Victims' rights - by country

As a victim of a crime you can benefit from a number of rights, and assistance from national authorities and organisations to advise and help you. These factsheets provide you with a range of information on what you can expect in every country in the European Union.

If you have suffered a crime, of course you will need to think about whether to report it. You may feel reluctant to do this, or worried about it, but if you do not report it, a police investigation is much less likely and the person who committed the crime is unlikely to be brought to account. Reporting the crime may also be important for your own practical reasons such as making an insurance claim.

You may have access to some rights whether you report the crime or not. However, once you have reported the crime you can benefit from a range of rights and additional support which might not otherwise be available to you. These will help to ensure that you can take full part in the proceedings and that you understand what is happening. They also aim at making the process as easy as possible for you.

When you report the crime to the police or as soon as possible thereafter, you might wish to check carefully what specific role(s) you may have in the proceedings - as victim, witness, civil claimant, civil party, private prosecutor, etc. These roles vary from one country to another and some of them have rights attached to them that may be important later on in the process, for example with regard to whether or not you as a victim can appeal the outcome of a trial. Take note of the roles and deadlines as you read through these factsheets. Check with the police what roles exist and what deadlines – if any – you must respect to get the respective status. You may ask the authorities for clarifications in order to decide how best to protect your rights and legal interests.

Once you have reported a crime, authorities will work to bring justice to you and others. As part of this process, they may require your active cooperation until and perhaps after the end of the criminal proceedings if there is a prosecution. You have an important role in these proceedings and your assistance is very much appreciated.

The police will begin their investigation to establish enough evidence to prosecute the person who committed the crime. If the person is prosecuted and found guilty the judge will also determine the appropriate penalty for the offender.

As a victim, you have a number of legally guaranteed rights within or outside the criminal proceedings. In addition, some of your rights may extend to your family members and relatives. The European Union has taken steps to guarantee a minimum set of rights and certain standards along which Member States should align their laws.

The following factsheets will guide you through the most important steps of criminal proceedings in each Member State, explaining the rights you have and the basic rules you need to follow to exercise them. This information is not a substitute for legal advice and is intended to be for guidance only.

Please select the relevant country's flag to obtain detailed national information.

Any reference in these fact sheets to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice versa, unless the context clearly indicates otherwise.

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Victims' rights - by country - Belgium

You will be considered a victim of a crime if you have suffered damage, for example if you have been injured or your property has been damaged or stolen, as a result of an incident that constitutes a crime under domestic law. As a crime victim you have certain individual legal rights before, during and after the criminal proceedings.

Criminal proceedings in Belgium are divided into investigation and trial stages. In most cases the investigation is directed by the public prosecutor or – in certain cases that are more complex – by an investigating judge. During the investigation, evidence is gathered to establish whether a crime has been committed and by whom.

Once the investigation has finished, the case is either closed or referred to a court for trial. During the trial the court will examine the body of evidence and determine whether the accused is guilty or not. If the accused is found guilty, a sentence may be imposed. However, the court can also find the person not guilty and acquit them.

As a victim you have a number of rights at all stages of the criminal proceedings. If you want to take a more active part in the proceedings, you can ask to be registered as an injured party, or you can bring a claim as a civil party to the criminal proceedings. Under certain circumstances you can initiate criminal proceedings yourself by directly summoning the perpetrator or by lodging a complaint with the investigating judge and at the same time applying to be treated as a civil party. As a civil party you can claim compensation from the offender. Subject to a number of conditions being met (for example, if you are the victim of a violent crime and the damage cannot be made good by the perpetrator or by an insurer), you may be eligible for compensation from the State.

The following factsheets will take you through the different steps of the procedure, describing your rights during the investigation of the crime during the trial or after the first trial. Also, read more about the help and support you can get.

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How and where can I report a crime?

You can report a crime to the local police, preferably in the area where the crime has taken place. In an emergency you can always telephone 112 to contact the police. In non-emergency situations you can go to the nearest police station. The addresses of police stations are listed on the website of the local police force in Dutch and French.

If you are a Belgian citizen or a Belgian resident (e.g. you have been granted permanent residence in Belgium), you can report some petty crimes (e.g. vandalism, shoplifting and theft of a bicycle) online in Dutch, French or German. In addition, anybody, including tourists, can report internet-related crime online via a dedicated website which is available in Dutch, French, German and English.

A few offences can be prosecuted only if the victim files a complaint (e.g. stalking, defamation and libel).

You do not have to report the crime immediately, but it is in your interest to do so to enable the police to have detailed information about the facts and circumstances of the crime and any damage or injury that you have suffered as soon as possible. You should also bear in mind that after a certain period of time it will no longer be possible for the authorities to prosecute. This time bar or period of limitation is specified by law and varies according to the crime, ranging from six months to fifteen years.

The police will interview you and draw up an official report. During the interview you have a number of rights which continue to apply if you make another statement later on. Whether you are interviewed as a victim or as a witness, the police officer must explain to you before the interview that:

- you can request that all questions and answers be recorded in your own words;
- you can request the performance of a specific investigative step or the questioning of a specific person;
- your statements may be used as evidence in court;
- you can receive a copy of the record of your interview free of charge. You must ask for the copy at the end of the interview. In most cases you will receive your copy immediately.

If you speak a language other than that in which the proceedings are carried out, the police will provide a professional interpreter, unless the police officer can write your statement in your language or asks you to write your statement in your language yourself.

Your statement will be included in the official report which may include the following information:

- your name, address, telephone number and any e-mail address;
- details about the crime – who was involved in the crime, where, when and what happened, what are the consequences for you;
- the contact details of any witnesses;
- a description of the people involved, including height, build and clothing. Information such as age, hair colour and style, accent, and any distinguishing features like warts, scars, tattoos or birthmarks is also very useful;
- any injuries you have sustained (a physician can write you a medical certificate which you can give to the police even several days after you have made the initial report); you can also ask your physician for a declaration that you are unfit to work;
- any other (physical) damage to property you have suffered (it is useful to take pictures of any damage).

In your statement you can also indicate whether you need any type of practical, social, psychological or legal assistance.

You should provide the police with copies of any documents, as you may need the original documents later on, for example if you contact your insurance company.

If you are a victim of sexual violence, your interview will whenever possible take place in a special room that offers the necessary privacy.

In most cases the police will send the official report (process-verbaal/proces-verbal) to the public prosecution service (parket/parquet). The public prosecutor will then decide whether the police have to open an investigation or not. This investigation may be conducted either by the public prosecutor (procureur des Konings/procureur du Roi) (a standard investigation (opsporingsonderzoek/enquête pénale)) or in more complicated cases, or where more intrusive measures such as house searches are needed, by an investigating judge (judicial investigation (gerechtelijk onderzoek/instruction judiciaire)). In some cases the police can decide to conduct an investigation on their own authority and send a complete file to the public prosecution service for further action (police investigation (ambtshalve politieonderzoek/enquête policière d'office)). For a number of petty crimes (such as theft of a bicycle), and depending on the circumstances (e.g. if there is no trace of the perpetrator) the police will draw up a simplified official report (vereenvoudigd proces-verbaal (VPV)/procès-verbal simplifié). This simplified official report will remain at the police station and will not be forwarded to the public prosecution service. Every month a list of all the simplified official reports which have been drawn up will be forwarded to the public prosecutor, and he or she will therefore be made aware of your case. If any new information comes to light which may have an impact on the case (for example, if the perpetrator of a crime is identified), the official report will be forwarded to the public prosecutor and the police will inform you accordingly.

How can I follow up on what the authorities do after I report a crime?

After you report a crime you will receive a certificate. On this certificate you can find your reference number, the name of the police officer who helped you the first time and contact details of the prosecution office, which you can contact to follow up on your case.

On your certificate you will clearly see whether your case will be handled as an official report (this means that the report is sent to the prosecution office, where the public prosecutor will decide whether the crime needs further investigation), a police investigation or a simplified official report.

How can I be involved in the investigation of the crime?
In the event of prosecution, if you have not taken any further steps beyond making your report to the police, you will be informed by the public prosecutor only of the date, time and place of the court hearing.

If you wish to receive information about any other action taken in respect of your report you have the legal right to register as an injured party (personne lésée). You can submit a declaration that you are an injured party, either personally or through a lawyer, to the police officer drawing up the official report, or to the secretariat of the public prosecution service, or at the police station, or by sending a registered letter to the secretariat of the public prosecution service. You will also receive a template for making such a declaration when you receive the document confirming you have made a report. As an injured party you will receive information in writing about the decisions taken by the public prosecutor (for example, a decision to close the case and the reasons for this, or a decision to start a judicial investigation) and the date of any hearing before an examining court. You will also have the right to add any document that you deem useful to the file. You will additionally have the right to request access to the file and to obtain a copy of it.

If you want to make a claim for damages, or obtain further rights, you must enter a claim as a civil party to the criminal proceedings (burgerlijke partij/partie civile). You can do so by submitting an express declaration to that effect personally or through your lawyer at any stage of the proceedings. As a civil party you can request access to the case file and obtain a copy of it, ask for additional investigative steps to be taken, claim damages, bring legal challenges against the decisions reached, and be consulted and informed regarding the imprisonment of the offender.

As a civil party to the criminal proceedings or as an injured party you will have the right to be represented by a lawyer in your contacts with the authorities. Investigations are confidential in Belgium, and it is not possible for you to be present during the investigation (e.g. for the questioning of the suspect), except where there is a visit to the scene of the crime in order to carry out a reconstruction, in which case a civil party may be present.

You are not required to prove either the occurrence of the crime or the guilt of the perpetrator yourself. It is not possible to have your loss or damage reimbursed at this stage of the criminal proceedings. Once the official report has been forwarded to the public prosecution service and prosecution has started, you can no longer stop the criminal proceedings. This is so even where the offence can be prosecuted only if reported by the victim, which is the case with stalking for example.

**What are my rights as a witness?**

During the investigation you are likely to be interviewed as a witness.

As a witness you (as well as your family members and relatives) can benefit from the following witness protection measures:

- advise on preventive measures and help in installing preventive tools;
- preventive police patrols;
- registration of incoming and outgoing telephone calls;
- provision of a secret telephone number, protected license plate for your car, mobile phone for emergency calls;
- physical protection; and
- relocation for a maximum of 45 days.

If you have suffered from a crime committed by a criminal organisation or from a serious offence such as the kidnapping of a minor, arson or murder and the measures listed above are not sufficient, special protection measures can be granted. These include (also applying to family members and relatives):

- relocation for more than 45 days; and
- change of identity.

Reimbursement may be available for any travel and accommodation expenses incurred as a result of acting as a witness in the criminal proceedings. Witnesses can also apply for half-day compensation for time missed from work. These costs are paid by the state budget, but will have to be reimbursed by the defendant if found guilty.

When you have been granted a protection measure or if you are not in the country, you can be interviewed by videoconference or tele-conference by the public prosecutor or the investigating judge.

**I am a minor. Do I have additional rights?**

If you are under 18 years of age and you are the victim of a crime, you have the following additional rights during the interview:

- to be accompanied by an adult of your own choice; and
- to have your interview performed in a suitable room.

To prevent you from being interviewed several times your interview may be recorded or videotaped. If you are under the age of 12 your interview may be recorded on video; you must be informed beforehand. If you are older than 12 your interview may be recorded on video only if you give your permission. These interviews take place in specifically equipped rooms.

Where you have been the victim of sexual abuse, prostitution or pornography, the period of limitation after which the case can no longer be prosecuted does not start running until you have reached the age of 18.

If you are a victim of crime and a minor, the police will also refer you to a specialist centre for victims of child abuse. You will also be shielded against disclosure of your identity in the media, that is to say that the publication or dissemination of pictures, drawings and other materials that may reveal your identity will be forbidden.

**What information can I obtain from police or victim support organisations during the investigation of the crime?**

The police will give you information about:

- the type of services or organisations which you can turn to for support;
- the procedures that will be followed after you have made your report;
- the requirements for obtaining damages.

This information can be provided in leaflets and brochures or verbally. The brochures are available in the three official languages (Dutch, French and German). In practice, information given verbally may also be provided in other languages (e.g. English).

It is important to know that you will be kept informed of certain developments in your case only if you have registered as an injured party or have made a claim as a civil party to the criminal proceedings. These are as follows:

- a decision by the public prosecutor to close your case and the reason for this decision;
- a decision by the public prosecutor to refer your case to an investigating judge for a judicial investigation;
- a decision by the public prosecutor to propose an amicable agreement or mediation to the offender; and
- the date your case will appear before a court.

As an injured party or civil party to the proceedings you will additionally have the right to request access to the file and to obtain a copy of it. This request must be addressed to the public prosecution service or to the investigating judge during the investigation. You are allowed to make copies of the file, but you will be charged a fee for each copy (around 0.25 to 0.50 euros per copy). However, if your case is being handled by the assize court (hof van assisen/cour d'assises), copies are free of charge.

**Can I receive legal aid?**
For initial guidance you can ask for **frontline legal assistance** (**juridische eerstelijnsbijstand/aide juridique de première ligne**), in which lawyers provide free legal advice at certain times on certain days. Where necessary they can refer you to a specialist service or organisation. Consultation are organised in court buildings, civil magistrates’ courts (**vrederecht/justice de paix**), law centres and some municipal administrations, etc. You can find a law centre (**justitiesthuis/maison de justice**) in every judicial district (their contact details are available in **French** and **Dutch**) or you can contact one of the victim support services.

For detailed legal advice, assistance and representation, you need to enlist the services of a lawyer. Depending on your income this may be wholly or partially free of charge, through the **secondline legal assistance system** (**juridische tweedelijnsbijstand/aide juridique de deuxième ligne**). A number of categories of persons in specific situations, such as minors or persons with a mental disability, are always entitled to free legal representation.

For secondline legal assistance you need to go to a Legal Aid Office (**bureau voor juridische bijstand/bureau d’aide juridique**) (details in **French** and **Dutch**), which is present in every court building. You will have to produce documentation showing either that you belong to one of the special categories or that you are on a low net income. The Office will decide within a fortnight whether to approve your application and send you the contact details of your assigned lawyer. It is also possible to ask a lawyer of your choosing whether he or she is willing to work under the second-line legal assistance arrangements. If the lawyer agrees to this, he or she will contact the Office on your behalf in order to seek approval for your application.

If your financial means are modest, under certain circumstances you can ask to be exempted from a number of procedural costs (e.g. bailiff’s costs and the costs of copies from the book of evidence) under the **legal aid (rechtsbijstand/assistance judiciaire)** arrangements. To benefit you need to submit a request to the Legal Aid Office of the criminal court handling the case. If you are already a civil party to the criminal proceedings you can submit this request, in writing or verbally, to the criminal court handling the case.

You are also advised to check your insurance policies closely to see whether you have legal expenses insurance. Contact your insurance broker.

**How can I get protection, if I am in danger?**

If you are in danger the police will ensure your immediate **physical protection**. Physical protection is possible also for you as a **witness** if you are in danger as a consequence of statements you have made during the investigation and are willing to confirm your statement in court. In this case the public prosecutor or the investigating judge can send an application to the special **Commission on Witness Protection** when they deem protection measures are necessary.

If you are a victim of rape or sexual assault you will be protected against media coverage: the publication or spread of pictures, drawings and other materials that reveal your identity.

If you are a victim of domestic violence and you are afraid to return home the police will provide you (and your children) with a safe shelter.

You can also ask the police officer not to include your official details in the **official report**. Although the police are bound to give such details to the prosecution officer if requested.

In very threatening situations for you or a person related to you the investigating judge can grant you **full or partial anonymity** (the police does not have any authority in this matter) when certain conditions are met. You also have the right to ask for anonymity yourself. If the investigating judge rejects your request you cannot appeal against this decision.

**Partial anonymity** means that your identity will not be revealed in the official record of the interview of the hearing and is only possible if there is an investigation led either by an investigating judge or by the public prosecutor.

**Full anonymity** means that your identity will be kept secret during the whole criminal proceedings and is only possible if:

- there is a judicial investigation by the investigating judge;
- the provision of partial anonymity is not sufficient to protect you;
- you feel that by making a statement you will cause yourself and your relatives danger and you indicate that for this reason you do not want to make a statement; and
- the crime is committed by a criminal organisation or is a serious one (e.g. kidnapping of minors, arson, murder, etc.)

**What services and assistance can I be given during the investigation of the crime?**

All employees of the police force and the judicial authorities are obliged to provide you with any necessary information and, where appropriate, to refer you to **specialist services**. There are various specialist services which offer assistance to victims. During and even after the criminal proceedings you can request the following services:

- The police offer initial reception, practical assistance, information, preparation of official reports, and referral to the appropriate services. When the attending police officer is unable to offer optimal support to you (e.g. in emergency or very serious situations) the specialist **police victim services (politionele slachtofferbejegening/assistance policière aux victimes)** can step in to provide the necessary support.
- The **victim reception offices (slachtofferonthaal/acceuil des vicimes)** at the law centre can give you specialist information about your case. There is a law centre in every judicial district (their contact details are available in **French** and **Dutch**). This office can provide you with the necessary support and assistance throughout the entire legal proceedings. If necessary, and depending on the problem, the staff at the victim reception office will refer you to more specialised services. The staff at the victim reception office can support you during emotionally difficult moments in the proceedings, and provide help with access to your file, assistance during the court hearing, help with the return of documentary evidence, or support during a reconstruction of the crime. They can also help you to draw up a victim statement for use with regard to the application of the sentence.
- The **victim support services (diensten slachtofferhulp/services d'assistance aux victimes)** provide further assistance to deal with the consequences of the crime: emotional and psychological support, information (on your rights, reparation of loss, the trial and the availability of legal assistance) together with assistance in contacting various institutions (such as insurance companies, the police, the judicial authorities, lawyers, hospitals, etc.). Usually you are referred to these **services** by the police or the judicial assistants but you can also contact them yourself.

Access to all of these services is free of charge and completely voluntary.

If you are a victim of human trafficking various private specialist services can provide support. Coordination and cooperation between these services is provided by the **Centre for Equal Opportunities and the Prevention of Racism (Centrum voor Gelijkheid van Kansen en voor Racismebestrijding/centre pour l’égalité des chances et la lutte contre le racisme)**. You will also be eligible for a number of special arrangements on residence and work permits if you are granted protection as a **victim of human trafficking**.

You can receive medical assistance, but you may be asked to pay for it unless you have valid health insurance (although you may include these costs in your claim for compensation). Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the **European Health Insurance Card**.

**Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

Mediation is possible at all stages of the criminal proceedings: at the police stage (mediation at police level); at the level of the municipalities (mediation in connection with administrative penalties); at the level of the public prosecution service, before a decision on prosecution is taken (mediation in criminal cases) and after the public prosecution service has decided to prosecute (restorative mediation). Restorative mediation is also possible during and after the application of the sentence.
Mediation is available for all types of crimes. The public prosecutor, the investigating judge and the trial judge must inform you of the possibilities for mediation. You can also request mediation yourself.

**Mediation at police level (politieke schadebemiddeling/médiation policière)** is offered in cases of petty offences (e.g. graffiti, minor thefts, and vandalism) in order to settle the property damage. This type of mediation is available in the police districts of Leuven, Mechelen and Brussels. Mediation takes place before the official report is sent to the public prosecution service. The public prosecutor is informed of the results of the mediation exercise, and if an agreement has been reached the case is usually closed.

**Mediation in connection with administrative penalties** provided before imposing an administrative penalty. It is mandatory when the offender is under 16 years of age. The mediation aims primarily at reimbursement of the damage caused and is carried out by local authority officials.

**Mediation in criminal cases (bemiddeling in strafzaken/ médiation pénale)** may be proposed by the public prosecutor where he or she believes that the crime is punishable by a maximum of two years’ imprisonment. This type of mediation takes place before a decision to prosecute the offender is taken, and is carried out by staff of the law court. As a victim of an offence your main interest will be mediation aimed at reimbursement of your damage. The public prosecutor may propose one or more additional measures to be taken in respect of the offender (psychological treatment or therapy, training, or the provision of services). If an agreement is reached between the offender and the victim over reparation of damage, and if the offender has complied with any additional measures imposed, the prosecution will be dropped (which means that the public prosecutor will no longer be able to bring the case to court). If the offender does not comply with the conditions, the case may be referred to court. Mediation of this kind requires your cooperation, and if you do not agree to cooperate the case will be returned to the public prosecutor, who will take a fresh decision on whether or not to prosecute.

**Restorative mediation (herstelbemiddeling/ médiation réparatrice)** runs separately from the criminal proceedings and does not replace them. The judicial authorities therefore remain responsible for any decision involving criminal prosecution, sentencing, and the application of sentences. This does not, however, prevent you from initiating mediation at any point in the proceedings, that is before the case comes to court, whilst the case is being dealt with by the court, or after the judge has given sentence. Anyone who is directly affected by a criminal case may request mediation. This means that not only can the victim or a offender request mediation, but also, for example, a partner, a family member or a relative. Restorative mediation is carried out by two non-governmental organisations. Suggnomè for the Flemish region and Médiate for the Walloon region of the country. They have local sections in each judicial district. An agreement reached as a result of restorative mediation is confidential and is transmitted to the court only with the consent of both parties. The court’s judgment must make mention of the restorative mediation, but does not have to take account of the agreement reached.

Mediation is also available in juvenile cases, and restorative mediation is possible both at the level of the public prosecution service and at the level of the juvenile courts themselves. A group conference (herstelgericht groepsoverleg (hergo)/concertation restauratrice en groupe) can be ordered only by the juvenile court. The judge is expected to give priority to a mediation measure (as opposed to sentencing an offender who is a minor), and to inform the parties to the conflict of this possibility. If the restorative mediation exercise results in an agreement between the victim and the offender, the judge must as a rule approve this agreement. The judge is not allowed to change the content of the agreement, but can refuse to recognise the agreement if the content clearly entails some danger to public safety. Mediation and group conferences are organised by local non-governmental organisations active in the sector of juvenile assistance.

**How will my case continue after the end of the Investigation?**

The decisions taken at the end of the investigation differ depending on whether it is a judicial investigation or a standard investigation.

In the standard investigation, the public prosecutor can decide to: close the case; propose an amicable agreement (minnelijke schikking/résolution à l’aimable) to the offender – if the offender accepts the proposal and compensates your damage, the case will be closed; propose mediation in criminal cases (bemiddeling in strafzaken/ médiation dans les affaires pénales); send your case to court.

As an injured party or civil party to the criminal proceedings you will be informed of the public prosecutor’s decision.

If a judicial investigation occurs the investigating judge must forward the file to the pretrial division of the court (raadkamer/chambre du conseil). The court hearings in the pretrial division are held in camera: the press and the public may not be present. You and your lawyer may be present, but your friends and family will not be allowed to attend. The pretrial division can decide to: close the case, if it considers that there is not enough evidence against the defendant or that no offence has been committed; refer the case to court for trial, if it considers that there is enough evidence to bring the defendant to court; commit the offender to a specialised mental institution if he or she is mentally ill or in a serious state of mental deficiency which makes him or her unable to control his or her acts; in this case the defendant can request a public hearing; suspend judgment: the pretrial division can decide to suspend judgment only when the offender has not been previously sentenced to more than six months’ imprisonment; it will set a probation period of no more than five years, during which the offender will have to comply with a number of conditions; if he or she reoffends or does not comply with the probation period, the court can decide to reopen the case.

As an injured party or civil party to the criminal proceedings, you will be informed of the date of the hearing. If your case is referred to the criminal court, you will also be informed of the date of the hearing.

**Can I appeal if my case is closed without reaching the court?**

You cannot appeal against a decision of the public prosecutor to close the case. Depending on the facts and the circumstances of the case, and the reasons for closing it, it may still be possible to claim damages in the criminal courts (apart from any proceedings before the civil courts):

If the offence is a minor offence (contravention/overdreving) or an intermediate offence (délit/wanbedrijf), it is possible to summon the offender to court directly.

To do so you must ask a bailiff to serve a summons on the offender.

You can also lodge a criminal complaint with the investigating judge, and make a claim as a civil party to the criminal proceedings; the judge is then obliged to initiate a judicial investigation. In order to do so, you must expressly declare to the investigating judge that you are making a claim as a civil party to the criminal proceedings. This may be done verbally or in writing. The investigating judge draws up an official report confirming that you are a civil party to the proceedings. You should be aware that in this case the investigating judge may require you to lodge a security to cover the cost of the proceedings. The amount of this payment is set by the judge. You should also be aware that the pretrial division of the court may still at the end of the investigation decide not to refer the case for trial if, for example, there is not enough evidence against the defendant. At the trial you must confirm your status as a civil party to the proceedings.

You cannot summon the offender directly to court, nor lodge a complaint as a civil party to the criminal proceedings, if the offender is a minor.
As a civil party to criminal proceedings, you can appeal against all decisions of the pretrial division, including any decision not to prosecute the defendant, before the indictment division of the court of appeal (Kamer van inbeschuldigingstelling/Chambre des mises en accusation). You cannot appeal against the decision of the indictment division, nor can you subsequently summon the offender to court yourself.

If a decision on damages is taken by the pretrial division (where the offender is committed to a mental institution or where judgment is suspended) you can appeal with regard to the damages awarded, but not against the criminal judgment. You have to appeal within fifteen days (or three days when the offender is in pretrial custody) at the registry office of the court. The indictment division of the court of appeal will then review your claim for damages.

If, for whatever reason, you did not take part in the criminal proceedings, you can choose to pursue a claim in the civil courts. This possibility is also open to you if the public prosecutor's office decides not to proceed with the criminal case. You bring the civil claim before the civil court by summoning the person who has caused the damage, unless all parties are willing to appear voluntarily. Where an insurer is involved (after a traffic accident, for example) you may also summon the insurer. Procedure in the civil courts differs fundamentally from criminal procedure. If you want to bring a claim in the civil court (burgerlijke rechtbank/tribunal civil) (for example if you were not involved in the criminal proceedings or if your case was closed), you must be prepared to prove that the wrongful act has been committed. If criminal proceedings are in progress the civil court has to suspend the proceedings before it pending the judgment of the criminal court. The civil court is bound by the findings in the criminal case. Bringing a claim before the civil courts will also incur costs.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner who has suffered from a crime in Belgium you can benefit from all the rights explained above as well as some additional rights aimed to facilitate your participation in the procedure.

You have the right to ask for an interpreter free of charge when you do not speak the official language. It is also possible that you write your statement yourself (or that the police officer writes down your statement). If you are not in the country the public prosecutor or the investigating judge can interview you by videoconference or teleconference.

If you are an asylum seeker you can ask for the appointment of a lawyer free of charge.

More information:
The Constitution – in Dutch and French
The Judicial Code – in Dutch and French
The Code of Criminal Procedure – in Dutch and French
The Law on the police force of 5 August 1992 – in Dutch and French
The Law on State compensation of 1 August 1985 – in Dutch and French
The Law on suspension of judgment, postponement of the application of sentences and probation of 29 June 1964 in Dutch
Circular GPl 58 of 4 May 2007 on the treatment of victims in the integrated police force, structured on two levels – in Dutch
Circular of the College of Prosecutors-General COL 5/2009 concerning the use of uniform certificates of complaint, guidelines on handing over these certificates by the police and the modification of COL 8/2005, revised version of 20 December 2012.

Circular of 26 September 2008 on the introduction of multidisciplinary cooperation relating to human trafficking of victims and/or victims of serious forms of human smuggling – in Dutch
Circular COL 16/2012 of 12 November 2012 - Joint Circular from the Minister of Justice, the Minister of Home Affairs and the College of Prosecutors-General concerning the reception of victims by at the public prosecution services and courts
Circular COL 17/2012 of 12 November 2012 - Joint Circular from the Minister of Justice, the Minister of Home Affairs and the College of Prosecutors-General concerning the respectful handling of the deceased, the notification of death, respectful leavetaking and cleaning up the scene of the crime in cases where the judicial authorities are involved.
Circular COL 18/2012 of December 2012 - Joint Circular from the Minister of Justice, the Minister of Home Affairs and the College of Prosecutors-General concerning temporary bans on entering the home in the event of domestic violence
Royal Decree of 18 December 2003 on the conditions for partial or completely free secondline legal assistance and legal aid – in Dutch
Royal Decree of 16 May 2004 on combating human trafficking and smuggling – in Dutch
Royal Decree of 13 June 1999 on the organisation of the Law Centres Department of the Ministry of Justice – in Dutch and French
Royal Decree of 28 December 1950 laying down the general rules on legal costs in criminal cases
Cooperation agreement of 7 April 1998 between the State and the Flemish Community on victim care – in Dutch
Protocol Agreement of 5 June 2009 between the State, the Flemish Community, the French Community, the French Community Committee and the Joint Community Committee on Victim Care - in Dutch and French
Protocol Agreement of 5 June 2009 between the State, the French Community and the Walloon Region on Victim Care – in Dutch and French
Protocol Agreement of 5 June 2009 between the State and the German-speaking Community on Victim Care – in Dutch, French and German

Notes:
1. Civil party to criminal proceedings

You can bring a civil claim before the criminal court at any time during the criminal proceedings even if you have not lodged a police complaint. In addition to the ordinary rights of a victim, your status as a civil party to the criminal proceedings then also confers the right:

- to request damages;
- to be heard by the court;
- to have costs reimbursed at the end of proceedings; and
- to request an interpreter during court proceedings;

If your civil action is deemed admissible and well founded, you also receive a number of rights in the criminal proceedings without having to submit an application for recognition as a victim to the court for the application of sentences.

You can register as a civil party to the criminal proceedings via an express declaration if the proceedings have already been launched by the public prosecutor's office. You can do this at any stage during the investigation and the actual trial, but it is no longer possible at the appeal stage. If the offence is a minor offence (contravention/overtreiding) or an intermediate offence (délit/wanbedrijf), you can lodge a civil claim before the investigating judge, who is then obliged to launch a criminal investigation. Bear in mind that at the end of the investigation the pre-trial chamber is still free to decide that there is insufficient evidence to bring the alleged offender to court.

If you wish to obtain damages, you will need to prove the damage you have suffered. The court will assess whether your application is admissible and either admit or dismiss it.

As a civil party to the criminal proceedings, you are entitled to bring the matter before the indictment division of the court of appeal if the criminal investigation is still ongoing one year after it began. This option gives you indirect control over the investigation's progress.

2. Protection as a victim of human trafficking
Since the beginning of the 1990s Belgium has offered victims of human trafficking a system of resident status. The following categories of victims are entitled to the status of ‘victim of human trafficking’:

victims of human trafficking (i.e. trafficking for the purpose of various forms of sexual exploitation, exploitation of begging, economic exploitation, removal of organs, forced criminal acts);
victims of human smuggling (i.e. assisting illegal immigration with a view to profit) when there are aggravating circumstances. Victims who are subject to violence or whose life is in danger are entitled to this status.

Recognition as a victim of human trafficking makes you eligible for special arrangements regarding residence and work permits, if you:

- break off contact with the suspected offenders;
- accept the mandatory assistance offered by an approved centre specialising in providing reception facilities and assisting trafficked persons;
- cooperate with the judicial authorities by making a statement or lodging a complaint.

3. Administrative penalties

Administrative penalties are imposed by local authorities and are not criminal penalties. Local authorities have the power to punish certain petty offences and nuisances by means of administrative sanctions (fines, closure of buildings or premises, or suspension of permits or licences). The municipality may impose these penalties for violation of its regulations, certain forms of vandalism, etc. Prosecution does not depend directly on the public prosecutor.

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2 - My rights during the trial

How can I be involved in the trial?

I am a minor. Do I have additional rights?

Can I receive legal aid?

What are my rights as a witness?

How can I get protection, if I am in danger?

How can I claim damages from the offender or receive compensation from the state?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

I am a foreigner. How are my rights and interests protected?

More information

How can I be involved in the trial?

As a civil party (1) or a registered victim you will be notified by letter of the date your case will appear before a court. It is still possible for you to register yourself as a civil party during the trial until the closure of the debates and to claim compensation before the judge.

If you do not have a lawyer and you wish to present your civil claim during the hearing you have to:

- be on time;
- sign up with the court officer and ask if this is the room where the hearing will take place;
- go to the presiding judge when you hear the judge calling the name of the offender from whom you want to claim compensation;
- give your claim to the judge together with all the documents certifying your damage;
- keep the original documents for yourself;
- the presiding judge may ask you for additional information and will then make a decision as regards your request for compensation.

In principle the trial is public and every person who is older then 14 years of age can attend the court hearings. So your friends, neighbours and family (as well as members of the press and public) are allowed to be present at the trial. Only in exceptional circumstances (e.g. sexual offences) will the hearings be non-public and civilians and the press will be banned from the courtroom. To attend these hearings you need to be a civil party. The final judgement of the case is always pronounced in public.

If you submit a claim for compensation (civil claim) you do have to prove the damage you suffered. Your civil claim will be assessed by the court. You need to prove the claim during the trial proceedings; thereupon the court will admit or reject the claim.

If you are a civil party you need to be present at the court hearings. If you want to avoid direct contact with the defendant your lawyer can represent you (there is however no possibility to refuse the presence of the defendant in the court room). The only time that you have to attend in person is when you are called as a witness.

You cannot discuss the case with the prosecutor and you cannot make a victim impact statement.

What are my rights as a witness?

When you have given evidence as a witness during the criminal investigations you may not, or only very seldom, be questioned during the court hearings, except for the Assize Court (2).

When you are called in person and when you have been granted a protection measure and/or are not in the country you can be interviewed by videoconference or teleconference. If necessary, there is a possibility for voice alteration and concealment of your face.

If you are called to court as a witness you can request reimbursement for your travel and accommodation expenses. You can also get a half-day compensation for taking days off. You have to ask for this compensation yourself. The judge will grant you this compensation when pronouncing the judgment. These costs are paid by the state budget, but will have to be reimbursed by the defendant if found guilty.

I am a minor. Do I have additional rights?

If you are a minor you are protected against media coverage: the publication or spread of pictures, drawings and other materials that reveal your identity. If an audiovisual recording of your interview has been done during the investigation your personal appearance is not required unless the court finds it necessary to establish the truth. In this case the court will ask you to attend and will explain the reasons thereof. You can ask the judge to hold a non-public hearing behind closed doors. The law expressly provides for this if you are a victim of a sexual crime like rape or sexual assault. The court may also hold a non-public hearing if it is necessary for protecting the interest of a minor or the private lives of the parties.
Can I receive legal aid?
If you have brought a civil claim as a civil party to the criminal proceedings, you can choose to attend the session yourself or opt for legal representation. For initial legal advice, you can consult the front-line legal assistance team (aide juridique de première ligne/juridische eerstelijnshulp), whose lawyers provide free advice at certain times on specific days and can refer you to specialist services where appropriate. Consultations are organised in court buildings, civil magistrates’ courts, law centres, municipal administrations, and so on. Law centres (maisons de justice/justitiehuizen) can be found in any judicial district (contact details available in Dutch or French, or you can get in touch with a victim support service).

For detailed legal advice, assistance and representation, you need to enlist the services of a lawyer. Depending on your income, some or all of this assistance may be provided free of charge under second-line legal assistance arrangements. A number of categories of persons in specific situations, such as minors or persons with a mental disability, are always entitled to free legal representation.

If you want to apply for second-line assistance, you need to contact the Legal Aid Office (Bureau d’Aide Juridique/Bureau voor Juridische Bijstand) which is located in every court building. You will have to produce documentation showing either that you belong to one of the special categories or that you are on a low net income. The Office will decide within a fortnight whether to approve your application and send you the contact details of your assigned lawyer. It is also possible to ask a lawyer of your choosing whether he or she is willing to work under the second-line legal assistance arrangements. If the lawyer agrees to this, he or she will contact the Office on your behalf in order to seek approval for your application.

If your financial means are modest, under certain circumstances you can ask to be exempted from a number of procedural costs (e.g. bailiff’s costs and the costs of copies from the book of evidence) under the legal aid arrangements. To benefit you need to submit a request to the Legal Aid Office of the criminal court handling the case. If you are already a civil party to the criminal proceedings (see below) you can submit this request, in writing or verbally, to the criminal court handling the case.

You are also advised to check your insurance policies closely to see whether you have legal expenses insurance. Contact your insurance broker. During the court proceedings, you can be aided by a staff of a law centre or a victim support service.

How can I get protection, if I am in danger?
When you are in danger and you have been granted partial or full anonymity by the investigation judge during the investigation stage, at the trial you can be interviewed by videoconference or teleconference. If necessary, there is a possibility for voice alteration and concealment of your face.

When you need to appear before the court as a witness and have not been interviewed during the investigation the judge can order that your identity must not be revealed in the official record of the hearing.

If you have suffered from sexual assault or rape you are protected against media coverage: the publication or spread of pictures, drawings or other materials that reveal your identity.

If the defendant is not taken into custody during the investigation and you feel concerned about possibility to stand face to face with the defendant while waiting for your case to be handled, you can contact a justice assistant. In some courthouses separate waiting rooms have been installed in order to give you the opportunity to avoid direct contact with the defendant.

How can I claim damages from the offender or receive compensation from the State?
If you want to seek financial compensation at the criminal trial, you need to bring a civil claim in the criminal proceedings. Your claim can list all kinds of damage suffered, such as physical injuries and related medical costs, moral damage, material damage (e.g. loss of earnings, the repeat of a study year, loss of employment and damage to vehicles or clothing), funeral expenses, etc.

If the offender is found guilty the criminal court will rule on your civil claim and find that you are entitled to damages. The court will then evaluate the content of the damages claim.

If, for whatever reason, you did not take part in the criminal proceedings, you can choose to pursue a claim in the civil courts. This possibility is also open to you if the public prosecutor’s office decides not to proceed with the criminal case. You bring the civil claim before the civil court by summoning the person who has caused the damage, unless all parties are willing to appear voluntarily. Where an insurer is involved (after a traffic accident, for example) you may also summon the insurer. Procedure in the civil courts differs fundamentally from criminal procedure. For instance, you yourself must prove that the opposing party is liable for your damage, though you may do this by producing copies of evidence from the criminal case, even if the proceedings were discontinued. If criminal proceedings are in progress the civil court has to suspend the proceedings before it pending the judgment of the criminal court. The civil court is bound by the findings in the criminal case. Remember that launching a claim before the civil court also entails costs.

If the public prosecutor has moved for a criminal action to be dropped (amicable settlement or mediation in criminal cases), this is another way for you to obtain compensation from the offender. You can also obtain damages from the offender through mediation. For instance, in most cases you will receive damages if the public prosecutor proposes mediation in criminal cases or an amicable settlement to the offender. It is not always possible to obtain damages from the offender (for instance, it may be that the offender cannot be identified or detained), or to recover compensation in full from an insurer. If you have been the victim of a premeditated violent crime, under certain circumstances you can obtain compensation from the State. For more information about possible compensation from the State, please consult the European Legal Network’s information pages on compensation for victims in Belgium (available in French, Dutch, German and English and in other languages).

If the accused is found guilty, he or she must repay the costs of your civil action, which will include a share of your lawyer’s fees. The court sets the relevant compensation figure when it gives its judgment in the case.

If the proceedings began because you summoned the accused directly or initiated criminal proceedings by lodging a criminal complaint with a civil claim, and the accused is then found not guilty, the court can order you to repay all or a specified proportion of the costs incurred by the State and by the accused.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
You can ask for restorative mediation (médiation réparatrice/herstelbemiddeling) at any time during proceedings: before a case goes to court, while the court is handling it, and after the court has passed sentence. Restorative mediation runs separate from the criminal proceedings and does not replace them. The judicial authorities therefore remain responsible for any decision involving criminal prosecution, sentencing, and the application of sentences. Restorative mediation is not performed by the State but by two non-profit associations, Suggnomé in Flanders and Médiante in Wallonia. They have local sections in each judicial district.

An agreement reached as a result of restorative mediation is confidential and is transmitted to the court only with the consent of both parties. The court's local sections in each judicial district.

A judge of the juvenile court can deliver a judgment ordering restorative mediation or a group conference (concertation restauratrice en groupe/hero). I am a foreigner. How are my rights and interests protected?
If you are a civil party (1) or witness do not speak the official language of the region where the proceedings take place, an interpreter will be appointed. You cannot have your documents translated free of charge.

More information:
Law of 1 August 1985 concerning tax and other measures – in Dutch and French
Law of 8 April 1965 on the protection of young people, the responsibility of minors committing an act constituting a crime and the restoration of the damage caused by this act – in Dutch
Constitution – in Dutch and French
Code of Criminal Procedure – in Dutch, French and English
Judicial Code – in Dutch and French
Royal Decree of 28 December 1950 laying down general rules on legal costs for enforcement measures

Notes:
1. Civil party to criminal proceedings
You can bring a civil claim before the criminal court at any time during the criminal proceedings even if you have not lodged a police complaint. In addition to the ordinary rights of a victim, your status as a civil party to the criminal proceedings then also confers the right:
- to request damages
- to be heard by the court
- to have costs reimbursed at the end of proceedings
- to request an interpreter during court proceedings

If your civil action is deemed admissible and well founded, you also receive a number of rights in the criminal proceedings without having to submit an application for recognition as a victim to the court for the application of sentences.

You can register as a civil party to the criminal proceedings via an express declaration if the proceedings have already been launched by the public prosecutor's office. You can do this at any stage during the investigation and the actual trial, but it is no longer possible at the appeal stage. If the offence is a minor offence (contravention/overtrading) or an intermediate offence (délit/wanbedrijf), you can lodge a civil claim before the investigating judge, who is then obliged to launch a criminal investigation.

Bear in mind that at the end of the investigation the pre-trial chamber is still free to decide that there is insufficient evidence to bring the alleged offender to court.

If you wish to obtain damages, you will need to prove the damage you have suffered. The court will assess whether your application is admissible and either admit or dismiss it.

As a civil party to the criminal proceedings, you are entitled to bring the matter before the court's indictment division if the criminal investigation is still ongoing one year after it began. This option gives you indirect control over the investigation's progress.

2. Assize court
The assize court (contact details available in Dutch and French) is a temporary criminal court that can be convened in any province or in the Brussels district. Assize courts are empowered to deal with all serious crimes (crimes/misdaden, i.e. murder and other serious criminal offences punishable by a custodial sentence of five years to life), political offences, and press offences (save for those which are racist or xenophobic in origin). Unlike a permanent criminal court, the assize court has to be reconstituted for each new case. Its president is a court of appeal judge. The president is assisted by two judges from the court of first instance. The jury is made up of 12 members of the general public, chosen by lot, no more than two thirds of the initial members being of the same sex. Members of the jury must be entitled to vote and enjoy full civil and political rights, they must be aged between 28 and 65, must be able to read and write and must not have any criminal convictions for which they were sentenced to a term of imprisonment of more than four months or to community service of more than 60 hours. The jury alone decides whether the accused is guilty or innocent. To decide the sentence the jury sits together with the professional judges. The judgments of the assize court can be appealed only on points of law to the Court of Cassation.

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3 - My rights after the (first) trial

Can I appeal against a sentence or if the defendant is declared not guilty?
Is further appeal possible?

What rights do I have after the court sentence enters into force?

More information
Can I appeal against a sentence or if the defendant is declared not guilty?
If you have entered a claim as a civil party to the criminal proceedings (partie civile/burgerlijke partij), you can appeal if the court dismisses your claim for damages or if you consider that the compensation awarded is too small. You cannot appeal if the defendant is found not guilty, or if you think the sentence imposed on the defendant is too mild. (The public prosecutor may appeal on those grounds.)

Make up your mind quickly, because in criminal cases any appeal usually has to be entered within 15 days. Appeals have to be submitted at the registry (greffe/griffie) of the court that delivered the contested judgment. You can obtain further information at the registry. If there is an appeal, the case will be considered afresh by a higher court. You will be given notice of times and places. The procedure on appeal is much the same as the procedure at the first trial. You do not have to register as a second time as a civil party to the proceedings. But you cannot register as a civil party for the first time when the case has gone to appeal.

A full appeal, on points of fact and law (appel/hoger beroep), cannot be brought against the judgment of an assize court, but an appeal may be brought before the Court of Cassation on points of law only (pouvoir/voorziening).

Is further appeal possible?

A judgment delivered on a full appeal (appel/hoger beroep) is not open to a further full appeal.

A full appeal cannot be brought against the judgment of an assize court, but an appeal on points of law may be brought before the Court of Cassation.

The Court of Cassation will not examine the facts of the case: it merely considers whether there was any breach of proper procedure and whether the law has been wrongly applied or wrongly interpreted. The Court of Cassation can only uphold or quash the judgment. It cannot take further evidence or judge the case afresh. If it does quash the judgment, it refers it back for retrial by another court at the same level as the court that delivered the earlier judgement. The judgment of the Court of Cassation is not binding on the new court.

What rights do I have after the court sentence enters into force?
It is important to realise at the outset that as a victim you will not be informed of the court’s judgment automatically (unless you have entered a claim as a civil party to the criminal proceedings). If you or your lawyer were not present when the judgment was delivered in court, you need to contact the authorities yourself or ask the staff of the law centre (maison de justice/justitiehuis) to inform you.

As a victim you can under certain conditions ask to be informed or to be heard regarding the manner in which the sentence is to be served, for example regarding prison leave, limited detention, electronic surveillance, provisional release with a view to deportation or surrender to another country, or conditional release.

If your civil claim is successful, you can under certain conditions ask to be informed or to be heard if the condemned person is granted any special arrangement for the service of the sentence.

Otherwise you can ask to be recognised as a victim by applying to the court for the application of sentences (tribunal d’application des peines /strafuitvoeringsrechtbank). Your request will be accepted if the court decides that you have a legitimate interest.

Under certain conditions you have the following rights as a victim:
to be informed of decisions related to the application of the sentence (including initial prison leave, electronic surveillance, conditional leave, etc.);
to propose specific conditions that might be imposed on the offender;
to be heard in relation to specific conditions that might be imposed on the offender in your interest.

Examples
you can ask to be heard by the court for the application of sentences regarding conditions that might be imposed on the offender if electronic surveillance is allowed;
you can ask the court to notify you if it grants the offender conditional release;
you can ask to be informed if the Minister for Justice grants the offender prison leave.

If you want to exercise any of these rights you must fill in a victim statement form, and hand it in or send it to the registry of the court for the application of sentences or to a justice centre.

At the hearings of the court for the application of sentences you can always be assisted or represented by a lawyer. You can also ask for help from one of the officially recognised victim support organisations, or by a victim support service or the victim reception offices at the court, for example when you are going to attend a court hearing.

You can obtain more information from the law centre, from victim reception offices or from your lawyer.

During and after the application of the sentence, whether the offender is serving the sentence in prison or outside it, you can always have recourse to mediation.

More information:
Law on the external legal position of persons sentenced to a custodial sentence and on the rights of victims in connection with the manner in which sentences are served – in French or Dutch.

Notes:
1. Civil Party:
You can register as a civil party before a judge, at any stage of the proceedings, even if you have not reported the crime to the police. This status gives you some additional rights:
to become a party in the proceedings;
to speak at the court hearing;
to be able to claim for compensation before the court;
to have your cost reimbursed after the trial; and
to have the right of an interpreter free of charge during the proceedings.

You can also join the proceedings that were already put in motion by the public prosecutor through a statement. This remains possible during the whole stage of investigation and before the court, but never in the stage of appeal against a court’s decision. In case of offence punishable by more than eight days of imprisonment you can take an action by filing a report with the investigating judge. The investigating judge is obliged to start a judicial investigation but after the end of the investigation it is still up to the judicial authorities to decide whether enough evidence exists to bring the offender before a court.

If you submit a civil claim you do have to prove the damage you are claiming for. The court will assess the eligibility of your civil claim and will admit or refuse it.

If you act as a civil party you have if the judicial investigation has not finished - within one year after the initiation, the right to bring the case before the Indictment Chamber of the Court of Appeals. This allows you an indirect form of control over the progress of the investigations.

2. The Assize Court

The Assize Court (contact information available in Dutch and French) in Belgium is sitting in each of the ten provinces and in the judicial districts of Brussels. It has jurisdiction over all crimes punished by more than five years of imprisonment, political offences, press-related offences (except those inspired by racism or xenophobia), and crimes of international law such as genocide and crimes against humanity. Unlike the other courts, which have a permanent structure, the Court of Assize has to be constituted for each specific case. It comprises three professional judges and 12 jurors. The presiding judge is a judge of a court of appeal and is assisted by two judges of courts of first instance. The jury invariably consists of twelve members, who are elected from among all citizens having the right to vote at elections. Members of the jury must be between 28 and 65 years of age and must be able to read and write. The jury alone decides upon the facts of a case, and determines the penalty along with the judge. There is no appeal of verdicts, apart from one before the Court of Cassation.

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The Local and federal police are under the competence of the Ministry of Interior. The local police are responsible for the basic police duties and operate within the ‘community policing’ philosophy. The federal police are responsible for specialised police tasks.

This includes the following:
- Receive victims in a polite and respectful manner
- Provide practical assistance to victims of crime, information and referral to appropriate services
- Draw up the official report as to the victim’s identity and their wish to be informed later on in the proceedings
- Take contact with the victim a short time after the complaint was filed.

CONTACTS:
Website: [http://www.ibz.fgov.be/](http://www.ibz.fgov.be/)

Federal Public Service Justice

The Federal Public Service for Justice hosts several departments and committees that look after the interests of victims, including the DirectorateGeneral for Legislation, Fundamental Rights and Freedoms and the DirectorateGeneral for Law Centres.


This organisation provides the opportunity for the State to grant financial assistance to victims of intentional acts of violence and, in some cases, for their families. It also provides a procedure to assist the victims of acts that took place in a member country of the European Union. It can grant assistance even if the assailant is unknown or is not responsible for his actions. It does not include offenses by carelessness or negligence.

CONTACTS:
Website: [https://justice.belgium.be](https://justice.belgium.be)

General Welfare Centres (CAWs)

In Flanders and Brussels there are 11 General Welfare Centres (Centra Algemeen Welzijnswerk — CAWs), each of which has a department that assists crime victims.

The Centres provide victim assistance services in Flanders and Brussels; offer psychosocial help to victims and their families, surviving members of the families of people who have committed suicide, victims of disasters and their families, and victims of traffic accidents and their families; provide victims with psychological, practical and legal assistance.

