

[Home](#) > ... > [Your Rights](#) > [Victims of Crime](#) > [Victims' Rights - By Country](#) > 1 - My rights as a victim of crime

1 - My rights as a victim of crime

What information will I get from the authority after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?

If the crime is not reported and is not brought to the attention of the judicial authorities or the police or gendarmerie, you will not be given any information, since the authorities will be unaware of the crime.

If the crime is brought to the attention of the judicial authorities or the police or gendarmerie by any means (other than a complaint by you as the victim), you will be summoned to give details of the harm you have suffered and the circumstances of the crime, and you will be informed of your rights at that point.

If you report the crime to the police or gendarmerie or the judicial authorities yourself, you will likewise be interviewed as soon as the facts are reported and you will be informed of your rights.

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

If you are a French national, you may file a complaint at any police station or any gendarmerie unit located in France. Your complaint will be handled in France if the French authorities have jurisdiction or referred to the relevant authorities of the State in which the crime took place.

If you are a foreign national who has been a victim of a crime committed in France, you may lodge a complaint at any police station or any gendarmerie unit in France. During the hearing or filing of the complaint, you may be assisted by an interpreter. You will be informed of the outcome by any appropriate means, and your rights will be protected in the same way as the rights of French nationals, as the law lays down the same rules on informing victims and protecting their rights, with no distinction on grounds of nationality.

You are entitled to legal aid if you are a national of a Member State of the European Union or of a State that has signed an international agreement with France.

Lastly, victims who file a complaint or testify against someone for procuring or human trafficking are entitled to obtain provisional authorisation to stay in France, entitling them to work, unless their presence constitutes a threat to public order.

If I report a crime, what information will I receive?

When you report a crime, your contact details are taken so that you can be contacted during the investigation. You are also informed of your rights and the ways in which you can exercise them.

Information for the victim on the progress of the investigation

You can ask the police or gendarmerie, the prosecutor or the investigating judge (if the case is referred) about the progress of the investigation affecting you.

In the case of a crime, and for certain offences, if you are a civil party, you are informed every six months by the investigating judge of the progress of the proceedings.

Information for the victim on the outcome of an investigation

When the investigation is over, you are informed of the decision taken: dismissal, alternative to prosecution, summoning of the defendant to court. If a trial is to take place, you are informed of the charges filed against the suspect, the date and place of the hearing.

Information for the victim when a case is referred to an investigating judge

When a judicial inquiry is opened, the investigation is entrusted by the public prosecutor to an investigating judge. The investigating judge must inform you that a judicial investigation has been opened, that you have the right to be a civil party and what the procedures are for exercising that right. If you are a minor, this information is given to your legal representatives.

In the notice to the victim, the investigating judge will also inform you that you have the right, if you are a civil party, to be assisted by a lawyer of your choice or appointed at your request by the president of the bar association, stating that the costs will be your responsibility unless you have access to legal aid (see conditions) or legal protection insurance.

Information for the victim on the circumstances of the suspect

You are not necessarily informed whether the alleged perpetrator is being held on remand, or has been released from prison.

On the other hand, you are always informed about the pre-trial release under judicial supervision of the alleged offender if a restraining order has been put in place to protect you.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

If you do not speak or understand enough French, an interpreter is requested by the police or gendarmerie unit where you report the crime. The interpreter will be present during your hearings, but also during any interviews that you may have with a lawyer, as well as during the trial.

During the investigation, you may request a translation of the essential parts of the file from the judge in charge of the case. This translation will be free if it concerns important documents, but will be subject to payment if it relates to other documents.

Some documents on the rights of victims have already been translated into the most common languages and so are given to you by the police or gendarmes.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)

If you have a disability restricting your communication, you will be assisted by an interpreter requested by the investigating officers or the judges. The interpreter will accompany you during the hearings, interviews with a lawyer, or during the trial.

If you are unable to read, documents will be read to you.

If you are a minor, the hearing will be geared to your age and level of maturity, and will be carried out by specially trained interviewers, sometimes accompanied by a psychologist. Whenever possible, when more than one hearing is required, it will be the same investigator that interviews you.

Specific rooms exist in some police stations to create a child-friendly environment and to make the hearing less formal.

