

3 - My rights after trial

Can I appeal against the ruling?

You will not be able to appeal against the judgment of the court if you have not applied to join the criminal proceedings as a civil party seeking damages, because the fact that you are a victim of the offence does not by itself make you a party to the proceedings.

If you have indeed applied to join the criminal proceedings as a civil party, and the court has accepted your application, you will not be able to appeal against the verdict of guilty or not guilty or against the sentence imposed. You can challenge only the parts of the judgment that concern you.

What are my rights after sentencing?

In all cases, you are entitled:

- to be informed of any decision prohibiting the offender from coming into contact with you;
- to be informed about the enforcement of the sentence (release of the convicted person, reduction of the sentence, address where the convicted person is living, etc.), through a victim support association (*association d'aide aux victimes*) or directly by the Penal Integration and Probation Service (*Service Pénitentiaire d'Insertion et de Probation* — SPIP);
- to ask the judge to prohibit the offender from meeting you or contacting you, if he or she is temporarily released or is on parole or if the sentence is reduced or modified;
- to be notified if after conviction the offender escapes and there is a danger to you or those around you;
- to be assisted by a victim support association;
- to have your interests taken into consideration prior to any decision to release the convicted person, and to submit written comments before any decision is taken, within a period of fifteen days of being asked.

If you have joined the proceedings as a civil party, you are also entitled:

- to be informed by the court of your right to apply to the crime victims compensation board (*commission d'indemnisation des victimes d'infractions* — CIVI);
- to be represented by a lawyer and/or to benefit from legal aid;
- to be notified of the judgment (a copy will be sent to you).

While the offender is serving the sentence, you are entitled:

1. to refer any step harmful to your interests to the judicial authority (*autorité judiciaire*, includes the public prosecutor);
2. to obtain reparation for your loss, in the form of damages or other appropriate compensation; in appropriate cases you may be asked whether you would agree to a measure of restorative justice;
3. to be informed, if you wish, of the end of the execution of a custodial sentence, in the cases and conditions provided for by the Code of Criminal Procedure (*Code de procédure pénale* — CPP);
4. if necessary, to have consideration given to the need to guarantee your peace of mind and safety.

The judicial authority is obliged to guarantee all these rights throughout the execution of the sentence, whatever form it may take.

Am I entitled to support or protection after the trial? For how long?

After the trial, you may be assisted by a lawyer who can advise you on the desirability of an appeal, or on how to engage a bailiff.

You may also be able to obtain assistance from a victim support association, without any limit on duration.

What information will I be given if the offender is convicted?

If the offender is convicted, you will be notified of the sentence if it contains provisions prohibiting the author from contacting you or approaching your home.

If you have joined the proceedings as a civil party, you will receive a copy of the judgment imposing the sentence.

If the offender is imprisoned, you can be notified of any proposed parole and asked to give your views.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?

When a person has been convicted of certain crimes (rape, murder or attempted murder, and most crimes of a sexual nature), and if you have so requested as a victim or a civil party, you will be informed, directly or through your lawyer, of the release of the offender on the expiry of the sentence.

In the case of an escape, you will be informed by the public prosecutor.

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?

Where there is a danger that a convicted person may come into contact with the victim or civil party, and such contact should be avoided, the courts dealing with the enforcement of sentences, if they decide that the convicted person should be temporarily or permanently released, will prohibit the convicted person from making contact with the victim or civil party, and, if necessary, from being in the vicinity of his or her home or place of work (Article 712-16-2, first paragraph, CPP).

Such a prohibition must be imposed — unless for stated reasons a decision is taken to the contrary — if the person has been convicted of one of the offences referred to in Article 706-47 CPP (which includes most sexual offences, Article 712-16-2, second paragraph, CPP).

In such cases the victim or civil party is informed of the measure and of the consequences the offender faces if he or she fails to comply with the prohibition (Article 712-16-2, third paragraph, CPP, see below).

If a civil party so requests, a lawyer acting for him or her — but not for a victim who is not a civil party — may appear and make submissions in the proceedings before a court that is considering an application for parole by a person sentenced to a term of imprisonment (*emprisonnement* or *réclusion*) of five years or more.

Moreover, courts dealing with the enforcement of sentences may, before taking a decision, inform the victim or civil party, directly or through their lawyer, that they can submit their observations in writing within 15 days of being so notified. The victim or civil party can send their observations to the court by whatever means they prefer.

A victim cannot appeal against decisions relating to the execution of the convicted person's sentence. The victim may file a fresh complaint if the perpetrator commits fresh offences. If the convicted person commits any infringement of his or her obligations or prohibitions, for example by failing to comply with the prohibition on making contact with the victim, the victim may report the matter to the judge monitoring the terms of parole or to the public prosecutor.

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