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Victims' rights - by country

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Austria



Austria

You are regarded as a victim of crime if you have suffered damage or your legal interests, as protected by criminal law, may have been harmed in other respects, e.g. if you have been injured or your property has been damaged or stolen and this act constitutes a crime under Austrian law. As a victim of crime, the law guarantees that you benefit from certain individual rights before, during and after the court proceedings.

In Austria, criminal proceedings begin as soon as the criminal police (*Kriminalpolizei*) or public prosecutor's office (*Staatsanwaltschaft*) start investigations in response to an initial suspicion. Once these investigations have been concluded, the public prosecutor may decide to close the proceedings, order alternative measures to conventional criminal proceedings or bring charges before a court. Certain crimes (crimes subject to private prosecution - *Privatanklagedelikte*) are only prosecuted at the request of the victim, who in this case has to bring charges himself/herself. No investigation is conducted in such cases.

During the trial, the court will hold a hearing and examine the evidence. Depending on the seriousness of the crime, cases will be heard by

- a single judge or
- a panel of judges (*Schöffensenat*) consisting, depending on the crime in question, of one or two professional judges and two lay judges, who will decide on the defendant's guilt and the level of the penalty imposed or
- a jury court (*Geschworenengericht*), consisting of three professional judges and eight lay judges (jurors). The jurors decide on the defendant's guilt, while the decision on the level of the penalty is taken jointly by the jurors and the three professional judges.

As a victim you can play a very important part in these criminal proceedings and also benefit from various rights. You can participate as a victim without a specific legal status or become a civil claimant, subsidiary prosecutor or private prosecutor and benefit from additional rights and possibilities.

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