or another specified period, some allow for family members of homicide victims to waive anonymity whilst others require them to go through a court process to do so.

## **Ireland**

9. Prior to October 2020, provisions on anonymity in the Children Act 2001 (“the 2001 Act”) relating to children (aged under 18) had been interpreted as expiring upon the death of the child to which the restrictions related. A Court of Appeal judgment<sup>7</sup> of 29 October 2020 found that the section in question had a much broader application than had previously been understood - determining that

---

<sup>6</sup> [Controversial gag laws on identification of dead sexual assault survivors fail to win support in Victorian Parliament - ABC News](#)

<sup>7</sup> [Judgments | The Courts Service of Ireland](#)

anonymity also applied in circumstances where the child was deceased or had turned 18.

10. Following the judgment, the Children (Amendment) Bill amending the 2001 Act was introduced to the Seanad Éireann. The purpose of the provisions in the Bill was to provide legal certainty that anonymity did not apply to deceased children (except in specific circumstances) and that anonymity ended when a victim turns 18. The Children (Amendment) Act 2021 became law in April 2021.
11. During the Bill's passage<sup>8</sup> through the Oireachtas, Senators highlighted the negative impact the judgement had had on bereaved families and why the Bill was required to rectify the situation:

“We could have arrived at a situation where families' victim impact statements or their statements on the steps of the court following the conclusion of a trial could not be reproduced in the media. Families would not get to bring to life all that was good, lovely and to be remembered about their loved ones. It is part of their mourning and memorialisation and part of keeping the memory of their children alive.” [Senator Mary Seery Kearney, Seanad Éireann debate - Monday, 15 Feb 2021<sup>9</sup>]

“The mother of an 11-year-old boy who had been murdered was compelled recently to disguise her identity on television as though she was some type of criminal who could not be identified on the news. By revealing her identity, the identity of her dead child would also have been revealed. It is manifestly unfair to the families of deceased children that the law operates as it does.” [Senator Fiona O'Loughlin, Seanad Éireann debate - Monday, 15 Feb 2021<sup>10</sup>]

12. Concerns were also raised by Senator Michael McDowell<sup>11</sup> that persons accused of homicide offences against children would be able to hide behind the child's privacy rights to conceal their own identity (specifically where the perpetrator was related to the victim).

### **Northern Ireland**

13. Under the Sexual Offences (Amendment) Act 1992<sup>12</sup>, publication of anything that would help identify the victim or complainant (child or adult) of a sexual offence is prohibited during their lifetime. Section 8<sup>13</sup> of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (coming into force on 28 September 2023) amends the 1992 Act to extend anonymity for 25 years after their death.

---

<sup>8</sup> [Children \(Amendment\) Act 2021 – No. 6 of 2021 – Houses of the Oireachtas](#)

<sup>9</sup> [Children \(Amendment\) Bill 2020: Second Stage – Seanad Éireann \(26th Seanad\) – Monday, 15 Feb 2021 – Houses of the Oireachtas](#)

<sup>10</sup> *Ibid*

<sup>11</sup> [Explainer: Why has the Irish media been barred from reporting the names of children who have been murdered? \(thejournal.ie\)](#)

<sup>12</sup> [Sexual Offences \(Amendment\) Act 1992 \(legislation.gov.uk\)](#)

<sup>13</sup> [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

14. Applications can be made to the magistrates' court for anonymity to be varied or modified or for the period of 25 years to be increased or decreased. Such an application can be made by an "interested party", which is defined in the legislation as being a family member of the victim or complainant at the time of their death, a personal representative of the victim or complainant, or a person interested in publishing matters relating to the victim or complainant which are otherwise prohibited from publication by the anonymity restrictions.
15. These changes were informed by recommendations in the Report into the law and procedures in serious sexual offences in Northern Ireland<sup>14</sup> by Sir John Gillen, as set out at paragraphs 3.64 and 3.65 of that report:

"In passing I note that the anonymity of the complainant lasts for the complainants' lifetime and ceases when they die. This no doubt reflects the fact that the primary purpose of granting anonymity is to spare the victim the indignity and potential harm of being identified as such and the risk that this could deter them from coming forward.

