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## 1 - My rights as a victim of crime

What information will I receive from the authority after the crime has been committed (for example, from the police, the public prosecutor), but also even before I report the crime?

From your first contact with the police you should be given the following information:

1. The type of support you can receive and from whom;
2. the procedure for reporting the crime and the role of the victim in the related procedures;
3. how and under what conditions you can receive protection;
4. how and under what conditions you may seek legal advice, legal aid or any other type of advice;
5. how and under what conditions you may seek compensation;
6. how and under what conditions you are entitled to interpretation and translation;
7. if you reside in a Member State other than that where the crime occurred, any measure, procedure or special arrangement that are available to protect your interests in Malta;
8. the procedures available to file a complaint when your rights as a victim are violated by the Police;
9. the contact details for communications regarding your case;
10. the remedial justice services available;

how and under what conditions you may be reimbursed for expenses incurred in order to take part in the criminal proceedings

**I do not live in the EU country where the crime was committed (EU citizens and non-EU citizens). How are my rights protected?**

As a victim of a crime committed in another Member State, if you live in Malta you have the right to report the crime to the Maltese police. Once you make the report, the police in Malta are obliged to send the report without delay to the competent authority of the Member State where the crime was committed, unless they have started proceedings themselves.

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

When you report a crime the police should give you a written acknowledgement of your report, declaring the basic elements of the crime in question. Furthermore, you are entitled to receive information about the following on request:

1. any decision not to pursue the investigation or to stop it altogether or not to take steps against the offender
2. the time and place of the criminal proceedings, and the nature of the charges against the offender
3. any final sentence in the proceedings
4. information about the situation of the criminal proceedings
5. the release or escape from detention of the offender and about any measure taken for your protection in the event of the release or escape of the offender

In the cases envisaged in a and c, you should be given the reasons, or a summary thereof, for the decision in question.

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

The police should ensure that you can understand and can make yourself understood. If you do not understand or speak Maltese or English, you have the right to interpretation and translation in a language you understand.

## How can the authority ensure that I can understand and that I can make myself understood (if I am a minor; if I have a disability)

Communication must take place in simple and accessible language and your personal characteristics should be respected including any disability which may affect your ability to understand or to make yourself understood. Furthermore, you have the right to be accompanied by a person of your choice when you first contact the police, if due to the impact of the crime you require assistance to understand or to make yourself understood. When the victim is a person with a disability, or a minor, the police always request the assistance of the social workers from the Appoġġ Agency (*Aġenzija Appoġġ*) and if it is deemed necessary, they may also request the assistance of other professionals in the field.

## Victim support services

Who provides support to the victims? Will the police automatically send me to victim support services?

During your first contact with the police the latter will give you information about the type of support you can receive and from whom, including medical support, psychological support and even alternative accommodation. Furthermore, the police should refer you to victim support services without delay.

How is my privacy protected?

The support service is confidential

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

You can access these services even before you have formally reported a crime.

## Personal protection if I am in danger

What type of protection is available?

The police should immediately ensure that you are kept safe, if after a first assessment it emerges that you are in danger. If the police conclude that the offender is a dangerous person, they can arrest the offender and bring the case to court urgently and request the court to order the offender's detention.

You can also ask the police officer in charge of your case to place you in a witness protection programme. You will need to declare that you will testify against the offender during the court hearing. If the police officer is convinced that your testimony or other evidence you have are important for the case he/she will ask the Attorney General to place you in a witness protection programme. The programme may also cover members of your family and other relatives. It usually consists of measures that ensure your personal safety and/or protect your property.

Who can offer me protection?

The police

Will someone assess my case to see whether I am still in danger from the offender?

Yes, the police carry out this assessment.

Will someone assess my case to see whether I am in any other danger from the criminal justice system (during the investigation and the trial)?

If during the proceedings it emerges that there is still danger, the police may ask the court to issue a protection order for you and your family.

What type of protection is available for extremely vulnerable victims?

In case of domestic violence victims are placed in dedicated shelters

I am a minor – do I have any special rights?

If you are a minor, your parent or guardian can report the crime instead of you.

As a minor, if your parent or guardian cannot represent you due to a conflict of interest or if you are unaccompanied or separated from your family, the court will, on its own initiative, appoint a child advocate or an advocate for legal aid to represent your interests.

A member of my family died as a result of the crime – what are my rights?

You are considered a victim and have the same rights as a victim of crime.

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

You can report the crime instead of the victim if they are your spouse, parent, child or sibling, or you are their guardian.

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

Mediation between the victim and the offender will be available during the criminal proceedings when the offender admits the crime or is found guilty thereof. In the event of an admission or a guilty verdict, there are various ways to access mediation through the Courts of Justice (*Qrati tal-Ġustizzja*). Access to mediation services can be provided by making a request to the Court, through legal action, by the prosecutor and/or the defence lawyer and/or the probation officer, so that the case could proceed to mediation.

If the Court accepts the request, the case will be referred to the Victim Offender Mediation Committee (Committee) within the Probation and Parole Department. That Committee will decide whether the case merits mediation or not once it has examined all the relevant information. If the Committee decides to proceed with the mediation, the case will be assigned to a mediator. The mediator contacts both the victim and the offender and meets with them individually with the aim of organising a third meeting, to be attended by both parties. In order for the mediation process to go ahead, the mediator must ensure that both parties will benefit from the process and that there is no risk of secondary victimisation.

Where can I find the laws that stipulate my rights?

The law that stipulates your rights is the Victims of Crime Act (*Att dwar il-Vittmi tal-Kriminalità*) - [Chapter 539 of the Laws of Malta](#) -

With regard to mediation, the applicable law is the Restorative Justice Act (*Att dwar il-Ġustizzja Riparatriċi*) - [Chapter 516 of the Laws of Malta](#)

■ Last update: 14/04/2025

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