CONTACTS:
Website: [https://www.caw.be](https://www.caw.be)

For the contact details of all the 25 CAW’s click here.

Federation of Services for Help to Parties in Proceedings

The Federation of Services for Help to Parties in Proceedings is an organisation operating in the French-speaking part of the country which does not only offer assistance to victims of crime, it also offers assistance to e.g. prisoners and released prisoners. It consists of five local divisions (one in each province) in the French speaking part of the country.

These divisions provide psychological, medical and social help to the defendants, inmates, offenders, victims and parents and/or relatives of those individuals. They are composed of professionals working in multidisciplinary teams:

CONTACTS:
Website: [http://www.ulb.ac.be/](http://www.ulb.ac.be/)

For the contact details of the local divisions of Federation of Services for Help to Parties in Proceedings click here.

Sozial-Psychologisches Zentrum (SPZ)

The SPZ is an organisation operating in the German-speaking part of the country, which offers assistance to victims of crime. It is a non-governmental organisation that operates in the German speaking part of Belgium.
offers an individual approach to all victims of crime by a multidisciplinary team consisting of psychologists, therapists, social workers and a psychiatrist.

CONTACTS:
Website: [http://www.ulb.ac.be/](http://www.ulb.ac.be/)

**Child Trust Centres**

Child Trust Centres are specialized centres, set up by the Flemish government, which have their own way of working aimed at the child's safety and wellness. The Child Trust Centres are based in each Flemish province and in the Brussels Capital Region. They are advice and assistant centres in cases of child abuse. They provide information about child abuse and assistance free of charge. They can be involved in any situation of a child being a victim of physical, psychological, or sexual violence, in a passive or an active way. They are reporting stations for any incident of child abuse.

CONTACTS:
Website: [http://www.kindinnood.org/](http://www.kindinnood.org/)

For the contact details of the other Child Trust Centres click here.

**Federation of SOS Children's Services**

The Federation of SOS Children's Services is operating in the French-speaking part of the country and provides assistance for victims of child abuse. The Federation of SOS Children's Services teams ensure the prevention and treatment of individual cases of abuse. They establish a multidisciplinary assessment of the situation of the child and their environment. They provide medical, psychiatric, psychological and social help to the child and their family. They are willing to advance knowledge in the field of treatment and prevention of situations of abuse.

CONTACTS:
Website: [http://www.federationsosenfants.be/](http://www.federationsosenfants.be/)

**Jugendhilfdienst (JHD)**

The JHD are operating in the German-speaking part of Belgium and they provide specialised assistance for minor victims of crime. The Jugendhilfdienst (JHD) are advice and assistant centres in cases of child abuse. They offer assistance to children, adolescents and their parents in the German speaking part of Belgium. If necessary, they forward the situation to the public prosecutor or the juvenile court.

CONTACTS:

Last update: 27/02/2015

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1 - My rights as a victim of crime

Last update: 27/02/2015

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2 - Reporting a crime and my rights during the investigation or trial

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3 - My rights after trial

Last update: 27/02/2015

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4 - Compensation

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5 - My rights to support and assistance

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Vicenza - andrea - Bulgaria
You will be considered a victim of crime if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, etc., as a result of an incident, which constitutes a crime according to national law. As a victim of crime, the law grants you certain individual rights before, during and after court proceedings (trial).

If you are a family member of a victim of a crime who has passed away, you will be able to exercise his/her rights only if you are his/her legal heir. If you have suffered from one of a number of very serious crimes (1) you will be given some additional rights, regarding the assistance and compensation you can obtain. If you are a child, parent, spouse or cohabitant of a victim of one of those crimes and he/she has passed away as a result of that crime, you will be granted his/her additional rights.

**Criminal proceedings in Bulgaria** consist of investigation by the police, during which evidence is collected about the offence committed and about its alleged perpetrator. If enough evidence is collected, the case goes to trial. The trial concludes with the court convicting or acquitting the defendant and possible appeals before higher courts. The main objective is to assess who is responsible for committing a certain crime and, subsequently, to determine an appropriate penalty.

If you have suffered from one of a number of during the investigation of the crime, during the trial or after the first trial. Also, read more about the help and support you can get.

**Notes:**

1. **Crimes entitling victims to additional rights**

   According to Bulgarian legislation, victims of certain types of crime have additional rights. These crimes are: terrorism, murder, premeditated grave bodily injury, sexual violence and rape that led to serious damage to health, human trafficking, any crime ordered or committed by an organised criminal group or any other serious intentional crime where the immediate consequences are death or serious bodily injury.

   **Last update: 25/07/2022**

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   Please note that the original language version of this page has been amended recently. The language version you are now viewing is currently being prepared by our translators.

### 1 - My rights during the investigation of a crime

**How and where can I report a crime?**

- **How can I follow up on what the authorities do after I report a crime?**
- **How can I be involved in the investigation of the crime?**
- **What are my rights as a witness?**

**I am a minor. Do I have additional rights?**

**What information can I obtain from police or victim support organisations during the investigation of the crime?**

**Can I receive legal aid?**

**How can I get protection, if I am in danger?**

**What services and assistance can I be given during the investigation of the crime?**

**Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

**How will my case continue after the end of the investigation?**

**Can I appeal if my case is closed without reaching the court?**

**I am a foreigner. How are my rights and interests protected?**

**More information**

**How and where can I report a crime?**

You can report a crime:

- to the police - by post, personally at a police station, or by phone on the European emergency number 112 or on the emergency number of the Bulgarian police 166;
- to a public prosecutor – by post or personally before the prosecutor on duty in the nearest prosecutor’s office.

You may submit your report orally and sign the minutes the police or prosecutor will prepare. You may also submit a report in writing: no special form is required but you must sign the report. You can make your report in any language and should include relevant personal details. Anonymous reports are not prohibited, but cannot oblige the authorities to act.

You have the right to be received by the police in a specially designated area and be treated with respect, taking into account your sex, age and the crime you have suffered from. You will be referred to institutions or organisations offering aid to victims of crime. You can be assisted by an interpreter free of charge if you do not speak Bulgarian or have hearing or speaking impairments. To submit a crime report you can, but are not obliged to, use a lawyer at your own expense.

There is no specific deadline for reporting a crime, except for the period after which public prosecution cannot be initiated. This period may vary from three to twenty years, depending on the seriousness of the crime.

After receiving your report, the authorities will assess the available information and if there is reasonable suspicion of a crime they will start proceedings. If the prosecutor refuses to do so, you will be notified. You can appeal the refusal before the superior prosecutor. The notification will indicate where you can submit your appeal.

**How can I follow up on what the authorities do after I report a crime?**

After reporting a crime, you may request and receive the registration number given to your report. You can make your request to the police or the prosecutor and provide an address in Bulgaria, even if you are a foreigner - your own, that of your lawyer or a friend/relative – notifying the authorities in case of any change. You can, but are not obliged to, use a lawyer, generally at your own expense.

You are not required to prove any aspects of the crime.
If you do not speak Bulgarian you have the right to an interpreter free of charge in your personal contacts with the authorities. You have the right to be informed about the progress of the case and about your right (as a victim or heir to a victim) to ask the court to freeze the offender’s property, if you intend to file a civil claim once the case goes to trial.

You can be present at investigative actions, if that would not hamper the investigation and if the police or the prosecutor so permits. If the police refuse to let you be present, you can appeal before the prosecutor. If he/she upholds the refusal, you can appeal to his/her superior.

On your request, you can personally examine the case file after the investigation is completed with the help of an interpreter free of charge, if needed. The police will present the file and explain the rights you have. If you cannot study the materials yourself, the police officer will clarify and read them to you. You can make requests, remarks and objections. In some cases, e.g. when the offender has been caught at the scene of the crime, the police may undertake an accelerated investigation in which you will not be allowed to participate.

What are my rights as a witness?

If you are summoned to be interviewed as a witness, you have to attend before the police or the prosecutor. You have additional rights, related to your testimony:
- to use written notes;
- to be assisted by an interpreter free of charge, if needed;
- to be accompanied by a lawyer, generally at your own expense;
- to be interviewed at your location, if you cannot go to the police or the prosecutor’s office due to illness or disability;
- to be interviewed through a videoconference or a telephone conference, if you are outside Bulgaria;
- not to reply to questions, which may imply that you, your relatives, siblings, spouse or co-habitant may have committed a crime;
- to request revocation of acts that impact on your rights;
- to be reimbursed for the working day(s) off and the expenses incurred.

You will be warned in advance that you should not refuse to be interviewed, give false testimony or hide details. You are expected to tell conscientiously and accurately everything you know about the case.

I am a minor. Do I have additional rights?

If you are under 18 years of age, you have the right:
- to be interviewed in a suitable environment in the presence of a person of teaching background or a psychologist and your parents or guardians;
- to be interviewed via videoconference even if you reside in Bulgaria;
- to always benefit from legal aid free of charge in all proceedings affecting your rights and interests;
- if your interests are in conflict with those of your parent, guardian or custodian (e.g. if he/she has previously harmed or otherwise acted against your interests), the prosecutor will appoint a lawyer free of charge to represent you.

What information can I obtain from police or victim support organisations during the investigation of the crime?

If you are a victim (or heir/relative of a victim) of certain crimes (1), you have the right to be informed by police and victim support organisations, in writing or orally, in a language you understand, about:
- how and where you can report a crime and what follows;
- how and where you can obtain counselling, support and legal aid free of charge;
- how and where you can receive protection for you and your relatives and financial compensation;
- how to protect your rights and interests, if you are a foreigner or if you have been victimised abroad.

You can also check a brochure available in Bulgarian, English, German and French. A permanent toll-free victims telephone line will be operational soon. If you are a child, or a child around you is being victimised, you can call free of charge the 24-hour hotline for children in need 116 111, where consultants can accept a report in Bulgarian or English.

Can I receive legal aid?

You have the right to free legal aid only if you are a victim (or heir/relative of a victim) of certain crimes (1). You have to make a request to the prosecutor or the police officer investigating the case. In such cases, legal aid is given to you free of charge, if you present evidence that you cannot pay for it.

How can I get protection, if I am in danger?

You, or the public prosecutor, with your consent, can ask the court to ban the offender from approaching you. The court's decision cannot be appealed. The ban applies until the end of proceedings, but you can request its lifting at any time.

If you are a witness and your evidence might endanger you or your relatives, upon your request or with your consent the prosecutor or the court can place you under temporary witness protection measures:
- **Personal physical protection by the police** for you and/or your parents and grandparents, children and grandchildren, siblings, spouse or persons in particularly close relations with you;
- **Keeping your identity a secret** by replacing your personal data with an identification number and allowing direct access to you only to the police, the prosecutor and the court.
- If you are a witness in proceedings for specific crimes (crimes against the person; arson; explosion; drug-related crimes; organized crime; etc.) and you cannot be protected with the above measures, you can also enter a special protection programme (2).
- If you are a victim of domestic violence, you can turn to the regional court at your place of residence to impose a protection measure under the domestic violence legislation. This is not part of the criminal proceedings.

What services and assistance can I be given during the investigation of the crime?

You can receive medical help from medical institutions if you have valid health insurance. Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the European Health Insurance Card. You can call the emergency units of hospitals at the European emergency number 112.

If you are a victim (or heir of a victim) of certain crimes (1), you may receive free psychological support by the Nadja Centre and the Foundation for Assisting Victims of Crime and Combating Corruption, if you submit a written request.

If you are a victim of human trafficking, you have additional rights, such as:
- to use shelters and assistance centres;
- to receive support and assistance from diplomatic and consular officials abroad;
- to get special protection (e.g. prolongation of your accommodation in a shelter, issuance of long-term residence permit), etc.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

Bulgarian legislation does not provide for mediation in criminal proceedings. However, your case may end up with an ‘agreement’ between the prosecutor and the defendant’s lawyer, prepared after the closing of the investigation and approved by court. Agreement can be reached in proceedings for many types
of crime, except for some serious crimes against the person, such as murder and sexual crimes. It states whether a crime has been committed and what the penalty should be. The court will notify you if an agreement has been approved.

An agreement cannot be concluded if your property damages from the crime have not been covered or secured. When approved by court, the agreement is equal to a sentence having entered into force and can thus significantly decrease the length of the proceedings.

**How will my case continue after the end of the investigation?**

After the end of the investigation, the prosecutor will:

- close or suspend the case, if the act committed is not a crime, the involvement of the offender has not been proven, the identity of the offender has not been discovered, a very important eyewitness cannot be interviewed, etc.; or
- bring the case to court.

**Can I appeal if my case is closed without reaching the court?**

When the prosecutor closes or suspends the case on any of the grounds mentioned, you, as a victim or an heir to a victim, will receive a copy of this decision and can appeal to the court within seven days. You can further appeal the court’s decision within seven days before the higher court, but only if the case was closed definitively (not suspended temporarily). In all other cases you cannot appeal against the court’s decision. For the appeal procedures, you can, but are not obliged to, have a lawyer, generally at your own expense.

**I am a foreigner. How are my rights and interests protected?**

If you are a foreigner and you have suffered from a crime in Bulgaria you have all the rights described above. Specifically, you can:

- submit a crime report in your own language;
- use the assistance of an interpreter free of charge, if you do not speak Bulgarian;
- take part in the investigation and obtain information, if you provide an address in Bulgaria;
- receive additional information about your entitlements as a foreign citizen from police and victim support organisations in a language you understand, if you are a victim of certain crimes (1);
- be interviewed outside Bulgaria through a videoconference or a telephone conference;
- consult a brochure on victims’ rights available in English, German and French;
- benefit from free legal aid if you are a victim of certain crimes (1); you need to make a request to the prosecutor or the police officer investigating the case and present evidence that you cannot pay for it;
- submit documents to Bulgarian authorities in a foreign language, accompanied by a duly certified Bulgarian translation;
- be issued a long term residence permit, if you are a victim of human trafficking.

**More information:**

Criminal Procedure Code (Наказателно-процесуален кодекс) – in Bulgarian

Law on Assistance and Compensation to Victims of Crime (Закон за подпомагане и финансова компенсация на пострадали от престъпления) – in Bulgarian and English

Law on Health (Закон за здравето) – in Bulgarian

Instruction No 1a-507 on Receiving Citizens and Supporting Victims of Crime (Изчерпваща на 1a-507 на МВР от 26 март 2008 г. за осъществяване на прием на граждани и подкрепа на жертви на престъпления в структурните звена на национална служба "Полиция") – in Bulgarian

Law on Legal Aid (Закон за правната помощ) – in Bulgarian

Law on Protection of Persons in Criminal Procedure (Закон за защита на лица, застрашени във връзка с наказателно производство) – in Bulgarian

Law on Protection against Domestic Violence (Закон за защита от домашното насилие) – in Bulgarian

Law on Combating Human Trafficking (Закон за борба с трафика на хора) – in Bulgarian

Law on Child Protection (Закон за защита на детето) – in Bulgarian

Notes:

1. Crimes entitling victims to additional rights

According to Bulgarian legislation, victims of certain types of crime have additional rights. These crimes are: terrorism, murder, premeditated grave bodily injury, sexual violence and rape that led to serious damage to health, human trafficking, any crime ordered or committed by an organised criminal group or any other serious intentional crime where the immediate consequences are death or serious bodily injury.

2. Special protection programme

The special protection programme includes the following measures:

- personal physical guard;
- property guard;
- temporary safe accommodation;
- change of residence, place of work or study, or transfer to another place of imprisonment;
- in exceptional circumstances only: change of identity.

It may be accompanied by a temporary ban on disclosing your personal data and by social, medical, psychological, legal or financial assistance.

The programme can also apply to your parents and grandparents, children and grandchildren, siblings, spouse or persons you are in particularly close relations with.

3. Civil claimant

If you want to claim compensation for damages from the offender as part of the criminal proceedings you have to become a civil claimant. To do so you have to submit a request to the court orally or in writing. You need to include information about yourself, the offender or another person you are claiming damages from, the case, the crime and the nature and amount of your damage. If you are unable to protect your rights and legal interests due to young age or physical or psychological disabilities, the prosecutor can submit the civil claim for you. When you become a civil claimant you will obtain a number of rights to help you actively participate in the proceedings.

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**National Council for Assistance and Compensation of Victims of Crime**
The National Council for Assistance and Compensation of Victims of Crime is the state body responsible for state-provided compensation. 

**MINISTRY OF THE INTERIOR**
The Ministry of the Interior receives and supports persons victimised by crimes or other violations of public order. 

**National Legal Aid Bureau**
The National Legal Aid Bureau organises, together with bar councils, the provision of legal aid to persons in need, including victims of crime. 

**Association of Organisations Supporting Victims of Crime**
The Association of Organisations Supporting Victims of Crime provides information on the activity of its constitutive organisations in the different regions. 

**Foundation for Assisting Victims of Crime and Combating Corruption**
The Foundation for Assisting Victims of Crime and Combating Corruption provides legal and technical information and psychological assistance to victims of crime. 

**Nadja Centre**
Nadja Centre renders assistance to women and children who are victims of physical, sexual and psychological violence. 

**Centre for Assisting Victims of Torture – ACET**
The Centre for Assisting Victims of Torture provides medical and psychological consultations for victims of violence and torture. 

**Bulgarian Gender Research Foundation**
The Bulgarian Gender Research Foundation works in the field of protecting women from violence in all its forms – domestic violence, trafficking of women, and sexual harassment at work.
The Bulgarian Gender Research Foundation
works towards protection of women from violence in all its forms – domestic violence, trafficking of women, sexual harassment at work
raises awareness and sensitivity among the public on gender equality issues
has branches in Plovdiv, Haskovo, Silistra and Gorna Oryahovitsa
CONTACTS:
Website: [http://www.bgrf.org/](http://www.bgrf.org/)

Animus Association Foundation
The Animus Association renders psychological and social assistance to victims of violence.
The Animus Association Foundation
does direct psychological and social work with victims of violence (domestic, sexual violence and human trafficking)
does community work – lobbying, prevention and networking among partners; training of specialists for recognising violence and working with its victims
supports a 24/7 hotline (0 800 18 676) for victims of violence, which offers emotional support after a violent experience and information on organisations and services offering help
operates the Hotline for children – victims of violence or children at risk 116 111
supports a 24/7 crisis unit, where victims of violence and their children can stay for up to four days;
provides psychological counselling for dealing with the post-violence crisis, social work and advocacy – accompanying the victims and support of their relations with social, medical, legal and other institutions
conducts psychotherapeutic and consultative programmes
CONTACTS:
Website: [http://www.animusassociation.org/](http://www.animusassociation.org/)
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2 - My rights during the trial
How can I be Involved in the trial?
What are my rights as a witness?
I am a minor. Do I have additional rights?
Can I receive legal aid?
How can I get protection, If I am in danger?
How can I claim damages from the offender or receive compensation from the state?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
I am a foreigner. How are my rights and interests protected?
More information:
How can I be Involved in the trial?
When your case goes to court you will receive information about the first court hearing and you have to decide how you are going to participate in the trial.
You have three options: to participate as a victim without a specific legal status in the proceedings, as a civil claimant (1) and/or as an additional private prosecutor (2).
If you choose to participate only as a victim, you:
will be informed about the date of the court sessions;
can get acquainted with the case materials and take notes;
can be present at the court hearing unless it is not public (i.e. takes place behind closed doors and only in the presence of a limited number of persons), in which case you will need permission from the judge.
If you decide to participate as an additional private prosecutor (2) and/or civil claimant (1) you will have a number of additional rights:
to have a lawyer present (not obligatorily), generally at your own expense, unless you prove you cannot pay for his/her services;
to ask for the exclusion of any judge, the prosecutor, the lawyers or the registrar, the experts and the interpreters, if you have justified reasons to doubt their impartiality;
to present material evidence, call witnesses, request expert opinions, etc.;
to be present at inspections performed by the court;
to request the performance of new investigative actions;
to make statements, requests, remarks and objections, examine and cross-examine the defendant and the witnesses and object against the interview of specific witnesses;
to request the court to order the offender to cover your expenses if the case ends with a conviction;
to appeal against the decisions of the court, including the verdict and the penalty.
In case you wish to become additional private prosecutor and/or civil claimant, you need to notify the court. You can do this in writing (no specific form is necessary) or orally during the court session. In any case, you need to notify the court before the presentation of evidence. After that you can no longer become a civil claimant or additional private prosecutor.
In some cases you may not be allowed to participate in the trial as additional private prosecutor (2) or civil claimant (1). The law does not allow for such participation in some specific types of accelerated proceedings (e.g. when the offender has been caught at the scene of the crime). The court may also decide to reject your participation, even if it is not excluded by the law. In such case you can appeal against that decision before the higher court. If you are rejected as a civil claimant, you can still file your claim at the civil court.
There are some less serious crimes (e.g. insult, libel, minor bodily injury, caused by a relative, etc.), which are prosecuted by you as a victim and not by the public prosecutor. If you are a victim of such a crime you have to submit a complaint directly to the court. By doing this you will become a private prosecutor (3). As a private prosecutor you will have the same scope of rights as the additional private prosecutor and the civil claimant.

What are my rights as a witness?
If you have also been summoned as a witness, you are obliged to appear before the court and stay at its disposal until needed. You also have specific rights related to your testimony:
to use written notes;
to be assisted by an interpreter free of charge, if needed;
to be accompanied by a lawyer, generally at your own expense;
to be interviewed at your location if you cannot appear at the court due to illness or disability;
to be interviewed at your location through a videoconference or a telephone conference, if you are outside Bulgaria;
not to reply to questions which may imply that you, your relatives, siblings, spouse or actual co-habitant may have committed a crime;
to request the revocation of acts affecting your rights; and
to be reimbursed for the working day(s) off and the expenses incurred.

I am a minor. Do I have additional rights?
If you are under 18 years of age, you can:
be interviewed in a suitable environment in the presence of a person of teaching background or a psychologist and your parents or guardians;
be interviewed via videoconference, i.e. without direct contact with the offender, even if you reside in Bulgaria;
be interviewed in a non-public hearing (i.e. taking place behind closed doors and only in the presence of a limited number of persons); after you give your testimony you will be taken out of the courtroom unless the court rules otherwise;
always receive legal aid free of charge in all proceedings, affecting your rights and interests.
If your interests are in conflict with those of your parent, guardian or custodian, the court will appoint a lawyer free of charge to represent you.

Can I receive legal aid?
You can request a lawyer free of charge if you participate in the trial as an additional private prosecutor (2), private prosecutor (3) and/or civil claimant (1).
You need to present evidence to the court that you are unable to pay the fees for a lawyer. The court will examine the evidence and assign a lawyer for you.
You also have the right to free legal aid if you are a victim (or heir/relative of a victim) of certain crimes (4). You have to make a request to the court and legal aid is given to you free of charge, if you present evidence that you cannot pay for it. If possible, the bar council will nominate the lawyer you have specified.

How can I get protection, if I am in danger?
You can ask the court to ban the offender from approaching you. The court’s decision cannot be appealed. The ban lasts until the end of criminal proceedings, but you can request its lifting at any time.
If you are a witness and your evidence might endanger you or your relatives, you can request the prosecutor or the court to place you under temporary witness protection measures:
Personal physical protection by the police for you and/or your parents and grandparents, children and grandchildren, siblings, spouse or persons in particularly close relations with you;
Keeping your identity a secret by replacing your personal data with an identification number and allowing direct access to you only to the police, the prosecutor and the court.
If you are a witness, an additional private prosecutor (2) or civil claimant (1) in proceedings for crimes against the person, arson, explosion, drug-related crimes, organized crime, etc. and you cannot be protected with the above measures, you can also enter a special protection programme (5).
If you are a victim of a sexual offence, you can have your trial in a non-public hearing (i.e. taking place behind closed doors and only in the presence of a limited number of persons).

How can I claim damages from the offender or receive compensation from the State?
You can claim damages before the criminal court (as part of the criminal proceedings) or the civil court (in separate proceedings) within five years of the commission of the crime or the discovery of the perpetrator.
You are free to file a civil claim to the civil court whenever you suffer damages. It does not matter whether the incident was a crime, whether the crime was reported or whether there was any criminal procedure at all.
If you choose the criminal court, you have to present your claim before evidence starts being presented at the first instance court. You cannot bring a civil claim to the criminal court if you have already claimed before a civil court.
The criminal court may decide not to examine your claim if it is too complicated and its examination would delay the criminal proceedings. In this case you can file your claim against the alleged offender before the civil court.
The compensation from the offender covers all damages caused by the crime, without minimum or maximum levels or a scale.
You might be also entitled to compensation from the State if you are a victim (or heir/relative of a victim) of certain crimes (4). Please consult the factsheet on compensation to victims of crime in Bulgaria (available in Bulgarian) of the European Judicial Network.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
Bulgarian legislation does not provide for mediation in any part of the criminal proceedings.
However, your case may end up with an ‘agreement’ between the prosecutor and the defendant’s lawyer, approved by court. During the trial the agreement has to be prepared before the end of the judicial inquiry. Agreement can be reached in proceedings for many types of crime, except for some serious crimes against the person, such as murder and sexual crimes. It states whether a crime has been committed and what the penalty should be. The court will notify you if an agreement has been approved.
An agreement cannot be concluded if your property damages from the crime have not been covered or secured. When approved by court, the agreement is equal to a sentence having entered into force and can thus significantly decrease the length of the proceedings.
I am a foreigner. How are my rights and interests protected?
If you are a foreigner who has suffered from a crime in Bulgaria, you have all the rights explained above. Specifically, you can:
use the assistance of an interpreter free of charge, if you do not speak Bulgarian;
be summoned to the proceedings in your own country;
be interviewed outside Bulgaria through a videoconference or a telephone conference;
submit to authorities documents in a foreign language, accompanied by a duly certified Bulgarian translation;
consult a brochure on victims’ rights available in English, German and French;
benefit from free legal aid, if you participate in the trial as an additional private prosecutor (2), private prosecutor (3) and/or civil claimant (1) or if you are a victim of certain crimes (4); you need to make a request to the court and present evidence that you cannot pay for it;
be issued a long term residence permit, if you are a victim of human trafficking.
Criminal Procedure Code (Наказателно-процесуален кодекс) – in Bulgarian
Law on Assistance and Compensation to Victims of Crime (Закон за подпомагане и финансова компенсация на пострадали от престъпления) – in Bulgarian
Law on Legal Aid (Закон за правната помощ) – in Bulgarian

Bulgarian
English
The court to which you are appealing may:

- request that the court collect any evidence you want the court to collect.
- request to explain why you are appealing; and
- request to state what you are asking the court to do.

If you need to send your request to the court, you have to attach it to the appeal and submit it within fifteen days from the date you were informed of the sentence. The appeal court rules on the correctness of the whole sentence regardless of the appeal grounds you have stated. It can establish new facts and can look at all types of evidence.

Appeals have to be made in writing and signed and should state:

- relevant personal information;
- what you are asking the court to do;
- why you are appealing; and
- any evidence you want the court to collect.

The court to which you are appealing may:

- sentence regardless of the appeal grounds you have stated. It can establish new facts and can look at all types of evidence.
- request to pay any state fee and the court can sentence the offender to cover the costs you have incurred.
- request to continue the prosecution even if the public prosecutor withdraws charges.
- request that the court look at circumstances of the crime. You do not have to pay any state fee and the court can sentence the offender to cover the costs you have incurred.

You need to participate in the trial. If necessary, you can seek the assistance of the police in collecting data.

For a limited number of crimes (e.g. insult, libel, minor bodily injury, caused by a relative, etc.), only you, as a victim or an heir of a victim of such a crime, can initiate proceedings by submitting a complaint directly to the court. The proceedings will begin directly in court and no preliminary investigation will take place. The complaint needs to be submitted in writing and contain relevant information about you, the person you are complaining about and the incident. You have to sign it and submit it within six months of the day on which you learned about the crime. You need to pay a state fee of 12 BG Leva (6 Euro) and attach the receipt to your complaint. You are also obliged to pay a certain amount specified by the court, which will be used to cover the expenses for the proceedings.

You may also claim compensation from the offender for the damages suffered. You will have to prove all aspects of the crime because no public prosecutor will participate in the trial. If necessary, you can seek the assistance of the police in collecting data.

Can I appeal against a sentence or if the defendant is declared not guilty?

1. **Civil claimant**

If you want to claim compensation for damages from the offender as part of the criminal proceedings you have to become a civil claimant. To do so you have to submit a request to the court orally or in writing. You need to include information about yourself, the offender or another person you are claiming damages from, the case, the crime and the nature and amount of your damage. If you are unable to protect your rights and legal interests due to young age or physical or psychological disabilities, the prosecutor can submit the civil claim for you. When you become a civil claimant you will obtain a number of rights to help you actively participate in the proceedings.

2. **Additional private prosecutor**

If you want to press charges in court along with the public prosecutor you have to become an additional private prosecutor. To do so you have to submit a request to the court before the presentation of evidence starts. Your request can be oral or written and you have to include information about yourself and about the circumstances of the crime. You do not have to pay any state fee and the court can sentence the offender to cover the costs you have incurred. When you become an additional private prosecutor you will obtain a number of rights to help you actively participate in the proceedings, including the right to continue the prosecution even if the public prosecutor withdraws charges.

3. **Private prosecutor**

For a limited number of crimes (e.g. terrorism, murder, premeditated grave bodily injury, sexual violence and rape that led to serious damage to health, human trafficking, any crime ordered or committed by an organised criminal group or any other serious intentional crime where the immediate consequences are death or serious bodily injury.

5. **Special protection programme**

The special protection programme includes the following measures:

- personal physical guard;
- property guard;
- temporary safe accommodation;
- change of residence, place of work or study, or transfer to another place of imprisonment;
- in exceptional circumstances only: change of identity.

It may be accompanied by a temporary ban on disclosing your personal data and by social, medical, psychological, legal or financial assistance.

The programme can also apply to your parents and grandparents, children and grandchildren, siblings, spouse or persons you are in particularly close relations with.
refer the case back to the first instance court;
modify the sentence or issue a new one;
close or suspend criminal proceedings; or
uphold the sentence.

**Is further appeal possible?**
If you have participated as a civil claimant (1), additional private prosecutor (2) and/or private prosecutor (3), you can further appeal against the court's decision before the Supreme Cassation Court within fifteen days of being informed of it.

The appeal has to be made in writing and signed and should contain:
relevant personal information;
the part of the sentence or decision against which you are appealing;
the reason for the appeal (violation of law, serious violation of procedural rules or unfair penalty) and
what you are asking the court to do.
The Supreme Cassation Court may:
uphold the sentence or modify it;
close or suspend proceedings; or
refer the case back to one of the previous courts.

**What rights do I have after the court sentence enters into force?**
If the sentence has not been appealed or once the appeal procedure is finished, the sentence enters into force and your role in the proceedings is generally over. In some cases, you can continue to benefit from the special protection programme (4) if you have been placed under such during the proceedings.
The law does not provide you with the right to get information about the release of the perpetrator or to participate in the work of the authorities involved in the early release or amnesty procedures.

**More information:**
Criminal Procedure Code (Наказателно-процесуален кодекс) – in Bulgarian
Law on Protection of Persons in Criminal Procedure (Закон за защита на лица, застрашени във връзка с наказателно производство) – in Bulgarian

**Notes:**
1. Civil claimant
   If you want to claim compensation for damages from the offender as part of the criminal proceedings you have to become a civil claimant. To do so you have to submit a request to the court orally or in writing. You need to include information about yourself, the offender or another person you are claiming damages from, the case, the crime and the nature and amount of your damage. If you are unable to protect your rights and legal interests due to young age or physical or psychological disabilities, the prosecutor can submit the civil claim for you. When you become a civil claimant you will obtain a number of rights to help you actively participate in the proceedings.

2. Additional private prosecutor
   If you want to press charges in court along with the public prosecutor you have to become an additional private prosecutor. To do so you have to submit a request to the court before the presentation of evidence starts. Your request can be oral or written and you have to include information about yourself and about the circumstances of the crime. You do not have to pay any state fee and the court can sentence the offender to cover the costs you have incurred.
   When you become an additional private prosecutor you will obtain a number of rights to help you actively participate in the proceedings, including the right to continue the prosecution even if the public prosecutor withdraws charges.

3. Private prosecutor
   For a limited number of crimes (e.g. insult, libel, minor bodily injury, caused by a relative, etc.), only you, as a victim or an heir of a victim of such a crime, can initiate proceedings by submitting a complaint directly to the court. The proceedings will begin directly in court and no preliminary investigation will take place.
   The complaint needs to be submitted in writing and contain relevant information about you, the person you are complaining about and the incident. You have to sign it and submit it within six months of the day on which you learned about the crime. You need to pay a state fee of 12 BG Leva (6 Euro) and attach the receipt to your complaint. You are also obliged to pay a certain amount specified by the court, which will be used to cover the expenses for the proceedings.
   You may also claim compensation from the offender for the damages suffered. You will have to prove all aspects of the crime because no public prosecutor will participate in the trial. If necessary, you can seek the assistance of the police in collecting data.

4. Special protection programme
   The special protection programme includes the following measures:
   - personal physical guard;
   - property guard;
   - temporary safe accommodation;
   - change of residence, place of work or study, or transfer to another place of imprisonment;
   - in exceptional circumstances only: change of identity.
   It may be accompanied by a temporary ban on disclosing your personal data and by social, medical, psychological, legal or financial assistance.
   The programme can also apply to your parents and grandparents, children and grandchildren, siblings, spouse or persons you are in particularly close relations with.

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1 - **My rights as a victim of crime**
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2 - **Reporting a crime and my rights during the investigation or trial**
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3 - My rights after trial

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4 - Compensation

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5 - My rights to support and assistance

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Victims' rights - by country - Czechia

You are considered an "injured party" (poškozený - term used for the victim of a crime in the Code of Criminal Procedure (trestní řád)) if you have suffered harm as the result of an action identified as a crime in the Criminal Code (trestní zákon). This harm may take various forms, for example, damage to or theft of an object. As the injured party you have certain rights before, during and after court proceedings.

Criminal proceedings in the Czech Republic begin with fact-checking and an investigation. At this stage of the case, the police make inquiries under the supervision of the public prosecutor. If enough evidence is gathered during this stage of the proceedings proving that a crime has been committed and that it was committed by a specific person, the public prosecutor issues a decision to bring charges, and the case then goes to court. During the court stage of the criminal proceedings, the court hears the evidence and on the basis of that evidence it finds the defendant guilty or not guilty. If the court finds the defendant guilty of committing the crime, it imposes a penalty on the defendant. In the case of a non-guilty verdict, the defendant is acquitted. The criminal proceedings may continue on the basis of an appeal brought before a higher court if you have made a claim for damages.

As an injured party you can join the criminal proceedings at any stage.

Click on the links below to find the information that you need

3 1 - My rights as a victim of crime
3 2 - Reporting a crime and my rights during the investigation or trial
3 3 - My rights after trial
3 4 - Compensation
3 5 - My rights to support and assistance

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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 your first contact with the police, you will receive information that will allow you to properly exercise your rights. Specifically, you will receive information about:

the authority with which you can file a criminal complaint, and you will receive the contact details of that authority;
who you can contact with a request for professional assistance, and under what conditions the professional assistance is free of charge; you will also receive contact details of professionals providing assistance;
the conditions under which you are entitled to measures to ensure your safety;
where to get more information about the case in which you are the victim;
the stages of criminal proceedings and your role in them;
the authority where you can request more information; you will also receive the contact details of that authority;
the conditions under which you are entitled to financial assistance;
the closest shelters, intervention centres or other similar facilities you can contact;
the nearest healthcare provider you can contact;
how to seek redress if your rights have been violated by a public authority;
the measures you may request to protect your interests if you are residing in another EU Member State;
what other rights you have under the Victims of Crimes Act.

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

You are guaranteed the same rights as citizens of the Czech Republic and persons residing in the Czech Republic. If you declare that you do not speak Czech, you will be given information about your rights in a language you understand or in the official language of the state you are a citizen of.

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

If you file a complaint with the police, you must be given all the information that must be provided at the time of your first contact with the police, as specified above.

If you are filing a criminal complaint with a public prosecutor, you must always receive information about:
where you can request professional assistance, and under what conditions the professional assistance is free of charge; you will also receive contact details of professionals providing assistance:

the conditions under which you are entitled to measures to ensure your safety:

where to get more information about the case in which you are the victim.

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

When you are dealing with law enforcement authorities and you do not speak Czech, you may use your mother tongue or a language you have indicated that you speak.

If it is possible, the translation of the final decision terminating the proceedings will be handed to you at your request. To the extent necessary for the exercise of your rights in the proceedings, a translation of other documents may also be provided to you upon your reasoned request.

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

The authorities have an obligation to inform the victims in a comprehensible manner, taking into account their age, intellectual and volitional maturity, literacy and health, including their psychological state. If possible, interviews of children and persons with disabilities must be carried out by a person specially trained to do so.

**Victim support services**

**Who provides victim support?**

Victims support is provided by several groups of entities. These include the state centres of the Probation and Mediation Service, as well as private entities accredited by the Ministry of Justice to provide legal information and/or restoration programmes, and entities authorised by the Social Services Act to provide psychological and social counselling services. Legal assistance to victims is provided by some lawyers. These entities are entered in the register of victim assistance providers, which is maintained by the Ministry of Justice and accessible from the Ministry of Justice website at [https://www.justice.cz/](https://www.justice.cz/).

**Will the police automatically refer me to victim support?**

Yes, you will be automatically informed about victim support during your first contact with the police. You will receive contact details of the authorities providing assistance.

**How is my privacy protected?**

In general, law enforcement authorities are not allowed to publish information that is not directly related to criminal activity. In pre-trial proceedings, any information that may lead to your identity being revealed must not be disclosed. Special protection is granted to the privacy of persons under the age of 18. If you so request, information about your private life (your residence and delivery address, place of work or business, and your personal, family, and property situation) will be maintained in such a way that it can be accessed only by the law enforcement authorities, police officers and Probation and Mediation Service officers involved in the case. It may be made accessible only if this is necessary to achieve the purpose of the criminal proceedings or for the person against whom the criminal proceedings are conducted to properly exercise their right of defence.

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

No, professional assistance is available before the criminal proceedings begin. Even before the crime is reported, you may receive professional assistance if it is necessary and expedient.

**Personal protection if I’m in danger**

**What types of protection are available?**

There are a number of options for the protection of victims.

Police may provide you with ‘short-term protection’ if you are likely to be at risk of bodily harm or another serious risk. Such protection may include physical protection, change of your residence or advisory and preventive activities. The police may also order the accused person to leave the household you live in together and its vicinity for a period of 10 days if there is a risk of attack against your life or health.

If the victim’s safety is at risk, the police officer carries out actions or takes measures to ensure the victim’s safety. Prison Service officers, military police officers and municipal police officers have the same obligation.

In more serious situations, you are eligible under certain conditions for special protection which is provided to witnesses and other persons who are likely to be at risk of bodily harm or another serious risk in connection with criminal proceedings. Such protection includes personal protection, change of residence and assistance with social inclusion in a new environment, concealment of true identity, etc. This is a very serious measure, which should be used only when necessary.

Protection provided by courts or public prosecutors takes the form of precautionary measures used in the criminal proceedings, for example prohibiting the accused person to contact the victim or to enter the common household where the victim lives. Similar precautionary measures may also be taken by a court in civil proceedings. If protecting you, as a victim or a harmed party, requires taking the accused person into custody, he or she may be taken into custody if there are grounds to believe that the accused person will repeat the crime, complete the crime or commit a crime he or she has been preparing or threatening to commit.

In addition, you have the right to request that steps be taken in criminal proceedings to prevent your contact with the alleged offender. At your request, you have the right to receive information about the release or escape of the accused person from custody, prison or a security detention centre, and other similar information.

If you are a witness, you may testify with your identity concealed under certain conditions.

A judicial body may also issue a European protection order for your protection.

**Who can offer me protection?**

Protection is offered by the authorities mentioned above, in particular the police and courts through their decisions.

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

The situation is always assessed by the law enforcement authorities. If they find any danger, they will take the necessary steps.

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

The law enforcement authorities must always act in such a way as to prevent further harm to the victim as a result of the offence or secondary harm. If a law enforcement authority has violated your rights or you have not been able to exercise them fully, you have the right to seek redress. Above all, you have the right to apply for a review of the police authority’s conduct or litigate for compensation for damage or reasonable satisfaction for non-pecuniary harm caused by a public authority in the exercise of its powers.

**What protection is available for very vulnerable victims?**

Especially vulnerable victims include children, the elderly or persons with disabilities and victims of certain crimes such as human trafficking, terrorist attacks, sexual crimes against human dignity, or certain violent crimes. Particularly vulnerable victims may naturally take advantage of all the possibilities of protection mentioned above, and it is often the case that the competent authority is, in principle, obliged to accept the application of a particularly vulnerable victim. The scope of rights of particularly vulnerable victims is generally broader; however, this does not apply directly to the protection of victims, which depends more on whether the victim is at risk of suffering bodily harm or another serious risk.
I am a minor – do I have special rights?
Yes, as a child (a person below the age of 18), you are a particularly vulnerable victim and you are entitled to special rights. These include the right to free legal assistance in criminal proceedings, the right to have interviews conducted in a particularly sensitive manner by a trained person, limit on repeated interviews or the right to prevent immediate visual contact with the offender, as well as limit on exemptions from other rights pertaining to all victims.

My family member died because of the crime – what are my rights?
If you suffer harm due to the death of a family member as a result of a criminal offence, you are considered a victim yourself, and you have the rights conferred by the status of a victim.

My family member was a victim of crime – what are my rights?
In this case, you are not considered a victim. However, you can become a victim’s person of confidence if the victim chooses you as such. The victim has the right to be accompanied by a person of confidence during criminal proceedings and when giving explanation. A person of confidence may be excluded only in exceptional cases.

Can I access mediation services? What are the conditions? Will I be safe during mediation?
Yes. The Probation and Mediation Service, which is one of the victim assistance providers, provides mediation services. Mediation is free and based on the consent of both parties, i.e. the victim and the offender. Mediation is conducted by a conflict resolution expert who maintains a friendly and balanced approach to both parties and helps to find a solution. The Probation and Mediation Service is a State organisational unit whose mission is, among other things, to mediate an effective and socially beneficial resolution of crime-related conflicts, and which, as such, is able to ensure the victim’s security during mediation negotiations.

Where can I find the law stating my rights?
The main provisions are those of Act No 45/2013, on victims of crimes. The Collection of Laws may be consulted on working days at any municipal and regional authority (including the Prague City Hall). Like other legislation, this law is also available online, for example on the Public Administration Portal or on the Ministry of the Interior website.

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2- Reporting a crime and my rights during the investigation or trial
How do I report a crime?
You can file a criminal complaint with any police body or public prosecutor in writing, verbally in a report or electronically. In the criminal complaint, you should demonstrate what you believe constitutes evidence that the criminal offence has been committed.

How do I find out what’s happening with the case?
If you so request in the criminal complaint, the competent authority must inform you of the measures taken within one month after the complaint was filed. As a victim, you are, in principle, the harmed party and, as such, you have the right to consult the file. You can also apply for information on the status of the proceedings. Such information must be provided to you by the competent authority; this does not apply if such information may be detrimental to the purpose of the criminal proceedings.

Am I entitled to legal aid (during the investigation or trial)? What are the conditions?
Yes. You can receive legal assistance even before the criminal proceedings are initiated and you can receive it throughout the proceedings as well as after its termination. Legal assistance is provided by lawyers. Particularly vulnerable victims may receive legal assistance in criminal proceedings free of charge. Additionally, it may be provided free of charge or at a reduced price to a victim who has suffered severe harm due to an intentional criminal offence, or to the survivor of a victim who has died as a result of a criminal offence; these persons must demonstrate that they do not have sufficient funds. Other victims have the right to legal assistance for a fee.

Can I claim expenses (for taking part in the investigation/trial)? What are the conditions?
If you are the harmed party in criminal proceedings and you claim compensation for damage or non-pecuniary harm or the restitution of unjust enrichment, and this claim is at least partially granted to you, the convicted person is obliged to compensate you for the expenses necessary for the reasonable exercise of this claim in the proceedings. If you file a motion for such compensation, the court may still grant it even if your claim was unsuccessful.

Can I appeal if my case is closed before going to court?
You can oppose this by filing a complaint. The complaint is a means of appeal against the decisions of the police authority and some decisions of the public prosecutor in the pre-trial proceedings, which take the form of a resolution. This way, you, as the harmed party, may oppose for example the resolution to discontinue the case and the resolution to terminate prosecution.

Can I be involved in the trial?
Yes. You (as the harmed party) will be informed of when the main proceedings will be held by the court.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?
The Czech legal order distinguishes between the term 'victim' and the term 'harmed party'. A harmed party is one of the parties to the criminal proceedings. In principle, the term encompasses all victims, except those who are victims due to a family relationship with a person who has died as a result of a crime. Therefore, in the Czech judicial system you will be the victim and the harmed party (and hence a party to the criminal proceedings; this does not apply in the case mentioned above) – as a victim, you may claim compensation for damage, non-pecuniary harm or unjust enrichment. In principle, you will also be a witness. Private legal actions do not exist under the Czech legal order; therefore, you cannot be a private prosecutor.

What are my rights and obligations in this role?
Victims’ rights are governed primarily by the Victims of Crimes Act and they are described in other replies. The harmed party has a number of rights pursuant to Act No 141/1981, Code of Criminal Procedure, including the possibility to claim compensation for damage and non-pecuniary harm caused by a criminal offence or the restitution of unjust enrichment, or the possibility to appeal against the operative part of the decision on compensation for damage, harm or restitution of unjust enrichment. The harmed party also has the right to file motions for additional evidence, consult the files, attend the trial, attend the public session on appeals, express his or her opinion on the case before the end of the proceedings, take part in negotiating the agreement on guilt and punishment and attend the public session on its approval, the right to be represented by a representative and the right to file appeals and applications in specified cases.

Can I make a statement during the trial or give evidence? Under what conditions? What are the conditions?
Yes, you can make a statement about the impact of the crime on your life at any stage of the criminal proceedings, both verbally and in writing. As a victim, i.e. as one of the parties to the proceedings, you may search for, present and propose evidence.
What information will I receive during the trial?

At your request, you will receive information:
- that the criminal proceedings have not been initiated;
- on the state of the criminal proceedings;
- on the classification of the act of which the person is accused;
- the time and place of the public hearing of the case before the court;
- and you will also be given the final decision ending the proceedings.

Will I be able to access court files?

Yes, as a harmed party, you have the right to consult the file. However, for serious reasons, you may be denied this right by the public prosecutor or the police authority in the pre-trial proceedings.

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3 - My rights after trial

Can I appeal against the ruling?

Yes, but as a victim, you can only appeal against the operative part of the ruling on the compensation for damage, non-pecuniary harm or restitution of unjust enrichment.

What are my rights after sentencing?

See other replies.

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

Support (professional assistance) may be provided even after the end of judicial proceedings until such time as required by its purpose. Special protection (mentioned above) can often mean a lasting change in the way of life and is therefore, by its nature, provided even after the end of the criminal proceedings.

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

At your request, you will be given the final ruling, which contains information on the punishment and its form. If you claim a claim for damages or non-pecuniary harm or for unjust enrichment, the ruling will always be delivered to you.

Furthermore, a prison or an institution providing security detention or protective treatment will, at your request, give you some additional information, especially about:
- the release or escape of the convicted person from prison, security detention or protective treatment;
- suspension of imprisonment;
- extradition of the convicted person to a foreign state or his or her transfer to an EU Member State.

If the accused has been released or escaped and you are in danger due to being a witness, the competent authorities are required to immediately inform the police, who will take the necessary measures to ensure your safety and inform you.

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

Yes, see above.

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

At any time during the criminal proceedings, you have the right to make a statement about the impact of the crime on your life so far.

However, you are not entitled to appeal against a decision on conditional release or on good behaviour of a conditionally convicted person.

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

A victim may claim compensation for damage from the offender by way of civil proceedings; the victim may also join the claim for compensation for damage to the criminal prosecution of the offender ('adhesion proceedings').

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

If the offender deliberately does not fulfil the obligation to provide compensation for damage imposed by the court, the person having a claim (the victim) has the right to apply to the court for an enforcement of the obligation. A law, which will become effective on 1 January 2018, also entitles the victims of crimes to request that their right to compensation for damage be satisfied by the state from the funds it has recovered from the offender as property sanctions.

If the offender does not pay, can the state pay me an advance? What are the conditions?

The Czech Republic does not pay advances for any performance arising from the offender's obligation to provide compensation for damage caused by the crime. The Czech legal system strictly separates the victim's right to compensation for the damage caused by the offender, which is considered to be a tort liability, and to financial assistance in accordance with Act No 45/2013, on victims of crimes, which serves as a cash benefit from the state provided for the alleviation of the social impact of victimisation.

Am I entitled to compensation from the state?

As stated above, the state does not pay damages in the strict sense of the word (it does not interfere with the property obligations of the offender, does not assume them), but offers victims of crimes financial assistance. In accordance with Act No 45/2013, on victims of crimes, financial assistance may be paid to victims who have incurred statutory minimum damage to health as a result of a crime, victims of sexual crimes against human dignity, tortured children and survivors (from a group defined by law) of those who died as a result of a crime. This assistance is most often provided in amounts ranging from CZK 10 000 (approximately EUR 370) to CZK 200 000 (approximately EUR 7 400) and is calculated either at a statutory flat rate or corresponds to the amount of proven lost earnings and costs of treatment or, where appropriate, the costs of specialised therapy used to alleviate the non-pecuniary harm suffered. The Ministry of Justice decides on applications for the payment of financial assistance, which must be submitted within 2 years from the date when the victim learned of the damage caused by the crime and not later than 5 years from the date of the crime.

Am I entitled to compensation if the offender is not convicted?

The compensation for damage caused by an offender (i.e. tort liability) cannot be claimed if the offender has not been convicted simply because he is unknown, i.e. there is no liable person, or his tort has not been proven, or the offender does not bear criminal liability for his or her actions, i.e. the accused...
person cannot be held liable for any harm caused by acts that he or she did not commit, which did not have the nature of a crime or for which the accused is not liable. Conversely, however, a person may become entitled to financial assistance from the state (see above) even before the conviction of the offender; the victim is so entitled even if the offender is unknown or if he or she does not bear criminal liability for his or her actions, provided that there is no doubt that the victim has incurred harm by the acts having the nature of a crime (or that the relative of the victim has died as a result).

