

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?

From the moment you first contact the criminal police authorities or the Public Prosecution Service (*Ministério Público*), you have the right to be informed of:

- the kind of support available to you and who can provide it, such as medical assistance, psychological support, specialist support and, where appropriate, shelter;
- how and where to file a complaint or report a crime;
- how and under what conditions you can obtain protection;
- how to apply for legal aid and advice;
- how and under what conditions you can claim compensation from the offender;
- in cases of violent crime or domestic violence, how and under what conditions you can claim compensation from the state;
- how you can benefit from interpreting and translation services;
- contact details of the authorities victims must use to provide or obtain information about the case;
- how and under what conditions you can be reimbursed for expenses incurred in taking part in criminal proceedings.

This information may vary according to your specific needs and personal circumstances and the type of crime, and additional information may be provided at other points in the proceedings.

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 resident in an EU country and are a victim of a crime in Portugal and have not reported it, you may file a complaint with the authorities of your country of residence. The authorities in your country of residence will promptly forward the complaint to the competent authorities of the country where the crime was committed.

If you reside in another EU or non-EU country, you can provide statements for future recall, that is, statements that can be used as evidence at trial, so that you do not have to return to Portugal. That said, should you be required to provide further statements and are no longer in the country where the crime occurred, you can be heard via telephone or video conference from your country of residence.

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

In addition to the information indicated above, where you state that you wish to be informed of all decisions taken in the criminal proceedings, you are also entitled to be informed of the follow-up given to the complaint, including the decision to charge the accused person or to close or temporarily suspend the case, and the constraint measures imposed. You are also entitled to be informed of the day, time and place of the trial, and of the judgment.

Am I entitled to free interpreting or translation services (when I contact the

police or other authorities, or during the investigation and trial)?

Yes. If you are not proficient in the language and have to take part in a procedural act, you are entitled to be assigned, at the request of the authority responsible for such procedural act, an interpreter who understands Portuguese and the language you speak.

The appointment of an interpreter is free of charge.

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

After being provided with the standard document (indicating your rights and duties as the victim), a clear and comprehensible explanation, adapted to your individual characteristics (cultural, intellectual, etc.), is given as to your rights and duties, pointing out, for example, the applicability of the legal provisions in force concerning the appointment of an interpreter should you not be proficient in or understand the Portuguese language or where you have other communication needs due to a disability or incapacity.

Victim support services

Who provides victim support?

The criminal police authorities, the Public Prosecution Service, and the various victim support facilities.

Will the police automatically refer me to victim support?

You will be informed of the support facilities that are available to you so that you can make use of them if you so wish.

If you are a victim of domestic violence, you will be informed of your right to assistance from a facility specialised in supporting victims of domestic violence. After you agree to receive specialised assistance from a support facility in your area of residence (or work, or other area), the criminal police authorities will contact the said facility.

How is my privacy protected?

You will be provided with a suitable level of protection, particularly as regards your safety and protection of your privacy, where the competent authorities believe there is a serious threat of reprisals and re-victimisation or strong indications that your privacy may be intruded upon. To this end, care is taken to avoid contact between you, your family and the suspect(s) or accused person(s) in all places where they are present during proceedings, in particular in court buildings. You are entitled to be heard in an informal and private setting and may be heard by videoconference.

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

No. You may use a victim support service irrespective of whether you have filed a report or complaint.

Personal protection if I'm in danger

What types of protection are available?

Your protection and safety is ensured by imposing one or more constraint measures on the accused person. A constraint measure is a restriction on the accused person's freedom, which may be imposed in the course of criminal proceedings where there is a risk of the accused absconding, a risk in collecting and preserving evidence of the crime, a danger to public order and/or a risk of continued criminal activity.

Application of the special witness protection scheme, in particular as regards your protection as the victim and of your family against acts of retaliation, intimidation or further criminal activity, including acts that may endanger your lives, physical integrity and emotional and psychological well-being, and your dignity when giving evidence.

Who can offer me protection?

The criminal police authorities, the Public Prosecution Service, and the court.

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

Your case will be assessed, according to the stage of proceedings, by the criminal police authorities, the Public Prosecution Service or the Court.

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

Yes, as previously mentioned, and taking into account the stage of proceedings, where the authorities believe there is a serious threat or strong indications that your safety and privacy may be seriously and deliberately at risk, you, as well as your family or other persons close to you, will be provided with a suitable level of protection.

What protection is available for very vulnerable victims?

- Victims are interviewed as soon as possible and in a place where they feel comfortable. Where victims need to be heard more than once, interviews will be conducted, if the victim so wishes, by the same person;
- Care is taken to avoid any contact with the accused person and, for example, for the purpose of giving evidence, the appropriate technological facilities will be used, in particular videoconferencing or teleconferencing;
- Statements for future recall are used;
- In cases involving victims of sexual violence, gender violence or intimate partner violence, interviews are conducted by a person of the same sex as the victim, if the victim so wishes, unless they are conducted by a judge or magistrate;
- The court may order a closed hearing.

I am a minor – do I have special rights?

Irrespective of the crime committed against you, as a minor you are considered a particularly vulnerable victim.

In addition to the rights that apply to particularly vulnerable victims, children who are victims are also always accompanied by a legal representative or, in the event of a conflict of interests with their legal representatives, by a lawyer. You will always be heard in an informal setting, and may also be accompanied by a victim support worker and/or psychologist.

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

In the event of death, the right to compensation is extended to those persons who, under civil law, are granted the right to maintenance and to those who lived in cohabitation with the victim, and they may also be entitled to advance compensation from the state.

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

Victims and their families have the right to protection from retaliation, intimidation or further criminal activity against them. You have the right to be protected from acts that may endanger your life, your physical integrity, your emotional and psychological well-being, and your dignity when giving evidence. Where the authorities believe there is a serious threat of reprisals or strong indications that your safety and privacy may be seriously and deliberately at risk, you, as well as your family or other persons close to you, will be provided a suitable level of protection.

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

Yes. In cases involving minor or less serious offences, such as, inter alia, threats, minor damages, and assaults, the

law provides for resolution through mediation between the victim and the accused person, provided the accused person has already acknowledged the crime.

Accordingly, in the investigation stage, the Public Prosecution Service may, of its own volition or at the request of the victim and the accused person, refer the case to mediation, informing them of such referral and that they will be contacted by a mediator.

Mediation is free of charge, confidential and voluntary, that is, you only participate if you want to and can withdraw at any time.

If you cannot come to an agreement, criminal proceedings will continue.

Where can I find the law stating my rights?

At: https://www.pgdlisboa.pt/leis/lei_main.php

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