At a hearing, you may always ask to be accompanied by an adult of your choice.

Finally, if the investigation concerns serious offences, and in particular for all crimes of a sexual nature, your hearings will be filmed, or at least recorded.

Victim support services

Who provides victim support?

Victim support is provided by victim support associations. The purpose of these associations is to provide guidance, socio-legal assistance or psychological support to all victims of crime, whether or not they are taking part in criminal proceedings.

The associations run the victim support offices at each regional court, to provide assistance and support to victims affected by ongoing proceedings.

In addition, specialised associations can provide appropriate support to the victims of specific crimes (for example, domestic violence).

Will the police automatically refer me to victim support?

You will be informed by any appropriate means of your right to be assisted by a service belonging to a public authority or by a victim support association whose contact details will be given to you. The law does not provide for police or gendarmerie services to contact victim support associations directly, but when social welfare officers (social workers or psychologists) are present on the premises, either because they have been asked to attend or because they have an on-call office, they can assist you with the process.

Each Departmental Directorate of Public Security has a departmental victim support officer in place. Their job is to maintain contacts with the associations, to improve the way victims are received, to centralise information of use to victims, and to keep track of the progress of criminal proceedings in order to provide information on the progress of investigations.

Each departmental gendarmerie has a 'prevention/partnership/contact' victim support officer.

Whenever a complaint is lodged against X for serious crimes, a victim support form is automatically handed over to the complainant by the police officer, to inform him or her of what the National Institute for Victim Support and Mediation (INAVEM) does and to provide contact details of victim support associations or social services.

Subsequently, the public prosecutor can refer a crime victim directly to a victim support association.

In the case of an accident involving a large number of people (mass accident or act of terrorism), victim support associations may access the list of victims and contact them directly.

How is my privacy protected?

During an investigation, you have the right, with the authorisation of the public prosecutor, not to reveal your private address and to declare the address of the gendarmerie brigade or police station, or with their express consent, the address of a third party.

Finally, you can request a non-public trial, which the judges cannot refuse if you have suffered rape, torture, or acts of cruelty accompanied by sexual assault. In other cases, the trial will be private only if you, or another civil party, do not object.

In any event, no mention of your identity may appear in the media, unless you have given authorisation.

In addition, the services provided by victim support associations and the data they collect are completely confidential.

Do I have to report a crime before I can access victim support?

It is not necessary to file a complaint to benefit from the support of a victim support association.

Personal protection if I'm in danger

What types of protection are available?

If you have experienced domestic violence, the abuser may be forced to leave the family home, be prevented from going to certain locations, or be required to undergo medical or psychological treatment.

If you have suffered violence at the hands of your (ex)-spouse or (ex)-cohabitant and in the event of a serious threat to you, the public prosecutor can assign you a teleprotection device (SOS telephone). A victim of domestic violence may also apply to the family court for a restraining order, which places certain restrictions on the offender where there is good reason to believe that the alleged violence has been committed and that the victim is in danger.

The court may also protect you and your family against possible threats or pressure from the alleged offender by taking steps to prevent any contact, such as pre-trial detention, judicial supervision, or other judicial restrictions.

Who can offer me protection?

Victim protection is the responsibility of the judicial authority, which takes into account the risks and needs of victims to order certain decisions, such as a contact ban or a prohibition on going to certain places, such as the victim's home. Decisions imposing these prohibitions are forwarded to police stations and gendarmerie brigades who are then responsible for ensuring that they are complied with. If the person who has been accused or found guilty breaches the ban, they may be arrested, as the breach may be grounds for imprisonment or being charged with a new offence.

If you have been given a special protection device (SOS telephone), you can easily contact a call service, which immediately warns the nearest police or gendarmerie service so that they can be deployed to assist you when you are in danger.

Will someone assess my case to see if I am at risk of further harm by the offender?

The officer of the criminal investigation police who conducts your hearing is responsible for collecting the initial information for a personalised assessment of your situation and your protection needs. The officer transmits this information to the judicial authority in charge of the proceedings, who decides, if it deems it appropriate, to have an in-depth evaluation carried out by a victim support association. One of the purposes of this personalised assessment is to determine the risk of intimidation or retaliation by the offender.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during the investigation and trial)?