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?
Act No 45/2013, on victims of crimes, does not allow the Ministry of Justice to provide advances for financial assistance a decision on which is pending; the urgent life needs of victims are addressed in another way, from the system of state social care or support.

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5 - My rights to support and assistance
I am a victim of crime who do I contact for support and assistance?
The entities you can contact are specified in the Register of Providers of Assistance to Crime Victims. The Register is available on the website of the Ministry of the Interior at [http://portal.justice.cz/Justice2/MS/ms.aspx?o=23&j=33&k=6115&d=330753]. The Register has 4 sections that contain information on all types of victim assistance providers, namely: providers of social services; accredited providers of legal information or restorative programmes; lawyers; and centres of the Probation and Mediation Service. The Register contains relatively detailed information on providers of assistance to crime victims and allows the search of these providers by their name and district, as well as advanced search using other criteria.

Victim support hotline
(+420) 116 006 (Victims Helpline – universal line also used in other EU Member States)

Is victim support free?
To the extent set out, expert assistance is provided free of charge to particularly vulnerable victims who need it. Such victims also receive free legal assistance to the extent set out. Other victims are not entitled to free professional assistance, but such assistance may be provided free of charge at the discretion of the provider. However, the assistance provided by the Probation and Mediation Service is always free of charge.

What types of support can I receive from state services or authorities?
The Probation and Mediation Service, which is a state authority, provides victims with legal information, psychological support, and offers restorative programmes, such as mediation, which can help you resolve your situation by means of an informal out-of-court negotiation with the offender. There are 74 centres of the Probation and Mediation Service; they can be found in all parts of the Czech Republic and provide their services free of charge.

What types of support can I receive from non-governmental organisations?
Depending on their nature, non-governmental organisations and individuals provide legal information, psychological and social counselling, legal assistance, or restorative programmes.

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Victims' rights - by country - Denmark
You will be considered a victim of crime if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, etc., as a result of an incident that constitutes a crime according to national law. As a victim of crime, the law grants you certain individual rights before, during and after court proceedings (trial). You can also benefit from various forms of assistance and claim compensation for the damages caused by the crime.

Criminal proceedings in Denmark include investigation and trial. During the investigation the police and the public prosecutor investigate the case to find the offender and collect evidence. If there is sufficient proof that the alleged offender has committed the crime the case is brought to the court for trial. The court, after examining the collected evidence, decides whether the offender is guilty and convicts or acquits him/her.

The following factsheets will take you through the different steps of the procedure, describing your rights during the investigation of the crime, during the trial or after the first trial. Also, read more about the help and support you can get.

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1 - My rights during the investigation of a crime
How and where can I report a crime?
How can I follow up on what the authorities do after I report a crime?
How can I be involved in the investigation of the crime?
What are my rights as a witness?
I am a minor. Do I have additional rights?
What information can I obtain from police or victim support organisations during the investigation of the crime?
Can I receive legal aid?
How can I get protection, if I am in danger?
What services and assistance can I be given during the investigation of the crime?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
How will my case continue after the end of the investigation?

Can I appeal if my case is closed without reaching the court?

I am a foreigner. How are my rights and interests protected?

More information

How and where can I report a crime?
If you have suffered from a crime in Denmark you can report it to the Danish Police. You can do this by going to the nearest police station or by calling 114. In very urgent cases you can call the emergency number 112. If you have become a victim of theft you can also report online by filling in the special form available on the website of the Danish Police.

There is no obligatory form you have to use when reporting a crime. When you visit a police station or call by phone the police officer to whom you speak will draft a written report. You do not need to sign the report. Anonymous reports are also accepted.

There is no deadline for reporting a crime to the police. However, the law provides for certain time limits after which the crime will not be investigated. After that period you can still submit a report but the police will not open an investigation.

In your report you have to include all relevant information related to the incident as well as any evidence you have at your disposal. It is recommended that you include as much information as possible because based on your report the police will decide whether a crime has been committed and whether an investigation has to be opened.

If you do not speak Danish you can report a crime in a language you understand. If necessary, the police will find an interpreter and translate the relevant documents for you.

In most cases after receiving your report the police will take over and investigate the case. However, if you have become victim of a minor crime like slander or libel you have to go through a different procedure. For such crimes no police investigation takes place and you need to submit a complaint directly to the court. Your complaint must be submitted within six months after you learned about the offence. Based on your complaint the court will start a trial against the alleged offender.

How can I follow up on what the authorities do after I report a crime?
When you report a crime the police will immediately issue a receipt. The receipt will be handed to you personally or will be sent to you by post. This receipt contains a reference number, which you can use to receive information from the police about the progress of your case. You can also check how your case is proceeding by using your personal registration number or social security number.

How can I be involved in the investigation of the crime?
In principle, the investigation of the crime is a responsibility of the police. The police will inform you on a regular basis about important developments regarding your case, e.g. arrest of a suspect. If you wish, you can also check the progress of your case by using the reference number of your receipt or your personal registration number or social security number.

According to Danish law victims are not allowed to be present during investigative actions. If you have a lawyer, he/she may personally check the documentation of the case. Your lawyer may share such information with you only with the consent of the police. After the case is closed you will also be allowed to check the entire documentation.

During the investigation the police and the public prosecutor will collect all the relevant evidence on your case. You as a victim do not need to prove any aspects of the crime you have suffered from. However, if you have some evidence that you wish to present you can give it to the police officer or the public prosecutor in charge of your case.

What are my rights as a witness?
In the course of the investigation you may be asked by the police to appear for an interview as a witness. During the interview you are allowed to remain silent. The only information you are obliged to share with the police at this stage is your personal data (e.g. name, birth date, address).

Every time the police call you for an interview as a witness they will explain to you when and how you can ask for the appointment of a lawyer. During your interview you will be provided with an interpreter free of charge. The documents related to your interview will also be translated for you free of charge.

If you are victim of violence, threat or a sexual offence and you are expected to appear in court as a witness you will be provided with a contact person from the local police station or prosecution office. This person will assist you when you contact the police or the public prosecution.

I am a minor. Do I have additional rights?
If you are a child the court will appoint a lawyer for you who will assist you throughout the proceedings. During the investigation the lawyer will accompany you during your interview at the police. He/she will explain to you the procedure and may also ask you additional questions to help you better understand the questions asked by the police.

If you are a child victim of sexual offence the offender will not be allowed to be present during your interview. Furthermore, you can agree to have your interview videotaped by the police or the prosecutor, which will allow you not to give testimony in court. Instead, the videotape of your interview will be shown to the judges. When your interview during the investigation is videotaped so that it can be used during the trial, the lawyer of the offender may be allowed to be present.

What information can I obtain from police or victim support organisations during the investigation of the crime?
The police are obliged to provide you with information to help you overcome the consequences of the crime. This information will include:

- how to appoint a lawyer;
- how to claim compensation from the offender during the criminal proceedings;
- how to receive compensation from the State;
- how to receive counselling from the Victims Counselling Service;
- what your rights and duties as a witness are.

During the investigation the police will inform you about important developments on your case, e.g. the arrest of a suspect. If the police decide to schedule a hearing they will send you or your lawyer a notification about the date and time of the hearing.

If you are a victim of a serious crime like violence or sexual offence the police will also explain to you the expected development of your case.

Can I receive legal aid?
Free legal aid is available primarily to victims of specific crimes like violence and sexual offences. If you are a victim of violence you can make a request to the court and the court will appoint a lawyer free of charge to represent you. If you are a victim of sexual crime you do not need to make any specific request; the court will automatically appoint a lawyer to represent you.
For other crimes you can also ask the court to appoint a lawyer for you. However, in such cases the court will first consider whether the seriousness of the crime and your specific need of assistance (e.g. low income) justify such an appointment and may reject your request if it finds it unjustified.

**How can I get protection, if I am in danger?**

If you are a victim of violence you can ask the police to order the offender not to contact or molest you. Usually, the police will issue such an order if there have been several incidents of harassment or molestation or if there is a serious threat that the offender will continue to molest you in the future.

As a victim of violence you can ask the police to provide you with a special phone with a built in GPS function so that your location can easily be established.

If you are a victim of domestic violence and you live with the offender you can ask the police to ban the offender from staying at your common home. The ban will be lifted if you and your partner resume your relationship.

You can also ask the police and the prosecutor dealing with your case to delete your name and other personal details from the case file before presenting it to other participants in the proceedings. If the crime you have suffered from was a sexual offence this information will be removed from the case file, even without a specific request by you.

**What services and assistance can I be given during the investigation of the crime?**

If you are a victim of violence, threat or a sexual offence and you are expected to appear in court as a witness you will be provided with a contact person from the local police station or prosecution office to assist you when you contact the police or the public prosecution.

Irrespective of the crime you have suffered from you can use the services provided by the [Victims Counselling Service](#). The police will explain to you how to get in contact with the Victims Counselling Services.

If you are a victim of robbery, violence or a sexual offence and you have used the assistance of a psychologist you have the right to be reimbursed for part of your expenses for up to 12 consultations.

You can receive medical services free of charge if you have a valid health insurance. Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the [European Health Insurance Card](#).

**Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

In the course of the investigation the police may suggest that you to reconcile with the offender. This means that the offender has confessed the commitment of the crime and is willing to reconcile with you. The outcome of the conciliation procedure will not stop the investigation but may subsequently lead to a lighter penalty for the offender.

**How will my case continue after the end of the investigation?**

After the completion of the investigation the police or the public prosecutor in charge of your case will decide how to proceed further. If sufficient evidence has been collected to bring charges against the offender the case will be sent to the competent court for a trial. Otherwise the police or the public prosecutor will close the case at this stage.

**Can I appeal if my case is closed without reaching the court?**

The police or the public prosecutor may decide to close the case without bringing it to court. In this case you will receive a notification and will also be allowed to check the entire documentation of the case. You have the right to appeal against the decision to close the case.

If the police have closed the case you can submit your appeal to the regional public prosecutor.

If the decision to close the investigation was made by a regional public prosecutor, it can be appealed before the Director of Public Prosecutions (the head of the Danish Prosecution Service).

The deadline for submitting the appeal is four weeks.

**I am a foreigner. How are my rights and interests protected?**

If you are a foreigner you have all the rights described above. If you do not speak Danish you can report a crime in a language you understand. The police are obliged to undertake the necessary measures to accept your report irrespective of the language you use.

During the investigation you will be provided with an interpreter free of charge. The interpreter will assist you during your interview as a witness. The documents related to your interview will also be translated for you free of charge.

**More information:**

Administration of Justice Act (Lovbekendtgørelse nr. 1053 af 29/10/2009 Retsplejeloven) – in [Danish](#)

Act on the Police (Lov nr. 444 af 09.06.2004 Politiloven) – in [Danish](#)

Penal Code (Lov nr. 1034 af 29.10.2009 Straffeloven) – in [Danish](#)

Act No. 467 of 12.06.2009 on legal advice in connection with a criminal offense (Lov nr. 467 af 12.06.2009 om konfliktråd i anledning af en strafbar handling) – in [Danish](#)

Executive Order No. 1108 of 21 September 2007 (Bekendtgørelse nr. 1108 af 21.09.2007 om politiets og anklagemyndighedens pligt til at vejlede og orientere forrettede i straffesager og til at udpege en kontaktperson for forrettede) – in [Danish](#)

Circular Letter No. 10094 of 22.12.2006 amending the system of counselling services (Cirkulæreskrivelse 10094 af 22/12-2006 om ændring af ordningen med offerrådgivning) – in [Danish](#)

Decree No. 674 of 26.06.2008 on subsidies for psychological treatment of particularly vulnerable groups (Bekendtgørelse nr. 674 af 26.06.2008 om tilskud til psykologbehandling i praksissektoren for særligt udsatte persongrupper) – in [Danish](#)

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More information

How can I be involved in the trial?
During the trial you can be present at all public court hearings. If the court decides to hold a private hearing the judge will decide whether to allow you to stay in the courtroom or not. In practice, in most cases the court will allow you to be present during private hearings unless there are some specific confidentiality concerns. In any case, according to Danish law the sentence is always pronounced at a public court hearing at which you can be present.

Danish law does not allow victims to questions to the other participants in the trial.

If you believe there is some evidence relevant to the case you can ask the police officer or the public prosecutor in charge of your case to present it to the court. However, the police officer or the public prosecutor is free to decide whether to present such evidence or not.

If you wish to speak before the court but you have not been called as a witness you can ask the public prosecutor to add you to the list of witnesses. The final decision belongs to the prosecutor who may refuse to call you if he/she believes that your testimony is not necessary to prove the crime.

If the court has interviewed you as a witness during the trial you have the right to receive reimbursement of the expenses (1) you have made to attend the court hearing.

In order to receive reimbursement you need to submit a special reimbursement form, which is available at the Danish courts' website (in Danish). In the form, you need to indicate your bank account. Advance payments are also possible but you need to contact the court for that.

What are my rights as a witness?
You will probably also be called for an interview as a witness. In this case the court may not allow you to be present in the courtroom during the questioning of other persons (the defendant, other witnesses, experts, etc.). The reason for such a decision is that listening to other participants in the trial may influence your own testimony. Once your interview is over you will be allowed to stay in the courtroom and be present at the next hearings.

If you are called for an interview as a witness you have to appear before the court and give testimony. You may refuse to give testimony only if you are a close relative to the defendant.

During your interview your lawyer may ask you additional questions in order to help you better explain the circumstances of the incident.

I am a minor. Do I have additional rights?
If you are a child the court will appoint a lawyer for you to assist you throughout the proceedings. During the trial the lawyer will accompany you during your interview in the court. He/she will also explain to you the procedure and may ask you additional questions to help you better understand the questions asked by the judge.

A representative of the municipality will also accompany you and assist you during the interview.

Can I receive legal aid?
You can receive legal aid free of charge during the trial if you have claimed compensation from the offender and your annual income is less than a certain amount: 236,000 Danish Krone (approximately 31,700 euro) if you are single, 300,000 Danish Krone (approximately 40,300 euro) for cohabiting couples and 41,000 Danish Krone (approximately 5,500 euro) for each child under 18 years of age.

If you are victim of violence or sexual offence you can request the appointment of a lawyer free of charge irrespective of your income.

If you are a relative to a victim who has died as a result of the crime, the court will appoint a lawyer for you to assist you for the calculation of compensation.

How can I get protection, if I am in danger?
You can receive special protection if you are appearing as a witness during the trial.

If you feel uncomfortable to speak in the presence of the defendant you can ask the court to remove him/her from the courtroom during your interview. In this case your testimony will be explained to the defendant afterwards.

Courts are obliged to have separate waiting rooms for victims of crime where you can wait for your interview without meeting the defendant, his/her relatives or other witnesses. This is a relatively new rule and some courts may not have prepared such rooms yet.

If you are afraid of reprisal you can also ask the court not to disclose to the defendant and his/her lawyer your personal data like name, address, occupation, etc.

If you have suffered from a sexual offence you can ask the court to hold a private hearing when you are giving your testimony as a witness. You can also ask the court not to disclose the names of the participants in the trial and to prevent the publication of information in the media about the case. In such cases the court will also delete your name and other personal data from the documentation before granting access to the case file to the other participants in the trial.

How can I claim damages from the offender or receive compensation from the State?
You have the right to claim compensation from the offender for the damages caused by the crime. During the trial you can ask the public prosecutor to claim damages on your behalf. The court may refuse to consider the claim if it is too complicated to be examined as part of the trial. In this case you can submit a separate claim against the offender before a civil court.

You can also claim compensation from the State. Please consult the factsheets on compensation to victims of crime in the EU Member States of the European Judicial Network.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
Opportunities for conciliation exist only during the investigation when the police may suggest you reconcile with the offender. The outcome of the conciliation procedure will not close the case but may lead to a lighter penalty for the offender.

I am a foreigner. How are my rights and interests protected?
If you are a foreigner you have all the rights described above.

In addition, if you do not speak Danish and you have been called for an interview as a witness, the court will appoint an interpreter to assist you while giving your testimony.

More information:
Administration of Justice Act (Lovbekendtgørelse nr. 1053 af 29/10/2009 Reitspieleloven) – in Danish
Act No. 467 of 12.06.2009 on legal advice in connection with a criminal offense (Lov nr. 467 af 12.06.2009 om konfliktråd i anledning af en strafbar handling) – in Danish
Consolidated Act on Liability for Damages (Bekendtgørelse af lov nr. 885 af 20.09.2005 om erstatningsansvar) – in Danish
Consolidated Act on State Compensation of Victims of Crime (Bekendtgørelse af lov nr. 688 af 28.06.2004 om erstatning fra staten til ofre for forbrydelser) – in Danish
Executive Order No. 1108 of 21 September 2007 (Bekendtgørelse nr. 1108 af 21.09.2007 om politiets og anklagemyndighedens pligt til at vejlede og orientere forurettede i straffesager og til at udpege en kontaktperson for forurettede) – in Danish
Decree No. 79 of 04.02.1998 on community assistance for children and young people during legal interrogation (Bekendtgørelse nr. 79 af 04.02.1998 om kommunens bistand til børn og unge i forbindelse med uden- og indenretlig afhænging) – in Danish

Note:
1. Reimbursement of the expenses
If the court has interviewed you as a witness during the trial you will be reimbursed for your expenses. You will receive 80 Danish Krones (approximately 10.50 euro) for the first four hours spent in court. If you have spent more time, including your travel, you will receive additional money depending on the time spent.

Additional expenses related to your participation as a witness (e.g. lost income) can also be reimbursed if you provide documents certifying such expenses (e.g. a statement from your employer with the number of hours and the your daily rate).

Travel expenses are also reimbursed if the distance to the court is more than three km. If you have used a bus, train or ferry, you will be paid the cost of a standard ticket. You will not be reimbursed if you have paid for a taxi. If you have used your own car, you will receive reimbursement, which would normally be equal to the cheapest public transport.

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provides material, medical, psychological and social assistance through governmental, voluntary and community-based bodies

CONTACTS:
Website: http://www.offerraadgivning.dk/
For contact details of the local offices of the Victim Counselling Service click here.

Victim Aid Denmark
Victim Aid Denmark is a national association providing psychological help, legal assistance or help in relation to insurance or damages to victims of violence.

CONTACTS:
Website: http://www.voldsofre.dk/

Centre for Victims of Rape
The Centre for Victims of Rape provides medical and psychological assistance to rape victims via eight centres in the country.

CONTACTS:
Website: http://www.voldtaegt.dk/

National Association of Crisis Centres for Women
LOKK is a co-ordinating organisation for the crisis centres which provide shelter to women who have been subject to domestic violence.

CONTACTS:
Website: http://www.lokk.dk/

Reden International
Reden International provides access to the healthcare system, legal assistance, social benefits, preparation of repatriation and accommodation in crisis centres of prostituting victims of human trafficking in Denmark.

CONTACTS:
Website: http://www.redeninternational.dk/

Dannerhuset
Danner is a private foundation, which assists victims of domestic violence by providing shelter and/or counselling.

CONTACTS:
Website: https://danner.dk/

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1 - My rights as a victim of crime

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2 - Reporting a crime and my rights during the investigation or trial

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3 - My rights after trial
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4 - Compensation
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5 - My rights to support and assistance
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A help interface enables users to find the right support services directly and quickly. Video and audio interviews, as well as illustrative videos, explain various forms of help.

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

You can report the crime to a German police station or public prosecutor. The public prosecutor then examines whether it is possible to bring a prosecution in Germany. If this is not the case or if it is not possible to bring a prosecution in Germany for other reasons, the public prosecutor forwards the case to the competent law enforcement authority of the other EU Member State where the offence was committed.

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

You will receive a written confirmation of your report, containing a brief summary of your statement concerning the time, place and reported offence. If you requested this in your report, you will be notified if the investigation has been closed, of the place and time of the trial, of the charges brought against the accused and of the outcome of the judicial proceedings.

In addition, as a victim of the crime you will be informed on request whether the convicted person has been ordered not to contact or approach you. You can also be notified if the accused or convicted person(s) have been arrested or detained, or released, or whether their prison regime has been relaxed or they have been granted prison leave for the first time, if you show a legitimate interest or have already made a corresponding statement in the proceedings for your admission as a civil party. You will be notified of any further relaxation of the prison regime or prison leave if you have a legitimate interest and the convicted person has no overriding interest.

You will also be notified if the convicted person has absconded from detention. In this case, you will also be notified of the measures taken for your protection.

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 are exposed to risks as a result of your testimony in criminal proceedings, there are different ways of protecting you:

What types of protection are available? Who can offer me protection?

Victim support services

Who provides victim support?

In criminal proceedings, as a victim of a crime you may receive legal assistance from a lawyer, such as a witness counsel for your testimony or as a civil party entitled to join the proceedings even before you state your wish to join them. You may be represented by a lawyer specialising in counselling injured parties or be accompanied by a person you trust during questioning, unless this would jeopardise the purpose of the investigation.

As well as legal assistance, it is also possible to receive psychosocial assistance before, during and after the trial, which the court accords free of charge to child victims of sexual and violent crimes, as well as to particularly vulnerable adult victims of serious violent and sexual offences. For more information, see the factsheet on psychosocial assistance.

In the Federal Republic of Germany, the federal states (Länder) are responsible for providing general victim support. Many Länder have already appointed victims’ representatives or set up one-stop-shops for victims of violence. They act under their own authority, depending on the defined area of responsibility. More information on victims’ commissioners, victim support services or counselling services, as well as available forms of assistance, can be found at http://www.hilfe-info.de/ and in the ‘My Right to Support and Assistance’ factsheet.

Will the police automatically refer me to victim support?

The police will tell you whether you are entitled to victim support services, ranging from counselling via sheltered accommodation to therapy.

You are free to decide whether or not to take up these services. Referral is not automatic.

How is my privacy protected?

Your personal data and information about you will only be shared with victim support organisations at your request and with your explicit consent.

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

No, the victim support services provide support regardless of whether you have reported a crime.

Personal protection if I’m in danger

What types of protection are available? Who can offer me protection?

If you are exposed to risks as a result of your testimony in criminal proceedings, there are different ways of protecting you:

As a general rule, you must provide full details of your identity and address when giving your testimony.

If there are clear and tangible indications that divulging your place of residence could endanger your legal rights or those of other persons, for example because you have cause to worry about stalking or there is reason to believe that you or others might be adversely affected, for example to prevent or influence your truthful statement, you do not have to indicate your place of residence. You can then provide another address at which you can be contacted and to which public authorities can send correspondence (e.g. court summonses), for example the address of a lawyer or a victim support organisation. If there is a risk to life and limb or your freedom, you may even be allowed to keep your identity totally secret. The documents relating to your actual home address or identity will be stored separately from the case files by the public prosecutor until the risk has passed.

Police witness protection is also a possibility:

If you are testifying as a witness in the proceedings and;

your statement is essential;
your body, life, health, freedom or important material values are at risk;
you accept the victim protection measures; and
the measures are adapted to your situation,
you and your relatives and close family can, if necessary, be included in a victim protection programme. The programme explicitly includes the possibility of temporarily changing your identity.
If you are a victim of domestic violence, you can ask the competent family court to grant you sole use of the shared family home in the future and for the offender to be forbidden to approach or contact you. The police may, as a first measure prior to a court order, remove the offender from the family home or arrest them. If a child is a victim of family violence, the parent should contact not only the police but also the youth welfare office (Jugendamt) as the first point of contact for help and protection measures for the child.

**Will someone assess my case to see if I am at risk of further harm by the offender?**
The protective measures will be maintained for as long as there is a risk. If indications of a new or extended risk become known, the police will take the necessary security measures.

**Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?**
Throughout the criminal proceedings, the police, the public prosecutor and the court must always take account of the specific vulnerability of witnesses who are at the same time injured parties.

**What protection is available for very vulnerable victims?**
In particular, the following measures are taken to protect vulnerable victims:
- Where there is an urgent risk of serious prejudice to the best interests of the witness during the investigation and at the trial stage, witnesses will be questioned via video and audio links, so that the witness does not have to be in the same room as the accused person.
- The public may be excluded from the courtroom if circumstances are addressed that involve the injured party’s personal life.

Defamatory questions or questions about a person’s private life are only admissible if they are essential.

**Can I access mediation services? Under what conditions? Will I be safe during mediation?**
If you and the accused agree, it is possible in Germany to enact a mediation procedure known as ‘restorative justice’ (Täter-Opfer-Ausgleich). The public prosecutor and the court should examine, at each stage of the proceedings, the possibilities for reaching a settlement between the accused and the victim of the crime and, in appropriate cases, of working towards such a settlement. However, offenders or victims can also contact a restorative justice service directly themselves. The restorative justice procedure itself takes place outside criminal proceedings, often with the participation of specially trained mediators. As a rule, they initially hold separate discussions with the parties on their willingness to cooperate and their ideas regarding compensation. A prerequisite for restorative justice is, in principle, that both sides are willing to cooperate. In the process, the accused must also accept a degree of responsibility for the wrongful act committed. Cash payments or other reparations are often agreed as part of such restorative justice.

Furthermore, in order to be able to bring a private prosecution, a prior mediation procedure carried out at provincial arbitration bodies is a prerequisite for certain offences, such as trespass, defamation, violations of the confidentiality of correspondence and bodily harm.

**Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?**
The (non-exhaustive) list contains the main items of legislation setting out provisions on criminal, civil and procedural law. The links will direct you to the legal texts:

- **Code of Criminal Procedure (Strafprozessordnung – StPO)** – [in German](https://www.bmj.de/bundesanzeiger acts/strafprozessordnung) and [in English](https://www.bmj.de/bundesanzeiger acts/strafprozessordnung)
- **Courts Constitution Act (Gerichtsverfassungsgesetz – GVG)** – [in German](https://www.bmj.de/bundesanzeiger acts/gerichtsverfassungsgesetz)
- **Criminal Code (Strafgesetzbuch – StGB)** – [in German](https://www.bmj.de/bundesanzeiger acts/strafgesetzbuch) and [in English](https://www.bmj.de/bundesanzeiger acts/strafgesetzbuch)
- **Victim Protection Harmonisation Act (Zeugenschutzharmonisierungsgesetz – ZSHG)** – [in German](https://www.bmj.de/bundesanzeiger acts/zeugenschutzharmonisierungsgesetz)
- **Protection Against Violence Act (Gewaltschutzgesetz – GwSchG)** – [in German](https://www.bmj.de/bundesanzeiger acts/gewaltschutzgesetz)
- **Civil Code (Bürgerliches Gesetzbuch – BGB)** – [in German](https://www.bmj.de/bundesanzeiger acts/buergerliches gesetzbuch) and [in English](https://www.bmj.de/bundesanzeiger acts/buergerliches gesetzbuch)
- **Residence Act (Aufenthaltsgesetz)** – [in German](https://www.bmj.de/bundesanzeiger acts/aufenthaltsgesetz)
- **Juvenile Court Act (Jugengerichtsgesetz)** – [in German](https://www.bmj.de/bundesanzeiger acts/jugengerichtsgesetz) and [in English](https://www.bmj.de/bundesanzeiger acts/jugengerichtsgesetz)
- **Court Allowances Act (Justizvergütungs- und -Entschädigungsgesetz)** – [in German](https://www.bmj.de/bundesanzeiger acts/justizverguetungs- und -entschaedigungsgesetz)
- **Guzzle of Civil Procedure (Zivilprozessordnung)** – [in German](https://www.bmj.de/bundesanzeiger acts/zivilprozessordnung)
- **Victim Compensation Act (Opferentschädigungsgesetz)** – [in German](https://www.bmj.de/bundesanzeiger acts/opferentschaedigungsgesetz) and [in English](https://www.bmj.de/bundesanzeiger acts/opferentschaedigungsgesetz)

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**2 - Reporting a crime and my rights during the investigation or trial**

**How do I report a crime?**

If you have been the victim of a crime, you can report it at or to:
- any police station or police officer;
- any public prosecutor;
- any district court.
Your report can be submitted in writing or orally. In the case of an oral report, a written record is produced by the authority which receives your report. You will receive a written confirmation of your report upon request. The report can also be submitted by someone else on your behalf. That person does not need special power of attorney.

In most federal states (Länder) the police also offer the possibility to report a crime online via an online police station (Internetwache or Onlinewache). When you make your report, you should provide your personal and contact details so that you can answer further questions and be called to give evidence later in court. If you have concerns about providing your personal details, for example because you feel threatened, please inform the authority receiving the report as soon as possible. It can then examine whether, if necessary, you can simply be contacted via a different address, such as through a lawyer or a victim support organisation.

It is important for the content of your complaint that you include all the information you have about the suspect(s) and the crime you are reporting so that the police and the public prosecutor can verify and start an initial investigation. In principle, there is no specific time frame in which to report a crime. However, certain offences, such as defamation and trespass, can only be prosecuted if you have filed a criminal complaint, and the complaint must be made in writing to a local court, the public prosecutor or the police within three months of when you became aware of the offence and the offender. For recognition purposes, the offender(s) simply need to be individually identifiable. It is not necessary to know their names. When you report the crime, you will be told whether a criminal complaint is necessary. Please also note that offences can be time-barred and may then no longer be prosecuted – but only after several years – and that the time limit for doing so varies depending on the offence.

**How do I find out what’s happening with the case?**

When contacting public authorities to make an inquiry, it is useful to provide a reference number – this makes it easier and quicker to identify the case and means you can receive an answer more quickly.

You will receive a reference number from the body that received your report, usually a police reference number. This reference number allows you to check what is being done by the police and also to provide further information. If the case is referred to the public prosecutor, you can ask the police or public prosecutor for the prosecution reference number, which is different from the police reference number.

If you do not know the reference number, please provide your personal details and, if known, the name of the accused person when you submit your request.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

You have a right to free legal assistance or legal aid in the following cases:

- If the circumstances show that you may not be able to exercise your rights during the hearing, you may be assisted by a lawyer as a witness counsellor during the hearing at the State’s expense.
- If you are entitled to join as a civil party, in certain cases, particularly in the case of serious violent and sexual offences, you may be assisted by a lawyer at the State’s expense even prior to the public prosecutor being brought. If these conditions for the appointment of a lawyer are not met, you are, as a civil party, entitled to legal aid and can apply for it if your financial situation prevents you from covering the costs of the proceedings and you are unable or cannot reasonably be expected to defend your interests yourself.
- In the case of private prosecutions, which the public prosecutor only officially monitors when it is in the public interest to do so, you may bring a private prosecution against the accused in order to secure their conviction if the public prosecutor does not bring a prosecution in the public interest and the accused was at least 18 years old when the offence was committed. You will then be acting in place of the public prosecutor. As a claimant, you can apply for legal aid from the court which will also be ruling on your case. Legal aid will be granted if your financial situation means that you are unable to pay for the costs of the proceedings and if these are likely to succeed.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

If you make a witness statement to the public prosecutor or court, you will be reimbursed for travel costs, outlay, lost time, financial inconvenience or loss of earnings if you submit a request within three months of the hearing. Anyone summoned by the police may also be entitled to compensation. This is determined by the relevant federal-state law in the relevant federal state.

**Can I appeal if my case is closed before going to court?**

The public prosecutor may take no further action for various reasons. You may lodge a written appeal against a decision to take no further action. If you are aware of further facts or evidence, it is important that you specify these in the notice of appeal. If the public prosecutor upholds its decision, the case is reviewed by the prosecutor general. Your appeal will always be dealt with in writing.

In some cases, if the public prosecutor and the prosecutor general refuse to bring a prosecution, you may refer the matter to the competent higher regional court (or chamber court) and initiate proceedings to enforce an action. You will be expressly advised by the public prosecutor in its decision if such proceedings are admissible in your case. However, such a procedure is subject to time limits and strict formal requirements. The application must be signed by a lawyer and you will be liable for costs if you fail.

**Can I be involved in the trial?**

If you are a witness, your involvement in the trial is limited to your testimony. When you have finished testifying, you are free to follow the hearing as an onlooker, but you will take no further part in the trial.

If you joined the proceedings as a civil party, you are entitled to attend the trial and to make applications, in particular requests for evidence, questions and statements, just like the public prosecutor. As a civil party, you also have the opportunity to make a closing submission (pleading).

As a claimant in criminal proceedings, you can claim compensation or damages for pain and suffering from the offender in criminal proceedings. You are also entitled to take part in the trial as a claimant. However, you do not have the other procedural rights of a civil party.

**What is my official role in the justice system? For example, am I or can I choose to be defined as: a victim, witness, civil party or private prosecutor?**

Before the investigation is concluded, as the victim of a crime in criminal proceedings your status is primarily that of a witness. You can contact the public authorities at any time to provide them with further evidence and information. Victims of crimes, referred to as ‘injured parties’ in the Code of Criminal Procedure, have powers extending beyond general witness rights, such as the right to request information on whether the suspect is in custody and, under certain conditions, the right to access the case file or information from it (see also below), and the right to seek assistance from a lawyer or to be represented by one.

If you are entitled to join as a civil party, you will decide for yourself whether you want to join the proceedings. It is also for you to decide whether or not you wish to press a claim for compensation or damages in the course of the criminal proceedings as a civil party.

**What are my rights and obligations in this role?**

As a witness, you have the following rights during your examination:

- You can refuse to testify if you are married to the accused or engaged to them (this also applies to registered same-sex partnerships) or are a close relation of them.
- You may refuse to answer certain questions if this could lead to criminal proceedings against you or your close relatives.
Can I make a statement during the trial or give evidence? Under what conditions?

As a civil party, you can make a statement in the proceedings (see also ‘Can I be involved in the trial?’ earlier).

What information will I receive during the trial?

As an injured party in a criminal case, at your request you will be informed of the outcome of the judicial proceedings.

Will I be able to access court files?

If your rights have been violated in a criminal case, a lawyer can consult the case file and inspect evidence for you if they demonstrate a legitimate interest in doing so. In this event, you may also be provided with information and copies of the case file in order to brief yourself on the state of the proceedings. If you are entitled to join the proceedings as a civil party, there is no need for you or your lawyer to demonstrate a legitimate interest in accessing or providing information.

If you are not represented by a lawyer as an injured party in a criminal case, you have a personal right of access to the case file and may inspect the case files under supervision.

The right of access to the case file or to information from it may be refused under certain conditions, for example if it jeopardises the purpose of the investigation. It should be refused if the overriding interests of the accused or other persons warrant protection. Until the charges are brought and after the final conclusion of the proceedings, the public prosecutor, or failing that the court dealing with the case, decides whether to grant access to the case file.

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3. My rights after trial

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

You are entitled to psychosocial support during and after the court proceedings.

Moreover, as already mentioned, you will continue to receive protection during the proceedings if the threat to you persists.

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

As explained above (see ‘What are my rights after sentencing?’), at your request, you will be informed of the outcome of the proceedings.

However, you will not be informed where the person sentenced will be held during detention or custodial measures.

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

You will be informed of this if you requested it (see also ‘What are my rights after sentencing?’ above).

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

Questions that might affect your honour or concern your private life are only admissible where they are essential.

You may be accompanied by a trusted person, unless their presence would jeopardise the purpose of the investigation.

You may be accompanied by a lawyer.

If you are unable to exercise your rights yourself, you may, under certain conditions, be assisted at the State’s expense by a lawyer’s witness counsellor for the examination.

If you do not have a sufficient command of German, an interpreter will be enlisted for your examination.

You have a right to reimbursement (see ‘Can I claim expenses?’ above).

Your main obligations as a witness:

You must tell the truth. This also implies that you do not omit anything that might be relevant to the case. Deliberately giving false testimony in court is a criminal offence and generally results in a custodial sentence. False accusations or obstruction of justice are also criminal offences that may be committed by a witness who gives a false testimony.

You must report for examination if you are summoned by the public prosecutor, by the police on behalf of the public prosecutor, or by a court.

Can I appeal against the ruling?

If you are invited to attend the trial as a witness, you are obliged to testify unless the case is one where you may refuse to do so (see earlier regarding a witness’s rights and obligations).

Moreover, as already mentioned, you will continue to receive protection during the proceedings if the threat to you persists.

You are entitled to psychosocial support during and after the court proceedings.

If you can demonstrate a legitimate interest, or already demonstrated a legitimate interest when your accessory private prosecution was admitted, you will also be notified of the outcome of the proceedings. In this event, you may also be provided with information and copies of the case file in order to brief yourself on the state of the proceedings. If you are entitled to join the proceedings as a civil party, there is no need for you or your lawyer to demonstrate a legitimate interest in accessing or providing information.

As a private accessory prosecutor (Nebenkläger) and can in principle appeal against a ruling but only if the ruling touches upon facts relevant to a private accessory prosecution (Nebenklauseng). However, you cannot launch an appeal simply because you do not agree with the level of the penalty.

The deadline for appealing against a ruling is one week. If you or your lawyer were present at the trial after your examination as a witness, the deadline begins on the date when the ruling is notified. Otherwise, the deadline begins on the date the ruling was sent to you.

As a private prosecutor (Privatkläger), you have the same right to appeal as the public prosecutor that launched the public proceedings.

What are my rights after sentencing?

You will be notified of the outcome of the court proceedings if you requested this information in advance. As a private accessory prosecutor, you will also receive a copy of the ruling.

Moreover, as the victim of a crime and at your request, you will also be notified whether the person sentenced was instructed not to contact you or try to see you.

If you can demonstrate a legitimate interest, or already demonstrated a legitimate interest when your accessory private prosecution was admitted, you will also be notified whether the person sentenced will face detention or custodial measures, whether such measures have been lifted, whether detention conditions have been relaxed for the first time or whether leave has been granted. You will be notified of any further relaxation of detention conditions or leave if you can show a legitimate interest and if there is no overriding interest meriting protection of the person sentenced.

You will also be informed if the person sentenced has escaped from custody. In such cases, you will also be informed of the measures taken to protect you.

If, for example, after the trial is over you wish to launch a civil action against the person sentenced, you have the right to access the information contained in the files from the criminal trial to prepare your civil action. The person sentenced will be given a prior hearing to determine whether there is an overriding interest meriting their protection that would prevent you from accessing these files.

If the criminal judgment grants an adhesion procedure (Adhäsionsantrag) for damages or payment for pain and suffering to you as the civil party, with a copy of that final judgment, you are entitled to apply to the Court of enforcement or a judicial enforcement officer for enforcement measures.

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

As explained above (see ‘What are my rights after sentencing?’), at your request, you will be informed of the outcome of the proceedings.

However, you will not be informed where the person sentenced will be held during detention or custodial measures.

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

You will be informed of this if you requested it (see also ‘What are my rights after sentencing?’ above).

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?
You will not be involved in release or parole decisions, neither can you appeal against them. When making release or parole decisions, the Court can impose measures to protect you (for example, a restraining order) or to grant you compensation and reparation (e.g. payment of damages). If social and judicial supervision (Führungsaufsicht) is required after the person sentenced is released from custody, the Court can also issue a restraining order in such cases. If the person sentenced goes against the restraining order, they can be sentenced again.

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure (Adhäsionsverfahren))

If you have suffered harm as the victim of a crime, you are entitled to claim damages or payment for pain and suffering, irrespective of the criminal proceedings, by launching a civil action. However, you are also entitled to claim damages by applying for an adhesion procedure (Adhäsionsverfahren) to the criminal proceedings. If, as the result of a criminal ruling, property was seized that belongs to you (Tatbeute), and is equivalent to the property damages owed to you, you can recover this property or an equivalent amount of money from the public prosecutor’s office.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

Adhesion rulings and settlements reached in adhesion procedures, as well as rulings and settlements reached in civil proceedings, can be enforced in accordance with the general rules for execution. Enforcement is carried out on the basis of an enforceable copy of the ruling or of the settlement reached, which are issued by the clerk of the criminal court.

If the offender does not pay, can the State pay me an advance? Under what conditions?

The law does not provide for an advance payment from the State for any compensation payable by the person sentenced.

Am I entitled to compensation from the State?

General considerations

If you are the victim of a violent crime in Germany and have an injury leading to disability, you can claim victim compensation. You can also claim compensation if you are a survivor of a victim who died as a result of a violent crime.

Since 1 July 2018, victims who are non-German nationals can also retroactively claim the same compensation payments as German nationals. Since 2009, victims with a fixed residence in Germany can also claim compensation under the Victim Compensation Act (Opferentschädigungsgesetz, OEG) even if the violent crime occurred abroad.

Which type of crime can I get compensation for?

For a violent crime, which is an intentional and unlawful attack on a person (e.g. physical assault, sexual assault, terrorist attack, murder, poisoning, arson).

What compensation payments can I get?

Compensation is paid not just for any disabilities (physical and psychological), but also for the economic consequences of any such disabilities. The amount and duration of the compensation payments is regulated by the Federal Assistance Act (Bundesversorgungsgesetz). They shall cover in particular:

- Medical/hospital treatment
- Medical aids (e.g. prostheses, dental prostheses, wheelchair)
- Compensation for injured parties and survivors
- Funeral costs and death grants
- Additional welfare benefits for the economically deprived (e.g. care assistance, additional subsistence assistance).

However, compensation is not paid for damage to property and financial losses. There is no payment for pain and suffering under the Victim Compensation Act. Victims with a fixed residence in Germany can also receive compensation payments for a violent crime that occurred abroad, but the amount will be less.

How and where can I apply for compensation?

You can claim State compensation informally or by sending a formal application. There is no deadline for applications. However, you will generally receive benefits only from the date on which you applied for them.

You can send your application to the welfare authority in the federal State where you have a fixed residence. If you do not have a fixed residence in Germany but were victim of a violent crime in Germany, you can send an application to the welfare authority in the federal State where the crime took place.

In general, if you have applied for State benefits, you are obliged to take part in the compensation procedure. This means providing an account of all the circumstances which could help clarify the facts of the case. This includes reporting the crime to the police. In certain cases, it may not be necessary to report the crime.

You do not need to wait for the outcome of police investigations or criminal proceedings.

You can find all other important information on State compensation here:

BMAS - Opferentschädigung (German)
BMAS - Opferentschädigung (English) [Federal Ministry of Labour and Social Affairs - victim compensation]

Am I entitled to compensation if the offender is not convicted?

State compensation is available regardless of whether the offender has been identified or convicted. As a rule, you do not need to wait for criminal proceedings to be concluded to receive State compensation. The competent authorities for compensation will make an independent decision on any applications for State compensation.

If the offender is not convicted in the criminal proceedings, compensation can only be paid as long as the offender is not acquitted and the proceedings are not discontinued due to lack of evidence; compensation is only paid for less serious offences where the proceedings are suspended but obligations or instructions are imposed on the offender. In such cases, the public prosecutor’s office or the Court can order compensation, i.e. damages or payment for pain and suffering to you as the victim, once the proceedings are finally closed after the compensation is paid in full. However, as the victim, you do not have a right to such compensation.

A civil action will not be affected by the outcome of the criminal proceedings, including an acquittal. The civil Court will check independently whether there are grounds for the damages claimed or the payment for suffering and pain.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

No, you are not entitled to an ‘advance payment’ before the final decision in criminal or civil proceedings.
With regard to State compensation, you are not entitled to an advance payment in cash. However, as a result of your application for State compensation, you may be able to receive payment for medical/hospital treatment or as a trauma outpatient before the competent authority makes its final decision.

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5 - My rights to support and assistance

I am a victim of crime. Who can I contact for support and assistance?

You can find detailed information on support and assistance if you are the victim of a crime on the BMJV's (Federal Ministry of Justice and Consumer Protection) central victim protection platform at [http://www.hilfe-info.de](http://www.hilfe-info.de), or you can download the BMJV's [Opferfibel](https://www.bmjv.de/service-opfer信息/Opferfibel) (guidelines for victims) booklet (own publication, in German) on their homepage. This national victim protection platform also includes an advisory centre 'finder', which victims can use to quickly find centres in their area offering help via telephone, online, or in person. The relevant information is made available by ODABS, an online database for victims of crimes, at www.odabs.org, which is in turn supported by the Federal Ministry of Labour and Social Affairs.

You will find below a list of the different sources of help available.

**Victim support hotlines**

A list of the most important hotlines available free of charge (you cannot call these numbers from abroad). In Germany, you can find the following numbers at [www.hilfe-info.de](http://www.hilfe-info.de):

- **Hilfetelefon Sexueller Missbrauch** (helpline for sexual abuse): 0800 22 55 530
- **Hilfetelefon Gewalt gegen Frauen** (helpline for violence against women): 08000 116 016
- **Hilfetelefon Gewalt an Männer** (helpline for violence against men): 0800 1239900
- **berta – Beratung und telefonische Anlaufstelle** (helpline for general advice): 0800 30 50 750
- **Elternhotline** (helpline for parents): 0800 11 10 550
- **Hilfetelefon Schwangere in Not** (helpline for pregnant women at risk): 0800 40 40 020
- **Medizinische Kinder schutzhotline** (medical helpline for child protection): 0800 19 21 000

Victims throughout Europe can get help and support by calling the 24-hour helpline set up by Weisser Ring e.V. on 116006.

**Is victim support free of charge?**

Yes.

**What kind of support can I receive from the State services or from the authorities?**

In Germany, each federal State is responsible for providing general assistance to victims. Each federal State has set up various different measures to improve the situation of victims of crime and to provide them with the right sort of assistance. Measures include appointing victim protection representatives to police stations, setting up witness care units, temporary accommodation for battered women and young girls, providing information for victims of crime and financial aid. Many federal States have set up special regional associations which run advisory centres and victim units. You can find a list of what each federal State offers at [https://www.hilfe-info.de/Web/In/DE/HilfeUndBeratung/AnsprechpartnerUndBeratungsstellen/EinrichtungenOpferhilfe/EinrichtungenDerOpferhilfe.html](https://www.hilfe-info.de/Web/In/DE/HilfeUndBeratung/AnsprechpartnerUndBeratungsstellen/EinrichtungenOpferhilfe/EinrichtungenDerOpferhilfe.html).

There are also central contact points at federal and at regional level. For example, at national level, Dr Frank was appointed as the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences committed on National Territory. Dr Felix Klein was appointed as the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, and Dr Rögg is the Independent Commissioner for Child Sexual Abuse Issues. Thirteen federal States have also appointed a representative for victims. However, their responsibilities do vary. You can find a list of individual contacts at [www.hilfe-info.de](http://www.hilfe-info.de).

As a victim of a crime, you can obtain the assistance of a lawyer during criminal proceedings, for example, to support you with your witness statement. You also have the right to support as a private accessory prosecutor even before announcing your participation in the proceedings. You have the right to legal representation as the injured party, or you may be accompanied to your hearing by a person you trust, as long as this does not compromise the objective of the investigation.

As well as legal assistance, you are entitled to psychosocial support before, during and after criminal proceedings. Such support is available for free not only to victims of sexual and violent crimes who are minors, but also to particularly vulnerable adults who are injured as a result of a very violent crime or sexual assault.

**Medical treatment**

In addition, trauma outpatient centres offer short-term psychological support for victims of violent crimes. Such centres can be found all over Germany. Victims of violent crimes can receive immediate psychological support in a trauma outpatient centre. Many victims of crime show a marked improvement after just a few advice and psychotherapy sessions. If necessary, treatment may be offered and provided over a longer period, e.g. outpatient psychotherapy or inpatient care at a psychiatric or psychosomatic clinic. Many trauma centres are attached to a psychiatric clinic or hospital so that, in most cases, they can provide care by a psychiatric doctor.

You can find a list of trauma centres in Germany at Hilfe-Info.de.

Victims of a sexual or physical assault can have the visible injuries documented. You can generally get a doctor’s certificate for any injuries suffered after being examined by a general practitioner at your local practice or a doctor at your local hospital. Some cities also have a special outpatient centre for protection against violence that can document the injuries of victims of crime.

In these centres, you can have your injuries or other any physical evidence examined and documented by a forensic doctor.

**Financial support**

In addition, the State provides various types of financial support: Anyone who suffers damage to health from a violent crime can obtain compensation payments under the Crime Victims Compensation Act (Opferentschädigungsgesetz). They must make an official application to their federal State's Pensions and Benefits Office (Landesversorgungsamt). You can also find a list of all the Pensions and Benefits Offices on the victim protection platform at Hilfe-Info.de. Trauma centre treatment is also included in these benefits.

After attacks by extremists or terrorists, victims can obtain compensation when facing hardship (Härteleistungen). Your contact point for these benefits is the Bundesamt für Justiz (Federal Office of Justice).

If you are injured in a violent crime at work, during a trip with your school class or university seminar group, or on your way to or from your work or such a trip, under certain circumstances, you may be able to claim statutory accident insurance. Your contact point for these cases is your Unfallkasse or Berufsgenossenschaft (accident insurance fund or occupational accident insurance fund).
Verkehrspfahrbhilfe e.V. (association for victims of traffic accidents) is the appropriate insurance fund for a violent crime involving a vehicle. It covers, for example, cases in which a vehicle was not insured, hit and run accidents or when a driver intentionally acted illegally.

**What types of support can I receive from non-governmental organisations?**

Professional and voluntary non-governmental organisations for victim support have various different measures to improve the situation of victims of crime and to provide them with the right sort of assistance.

Experts working for these organisations can help you by discussing the consequences of a crime, providing psychosocial support, and informing you of possible criminal proceedings and any financial compensation. They can also provide further assistance, such as the services of a lawyer or therapist.

For example, the Weisser Ring e. V. provides support to victims at national level. In addition to centres throughout Germany, this association also provides the above-mentioned helpline for victims (116006) through which victims of crime can obtain professional help immediately. Weisser Ring e. V. offers, in particular, general advice, help when dealing with government authorities and the courts, an initial session with a lawyer free of charge, initial medical /psychological support free of charge when dealing with stress caused by a crime, accompaniment to court hearings and financial support. Weisser Ring e. V. also has schemes for victim compensation and victim-offender mediation.

Arbeitskreis der Opferhilfen in Deutschland e.V. (ADO, working group for victim support in Germany) acts as an umbrella organisation for various professionally active victim support centres at regional level. Their goals are, amongst others, to encourage regular information exchanges between victim support centres in Germany, set standards for professional victim support, found further professional victim support centres and foster cooperation between all the support centres. At ADO, you can also get advice and help when dealing with government authorities, as well as emergency psychological support, medical treatment and therapy, legal advice, accompaniment to appointments with the police, government authorities and the courts, and support with victim-offender mediation.