This could deter some victims coming forward if, for example, they have a terminal illness. Moreover it might also be extremely distressing for their families. I therefore believe anonymity for complainants should be made permanent."

16. Whilst these new provisions apply to child victims of sexual and other specified offences, they do not apply more generally to child victims of other offences (who are covered by anonymity restrictions elsewhere in legislation, but which do not extend beyond death).
17. The BBC has published editorial guidelines for Northern Ireland<sup>15</sup> following the change in the law, explaining that the breach of a victim's lifetime right to anonymity is a criminal offence. The guidelines include the following:

"The new law presents significant challenges when investigating and reporting allegations of sexual offences in Northern Ireland, even against those who are deceased. There are also risks where we touch again on allegations which are already in the public domain (on any outlet) due to the possibility of jigsaw identification."

## **Australia**

18. The approach in Australia varies between territory/state. Information is provided on two in particular – Victoria and New South Wales. Victoria, as detailed below, has recently amended its anonymity laws in relation to deceased victims of sexual offences. And New South Wales is of interest in that it automatically extends anonymity for child victims beyond death, with the right for certain next of kin to waive that anonymity.

---

<sup>14</sup> [gillen-report-may-2019.pdf \(justice-ni.gov.uk\) \(page 129\)](#)

<sup>15</sup> [Northern Ireland: Important changes to anonymity in allegations of sexual offences \(bbc.co.uk\)](#)

- **Victoria**

19. In his article<sup>16</sup> for the Edinburgh Law Review, Dr Tickell, Senior Lecturer in Law at Glasgow Caledonian University and founder of the Campaign for Complainer Anonymity, explores recent experience in the Australian state of Victoria. In 2020, Part 2 of the Justice Legislation Amendment (Supporting Victims and Other Matters) Act 2020<sup>17</sup> amended the Judicial Proceedings Reports Act 1958 to make specific provision about the anonymity of deceased victims of sexual crime to extend beyond their natural life. Under those provisions, anyone with a “sufficient interest,” (apart from the person accused of the sexual offence) had to apply to the court for permission to publish identifying information about a complainant.

20. There were various matters that Victorian judges had to take account of in deciding whether or not to authorise publication – these included “the views of the deceased victim, if those views are known following reasonable enquiries,” but also ensure “the views of any family members of the deceased victim are taken into account” before deceased complainants can be identified. There was also an overriding “public interest” test. Dr Tickell noted in his Edinburgh Law Review article:

“This approach suggests that complainant anonymity should be understood to serve wider social and family considerations than the complainant’s privacy alone, limiting the circulation of identifying information about the complainant which may impact on their family members, partners, colleagues and friends, independently of the implications for the privacy rights of complainants themselves. In their application, however, these new rules have also generated controversy in the state, as they require family members to seek judicial permission to identify relatives who are the victim of sexually-motivated homicide. In addition to the financial and emotional costs of going to court, in the immediate aftermath of the rape and murder of a relative, Victorian law currently prohibits family members from talking publicly about who the victim was until judicial permission is secured.”<sup>18</sup>

21. The amendments led to debate in the Victorian Parliament and media, with bereaved families and victim support organisations expressing concerns at the lack of consultation with people with lived experience and what they viewed as effectively a gagging order – as covered in contemporary media coverage<sup>19</sup>. ABC News reported comments from the sister of a murder victim about the impact on families:

“[Families] won't be able to call for justice, they won't be able to comment or express outrage at weak sentencing, they won't be able to speak out when the rapist-murderer makes appeals,” she said. “And they won't even be able

---

<sup>16</sup>[Tickell A. 2022 How should complainant anonymity for sexual offences be introduced in Scotland and Learning the international lessons of LetHerSpeak.docx.pdf \(gcu.ac.uk\)](#)

<sup>17</sup> [Justice Legislation Amendment \(Supporting Victims and Other Matters\) Act 2020](#)

<sup>18</sup>[Tickell A. 2022 How should complainant anonymity for sexual offences be introduced in Scotland and Learning the international lessons of LetHerSpeak.docx.pdf \(gcu.ac.uk\)](#) (page 27)

<sup>19</sup> [Controversial gag laws on identification of dead sexual assault survivors fail to win support in Victorian Parliament - ABC News](#)

to publicly oppose parole applications. So the victim family member is absolutely gagged."<sup>20</sup>