The evaluation described above is also intended to determine the risk of secondary victimisation due to your participation in the criminal proceedings.

What protection is available for very vulnerable victims?

Particularly vulnerable victims are given an assessment and support from a victim support association.

In addition, various protection measures are provided depending on the victim's needs, such as:

- limiting the number of hearings and medical examinations to those strictly necessary for the investigation;
- the option of being interviewed by an investigator of the same sex, in a case of sexual violence or gender-based violence;
- being interviewed in suitable premises, by trained investigators and, as far as possible, by the same investigators at each hearing.

I am a minor – do I have special rights?

A victim who is a minor not only has the same rights as adults, but also enjoys specific rights related to his or her age. Therefore, when the parents (or the legal representatives) are not in a position to ensure the protection of the

interests of a minor, the judicial authority designates an ad-hoc administrator (a relative of the child or an authorised person) who is responsible for representing the minor and exercising his or her rights.

A lawyer is also automatically appointed to defend the child's interests, and must be present at each hearing of the minor.

For certain crimes, in particular of a sexual nature, the minor may be the subject of a medical or psychological examination, during the investigation stage, to assess the nature and extent of the harm suffered and to establish whether the child needs appropriate treatment or care. Interviews of a minor who is a victim of certain offences, especially those of a sexual nature, are mandatorily filmed, in order to avoid interviewing the minor on multiple occasions.

And finally, for each hearing, whatever the nature of the offences suffered, the minor may be accompanied by the person of his or her choice (a close family member, a legal representative, doctor, or psychologist).

My family member died because of the crime – what are my rights?

A person who is not a direct victim of a criminal offence may none the less be considered an indirect victim, and may enjoy certain rights.

An indirect victim who considers that he or she has suffered harm, even if it is non-material, may become a civil party at the investigation stage, or when the case is before the investigating judge, or during the hearing, if an alleged perpetrator is tried before a court of law.

On the other hand, unlike direct victims of a crime, indirect victims will not necessarily be summoned or informed of the hearings if they have not made a prior request to that effect.

Finally, the victim will have to specify the nature of the harm suffered, so that the judge can determine whether his or her civil party status can be accepted, that is to say considered legitimate.

My family member was a victim of a crime – what are my rights?

A person who is not a direct victim of a criminal offence may none the less be considered an indirect victim, and may enjoy certain rights.

An indirect victim who considers that he or she has suffered harm, even if it is non-material, may become a civil party at the investigation stage, or when the case is before the investigating judge, or during the hearing, if an alleged perpetrator is tried before a court of law.

On the other hand, unlike direct victims of a crime, indirect victims will not necessarily be summoned or informed of the hearings if they have not made a prior request to that effect.

Finally, the victim will have to specify the nature of the harm suffered, so that the judge can determine whether his or her civil party status can be accepted, that is to say considered legitimate.

Can I access mediation services? What are the conditions? Will I be safe during mediation?

Mediation is a judicial measure that can be implemented if it is likely to provide reparation for the harm done to a victim, to put an end to the disturbance resulting from the offence or to contribute to the rehabilitation of the perpetrator.

Mediation may be decided upon by the public prosecutor with the consent of the victim, or at the request of the victim.

When violence has been committed by the spouse or former spouse of a victim, a civil partner or former civil partner, cohabitant or former cohabitant, mediation is carried out only if the victim has expressly requested it. In this case, the perpetrator of the violence will also be given a caution.

If further violence is committed by the spouse or former spouse of a victim, a civil partner or former civil partner, cohabitant or former cohabitant after mediation, no further recourse to mediation is possible.

Mediation, which can be entrusted to a criminal investigation officer, a delegate of the prosecutor or to a mediator, consists of putting the victim in contact with the perpetrator, while guaranteeing the safety of the victim, who must consent to the principle and means of implementation. The victim may not be confronted with the perpetrator against his or her will, nor under any circumstances be left alone with him or her.

In addition, this measure is not used if it appears that bringing the perpetrator and victim into contact will put the victim in danger.

Where can I find the law stating my rights?

All French legislation can be found on the [website](#). The rights of victims are listed in the Criminal Procedure Code, notably in Articles 10-2 to 10-5 and D1-2 to D1-12.

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