Various support centres have specialised in providing advice and assistance for victims of specific crimes, in particular, sexual, racist, anti-Semitic, homophobic and transphobic crimes. These are also organised under various umbrella organisations, for example:

- **VBGR** – Verband der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt (association of advice centres for victims of right-wing, racist and anti-Semitic violence)
- **BFF** – Bundesverband der Frauenberatungsstellen und Frauennotrufe in Deutschland (federal association of advice centres and hotlines for women in Germany)

In addition to national victim support initiatives, many help centres are active at a regional and local level and very committed. You can find a list of advisory centres at regional and local level at [http://www.hilfe-info.de](http://www.hilfe-info.de).

Last update: 15/10/2021

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### Victims’ rights - by country - Estonia

You will be considered a victim of crime (injured party) if you have suffered direct physical, material or moral injury as the result of an unlawful act, for example you have been injured or your property has been damaged or stolen, etc. as a result of an incident which constitutes a crime according to national law. As a victim of crime, the law accords you certain rights before, during and after court proceedings (trial).

**Criminal proceedings in Estonia** begin with pre-trial proceedings, which in general are conducted by the police and the prosecutor and during which evidence is gathered about the perpetrated crime and the alleged offender. If there is sufficient evidence, the case will go to trial. The trial will end with the court either convicting or acquitting the accused. In the event of a conviction, the court will also rule on the civil action brought before the court, but in the event of an acquittal the action will be dismissed. In this case it is possible to claim compensation in civil proceedings. The court may decide to fully or partially satisfy the civil action, not satisfy the action or dismiss it. If you do not agree with the ruling, you may appeal the case to a higher court.

### Click on the links below to find the information that you need

1. **1 - My rights as a victim of crime**
2. **2 - Reporting a crime and my rights during the investigation or trial**
3. **3 - My rights after trial**
4. **4 - Compensation**
5. **5 - My rights to support and assistance**

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The language version you are now viewing is currently being prepared by our translators.

Please note that the following languages: *de, et, nl* have already been translated.

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?

When contacting the authority, you will get information on:

- how to report the crime; and

any victim support services that are available without reporting the crime.

Guidance is also available on the website of the Police and Border Guard Board.

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

Your rights will be protected regardless of the EU country where you fell victim to the crime. You can report the crime and, if necessary, receive victim support services both in the country where the crime took place and in the country where you live.

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

When you report a crime, you are entitled to receive the following information:

- at your request, a written acknowledgement that you have reported a crime;
- a notification, within ten days, on the decision to commence or not commence criminal proceedings;
if criminal proceedings are commenced, you will be questioned as a victim and asked whether you wish to receive information on the arrest and release of the suspect, and the time and place of the trial; furthermore, when the preliminary investigation of the case is completed, the public prosecutor will notify you that you are entitled to examine the contents of the criminal file.

**2 - Reporting a crime and my rights during the investigation or trial**

Anyone who does not understand or speak Estonian is entitled to interpretation during the proceedings. You are entitled, on request, to receive a translation of any text that is essential for understanding the ruling on the termination of criminal proceedings or the court judgment for ensuring the fairness of the proceedings.

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

The authorities must ensure that you understand what is explained to you and are understood. For this purpose, information sheets in easy-to-understand language and trained specialists are available at the police station or prosecutor’s office. You are also always entitled to a sign language interpreter.

**Victim support services**

**Who provides victim support?**

Victim support services are provided by the Estonian National Social Insurance Board. If you are a victim of violence against women, you may also turn to women’s refuges for help.

**Will the police automatically refer me to victim support?**

The police will inform you about victim support services and refer you to a victim support worker if necessary. Many police stations have a victim support worker present at all times.

**How is my privacy protected?**

All information gathered in the course of criminal proceedings is confidential and will not be shared with the public before the public trial. The court may also declare that your trial will be held in camera, in which case the information discussed during the trial will also not be accessible to the public.

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

No, everyone has access to general victim support, whether or not they have reported a crime. However, there are specific victim support services, such as compensation to victims of violence or allowance for psychological support, which you can only access after you have reported a crime.

**Personal protection if I’m in danger**

**What types of protection are available?**

You can ask the prosecutor to request that the court issue a temporary restraining order against the suspect. A temporary restraining order instructs the suspect to stay away from places specified by the court and not to approach or communicate with persons specified by the court.

You may also be protected by witness protection measures applied by the police at the request of the prosecutor’s office.

**Who can offer me protection?**

If you are in danger, contact the police and they will ensure your safety.

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

The police must assess every case, ensuring that any harm is prevented.

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

All the authorities conducting the proceedings are always required to consider your interests and prevent you from undergoing secondary victimisation during the criminal proceedings.

**What protection is available for very vulnerable victims?**

If you are a victim of a serious crime, you may be allowed not to be questioned in court; alternatively, a telehearing may be allowed or a partition used to hide you from the view of the accused during your questioning in court.

The authority conducting the proceedings may involve a child protection official, social worker or psychologist in the questioning of a victim who is a minor. This is mandatory in serious cases if the person conducting the proceedings has not received appropriate training.

If you are a victim who is a minor and your interests are in conflict with those of your legal representative or your parents, the authority conducting the proceedings may appoint an advocate for you free of charge as legal aid.

Minors with mental disorders and all children under 10 years of age, or children under 14 years of age in cases of domestic or sexual violence, will not be questioned in court. Instead, the police interview with the minor will be recorded on video and may be used as evidence in court.

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

If your family member died because of the crime, you have all the rights of a victim during the proceedings.

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

If your family member was a victim of crime, you are entitled to receive victim support services similarly to the victim if necessary.

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

With your consent and that of the suspect, the prosecutor’s office may decide to terminate the criminal proceedings by conciliation (mediation). The conciliation service is provided by a victim support worker.

You will have the right to opt out of the conciliation procedure at any point.

**Where can I find the law stating my rights?**

[Code of Criminal Procedure](https://www.kriminaalkodeks.ee)

[Victim Support Act](https://www.eelarved.ee/virmaja)
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>What information will I be given if the offender is sentenced?</td>
<td>After you have reported a crime, you will be contacted and informed about any further procedures (e.g. you will be asked to give testimony, provide information on possible witnesses, help with collecting evidence, etc.). If necessary, you will also receive information on possible victim support and other protection measures. After your questioning, write down the number of the criminal matter and the investigator responsible for the case. This will make it easier for you to request information from the police at a later date.</td>
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<tr>
<td>Am I entitled to legal aid during the investigation/trial? Under what conditions?</td>
<td>You have the right to have a lawyer present during the proceedings. If you do not have the means to hire one, you may make a request to the court for state legal aid.</td>
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<tr>
<td>Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?</td>
<td>Victims and witnesses are entitled to compensation for expenses incurred or income not received because of the criminal proceedings. For example, you can claim for travelling expenses or loss of earnings incurred from going to give evidence. To claim expenses, notify the authority that summoned you and you will receive instructions on how to submit your claim.</td>
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<tr>
<td>Can I appeal if my case is closed before going to court?</td>
<td>When criminal proceedings are terminated, a copy of the relevant ruling will immediately be sent to you or your representative. As a victim you can request access to the criminal file within 10 days from receiving the ruling terminating the criminal proceedings. Within those 10 days, you are also entitled to request that the prosecutor’s office review the ruling.</td>
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<tr>
<td>Can I be involved in the trial?</td>
<td>As a victim, you are a party to the trial on equal terms with the other parties and are entitled to be involved in the trial. If a crime has been committed against you, then you are a victim in the criminal proceedings. However, you are also entitled to file a civil action as part of the same proceedings. The concept of private prosecution does not exist in Estonian law.</td>
</tr>
<tr>
<td>What is my role in the justice system?</td>
<td>As a victim, you are a party to the trial on equal terms with the other parties and are entitled to be involved in the trial. You are entitled to make statements and express your opinion during the trial. You have the right to give testimony in court if the prosecution requests that you participate in procedural acts and obey the orders of the investigating body, the Prosecutor’s Office and the court.</td>
</tr>
<tr>
<td>What are my rights and obligations in this role?</td>
<td>A victim is required to: appear when summoned by an investigative body, prosecutor’s office or court; participate in procedural acts and obey the orders of the investigating body, the Prosecutor's Office and the court.</td>
</tr>
<tr>
<td>Can I make a statement during the trial or give evidence? Under what conditions?</td>
<td>You are entitled to make statements and express your opinion during the trial. You have the right to give testimony in court if the prosecution requests that you participate in the court hearing; examine the minutes of the proceedings and make statements on the conditions, course, results and minutes of the proceedings (your statements will be taken down in writing); examine the contents of the criminal file after the preliminary investigation of the case is completed; give consent or refuse to consent to the application of a settlement procedure and give an opinion concerning the charges and punishment, the amount of the damages specified in the charges and the civil action; give consent to the application of a temporary restraining order and request the application of a restraining order; request to be questioned by a person of the same sex in the case of sexual violence, gender violence or a criminal offence committed in a close relationship, except where the questioning is conducted by a prosecutor or judge or if it would hinder the course of the proceedings.</td>
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<tr>
<td>What information will I receive during the trial?</td>
<td>The court will inform you about the time and place of the court sessions and you will also be informed about the court ruling, which will be delivered to you unless you are personally present in court when the ruling is pronounced.</td>
</tr>
<tr>
<td>Will I be able to access court files?</td>
<td>You are entitled to examine the court files in the prosecutor’s office after the preliminary investigation is completed or when the criminal proceedings are terminated. The prosecutor’s office will inform you about this right and provide instructions on how you can examine the files.</td>
</tr>
<tr>
<td>What information will I be given if the offender is sentenced?</td>
<td>The course of the criminal proceedings does not affect how long you can receive victim support services. You can continue to receive victim support services after the conclusion of the criminal proceedings without any specific time limit.</td>
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</table>
You will be informed about the court ruling, which states the length of the sentence given to the suspect. You will also be notified in the event of the early release of the convicted offender from prison if you so request.

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

If you requested this during your questioning, you will be notified if the convicted offender is released or escapes from prison.

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

You may be asked to give an opinion during early-release proceedings, but you cannot appeal against such decisions.

**My rights to support and assistance**

The state victim support services cover the following:

- providing necessary material assistance;
- ensuring access to necessary health services;
- ensuring catering;
- ensuring safe accommodation;
- assisting victims in communicating with state and local government authorities and legal persons;
- counselling victims;
- The state victim support services are free.

**Victim support hotline:** 6121360 or 16106 (calls are taken Mon-Fri 9.00-17.00).

**I am a victim of crime – who do I contact for support and assistance?**

5 - My rights to support and assistance

- Estonian National Social Insurance Board’s Victim Support Department
- Women’s support centres
- Police and Border Guard Board

**Victim support hotline**

Victim support hotline: 6121360 or 16106 (calls are taken Mon-Fri 9.00-17.00).

Children’s support hotline: 16111 (for reporting children who need help; calls are taken 24 h, every day).

**Is victim support free?**

Yes, the victim support services are free.

**What types of support can I receive from state services or authorities?**

The state victim support services cover the following:

- counselling victims;
- assisting victims in communicating with state and local government authorities and legal persons;
- ensuring safe accommodation;
- ensuring catering;
- ensuring access to necessary health services;
- providing necessary material assistance;
providing necessary psychological assistance;
arranging translation and interpretation services necessary for receiving victim support services;
providing other services necessary for the physical and psycho-social rehabilitation of victims.

**What types of support can I receive from non-governmental organisations?**

State victim support service providers can direct you to suitable non-governmental organisations.

<table>
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<th>Women's refuges</th>
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**Victims' rights - by country - Ireland**

You will be considered a victim of crime if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, etc., as a result of an incident that constitutes a crime according to national law. As a victim of crime, the law grants you certain individual rights before, during and after court proceedings (trial).

**Criminal proceedings in Ireland** consist of an investigation and trial. The police authorities in Ireland are known as ‘An Garda Síochána’ or ‘Gardaí’ for short. An Garda Síochána investigates the case. After the investigation, a decision whether or not to prosecute is made. For serious crimes, An Garda Síochána sends the file to the Director of Public Prosecutions (DPP) and the DPP makes the decision to proceed. For less serious crimes, An Garda Síochána may make the decision to proceed. The decision to prosecute is based on public interest – whether the evidence gathered in the case would be likely to secure a conviction in the circumstances. If there is sufficient evidence to suggest that a conviction is likely, the offender will then be prosecuted.

The following factsheets will take you through the different steps of the procedure, describing your rights during the investigation of the crime, after the first trial. Also, read more about the help and support you can get.

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**How and where can I report a crime?**

You can report a crime by calling into, writing to or phoning the local Garda Station. You can also approach a member of An Garda Síochána who is on duty (on the street, in a police station, etc.). Contact details for your local Garda station can be found in the telephone book or on the online Garda Síochána Station Directory. You can dial 999 or 112 from anywhere in the country in the case of an emergency.

You should report the crime yourself as outlined above. However, if you have been incapacitated, someone else can report the crime on your behalf. If you would prefer to report the crime anonymously, you can phone An Garda Síochána’s confidential line on 1800 666 111. However, depending on the nature of the crime this may not be suitable in the circumstances.

In general there are no time limits for reporting a crime. For less serious offences (i.e. cases heard by the District Court with no jury and carrying a maximum prison sentence of 12 months for one offence) you have to make the report within six months from the date of offence to the instigation of criminal proceedings.

There is no special form required by authorities for the report. You can make your report through English. If you are not fluent in English, you can request an interpreter, which An Garda Síochána will provide free of charge.

When you report a crime, An Garda Síochána will take a written statement from you. You will be asked to supply:

- your name, address and contact details;
- a description of the incident (including location, date, time and a short narrative description of the crime) and details of property missing or damaged, if applicable;
- details of any physical injury.

An Garda Síochána will gather the evidence and investigate your report.

**How can I follow up on what the authorities do after I report a crime?**

When you report a crime, An Garda Síochána will provide you with details of the name, rank, phone number and station of the investigating Garda. You will also be given an incident reference number. You can use the reference number to follow up on your complaint. If you are the family of a victim of murder or unlawful killing, you will be assigned a Garda Liaison Officer, who will liaise with you throughout the case.

**How can I be involved in the investigation of the crime?**

In general, your only involvement will be to make a statement detailing everything you know about the crime. It is the responsibility of An Garda Síochána to gather the evidence and investigate the crime and keep you informed of any developments. Depending on the nature of your case, An Garda Síochána may ask you to participate in other aspects of the investigation (for example, to undergo a medical examination to gather evidence of physical injury or collect forensic evidence) if this could help your case. You may also be asked to identify the suspect in a line up. You can add to your statement to An Garda Síochána throughout the investigation process, if, for example, you think of something which you had forgotten in your previous statement.

It is important to remember that your role as a victim in Irish criminal proceedings is very limited. You do not have a special legal status as complainant in criminal proceedings. You may be called as a witness in proceedings. This means that, during the investigation stage and trial stage, your involvement in proceedings is fairly limited. If you are called as a witness, you need to appear at the trial.

If you do not speak fluent English, An Garda Síochána will provide you with an interpreter free of charge. You are not entitled to written translation of case documentation (no case documentation, apart from your statement, will be released to you).

If you are unhappy with the treatment you receive you can make a complaint about the conduct of An Garda Síochána at your local Garda station or by contacting the Garda Síochána Ombudsman Commission or Garda Ombudsman, for short. See Garda Ombudsman.

If you are a witness for the prosecution in a criminal trial, you should tell the investigating Garda dealing with the case what your expenses are and provide receipts where possible. For example, you may miss out on wages for the days that you are in court and you may incur travel and subsistence expenses to get to court. The Garda will then ensure that an application is made to the judge to have witness expenses paid. It is a matter for the judge to decide whether or not to make an order to reimburse witness expenses.

**What are my rights as a witness?**
An Garda Síochána may call you for an interview as a witness. In this case you may have to go to a Garda Station and make a statement outlining everything you know about the case.

In limited cases involving intimidation of a witness, the court may allow a witness to give evidence by way of sworn deposition or video evidence if the witness cannot attend court through fear of intimidation. An adult (age 18 and over) can only give evidence by video-link if the court allows you to.

The Witness Protection Programme is also available to you in circumstances where there is a serious threat to your safety. Under this programme, you as a witness and your family are provided with new identities, immunity from prosecution and the means to establish a new life in another jurisdiction. It is an offence to attempt to discover or reveal the identity of a relocated witness.

You can find more information in the booklet Going to Court as a Witness which is available in English, Irish and other languages.

I am a minor. Do I have additional rights?

If you are a minor, you will be interviewed by a specially trained member of An Garda Síochána in a special interview suite.

If you are a witness under the age of 18 you may be able to give evidence via video-link or you may be questioned through an intermediary.

What information can I obtain from police or victim support organisations during the investigation of the crime?

When you report a crime, An Garda Síochána will provide you with details of the name, rank, telephone number and station of the investigating police officer.

Following your report, An Garda Síochána issues a letter to you, which contains the number of the Crime Victims Helpline and a list of victim support agencies which can provide you with counselling, support and information. Most of these agencies offer their services free of charge.

An Garda Síochána will explain the investigation process to you and will endeavour to keep you up-to-date with any progress in your case, including whether an offender is charged or cautioned and tell you whether the offender is in custody or on bail and the conditions attached to it. Official communications are usually made by letter. You can request access to your own statement but no other documents will be released to you.

Can I receive legal aid?

An Garda Síochána will work with statutory and voluntary agencies to ensure that you and your family receive appropriate physical, psychological and emotional support and advice. Generally speaking, you are not entitled to any medical, legal or psychological assistance free of charge. However, you may be entitled to State funded civil legal aid in certain circumstances and you should contact the Legal Aid Board for a list of local law centres. The Legal Aid Board provides legal advice and representation to persons primarily in civil matters, including to persons who are victims of domestic violence. If, however, in a criminal matter, the defence seeks to introduce the prior sexual history of the victim in the course of a criminal trial the Legal Aid Board will provide legal representation free of charge to victims of rape. The Legal Aid Board also provides legal advice free of charge to complainants in respect of rape and other forms of sexual assault.

How can I get protection, if I am in danger?

If you are concerned about your safety and welfare at home, you can apply to the District Court for the issue of one of a number of orders to protect you. For example, a barring order can be issued to protect you in your own home. You can attend at the local District Court to apply for such an order or speak to a member of An Garda Síochána in such circumstances. You can also obtain advice from the Legal Aid Board.

Also, the Witness Protection Programme as detailed above under “your rights as a witness” protects witnesses who may be in danger.

It is open to the court to direct that the accused stay away from the victim or stay away from a certain place. Again, a member of An Garda Síochána can assist you in this regard.

In situations of domestic violence, refuge may be available from certain voluntary organisation (see https://www.justice.ie/en/JELR/Pages/Cosc).

What services and assistance can I be given during the investigation of the crime?

You can access victim support. When you report a crime, An Garda Síochána will provide you with information about victim support services. Victim support agencies offer counselling, support and information, often free of charge, to victims of crime. You can also phone the confidential Crime Victims Helpline for information and support on Freephone 116006 or call-save 1850 211 407 (office hours are Monday 10.00 a.m. to 7.30 p.m., Tuesday to Friday 10.00 a.m. to 5.00 p.m. and Saturday 2.00 p.m. to 4.00 p.m.).

You can access victim support services, which are provided by voluntary agencies, usually free of charge. These agencies provide information, support and counselling. The Irish Tourist Assistance Service provides free assistance to tourists who have become victims of crime. They provide emotional support, translation services, embassy details and can arrange accommodation/ transport and address medical needs. They do not provide financial assistance or insurance/legal advice.

If applicable to you, the following may also assist you:

If you have an intellectual disability, you will be interviewed by a specially trained police officer in a special interview suite. If you have a physical or mental disability An Garda Síochána will endeavour to provide for any of your special needs or requirements;

If you are a member of the Gay, Lesbian, Bisexual or Transgender Community and are the victim of a homophobic attack, An Garda Síochána can refer to you a specially trained member of An Garda Síochána who can deal with your report;

If you are a victim of a racist incident, An Garda Síochána will inform you of the designated Ethnic Liaison Officer in your area. You will be interviewed by a specially trained member of An Garda Síochána, who can deal with your report.

If you have been the victim of a sexual offence, you will be interviewed by a specially trained police officer. Where possible, the services of a police officer and doctor of the same gender as you will be made available to you. An Garda Síochána have a specialist investigation unit in Dublin (Domestic Violence and Sexual Assault Investigation Unit) and a special, fully equipped interview suite in St. Stephen Street Garda Station, Dublin;

If you are elderly, An Garda Síochána will take all possible steps to protect you and will advise you about home security and staying safe.

If you are a family member of a victim of murder or an unlawful killing, a specially trained Garda Liaison Officer will be assigned to you throughout the case.

If you are elderly, An Garda Síochána will take all possible steps to protect you and will advise you about home security and staying safe.

There are opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

Generally, there is no such provision in Irish law. However, if the crime you are a victim of is committed by a first-time offender who is under the age of 18 and the offender accepts responsibility for the offence, there are two alternative processes to the criminal justice system in which you can take part and are given an active role in a dispute:

An Garda Síochána can administer a process to caution the child rather than take him or her to court. The child may be placed under the supervision of a Juvenile Liaison Officer for a period of time. You may be invited to be present during a formal caution and your views will be taken into account.

Another process known as the Family Mediation Conference brings you and the young person together in a safe environment via a trained facilitator. Its purpose is to enable the young person to repair the harm caused by their offence. The procedure can be attended by you, the young person, your and his /her supporters (community representatives, family members, friends or relatives nominated by you or young person, and members of the community). If you would prefer not to attend, the facilitator can represent your views during the conference. During this process, an action plan for reparation will be agreed.
which may include an apology to you, financial or other reparation to you, or initiatives within the child’s family and community that might help to prevent re-offending. The court directs that this take place, often on the recommendation of the Probation Services. If the offender fulfils the conditions of the programme, the case may be closed.

For adult offenders who have accepted responsibility for the offence, the Probation Service may organise a meeting whose purpose is to enable the offender to repair the harm caused by their offence, but only in appropriate cases. There are at present two pilot mediation services in Nenagh, County Tipperary and Tallaght, County Dublin. It is envisaged that these will be extended to other areas in due course. You can attend with your supporter, the offender and his/her supporter, and members of the community. During the proceedings, an action plan for reparation will be agreed. The action plan may include an apology to you, financial or other reparation to you, or initiatives within the community that might help to prevent re-offending. The court directs that this take place, often on the recommendation of the Probation Services. If the judge is satisfied that the offender has fulfilled the conditions of the programme, the case may be closed.

How will my case continue after the end of the Investigation?
After the investigation a decision whether or not to prosecute is made. In less serious crimes, An Garda Síochána may make the decision in the name of the Director of Public Prosecutions (DPP). In serious crimes An Garda Síochána will send the case file to the Office of the DPP, who will consider the evidence and decide whether or not to prosecute the case. The DPP will take your views into account when making a decision whether to prosecute but will place the ‘public interest’ above your interests. You will have little or no contact with the prosecution team during this stage of proceedings and cannot discuss the case with them. It is always open to a victim however to correspond with the DPP. See Guide for Victims and Witnesses

An Garda Síochána will keep you informed, usually in writing, about any developments in the case, including about the outcome of proceedings.

When the DPP makes a decision not to prosecute, the reason is communicated only for the following offences: murder, manslaughter, infanticide, workplace fatalities, and fatal road traffic accidents occurring after 22 October, 2008. For more information you can read the booklet The Role of the DPP, available in English, Irish and other languages.

If you withdraw your report the DPP may either close the case or pursue it without your co-operation.

Can I appeal if my case is closed without reaching the court?

Generally, the decision of the Director of Public Prosecutions is final. However, if it is decided that the case should be closed, you can submit a written request to the Director of Public Prosecutions for a review of the decision. A member of your family can also request a review. See booklet Role of the DPP. If there is evidence to suggest that the decision was capricious, the decision can be reviewed by the courts. Alternatively, you may be able to initiate a private prosecution but only in very limited circumstances.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner and you have suffered from a crime in Ireland you have all the rights described above.

An Garda Síochána will provide you with an interpreter free of charge throughout the proceedings.

If you are a tourist in Ireland, you can get free assistance provided by the (non-statutory) Irish Tourist Assistance Service to tourists who have become victims of crime. They will provide you with emotional support, translation services, and embassy details and can arrange accommodation/transport and address medical needs. They, however, do not provide financial assistance or insurance/legal advice.

If you are a victim of a racist incident, An Garda Síochána will inform you of the designated Garda Ethnic Liaison Officer in your area. You will be interviewed by a specially trained member of An Garda Síochána, who will deal with your report.

More information
Victims Charter 2010 – in English, Irish and six other languages.
The Petty Sessions (Ireland) Act 1851 – in English
Criminal Justice Act 1951 – in English
Statute of Limitations (Amendment) Act, 2000 – in English
An Garda Síochána Act, 2005 – in English
Criminal Justice (Administration) Act 1924 – in English
Constitution of Ireland (Bunreacht na hÉireann) – in English
Prosecution of Offences Act, 1974 – in English
Criminal Justice Act, 1999 – in English
Domestic Violence Act, 1996 – in English
Criminal Justice Act, 1999 – in English
Criminal Justice (Amendment) Act 2009 – in English
Children Act, 2001 – in English
Criminal Evidence Act, 1992 – in English
Criminal Law (Human Trafficking) Act, 2008- in English

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(OLD) - My rights during the trial

How can I be involved in the trial?

What are my rights as a witness?

I am a minor. Do I have additional rights?

Can I receive legal aid?

How can I get protection, if I am in danger?

How can I claim damages from the offender or receive compensation from the state?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

I am a foreigner. How are my rights and interests protected?

More information

The prosecution lawyer will answer your questions about the trial process but will not discuss the case or your evidence with you. If you would like to familiarise yourself with the court in advance of your appearance, you can ask the Court Service to arrange a visit for you. The Office of the Director of...
Public Prosecutions has produced an information booklet Attending Court as a Witness. The Court Service of Ireland has produced a guide for young witnesses Going to court available as a booklet and DVD.

You may be called as a witness to give evidence in court. In this case, you will receive a witness summons from An Garda Síochána, which will tell you the time, date and place of the court hearing. If called as a witness, you need to attend. Generally, you can be present at the trial proceedings. Sometimes, particularly in cases involving serious offences, if you are a witness you may be precluded from attending the court hearing until called to give evidence. If you are not appearing as a witness, you may still be able to attend the court hearing unless it is held in private for a particular reason. In general, justice in Ireland is administered in public but there are some exceptions. For example, all family law matters are held in private. If you are the victim of rape, you have the right to be accompanied to court by a supporter. When sentencing the offender, the court may take into account the impact of the crime on you. The judge may ask for a victim impact report to be prepared. This is a statement outlining the affect that the crime has had on your life. If you have been a victim of a violent or sexual offence or any offence under the Non-Fatal Offences Against the Person Act 1997, the court must take into account the impact of the crime on you. In addition in such cases, you have the right, upon application, to present a victim impact statement to the court on the impact of the crime. This takes places after the offender has been found guilty. The judge may ask the Probation Service to prepare a victim impact report to assist with determining the most appropriate sentence for the offender. The Probation Service will also take your needs into account when preparing a pre-sentence report on the offender and in making recommendations for sentencing options.

An Garda Síochána will inform you about your entitlement to court expenses and will keep you informed of the final outcome of the trial.

What are my rights as a witness?
If you have been called as a witness you have to give testimony at trial. In limited circumstances, it is possible to refuse to testify:
If you are the spouse of the offender, you cannot be compelled to give evidence for the prosecution except in the following cases:
The offence in question is of violence or the threat of violence to you, your child or the accused’s child, or a person under 17 (includes an adopted child)
The offence is a sexual offence in relation to your child, the accused’s child or a person under 17 (includes an adopted child)
The offence consists of attempting or conspiring to commit or of aiding, abetting, counselling, procuring or inciting commission of either of the above two offences
If you are co-offender of the crime
The above exemptions also apply to former spouses in respect of offences that occurred during the marriage.
If you are a member of diplomatic staff.
As a witness, you may also be cross-examined (cross-examination means when the defence can ask you questions about your statement and evidence) by the defence. The representative of the prosecution (or a senior police officer in less serious cases) will present the evidence and examine you, while the defence may cross-examine you. A statement, under oath in court, is usually known as “sworn evidence”. It is not read back to a witness, but examination or cross-examination may ensue from that sworn evidence. All trials must take place in public (except in certain circumstances such as family law matters) and you as a witness will give evidence in open court and cannot remain anonymous. If you are the victim of rape or certain sexual offences however, the public will be excluded from your court hearing and your anonymity will be protected. The public is excluded from inquest hearings and your anonymity will be protected.
If you are called to give evidence at the trial the Courts Service of Ireland can provide support and information (but not legal advice) to you if you are a young witness, you can also consult the guide for young witnesses “Going to Court” which is available as a booklet and DVD, from the Courts Service of Ireland.

I am a minor. Do I have additional rights?
If you are under 14 years old or you have an intellectual disability, you will not be required to swear an oath before giving your evidence at trial. If you are under 16, you may be permitted to give evidence via video link or you may also be allowed to give evidence through an intermediary. If you are a young witness, you can also consult the guide for young witnesses “Going to Court” which is available as a booklet and DVD, from the Courts Service of Ireland.

Can I receive legal aid?
Vicrims are not usually permitted separate legal representation with one exception outlined in the next paragraph. Separate legal representation is available to you if you are a complainant in the prosecution of a person for rape and the defence wants to introduce evidence relating to your prior sexual history. Under this provision, you will not have to make a financial contribution to the cost. In this case the Legal Aid Board will provide a lawyer to represent you free of charge. You may at any stage consult your own lawyer, known as a solicitor, at your own expense. Contact details for solicitors may be obtained from the Law Society.
There are a number of voluntary agencies, which provide court accompaniment and other victim support services, usually free of charge.
How can I get protection, if I am in danger?
It is open to the court to direct that the accused stay away from the victim or stay away from a certain place. A member of An Garda Síochána can assist you in this regard.
Also, the Witness Protection Programme protects witnesses who may be in danger.
In situations of domestic violence, refuge may be available from certain voluntary organisation (see https://www.justice.ie/en/JELR/Pages/Cosc)

How can I claim damages from the offender or receive compensation from the State?
You can claim damages from the offender if you are a victim of crime or a dependant of a victim of crime who has died as a result of the crime. The court can order the offender to pay compensation in respect of any personal injury or loss resulting from the offence (or any other offence that is taken into consideration by the court in determining sentence) to you if you have suffered such injury or loss. For example, this is quite common with regard to property damage. A compensation order is made only after the offender is convicted and it is treated as a sentence or a condition of a sentence.
The judge decides whether a compensation order will be made and for how much. You will not be consulted regarding the amount. The offender’s means are taken into account when determining the amount. There is no upper ceiling set on the amount that can be awarded under a compensation order in the High Court. However, the maximum amount that can be awarded is €6,348.69 in the District Court and €38,092.14 in the Circuit Court. The amount cannot exceed what you would receive in a civil action. The Probation Service may be asked to oversee payment. If you are a victim of a violent crime (or a dependant of a victim), if you were injured as a result of trying to prevent the commission of a crime, prevent the escape of someone in custody, save a life, or assist a police officer, you might be also entitled to compensation from the State and may apply to the Criminal Injuries Compensation Tribunal administrating the Scheme of Compensation for Personal Injuries Criminally Inflicted. Please consult the factsheet on compensation to victims of crime in Ireland (available in English and other languages) on the European Judicial Network website.

Are there opportunities to reach settlementconciliation or to start mediation between the offender and myself?
Generally, there is no such provision in Irish law. However, if the crime you are a victim of is committed by a first-time offender who is under the age of 18 and the offender accepts responsibility for the offence, there are two alternative processes to the criminal justice system in which you can take part and are given an active role in a dispute:

An Garda Síochána can administer a process to caution the child rather than take him or her to court. The child may be placed under the supervision of a Juvenile Liaison Officer for a period of time. You may be invited to be present during a formal caution and your views will be taken into account.

Another process known as the Family Mediation Conference brings you and the young person together in a safe environment via a trained facilitator. Its purpose is to enable the young person to repair the harm caused by their offence. The procedure can be attended by you, the young person, your and his/her supporters (community representatives, family members, friends or relatives nominated by you or young person, and members of the community). If you would prefer not to attend, the facilitator can represent your views during the conference. During this process, an action plan for reparation will be agreed which may include an apology to you, financial or other reparation to you, or initiatives within the child’s family and community that might help to prevent re-offending. The court directs that this take place, often on the recommendation of the Probation Service. If the offender fulfills the conditions of the programme, the case may be closed.

For adult offenders who have accepted responsibility for the offence, the Probation Service may organise a meeting whose purpose is to enable the offender to repair the harm caused by their offence, but only in appropriate cases. There are at present two pilot mediation services in Nenagh, County Tipperary and Tallaght, County Dublin. It is envisaged that these will be extended to other areas in due course. You can attend with your supporter, the offender and his/her supporter, and members of the community. During the proceedings, an action plan for reparation will be agreed. The action plan may include an apology to you, financial or other reparation to you, or initiatives within the community that might help to prevent re-offending. The court directs that this take place, often on the recommendation of the Probation Services. If the judge is satisfied that the offender has fulfilled the conditions of the programme, the case may be closed.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner and you have suffered from a crime in Ireland you have all the rights described above.

If you are a witness who is living abroad you may have the right to give evidence via video link or telephone link.

More information

Criminal Justice Act, 1993 – in [English]
Criminal Justice (Amendment) Act 2009 – in [English]
Constitution of Ireland (Bunreacht na hÉireann) – in [English]
Criminal Law (Rape) Act, 1981 – in [English]
Children Act, 1997 – in [English]
Criminal Evidence Act, 1992 – in [English]
Criminal Justice Act, 1999 – in [English]
Sex Offenders Act, 2001 – in [English]
Probation of Offenders Act, 1907 – in [English]
Criminal Damage Act, 1991 – in [English]
Criminal Law (Human Trafficking) Act, 2008- in [English]

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(C.LD)3 - My rights after the (first) trial

Can I appeal against a sentence or if the defendant is declared not guilty?

Is further appeal possible?

What rights do I have after the court sentence enters into force?

More information

Can I appeal against a sentence or if the defendant is declared not guilty?

A victim of crime cannot appeal the sentence, however, in the case of trials of serious crimes heard in the circuit, central criminal or special criminal courts, a victim of crime or a family member of a victim of crime who is unhappy with the sentence may make a written request to the Director of Public Prosecutions (DPP) to appeal the sentence. However, the decision to appeal the sentence is for the DPP to make. The DPP has the right to appeal where she/he considers the sentence to be excessively lenient. These provisions only apply to trials of serious crimes. The DPP must request a review within 28 days of the sentence being handed down but can apply for an extension of up to 56 days in certain circumstances.

Is further appeal possible?

Normally only one appeal is allowed. However, a further appeal may occur on a point of law. Again the decision is made by the DPP.

What rights do I have after the court sentence enters into force?

If you are the victim of a serious sexual or violent offence, you can ask the Irish Prison Service to notify you prior to the release of the offender. Sex offenders released from prison after September 2001 must also notify An Garda Síochána of their home address and any subsequent changes of address. You can also contact the Prison Service’s Victim Liaison Officer (see [Victim Liaison Service]) to obtain information about the prison and parole system, make a complaint, or request notification about significant developments in the offender’s sentence management, such as release date.

The Prison Service will ensure that, if they are considering allowing the offender out on temporary release, any potential risk to you and the content of your victim impact statement (with your permission) will be taken fully into account.

The Parole Board of the Irish Prison Service advises the Minister for Justice and Law Reform in relation to the administration of long-term prison sentences. Prisoners who are serving determinate sentences of eight years or more but less than 14 years can have their cases reviewed by the Parole Board at the half of sentence stage and prisoners who are serving sentences of 14 years or more, including life sentences, will have their cases reviewed after seven years in custody. The Parole Board will take into account information concerning you and your family when making a recommendation for release of the offender. You can submit a request to the Parole Board that your views be considered in relation to sentence management decisions (e.g. regarding temporary release and parole). If you would like to make a submission, you must inform the Prison Victim Liaison Officer.

You have no access to any data or documents at this stage but you will be informed of the outcome of the parole or temporary release hearing.

More information

Criminal Justice Act, 1993 – in [English]
**Help and support for victims of crime**

The Commission for the Support of Victims of Crime

Irish Courts Service

Director of Public Prosecutions

The Probation Service

The Prison Service

Criminal Injuries Compensation Tribunal

Citizens Information Board

Legal Aid Board

An Garda Síochána Ombudsman Commission

Crime Victims Helpline

Rape Crisis Network Ireland

Support After Crime Services

Women's Aid

Court Support Service

Advic

One in Four

Irish Tourist Assistance Service

CARI

AMEN

Federation for Victim Assistance

BlueBlindfold.gov.ie

Ruhanna

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**The Commission for the Support of Victims of Crime**

The Commission for the Support of Victims of Crime is an independent body which operates under the aegis of the Department of Justice and Law Reform. It provides funding for voluntary sector organisations supporting victims of crime. The Commission for the Support of Victims of Crime assists in the development of strategies and policies to support victims of crime. It provides financial assistance to voluntary bodies that support victims of crime and encourages the provision of services for victims of crime in all areas of the country. It works in association with the [Victims of Crime Office](http://www.csvc.ie/) and promotes awareness of the services available to victims of crime. It supports the Crime Victims Helpline.

**CONTACTS:**

Website: [http://www.csvc.ie/](http://www.csvc.ie/)

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**An Garda Síochána**

An Garda Síochána is Ireland’s national police service. An Garda Síochána performs its functions at national and local level, makes referrals to victim support agencies, provides information on cases and support to victims, promotes an inter-agency approach to problem solving and improving the overall quality of life. It works to achieve prevention, reduction in crime and the fear of crime.

**CONTACTS:**

Website: [https://www.garda.ie](https://www.garda.ie)

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**Irish Courts Service**

The Courts Service is an independent statutory agency, established by the Courts Service Act 1998, which manages the courts, supports the judiciary and ensures a quality service to all users of the court. The Courts Service performs its functions at national and local level, provides facilities for victims and their family in all new and refurbished court buildings, manages and maintains court buildings, works with victim support groups to provide a court accompaniment service.

**CONTACTS:**

Website: [https://www.courts.ie/judgments](https://www.courts.ie/judgments)

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**Director of Public Prosecutions**

The Director of Public Prosecutions is the public prosecutor for the state and is an independent office established under the Prosecution of Offences Act 1974, where decisions are taken free from political or other undue influence. The Office of the Director of Public Prosecutions:

- Aims to operate to the highest professional standards and to treat all those with whom it has dealings fairly, equally and consistently, without any wrongful discrimination.
The Probation Service
The Probation Service is an agency of the Department of Justice and Law Reform. The role of the service is to act as lead agency in the assessment and management of offenders in the community. The Probation Service performs its functions at national and local level provides probation supervision, community service, anti-offending behaviour programmes and specialist support services provides services to both adult and young offenders, in the community and in custody and aims to stop them committing further offences conducts family conferences and on the request of the court provides a Victim Impact Report directs restitution by offenders in appropriate cases CONTACTS:
Website: [https://www.dppireland.ie](https://www.dppireland.ie)

The Prison Service
The Prison Service is an independent body since 1996, which operates as an executive agency of the Department of Justice and Law Reform. The Irish Prison Service deals with male offenders who are 16 years of age or over and female offenders who are 17 years of age or over. The Prison Service performs its functions at national and local level ensures that no additional distress is caused to victims by any action of an offender while imprisoned deals with male offenders who are 16 years of age or over and female offenders who are 17 years of age or over has a mission to provide safe, secure and humane custody for people who are sent to prison is committed to managing custodial sentences in a way which encourages and supports prisoners CONTACTS:
Website: [http://www.probation.ie/](http://www.probation.ie/)

Criminal Injuries Compensation Tribunal
The Criminal Injuries Compensation Tribunal administers the Scheme of Compensation for Personal Injuries Criminally Inflicted under which victims of crime can apply for compensation. The Criminal Injuries Compensation Tribunal administers the Scheme of Compensation for Personal Injuries Criminally Inflicted considers applications from people who suffer a personal injury or death as a result of a crime of violence will look for a Garda report on the crime The Scheme of Compensation for Personal Injuries Criminally Inflicted pays compensation for expenses and losses suffered as a direct result of a violent crime or while assisting or trying to assist in preventing a crime or saving a human life may award compensation on the basis of any vouched out of pocket expenses, including loss of earnings, experienced by the victim or, if the victim has died as a result of the incident, by the dependants of the victim CONTACTS:

Citizens Information Board
The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on a broad range of public and social services. The Citizens Information Board performs its functions on national and local level provides the Citizens Information website, [http://www.citizensinformation.ie/](http://www.citizensinformation.ie/), and supports the voluntary network of Citizens Information Centres and the Citizens Information Phone Service 1890 777 121 CONTACTS:
Website: [http://www.citizensinformation.ie/](http://www.citizensinformation.ie/)

Legal Aid Board
The Legal Aid Board is an independent, publicly-funded organisation whose mission is “To provide a professional, efficient, cost-effective and accessible legal aid and advice service”. The Legal Aid Board performs its functions at national and local level is responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act, 1995 provides legal aid and advice primarily by solicitors employed by the Board in law centres provides services on a nationwide basis through 33 full-time and 12 part-time law centres, incorporating three full-time law centres comprising the Refugee Legal Service (RLS) CONTACTS:
Website: [http://www.legalaidboard.ie/](http://www.legalaidboard.ie/)

Garda Síochána Ombudsman Commission
The Garda Síochána Ombudsman Commission is responsible for receiving and dealing with all complaints made by members of the public concerning the conduct of members of An Garda Síochána. The Garda Síochána Ombudsman Commission has the mission to provide the public with an independent and effective oversight of policing, and to deal with the public’s complaints concerning Gardaí fairly and efficiently
is also obliged to investigate any matter that appears to it to indicate that the conduct of a Garda may have resulted in death of, or serious harm to, a person.

CONTACTS:
Website: https://www.gardaombudsman.ie

Crime Victims Helpline
The Crime Victims Helpline provides information, emotional support and referral to other services to victims of crime. Its phone number is Freephone 116006 or call-save 1850 211 407.
For more information, click here.

Rape Crisis Network Ireland
The Rape Crisis Network Ireland (RCNI) acts as an umbrella organisation for rape crisis centres in Ireland to provide services such as counselling, advice, helpline, advocacy. SATU/medical forensic examination accompaniment and court accompaniment.
The Rape Crisis Network Ireland (RCNI) performs its functions at national and local level
provides support and information to member Rape Crisis Centres
campaigns for funding and improvement of services
undertakes research and collects data relating to sexual violence
campaigns for the social and legislative changes
raises public awareness about sexual violence and the needs of survivors

CONTACTS:
Website: http://https://www.rcni.ie

Support After Crime Services
The Support After Crime Services is a voluntary service founded in January 2006, which provides emotional and practical support to all persons affected by crime.
The Support After Crime Services
offer victims of crime practical and emotional support in a confidential manner operating under clear guidelines and policies
provide victims of crime with information on the criminal justice system
give practical assistance in completion of a victim impact statement
accompany victims/witnesses to court

CONTACTS:
Website: https://www.supportaftercrimeservices.ie

Women's Aid
Women's Aid is a national voluntary organisation which provides support and information to women and their children who are being physically, emotionally, financially and sexually abused in their own homes.
Women's Aid performs its functions on national and local level
is a feminist, political and campaigning organisation committed to the elimination of violence and abuse of women through effecting political, cultural and social change
provides direct support services to women experiencing male violence and abuse
works from the principles of empowerment, collective action, self-help and mutual aid, inclusion and equality
provides direct services to women experiencing domestic violence through National Freephone Helpline 1800 341 900 (available from 10a.m. to 10p.m.) and court accompaniment service
has self-development programmes and provides one-to-one support visits, outreach services, referrals to other agencies and advocacy

Website: https://www.womensaid.ie

Court Support Service
The Court Support Service is a voluntary organisation, funded by the Commission for the Support of Victims of Crime. Its volunteers are trained to support prosecution witnesses and their families who have been called to court to give evidence.
The Court Support Services
is a voluntary organisation that provides support both before and during court proceedings in the Four Courts and at Tallaght District Court only.
itself volunteers offer emotional support to the witnesses by accompanying them into court and remaining with them throughout the duration of the trial
its volunteers will arrange to meet the witnesses prior to the trial and take them on a 'Pre-trial Visit

CONTACTS:
Website: https://www.vsac.ie

Advic
Advic is national, non-profit registered charity which campaigns for greater rights for victims of homicide, their families and friends.
Advic brings together families bereaved by homicide including those affected by murder, manslaughter and fatal assault
provides assistance and information to families via phone and email regarding issues they are faced with after the homicide, including referral to pertinent agencies; helps families to deal with the practicalities arising after a homicide
advocates for changes in our criminal justice system
helps families to survive the trauma of homicide by running a subsidised professional counselling service for families and friends of homicide victims
helps families of homicide victims to access the voluntary assistance scheme run by the Bar Council

CONTACTS:
Website: https://advic.ie

One in Four
One in Four is a registered charity with offices in Dublin, Ireland, which offers support for women and men who have experienced sexual abuse and/or sexual violence and also to their family and friends.
One in Four exists to give voice to the experience of people who have experienced sexual abuse and/or sexual violence
actively seeks and welcomes at all levels of the organisation’s work the involvement of people who have experienced sexual violence
provides a unique service to individuals and families through individual psychotherapy, group therapy, advocacy/support, and 24-hour support on
online message boards; through campaigning, policy making, in-house research, training and consultancy work with statutory and non statutory agencies

CONTACTS:
Website: https://www.oneinfour.ie

Irish Tourist Assistance Service
The Irish Tourist Assistance Service (ITAS) is a free nationwide service offering support and assistance to tourists who become victims of crime while visiting Ireland.
The Irish Tourist Assistance Service (ITAS) acts as a base where problems facing the tourist in the aftermath of a crime can be addressed promptly, with a view to getting holiday plans back on track has trained staff and volunteers, who speak a variety of languages and provide assistance; provides brochures in all tourist offices

CONTACTS:
Website: https://itas.ie

CARI
The CARI Foundation is a registered charity founded in 1989 which primary aim is to provide a professional, child-centred therapy and counselling service to children, families, and groups who have been affected by child sexual abuse.
CARI aims to provide the most up to date education and information service for children, adults and professionals on the dynamics of child sexual abuse aims to raise public and political awareness of these issues aims to guarantee that they have in place sufficient resources nationwide to meet the demand that this increased awareness will promote provides Helpline where callers are able to explore concerns, feelings and fears regarding child sexual abuse in safety and anonymity provides therapy for children and young people whose lives have been disrupted by experiences, exposure to, or allegations of sexual violence

CONTACTS:
Website: http://www.cari.ie/

AMEN
AMEN is a voluntary group, which provides a confidential helpline, a support service and information for male victims of domestic abuse.
AMEN provides advice, support and legal information to male victims of domestic abuse and their children has a Confidential Helpline organises support group meetings whose purpose is to rebuild each member so that he can take up his place in life, strengthened and enriched by the experience provides court accompaniment and counselling

CONTACTS:
Website: https://www.mensaid.ie

Federation for Victim Assistance
The Federation for Victim Assistance has as main objective to provide emotional and practical support to victims of crime.
The Federation for Victim Assistance provides victim assistance at court and counselling provides assistance for tourist victims of crime helps with victim impact statements

CONTACTS:
Website: https://victimassistance.ie

Blue Blindfold.gov.ie
Ireland is a member of a European G6 Human Trafficking Initiative designed to ensure that the EU becomes more hostile environment for criminals engaged in the trafficking of human beings. The other five countries involved in the initiative are the UK, Poland, Italy, Spain and the Netherlands. The campaign is designed to encourage the public to share any suspicions
Ireland is a member of a European G6 Human Trafficking Initiative designed to ensure that the EU becomes more hostile environment for criminals engaged in the trafficking of human beings. The other five countries involved in the initiative are the UK, Poland, Italy, Spain and the Netherlands. The campaign is designed to encourage the public to share any suspicions or information on this crime with the Gardaí who will then investigate accordingly.

CONTACTS:
Website: https://www.blueblindfold.ie

Ruhama
Ruhama is a Dublin-based NGO which works on a national level with women affected by prostitution.
Ruhama is an NGO that works, on a national level, with women affected by prostitution including those who are victims of trafficking for sexual exploitation. Ruhama provides a comprehensive range of services to women, tailoring interventions to individual needs. Ruhama provides a range of supports to allow women exit prostitution and reintegrate into mainstream society; including outreach, advocacy, counselling, safe accommodation, education (in-house and external), development/resettlement programmes, befriending, long-term support until woman becomes independent. Ruhama help women to access legal services, health care and housing. Victims of Trafficking have access to all services listed above.

CONTACTS:
Website: https://www.ruhama.ie

Last update: 16/04/2024

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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? (Please delete when inserting data)For example, information on:

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

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

(Please delete when inserting data) For example, information on:
- **Who to contact** at the local police or prosecutor’s office for updates on the case
- The **decision to not investigate** or to **close the investigation**
- The **decision to not prosecute** the suspect
- The **release or escape** of the offender from custody
- The **time and place** of the trial
- The **criminal charges** against the suspect

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

(Please delete when inserting data) When? Under what conditions?

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

(Please delete when inserting data) Please describe how the authority ensures the victims’ rights to understand and to be understood (information in Braille, easy-to-understand language, child-friendly language etc…)

Victim support services

Who provides victim support?

Will the police automatically refer me to victim support?

(Please delete when inserting data) Please specify if the police asks victim whether he or she wants to be contacted by a victims’ support service or whether the police informs victims that the victim may contact a victims’ support organisation

How is my privacy protected?

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

Personal protection if I’m in danger

What types of protection are available?

Who can offer me protection?

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

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?
What protection is available for very vulnerable victims?

I am a minor – do I have special rights?

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

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

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

Where can I find the law stating my rights?

How do I report a crime?

How do I find out what's happening with the case?