22. Following this, opposition to the changes within the Parliament and amongst the public<sup>21</sup>, further amendments were made to the legislation in late 2021, through the Judicial Proceedings Reports Amendment Act 2021<sup>22</sup>.
23. These changes reversed the policy of the 2020 Act so as to allow any person, including family and friends of a deceased victim, and the media, to publish identifying details of a deceased victim of a sexual offence without committing a criminal offence. The changes made it clear that the prohibition on publishing identifying details of a victim of a sexual offence automatically ends on the victim's death.
24. It also provided a pathway for those close to a deceased victim to seek protection of their loved one's identity in certain circumstances by introducing a victim privacy order scheme. The scheme allows a person to apply for a court order protecting or restricting the publication of identifying details of a deceased victim of a sexual offence<sup>23</sup>.

- **New South Wales**

25. Section 15A of the Children (Criminal Proceedings) Act 1987 (NSW)<sup>24</sup> prohibits the publication or broadcast of the name or any information, picture or other material that identifies a person who was aged under 18 at the time of the offence to which proceedings relate was committed.
26. It applies to children/young people involved in criminal proceedings either as defendants, complainants, witnesses or otherwise involved. It also applies to siblings of victims where the victims and the sibling were both under 18 when the offence was committed. Section 15E of the 1987 Act explicitly states that the restrictions apply even if the person is no longer a child or is deceased at the time of the publication or broadcast.
27. The restrictions apply from the commencement of criminal proceedings (the point at which charges are laid or a court attendance notice is issued) and not prior to this point.
28. Protection in section 15A is automatic and applies unless reporting is authorised under one of a set of exceptions provided for in the Act. One such exception provides for a deceased child victim to be named with the consent of a "senior

---

<sup>20</sup> [Victorian law reforms would require rape-murder victim families to apply to court to publicly reveal details - ABC News](#)

<sup>21</sup> [Government moves to protect families who want to speak about dead sexual assault victims - ABC News](#)

<sup>22</sup> [Judicial Proceedings Reports Amendment Act 2021 \(legislation.vic.gov.au\)](#)

<sup>23</sup> [Making it easier for victim-survivors of sexual offences to tell their stories | Department of Justice and Community Safety Victoria](#)

<sup>24</sup> <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1987-055#pt.2-div.3A>

available next of kin”<sup>25</sup>. There are various stipulations on this, including that the senior available next of kin cannot give consent to the publication of the name of a deceased child unless it appears to the person, after making such inquiries as are reasonable in the circumstances, that no other senior available next of kin objects to the publication of the name.

29. Also, when considering whether to give consent to the publication of the name of a deceased child, when the publication of the name of a brother or sister of the deceased child is prohibited under section 15A, a senior available next of kin must make reasonable inquiries to obtain the views of that brother or sister regarding the publication of the name of the deceased child and take into account the impact of such a publication on them.
30. To provide a safeguard where a parent is accused/convicted of involvement in the death of a child, the Act provides that a senior available next of kin who is charged with, or is convicted of, an offence to which the criminal proceedings concerned relate cannot give consent, or object, to the publication of the name of the deceased child.
31. If there is no senior available next of kin who can give consent to the publication or broadcasting of a deceased child's name, the court concerned can give that consent if satisfied that the public interest so requires.
32. In 2007, the New South Wales Parliament Standing Committee on Law and Justice was tasked by the then Attorney General and Minister for Justice to inquire into and report on legislative provisions prohibiting the publication and broadcasting of names of children and young people. This included investigating the extent to which the policy objectives of the prohibition remain valid, including the objective to protect victims from the stigma associated with crimes and reduce the stigma for siblings of the victim, allowing them to participate in community life.
33. The Committee report<sup>26</sup> was produced in 2008, at a time when the current social media landscape was in its infancy – with Twitter and Facebook being only a few years old, and Instagram, Snapchat and TikTok yet to emerge.
34. On anonymity for young victims, the Committee took evidence from a variety of witnesses, including the NSW Attorney General’s Department, the NSW Director of Public Prosecutions, youth legal centres, victim support groups, representatives of media groups and the Australian Press Council (APC)<sup>27</sup>.