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

(Please delete when inserting data) For example, information on:
Am I entitled to legal assistance?
Am I entitled to legal representation?
Is it for free? Under what conditions?

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

Can I appeal if my case is closed before going to court?

Can I be involved in the trial?

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

What are my rights and obligations in this role?

Can I make a statement during the trial or give evidence? Under what conditions?
### 3 - My rights after trial

#### Can I appeal against the ruling?

What are my rights after sentencing?

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

### 4 - Compensation

What is the process for claiming damages from the offender? *(e.g. court case, civil claim, adhesion procedure)*

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

If the offender does not pay, can the state pay me an advance? Under what conditions?

Am I entitled to compensation from the state?  
*(Please delete when inserting data)* *(Instruction from validator: please provide basic information on deadlines and procedures on claiming state compensation. Please do not reply by inserting a link to the section on state compensation in the European Judicial Network - Atlas as that link soon will be unavailable)*

Am I entitled to compensation if the offender is not convicted?

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

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*Last update: 16/04/2024*
5 - My rights to support and assistance

I am a victim of crime who do I contact for support and assistance?

(Please delete when inserting data) Provide contact details:

Victim support organisations provided by state provided by non-governmental bodies (NGOs) probation and mediation services police local authorities

Victim support hotline

(Please delete when inserting data) (Please provide for telephone numbers) general hotline hotline for specific types of crime (list crime types).

Is victim support free?

What types of support can I receive from state services or authorities?

(Please delete when inserting data) For example, information on:
- medical support
- psychological and emotional support
- accommodation, including shelters
- legal advice
- other

What types of support can I receive from non-governmental organisations?

(Please delete when inserting data) For example, information on:
- medical support
- psychological and emotional support
- accommodation, including shelters
- legal advice
- other

Last update: 16/04/2024

Victims' rights - by country - Greece

You will be considered a victim of crime if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, as a result of an incident which constitutes an offence under Greek law. As a victim of crime, the law grants you certain individual rights before, during and after the trial. Criminal proceedings in Greece start with the investigation (dierévnisi) of the crime. Sometimes the investigation is divided into a preliminary investigation (prokatarktí exétasi) and a judicial investigation (anákrisi). The aim of a preliminary investigation is to explore the circumstances of the case and establish whether criminal proceedings should be instituted or not.

The investigation is conducted by the police and by officers of the court — the public prosecutor (eisangeléas), the investigating judge (anákritis), or both. At the end of the investigation, the police officer in charge of the case forwards all the evidence collected to the prosecutor. The prosecutor then examines the work done so far and forwards the case to the court together with his or her recommendations for how the case should proceed further.

After reviewing the case file and the prosecutor's recommendations, the court will either order a trial or close the case.

At the trial the court considers all the evidence collected and decides whether or not the defendant is guilty. If the defendant is found guilty, he or she is convicted and sentenced. If the defendant is found not guilty, he or she is acquitted.

For further information, please refer to the following links:

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

Last update: 14/06/2024
I - My rights as a victim of crime

What information will I be provided with by the authority (e.g. police, public prosecutor) after the crime occurred but before I even report the crime?

From your first contact with the police, or other competent authority, you will be given information, without undue delay and by any means available, on the terms and conditions of admissibility of a criminal complaint, and on the right to join the civil proceedings as a civil party seeking damages (polítikós enagión); on how and under what conditions you can obtain legal assistance, lodge a claim for damages, or obtain translation and interpretation services; on the restorative justice available, and the authorities that can work towards restoring the damage by mediating between you and the offender; on how and under what conditions expenses incurred as a result of your participation in the criminal proceedings can be reimbursed; and how you can make a complaint against an authority if you feel your rights have not been respected.

In addition to your rights in the criminal proceedings, you will also be informed about access to medical care, and any specialist support, including psychological assistance and alternative accommodation, and about how and under what conditions protective measures may be applied.

If you reside in another EU Member State, you will be given specific information on how and under what conditions you can exercise your rights. The scope and content of the information given will vary depending on your particular requirements and personal situation and the type and nature of the offence. In the course of the proceedings additional and more thorough information will be supplied, at the competent authority’s discretion, depending on your needs (Article 57 of Law 4478/2017, on the right to receive information from the first contact with a competent authority (Article 4 of Directive 2012/29/EU)).

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 reside in an EU Member State other than the state where the crime was committed, you will be called to make a statement immediately after you report the offence. This can be done in accordance with the provisions of the Code of Criminal Procedure (Kódikas Poinikís Dikonomías — ‘KPD’) allowing for the use of communications technology, e.g. videoconferencing, telephone or Internet (Article 233(1) KPD).

If you reside in Greece and the offense was committed in another EU Member State, you may lodge a criminal complaint with the public prosecutor at the magistrates’ court (eisangelías plimmeleiodión) of your place of residence, who will forward your complaint to the competent law enforcement authority of the relevant Member State without undue delay, through the public prosecutor at the court of appeal (eisangelías efeitón), unless the Greek courts have jurisdiction in the matter. The prosecutor is under no obligation to forward your complaint to the Member State where the criminal offence was committed if Greek law is applicable and criminal proceedings are brought in Greece. In that case, in order to ensure that you receive adequate information and to promote mutual legal assistance, the prosecutor at the magistrates’ court that handles the case will so notify the competent law enforcement authority in the Member State where the criminal offence was committed, without undue delay, through the prosecutor at the court of appeal. (Article 64 of Law 4478/2017, on the rights of victims resident in another Member State (Article 17 of Directive 2012/29/EU))

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

When you lodge a criminal complaint, the responsible officer must inform you that you can obtain a copy of your complaint. (Article 58 of Law 4478/2017, on the right of victims when making a complaint (Article 5 of Directive 2012/29/EU))

When a criminal complaint is lodged it is given a unique complaint registration number (arithmós vivilou miy尼斯). That number allows you to monitor the course of your case using the register kept at the prosecutor’s office or by contacting the complaints office responsible. You may also request and obtain a case progress certificate (pistopoitiiko poreía) indicating the current stage of the proceedings (e.g. an investigation is being carried out to establish the validity of the complaint, or a preliminary investigation is being conducted) and describing the outcome at each stage (e.g. the prosecutor has discontinued proceedings; criminal charges have been brought and the offender has been committed for trial, in which case you will be told the time and place of the trial and the nature of the charges brought; a pretrial judicial inquiry (kyría anákrísi) is in progress, or an order has been made dismissing the charges or terminating the prosecution; a court judgment has been given, if you have joined the criminal proceedings as a civil party seeking damages). (Article 59 of Law 4478/2017, on the right of victims to receive information about their case (Article 6 of Directive 2012/29/EU))

If your case falls under the jurisdiction of the Athens Court of First Instance (Protodikeío Athinón), when it reaches court your lawyer can monitor its progress on the website of the Athens Bar Association (Dikigorikós Syllogos Athinón). This option is not available to victims themselves, as the use of credentials is required.

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

If you do not understand or speak Greek, you can lodge a criminal complaint in a language you do understand, or be given the necessary linguistic assistance, always subject to the terms and conditions laid down in the Code of Criminal Procedure or any specific criminal laws — you will be informed accordingly by the responsible officers. You may request a translation of your complaint free of charge. (Article 58 of Law 4478, on the right of victims when making a complaint (Article 5 of Directive 2012/29/EU))

If you are to be examined as a witness at any stage of the proceedings and you are unable to speak or understand Greek sufficiently well, you will be given the services of an interpreter without delay. The right to interpreting services includes the provision of proper assistance to persons with hearing or speech impediments. Where appropriate, communication technology such as videoconferencing, telephone or the Internet may be used, unless the physical presence of the interpreter is considered imperative by the person examining you (Article 233(1) KPD).

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

At their first contact with you, the police or other authorities will communicate with you in simple and accessible language, either orally or in writing, taking account of your personal characteristics, such as, primarily, your age, maturity level, intellectual and mental abilities, education, language skills, any hearing or speech impediments, or whether you are in severe emotional distress which affects your ability to understand or to be understood. A guide to your rights is available written in the most commonly spoken languages and in Braille (Article 56(2) of Law 4478/2017 (Article 3 of Directive 2012/29/EU)). Moreover, if you have a hearing or speech impediment, you will be provided with proper assistance by an interpreter (Article 233(1) KPD).

I am a minor – do I have special rights?

If you are a minor (under the age of 18), your legal representative (parent or guardian) can report the offence on your behalf. If you are over 12 years old, you can report the offence together with your legal representative (Article 118(2) of the Criminal Code (Poinikós Kódikas — ‘PK')).
Whether you have special rights during the criminal proceedings depends on the nature of the offence. For instance, if you are a victim of an infringement of your personal or sexual freedom, human trafficking, sex tourism, abduction, kidnapping or a sex crime, you have a right to:

consult your case file, even if you have not joined the criminal proceedings as a civil party (Article 108A KPD);

have your interview recorded so that it can be used during the further criminal proceedings and you do not need to appear again before the prosecutor or the court (Article 226A KPD);

obtain the assistance of a psychologist or child psychiatrist when you are examined as a witness;

obtain information on whether the offender has been released (Article 108A KPD);

request a restraining order against the offender prohibiting him or her from contacting you or going near your home.

Moreover, you are in any case entitled to:

an individual assessment, in order to establish whether special protection measures should be applied where there is a risk of repeat victimisation (Article 68 of Law 4478/2017, on the individual assessment of victims to identify specific protection needs (Article 22 of Directive 2012/29/EU));

request the prosecution or judicial authorities to appoint a legal guardian for minors (epimeleítis anilikón) to represent you at any stage of the criminal proceedings, if your parents are unable to represent you or if you are unaccompanied or separated from your family (Article 69(7) of Law 4478/2017, on the right to protection of victims with specific protection needs during criminal proceedings (Articles 23 and 24 of Directive 2012/29/EU));

ask to join the proceedings as a civil party seeking damages, assisted by your legal representative (Article 82(2) KPD).

### What information can I obtain from the police or from victim support organisations during the investigation of the crime?

You can obtain information about the current stage of the proceedings from the public prosecutor, if the case file (đikogràfìa) has been sent to the prosecutor. If you have joined the criminal proceedings as a civil party, you may consult the contents of the case file and be given copies of the documents in it once the accused has been called to provide a defence statement (apologiá), or an arrest warrant (éntalma sýllipsis) or a warrant for forced appearance (éntalma víasas prosagogís) has been issued (Article 108 KPD), or a suspect has been summoned by the authorities to provide explanations. Until then, the proceedings are confidential.

Victim support and protection services can provide information, advice and support on how you can exercise your rights, including the right to claim compensation for the damage you have sustained as a result of the offence, and your role in the criminal proceedings as a civil party or as a witness (Article 62 of Law 4478/2017, on support from victim support services (Article 9 of Directive 2012/29/EU)).

### What are my rights as a witness?

If you are to be examined as a witness, you will be served a summons by the prosecutor or the police officer conducting preliminary inquiries, or by a district criminal court judge (ptaisimatodíkí xor) investigating judge (anakritís). You must appear and testify before them as soon as you receive the summons. You will be asked to describe what happened and, possibly, to answer some additional questions. If you are related to the suspect, you may refuse to testify (Article 222 KPD).

If you have a hearing or speech impediment, the examination may be conducted in writing. If you do not speak Greek, you have a right to the services of an interpreter free of charge.

If you are a victim of people trafficking you belong to a special group of witnesses: you will receive assistance beforehand from a psychologist or psychiatrist, acting in cooperation with the investigating police or judicial officers, who will use proper diagnostic methodologies to establish your intellectual capacity and psychological status. The psychologist or psychiatrist will be present during your examination. You may also be accompanied by your legal representative, unless the investigating judge makes an order preventing him or her from attending, giving reasons.

Your testimony will be written down and recorded audiovisually, where possible, so as to be submitted to the court electronically, in which case you need not be physically present at any subsequent stages of the proceedings.

If the case is one of domestic violence, and you are a member of the family, your testimony will not be taken on oath. If you are a minor, you will not be called to testify as a witness in court. Instead, you can provide a written statement which will be read in the courtroom, unless your physical presence is considered imperative.

Following your examination, you may seek reimbursement of any expenses you may have incurred (transport or accommodation expenses) from the authority that summoned you to testify (Article 286 KPD).

### How can I get protection, if I am in danger?

Different types of protection are available, depending on the nature of the offence and your role in the criminal proceedings.

If you are a victim of organised crime or terrorism and have been summoned to testify as a key witness or part of a pretrial judicial investigation into criminal activities, you may seek special protection against potential retaliation or intimidation. Depending on the case, the type of protection available may include police protection, protection of your anonymity (your name, place of birth, home and work address, occupation, age etc. will be eliminated from all written records), or even a change of identity and relocation to another country. You may ask to testify by means of audiovisual technology. If you work for a public agency, you may also request a provisional or permanent transfer to another post. Protection measures will be subject to your consent, and will limit your freedom only to the extent necessary for your own safety; they may be suspended if you so request in writing or if you fail to cooperate to ensure their success (Article 9 of Law 2928/2001, on witness protection).

If you are a victim of domestic violence, the police officers handling your case may under no circumstances disclose your identity, the offender’s identity, your home address or any information that might reveal your identity (Article 20 of Law 3500/2006).

As a victim, you may apply in writing for measures to prevent any contact between you or your family members and the offender at the places where the criminal proceedings are conducted. Your application will be heard by the three-member magistrates’ court (trimelés plimmeleiodikeío) of the place of the criminal proceedings, at any stage in the proceedings, in accordance with the expedited procedure for offences in flagrante delicto (Article 65 of Law 4478/2017, on the right to avoid contact between victim and offender (Article 19 of Directive 2012/29/EU)).

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### 2. Reporting a crime and my rights during the investigation or trial

#### How do I report a crime?

If you are a victim of a crime, you can report the offence to the public prosecutor or to the police, by lodging a criminal complaint (enklisi or minysi). (Strictly speaking, an enklisi is a criminal complaint made by the victim himself or herself. In certain situations criminal proceedings will be initiated only if there is such a complaint (e.g. in case of offences against a person's honour and reputation). A minysi is a criminal complaint or report made by a party other than the victim, in the case of an offence that the authorities can prosecute on their own initiative whether or not the victim complains. In practice, though, the term
Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

During the trial you can have a lawyer, but you need to pay for their services. If your annual family income is lower than two thirds of the annual minimum personal income defined in the National General Collective Labour Agreement, you will be provided with a lawyer free of charge, who will prepare and lodge a criminal complaint and represent you as a civil party at any stage of the proceedings, provided you are a victim of one of the following: torture or another offence against human dignity (Article 137(A) and (B) of the Criminal Code); discrimination or unequal treatment, an offence against life, personal freedom or sexual freedom; financial exploitation of sexual life; an offence against property or property rights; personal injury; or an offence related to marriage or the family. The offence must be a serious crime (kakoiourgia) or an intermediate offence (plimélima) within the jurisdiction of the three-member magistrates’ court (trimelíous plimmeleio dikonías) that carries a minimum sentence of 6 months’ imprisonment (Law 3226/2004 (Government Gazette, Series I, No 24, 4.2.2004), as amended and supplemented by Laws 4274/2014 and 4689/2020). The person who assesses your request for legal aid in a criminal case is the presiding judge at the court where the case is pending or before which an appeal is to be brought.

The lawyer who acts for you will help you prepare and submit the documentation required to allow you to join the proceedings as a civil party and will assist you throughout the course of the proceedings.

Can I appeal if my case is closed before going to court?

If the prosecutor at the magistrates’ court (eisangeléas plimmeleio dikonías) makes an order rejecting your complaint as without foundation in law, or obviously unfounded on the merits, or incapable of being assessed by a court, you may challenge the order before the responsible prosecutor at the court of appeal (eisangelía efetón) (Articles 47 and 48 KPD) within 3 months of the date of the order — this timelimit cannot be extended for any reason. To challenge the order you will have to pay a fee, which will be refunded if the prosecutor sustains it.

Can I be involved in the trial?

You can participate in the trial only if you are a civil party (politikó enágon) asking the court to award you damages for loss or for moral harm or pain and suffering. You can ask to join the criminal proceedings as a civil party by applying to the responsible public prosecutor, either in your criminal complaint or in a separate document, by the end of the pre-trial investigation (Article 308 KPD), either personally or through a lawyer holding general or specific authorisation to that effect. Your civil claim is recorded in a report with the lawyer’s authorisation attached (Article 83 KPD). If you have not asked to be treated as a civil party in your criminal complaint, you can still do so in the criminal court (Article 82 KPD) before the court starts to evaluate the evidence.

Your application to join the proceedings as a civil party will be rejected as inadmissible unless it includes a brief description of the case, the grounds of your claim and, if you are not a permanent resident within the territorial jurisdiction of the court, the appointment of an agent within that jurisdiction. The agent will be entitled to accept service of all documents or notices addressed to you as a civil party (Article 84 KPD). To be heard as a civil party in the criminal court
you must appoint an authorised lawyer and pay a flat-rate fee in favour of the State, which covers the entire proceedings until there is a judgment that is no longer open to appeal. The amount of the fee is periodically adjusted by a joint decision of the Minister for Economic Affairs and Finance and the Minister for Justice.

As a civil party, you are a party to the proceedings, with a number of rights. You can attend all court hearings, including hearings in camera, and you have access to all the documents in the case. You are allowed to speak before the court to present your claims and you can also comment after a witness has been examined or make submissions or provide explanations on any testimony given or evidence presented (Article 358 KPD). You may put questions, through your lawyer, to the offender, the witnesses and the other participants (e.g. any technical experts appointed in the case). You will be asked to testify as a witness (though not on oath), and you can also propose witnesses, provided that the court is notified in good time. You are entitled to request an adjournment of the hearing or the replacement of a judge.

In any event, as a victim, you may be summoned by the court as a witness. In that case you are obliged to appear in court. When you are examined as a witness, you will have the opportunity to explain to the court the facts pertaining to the offence. The judge may also ask you some additional questions.

**What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party, or private prosecutor? What are my rights and obligations in this role?**

You may choose whether to join the criminal proceedings as a civil party, which makes you a party to the entire proceedings, with substantial procedural rights, or simply to testify as a material witness, given that the criminal proceedings are taking place in particular as a result of the offence committed against you. The concept of a private prosecution does not exist in the Greek judicial system.

**Can I make a statement during the trial or give evidence? Under what conditions?**

You can submit documents, which will be read in court (Article 364 KPD) and will be included in the case file, and you can also call witnesses and notify the court accordingly (Article 326(2-1) KPD).

**What information will I receive during the trial?**

You may attend public hearings throughout the proceedings, the taking of evidence, the defendant’s statement of defence, the pleadings of the lawyers and the court’s judgment.

**Will I be able to access court files?**

As a civil party you have access to the contents of the case file and can obtain copies of the court’s judgment.

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**4. My rights after sentencing**

**Can I appeal against the ruling?**

At the end of the trial, the court will convict or acquit the defendant depending on the evidence presented. If the court finds the defendant not guilty, it clears him or her of the accusation, and if you have joined the proceedings as a civil party (politikós enágon) it will not rule on your claim for reparation or financial compensation for moral harm or pain and suffering. In such a case, the defendant is entitled to counterclaim against you seeking compensation and any expenses he or she has incurred in relation to the case (Article 71 of the Code of Criminal Procedure (Kódikas Poinikís Dikonomías — ‘KPD’). If the court finds the defendant guilty, it will sentence him or her, and will rule on the amount of compensation you are to receive from the defendant on the basis of your civil claim.

If the court acquits the defendant, you can appeal against the judgment only if you have been ordered to pay the defendant compensation and expenses, and only in that respect, under Article 486(1)(b) KPD. In addition, if you are a civil party, you can appeal against a part of the judgment that dismissed your claim as unfounded in law or a part that awarded you financial satisfaction or compensation (Article 488 KPD).

Alternatively, you can ask the public prosecutor to appeal against the judgment.

**What are my rights after sentencing?**

Once the court sentence enters into force, your role in the criminal proceedings is generally over. Greek legislation does not give crime victims any further rights at the stage when the sentence is being enforced. There is only one exception: if you are a minor who is a victim of an offence against personal and sexual freedom, you have all the associated rights, even if you have not joined the proceedings as a civil party, including the right to be informed by the public prosecutor if the offender is released, provisionally or permanently, and any leave granted to him or her when in prison (Article 108A KPD).

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

As a victim, you are entitled to free and confidential general or specialist support and care services, depending on your needs, before, during and for a reasonable period of time after termination of the criminal proceedings. These rights may also extend to your family members, depending on their needs and on the severity of damage they have sustained as a result of the criminal offence that was committed against you. The police, or any other competent authority receiving your complaint, may provide you with information at your request, or refer you to: the social services of first- and second-level local government authorities; mental health facilities; Community Centres (Kéntra Koinonikís Allilengýis); the advice centres (symvoulevtiká kéntra) of the General Secretariat for Gender Equality; the support structures of the National Centre for Social Solidarity (Ethnikó Kéntro Koinonikís Allilengýis); the Independent Offices for the Protection of Underage Victims (Avtoteli Grafeía Prostasias Anilikón Thyrmátôn) of the Ministry of Justice, Transparency and Human Rights; or private bodies and professional and volunteer associations. If you are a woman who is a victim of a crime against your personal or sexual freedom, or of financial exploitation of sexual life, domestic violence, human trafficking, procuring or racist crimes, your children are also entitled to receive support and care services (Article 61 of Law 4478/2017, on the right to access victim support and care services (Article 8 of Directive 2012/29/EU)).

General support and care services can help you, among other things, with information and advice regarding your rights as a victim and your entitlement to claim compensation for criminal injuries; information on how you can take part in the criminal proceedings either as a civil party or as a witness; information about or direct referral to any relevant specialist support services in place; emotional and psychological support; advice relating to financial and practical issues arising from the crime; or advice relating to the prevention of secondary and repeat victimisation, intimidation and retaliation.

Specialist support and care services will refer victims to shelters or provide other appropriate temporary accommodation for victims in need of a safe place owing to an imminent risk of secondary or repeat victimisation, intimidation or retaliation, and can provide integrated support, including trauma support and counselling, for victims with specific needs, such as victims of racist or sexual violence, victims of identity- or gender-based violence, and victims of violence in close relationships (Article 62 of Law 4478/2017, on support from victim support services (Article 9 of Directive 2012/29/EU)).

**What information will I be given if the offender is sentenced?**
As a victim, you will be briefed on the progress of the criminal proceedings and notified of the court ruling without undue delay, if you so request, in accordance with the relevant provisions of the Code of Criminal Procedure, provided that you have joined the criminal proceedings as a civil party. If you have joined the criminal proceedings as a civil party, you may be provided with information about the proceedings by email, in person or through your lawyer (Article 59 of Law 4478/2017, on the right of victims to receive information about their case (Article 6 of Directive 2012/29/EU)).

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

You have a right to be informed if a temporary detention order is revoked or altered by the competent judicial body, or if the offender is permanently released, or has escaped from prison or been granted bail by the responsible officers of the detention facility, including information on any measures that may be taken to protect you in the event that the offender has been released or has escaped from prison. Such information must be given to you, subject to authorisation by the public prosecutor, if there is actual or potential danger to your safety, provided that no risk of harm to the offender arises as a result of the disclosure of such information (Article 59 of Law 4478/2017, on the right of victims to receive information about their case (Article 6 of Directive 2012/29/EU)).

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

No. However, the Court may require reparation of the damage sustained by the victim of the criminal act (Article 100(3a) of the Criminal Code (Pokinóς Kóddikas — PK)) as an alternative to or a prerequisite for the suspension of the sentence, subject to probation or supervision by a social assistance officer (epimelitis koinonikis arogísis) (Article 100 PK). The offender’s compliance with the Court’s requirements is monitored by the social assistance officer, and in the event of non-compliance, the competent police may ask the court that ordered the suspension to revoke the order.

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4. **Compensation**

You can claim damages from the offender by making a claim in civil law. You can submit your civil claim as part of the criminal proceedings, during the investigation or during the trial. By submitting your claim you join the criminal proceedings as a civil party (polikítikí enágon). You can claim financial compensation for damage to your property and/or for moral harm and pain suffering. You can add to your claim all the expenses you have incurred in relation to the case (lawyers’ fees, bailiffs’ fees, travel expenses, etc.).

If the court finds the offender guilty, it will order him or her to pay you compensation. In practice, this compensation is most often symbolic, and less than the actual damage you have suffered. For the remainder you have to bring a separate action in a civil court.

Alternatively, you can bring your claim directly in the civil court. The civil court will order the offender to pay compensation that corresponds to the actual damage you have suffered. If you have a claim pending before a civil court, you can re-submit it within the framework of criminal proceedings; the case before the civil court will then be closed.

If you are a victim of violent crime committed intentionally, you are entitled to compensation from the State. Please consult the factsheet on compensation to crime victims in Greece (available in English, Greek and other languages) of the European Judicial Network (restorative justice).

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5. **My rights to support and assistance**

The General Secretariat for Gender Equality (Genikí Grammateía Isótitas ton Fýlon), which comes under the Ministry of the Interior, runs advice centres for women who are victims of violence.

It has established an integrated network of 62 structures to help such women.

The network comprises a 24/7 helpline (SOS 15900), 40 advice centres, and 21 hostels for women and their children.

The SOS 15900 helpline can also be contacted at the email address sos15900@isotita.gr. It operates on a 24/7 basis, 365 days a year, in both Greek and English. Call costs are subject to domestic call charges.

The advice centres offer psychosocial support and legal advice free of charge. The scope of services offered is now expanding to include female employment and women suffering multiple forms of discrimination (support to refugees, single parents, members of the Roma community etc.). Contact information (addresses and telephone numbers) for the advice centres is available on http://www.womensos.gr and on Facebook: WomenSOS.gr

**CONTACT INFORMATION:**

General Secretariat for Gender Equality website: http://www.isotita.gr/

Research Centre for Gender Equality (Kántro Erevnón gia Thémata Isótitas – KETH)’

The Research Centre for Gender Equality offers psychological support and legal assistance to victims of domestic violence and operates a hostel for women who are victims of violence and their children.

The Research Centre for Gender Equality is a body governed by private law which was set up in 1994 and is subject to supervision by the General Secretariat for Gender Equality comprises regional and local services offering psychological support and legal assistance to victims of domestic violence provides psychological support and legal assistance free of charge provides information, advice and support to women facing employment and social exclusion issues

in cooperation with Athens Prefecture, has been hosting a host for women who are victims of violence and their children since 1993.

**CONTACT INFORMATION:**

Website: https://kethi.gr/

National Centre for Social Solidarity (Ethnikó Kéntro Koinonikis Allilengýis – EKKA)

The National Centre for Social Solidarity operates a network that offers social support services to individuals, families and social groups experiencing psychosocial difficulties or who are in need of immediate social support.

The National Centre for Social Solidarity is a body governed by private law based in Athens and subject to supervision by the Ministry of Labour, Social Security and Social Solidarity. It comprises the following services:

The 197 direct social assistance line for all citizens operates on a 24/7 basis. Calls are free of charge.
The 1107 national child protection hotline, for questions concerning children, operates on a 24/7 basis.
Social support centres in Athens, Piraeus and Thessaloniki
Hostels for citizens experiencing serious socio-financial problems in the region of Attica
Operates shelters for women at risk and their children in Attica and Thessaloniki
Scope of services offered:
- advice and information on social welfare issues
- social and psychological support to individuals and families, provision of shelter to women at risk and their children (mainly victims of domestic violence and human trafficking)
- short-term accommodation for persons going through a crisis or social emergency
- cooperation and mediation to facilitate access to social solidarity services offered by other organisations
Lastly, the Centre deploys rapid intervention psychosocial support teams, consisting primarily of psychologists and social workers, in situations of natural disasters (earthquake, flood, fire), accidents, shipwrecks involving large numbers of victims, and any crisis involving large numbers of people where the presence of these teams is judged necessary.

CONTACT INFORMATION:
Website: http://www.amnesty.org.gr/

**Amnesty International**
The national Helsinki Federation focuses on various human rights issues across Europe, providing reports, parallel unofficial reports to UN treaty bodies, and specialised reports on maltreatment and on ethnic, ethno-linguistic, religious and immigrant communities.

**Amnesty International Greek Section (Othlothis Amnista Ellinikó Tmíma)**
Amnesty International addresses governments, intergovernmental organisations, armed political groups, companies and other non-state actors and systematically and impartially investigates individual cases and patterns of human rights abuses.

**Amnesty International**
is a global, independent movement of volunteers fighting for the protection of human rights

defends prisoners of conscience, violence and poverty

seeks to end violence against women

seeks to abolish the death penalty, torture and limitations on freedom imposed in the name of the ‘war on terror’

combats discrimination against refugees, immigrants, minorities and defenders of human rights.

CONTACT INFORMATION:
Website: http://www.amnesty.org.gr/

Victims’ rights - by country - Spain
Under Law 4/2015 of 27 April 2015, natural persons that are the victims of offences committed in or which may be prosecuted in Spain are considered to be victims of crime, regardless of their nationality, of whether they are of legal age or minors and of whether or not they are legally resident. The provisions of this Law shall apply:

a) As a direct victim, to any natural person who has suffered harm to his or her person or property, especially physical or mental injury, emotional suffering or economic loss directly caused by an offence.

b) As an indirect victim, in the event of death or disappearance of a person directly caused by an offence, except where the events are directly attributable to:

1. The victim’s spouse, where they are not legally or effectively separated, and to any children of the victim or of the victim’s spouse, where they are not legally or effectively separated, who are living with them at the time of the death or disappearance; any person who, at the time of the death or
disappearance, is in a comparable sentimental relationship with the victim and any children of that person who are living with the victim at the time of the death or disappearance; to the victim’s parents or direct or third-degree relatives for whom the victim has parental responsibility and persons under the victim’s guardianship or who are being fostered by the victim.

2. Where none of the above persons exist, other direct relatives and the victim’s siblings, with preference being given to the victim’s legal representative.

Basic victims’ rights: All victims are entitled to protection, information, support, assistance and care, as well as to participate actively in criminal proceedings and to receive respectful, professional, personal and non-discriminatory treatment from their first contact with the authorities or officials, while victim assistance and support and restorative justice services are being provided, throughout criminal proceedings and for a sufficient period of time after their conclusion, regardless of whether or not the identity of the offender is known and of the outcome of the proceedings.

Contact point: victim support offices

As a victim of crime, the law grants you certain individual rights before, during and after court proceedings (trial).

Criminal proceedings in Spain start with investigation of the crime, conducted by the judicial police under the supervision of an examining magistrate. At the end of the investigation the examining magistrate sends the case to the public prosecutor who decides what to do next. If there are not sufficient grounds to bring a case against the offender and the public prosecutor fails to press charges, the examining magistrate will dismiss (end) the proceedings. Otherwise, the case will be referred to the relevant court for trial.

During the trial the court examines the evidence and decides whether the alleged offender is guilty or not. If the offender is found guilty the court will impose a penalty. The criminal proceedings may continue with the possibility of an appeal before the higher court.

As a victim, you can take part in criminal proceedings as a witness or have a more active role as a private prosecutor and thus benefit from additional rights derived from being a party to the proceedings. In any case, pursuant to Article 124 of the Spanish Constitution, the public prosecutor shall safeguard the interests of victim’s throughout the proceedings.

The victims of offences related to gender-based violence are assisted by a specialised lawyer from the preliminary enquiries onwards. Following the reform of the Organic Law on the Judiciary (LOPJ) with Organic Law 7/2015, the courts with jurisdiction for violence against women also deal with offences against privacy, the right to self-image and honour of women and the offence of contempt of court or disregarding an interim measure.

Click on the links below to find the information that you need

1. My rights as a victim of crime
2. Reporting a crime and my rights during the investigation or trial
3. My rights after trial
4. Compensation
5. My rights to support and assistance

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have an interpreter service, which will coordinate with the Crime Victim Support Offices. Furthermore, if you are not resident in Spain, you are entitled to receive information about the procedure for exercising your rights.

If you are the beneficiary of a protection order issued in a Member State, you can request a European protection order. Using a simplified and accelerated process, you will be granted protection through a new protection measure taken by the Member State to which you are travelling or moving.

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

At the time of reporting a crime, you are entitled to receive a duly certified copy of the report. You will also be entitled to free language assistance and a written translation of the copy of the report you file, if you do not understand or speak any of the official languages of the place where the crime is reported.

You will also be entitled to receive information about the following:

- the care and support measures available to you, whether medical, psychological or material, and the procedure for obtaining them, including, if necessary and appropriate, information concerning the possibilities of obtaining alternative accommodation;
- the right to give evidence to the authorities in charge of the investigation;
- the possibility of requesting protection measures and, where appropriate, the procedure for doing so;
- the compensation to which you may be entitled and, where appropriate, the procedure for claiming it;
- the interpreting and translation services available;
- any communication aids and services available;
- the procedures through which you can exercise your rights if you live outside Spain;
- the appeals you can lodge against any rulings you consider to be incompatible with your rights;
- the cases in which you can be reimbursed for legal expenses and, where appropriate, the procedure for claiming them;
- the right to make a general request to be notified of certain decisions in the proceedings such as, among others, the decision not to initiate criminal proceedings, the final judgment in the proceedings, decisions to imprison or subsequently release the offender, as well as the possible escape of the offender from custody, and decisions of any judicial or prison authority affecting persons convicted of crimes committed using violence or intimidation that pose a risk to your safety.

Furthermore, you will be informed of the date, time and place of the trial, as well as the substance of the charges against the offender. If you are a victim of a crime of gender-based violence, you will be notified of the decisions to imprison or subsequently release the offender, as well as the possible escape of the offender from custody, in addition to those approving personal precautionary measures or amending measures already agreed, where they are intended to ensure your safety, without your needing to ask for them, except in any cases where you express the wish not to receive these notifications.

You will also be able to access the assistance and support services from the Crime Victim Support Offices free of charge and confidentially. You can be referred to these Offices where necessary depending on the seriousness of the crime or when you so request.

Where the crimes in question have caused particularly serious damage, the public administrations and Crime Victim Support Offices may extend to your family members the right of access to the assistance and support services. To that end, family members are defined as people linked to you by marriage or similar relationship, and relatives up to the second degree (grandparents, siblings and grandchildren).

**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 are a citizen who is not resident in Spain, you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language. The police can provide you with a form in your language for reporting the crime, and access to an interpreter by telephone or in person. The courts have an interpreter service, which will coordinate with the Crime Victim Support Office.

The Crime Victim Support Offices will provide you with information about your right to free language assistance and to the written translation of the copy of the report if you do not understand or speak any of the official languages in the place where you report the crime.

In particular, you are entitled to:

- be assisted free of charge by an interpreter who speaks a language you understand when you give evidence to the judge, public prosecutor or police officials during the investigation, or when you appear as witness in the trial or any public hearing.

This right will also apply if you have hearing or speech impairments;

- the translation free of charge of certain decisions in the proceedings such as, among others, the decision not to initiate criminal proceedings, the final judgment in the proceedings, decisions to imprison or subsequently release the offender, as well as the possible escape of the offender from custody, and decisions of any judicial or prison authority affecting persons convicted of crimes committed using violence or intimidation that pose a risk to your safety, and the decision to close the investigation.

You can request that the translation include a short summary of the grounds of the decision taken;

- the translation free of charge of any information that is essential for you to take part in the criminal proceedings. To that end, you can submit a reasoned request for a document to be considered essential;

- be informed, in a language you understand, of the date, time and place of the trial.

Assistance from an interpreter may be provided by means of video conference or any telecommunication medium, unless the judge or court, ex officio or at the request of one of the parties, agrees to the interpreter physically present to safeguard your rights.

The written translation of documents may be exceptionally substituted by an oral summary of their content in a language you understand to ensure the fairness of the proceedings.

If you would like police actions to be interpreted or translated and this is not provided, you can appeal to the examining judge. The appeal is considered to have been lodged from the time at which you expressed your disagreement with being denied the interpreting or translation requested.

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

In general, as a victim, from the first contact with the authorities or officials and during intervention by the assistance and support services provided by the public administrations, including prior to reporting the crime, you have the right to receive protection, information, support, assistance and care.

You can ask the authorities or officials you contact initially to refer you to the Crime Victim Support Offices, where they will assist you free of charge and confidentially, even if you have not previously reported the crime.

You may also be accompanied by a person of your choice from the first contact with the authorities and officials.

Furthermore, you have the right to understand and be understood in any action that has to be carried out once the crime has been reported, including the information prior to lodging the report, with interpreting being provided in legally recognised sign languages, as well as means of support for oral communication in cases where this is needed.
All communication, both oral and written, will take place in clear, simple and accessible language and will take into account your personal characteristics and needs, especially if you have any sensory, intellectual or mental disability or if you are a minor.

### Victim support services

**Who provides victim support?**

If you are a victim of crime, you have the right to access, free of charge and confidentially, the assistance and support services provided by the public administrations, as well as those provided by the Crime Victim Support Offices.

Crime Victim Support Offices are a public multidisciplinary service provided free of charge to meet victims’ needs, set up by the Ministry of Justice. There are Offices in all the autonomous communities, in nearly all provincial capitals, as well as in other cities.

The Crime Victim Support Offices will provide you with comprehensive, coordinated and specialist support as a victim of crime, meeting your specific legal, psychological and social needs.

If you are a victim of terrorism, you can contact the National High Court’s Terrorism Victim Information and Support Office (Oficina de Información y Asistencia a Víctimas del Terrorismo de la Audiencia Nacional), although you may contact the Crime Victim Support Office in your province if you wish. The Crime Victim Support Office will then coordinate with the National High Court’s Terrorism Victim Information and Support Office.

The right of access continues during the intervention of the assistance and support services and, where appropriate, the restorative justice services, throughout the entire criminal proceedings and for an appropriate period of time after they end, regardless of whether the offender’s identity is known and of the outcome of the proceedings, including the time prior to the crime being reported.

Where the crimes in question have caused particularly serious damage, the public administrations and Crime Victim Support Offices may extend to your family members the right of access to the assistance and support services. To that end, family members are defined as people linked to you by marriage or similar relationship, and relatives up to the second degree (grandparents, siblings and grandchildren).

If you have underage children or you are a minor who is subject to guardianship, custody by a female victim of gender-based violence or by persons who are victims of domestic violence, you will be entitled to the specific assistance and protection measures established by law.

In addition, if you are a victim of terrorist crimes or gender-based violence or you are a minor, you will also have the rights recognised by the specific legislation for each type of crime.

**Will the police automatically refer me to victim support?**

The State police officials and, where appropriate, the police of the autonomous community where the crime occurred, will carry out an initial individual assessment of your situation when you report the crime, to determine your protection needs and to identify you, if applicable, as a vulnerable victim. During this initial assessment, you will receive information on the possibility of going to a Crime Victim Support Office.

Any authority or official who comes into contact with you must refer you to the Crime Victim Support Offices where necessary, depending on the seriousness of the crime or in any cases where you so request.

**How is my privacy protected?**

Access to the assistance and support services provided by the public administrations, as well as those provided by the Crime Victim Support Offices, will in all cases be confidential.

The information you provide to police officials or any authority or official who assists you from the first moment may only be passed on to other assistance and support services, such as the Crime Victim Support Offices, with your prior and informed consent.

The victim support services may only supply the information they have received about you to third parties with your prior and informed consent.

With respect to the judicial sphere, the judges, courts, public prosecutors and other authorities and officials in charge of the criminal investigation, as well as any others that are in any way involved or take part in the proceedings, will take the necessary measures, in accordance with the law, to protect your privacy and that of your family members and, in particular, to prevent the dissemination of any information that may reveal your identity if you are an underage victim or a person with a disability in need of special protection.

Moreover, the judicial authority may prohibit the obtaining, disclosure or publication of images of you or your family members, especially if you are an underage victim or a person with a disability in need of special protection.

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

Every victim has a right of access to the assistance and support services from the Crime Victim Support Offices free of charge and on a confidential basis. Access to the assistance and support services will not be conditional on reporting a crime beforehand.

**Personal protection if I’m in danger**

**What types of protection are available?**

The authorities and officials in charge of the investigation, prosecution and trial of the crimes will take the necessary measures established by law to safeguard the life of the victim and their family members, their mental and physical wellbeing, freedom, safety, sexual freedom and integrity, as well as to adequately protect their privacy and dignity, particularly when they are making statements or have to testify in court.

The public prosecutor will particularly ensure the fulfilment of this entitlement to protection in the case of underage victims, taking the appropriate measures in their best interest where necessary to prevent or reduce the damage that may arise from them the conduct of the proceedings.

The public prosecutor, during their investigations or in proceedings concerning underage victims, or the police officials involved in the initial phase of the investigations; during the trial, the judge or court responsible for trying the case.

**Who can offer me protection?**

Your particular circumstances will be assessed to determine which protection measures must be taken.

The following are responsible for both assessing and deciding these kinds of measures:

- during the investigation of the crime, the examining judge or the judge dealing with violence against women, without prejudice to the provisional assessment and decision that must be carried out and taken by;
- the public prosecutor, during their investigations or in proceedings concerning underage victims, or
- the police officials involved in the initial phase of the investigations;
- the judge or court responsible for trying the case.

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

Yes, because your particular circumstances will always be assessed first to determine which protection measures must be taken.

The State police officials and, where appropriate, the police of the autonomous community where the crime occurred, will carry out an initial individual assessment of your situation when you report the crime, to determine your protection needs and to identify you, if applicable, as a vulnerable victim. During this initial assessment, you will receive information on the possibility of going to a Crime Victim Support Office.

If you are assisted in a Crime Victim Support Office, this service will also carry out an individual assessment of your case. The information collected in the police assessment may be passed on to the Office if you consent to this.
The individual assessment will consider the needs you express as well as your wishes, and will fully respect your physical, mental and moral integrity. It will especially take the following into consideration:
your personal characteristics, situation, immediate needs, gender, disability and level of maturity, and will assess, in particular, whether you are a person with a disability or you have a relationship of dependence with the alleged perpetrator of the crime, whether you are an underage victim or whether you need special protection or there are other factors of particular vulnerability present;
the nature of the crime you are a victim of and the seriousness of the damage caused, as well as the risk of the crime reoccurring. Your protection needs will be especially assessed if you are a victim of crimes of terrorism, crimes committed by a criminal organisation, gender-based and domestic violence, crimes against sexual freedom and integrity, human trafficking, enforced disappearance and crimes committed for racist, anti-Semitic or other reasons concerning ideology, religion or beliefs, family situation, membership of an ethnicity, race or nation, your national origin, your gender, sexual orientation or identity, or for reasons of gender, illness or disability;
the circumstances of the crime, in particular in the case of violent crimes.

If you are an especially vulnerable victim and in certain cases, such as where there is a conflict of interests with your legal representative, or with one of the parents, provided the other parent is unable to adequately perform their duties of representation and assistance of the victim.
Furthermore, at the request of the public prosecutor, it may be possible to appoint a guardian ad litem if you are an especially vulnerable victim and in certain cases, such as where there is a conflict of interests with your legal representative, or with one of the parents, provided the other parent is unable to adequately perform their duties of representation and assistance of the victim.

If you are in danger, you will receive police protection.
Your evidence will be given via video conference for reasons of safety, public order, utility or to preserve your dignity.
If you are a victim of certain specific crimes that lead to special protection measures being granted to their victims, such as gender-based violence, domestic violence, human trafficking for the purposes of sexual and labour exploitation, injury, crimes against freedom, torture, crimes against the individual, against sexual freedom, privacy, the right to self-image, the inviolability of the home, honour and socio-economic order, you have the right to one of the following bans being imposed on the aggressor if it is strictly necessary for your protection: ban on residing in or going to a place, neighbourhood, city or region, ban on approaching you or communicating with certain people.
The following measures may be taken during the investigation for your protection:
you may give of evidence in specially designed or adapted facilities to specially trained professionals;
if you have to give evidence several times, the evidence will be taken by the same person, unless this could significantly jeopardise the conduct of the proceedings or your evidence must be taken directly by a judge or public prosecutor;
if you are a victim of gender-based violence, domestic violence, a crime against sexual freedom or integrity, your evidence may be given by someone of the same sex where you so request, unless this could significantly jeopardise the conduct of the proceedings or your evidence must be taken directly by a judge or public prosecutor.
If you are summoned to testify and the judge sees you are at serious risk or your freedom, property or family is at risk, he/she can take the following action:
protect your identity, address, profession and workplace, not using this information in the proceedings;
prevent you from being seen in court and establishing the court as address for notifications;
prevent your image from being recorded in any way;
order police protection during and after the proceedings;
provide you with transport to the court in official cars;
in the courts, place you in waiting rooms guarded by the police;
in exceptional circumstances, provide you with a new identity and financial aid to change your place of residence or of work.
If you are a victim of a crime of gender-based or domestic violence, you can get a ‘protection order’ that includes general precautionary measures against the aggressor (ban on residing or going to certain places, neighbourhoods, cities or regions, ban on approaching or communicating with certain people).

During the judicial proceedings, the judge or president of the court may order a private hearing (restricting the presence of audiovisual media in the trial sessions and prohibiting the recording of all or some of the hearings) to protect morality, public order and you as a victim and/or your family. They may also prohibit disclosure of the identity of the experts or any other people who take part in the trial.
As private prosecutor, you could request a private hearing.
During the proceedings, the following measures may be taken for your protection:
measures that prevent you from having visual contact with the alleged perpetrator and that ensure you can be heard without being present in the courtroom;
communication technologies may be used for this (setting up a screen in the courtroom and making statements via video conference);
measures to prevent questions from being asked that are related to your private life and have no relevance to the criminal act being prosecuted, unless the judge or court exceptionally considers that they must be answered;
holding the oral hearing in private, although the judge or president of the court may authorise the presence of persons who can prove special interest in the case.
The measures to prevent visual contact with the alleged perpetrator and the asking of questions regarding your private life may also be taken during the investigation.

What protection is available for very vulnerable victims?
In the case of vulnerable victims, such as underage victims and victims with disabilities in need of special protection, in addition to the measures set out in the section “Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?”, the following measures will be applicable during the proceedings:
the statements obtained will be recorded by audiovisual media and may be reproduced in the trial in the cases and under the conditions determined by law;
the statement may be obtained by means of experts;
If you are an underage victim or victim with a disability (victims in need of special protection), there is the possibility of evidence being examined before the trial by experts and your interview with a specially trained team in a special room being recorded.
Furthermore, at the request of the public prosecutor, it may be possible to appoint a guardian ad litem if you are an especially vulnerable victim and in certain cases, such as where there is a conflict of interests with your legal representative, or with one of the parents, provided the other parent is unable to adequately perform their duties of representation and assistance of the victim.

I am a minor – do I have special rights?
If you are a minor, during the crime investigation phase you will be treated according to protocols that are specially created to protect you. Special precautions will be taken when you have to give evidence. The public prosecutor, who has the specific duty to protect minors, must always be present. Visual contact between you and the aggressor must be prevented using any technical means. You will be interviewed by a specially trained team in a special room, which will not seem threatening to you, as there is the possibility of evidence being examined before the trial by experts and the interview being recorded. You can give evidence just once, in the presence of the examining judge, the court clerk and all the parties to the proceedings, and not again during the trial.

During the judicial proceedings, if you are a minor giving evidence, visual contact between you and the accused will be prevented by any technical means possible. Confrontation is also restricted.

In addition to the measures set out in the section '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 following measures will be applicable during the proceedings: the statements obtained will be recorded by audiovisual media and may be reproduced in the trial in the cases and under the conditions determined by law; the statement may be obtained by means of experts.

Furthermore, at the request of the public prosecutor, it may be possible to appoint a guardian ad litem if you are an especially vulnerable victim and in certain cases, such as where there is a conflict of interests with your legal representative, or with one of the parents, provided the other parent is unable to adequately perform their duties of representation and assistance for the victim.

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

If a family member has died because of a crime, you will be an indirect victim of the crime caused to your family member (direct victim) if you are in certain situations provided for by law (excluding in all cases the person responsible for the crime), as well as if you were the spouse of the direct victim and you were not legally separated or living apart; if you were the child of the direct victim or of the spouse not legally separated or living apart and you were living with them; if you were linked to the direct victim through a similar relationship and living with them, among other situations.

Remember that all victims are entitled to bring a criminal action and civil action according to the law and to appear before the authorities in charge of the investigation to provide them with the evidence and information considered relevant to clarify the facts.

As an indirect victim, you will have confidential access free of charge to the assistance and support services provided by the public administrations, as well as provided by the Victim Support Offices, provided that it has been considered appropriate to extend this right to the family members of the direct victim given that the crimes have caused particularly serious damage. To that end, family members will be defined only as the people linked to the direct victim by marriage or similar relationship, and relatives up to the second degree (grandparents, siblings and grandchildren).

As an indirect victim, you may receive information about the assistance and support measures available, whether medical, psychological or material, and the procedure for obtaining them, as well as the compensation to which you may be entitled and, where appropriate, the procedure for claiming it.

The Crime Victim Support Offices will advise you about the economic entitlements related to the proceedings, in particular, regarding financial aid for damages caused by the crime and the procedure to claim it, and they will offer you the emotional support and therapeutic assistance you need, thus ensuring the appropriate psychological assistance to overcome the traumatic consequences of the crime.

In terms of the financial aid to which you are entitled as an indirect victim of crime, in Spain there is a system of public aid for the benefit of indirect victims of intentional and violent crimes committed in Spain resulting in death or serious damage to your mental health.

You must fulfil certain requirements to be considered an indirect victim for the purposes of financial aid (beneficiary): be Spanish or a national of any other European Union Member State or, if neither of those cases applies to you, you must be ordinarily resident in Spain or a national of another State that grants similar aid to Spanish citizens in its territory. In the event of death, the nationality or ordinary residence of the deceased does not matter; be the spouse of the deceased person, not legally separated or living apart, or the person who lived with the deceased permanently in a similar relationship for at least two years prior to their death, unless you had children together, in which case merely living together will suffice. This also includes the children of the persons mentioned, even if they were not the children of the deceased person, provided they were financially dependent on that person and lived with them; beneficiaries will not in any case include anyone convicted for intentional homicide in any of its forms, where the deceased was their spouse or person with whom they were or had been stably linked through a similar relationship; be the child of the deceased person, who was financially dependent on that person and lived with them, assuming that children who are underage or disabled adults are financially dependent; if you are the parent of the deceased person and you were financially dependent on that person, provided there is no one in the above situations; the parents of minors who die as a direct consequence of the crime are also considered indirect victims for the purposes of the financial aid established by Spanish law.

You must claim the aid within one year of the date on which the crime occurred. In the event that the death occurred as a direct consequence of bodily injuries or damage to health, a new time-limit of equal duration will be triggered to claim the aid.

As a general rule, the granting of aid is conditional on a final judicial decision ending the criminal proceedings having been taken. The aid cannot be combined with the compensation established by means of the judgment, although all or part of the aid will be paid where the person guilty of the crime has been declared partially insolvent, or with the compensation or aid from private insurance if the amount is higher than the amount set in the judgment, or with the social security subsidy that could be payable owing to the temporary disability of the victim.

The amount of aid may not in any case exceed the compensation set in the judgment.

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

As a victim, you are entitled to receive information about alternative dispute resolution with the use, where appropriate, of mediation and other restorative justice measures, and about the available restorative justice services, in the cases in which this is legally possible. The Crime Victim Support Offices will provide you with this information.

In addition, the Crime Victim Support Offices will be able to propose to the judicial body that criminal mediation be used where this is considered beneficial for you, and they will provide support to the restorative justice services and other out-of-court settlement procedures established by law.

You can access restorative justice services to obtain appropriate compensation for the material and non-material losses arising from the crime, where the following requirements are met:
the offender has recognised the essential facts from which their liability arises;

you have given your consent, after having received exhaustive and impartial information about their content, their possible outcomes and the procedures in place to enforce compliance;
the offender has given their consent;
the mediation procedure does not entail a risk to your safety, nor is there any danger that conducting it may cause you new material or non-material losses; it is not prohibited by law for the crime committed.

The discussions held as part of the mediation procedure will be confidential and may not be disseminated without your consent and the offender’s consent. The mediators and other professionals who take part in the mediation procedure will be subject to professional secrecy in relation to the events and statements they have had knowledge of in the performance of their duty. Both you and the offender will be able to revoke your consent to participate in the mediation process at any time.

Mediation usually takes place in the case of less serious crimes. In juvenile justice (ages 14 to 18), mediation is expressly laid down as a means to re-educate the minor. In this area, the mediation is carried out by the teams who support the juvenile prosecution service, although it may also be carried out by agencies from the autonomous communities and other entities such as certain specialist associations.

In the area of adult justice, mediation is included as part of restorative justice services, with various pilot programmes in place for several years now. With regard to the safety of mediation for you, at all times you will have any physical protection measures required and any other measures required by the circumstances that can be granted by the judicial authority.

Where can I find the law stating my rights?

| Código Penal | (Spanish Criminal Code) – [in Spanish](http://www.mINEDAD.es/)
| Córdigo Civil | (Spanish Code of Civil Procedure) – [in Spanish](http://www.mINEDAD.es/)
| Ley de Enjuiciamiento Criminal | (Criminal Procedure Rules) – [in Spanish](http://www.mINEDAD.es/)
| Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito | (Law 4/2015 of 27 April 2015 on the standing of crime victims) – [in Spanish](http://www.mINEDAD.es/)
| Real Decreto 1109/2015, de 11 de diciembre, por el que se desarrolla la Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito, y se regulan las Officinas de Asistencia a las Víctimas del Delito | (Royal Decree 1109/2015 of 11 December 2015 implementing Law 4/2015 of 27 April 2015 on the standing of crime victims and regulating the Crime Victim Support Offices) – [in Spanish](http://www.mINEDAD.es/)
| Ley Orgánica 8/2015, de 22 de julio y Ley 20/2015, de 22 de julio, de modificación del sistema de protección de la Infancia y de la adolescencia | (Organic Law 8/2015 of 22 July 2015 and Law 20/2015 of 22 July 2015 amending the system for the protection of children and adolescents) – [in Spanish](http://www.mINEDAD.es/)
| Real Decreto 671/2013, de 6 de septiembre, por el que se aprueba el Reglamento de la Ley 28/2011 | (Royal Decree 671/2013 of 6 September 2013 establishing detailed arrangements for implementing Law 29/2011) – [in Spanish](http://www.mINEDAD.es/)
| Ley 35/1995, de 11 de diciembre, de ayuda y asistencia a las víctimas de delitos violentos y contra la libertad sexual | (Law 35/1995 of 11 December 1995 on aid and assistance for victims of violent crimes and crimes against sexual freedom) – [in Spanish](http://www.mINEDAD.es/)
| Real Decreto 738/1997, de 23 de mayo, por el que se aprueba el Reglamento de ayudas a las víctimas de delitos violentos y contra la libertad sexual | (Royal Decree 738/1997 of 23 May 1997 approving the Regulation on aid for victims of violent crimes and crimes against sexual freedom) – [in Spanish](http://www.mINEDAD.es/)

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2 Reporting a crime and my rights during the investigation or trial

If you are a victim of crime you are entitled, from the first contact with the authorities or officials, to receive information about your right to report the crime and, where appropriate, the procedure for doing so. You can report the crime to the police and become a witness in the procedure that will be followed. You can also ask the police to refer you to the appropriate Crime Victim Support Office (Oficina de Asistencia a las Víctimas del delito), where you will be provided with information about how to report the crime. Access to care and support services such as the Crime Victim Support Offices is free and confidential; it is not necessary to report the crime first.

As the person reporting the crime, you have the following rights:

- to obtain a copy of the report, duly certified;
- to free language assistance and a written translation of the copy of the report you file, if you do not understand or speak any of the official languages in the place where the report is filed. If you do not speak or understand Spanish or the official language used in the proceedings in question, you will be entitled to be assisted, free of charge, by an interpreter who speaks a language you understand when you give evidence during the investigation phase before the judge, public prosecutor or police officials;
- if you have asked to be notified of certain decisions such as the decision not to initiate criminal proceedings or the final judgement in the proceedings, you have the right to be informed of the date, time and place of the trial, as well as the content of the accusation against the offender.
- You can also bring an action against the offender and become a party to the proceedings as private prosecutor, with rights very similar to the public prosecutor.
- Apart from ordinary cases, where the public prosecutor files the charges against the offender, there are two types of crimes where your role is very important to start the proceedings:
the proceedings for semi-public crimes require you to report the crime or bring an action in order to start; the public prosecutor then assumes responsibility for the charges against the offender. However, for proceedings against private crimes (e.g. slander) it is completely up to you: the public prosecutor does not have any responsibility regarding charges against the offender and you can withdraw the report at any time, ending the proceedings. You can report the crime in any language and if you do not speak Spanish or any of the respective regional languages you have the right to an interpreter free of charge. In practice, if no one at the police station speaks your language, the police will offer you the following:

if the crime is not serious, you will be able to report it using a form in your language;
if the crime is serious, you will be provided with an interpreter via telephone or in person.

There are English, French and German interpreters at some police stations, especially in summer.

There is no time limit for you to report the crime, but there are time limits after which it will not be possible to prosecute the crime: from 10 to 20 years, depending on the seriousness of the crime. No specific way of reporting a crime is required by the authorities. You can report it in writing or orally, in which case the competent authority will take note of the report. You must give your name, address, ID number, telephone number, etc. and you must sign the report.

At the time of reporting the crime, if you are victim of a crime of gender-based violence or domestic violence, you can request a protection order from the police. You can also request a protection order directly from the judicial authority or public prosecutor, the Crime Victim Support Offices or social services or care institutions attached to the public administrations.

In all cases, you will be provided with forms to request the protection order and you will be given information about this order.

**How do I find out what's happening with the case?**

When you file a report, you receive a certified copy with a reference number. As the victim, you can obtain information from the police about the development of the proceedings, unless it could be detrimental to the investigation. In practice, it is better to call the respective police body and ask for information.

Generally speaking, you have the right – if you have made the relevant request – to receive information about the date, time and place of the trial and the content of the accusation against the offender, as well as to be notified of the following decisions:

- the decision not to initiate criminal proceedings;
- the final judgement in the proceedings;
- decisions to imprison or release the offender, as well as the possible escape of the offender from custody and decisions adopting precautionary measures for your protection.

If you have asked to be referred to a Crime Victim Support Office or you are receiving care from one of these Offices, you have the right to receive information on the contact details of the authority responsible for handling the proceedings and the channels for communicating with this authority, as well as information on the date, time and place of the trial and the content of the accusation against the offender.

If you are a victim of a crime of gender-based violence, you have the right to be informed about the procedural situation of the aggressor and the precautionary measures taken, without having to ask for this. You may at any time express your desire not to receive the information. If you are victim of a violent crime against sexual freedom, you have the right to receive information about the State compensation to which you are entitled if the aggressor does not pay your compensation or if it is not sufficient.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

From the first contact with the authorities or officials, you are entitled to receive information about the procedure to obtain legal advice and defence and, where applicable, the conditions under which you may be able to get this free of charge. The Crime Victim Support Offices will also provide you with this information.

You will be able to submit your request to have your entitlement to legal aid recognised to the official or authority who has given you the information about the procedure for obtaining legal advice and defence and, where applicable, obtaining this for free. The official or authority will forward it, together with the documentation provided, to the relevant bar association.

Your request may also be submitted to the Justice Administration’s Crime Victim Support Offices, which will forward it to the relevant bar association.

In general, you can benefit from legal guidance services that offer information about the law to all citizens. These services are organised by bar associations in each judicial area.

You have to complete a form that can be found in courts, at the Ministry of Justice and at other State offices and prove that your means of support are insufficient. You must submit your request to the bar association in the area of the respective court or at the court in the area where you reside, if the criminal proceedings have still not begun.

If you are a victim of a crime of gender-based violence, you do not need to first prove that your means are insufficient in order to obtain legal aid. If you are a victim of terrorism, you can also obtain legal aid.

You can request legal aid in Spain if you are in one of the following situations, among others:

- if you are a citizen of any EU Member State and you prove that your resources are insufficient;
- if you are a citizen of a third country and legally resident in Spain or with a right recognised in international agreements (e.g. agreements on international child abduction). In this case, you will be able to access legal aid in Spain under the same conditions as EU citizens;
- regardless of the existence of resources to institute legal proceedings, your right to legal aid will be recognised and this aid will be provided to you immediately if you are a victim of gender-based violence, terrorism or human trafficking in any proceedings that are linked to, derived from or a result of your status as a victim, or if you are a minor or have a learning disability or mental illness when you are the victim of situations of abuse or mistreatment.

This right will also apply to successors in the event of the victim’s death, provided that they were not involved in the acts.

For the purposes of granting legal aid, you will be considered a victim when a report or action is filed, or when criminal proceedings are initiated, for any of the crimes mentioned, and you will maintain this status as long as the criminal proceedings are in force or where a guilty verdict has been issued following the conclusion of the proceedings.

The right to legal aid will be lost once an acquittal becomes final, or following the temporary stay or dismissal of proceedings because the criminal acts are not proven, without the obligation to pay the cost of the benefits enjoyed free of charge up to that point.

In the different proceedings that may be initiated as a result of your status as victim of the crimes identified and, in particular, in gender-based violence proceedings, it must be the lawyer him or herself who assists you, provided that your right of defence is thus duly guaranteed.

You have the right to legal aid if your yearly income and income per family unit do not exceed:

- twice the public index of income (indicador público de renta de efectos múltiples – IPREM) in force at the time of making the request, where the persons in question are not a part of any family unit. The IPREM is an index that is fixed annually and used to determine the amount of certain benefits or the threshold for accessing certain benefits, entitlements or public services;
two and a half times the IPREM in force at the time of making the request, where the persons in question are part of any of the types of family unit with fewer than four members;

three times the IPREM where the family units in question are formed of four or more members.
The annual IPREM for 2016 is €6,390.13.

If you are granted legal aid, you will not have to pay the following costs:
preliminary legal advice;
lawyer and court representative (procurador) fees;
costs arising from the publication of notices in official newspapers;
the deposits required to file certain appeals;
payments for experts;
you will benefit from an 80% reduction on the amount for notarial deeds and certifications from the land and trade registers.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?
In general, if as the victim of a crime you have taken part in the proceedings, you will be entitled to be reimbursed for the expenses needed to exercise your rights and the legal costs that have been incurred in preference to payment of the expenses that have been incurred for the State.

To that end, the payment must be imposed in the sentence and, in addition, the accused must have been convicted, at your request as the victim, for crimes for which the public prosecutor has not made an accusation, or have been convicted after the decision to close the case has been revoked due to an appeal you have lodged as victim.

The assistance and support services and, in particular, the Crime Victim Support Offices, will provide you with information on the cases in which you may be reimbursed for legal expenses and, where appropriate, the procedure for claiming them.

Can I appeal if my case is closed before going to court?
If you are a victim who has not appeared in the proceedings and the public prosecutor decides to withdraw the charges against the offender, the judge can inform you of this and invite you to bring an action and become a private prosecutor within 15 days. In the case of a fast-track procedure, the judge is obligated to inform you and invite you.

If the public prosecutor brings charges against the accused, you cannot do anything as victim to end the proceedings, except in private crimes.
If you have already appeared in the proceedings and you are a private prosecutor, you can request the opening of the oral proceedings and bring charges against the accused. If the investigating judge decides to end the proceedings, i.e., dismiss the case, you can appeal.

If the public prosecutor brings charges against the accused, you can ask to have the case dismissed and withdraw from your role as private prosecutor. The public prosecutor may continue, however, if it so decides.

Can I be involved in the trial?
In your first appearance in court, the legal counsel will inform you of your rights in the criminal proceedings as victim and will offer you the possibility of entering the proceedings as a private party, using clear, simple and understandable language, taking your characteristics and needs into account.

As victim of a crime, in criminal proceedings you are entitled to the following:
to bring criminal and civil actions according to the provisions of the criminal legislation in force;
to appeal before the authorities in charge of the investigation to provide them with sources of evidence and relevant information to clarify the facts.
Furthermore, at this initial appearance you will be asked if you wish to receive the communications or notifications established by law, in which case you must provide an email address or, failing that, a home or postal address.

Regardless of your role in the criminal proceedings, you can usually be present at the hearings, even if they are not public. You will only be obliged to attend to testify as a witness.
If you are a victim who has not appeared in the criminal proceedings, you will be informed of the date and place of the trial. Your main role will be to testify as a witness. So that you can be notified of the date and time of the trial, you must communicate any change in your address during the proceedings.
You can appear in the proceedings as private prosecutor before the indictment is prepared, i.e., before the start of the oral proceedings, except in the case of criminal proceedings against a minor. The public prosecutor, private prosecutor, if there is one, and defence lawyer prepare the indictment. This document includes these persons’ classification of the offence and recommended penalty. In practice, each party has five days to present its position in writing.

Generally, you will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
If there are multiple victims, they will be able to appear separately, although the judge may require them to be grouped into one or several defences. Victims’ associations will also be able to appear in the criminal proceedings, provided that they have your permission as victim of the crime.
If you are already private prosecutor, your lawyer will have access to the summary and the other case documents, and other rights, similar to those of the public prosecutor, including the following:
to request the collection of more evidence;
to propose new witnesses or experts who will support your case;
to propose confrontations, etc.
In the event the accused is convicted, the court may order him/her to pay you the following costs: the cost of lawyers and court representatives, experts, certificates from public registers and notaries, etc.
As part of the criminal proceedings, you can bring a civil action (civil party) if you claim the restitution of property, the making good of the damage or the compensation for damages, both material and non-material, caused by the crime. In this case, you will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.
In the event it is decided to close the investigation, the decision to dismiss the case will be communicated to the direct victims of the crime who have reported the acts, as well as the other direct victims whose identities and places of residence are known. In cases of death or disappearance of a person as a direct result of a crime, the decision will be communicated to the indirect victims of the crime.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?
As victim of a crime, in criminal proceedings you are entitled to the following:
to bring criminal and civil actions according to the provisions of the criminal legislation in force;
to appear before the authorities in charge of the investigation to provide them with sources of evidence and relevant information to clarify the facts.
The different roles you can perform in the justice system are:
direct or indirect victim: according to the crime reported or, in the case of requesting access to victim assistance and support services, without having previously reported the crime, since access to these services is not dependent on submitting a report;
witness: if there is a report. Your involvement in the proceedings takes place once you receive the summons;
private prosecutor: if you decide to appear in the criminal proceedings as private prosecutor, in the event you bring an action against the offender (semi-public crimes and private crimes) and before the indictment is prepared, i.e. before the oral proceeding begins, except in the case of criminal proceedings against a minor;
civil party: in general, if you decide to bring a civil action as part of the criminal proceedings, i.e. you claim the restitution of property, the making good of the damage or the compensation for damages, both material and non-material, caused by the crime.

In general, you must be present at the hearings, even if they are not public. You will only be obliged to attend to give evidence as a witness.

What are my rights and obligations in this role?

In general, as a victim, from the first contact with the authorities or officials and during the activity of the assistance and support services provided by the public administrations, including prior to reporting the crime, you have the right to receive protection, information, support, assistance and care. You can ask the authorities or officials you contact initially to refer you to the Crime Victim Support Offices, where they will attend you free of charge and confidentially, even if you have not previously reported the crime.

You may also be accompanied by a person of your choice from the first contact with the authorities and officials.

Furthermore, as a victim you have the right to understand and be understood in any action that has to be carried out once the crime has been reported, including the information prior to lodging the report. Interpretation in legally recognised sign languages will be provided as well as means of support for oral communication in cases where this is needed.

All the communications made, both orally and in writing, will take place in clear, simple and accessible language and will take into account your personal characteristics and needs, especially if you have any sensory, intellectual or mental disability or if you are a minor.

As victim, you have the right to receive information mainly regarding the following:

- the assistance and support measures available, whether these are medical, psychological or material, and the procedure for obtaining them. Where appropriate, these measures will include information about the possibilities of obtaining alternative accommodation;
- the right to report the crime and, where appropriate, the procedure for doing so and the right to provide evidence to the authorities in charge of the investigation;
- the procedure for obtaining advice and legal defence and, where appropriate, the conditions under which it may be obtained free of charge;
- the possibility of requesting protection measures and, where appropriate, the procedure for doing so;
- the compensation to which you may be entitled and, where appropriate, the procedure for claiming it;
- the interpreting and translation services available;
- the auxiliary aid and services for communication available;
- the procedure via which you may be able to exercise your rights in the event you live outside Spain;
- appeals you can lodge against any decisions you consider to be incompatible with your rights;
- the contact details of the authority in charge of handling the procedure and channels to communicate with them;
- the restorative justice services available, in cases where this is legally possible;
- the cases in which you can be reimbursed for legal expenses and, where appropriate, the procedure for claiming them;
- the right to make a request to be notified of certain decisions in the proceedings such as, among others, the decision not to initiate criminal proceedings, the final judgement in the proceedings, etc.

Regardless of your role in the criminal proceedings, you can usually be present at the hearings, even if they are not public. You will only be obliged to attend to testify as a witness.

If you are a victim who has not appeared in the criminal proceedings, you will be informed of the date and place of the trial. Your main role will be to testify as a witness. To be able to notify you of the date and time of the trial, you must communicate any change in your address during the proceedings.

You can appear in the proceedings as private prosecutor before the indictment is prepared, i.e. before the start of the oral trial, except in the case of criminal proceedings against a minor. You will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.

If you are already a private prosecutor, your lawyer will have access to the summary and the other case documents, and other rights, similar to those of the public prosecutor, including the following:

- to propose new witnesses or experts who will support your case;
- to propose confrontations, etc.

In the event the accused is convicted, the court may order him/her to pay you the following costs: the cost of lawyers and court representatives, experts, certificates from public registers and notaries, etc.

As witness, you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language, but you do not have the possibility of document translation. Despite the fact that it is generally difficult to avoid eye contact with the accused and court buildings do not usually have different waiting rooms for witnesses, if you have been a victim of sexual assault you can:

- benefit from a screen in the courtroom, or testify via video conference.

If you are going to testify and you are in danger, the president of the court can order a private hearing to protect morality, public order and yourself as victim and/or your family. As private prosecutor, you could request a private hearing.

If you are summoned to testify and the judge sees you are at serious risk or your freedom, property or family is at risk, he/she can take one of the following actions:

- protect your identity, address, profession and workplace, not using this information in the proceedings;
- prevent you from being seen in the court and establishing the court as the address for notifications;
- prevent your image from being recorded using any medium;
- order police protection during and after the proceedings;
- provide you with transport to the court in official cars;
- at the court, place you in a waiting room guarded by the police;

in special circumstances, provide you with a new identity and financial aid to change location, residence and job.

If you are a minor making a statement, eye contact between you and the accused will be prevented using any technical medium possible. Confrontations are also restricted. If you have any conflict of interests with your legal representatives that does not make it possible to be confident that your interests will be
adequately managed in the investigation or criminal proceedings, or the conflict is with one of your parents and the other parent is not able to adequately perform his/her duties to represent you or assist you, among other cases, the public prosecutor will ask for the judge or court to designate a guardian at item for you, who will have the duty to represent you in the investigation and the criminal proceedings.

If you are a foreigner, you can have an interpreter free of charge, if you do not speak Spanish or the respective regional language. The police can offer you a form in your language for reporting the crime, and access to an interpreter by telephone or in person. The courts have an interpreter service that will be coordinated with the Crime Victim Support Office.

If you wish to bring a civil action in the criminal proceedings (civil party), you must appear with a lawyer and court representative at the time of offering the possibility of entering the proceedings as a private party and always before the offence is classified. In this case, you will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.

You can appear in the proceedings as private prosecutor before the indictment is prepared, i.e. before the start of the oral proceeding, except in the case of criminal proceedings against a minor. You will be represented by your lawyer, who will defend your case, and by your court representative, who will represent you formally in the proceedings.

If you are already private prosecutor, your lawyer will have access to the summary and the other case documents, and other rights, similar to those of the public prosecutor:

- to request the collection of more evidence;
- to propose new witnesses or experts who will support your case;
- to propose confrontations, etc.

In the event the accused is convicted, the court may order him/her to pay you the following costs: the cost of lawyers and court representatives, experts, certificates from public registers and notaries, etc.

As witness, you have the right to an interpreter free of charge, if you do not speak Spanish or the respective regional language, but you do not have the possibility of document translation. Despite the fact that it is generally difficult to avoid eye contact with the accused and court buildings do not usually have different waiting rooms for witnesses, if you have been a victim of sexual assault you can:

- benefit from a screen in the courtroom,
- testify via video conference.

If you are going to testify and you are in danger, the president of the court can order a private hearing to protect morality, public order and yourself as victim and/or your family. As private prosecutor, you could request a private hearing.

If you are summoned to testify and the judge sees you are at serious risk or your freedom, property or family is at risk, he/she can take one of the following actions:

- protect your identity, address, profession and workplace, not using this information in the proceedings;
- prevent you from being seen in the court, establishing the court as address for notifications;
- prevent your image from being recorded using any medium;
- order police protection during and after the proceedings;
- provide you with transport to the court in official cars;
- at the court, place you in a waiting room guarded by the police;
- in special circumstances, provide you with a new identity and financial aid to change location, residence and job.

If you are a minor making a statement, eye contact between you and the accused will be prevented using any technical medium possible. Confrontations are also restricted. If you have any conflict of interests with your legal representatives that does not make it possible to be confident that your interests will be adequately managed in the investigation or criminal proceedings, or the conflict is with one of your parents and the other parent is not able to adequately perform his/her duties to represent you or assist you, among other cases, the public prosecutor will ask for the judge or court to designate a guardian at item for you, who will have the duty to represent you in the investigation and the criminal proceedings.

If you are a foreigner, you can have an interpreter free of charge, if you do not speak Spanish or the respective regional language. The courts have an interpreter service that will be coordinated with the Crime Victim Support Office.

**What Information will I receive during the trial?**

You have the right – if you have made the relevant request – to receive information about the date, time and place of the trial and the content of the accusation against the offender, as well as to be notified of the following decisions:

- the decision not to initiate criminal proceedings;
- the final judgement in the proceedings;
- decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
- decisions adopting personal precautionary measures or amending those already agreed, where they are in place to ensure your safety;
- decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
- decisions that involve your participation as victim in the enforcement of the sentence and that are handed down in the prison environment, such as those affecting the classification of the convicted prisoner in a grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.

When requesting to be notified of the above decisions, you must designate an email address or, otherwise, a postal or home address, to which the communications and notifications will be sent by the authority.

Exceptionally, if you do not have an email address, they will be sent by ordinary mail to the address you have provided.

If you are a citizen residing outside the European Union and you do not have an email or postal address that communications can be sent to, they will be sent to the Spanish diplomatic or consular office in your country of residence for publication.
The notifications you may receive will include, at minimum, the operative provisions of the decision and its legal basis. If as victim you have formally appeared in the proceedings, the decisions will be notified to your court representative and will also be communicated to you at the email address you have provided. You may at any time express your desire not to be informed of the decisions mentioned above, and the request you made will then become inoperative. If you have asked to be referred to a Crime Victim Support Office or you are receiving care through one of these Offices, you have the right to receive information on the contact details of the authority responsible for handling the procedure and the channels for communicating with this authority, as well as information on the date, time and place of the trial and the content of the accusation against the offender. If you are a victim of a crime of gender-based violence, you have the right to be informed about the procedural situation of the aggressor and the precautionary measures taken, without having to ask for this. You may at any time express your desire not to receive the information.

**Will I be able to access court files?**
If you are already private prosecutor, your lawyer will have access to the summary and the other case documents. Lawyers’ daily activities include accessing the legal information and documentation, particularly in cases where their client is not a party in the proceeding. Pursuant to Spanish legislation, the parties appearing may be informed of the proceedings and participate in all the procedural formalities.

**Last update: 17/01/2024**

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### 3 - My rights after trial

**Can I appeal against the ruling?**
If you would like to appeal against the judgment in the event the accused is declared innocent, bear in mind that if you haven’t been party to the proceedings, you can’t appeal against the judgment. If you have been party to the proceedings and you are private prosecutor, you can appeal as follows: against the judgment within ten days of it being notified; there are various grounds for appeal and it is possible to review the evidence. This is an ordinary appeal. Cassation appeal within five days of the judgment being notified; the grounds are violation of the law or the Spanish Constitution or formal grounds. This is an extraordinary appeal. As civil party, you can only lodge an appeal in cassation regarding matters related to your compensation. As regards possibilities for lodging other appeals, if you have first lodged an ordinary appeal, you could lodge a cassation appeal as a second appeal. The cassation appeal is decided by the Supreme Court. The Crime Victim Support Offices will provide you with information about the appeals you can lodge against rulings you consider to be incompatible with your rights.

**What are my rights after sentencing?**
If you have made the relevant request, you have the right to be notified of the following decisions:
the decision not to initiate criminal proceedings;
the final judgment in the proceedings;
decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
decisions adopting personal precautionary measures or amending those already agreed, where their aim is to ensure your safety;
decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
decisions that involve your participation in the enforcement of the sentence and that are handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.

Your main rights during enforcement of the judgment are the right to information on the sentencing of the accused. In general, the information regarding their release from prison would be considered part of their privacy and could not be communicated to you. Exceptionally, if you have been victim of a crime of gender-based violence, you will be provided with information on the procedural status of the accused and how they are serving their sentence, for as long as the protection order or restraining order remains in force.

If you were private prosecutor in the proceedings, you can take part in the suspension of the sentence of the accused. A prison sentence of less than two years can be suspended if there is no repeat offending within a given period of time. After this period, the sentence lapses. The court decides on the suspension of the sentence and you will be heard by the judge before its decision. The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court’s Terrorism Victim Information and Support Office will provide you with the information channels needed so you can find out everything related to the prison sentence enforcement up to the full serving of the sentences, especially in cases where benefits are granted or the convicts are released.

**Am I entitled to support or protection after the trial? For how long?**
If the judgment is enforced and it is necessary, you can continue to be protected, if the judge so decides. You can have police protection or, in exceptional cases, a new identity or financial aid to change place of residence or work.
For certain crimes, such as gender-based or domestic violence, you can ask for a protection order the temporary validity of which will be established by decision of the judicial authority.

The protection order may be requested directly from the judicial authority or public prosecutor, or from law enforcement officials, the Crime Victim Support Offices or social services or care institutions attached to the public administrations.

The protection order represents a comprehensive protection status that will include the civil and criminal precautionary measures set out by law and any other assistance and social protection measures established in the legal system.

The granting of a protection order will imply the duty to keep yourself informed on an ongoing basis regarding the procedural situation of the accused or suspect, as well as regarding the scope and validity of the precautionary measures taken. In particular, you will be informed at all times of the alleged aggressor’s prison situation. To that end, the protection order will be forwarded to the prison administration.
You can also be protected by certain penalties or security measures being imposed on the offender: restraining orders, deprivation of parental rights or guardianship, deprivation of the right to carry and use weapons, etc. Furthermore, in cases where the sentence is suspended before entering prison, the judge can ban the offender from going to certain places or from approaching you, oblige the offender to take part in specific educational programmes, etc.

As victim, you are entitled to:

- a) ask for the behavioural measures or rules provided for by law and considered necessary to ensure your safety to be imposed on the parolee, where this person had been convicted for acts from which a situation danger may reasonably arise for you;
- b) provide the judge or court with any information that is relevant to rule on the enforcement of the penalty imposed, the civil liabilities arising from the crime or the confiscation that was agreed.

The Crime Victim Support Offices will cooperate and coordinate with the bodies, institutions and services that may be involved in assisting victims: the judiciary, public prosecution service, law enforcement officials, especially in the case of vulnerable victims with a high risk of victimisation. Moreover, if you are a victim who requires special protection measures, they will assess your case to determine which protection, assistance and support measures should be provided, which may include the following:

- the provision of psychological support or assistance to deal with the disorders caused by the crime, using the most appropriate psychological methods for your care;
- accompaniment to trial;
- information on the available psychosocial and care resources and referral to these services if you request this;
- any special support measures that may be necessary if you are a victim with special protection needs;
- referral to specialist support services.

**For how long?**

The protective measures of a judicial nature will be valid for the period of time established in the relevant decision from the judicial authority.

The Crime Victim Support Offices will monitor your situation as victim, especially if you are a vulnerable victim, throughout the entire criminal proceedings and for an appropriate period of time after they end, regardless of whether the offender’s identity and the outcome of proceedings are known.

**What information will I be given if the offender is sentenced?**

Your main rights during enforcement of the judgment are the right to information on the sentencing of the accused. In general, the information regarding their release from prison would be considered part of their privacy and could not be communicated to you.

Exceptionally, if you have been victim of a crime of gender-based violence, you will be provided with information on the procedural status of the accused and how they are serving their sentence, while the protection order or restraining order is in force, except where you express your desire not to receive any notification on the matter.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court’s Terrorism Victim Information and Support Office will provide you with the information channels necessary for you to find out everything related to the prison sentence enforcement up to the time the sentences have been fully served, especially in cases where benefits are granted or the convicts are released.

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

If you have made the relevant request, you have the right to be notified of the following decisions, among others:

- decisions to imprison or release the offender, as well as the possible escape of the offender from custody;
- decisions from any judicial or prison authority affecting subjects convicted for crimes committed using violence or intimidation and that pose a risk to your safety;
- decisions that involve your participation in the enforcement of the sentence and that are handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court’s Terrorism Victim Information and Support Office will provide you with the information channels necessary for you to find out everything related to the prison sentence enforcement up to the time the sentences have been fully served, especially in cases where benefits are granted or the convicts are released.

**Will I be involved in release or parole decisions?**

As victim of the crime, you will be entitled to:

- ask for the behavioural measures or rules provided for by law considered necessary to ensure your safety to be imposed on the parolee, where this person had been convicted for events from which a situation danger could reasonably arise for the victim;
- provide the judge or court with any information that is relevant to rule on the enforcement of the sentence imposed, the civil liabilities arising from the crime or the confiscation that was agreed.

The Crime Victim Support Offices will provide information about the possibility you have as victim to participate in the prison sentence enforcement and will carry out whatever assistance activities are needed so you can exercise the rights recognised by law.

If you are a victim of terrorism, the National High Court’s Terrorism Victim Information and Support Office will provide you with the information channels necessary for you to find out everything related to the prison sentence enforcement up to the time the sentences have been fully served, especially in cases where benefits are granted or the convicts are released.

**For example, can I make a statement or lodge an appeal?**

If you have asked to be notified of certain decisions handed down for prison-related matters, as well as those affecting the classification of the convict in a Grade 3 open prison regime, prison benefits, short-term leave, conditional release, etc., you can appeal against them even if you have not been party to the proceedings. You must make your desire to appeal known to the competent court clerk, without needing to be assisted by a lawyer to do so, within a maximum period of five days counted from the time at which you were notified of the decision and lodging the appeal within fifteen days from this notification.

In order to appeal the possible classification of the convict in a Grade 3 open prison regime, you must be victim of one of the following crimes:

- homicide;
- abortion;
- injury;
- crimes against freedom;
- crimes of torture and against moral integrity;
- crimes against sexual freedom and indemnity;
Am I entitled to compensation from the state?

Provisional aid may be claimed once you have reported the events to the competent authorities or where criminal proceedings are conducted ex officio.

Provisional aid may be granted before the final judicial decision ending the criminal proceedings is handed down, so long as the precarious economic situation in which you were left as victim or beneficiary has been demonstrated.

If you obtain provisional aid based on the provision of false or deliberately incomplete information or by any other fraudulent means, as well as the deliberate omission of circumstances that would lead to the refusal or reduction of the aid claimed, the decision making authority must communicate the following both to you as aid claimant as well as to the assistance authority:

- detailed guidance about how to fill out requests for additional information;
- the decision closing the proceedings.

For crimes of terrorism, the Ministry of the Interior (Directorate-General for the Support of Terrorism Victims) will act as the assistance authority in cases in which the party civilly liable for the crime is a European Union Member State other than Spain and you as aid claimant are ordinarily resident in Spain.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

The State will pay all or part of the aid where the offender has been declared partially insolvent.

The State will be subrogated, up to the full amount of the provisional or final aid you have been granted as victim or beneficiary, to your rights against the party civilly liable for the crime.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

The State will pay all or part of the aid where the offender has been declared partially insolvent.

The State will be subrogated, up to the full amount of the provisional or final aid you have been granted as victim or beneficiary, to your rights against the party civilly liable for the crime.

The State will pay all or part of the aid where the person convicted of the crime has been declared partially insolvent.

Provisional aid may be granted before the final judicial decision ending the criminal proceedings is handed down, so long as the precarious economic situation in which you were left as victim or beneficiary has been demonstrated.

Provisional aid may be claimed once you have reported the events to the competent authorities or where criminal proceedings are conducted ex officio based on these events.
You can obtain compensation from the State. In Spain, there is a system of aid for victims of intentional and violent crimes, committed in Spain, resulting in death, serious bodily injury or serious damage to physical or mental health. Aid is also awarded to victims of crimes against sexual freedom, even when these crimes are committed without violence.

In general, you can access the legally established financial aid if, at the time the crime is committed, you are Spanish or a national of any other European Union Member State, or, if neither of the above applies to you, you are ordinarily resident in Spain or a national of another State that grants similar aid to Spanish nationals in its territory.

In the event of death, the above-mentioned nationality or residence requirements must be met by the beneficiaries, not the deceased person.

In the event of serious bodily injury or serious damage to physical or mental health, the direct victims, i.e. those who suffered the injuries or damages, will be the beneficiaries.

In the event of death, the beneficiaries are the indirect victims, who would be the following:

The spouse of the deceased person, if they were not legally separated, or the person who lived with the deceased on a permanent basis in a relationship akin to marriage for at least two years before the death, unless they had children together, in which case mere cohabitation will suffice. The children of the persons mentioned are also included, even if they were not the children of the deceased person, so long as they were financially dependent on that person and there was cohabitation.

Beneficiaries will not in any case include anyone convicted for intentional homicide in any of its forms, where the deceased was their spouse or the person with whom they were or had been in a stable relationship akin to marriage.

The child of the deceased person, who was dependent on that person and there was cohabitation, assuming that children who are underage or disabled adults are financially dependent.

The parent of the deceased person, who was financially dependent on that person, so long as there is no one in the above situations.

The parents of a minor who dies as a direct consequence of the crime are also considered indirect victims for the purposes of the financial aid established by Spanish law.

The injuries that entitle victims to receive financial aid are those that damage bodily integrity or physical or mental health and that temporarily or permanently disable, for longer than six months, or permanently disable, with a degree of disability of at least 33%, the person who suffered them.

As a general rule, the granting of aid is conditional on the handing down of a final judicial decision ending the criminal proceedings. Taking into account the timeframes for deciding on criminal cases, before a final judicial decision ending the criminal proceedings is handed down, the law provides for the possibility of granting provisional aid, taking into consideration the precarious economic situation of the victim of the crime or their beneficiaries. Provisional aid may be claimed once the victim has reported the events to the competent authorities or when the criminal proceedings have been initiated by the competent bodies without the need for a report.

The amount of aid may not in any case exceed the compensation set in the judgement.

In the event of the death of a minor or disabled person as a direct consequence of the crime, the parents or guardians of the minor will be entitled only to aid consisting of compensation for the funeral expenses they have actually paid up to the legally established limit.

In cases of crimes against sexual freedom that cause the victim damages to his/her mental health, the amount of aid will cover the costs of the therapeutic treatment freely chosen by the victim, with a maximum established by law.

In general, the time limit for claiming the aid is one year counted from when the crime was committed. This time limit will be suspended when the criminal proceedings begin, and will resume when the final judicial decision has been handed down and notified to the victim.

The receipt of aid is incompatible with the following:

- compensation established by means of the judgement. Nonetheless, all or part of the aid will be paid where the offender has been declared partially insolvent;
- compensation or aid from private insurance, as well as with the Social Security subsidy that might apply due to the victim’s temporary disability. Nonetheless, the aid would be paid to the beneficiary of private insurance where the amount of the compensation to be received under this insurance was lower than the amount established in the judgement;

The receipt of this aid will not in any case be compatible with the compensation for damages to victims of armed groups and terrorists.

The receipt of aid is compatible with the following:

- in cases of permanent disability or death of the victim, with the receipt of any State pension the beneficiary is entitled to receive;

The aid for permanent disability will be incompatible with the aid for temporary disability.

The competence to process and decide on claims for the legally established State aid lies with the Ministry of Economy and Finance’s Directorate-General of Personnel Costs and State Pensions, for victims of any crime except for victims of terrorism, in which case the Ministry of the Interior (Directorate-General for the Support of Victims of Terrorism) will be competent.

If you are a victim of terrorism, there is a series of State aid intended for victims of terrorism to compensate them for the damages caused by these kinds of crimes, provided there is a full connection between the terrorist act and the damages suffered.

The following are damages eligible for compensation:

- bodily injuries, both physical and mental, as well as expenses for medical treatment, prostheses and surgery.
- These expenses will be paid to the person affected only in the event they are not fully or partially covered by a public or private welfare system;
- material damages caused to the homes of natural persons or those occurring in commercial and industrial establishments, headquarters of political parties, trade unions and social organisations;
- the costs of provisional accommodation while repair work is carried out on the ordinary residences of natural persons;
- damages caused to private vehicles, as well as those suffered by vehicles used for ground transport of people or goods, except publicly-owned vehicles. Compensation for the damages indicated, except for bodily injuries, will be subsidiary to that established for the same cases by any other public body or those arising from insurance agreements. In these cases, any amounts that might result from the difference between what was paid by these public administrations or insurance entities and the official valuation will be compensated.

The amount of compensation will be determined according to the damage produced (severity of the injuries and type of disability they cause, death, etc.).

Other aid:

- compensation for study: where a terrorist act results in personal injuries of particular significance to a student, their parents or guardians, or these injuries render them unfit for the exercise of their regular profession;
- immediate psychological assistance and counselling, both for victims as well as for family members;
- extraordinary aid to mitigate, exceptionally, situations of personal or family need of the victims, who are not covered or are covered in a markedly insufficient way by ordinary aid.
Aid beneficiaries:
if there are injuries, the injured persons;
if there was death:
the spouse of the deceased person;
the unmarried partner with whom the deceased had cohabited for at least two years;
the unmarried partner with whom the deceased had children;
the parents of the deceased person if they were financially dependent on that person. In the absence of parents and in this order, the grandchildren, siblings and grandparents of the deceased person who were financially dependent on that person;
if there are none of the above persons, the children and, in their absence, the parents who were not financially dependent on the deceased person.
In general, the time limit for submitting claims for compensation for personal or material damages will be one year, counted from the date on which the damages occurred.
The National High Court's Terrorism Victim Information and Assistance Office (Oficina de Información y Asistencia a Víctimas del Terrorismo de la Audiencia Nacional), in collaboration with the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism, will help you as a victim of terrorism through the process of claiming compensation: obtaining certificates of the final judgements, of orders not to enforce civil liabilities and other documents required to process the aid.

Am I entitled to compensation if the offender is not convicted?
The final judgement in the criminal proceedings, which cannot be appealed, must prove that the death, bodily injuries and serious damage to physical or mental health constitute an intentional and violent crime and, consequently, the judgement will have to determine the appropriate compensation.
To submit the claim for financial aid, you must attach to the claim a copy of the final judicial decision ending the criminal proceedings, whether it is a judgement, default judgement or decision to close the case due to death of the offender, or decision to dismiss the case.
The amount of aid granted may not in any case exceed the compensation set in the judgement.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?
Provisional aid may be granted before the final judicial decision ending the criminal proceedings is handed down, so long as evidence is provided of the precarious economic situation in which you as the victim or your beneficiaries have been left.
Provisional aid may be claimed once you have reported the events to the competent authorities or where criminal proceedings are conducted ex officio based on these events.

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The legal assistance will in all cases be general regarding the way in which the proceedings are carried out and the way to exercise different rights, as your lawyer is responsible for the guidance and legal aid in each case.

**Medical and psychological interventions:** the psychological care offered by the Offices consists in assessing and treating your situation to reduce the crisis caused by the crime, to cope with the judicial proceedings resulting from the crime and accompaniment throughout the proceedings and reinforcement of your strategies and abilities, enabling help from your surroundings.

The Offices will create a psychological support plan in the event of you being a particularly vulnerable victim or in need of special protection.

**Economic interventions:** regarding economic aid to which you are entitled if you have been the victim of a violent crime or crime against sexual freedom, the Offices mainly play an informational role and can assist with handling claims.

**Social and care interventions:** in this area, the Offices will be coordinated in the care they provide you and, where appropriate, they will refer you to the social services, care institutions or organisations available to ensure safe accommodation, immediate medical care and any financial aid you might be entitled to, with particular attention given to needs arising from situations of invalidity, hospitalisation, death and those caused by a possible situation of vulnerability.

**Monitoring phase:** the Offices will monitor your case, especially if you are a vulnerable victim, throughout the entire criminal process and for an appropriate period of time after the process ends. In this phase, the Offices will analyse your legal, medical and psychological, social and care economic situation following the crime at different periods. The appropriate time for monitoring will be determined based on your situation.

If you are a victim of terrorism, the main functions of the National High Court’s Terrorism Victim Information and Support Office are the following:

- to provide you with information on the status of the judicial proceedings that may affect you based on the crime committed;
- to advise you on everything related to the criminal and administrative proceedings that may affect you;
- to offer you personal accompaniment to the trials held regarding the terrorist acts that may affect you;
- to provide you with emotional and therapeutic support, without prejudice to the competencies of the Ministry of the Interior;
- to promote the protection of your safety and privacy as victim of the crime in your participation in the judicial proceedings;
- to inform you about the main compensations for terrorism victims, in all cases referring you to the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism;
- to notify you of everything related to the enforcement of the prison sentence, until the sentence has been served in full, particularly in cases where the convicts have been granted benefits or released.

**For victims of terrorism, the Ministry of the Interior's Directorate-General for the Support of Victims of Terrorism will act as a one-stop shop for any proceedings that may be initiated by the people and families affected by terrorist action before the Central State Administration, referring any requests made to the competent body and assuming the relationship with the person concerned.**

Furthermore, this Directorate-General will collaborate with the competent bodies of the Central State Administration and the other public administrations concerning assistance and support for victims of terrorism to ensure comprehensive protection for victims.

The Directorate-General for the Support of Victims of Terrorism will be responsible for handling, managing and drafting decisions on aid and compensation for those affected by crimes of terrorism.

**Victim support hotline**

During the reception or orientation phase, you may be attended in person or via telephone at the Crime Victim Support Offices.

For certain crimes like gender-based violence, in Spain there are telephone services for assistance and guidance, e.g. the [016 Telephone Service for Information and Legal Advice concerning Gender-Based Violence](https://www.anar.es/016/tel)+. This service is free, professional assistance 24 hours a day, 365 days a year. The data of persons who use this service are guaranteed to remain confidential at all times.

Assistance is offered in 51 languages. Specifically, 24-hour assistance is offered in Spanish, Catalan, Galician, Basque, English and French, and via a tele-translation service for calls in German, Portuguese, Mandarin, Russian, Arabic, Romanian and Bulgarian. Assistance in the other languages is offered via a tele-translation service.

The accessibility of the service for people with hearing and/or speech impairments is guaranteed via the following means:

- text telephone (TTY) on 900 116 016;
- Telesor service via the Telesor website ([2](https://www.telesor.es/)). An Internet connection is required in this case;
- mobile telephone or PDA. In both cases it is necessary to install a free application by following the steps indicated on the Telesor website.

This service offers assistance for anyone with queries related to specific cases of gender-based violence: female victims of gender-based violence, people who are close to a female victim of gender-based violence (relatives, friends, neighbours, etc.), professionals attending to a female victim of gender-based violence or who are aware of a situation of this kind of violence, etc.

The information provided refers to the resources and rights available to you as victim of this kind of crime, concerning employment, social services, financial support and information, assistance, reception and legal advice resources.

In the event of receiving an emergency call, it is immediately diverted to the 112 emergency number of the respective autonomous community. If you are an underage victim of gender-based violence, any calls you make to the 016 Service will be diverted to the ANAR 116 000 Hotline for Aid for Children and Adolescents (900 20 20 10). The ANAR (Aid for At-Risk Children and Adolescents) Foundation Hotline (900 20 20 10) is a free, confidential and anonymous service, available 24 hours a day, 365 days a year, which mainly consists of three aid lines:

- The ANAR Hotline for Aid for Children and Adolescents, the main aim of which is to offer child or adolescent callers the necessary support and guidance when they have problems or are in a situation of risk.
- The ANAR Hotline for Adults and Families, aimed at adults who need guidance on issues related to minors.
- The ANAR 116 000 Hotline for cases of missing minors (the European Union’s harmonised number of social value for dealing with these cases).

This service will divert the calls you make to the 016 Service if you are an adult female and victim of gender-based violence or an adult who is aware of a case of this kind of violence.

**Is victim support free?**

Yes. Access to crime victim care and support services, such as the Crime Victim Support Offices, is free and confidential; it is not necessary to file a complaint first.

**What types of support can I receive from state services or authorities?**
You can go to the Crime Victim Support Offices found in all the autonomous communities, in nearly every provincial capital and even in other cities. The Crime Victim Support Offices will provide you with comprehensive, coordinated and specialist victim support as a victim of crime, meeting your specific legal, psychological and social needs.

In particular, the Crime Victim Support Offices will provide you with information about the specialist services and psychosocial and care resources available, regardless of whether you file a complaint, and about how to access these services. They will also provide you with information about the care and support measures (medical, psychological or material) available and the procedure for obtaining them, including, where needed, information concerning the possibilities of obtaining alternative accommodation.

In addition, they will advise you about how you can make a complaint and the procedure for filing it, as well as the possibility of obtaining legal advice and defence and, where appropriate, the conditions under which you may obtain these free of charge.

The Crime Victim Support Offices will be able to refer you to specialist legal, psychological and social services, depending on your needs, such as e.g. municipal, social welfare, health, education and employment services; associations, foundations and other non-profit entities; psychosocial services from the Justice Administration; and, in the event of you being a victim of gender-based violence, to the Units for Coordination against Violence against Women (Unidades de Coordinación contra la Violencia sobre la Mujer) and Women Units (Unidades sobre la Mujer) in each autonomous community and province.

What types of support can I receive from non-governmental organisations?

Non-governmental organisations (NGOs) can offer support to victims of specific crimes by means of establishing personalised pathways according to each victim’s needs and characteristics. The assistance function mainly includes legal advice, information about the different resources and aid available and psychological and emotional support.

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Victims’ rights - by country - France

You will be considered a victim of a crime if you have suffered harm (e.g. you have been injured or your personal property has been damaged or stolen, etc.) as a result of an incident which constitutes an offence according to national law. According to the law, you have certain individual rights as a victim of a crime before, during and after the proceedings.

In France, criminal proceedings consist of an inquiry and a trial. There are two types of inquiry according to the type of crime committed: a police inquiry conducted by criminal police officers under the authority of the public prosecutor and a judicial inquiry (investigation) conducted under the authority of the investigating magistrate by the criminal police officers or by the investigating magistrate him/herself.

Once the inquiry is finished, the case may be closed or referred back to court for trial, depending on the evidence gathered. In the latter case, the court will examine the evidence gathered and decide whether the alleged perpetrator is guilty or not. If the alleged perpetrator is found guilty, the court will impose a sentence on him/her. If not, the alleged offender is declared not guilty and released or acquitted.

Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
5 - My rights to support and assistance

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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, enabling 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 are so 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 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](https://www.legifrance.gouv.fr/). 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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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?
You can file a complaint with the police or gendarmerie, which will forward it to the public prosecutor of the place where the crime was committed or the place of residence or arrest of the perpetrator.
You can also approach the public prosecutor directly, by a simple letter, explaining the harm you have suffered, giving the dates and places of the offences, and specifying your name and address.
Anyone who is not a victim may also report a crime under the same conditions.

How do I find out what's happening with the case?
Information for the victim on the progress of the investigation
A victim may ask the police or gendarmerie, the prosecutor or the investigating judge (if the case is referred), about the progress of the investigation affecting him or her.
In the case of a crime, and for certain offences, a victim who is a civil party to the proceedings will receive a progress report from the investigating judge every six months.

Information for the victim on the outcome of an investigation
When the investigation is over, the victim is informed of the decision taken: dismissal, an alternative to prosecution, opening of a judicial inquiry, summoning of the defendant in court. If a trial is to take place, the victim is informed of the crimes filed against the suspect and of the date and place of the hearing.