---

<sup>25</sup> Defined in section 15E as a parent of the child; if the parent is dead, cannot be found or is not available, a person with parental responsibilities in relation to a child; or, where a child was in care, the Director General of the Department of Human Services.

<sup>26</sup> [Microsoft Word - 080409 Recompiled.doc \(nsw.gov.au\)](#)

<sup>27</sup> A list of written submissions received by the Committee is available at [The prohibition on the publication of names of children involved in criminal proceedings \(nsw.gov.au\)](#) (see “Submissions” tab).



35. The representatives of media groups and the APC argued against anonymity for deceased child victims for the following reasons<sup>28</sup>:

- Restrictions were unique to NSW – they argued that [at the time of the report] NSW was unique amongst common law jurisdictions in prohibiting the naming of child homicide victims
- They created an anomalous situation between states – due to the law not being consistent across states of Australia, interstate publications could report the name of a homicide victim involved in criminal proceedings in NSW and NSW newspapers could report interstate cases where there is a child homicide victim
- Discontinuity – the fact restrictions only applied once proceedings had commenced meant the deceased child could be named in the media prior to proceedings but not once they have commenced
- Impact of reporting on open justice and keeping the public informed – they argued that not being able to name child victims in reports would lead to reduced impact and coverage associated with a case, thereby reducing the public's opportunity to be fully informed and follow cases through to their conclusion.
- Against interests of some victims' families – they pointed to bereaved families who want to have their child's case reported or use it to campaign for change
- The impact of restrictions on siblings was questionable - they argued that the circumstances would already be known in the siblings' peer network so the impact of e.g., a newspaper reader knowing the name would have little additional impact
- Issues with right of the "senior available next of kin" to waive restrictions – the process around this was described as "cumbersome", could lead to inconsistencies with some outlets being given permission and other not, and places pressure on the next of kin to deal with media queries

36. Evidence from the NSW Attorney General's Department, the NSW Director of Public Prosecutions and others in support of the approach of anonymity included the following arguments<sup>29</sup>:

- Policy designed to minimise trauma – they pointed to the fact the impetus for the current legislative position came from the evidence of those with lived experience
- Protects families of deceased victims – the purpose of the restrictions were to give parents and family members, including child siblings of child victims, protection from unwanted publicity
- Empowers families of victims – they also pointed out that the provisions on anonymity were designed to give a sense of empowerment to the victim's family, who can make a decision about whether they wish the names of their child to be released to the media
- Endorsed by victims group – they noted that the restrictions had been endorsed by the Victims Advisory Board, a group established to advise the Attorney General on policies, practices and reforms relating to victims and

---

<sup>28</sup> [Microsoft Word - 080409 Recompiled.doc \(nsw.gov.au\)](#) paragraphs 5.30-5.47 (pages 55-58)

<sup>29</sup> Ibid. paragraphs 5.44-5.49 (pages 58-59)

including representatives of the Victims of Crime Assistance League (VOCAL) and the Homicide Victims Support Group

37. In its final report, the Committee acknowledged the important role of the media in covering issues in the public interest and noted concerns that not being able to name a victim leads to less impact and prominence of a story. But it supported the views put forward that names are not essential details when reporting on criminal proceedings involving children.

38. It also acknowledged the burden the anonymity provisions placed on the media and the potential for the waiver provisions to create unwanted stress for the family of a deceased child, who may have to field requests from the media. However, the Committee stated it:

“gives greater weight to the policy objective ... in giving the family of the deceased a sense of empowerment in the form of the ability to decide if the deceased’s name is published or not.”<sup>30</sup>

39. The Committee made two recommendations relating to anonymity for deceased children. The first was that the NSW Attorney General try to seek a consistent approach to anonymity with Attorneys-General in other states and territories – this would address the issues around the anomalous situation between states. The second was that the prohibition on the naming of children be extended to cover the period prior to charges being laid – this would address the discontinuity issue.

40. In its response<sup>31</sup>, the NSW Government supported the first recommendation (with the NSW Attorney General referring the matter to the Standing Committee of Attorneys General) but did not support the second recommendation, stating that it was not feasible to extend the prohibition beyond what exists in other states or territories and at the same time seek national uniformity.