Information for the complainant
Anyone who has reported a crime is informed by the public prosecutor of the follow-up.

Am I entitled to legal aid (during the investigation or trial)? What are the conditions?
If you do not have a lawyer, you can get information about your rights and obligations by going to the courts, the law centres (maisons de la justice et du droit), the legal information desks (points d'accès au droit), town halls and community centres in which victim support associations hold drop-in sessions. You can also benefit from free legal advice, regardless of your age, nationality or financial means, provided by legal professionals, including lawyers, in these locations.
You can benefit from legal aid if you meet the following conditions:
you are a French national or a national of a Member State of the European Union or a State that has signed an international convention with France, or if you are normally resident in France and are in the country legally (this condition is not applied if you are a minor or a civil party):
your financial resources [1] do not exceed a maximum threshold, as determined by the Finance Act. This condition is not applied if you are the victim of a particularly serious crime (intentional attempt on your life, torture or acts of cruelty, act of terrorism, rape, etc.), if you benefit from the active solidarity income (RSA) or the solidarity allowance for the elderly and have no other sources of income, or if your situation appears particularly noteworthy in view of the subject of the dispute or the likely costs of the proceedings.

Legal aid covers:
lawyer's fees;
bailiff charges, if any;
charges for expert opinions, etc.;
any deposit that you may have to pay.
Legal aid may be total or partial. It is important to apply for legal aid from the beginning of the proceedings because costs incurred prior to the application will not be reimbursed.
You can obtain information and the application form for legal aid from your lawyer, in a law centre, at a town hall, at the court of your place of residence or at the court dealing with the case. The form can also be downloaded from the following link: https://www.service-public.fr/particuliers/vosdroits/R1444.

[1] Financial resources conditions for obtaining legal aid:
In order to assess your legal aid needs, the authorities take into consideration the resources you received between 1 January and 31 December of the year prior to your application. These resources include income of all kinds, excluding family benefits and certain social benefits. Also taken into account are the resources of your spouse, partner, dependent child(ren) and all persons who usually live under your roof.

Can I claim costs (for taking part in the investigation/trial)? Under what conditions?
Costs related to particular proceedings may, subject to certain conditions, be covered by your legal protection insurance if this covers some or all of the legal fees, bailiff charges, costs of proceedings or transactions or expert opinion fees.
Failing this, when sentence is pronounced, and during the settlement of damages by the court, such expenses are charged to the convicted party at your request.

Can I appeal if my case is closed before going to court?
If the public prosecutor decides to dismiss the case at the end of the investigation, you may lodge an appeal by applying to the prosecutor general of the court of appeal in the jurisdiction where the court that dismissed the case is located.
If the prosecutor general believes that legal proceedings are necessary, he or she can order the prosecutor to bring a prosecution. If the prosecutor general considers your claim unjustified, you will be informed that no further action will be taken on your appeal.
In addition, if a complaint filed with the public prosecutor has been dismissed, or if a period of three months has elapsed since this complaint, you may file a complaint directly with the competent investigating judge, by becoming a civil party.
Finally, you may have the alleged perpetrator directly summoned before the court by asking a bailiff to hand him or her a summons, in which case you will have to pay a deposit, the value of which is set by the court according to your financial resources.

Can I be involved in the trial?
You are notified of the trial date and can attend the hearing. In some cases, the trial is not public, and you will be able to remain in the room only for the duration of your testimony. You will not be allowed to attend the entire trial if it is not public (behind closed doors), unless you are a civil party to the proceedings.
You have the unconditional right to be assisted throughout the trial by a victim support association. The members of these associations can help you at the time of your application to become a civil party, they can be present during various hearings and can help you to understand the acts and decisions of the magistrates.
An interpreter will be called for you if you have difficulty understanding or expressing yourself in French.
At the hearing, the civil party can call witnesses or object to certain witnesses being heard.
What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

Once the facts have been brought to the attention of the justice system or the police and gendarmerie, the victim is contacted for an interview.

The victim is not responsible for finding the accused or proving his or her guilt, that is the role of the public prosecutor. The victim may, however, be requested to provide any details or evidence to help establish the truth (medical certificates, identities of the witnesses etc ...) The victim may choose to become a civil party, which gives him or her the right to claim financial compensation for the harm suffered and to be assisted by a lawyer.

What are my rights and obligations in this role?

As soon as an investigation is referred to the police or gendarmerie they will interview the victim. On this occasion they will always inform him or her of their right:

To obtain damages or other appropriate compensation for their loss, including, where appropriate, a restorative justice measure;
To become a civil party either in the context of an action instituted by the public prosecutor, or by a direct summons of the perpetrator before a competent court or a complaint brought before the investigating judge;
If they wish to become a civil party, to be assisted by a lawyer of their choice or appointed, at their request, by the president of the bar association at the competent court, the costs being borne by the victim, unless they meet the conditions for access to legal aid or have legal protection insurance;
To be assisted by a service belonging to one or more public authorities or by an approved victim support association;
To apply, where appropriate, to the crime victims compensation board, in the case of certain offences;
To be informed about the protective measures available to them, including protection orders. Victims are also informed of the penalties incurred by the perpetrators of violence and the conditions of execution of possible convictions that may be imposed;
For victims who do not understand French, to benefit from an interpreter and a translation of information essential to the exercise of their rights;
For each to be accompanied, at their request, during all stages of the procedure, by their legal representative and by an adult of their choice, unless otherwise reasonably decided by the competent judicial authority;
To declare as their address the address of a third party, subject to the express agreement of the latter.

The victim must appear in court and testify if summoned as a witness.

A civil party does not have to be present in person if represented by a lawyer. However, if a civil party is absent and is not represented, they will be assumed to have given up their claim, unless they have written to the court to state their claim.

A civil party, and a victim called to give testimony before the court, may reclaim the costs of attending the hearing if they so request during the trial.

Can I make a statement during the trial or give evidence? Under what conditions?

You can make statements at the hearing and present evidence; however this must respect the adversarial principle and be forwarded to the defence beforehand (the alleged perpetrator and/or his or her lawyer) as well as to the public prosecutor.

You can become a civil party either alone or with the help of a lawyer.

You must quantify your claim for damages/interest (sum of money intended to repair material damage, suffering, time lost as a result of the acts of which you were a victim). A victim support association can guide you through this process.

What information will I receive during the trial?

During the trial, the victim is informed of his or her right to become a civil party, to benefit from the assistance of a lawyer and to benefit under certain conditions from legal aid, as well as of the possibility of being accompanied by a victim support association.

A victim who is established as a civil party will be informed that in certain cases he or she may apply to the crime victims compensation board (CIVI) for payment of damages and interest if the court has so ruled.

Will I be able to access court files?

At the Criminal Court and the Police Court, you will not be able to access the files directly; you must first obtain the consent of the Prosecutor.

However, if you are a civil party, you may consult them directly or through your lawyer as the case may be, or request a copy of them.

At the Court of Assizes, you can obtain free copies of the police reports recording the offence, written witness statements and expert opinions and obtain copies of the other documents relating to the proceedings.

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 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 ou 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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4. Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)
The legislation in force allows any person who considers themselves a victim:
to apply to the investigating judge in charge of the case to be recognised as a civil party seeking damages (constitution de partie civile);
to bring an action for interim relief (action en référé), or an action on the substance in the civil courts (action devant le juge civil au fond).
1) There are a number of ways in which a civil claim can be brought before the criminal courts:
- A prosecution (action) brought when a public prosecution has not been set in motion by the public prosecutor (this has the effect of triggering a public prosecution).
Two methods are possible:
direct summons to appear (citation directe), for minor offences (contraventions) or intermediate offences (délits);
an application for recognition as a civil party to the criminal proceedings (for intermediate offences or serious crimes (crimes)).
- Intervention (intervention), when a public prosecution has already been brought.
- An application for recognition as a civil party to the criminal proceedings.

A victim can ask to join the proceedings as a civil party at the hearing, but also by sending an application to the presiding judge of the criminal court, by registered letter with acknowledgment of receipt or by fax, stating that the applicant wishes to join the proceedings as a civil party seeking damages and indicating the amount of damages claimed. This can also be done through a lawyer.

2) A civil claim can be brought in the civil courts under the ordinary law of civil liability.
If a victim brings an action for damages in the civil courts, he or she will not then be able to proceed in the criminal courts. But if a victim asks to be treated as a civil party in the criminal proceedings, he or she is not thereby prevented from bringing the matter before the civil courts.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?
If a victim has difficulty in recovering the value of compensation, he or she may resort to civil enforcement proceedings by engaging a bailiff (huissier de justice). The application must be sent by post to the presiding judge of the regional court (tribunal de grande instance) of the convicted person’s principal residence (domicile) or, if he or she is in prison, of the regional court of the place where the prison is located. The following may be seized:
- a share of the remaining available salary of the convicted person;
- funds in his or her bank account;
- certain assets that may belong to him or her.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**

<table>
<thead>
<tr>
<th>If the convicted person does not compensate the victim voluntarily, the victim may refer the matter to the Victims of Crime Recovery Assistance Service (Service d’Aide au Recouvrement des Victimes d’Infractions — SARVI). It is sufficient for the victim to show that he or she has been awarded damages by a final criminal judgment (against which there is no further appeal possible).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taking the place of the person liable, SARVI pays the victim all the damages up to EUR 1 000; beyond that it pays an advance of 30 %, up to a ceiling of EUR 3 000. After paying an advance, SARVI pays the balance due as and when it collects money from the person convicted.</td>
</tr>
<tr>
<td>To apply to SARVI the victim should obtain a recovery assistance application form (formulaire de demande d’aide au recouvrement) from the regional court (for example from the court’s single registry office (guichet unique de greffe), the registry of the judge delegated to deal with victims (greffe du juge délégué aux victimes), the enforcement office (bureau d’exécution) or the victim support office (bureau d’aide aux victimes)) or from a law centre (maison de la justice et du droit), a legal information desk (point d’accès au droit), a town hall or the like, which will also forward the completed form to SARVI.</td>
</tr>
</tbody>
</table>

An application to SARVI must be made no less than two months and no more than one year from the day the judgment awarding damages becomes final.

**Am I entitled to compensation from the state?**

<table>
<thead>
<tr>
<th>The Guarantee Fund for Victims of Terrorism and Other Offences (Fonds de garantie des victimes d’actes de terrorisme et d’autres infractions — FGTI) compensates victims of terrorist acts in accordance with a special procedure. It also compensates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- victims of rape, sexual assault, theft, fraud, breach of trust, extortion, or destruction of or damage to property;</td>
</tr>
<tr>
<td>- victims of an offence resulting in permanent disability or total incapacity for work;</td>
</tr>
<tr>
<td>- relatives of victims of murder or manslaughter.</td>
</tr>
</tbody>
</table>

To receive compensation from the Fund, a victim meeting certain conditions must make an application direct to the crime victims compensation board (CIVI) at the regional court of the applicant’s principal residence or of the place of the criminal court trying the offence. The application must be made to the board within three years of the date of the offence. This period is extended by one year from the date of the last criminal judgment.

If the offence was committed in France, compensation can be awarded to:
- holders of French nationality;
- nationals of a Member State of the European Union.

If the offence took place abroad, only French nationals can be compensated.

1) In cases of serious personal injury:

| The victim may obtain full compensation for damage resulting from personal injury where the offence resulted in death, mutilation or permanent disability or in total incapacity for work equal to or greater than one month, or if the offence was one of rape, sexual assault, or trafficking in human beings. |
| The board will take account of benefits paid by social welfare bodies, mutual health insurance societies, insurance companies, etc. Clothing or material damage is not compensated. |

2) In the case of minor personal injury and material damage resulting from theft, fraud, breach of trust, extortion or the destruction of or damage to property:

| If the victim has suffered bodily injury resulting in total incapacity for work of less than one month or material loss as a result of one of these offences, the compensation available is subject to strict conditions and is limited by a ceiling. |
| To qualify for compensation of this kind the victim must meet the following additional conditions: |
| - the victim’s resources must not exceed 1.5 times the ceiling set for partial legal aid (adjusted for family expenses); |
| - the victim must be unable to obtain effective and sufficient compensation for the damage caused from an insurance company, a social welfare body or any other body that might be liable; |
| - in the case of material loss only, the victim must be in a serious material or psychological situation as a result of the offence. |

If these conditions are met, the victim may qualify for compensation capped at EUR 4 500.

**Am I entitled to compensation if the offender is not convicted?**

| If the accused is not convicted, you can bring a civil action claiming compensation for your loss in a civil court. You will have to show that the perpetrator is responsible for the harm you have suffered. |
| Proceedings before the crime victims compensation board (CIVI) are independent of any proceedings in the criminal courts, and a victim may apply to the board even if there is no judgment or ruling from a criminal court and even if the accused is acquitted. |

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

| In proceedings before the crime victims compensation board, you can claim an interim payment if your right to compensation is not contested and if your loss cannot be finally determined because you cannot calculate the total amount or because the social welfare bodies have not yet told you what sums they will repay. If you do not meet these conditions, an interim payment may nevertheless be granted to you at the discretion of the chair of the board. |
| Last update: 04/07/2018 |
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**5 - My rights to support and assistance**

| I am a victim of a crime who do I contact for support and assistance? |
| Victim support structures are listed in a directory of victim support associations: [Annuaire des associations d’aide aux victimes](#). |
| You can contact the victim support association closest to where you live. |

**Victim support hotline**

| Specific victim assistance: |
| Children in danger: 119 — 24 hours a day, 7 days a week |
| Missing children: 116 000 — 24 hours a day, 7 days a week |
| Violence against women: 3919 — 7 days a week, Monday to Friday from 9.00 to 22.00 and Saturdays, Sundays and public holidays from 9.00 to 18.00 |
| Rape and sexual assault: 0 800 05 95 95 — Monday to Friday from 10.00 to 19.00 |
| Racist acts: 01 40 35 36 55 — Tuesday, Thursday and Friday from 10.30 to 13.30 |
| Homophobic acts: 01 48 06 42 41 — Monday to Friday from 18.00 to 22.00, Saturday from 14.00 to 16.00 and Sunday from 18.00 to 20.00 |
Victims of crime have a number of rights in pre-trial and criminal proceedings, with particular protection being afforded to children and victims of human trafficking and crimes against sexual freedom.

**What types of support can I receive from non-governmental organisations?**

Victim support associations assist victims throughout the proceedings by providing free legal and welfare information and psychological support. Their representatives can assist victims when they are filing a complaint or asking to be treated as a civil party to the criminal proceedings. They may also attend criminal hearings and help the victim to understand the procedural steps and the decisions taken by the different players.

Victim support associations may have a presence in gendarmerie and police stations, hospitals, courthouses, social welfare offices, etc. Their addresses and telephone numbers are available from the courts and from gendarmerie and police stations, and also from the directory accessible through this link.

Alongside these ordinary victim support associations, there are numerous other associations that have no special recognition working in particular areas such as personal injury, domestic violence, traffic accidents, medical errors, etc. Some associations specialising in helping female victims of violence can provide women and their children with temporary accommodation.

**What types of support can I receive from state services or authorities?**

Victims will always be guided towards any compensation mechanism for which they may qualify. The assistance given is free and confidential.

**Victims’ rights - by country - Croatia**

Victims of crime have the following rights:

- access to support services for crime victims;
- effective psychological and other professional assistance and support from bodies, organisations, and institutions that support victims of crime, in accordance with the law;
- protection from intimidation and retaliation;
- protection of their dignity while giving evidence as a victim;
- to be heard without undue delay after reporting a crime and subsequently to be questioned no more than is absolutely necessary for the purpose of the criminal proceedings;
- to be accompanied by a trusted person in any actions in which they take part;
- to undergo minimal medical procedures and only if these are absolutely essential for the purpose of the criminal proceedings;
- to file a motion to prosecute or bring a private action under the Criminal Code (Kazenski zakonik), to participate in criminal proceedings as an injured party, to be informed of dismissal of a criminal charge (Article 206(3) of the Criminal Code) and of a decision by the public prosecutor (državni odvjetnik) to take no action, and to pursue prosecution individually without the public prosecutor;
- to be informed by the public prosecutor on the action taken on the basis of their accusation (Article 206a of the Criminal Code), and to lodge a complaint with a senior public prosecutor (viši državni odvjetnik) (Article 206b of the Criminal Code);
- to request and receive information without undue delay on the release of the offender from detention or remand, the offender’s escape or release from prison, and on the victim protection measures taken;
- to request and receive information on any final decision terminating the criminal proceedings;
- other rights as provided for by law.

Additionally, victims of sexual crimes and human trafficking also have the right:

- to consultation with a legal adviser paid for by the State before being interviewed;
- to a representative paid for by the State;
- to be interviewed by a person of the same sex at the police station or public prosecutor’s office (državno odvjetništvo), and to be interviewed by the same person if another interview takes place;
- to refuse to answer questions that concern their private life and are unrelated to the crime;
- to ask to be interviewed by audio-visual means (Article 292 of the Criminal Code);
- to personal data protection;
- to ask for the hearing not to be open to the public.

Child victims have all the above rights as well as the right to:

- a representative paid for by the State;
- personal data confidentiality;
- a non-public hearing.

A child is any person under 18 years of age.

A child witness or victim is examined by the investigating judge at an evidentiary hearing, and the summons is sent to their parents or guardian.
Private action
When a crime is reported, the public prosecutor prosecutes *ex officio* in most cases.
A private action may be brought in the case of crimes for which criminal proceedings are launched on the basis of a private action. The private action must be brought within three months of the date when the authorised natural or legal person learned of the crime and who it was committed by.

Claims for damages
An injured party has the right to file a claim for damages as part of criminal proceedings.
Victims of crime also qualify as injured parties and are entitled to file a claim for damages before the court.
A claim for damages may seek:
- compensation for damage, which can be tangible or intangible (pain suffered, fear);
- the return of belongings — if the injured party can prove that they were the owner or lawful holder;
- annulment of a specific transaction — if the crime resulted in a property transaction (if the defendant forced the victim to conclude a contract).

A claim for damages may be filed as part of criminal proceedings or in a separate civil action against the defendant. A claim for damages filed during criminal proceedings can be granted only if the court finds the defendant guilty.
That is not a requirement for the success of a claim filed in civil proceedings.

Rights of injured parties during the investigation and in criminal proceedings
A victim participating in criminal proceedings as the injured party is entitled to:
- use their mother tongue, including sign language, and request the assistance of an interpreter if they do not understand or speak Croatian, or of a sign language interpreter if they are deaf or deafblind;
- file a claim for damages and motions for temporary injunctions;
- present facts and submit evidence;
- attend the evidentiary hearing;
- attend the proceedings, take part in the evidentiary proceedings and make a closing statement;
- access the case file;
- ask to be informed by the public prosecutor in respect of action taken on the basis of their accusation and file a complaint to a senior public prosecutor;
- appeal;
- seek restoration of the previous situation;
- be notified of the outcome of the criminal proceedings.

Both before and at every stage during the criminal proceedings, the public prosecutor’s office and the court must consider the scope for the defendant to compensate the injured party for any loss sustained as a result of the offence. They must also inform the injured party of the right to use their own language, including sign language for the deaf and deafblind, and to the assistance of an interpreter if they do not speak or understand Croatian, or of a sign language translator or interpreter if they are deaf or deafblind, the right to lodge an application for a civil claim and temporary injunctions, to lodge a statement of facts and to submit evidence, to attend the proceedings and participate in the evidentiary proceedings, to make a closing statement, to access the case file, and to ask to be informed by the public prosecutor in respect of action taken on the basis of their accusation and to file a complaint with a senior public prosecutor.

Right to financial compensation
The Act on Financial Compensation for Victims of Crime (*Zakon o novčanoj naknadi žrtvama kaznenih djela*) (Narodne Novine (NN: Official Gazette of the Republic of Croatia) Nos 80/08 and 27/11) lays down a right to financial compensation for victims of crime involving violence committed with intent in Croatia, or for their relatives under the conditions set out in that Act.
It establishes a right to financial compensation for victims of violent crime committed with intent and specifies the prerequisites and procedure for exercising the right to compensation, the bodies that take decisions and participate in the decision-making process on the right to compensation and the bodies and procedure in cross-border cases.
Victims of violent crime committed with intent have a right to financial compensation from the national budget.
The police, the public prosecutor’s office and the courts are required to provide information on the right to compensation, supply the necessary application forms and, at the victim’s request, give general guidance and information on how to complete an application and which supporting documents to enclose.

Applications for financial compensation must be submitted to the Ministry of Justice on the form which can be downloaded from the Ministry’s website.

Application form for financial compensation for victims of crime

Applications must be submitted within six months of the date on which the crime was committed. If the victim has legitimate reasons for failing to submit the application within the deadline, they must do so within three months of the date on which those reasons cease to exist, and in any event within three years of the date on which the crime was committed.
If the victim is a minor or a person deprived of legal capacity and their legal representative failed to submit a claim within six months of the date of the crime, the six-month deadline begins from the day the victim reaches the age of 18 or from the day when, after the victim has reached the age of 18, the criminal proceedings are initiated, or from the day the victim’s legal capacity is restored.

Entitlement to financial compensation applies in the following cases:
- victims of crime involving violence if they are citizens of the Republic of Croatia, citizens of a Member State of the European Union or permanently resident in the European Union and the crime was committed in Croatia;
- victims who have suffered grievous bodily harm or whose health has deteriorated as a result of the crime are entitled to compensation for the costs of treatment, provided that it is not covered by mandatory health insurance, up to the amount of health insurance in the Republic of Croatia, and compensation for loss of earnings up to the amount of HRK 35,000;
- persons who are a close relative of the deceased victim (spouse or partner, child, parent, adoptive parent, adopted child, step-parent, step-child, same-sex partner, grandparent and grandchild if they belonged to the same household as the victim) are entitled to compensation of up to HRK 70,000 for the loss of statutory maintenance;
- in the event of the death of a victim, the person who paid the funeral expenses is entitled to compensation of up to HRK 5,000;
- if a crime is reported to or filed by the police or the public prosecutor’s office within six months from the date on which it was committed, regardless of whether or not the offender is known.

In order to establish the amount of compensation, account is taken of the victim’s conduct during and after the crime, their contribution to the damage and its extent, whether the victim is an immediate victim and whether they reported the crime to the competent authorities and when. In addition, an assessment is made of the victim’s cooperation with the police and the competent authorities in order to bring the offender to justice, account being taken of whether the immediate victim helped to cause the damage or exacerbated the damage; in any of these cases the compensation to which the victim is entitled will be
Notice of offender's release

When a defendant is sentenced to imprisonment, the Service for Victim and Witness Support (Služba za podršku žrtvama i svjedocima) at the Ministry of Justice informs the victim of the prisoner's release date (unconditional release and release on probation).

Statutory obligation to inform victims of prisoner release

In accordance with the provisions of the Act Amending the Execution of Prison Sentences Act (Zakon o izmjenama i dopunama Zakona o izvršenju kazne zatvora), the Service for Victim and Witness Support at the Ministry of Justice is required to notify the victim, injured party or their family of the release of a prisoner.

Victims are notified of the release of a prisoner in cases of crimes against sexual freedom and sexual morality, life and limb or crimes involving violence. The victim, injured party or their family are provided with this information, irrespective of whether the prisoner is being released unconditionally or on probation.

Moreover, when a decision is being taken on whether to allow a prisoner to leave prison for their place of permanent or temporary residence, penitentiaries /prisons may ask the Service for Victim and Witness Support to provide information about the reaction of the victim or the victim's family to this possibility. The Service for Victim and Witness Support draws up reports for the penitentiary/prison on the basis of its discussions with the victim.

Support for witnesses and victims

Support for victims and witnesses in the Republic of Croatia is coordinated by the Service for Victim and Witness Support at the Ministry of Justice. Victims and witnesses can obtain support and information on their rights and on procedures from the Victim and Witness Support Department of a court.

Such departments have been set up at seven county courts (Zupanijski sudovi), namely in Zagreb, Zadar, Osijek, Vukovar, Split, Sisak and Rijeka. The departments provide emotional support, practical information and information on rights for victims, and support and information for witnesses and persons accompanying them. There are also departments providing support at the competent municipal and misdemeanour courts (općinski i prekrišajni sudovi).

Victims can also obtain information about their rights and the types of assistance available to them by calling the free phone number 116 006 of the National Call Centre for Victims of Crimes and Misdemeanours (see the website of the National Call Centre).

The Ministry of Justice also provides victims and witnesses with support and information about their rights, and inquiries may be sent via email to: zrtve.i.svjedoci@pravosudje.hr or to the website of the Croatian Ministry of Justice: https://pravosudje.gov.hr/

Support for victims and witnesses in cross-border cases

The Service for Support to Victims and Witnesses, which has been set up at the Ministry of Justice, provides support and information for both victims and witnesses who are summoned to court through international legal assistance (including witnesses of war crimes).

Information letters are sent to witnesses who are summoned to give testimony at courts in the Republic of Croatia, or to Croatian witnesses who are summoned to appear before foreign courts.

Witnesses of war crimes are provided with physical protection, where necessary, and assistance for preparing their journey and their appearance before the competent judicial body (in the case of witnesses and other parties who are summoned for questioning in criminal proceedings relating to war crimes before competent judicial bodies in the Republic of Croatia, or outside Croatia when such support relates to a request for international legal assistance).

Click on the links below to find the information that you need:

1. My rights as a victim of crime
2. Reporting a crime and my rights during the investigation or trial
3. My rights after trial
4. Compensation
5. My rights to support and assistance

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FAQs about a victim of crime

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

The Code of Criminal Procedure does not regulate the contents of the information sheet the victim may be provided with after the offence has occurred and before it is reported. Everyone has the right and option to contact the Public Prosecutor’s Office, where they can report a crime, deposit a statement, or make a submission on a matter falling within the Public Prosecutor’s remit. Individuals contacting the Office receive information on how to report the crime and other basic information on their rights and obligations.

Police officers are required to record reports of crimes that are prosecuted ex officio.

Furthermore, everyone is entitled to appropriate police protection if there are reasonable grounds for such protection to be provided.

Victim and witness support departments, which have been established by seven county courts, provide victims with emotional support and information as to their rights (including technical and practical information). They also offer support and information to witnesses and to family members of both victims and witnesses. Information and support are provided regardless of the stage of proceedings. Victims receive information and support even if they fail to report the crime. Those departments also refer victims and witnesses to specialised civil society institutions and organisations, depending on their needs.

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

Provisions governing the rights of victims and civil parties apply equally without regard to nationality because Croatian criminal legislation applies to anyone who commits a crime in Croatia. Parties to and participants in proceedings are entitled to use their mother tongue.

The police, the Public Prosecutor’s Office and the courts are required, under the Code of Criminal Procedure and the Victims of Crime (Financial Compensation) Act, to provide victims of crime with information on their rights under those acts. This means that the Public Prosecutor’s Office and the courts are required to examine the possibilities, both before criminal proceedings and at any stage during them, for the individual charged to compensate the injured party for any loss/damage caused by the offence, and to inform the injured party – verbally in a language the victim understands and in writing in Croatian or English – of their right to use their mother tongue and to lodge a property-law claim and of their right to compensation. The Public Prosecutor’s Office and the courts are also required to provide the victim, at their request, with general instructions and information on how to complete the claim and
which supporting documents to submit. Information sheets containing information on the victim’s right to compensation are available in Croatian and English, as is the Compensation Claim Form. These documents, in Croatian and English versions, can be downloaded from the website of the Croatian Ministry of Justice.

Any victim who reports a crime receives information on their rights from the police. After informing the victim verbally, the police officer provides the victim with information on their rights in writing and any available information on services protecting and supporting victims, including the toll-free victim support helpline number.

For individuals without any knowledge of Croatian, a rights information sheet is available from the police in other languages.

Volunteers at the National Call Centre for Victims of Crimes and Misdemeanours (116-006) provide emotional support, information on rights and practical services. They also refer victims to other competent services and organisations to ensure they receive any additional information and other forms of support and assistance. This helpline is toll-free, open from 8 am to 8 pm on weekdays and the staff can take calls in Croatian and English.

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

(a) The victim and injured party are entitled, within two months of pressing charges or reporting a crime, to request information from the Public Prosecutor’s Office on the action taken in response to the charges/report. They are informed by the Public Prosecutor’s Office of the action taken within a reasonable timeframe, no later than thirty days from the date of the request, unless the request jeopardises the effectiveness of the proceedings. The decision to withhold such information must be communicated to the victim or injured party making the request.

(b) The Public Prosecutor will suspend the investigation by a decision, if:

- the offence with which the individual is charged is not an offence prosecuted ex officio;
- the circumstances exclude the charged individual’s culpability, unless the unlawful act was committed in a state of mental incapacity;
- the statute of limitations has expired for the crime or if the offence is subject to an amnesty or pardon, or if there are other circumstances proscribing prosecution; and
- there is no evidence that the individual charged has committed the offence.

The decision to suspend the investigation is sent to the injured party and the individual charged, who will immediately be released if they had been placed in custody or on remand. In addition to the decision letter, the injured party receives information, in accordance with Article 55 of the Code of Criminal Procedure, on how to pursue prosecution themselves.

(c) After examining the report and carrying out a check in the information system of the Public Prosecutor’s Office, the Public Prosecutor will reject the report by a reasoned decision if it is clear from the report that:

- the offence is not an offence that can be prosecuted ex officio;
- the statute of limitations has expired for the offence, or the offence is subject to an amnesty or pardon, or the offence has already been finally adjudicated in court, or there are other circumstances proscribing prosecution;
- the circumstances exclude culpability;

there are no reasonable grounds for suspecting that the individual charged committed the offence reported; or

information in the report suggests that the report is not credible.

No appeals are allowed against the Public Prosecutor’s decision to dismiss a report.

Unless otherwise provided for by the Code of Criminal Procedure, the Public Prosecutor notifies the victim of the decision to dismiss the report and the grounds for it within eight days. The Public Prosecutor will also provide information on how the victim may pursue prosecution themselves. The Public Prosecutor must promptly inform the person who made the report and the individual charged of the decision to dismiss the report, if so requested by either party.

If the Public Prosecutor cannot assess the credibility of the allegations from the report itself or if information in the report fails to provide sufficient grounds for a decision to initiate an investigation or gather evidence, it will conduct its own enquiries or instruct the police to do so.

(d) The custody supervisor must immediately release the individual arrested or detained:

- if instructed to do so by the Public Prosecutor;
- if the arrested individual was not interrogated within the statutory deadline; or
- if detention was cancelled.

(e) The Public Prosecutor can summon witnesses and experts to assist with taking of evidence. The summons may also be sent by the investigator if authorised by the Public Prosecutor. The court can summon witnesses and experts to testify at an evidentiary hearing or attend a court hearing. The competent body sets in advance the time and place where the evidence will be taken. The person summoned is warned of the consequences of any failure to attend.

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

A victim participating in criminal proceedings as the injured party is entitled to:

- use their mother tongue, including sign language, and request assistance from an interpreter if they do not understand or have a sufficient command of Croatian, or from a sign language interpreter if the injured party is deaf or deafblind.

Unless otherwise provided for by a separate law, the investigating judge may take evidence from any child witness under 14 years of age. The hearing takes place without the judge or the parties being present in the same room as the child, using an audio-video device operated by a professional assistant. The hearing is assisted by a psychologist, childhood education specialist, or other professional person. The hearing may also be attended by a parent or guardian, unless this is contrary to the interests of the investigation or the child. The parties may put questions to the child witness through a professional, subject to the investigating judge’s approval. The hearing session is recorded using an audio-video device and the recording is sealed and appended to the minutes. The child witness may be summoned for a second hearing in exceptional circumstances only, with the same procedure being followed.

Unless otherwise provided for by a separate law, the investigating judge may also take evidence from child witnesses aged 14-18. Questioning of children, especially if they are the victim of the offence, must be handled carefully to ensure that it does not adversely affect their mental health. Particular care is taken to protect the child.

Any witness who cannot respond to a summons for reasons of old age, illness, or disability, may be heard in their own flat or other place where they are staying. Such witnesses may be heard using an audio-video device operated by a professional. If warranted by the witness’s condition, the hearing is conducted in such a way as to allow the parties to put questions without being present in the same room as the witness. If required, the hearing is recorded using an audio-video device and the recording is sealed and appended to the minutes. At the victim’s request, same witness examination procedure can be followed if they are the victim of an offence against sexual freedom or morality, a human trafficking offence or an offence committed within the family.

Such a witness may be summoned for a second hearing in exceptional circumstances only, if deemed necessary by the court.

Victim support services
Who provides victim support?
Victim and witness support departments, which have been established by seven county courts (Zagreb, Osijek, Split, Rijeka, Sisak, Zadar and Vukovar) provide support for victims and witnesses giving evidence at these courts and at the municipal courts of these cities/towns. These departments also provide support at misdemeanour courts in domestic violence cases and refer victims and witnesses to specialised civil society institutions and organisations, depending on their needs.

Information and support are provided by telephone and when the victim/witness enters the court building. Information is also provided by email.

For more information, please visit the following Croatian Ministry of Justice page.

Will the police automatically refer me to victim support?
When informing the victim about their rights, the police officer also provides the victim with information on their rights in writing and any available information on victim-support services, including the toll-free victim support helpline number. The rights information sheet includes the contact details of:
- the competent victim and witness support department;
- the civil society organisations in the relevant county;
- the National Call Centre for Victims of Crimes and Misdemeanours (116-006);

How is my privacy protected?
Competent authorities may collect personal information only for purposes laid down by law, as part of their duties laid down in the Code of Criminal Procedure.

Personal information may be processed only when specified by a law or other legal provision, and such processing must be limited to the purpose for which the information has been collected. Further processing of such information is permitted, unless it is contrary to the purpose for which the information has been collected, and provided the competent bodies are authorised to process such information for another purpose laid down by law and the further processing is necessary and commensurate with the other purpose.

Personal information relating to someone’s health or sexual life may be processed in exceptional cases only, where the criminal offence is subject to a custodial sentence of five years or more and could not be detected or prosecuted in any other way, or where detection/prosecution would be fraught with disproportionate difficulties.

No processing of personal information relating to race or ethnicity, political persuasion, religious or philosophical belief, or trade union membership is permitted.

Personal information collected for the purposes of criminal proceedings may be forwarded to government bodies in accordance with a special law, and to other legal entities, only if the Public Prosecutor’s Office or the court finds they require such information for a purpose laid down by law. When such information is forwarded, the relevant legal entities are reminded of their duty to protect the data of the persons concerned.

Personal data may be used, in accordance with the relevant legislation, in other criminal proceedings, in other proceedings dealing with punishable acts that are conducted in Croatia, in procedures relating to international criminal justice assistance, and in international police cooperation efforts.

Do I have to report a crime before I can access victim support?
The victim receives information and support from the victim and witness support department of the relevant court or civil society organisation even if they fail to report the crime.

Personal protection if I'm in danger
In accordance with Article 99 of the Police Tasks and Powers Act, unless provided otherwise by a separate law, and for the period of time there are reasonable grounds for such action, the police provide appropriate protection for the victim and any other person who has provided or may provide information relevant to the criminal proceedings, or for any person close to them, if they or persons close to them are at risk of danger from the offender or other individuals involved in the criminal proceedings. Victim protection provided by the police means 24-hour physical protection.

What types of protection are available?
In accordance with Article 130 of the Misdemeanours Act, the police may, temporarily and for up to eight days, order a precautionary measure against the individual reasonably suspected of having committed the offence. In practice, this usually translates into injunctions prohibiting the suspect from visiting a particular place or area (eviction from the victim’s home), from approaching a particular person, or from making or maintaining contact with a particular person. Within eight days the police file charges with the competent misdemeanour court, which will then make a decision as to whether to suspend or extend the precautionary measure ordered. In addition, during the misdemeanour proceedings, the court may, under the Domestic Violence (Protection) Act, order the following measures to be taken against the offender:
- compulsory psychosocial treatment;
- an injunction prohibiting the offender from approaching, harassing, or stalking the victim of domestic violence;
- eviction from the shared home;
- compulsory treatment for substance abuse.

Under the Misdemeanours Act, the court may also apply other protective and precautionary measures designed to protect the victim from being approached or harassed by the suspect.

Furthermore, in accordance with the Code of Criminal Procedure, the court and the Public Prosecutor may, instead of remanding the individual charged in custody, order one or more precautionary measures, including an injunction to prohibit the offender from visiting a particular place or area, from approaching a particular person, from making or maintaining contact with a particular person, or an injunction prohibiting the offender from stalking or harassing the victim or another person, or eviction from the victim’s home.

Who can offer me protection?
The victim can obtain information from the police about all their rights, including information on their right to protection, the types of protection offered, and on action to be taken by the police to protect the victim.

Will someone assess my case to see if I am at risk of further harm by the offender?
Once the investigation has been completed and the relevant documents have been submitted to the competent criminal justice bodies, the police do not carry out any further assessment of the victim’s needs, except to carry out any of the protective or precautionary measures ordered. If reports of new circumstances are received pointing to a renewed threat from the offender, the police will take further action to protect the victim in line with its assessment and the facts of the case.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?
The criminal justice system (during investigative and court proceedings) operates in such a way as to respect the victim’s rights and their standing in the criminal proceedings, in accordance with the Code of Criminal Procedure. Before examining the victim, the prosecuting body conducting the investigation makes an individual assessment of the victim’s situation in cooperation with bodies, organisations or institutions that provide support and assistance to victims of crime. The individual assessment includes determining the need to apply special protection measures for the victim’s benefit. If such a need exists,
the prosecuting body determines the protection measures to be applied (special questioning arrangements for the victim, the use of communication technologies to prevent any visual contact between the victim and the offender, and other measures laid down by law). Where the victim of a crime is a child, the need to apply special protection measures is presumed and special protection measures are determined. The individual assessment takes particular account of the victim's personal characteristics, the type and nature of the offence, and the circumstances in which the offence was committed. Special attention is paid to victims who have suffered major harm because of the gravity of the offence, victims of an offence committed because of the victim's particular personal characteristics, and victims whose relationship to the offender makes them particularly vulnerable.

What protection is available for very vulnerable victims?

The criminal justice system (during investigative and court proceedings) operates in such a way as to respect the victim's rights and their standing in the criminal proceedings, in accordance with the Code of Criminal Procedure. Before examining the victim, the prosecuting body conducting the investigation makes an individual assessment of the victim's situation in cooperation with bodies, organisations or institutions that provide support and assistance to victims of crime. The individual assessment includes determining the need to apply special protection measures for the victim's benefit. If such a need exists, the prosecuting body determines the protection measures to be applied (special questioning arrangements for the victim, the use of communication technologies to prevent any visual contact between the victim and the offender, and other measures laid down by law). Where the victim of a crime is a child, the need to apply special protection measures is presumed and special protection measures are determined. The individual assessment takes particular account of the victim's personal characteristics, the type and nature of the offence, and the circumstances in which the offence was committed. Special attention is paid to victims who have suffered major harm because of the gravity of the offence, victims of an offence committed because of the victim's particular personal characteristics, and victims whose relationship to the offender makes them particularly vulnerable.

I am a minor – do I have special rights?

Child victims of crime have the following additional rights:

- the right to a representative paid for by the State;
- the right to have his/her personal information treated confidentially;
- the right to have the public excluded.

A child is any person under 18 years of age.

Child witness or victim is examined by the investigating judge at an evidentiary hearing, and the summons is sent to the child’s parents or guardian.

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

Under the Victims of Crime (Financial Compensation) Act, when the direct victim dies as a result of a violent crime, the indirect victim (spouse, partner, parent, foster child, foster parent, stepmother, stepfather or stepchild of the direct victim or the person with whom the direct victim lived in a same-sex relationship) is entitled to financial compensation as prescribed by the Victims of Crime (Financial Compensation) Act.

If the indirect victim was supported by the deceased (direct) victim, they are entitled to compensation of up to HRK 70 000 for loss of statutory maintenance and to compensation of up to HRK 5 000 for normal funeral expenses they have incurred.

Any person whose family member lost their life as a victim of a crime is entitled, as an injured party, to participate in the criminal proceedings and claim compensation (whether in criminal or civil proceedings).

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

‘Indirect victim’ means the spouse, partner, child, parent, foster child, foster parent, stepmother, stepfather or stepchild of the direct victim or the person with whom the direct victim lived in a same-sex relationship.

Grandparents and grandchildren can also be indirect victims, if one of them was the direct victim and they were permanently living together with the grandparents replacing the parents.

Non-marital and same-sex relationships are treated in accordance with Croatian law.

If the crime victim dies, indirect victims are entitled to compensation (for the loss of statutory maintenance and for normal funeral expenses).

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

Croatia operates the victim-offender mediation model in pre-criminal proceedings for minor and young adult offenders, under the conditional opportunity principle in accordance with the Juvenile Courts Act governing the special obligation for minor and young adult offenders to engage in the mediation process through out-of-court settlement. This means that if the minor offender complies with this obligation, they do not have to stand trial.

Since 2013, Croatia has had a total of 60 mediators, who received their training in a one-year programme consisting of 170 teaching hours (comprising lectures, assignments, role-play and practical mentoring exercises, and supervision). They are the only professionals in Croatia authorised to administer restorative justice in criminal cases. They received their certificates from the Croatian Ministry of Social Policy and Young People, the Out-of-Court Settlement Association, and UNICEF.

As a result, the central town of each Croatian county has an out-of-court settlement service.

Where can I find the law stating my rights?

- The Code of Criminal Procedure
- The Victims of Crime (Financial Compensation) Act

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2 - Reporting a crime and my rights during the investigation or trial

How can I report a crime?

Crimes can be reported to the competent public prosecutor’s office in writing, verbally or by other means. If you report a crime verbally, you will be warned of the consequences of filing false complaints. For reports filed verbally, a written record is drawn up, while reports filed by telephone or other telecommunication means are, where possible, recorded electronically and a formal note is drawn up.

Victims who report a crime receive a written acknowledgement containing the basic details of the crime reported. Victims who do not speak or understand the language used by the authorities can report the crime in their own language and are provided with an interpreter or other person who speaks and understands both the language of the competent authority and the victim's language. Victims who do not speak or understand the language used by the authorities can request to have the acknowledgement translated into their language free of charge.

If a crime report is submitted to a court, the police or the wrong public prosecutor’s office, they take receipt of it and immediately forward it to the competent public prosecutor’s office.
The public prosecutor immediately enters the crime report in the register of crime reports, except where the law states otherwise. If a public prosecutor only receives news of a crime having been committed or they receive a report from the victim, they draw up a formal note, record it in the register of miscellaneous offence cases and proceed as provided for by law. If the report contains no details of the crime, meaning that the public prosecutor is unable to identify what crime is being reported, they record it in the register of miscellaneous offence cases and ask the person reporting the crime to provide additional information within 15 days. If the person reporting the crime fails to act on the request for additional information, the public prosecutor draws up an official note of this. Once the deadline for submitting additional information has expired, the public prosecutor must report this to a senior public prosecutor within eight days. The senior public prosecutor may order the crime report to be entered in the register of crime reports.

How do I find out what’s happening with the case?
Two months after filing a criminal complaint or reporting a crime, the victim or the injured party may send the public prosecutor a request for information on the action taken in response to the complaint/report. The public prosecutor must reply within a reasonable period but no later than 30 days from the date of receipt of the written request, except where such a reply could undermine the proceedings. If the public prosecutor decides not to provide this information, they must inform the victim/injured party accordingly.

A victim participating in criminal proceedings as an injured party has the right to be informed of the outcome of the proceedings.

I cannot understand or speak Croatian. Can I have an interpreter?

A victim whose criminal complaint has been rejected may pursue criminal prosecution themselves. This must also be done by a court if it

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

Victims whose criminal complaints have been rejected may pursue criminal prosecution themselves. Can I appeal if my case is closed before going to court?

Under the Free Legal Aid Act, victims of violent crimes seeking compensation for the injury they have suffered as crime victims.

Defendants found guilty are ordered by the court to cover the costs of litigation, unless they are eligible for a full or partial exemption. When criminal proceedings are suspended or when the court acquits the defendant or drops the charges, the court’s decision/ruling must provide that the cost of the criminal proceedings under Article 145(2)(1)-(5) of this Act, the unavoidable costs incurred by the defendant and the unavoidable costs and fees of the defence attorney are to be borne by the State, except where otherwise provided by law. Defendants found guilty are ordered by the court to cover the costs of litigation, unless they are eligible for a full or partial exemption. When criminal proceedings are suspended or when the court acquits the defendant or drops the charges, the court’s decision/ruling must provide that the cost of the criminal proceedings under Article 145(2)(1)-(5) of this Act, the unavoidable costs incurred by the defendant and the unavoidable costs and fees of the defence attorney are to be borne by the State, except where otherwise provided by law. Defendants found guilty are ordered by the court to cover the costs of litigation, unless they are eligible for a full or partial exemption. When criminal proceedings are suspended or when the court acquits the defendant or drops the charges, the court’s decision/ruling must provide that the cost of the criminal proceedings under Article 145(2)(1)-(5) of this Act, the unavoidable costs incurred by the defendant and the unavoidable costs and fees of the defence attorney are to be borne by the State, except where otherwise provided by law.

The Free Legal Aid Act makes provision for primary and secondary legal aid.

Primary legal aid covers general legal information, legal advice, submissions to public bodies, the European Court of Human Rights and international organisations in accordance with international treaties and internal rules of procedure, representation in proceedings before public bodies, and legal assistance in out-of-court dispute settlements.

Secondary legal aid covers legal advice, submissions in a procedure for protecting workers’ rights before the employer, submissions in court proceedings, representation in court proceedings, legal aid in amicable dispute settlements, and exemption from the payment of legal costs and court fees.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

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seek restoration of the previous situation;
be notified of the outcome of the criminal proceedings.

**What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, injured party, or private plaintiff?**

Victims of crime are private individuals who have suffered physical or psychological harm, damage to property or a serious violation of their fundamental rights and freedoms as a direct consequence of a crime. Victims of crime can also mean the spouse, partner, life partner, informal life partner and descendant(s) of the person whose death was directly attributable to the crime, or, failing that, their ascendant(s) or sibling(s) of the person whose death was directly attributable to the crime. Any person legally maintained by the deceased is also considered to be a victim of that crime.

An injured party is a crime victim or a legal person that has suffered injury as a result of a crime and participates in criminal proceedings in that capacity. The capacity of a party to or participant in the proceedings does not depend on that person’s wish, but on the role that person had in the criminal matter. Anyone can appear in any of the above roles, depending on the circumstances laid down by law; the choice that they have concerns the rights they wish to exercise as injured party or crime victim.

**What are my rights and obligations in this role?**

**A victim of crime has the right to:**

- access support services for crime victims;
- effective psychological and other professional assistance and support from bodies, organisations, and institutions supporting victims of crime, in accordance with the law;
- protection from intimidation and retaliation;
- protection of their dignity while being heard as a witness;
- be heard without undue delay after filing a criminal complaint and to subsequently be questioned no more than is absolutely necessary for the purpose of the criminal proceedings;
- be accompanied by a person of trust in whatever actions they participate in;
- minimal medical procedures and only if these are absolutely vital for the purpose of the criminal proceedings;
- file a motion to prosecute or bring a private action under the Criminal Code, to participate in criminal proceedings as an injured party, to be informed about the dismissal of a criminal complaint (Article 206(3) of the Act) and about the decision of the public prosecutor to take no action, and to pursue prosecution individually without the public prosecutor;
- be informed by the public prosecutor on the action taken on the basis of their complaint (Article 206a of the Act), and to lodge a complaint with a senior public prosecutor (Article 206b of this Act);
- request and receive information without undue delay on the release of the offender from detention or remand, the offender’s escape or release from prison, and on measures taken to ensure the victim’s protection;
- request and receive information on any final decision terminating the criminal proceedings;
- other rights as provided for by law.

**A victim participating in criminal proceedings as an injured party has the right to:**

- use their mother tongue, including sign language, and request an interpreter, if they do not speak or understand Croatian, or a sign language interpreter, if the injured party is deaf or deafblind;
- file for damages and temporary injunctions;
- legal representation;
- present facts and adduce evidence;
- attend the evidentiary hearing;
- attend the proceedings, take part in the evidentiary proceedings and make a closing statement;
- request access to the case file in accordance with the law;
- ask to be informed by the public prosecutor in respect of action taken on the basis of their report and file a complaint to a senior public prosecutor;
- appeal;
- seek restoration of the previous situation;
- be notified of the outcome of the criminal proceedings.

**In addition to the victims’ rights under this Act child victims enjoy the following rights:**

(1) representative provided free of charge, (2) personal data protection, (3) exclusion of the public. (Article 44(1) of the Criminal Procedure Act)

**In addition to the victims’ rights referred to in Article 43 of this Act, victims of sexual crimes and human trafficking enjoy the following rights:**

(1) free consultation before being interviewed, (2) a free representative, (3) to be interrogated, at the police or the public prosecutor’s office, by a person of the same sex, and, if possible, by that same person if the interview is repeated, (4) to not reply to questions that are not related to the crime but concern the victim’s private life, (5) to request to be interviewed by audio-visual means (Article 292(4) of this Act), (6) personal data protection, (7) exclusion of the public from the proceedings. (Article 44(4) of the Criminal Procedure Act)

During the investigation stage, crime victims who are private plaintiffs or injured parties may draw attention to all facts and adduce evidence that is material for ascertaining the crime, identifying the offender(s) and establishing their claims in the associated action for damages.

Both before and at all stages during the criminal proceedings, the Public Prosecutor’s Office and the court must consider whether it is possible for the defendant to compensate the injured party for any loss caused by the crime. They must also inform the injured party of certain rights under law (e.g. the injured party’s right to use their mother tongue, the right to file for damages, etc.).

Persons who are likely to have information on the crime, the offender or other pertinent circumstances can be summoned as witnesses.

Injured parties. **Injured parties acting as plaintiff and private plaintiffs can be questioned as witnesses.**

A **private plaintiff** has the same rights as the public prosecutor with the exception of the rights belonging solely to a state authority.