## **Canada**

41. The approach in Canada differs depending on whether the case is heard through the Youth Court or the general (adult) court.

42. Youth courts in Canada handle cases for young people aged 12 to 17 years old who are charged with an offence under federal youth justice laws.<sup>32</sup> The Youth Criminal Justice Act (S.C. 2002, c. 1) Canada<sup>33</sup> prohibits the publication of the name of a child or young person (or related information) if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person. The principle is that all persons aged under 18 at the time of the alleged crime involved in criminal proceedings in the youth courts

---

<sup>30</sup> Ibid, paragraph 5.62 (page 61)

<sup>31</sup> [081030 Government response.pdf \(nsw.gov.au\)](#)

<sup>32</sup> [How the Courts are Organized - Canada's Court System \(justice.gc.ca\)](#)

<sup>33</sup> [Youth Criminal Justice Act](#)

– whether they are alleged victims, witnesses or defendants – receive automatic and indefinite anonymity protection.

43. An exception is provided at section 111 (2)(b) allowing for parents of a child or young person to waive the restrictions if the child or young person is deceased. Section 112 provides that once information is published via this waiver, the restrictions cease to apply in respect of the information.
44. When the defendant is tried outside the youth courts, victims who were under 18 years old at the time of the alleged offence must be informed that they can make an application (or have the prosecutor make an application) under the Criminal Code 1985 of Canada<sup>34</sup> for an order applying restrictions. The Code<sup>35</sup> puts a duty on the presiding judge or justice to inform the victim, at the first reasonable opportunity to apply for an order. If an application is made by the victim or the prosecutor, the judge must make the order. Although the court has no discretion to refuse to make the order once asked for, the victim (or prosecutor) still must file an application for it.
45. In addition to the legislation covering anonymity, there are various policies and practices applied by police across Canada in relation to naming homicide victims. This was the subject of a study<sup>36</sup> by the Community Safety Knowledge Alliance (CSKA), commissioned by Edmonton Police Service in 2019. Whilst the study highlighted differing views on privacy and if, when and how a homicide victim's name should be released by the police, those on both sides of the argument called for the need for consistent policy. Furthermore:

“... there was agreement that such a policy or framework should not be solely created by police services; rather, it should be established and informed through community engagement with police, media, families of homicide victims, and elected government representatives.”

## **India**

46. In his article<sup>37</sup> for the Edinburgh Law Review, *How should complainer anonymity for sexual offences be introduced in Scotland? Learning the international lessons of #LetHerSpeak*, Dr Tickell noted that:

“The regulation under the Indian Penal Code is particularly strict in terms of post-mortem disclosures. Section 228A(2)(b) of the Code provides that identifying a deceased victim of sexual crime is prohibited, unless the “next of kin” grant authority to “the Chairman or the Secretary of recognised welfare institutions or organisations” to identify the victim.”

---

<sup>34</sup> [Criminal Code \(justice.gc.ca\)](https://www.justice.gc.ca)

<sup>35</sup> See subsections 486.4(1) (2) (2.1) and (2.2)

<sup>36</sup> Burnett, J., Ruddell, R., O'Sullivan, S., & Bernier, C. (2019). *Revealing the Names of Homicide Victims: Understanding the Issues*. Saskatoon, SK: Community Safety Knowledge Alliance.

<sup>37</sup> [How should complainer anonymity for sexual offences be introduced in Scotland? Learning the international lessons of #LetHerSpeak — ResearchOnline \(gcu.ac.uk\)](https://www.gcu.ac.uk/researchonline/let-her-speak/)

47. He goes on to explain that, in practice, neither the Central Government nor any State Government has recognised any such welfare institution or organisation. As a consequence, it is a criminal offence in India for anyone to publicly identify the victim of a sexual offence, including next of kin, where the victim is dead and cannot consent to being identified.

48. Dr Tickell notes that this results in bereaved families resorting to foreign media to be able to name their loved one, as covered in media discussion of the ban<sup>38</sup>.

**CRIMINAL JUSTICE DIVISION**  
**January 2024**

---

<sup>38</sup> [Disclosing the Identity of Rape Victim Remains a Grey Area in the Justice System \(thewire.in\)](https://thewire.in)