**Can I make a statement during the trial or give evidence? Under what conditions?**

Under this Act, the injured party has the right to:

(4) attend the evidentiary hearing;
(5) attend the evidentiary hearing;
(6) attend the proceedings, take part in the evidentiary proceedings and make a closing statement (Article 51(1) of the Criminal Procedure Act).

A victim pursuing prosecution has the same rights as the public prosecutor with the exception of the rights belonging solely to a state authority.

A private plaintiff has the same rights as the public prosecutor with the exception of the rights belonging solely to a state authority. Private plaintiffs are subject to the same procedural provisions that apply to injured parties and plaintiffs.
At the hearing the chief judge invites all the parties to set out the evidence they intend to present at the main hearing. Each party is invited to comment on the other party’s submissions.

**What information will I receive during the trial?**

During the investigation stage, crime victims who are private plaintiffs or injured parties may draw attention to all facts and adduce evidence that is material for ascertaining the crime, identifying the offender(s) and establishing their claims in the action for damages.

A victim participating in criminal proceedings as an injured party has the right to:

- ask to be informed by the public prosecutor in respect of action taken on the basis of their report and file a complaint to a senior public prosecutor;
- be informed that the criminal complaint has been dismissed or that the public prosecutor has decided to take no action;
- receive notice of the outcome of the criminal proceedings.

**Will I be able to access court files?**

A victim participating in criminal proceedings as an injured party may access the case file.

**What are my rights after sentencing?**

Victims participating in criminal proceedings as an injured party may lodge an appeal and seek restoration of the previous situation.

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

Victims and witnesses can turn to specialised departments of county courts for information and support at any point during criminal (or misdemeanour) proceedings, but before the ruling has been issued.

If victims or witnesses turn to these victim and witness support departments **after the ruling has been issued**, the departments will provide them with information consistent with their remit, and refer them to other organisations and services specialising in victims’ or witnesses’ needs.

**The Independent support service for victims and witnesses of the Ministry of Justice** provides victims, injured parties or their families with information on the offender’s release from prison (automatic or conditional release). This information is provided to all victims of, and injured parties following, serious offences, such as crimes against life and limb, sexual crimes, violent crimes or war crimes.

In exceptional cases, when the Service finds that a victim of prolonged domestic violence or violence against women requires coordinated additional support, it informs the coordinator of the County Team for preventing and combating violence against women and domestic violence of the interview conducted with the victim and the problems he/she faces, and asks that the County Team take appropriate action. Where appropriate, this information is also forwarded to the competent police department and the competent social welfare centre, if the victim (child/person) is deprived of legal capacity, or to the competent probation office, if the offender has been released conditionally and is required to report regularly to the probation office.

In exceptional cases, when the Service concludes on the basis of information gathered from the victim (of a crime other than those mentioned above) that the victim absolutely requires additional support and protection, it may request action from the competent police department subject to the victim’s consent. Victim support is also provided by **civil society organisations**, immediately after the offence is committed, during the criminal proceedings, and after the trial, i. e. or after a final ruling has been issued. Support and assistance provided by civil society organisations depends on their remit.

**What information will I be given if the offender is sentenced?**

A written ruling with instructions on legal remedies is served on the plaintiff, the defendant and his/her defence attorney, the injured party (if the latter has the right to appeal), the party whose property has been confiscated by the ruling and the legal entity from which the proceeds are to be confiscated.

An injured party who does not have the right of appeal will be served the ruling as provided for by law, together with a note on his/her right to seek restoration of the previous situation. The final ruling is served on the injured party on request.

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

Under the Criminal Procedure Act, the victim who has so requested will be informed by the police, without delay, of the end of detention or remand for the offender, except where such disclosure might put the offender at risk. The victim will also be informed of the measures taken to protect him/her, where such measures have been ordered.

Penitentiaries and prisons do not inform the Service for victims and witnesses of escaped prisoners, but send a notification of the offender’s escape to police only; however, these rules are scheduled to be amended soon.

Victims have the right to be informed without delay, when they so request, of the offender’s release from detention or remand and his/her escape or release from prison, and of the measures taken in the interest of the victim’s safety.

Victims of serious crimes, i.e. crimes against life and limb, sexual crimes, violent crimes and war crimes, are informed of the offender’s automatic or conditional release.

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

Any statement made by the victim of a violent crime and other relevant information pertaining to the victim are taken into account when a decision is considered to potentially allow the offender the benefit of spending weekends outside a penitentiary or prison. The victim’s statement forms part of the conditional release file. However, the regulations currently in force do not provide for the victim to be involved in a conditional release decision and/or appeal against that decision.

**Last update:** 24/03/2023

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What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)
Under specific regulations, victims of crimes punishable by imprisonment of five or more years, who have suffered severe psychophysical trauma or have been seriously affected by the crime, have the right to a counsellor before giving testimony in criminal proceedings or filing a claim for damages; the counsellor's fees are to be borne by the government.
Claims for damages in criminal proceedings may be filed by persons authorised to pursue such claims in civil actions.
Crime victims filing a claim for damages must indicate whether they have obtained compensation or filed a claim for damages.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?
Once the decision on a claim for damages becomes final and enforceable, the injured party may request the court that issued the decision in first-instance proceedings to provide issue him/her with a certified copy of that decision, with an indication that the latter is enforceable.
If the decision does not lay down a deadline for compliance, the obligation imposed by the decision must be fulfilled within 15 days of the decision becoming final.
After this deadline the fulfilment of the obligation becomes subject to enforcement.

If the offender does not pay, can the state pay me an advance? Under what conditions?
A victim of an intentional crime may be compensated from the State budget under a specific act. Where the victim has won a claim for damages, the amount of compensation depends on the amount awarded; the court deciding on the claim for damages will take the same action where the victim has already been compensated from the State budget, the court.

Am I entitled to compensation from the state?
Victims of intentional violent crimes committed in Croatia after 1 July 2013 are eligible for compensation:
- if they are citizens or residents of Croatia or another EU Member State;
- if they have suffered grievous bodily harm or serious deterioration of health as a result of the crime;
- if the crime is reported to or filed by the police or the public prosecutor's office within six months from the date on which it was committed, regardless of whether or not the offender is known;
- if they have submitted a request on an official form, along with the requisite documentation (the form can be obtained at any police station, public prosecutor’s office or municipal or county court; it is also available online, on the websites of the Ministry of Justice, the Ministry of the Interior, the Public Prosecutor and municipal and county courts).

The victim has the right to be compensated:
- the costs of medical treatment in accordance with the national ceilings; this compensation is only granted where the victim cannot be compensated under a health insurance cover;
- up to HRK 35 000 for lost earnings.

Am I entitled to compensation if the offender is not convicted?
The victim may be awarded compensation even if the perpetrator is unknown or if criminal proceedings have not been initiated.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?
Emergency payments are not provided for by Croatian law.

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5. My rights to support and assistance
I am a victim of crime. Who do I contact for support and assistance?
Victim support helpline
The national support helpline for victims of crime and minor offences (116-006) provides emotional support, information on victims’ rights, practical information and guidance as to which bodies and organisations can provide further information, assistance and support.
The helpline is a freephone service, available in Croatian and English, weekdays from 8.00 to 20.00.

The national support helpline for victims of crime and minor offences (116-006) is a general support service.

Other specialised civil society organisations also provide support and assistance to victims of certain crimes and to children via telephone. More information is available on the website of the Croatian Ministry of Justice, where you can also find the list of these organisations by county and information on the civil society organisations included in the Network of Support and Cooperation for Victims and Witnesses of Crime (Mreža podrške i suradnje za žrtve i svjedoke kaznenih djela).

List of organisations providing nationwide psychosocial and legal assistance:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Service provided</th>
<th>Contact hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>116 006</td>
<td>National support helpline for victims of crime and minor offences</td>
<td>Weekdays 8.00-20.00</td>
</tr>
<tr>
<td>116 000</td>
<td>National missing children hotline</td>
<td>24/7</td>
</tr>
<tr>
<td>116 111</td>
<td>Hrabri telefon helpline for children</td>
<td>Weekdays 9.00-20.00</td>
</tr>
<tr>
<td>0800·0800</td>
<td>Hrabri telefon helpline for parents</td>
<td>Weekdays 9.00-20.00</td>
</tr>
<tr>
<td>0800 77 99</td>
<td>Human trafficking emergency number</td>
<td>Every day, 10.00-18.00</td>
</tr>
<tr>
<td>0800 55 44</td>
<td>Counselling centre for women who are victims of violence</td>
<td>Weekdays 11.00-17.00</td>
</tr>
<tr>
<td>0800 655 222</td>
<td>Emergency number for women and children who are victims of violence</td>
<td>24/7</td>
</tr>
<tr>
<td>0800 200 144</td>
<td>B.a.B.e. free legal assistance for victims of domestic violence</td>
<td>Weekdays 9.00-15.00</td>
</tr>
<tr>
<td>01 6119 444</td>
<td>Support centre for victims of sexual violence</td>
<td>Weekdays 10.00-17.00</td>
</tr>
<tr>
<td>01 48 28 888</td>
<td>Psychological assistance</td>
<td>Weekdays 10.00-22.00</td>
</tr>
<tr>
<td>01 48 33 888</td>
<td>Plavi telefon helpline</td>
<td>Weekdays 9.00-21.00</td>
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</tbody>
</table>
Is victim support free?
Yes.

What types of support can I receive from state services or authorities?

Victim and witness support departments provide:
- emotional support;
- technical and practical information for victims, witnesses and members of their families;
- referrals to specialised institutions and civil society organisations depending on the needs of the victim/witness.

The victim and witness support departments of county courts:

<table>
<thead>
<tr>
<th>VICTIM AND WITNESS SUPPORT DEPARTMENTS</th>
<th>Address:</th>
<th>Tel.:</th>
<th>e-mail:</th>
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<tr>
<td>Osijek County Court</td>
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<td>Rijeka County Court</td>
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<td>Split County Court</td>
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<td>Vukovar County Court</td>
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<td>Zadar County Court</td>
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<td>Zagreb County Court</td>
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The Victim and Witness Support Service (Služba za podršku žrtvama i svjedocima) of the Croatian Ministry of Justice:
- provides a system of support for victims and witnesses;
- coordinates the work of the victim and witness support departments of courts;
- provides information on rights and emotional support to victims and witnesses from abroad who are invited to give evidence in Croatian courts through the international legal assistance mechanism, and to Croatian victims and witnesses who are invited to give evidence in foreign courts through that mechanism;
- The Service sends victim and witnesses information letters with contact information;
- receives compensation claims from victims of crime, prepares material for meetings of the Committee for Compensation of Crime Victims (Odbor za novčanu naknadu žrtvama kaznenih djela) and provides assistance in cross-border cases.

What types of support can I receive from non-governmental organisations?

Depending on the type of organisation and its remit, various types of assistance and support are available: psychological, emotional, legal, practical, accommodation, medical, security, and in-court support.

More information and the list of these organisations by county is available on the website of the Croatian Ministry of Justice.

Twelve probation offices are in the process of being established in Croatia. The purpose is to add a human dimension to the enforcement of criminal sanctions, ensure more efficient reintegration of offenders into society, and provide victims, injured parties and the families of victims and offenders with assistance.

The National Probation Service participates in preparations to resettle offenders in the community after they have been released from prison. This includes helping them to find accommodation and work and preparing them, as well as victims, injured parties and the families of victims, for the release. The Service also makes arrangements for the provision of psychosocial support to victims, injured parties and victims’ and the offender’s families.

Where the offender to be released is serving a sentence for a sexual offence, an offence against life and limb or a violent offence, the Probation Service is required to inform the victims, injured parties or their families accordingly and without delay.

The contact details of individual probation offices and the Probation Department of the Ministry of Justice are available here.

Victims of crime can contact the police by email policija@mup.hr or prevencija@mup.hr, or by dialling 192 (24/7) or +385 1 3788 111.

Last update: 24/03/2023

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Victims’ rights - by country - Italy

You are considered the victim of a crime, ‘offended party’, if it is accepted that you hold a legal right that is protected by the criminal legislation which has been breached by an act that constitutes an offence under national law, i.e. that you have suffered the injury that forms part of the essence of the criminal act.
You **suffer injury in civil law as a result of a crime** when you suffer damage (material or non-material, but in any case damage that can be valued in financial terms) as a result of the crime. Usually, the offended party in criminal law and the injured party in civil law are the same, except, for example, in murder cases, where the victim is the person killed, while their family members are the injured parties and have the right to go to court and obtain compensation for the damage they have suffered.

The criminal law and the civil law provide a victim with various individual rights before, during and after the proceedings. **In Italy, criminal proceedings** begin with preliminary inquiries. The police and the public prosecutor investigate the case. At the end of these inquiries, the public prosecutor may bring charges or ask the Judge in charge of preliminary inquiries to close the case. For some criminal offences, proceedings may begin only if you, as the victim, submit a complaint to the police or prosecution service.

During the trial, the court examines the evidence gathered and establishes whether the defendant is guilty. Proceedings end when the defendant is sentenced or acquitted by the court, with the possibility of making an appeal to a higher court. As the victim, you may play an important role in the criminal proceedings, and consequently there are a number of rights you may exercise. You may participate as a victim (offended party) **without a specific legal status, or play a more active role by officially bringing a civil action against the offender**.

**Click on the links below to find the information that you need**

- **1 - My rights as a victim of crime**
- **2 - Reporting a crime and my rights during the investigation or trial**
- **3 - My rights after trial**
- **4 - Compensation**
- **5 - My rights to support and assistance**

Last update: 13/10/2020

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Please note that the following languages: bg cs da de el es fr it lv lt hu ml nl pl pt ro sk sl fi sv hr have already been translated.

### 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?**

The public prosecution service and the criminal investigation department (Cid), upon being notified of the crime, must advise you that as the offended party you are entitled to appoint counsel to exercise the rights conferred upon you, and that you are entitled to access legal aid from the Italian State (Article 101 of the Italian Code of Criminal Procedure (Codice di procedura penale or c.p.p.)).

Following first contact with the prosecuting authorities, you will be provided, in a language you can understand, with information relating to:

- the procedures for filing a report or complaint, the role that you will play in the investigation and trial, your right to be made aware of the date and location of the trial, and of the charges, and, if you have joined proceedings as a civil party, your right to receive notification of the judgment, including as a summary any protection measures that may be available to you
- your rights recognised by law if you reside in a different EU Member State to the one in which the crime has been committed
- how any expenses incurred as a result of participation in criminal proceedings will be reimbursed
- the possibility of seeking compensation for injury or damage suffered as a result of the crime
- the possibility of settling proceedings by withdrawal of the complaint or through mediation
- the rights that you will have in proceedings where the defendant requests suspension of the proceedings with probation or in those in which exemption from punishment applies due to the trivial nature of the offence
- health care facilities in the local area, residential facilities, refuges and shelters (Article 90bis c.p.p.)

**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 do not speak or understand Italian, you have the right to use a language known to you when filing a report or making a complaint with the Public Prosecutor's office at the district court of first instance (tribunale). In the same way, you have the right, upon request, to have the confirmation of receipt of your report or complaint translated into a language known to you (Article 107ter of the Guidelines for Implementation of the Code of Criminal Procedure (Disposizioni di Attuazione del Codice di Procedura Penale or disp.att.)).

If you are resident or domiciled in Italy, the Public Prosecutor will send reports or complaints relating to crimes committed in other Member States of the European Union to the Prosecutor General at the Court of Appeal (Corte di appello), so that he or she can transmit them to the competent judicial authority (Article 108ter disp.att.).

Please see also:

- Articles 1 to 5 of **Legislative Decree (Decreto Legislativo) No 204 of 9 November 2007** (implementation of Directive 2004/80/EC relating to compensation to crime victims)
- Articles 2 to 6 of **Decree No 222 of 23 December 2008** (implementation of Legislative Decree No 204/2007), Article 11 of **Law No 122 of 7 July 2016** (European Law 2015-2016: compensation to victims of violent crimes)

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

Following first contact with the prosecuting authorities, you will be provided, in a language you can understand, with information relating to:

- your right to receive information relating to the status of proceedings, and of entries in the Official Registry of Reported Offences
- how you to be informed of a request to close proceedings
- how to challenge any violations of your rights
- the authorities from which you can obtain information about your case
- how any expenses incurred as a result of participation in criminal proceedings will be reimbursed
Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

The prosecuting authority will nominate a translator when a document needs to be translated into a foreign language or into a dialect that cannot be easily understood, or an interpreter when you want to or have to make a statement and you do not speak Italian. The statement can also be made in writing and inserted into the report, with the translation provided by a translator.

The authority will nominate an interpreter, of its own motion where appropriate, if you do not speak or understand Italian and your evidence needs to be heard, and in cases where you wish to participate in a hearing and have requested the assistance of an interpreter.

If you do not speak or understand Italian, you have the right to free translation of documents or parts thereof which contain information relating to the exercise of your rights. Translations may be provided in verbal form or in the form of a summary, if the prosecuting authority does not consider that this will prejudice your rights (Article 143bis c.p.p.).

If you do not speak or understand Italian, you have the right to use a language known to you when filing a report or making a complaint with the Public Prosecutor’s office at the district court of first instance. In the same way, you have the right, upon request, to have the confirmation of receipt of your report or complaint translated into a language known to you (Article 107ter disp.atl).

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

The prosecuting authority will nominate a translator when a document needs to be translated into a foreign language or into a dialect that cannot be easily understood, or an interpreter when you want to or have to make a statement and you do not speak Italian.

If you are a minor, an expert opinion may be ordered by the judge, including of his or her own motion, if there is uncertainty about your age (it being understood that, in case of doubt, you will be presumed to be a minor for the purposes of applying procedural guidelines). The same expert report may also be used to determine if you have any disability.

In proceedings for offences falling under Articles 572, 600, 600-bis, 600-ter, 600-quater, 600-quater.1, 600-quinquies, 601, 602, 609-bis, 609-quater, 609-quinquies, 609-octies, 609-undecies and 612-bis of the Italian Criminal Code, if the CID requires summary evidence from minors, it must seek the assistance of a qualified psychologist or child psychiatrist, nominated by the public prosecution service. The same applies where summary evidence is required from adults in a particularly vulnerable state. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation.

In proceedings for crimes under Article 351(1ter), the public prosecution service must seek the assistance of an expert in psychology or child psychiatry when gathering evidence from minors. The same applies where summary evidence is required from adults in a particularly vulnerable state. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation.

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The examination of minors as witnesses, including the questions and objections of the parties, is conducted by the presiding judge. When conducting the examination, the presiding judge may seek the assistance of one of the minor’s relatives or a qualified child psychologist. After hearing the parties, if the presiding judge considers that the minor would not be distressed by direct questioning, he or she will order that the testimony proceed in the way outlined in the preceding sections. The order may be revoked during the course of questioning.

4bis If one party so requests, or if the presiding judge considers it necessary, the procedures outlined in Article 398(5-bis) apply.

4-ter In proceedings for offences falling under Articles 572, 600, 600-bis, 600-ter, 600-quater, 600-quinquies, 601, 602, 609-bis, 609-quater, 609-octies and 612-bis of the Italian Criminal Code, victims of the offence(s) who are either minors or adults with a mental illness will be questioned, at their request or at the request of their counsel, using mirror glass and an intercom system.

The code provides rules concerning the ways in which this must take place, which aim to prevent you having to repeat your evidence several times (pre-trial hearing - incidente probatorio) and rules which protect your right as a victim to have no contact with the party under investigation/the accused. If you are a victim under 18, your picture must not appear in newspapers, nor your name. The latter point also applies to victims aged 18 and over. The system aims to prevent the dissemination of your personal data and information that might identify you.

Do I have to report a crime before I can access victim support?
Personal protection if I'm in danger

What types of protection are available?

Under certain circumstances, provided for by law (Articles 273 and 274 c.p.p.), which may indeed include, inter alia, the dangerous situation in which you as an offended party may find yourself (danger arising in particular from the possibility that the offender will continue to behave in an unlawful manner), the judicial authorities may order that the perpetrator be subject to supervisory measures. For example, he or she may be immediately removed from the family home; he or she may be prohibited from going to places you frequently visit, and he or she may be banned from living in certain places. Otherwise, he or she may be placed under house arrest or in pretrial detention.

You have the right to be informed of requests to revoke or replace the supervisory measures imposed on the offender, to submit statements of defence in opposition within two days, or to make your point of view known (Article 299 c.p.p.). You also have the right to be informed of court orders to change, revoke or replace the supervisory measures in place against the suspect.

Especially if you are particularly vulnerable, a minor or a victim of certain crimes, further procedural precautions may also be ordered, in particular:

- if you are particularly vulnerable, it is guaranteed in each case that, where summary evidence is required, you will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary;
- if you are a minor and the CID requires summary evidence from you, it must seek the assistance of a qualified psychologist or child psychiatrist, nominated by the public prosecution service (Article 351(1ter) c.p.p.);
- if you are a minor and the public prosecution service requires evidence from you, it must seek the assistance of an qualified psychologist or child psychiatrist. If you are particularly vulnerable, it is guaranteed in each case that, where summary evidence is required, you will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation (Article 362(1-bis) c.p.p.).

The examination of minors as witnesses is conducted by the presiding judge and he or she may seek the assistance of one of the minor’s relatives or a qualified child psychologist (Article 498 c.p.p.).

If one party so requests, or if the presiding judge considers it to be necessary, where one of the parties who is to give evidence is a minor, the court may issue an order establishing the place, time and particular procedures for the pre-trial hearing, where this is necessary and appropriate for the protection of the persons involved. The hearing may take place somewhere other than the court of first instance, and the court may make use of specialised facilities, or, if these are not available, the home of the person giving evidence;

- witness statements must be recorded in their entirety using phonographic or audiovisual media. If there is no recording equipment or technical staff available, expert reports or technical consultancy shall be provided;
- in cases relating to violent crimes, victims of the offences who are either minors or adults with a mental illness will be questioned, at their request or at the request of their counsel, using mirror glass and an intercom system.

Who can offer me protection?

(See above)

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

Should special protection requirements arise, the law requires that victims of crime undergo individual assessment to determine if and to what extent they would benefit from special measures over the course of proceedings. Particular care will be taken if you are a minor and/or particularly vulnerable. It will be up to the judge to determine whether you will receive appropriate protection measures over the course of the criminal proceedings. During the investigation, your interviews must take place at suitable locations and be conducted by qualified professionals. If the victims include minors, the juvenile court must be informed in order to assess the situation and the protection measures. To protect you from further crimes, the court of first instance may place restrictions on the offender’s freedom (prison custody, ban on going to places you often visit, removal from the family home). The application of such measures must be communicated to you (Article 282-quater c.p.p.). You may also request that the judge, when ordering that the offender be removed from the family home, or subsequently, also orders the offender to pay a maintenance allowance (Article 282bis c.p.p.). The relevant provincial police headquarters (Questura) will have an office exercising similar powers.

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

Victims of violent crimes, if they are minors or in a particularly vulnerable state, have the right to give evidence with protective measures in place. In particular, arrangements might be made to prevent you from coming into contact with the offender during the investigation or the trial. In addition, if you are particularly vulnerable, it will be possible to use audiovisual recordings of your statements, even where this is not absolutely necessary. Guideline for referral

(Article 413 c.p.p.): Application by the individual under investigation or by the victim of the crime

The individual under investigation or the victim of the crime may apply to the Prosecutor General to issue a referral order under Article 412(1) (if the public prosecution service will not prosecute the case or does not request closure within the deadline provided for by law or as extended by the judge). If referral is ordered, the Prosecutor General will conduct the necessary preliminary investigations and make any requests within thirty days of submission of the application, as provided for in Article 412(1).

What protection is available for very vulnerable victims?

A state of particular vulnerability in a victim may be inferred, other than from age and any physical infirmity or psychological deficiency, from the type of crime, and the procedures and circumstances of the case in question. In order to assess vulnerability, it will be taken into account whether the case involves a violent offence against the person or a racial hate crime, if it relates to organised crime or terrorism, including on an international level, or human trafficking, if it occurred as a result of discrimination, and if the victim is emotionally, psychologically or economically dependent on the offender (Article 90 quater c.p.p.).

If you are particularly vulnerable, audiovisual recordings of your statements will be permitted in any event, even where this is not absolutely necessary. EVIDENTIAL REQUIREMENTS IN SPECIFIC CASES.

In cases relating to offences of abuse against family members and partners, reducing to or keeping in slavery, child prostitution, child pornography, virtual pornography, tourism initiatives aimed at exploiting child prostitution, human trafficking, purchase and sale of slaves, sexual assault, aggravated offences, sexual acts with a minor, group sexual assault, solicitation of minors and stalking, if you are in a particularly vulnerable state and there is a request for you to give testimony, if you have already made statements during the pre-trial hearing or in a cross-examination hearing with the person against whom these statements are to be used, or if there are written records of your statements, you will be required to give testimony only if it relates to facts and circumstances different to those discussed in your previous statements, or if the judge or one of the parties considers it necessary based on specific requirements.
SUMMARY EVIDENCE - if the CID requires summary evidence from victims in a state of particular vulnerability, even if they are over 18, it must seek the assistance of a qualified psychologist or child psychiatrist, nominated by the public prosecution service. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person being investigated and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation (Article 351(1-ter)).

GATHERING EVIDENCE - if the public prosecution service requires summary evidence from victims in a state of particular vulnerability, even if they are over 18, it must seek the assistance of a qualified psychologist or child psychiatrist. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation (Article 362(1-bis)).

EXAMINATION OF WITNESSES: Your witness examination, including the questions and counterclaims of the parties, will be conducted by the presiding judge. When conducting the witness examination, the presiding judge may seek the assistance of one of your relatives or a qualified child psychologist. The presiding judge, after hearing the parties, if he or she considers that you would not be distressed by direct questioning, will order that the testimony proceed in the way outlined in the preceding sections. The order may be revoked during the course of questioning (Article 498 c.p.p.).

If one party so requests, or if the presiding judge considers it necessary, the procedures outlined in Article 398(5-bis) shall apply (pre-trial evidentiary hearing, see below).

PRE-TRIAL EVIDENTIARY HEARING - (Article 398(5-bis)) If one party so requests, or if the presiding judge considers it necessary, the following procedures shall apply: in the case of investigations relating to offences of abuse against family members or partners, reducing to or keeping in slavery, child prostitution, child pornography, virtual pornography, tourism initiatives aimed at exploiting child prostitution, human trafficking, purchase and sale of slaves, sexual assault, aggravated offences, sexual acts with a minor, group sexual assault, solicitation of minors or stalking, if there are adults in a particularly vulnerable state among those giving evidence, the court may issue an order establishing the place, time and particular procedures for the evidentiary hearing, where this is necessary and appropriate for the protection of the persons involved. The hearing may take place somewhere other than the court of first instance, and the court may make use of specialised facilities, or, if these are not available, the home of the person giving evidence. Witness statements must be recorded in their entirety using phonographic or audiovisual media. If there is no recording equipment or technical staff available, expert reports or technical consultancy shall be provided. A written report of the examination, in the form of a summary, will also be prepared. A transcript of the recording will be made available only at the request of the parties.

If you are in a particularly vulnerable state and it is necessary to question you, the judge, if you or your counsel so request, will order protective measures to be taken (Article 498(4-querter) c.p.p.).

In proceedings relating to the aforementioned offences, the public prosecution service, including at your request or at the request of the person under investigation, may ask that you give evidence at the pre-trial hearing, even in cases where this is not indicated as being required. If you are in a particularly vulnerable state, the public prosecution service, including at your request, or at the request of the person under investigation, may ask that you give evidence at the pre-trial hearing (Article 392 c.p.p.).

Gathering of evidence requiring the participation of victims in a particularly vulnerable state may be carried out via the trusted procedure of a pre-trial hearing, an instrument that aims, inter alia, to prevent you suffering further harm (secondary victimisation) due to constantly being involved in the legal process.

LEGAL AID  If you are a victim of offences relating to abuse of family members and partners, female genital mutilation, sexual assault, sexual acts with a minor, group sexual assault and stalking, you will always be entitled to free legal aid, even where your income is higher than the limit fixed by law for being entitled thereto. If you are a minor, the same applies if you are a victim of offences relating to reducing or keeping in servitude or slavery, child prostitution, child pornography, tourism initiatives aimed at exploiting child prostitution, human trafficking, purchase and sale of slaves and corruption of minors.

I am a minor. Do I have special rights? (See above)

My family member died because of the crime - what are my rights?
If the victim of the crime is deceased, the closest relatives of the victim exercise the rights conferred on him or her by law.
(See above)

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

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

Criminal Mediation has its basis in Legislative Decree No 274/2000, which allows a victim to bring a direct action against the offender to claim compensation for their interests that have been prejudiced. This power is exercisable only in relation to crimes against which you can bring a complaint (less serious offences).

To initiate and conduct criminal mediation, the consent of the parties is needed in order to reach a satisfactory agreement. Throughout the course of proceedings, the justice of the peace must promote reconciliation between the parties as far as it is possible. Crimes under the jurisdiction of a justice of the peace which by their very nature are suitable for mediation include: slander, libel, common assault, battery, minor personal injuries, vandalism.

In addition, the parties to the criminal proceedings or their counsels may apply directly to the Mediation Office in view of the alternative definition of criminal proceedings under the jurisdiction of a justice of peace as provided for by Article 35 of Legislative Decree No 274/2000, or in view of a ruling that the offence has been extinguished due to compensatory measures taken by the offender.

For crimes in respect of which you may bring a complaint, you are permitted to apply for a summons requiring the individual suspected of committing the crime to appear before a justice of the peace. The application must be signed by you as the offended party, or by your legal representative, and by your counsel. Your signature is attested by your counsel. If you are a minor under the age of 14, mentally ill or incapacitated, the application must be signed by your parent, full guardian, limited guardian or special guardian. The filing of the application has the same effects as bringing a complaint (Article 21).

Filing the application: the application must be sent in advance to the public prosecution service by delivery to its secretariat, and is subsequently filed, by the applicant, with evidence of the aforesaid delivery, with the office of the clerk of the court for the local justice of the peace, within three months of reporting the crime. If you have already brought a complaint in respect of the same incident, you must mention this in the application, attach a copy of the complaint and file another copy with the secretariat of the public prosecution service. In this case, the justice of the peace will order the acquisition of the original complaint (Article 22).

Joining proceedings as a civil party If you wish to join proceedings as a civil party, you must do so, under penalty of forfeiture, when the application is filed. The reasoned request for compensation or damages contained in the application equates essentially to joining proceedings as a civil party (Article 23).

The application will be inadmissible:
if it is submitted out of time;
if it is filed in cases other than those provided for;
if it does not contain the required information or is not signed;
if the description of the incident or the identification of sources of evidence is insufficient;
if there is no evidence that the public prosecution service has been informed.
Requests from the public prosecution service (Article 25): Within ten days of the application being filed, the public prosecution service will submit its requests to the office of the clerk of the court for the justice of the peace. If it deems the application to be inadmissible, or clearly unfounded, or presented before a justice of the peace with no jurisdiction in the region, the public prosecution service will not accept the summons, or else it will state the charge confirming or altering the accusation contained in the appeal.
Once the deadline has passed, the justice of the peace will proceed even if the public prosecution service has not submitted requests. If he or she does not consider the application inadmissible, or clearly unfounded, and within his or her jurisdiction, the justice of the peace will issue a decree summoning the parties to a hearing within 20 days of the application being filed.
An application submitted by one of several offended parties does not prevent the others from participating in the proceedings, with the assistance of counsel and with the same rights as the principal applicant. The offended parties involved may join the civil action prior to the declaration of the opening of the hearing. Should the hearing not be attended by the offended parties on whom the decree was properly served, this is equivalent to renouncing the right to bring a complaint, or to withdrawal of the complaint, if it has already been submitted.
Hearing before the court: At least seven days prior to the date scheduled for the hearing before the court, the public prosecution service or you as the offended party will file the writ of summons with the office of the clerk of the court for the justice of the peace with the relevant notifications.
The judge, when the crime is one against which a complaint may be brought, will promote conciliation between the parties. In this case, where it would be beneficial for the purposes of conciliation, the judge may defer the hearing for a period no longer than two months and, where necessary, may also use mediation measures provided by public or private centres and facilities in the region. In any case, statements made by the parties in the course of conciliation cannot be used in any way at all for the purposes of deliberation (Article 29).
Should a settlement be reached, a report shall be drawn up confirming the withdrawal of the complaint or the waiving of the application and the related acceptance. The waiving of the application has the same effects as withdrawing the complaint.
Mediation may lead to you withdrawing the complaint, which will result in a declaration that the case has been dropped due to a lack of a cause of action. Furthermore, a positive outcome of mediation, as it may lead to compensation for the damage caused by the crime, may result in a ruling that the offence has been extinguished as a consequence of the compensation provided by the offender prior to the hearing before the court or due to the minor nature of the offence.

Where can I find the law stating my rights?
Rules for protection of victims can be found in the Code of Criminal Procedure, in Legislative Decree No 212 of 15 December 2015, implementing Directive 2012/29/EU on the rights, support and protection of victims of crime, in Legislative Decree No 204 of 9 November 2007, in Decree No 222 of 23 December 2008 (implementing Legislative Decree No 204/2007), in Article 11 of Law No 122 of 7 July 2016 European law 2015-2016 (compensation for victims of violent crime) and in a series of other regulatory measures relating to victims of particular kinds of crime.
Last update: 13/10/2020
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### 2. Reporting a crime and my rights during the investigation or trial

#### How do I report a crime?
A report is filed when an individual who has knowledge of a publicly actionable offence informs the public prosecution service or a CID officer about it. Reporting a crime is optional, but it becomes mandatory in several cases expressly provided for by law. The report contains the essential details of the incident, and indicates the day upon which you became aware of the offence and the sources of evidence already noted. In addition, it contains, where possible, the personal details, residence and anything else that may help to identify the person suspected of committing the crime, as well as your personal details as the offended party and the details of anyone else who may be able to provide relevant information to help establish what happened. If no useful details are given which might help to identify the person suspected of the crime, this does not prevent criminal proceedings from being launched, as you can file a report against persons unknown, which must be submitted to the relevant prosecutor's office by the police authorities, along with details of any investigative measures carried out in order to identify the perpetrators of the crime.
A complaint is a statement by means of which an individual who has been a victim of crime (or their legal representative) expresses a wish that the offender be prosecuted. It relates to nonpublicly actionable offences. The statement must describe the offence committed and must express the clear wish of the complainant to proceed with the allegation and punish the guilty party. You may withdraw a previously filed complaint, except in cases of sexual assault or sexual acts with a minor. In order for the complaint to be dropped, the withdrawal must be accepted by the subject of the complaint who, if innocent, may instead wish to demonstrate by means of a trial that they had nothing to do with the crime.
A petition is filed to request the intervention of law enforcement authorities in disagreements between private individuals, and is submitted by one or both of the parties involved. Following a request for official intervention, the law enforcement officer invites the parties to a meeting in order to attempt conciliation and draw up a report. If it is established that a crime has been committed, the law enforcement officer must inform the judicial authorities, if it is a publicly actionable offence; if it is a crime actionable by means of a complaint, he or she may, upon request, undertake a preliminary settlement of the dispute, which does not prejudice your subsequent right to bring a complaint.
Reports, complaints and petitions must be filed at the offices of a branch of the law enforcement authorities (provincial police headquarters, local police stations and offices of the military police (Carabinieri)). A report or a petition may also be filed with the public prosecutor.

#### How do I find out what's happening with the case?
After you have filed a report, you will be provided with information relating to: the authorities you can contact if you wish to obtain information about the case, the role that you will play in the investigation and trial, your right to be made aware of the date and location of the trial and of the charge, and, if you join proceedings as a civil party, your right to receive notification of the judgment, including as a summary. In addition, you may receive updates about the status of proceedings and of entries in the Official Registry of Reported Offences; you will be advised of any request to close the case, how to challenge any violation of your rights; and you can settle the case by withdrawing the complaint, where possible, or through mediation (Article 90bis of the Code of Criminal Procedure (Codice di procedura penale or c.p.p.)).
Following first contact with the prosecuting authorities, you will be provided, in a language you can understand, with information relating to your entitlement to legal advice and legal aid, paid for by the Italian State (Article 90-bis). You may submit an application for State-funded legal aid pursuant to the regulations provided in the law on aid for the underprivileged (Article 98 c.p.p.). You may also have access to State-funded legal aid if your income does not exceed the limit provided for by law. In order to be eligible for State-funded legal aid, you will need to submit the relevant application to the court of first instance, in the period immediately following the filing of the report. Upon completion of the first stage of proceedings which the defence counsel has the right to attend, and, in any case, before the invitation to come in for questioning, or, at the latest, at the same time as notification that preliminary investigations have been concluded, the public prosecution service must notify the individual under investigation in writing that he or she has been appointed a defence counsel by the court, or any subsequent acts will be null and void (Article 369bis c.p.p.).

This notification must contain:

a) the information that it is obligatory to have professional counsel for the defence in criminal proceedings, with information about the rights conferred by law upon an individual under investigation;
b) the name of the court-appointed defence counsel, his or her address and telephone number;
c) information about the accused’s right to nominate his or her own defence lawyer, with the advice that, if he or she does not do so, he or she will be represented during the investigation by the court-appointed counsel;
d) the indication that he or she will have to pay their court-appointed defence counsel, if he or she does not meet the requirements to obtain State-funded legal aid, and the warning that should he or she be declared insolvent, enforcement proceedings will be commenced;
d-bis) information relating to the right to an interpreter and to translation of important documents;
e) information relating to requirements to be eligible for State-funded legal aid.

Free legal aid is an institution based on the right to defence enshrined in Article 24 of the Italian Constitution, on the basis of which anyone has the right to assistance at any stage and at any level of the justice system, and allows persons in financial difficulties not only to obtain, at the expense of the State, the assistance of a lawyer and of specialists, including technical consultants, but also not to have to pay court costs. Free legal aid is available for criminal cases and civil cases connected to criminal cases, for supplementary actions like criminal enforcement, security, prevention and surveillance proceedings, and lastly for civil cases originating from criminal proceedings.

Eligibility to access free legal aid is not available to Italian citizens alone, but also to foreign nationals, even if when they are subject to administrative expulsion proceedings, are not resident in Italy or are stateless persons living in Italy.

All parties to the proceedings may apply for free legal aid, but if you are a victim of certain sexual offences the income limits stipulated by law will not apply.

The State also protects minors, who can obtain free legal aid, as can persons who are subject of preliminary investigations if they are arrested, detained or subject to pre-trial detention measures.

In order to be eligible for free legal aid, your income must not be greater than the maximum fixed in law, equivalent to EUR 11 369.24, taking account of an increase for every other person living with you of EUR 1 032.90.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

Free legal aid, an institution based on the right to defence enshrined in Article 24 of the Italian Constitution, allows anyone who meets the requirements (relating to circumstances of financial hardship) to assistance at any stage and at any level of the justice system, from a lawyer and from specialists, including technical consultants, at the expense of the State; it also allows for exemption from paying court costs.

**Can I appeal if my case is closed before going to court?**

If you file opposition to a request to close the case, you are asking for preliminary investigations to continue. You must indicate the subject of the further investigation and corresponding items of evidence, or the opposition will be declared inadmissible. If your opposition is inadmissible and the notice of the offence is unfounded, the judge will order by reasoned decree that the case be closed, and return the documents to the public prosecution service. If the request is not accepted, the judge will fix a date for a hearing in chambers, informing the public prosecution service thereof, for you and for the person under investigation. The judge will also inform the Prosecutor General at the Court of Appeal (Corte di Appello) that the hearing has been scheduled. Following the hearing, the judge, if he or she considers further investigations to be necessary, will indicate this by means of an order to the public prosecution service, setting a non-negotiable deadline for these investigations to be completed. If the judge does not accept the request for the case to be closed, he or she will order the public prosecution service to formulate a charge within ten days. Within two days of the charge being issued, the judge will issue a decree to schedule the preliminary hearing.

If you are a victim of a violent crime against the person, in addition, you will always have the right to be informed if there is a request for the case to be closed, even if you do not explicitly request to be told, and you will have 20 days from receiving this notification to view the documents and to present a reasoned application for preliminary investigations to be continued (Article 406(3-bis) c.p.p.).

**Can I be involved in the trial?**

As the victim of the crime, you may nominate a counsel to exercise the rights conferred upon you. To make sure that you receive the communications to which you are entitled by law, and to exercise specific rights, you must declare and indicate an address for service. You must also communicate any change in this address during the course of the criminal proceedings. If you have nominated counsel, you will not need to provide this information, as all notifications will be sent to him or her.

You have the right to file pleadings and to indicate items of evidence, both during the investigation stage and during the trial (Article 90bis c.p.p.). You can also check the entries in the Official Registry of Reported Offences (Article 335 c.p.p.). You must be informed when expert assessments, which cannot be repeated, are complete (Article 360 c.p.p.). You also may make a request to the public prosecution service for collection of evidence in the pre-trial hearing.

You may ask to be notified of any request to defer the investigations or to close the case, both immediately when making the report or subsequently. You must specifically ask to be informed of a request to defer the investigations (Article 406 c.p.p.) and of a request to close the case (Article 408 c.p.p.). When a trial is held, you have the right to be informed of the place, date and time of the first hearing; for subsequent hearings, you will not be notified and you must obtain the adjournment dates yourself from the court of first instance. You are not obliged to attend the hearings, other than when you give your evidence.

Once the investigations have been concluded, you have the right to see all the documents relating to the case and to make copies thereof. However, while investigations are still ongoing you may not do this, as a rule, although the public prosecution service can authorise it if there are specific reasons for interest.

When a criminal trial is held and you have been affected by the crime committed, you can ask for compensation and to participate in the trial, by joining proceedings as a civil party.

**What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?**

The victim, as the person affected by the crime, has all of the rights indicated above. In addition, you may be heard as a witness in the trial and, if you have the right to compensation for damage caused by the crime, you may bring a civil action in the criminal trial by joining the proceedings as a civil party.

**What are my rights and obligations in this role?**

Without prejudice to what is set out above in relation to your rights and interests as the offended party, if you also act as a witness, the following rules apply:
As a witness, you must appear before the judge and follow the instructions given to you by him or her regarding procedural requirements, and respond to questions addressed to you truthfully. You are not obliged to reveal anything that may lead to a criminal prosecution against you. Should it happen that on the day of the hearing, a problem arises which makes it impossible for you to attend, you must make this known in good time, indicating the reason for your absence. In this case, if the judge deems your absence to be justified, he or she will issue a further summons for a subsequent hearing. If you are summoned several times and do not appear, without giving a legitimate reason, you may be given a compulsory escort and you might also be obliged to pay a fine to the Fines Office (cassa delle ammende) and the costs incurred by your failing to appear, within the meaning of Article 133 c.p.p. You are obliged to respond to questions addressed to you truthfully. Article 372 c.p.p. makes provisions to punish witnesses who refuse to respond, make false statements or do not state what they know. If you are unwilling or uncooperative as a witness, you may be punished by a prison sentence. A witness cannot be detained during a hearing. If you withdraw a false statement, or confirm the truth, before the judgment is pronounced, you cannot be charged with a crime. No punishment will be incurred if you give false testimony in order to save yourself or a close relative from a criminal conviction (Article 384 c.p.p.).

Can I make a statement during the trial or give evidence? Under what conditions?
You, as the victim of the crime, may also appear as a witness. Your statements may be used as evidence to convict the accused, if when subject to scrutiny they have both objective and subjective credibility. The judge may freely evaluate your testimony and it may even be your evidence alone which forms the basis for the conviction of the accused. You must tell the truth, although you are not obliged to incriminate yourself (the right to silence). Close relatives of the accused are not obliged to appear as witnesses, unless they themselves file the report or complaint, or in cases where they or a close relative are the victim of the crime that is the subject of proceedings. You can also refuse to answer questions that may reveal a professional secret. If you make statements during the preliminary investigations, you may be entitled to various protective measures.

What information will I receive during the trial?
(See above)

Will I be able to access court files?
The public prosecution service will immediately enter, in the appropriate register held by its office, notice of any crime of which it has been made aware, or which it has discovered of its own initiative, and at the same time, or as soon as it is available, the name of the person who is suspected of committing the crime. If, in the course of the preliminary investigations, the legal characterisation of the incident changes, or details prove to be different, the public prosecution service will update the entries. The entries will be communicated to the person accused of the crime, to you as the victim and to the respective counsels, if so requested. When a request is made for information regarding entries in the Official Registry of Reported Offences, the secretariat of the Public Prosecutor will provide the information requested, if such entries have been made and there is nothing to prevent a response. Otherwise, it will declare that there are no entries about which information may be provided. If there are specific requirements relevant to the investigations, the public prosecution service, upon deciding whether to grant the request, may order, by virtue of a reasoned decree, that the entries remain secret for a period of no longer than three months, and which cannot be extended (Article 335 c.p.p.).

The public prosecution service, if it is not going to request that proceedings be closed, when the case concerns abuse of family members and partners or stalking, will also notify your legal representative, or, if you do not have one, you yourself, that the preliminary investigations have been concluded (Article 415-bis c.p.p.).

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3. My rights after the ruling?

Only a victim who has joined proceedings as a civil party has an autonomous right to appeal, and this is in any case limited to the protection of your own civil interests.

Pursuant to Italian Law No 46/2006, a civil party no longer has a general right to appeal; you may only appeal to the Court of Cassation (Corte di Cassazione).

You may file an appeal in the following cases:
against aspects of the conviction which relate to the civil action;
against an acquittal ruling regarding civil aspects of the case only;
against aspects of the ruling concerning your own right to damages and costs.

What are my rights after sentencing?

In terms of review, if you, as a victim, joined as a civil party the trial that has concluded in the judgment of which you wish to request a review, you are entitled, once the hearing stage has begun, to intervene regarding the admissibility of the request itself. This applies even in cases where you have brought an extraordinary appeal against a pleas bargained sentence, it being acknowledged in a special judgment that it is possible to request and obtain a ruling that the offender refund legal fees.

Am I entitled to support or protection after the trial? For how long?
Legislative Decree No 9 of 11 February 2015 lays down rules for implementing Directive No 2011/99/EU, which is based on the principle of mutual recognition and regulates the European protection order to guarantee that measures adopted to protect a person against a criminal act, which might harm that person or endanger their life, their physical or mental health, their dignity, their personal freedom or sexual integrity, are maintained even in the event of that person moving to another Member State. The Directive specifies that a European protection order may only be issued when a protection measure has been previously adopted in the issuing State, imposing on the person causing danger one or more of the following prohibitions or restrictions: a prohibition from entering certain localities, places or defined areas where the protected person resides or visits; a prohibition or regulation of contact with the protected person; a prohibition or regulation on approaching the protected person closer than a prescribed distance. Upon receipt of a European protection order, the competent authority of the executing Member State must, without undue delay, recognise that order and adopt any measure that would be available under its national law in a similar case in order to ensure the protection of the protected person.

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

Once deliberations have been concluded, the presiding judge will draft and sign the operative part of the judgment and a concise summary will be drawn up of the reasons in fact and law upon which the judgment is based. The judgment will be made public at the hearing with a reading of its operative part. Reading of the statement of grounds and of the operative part of the judgment is equivalent to notification of the judgment for the parties present at the hearing or that should be there. The judge will hand down a conviction if the accused is guilty of the crime beyond any reasonable doubt. With the judgment, the judge will detail the sentence imposed and any measures of prevention (misure di sicurezza). If the convicted offender is insolvent, the judge will order his or her civil representative to pay the financial penalty. In addition, the judgment will order the convicted offender to pay the trial costs. The publication of
the conviction in newspapers will be ordered by the judge upon request of the civil party and will take place at the expense of the convicted offender, and if necessary also of his or her civil representative.

The judgment will contain:
the heading 'in nome del popolo italiano' ['in the name of the Italian people'] and an indication of the authority that issued it;
the personal details of the offender and other personal information which serve to identify him/her and general details of other private parties to the case;
the charge;
an indication of the submissions of the parties;
a concise explanation of the reasons in fact and law on which the decision is based, with an indication of the evidence forming the basis of the decision and an explanation of the reasons why the judge considers the contrasting evidence to be unreliable;
the operative part, with an indication of the articles of statutes applied;
the date and the signature of the judge.

The judgment will be filed at the office of the clerk of the court after publication. If it is not published within thirty days, or, subject to another deadline, not exceeding 90 days of it being issued, notification that the judgment has been handed down is communicated to the public prosecution service and to the private parties that have a right to appeal, as well as to the offender’s defence counsel when the judgment is handed down.

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

Article 90-ter of the Code of Criminal Procedure (Codice di procedura penale) establishes that, for violent crimes against the person, you must be immediately informed, if you have so requested, of preparations for release or for the ending of a detention order, and if the defendant absconds from pre-trial detention or from prison, and if the sentenced offender deliberately fails to comply.

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

It is not general practice to consult the victim before making these decisions.

**4 - Compensation**

**What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)**

The commission of a crime and a subsequent conviction means that the offended party can claim damages. Italian law provides two ways for you to obtain compensation for the damage you have suffered:

You can join the criminal proceedings against the offender as a civil party.

You can bring an independent civil action.

This is your choice, as the legislation leaves the two proceedings separate: the criminal proceedings and the civil proceedings.

Only after a request that the case be committed for trial, or committal for trial (at a hearing), may you, assisted by your counsel, join a civil action and thus become an effective party to the proceedings, with full rights of representation. When sentencing, the criminal court will award you a sum, the so-called interim award, which is immediately enforceable, referring the decision about the total and final amount of compensation to a civil court, to be fixed only after the criminal judgment has become res judicata.

As an alternative to joining proceedings as a civil party, you can bring an independent civil action to request compensation for damage suffered as a result of the offender’s behaviour.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

When the court orders the offender to pay compensation for injuries or damages caused to a victim who has joined proceedings as a civil party, it can do one of three things: settle the damages, make a general order for compensation or order payment of an interim sum.

The best thing for the victim is if the judgment orders final settlement of the damages: in that case, in fact, it is possible to inform the offender of the judgment and the order for payment (atto di precetto - a payment notice which must be issued prior to starting enforcement proceedings), thus ordering the payment of the amount owed, and taking the first step necessary for issuing enforcement measures in the event of persistent failure of the offender to pay (in which case it is always desirable to conduct preliminary inquiries about the assets that might be claimed).

Unless the award of compensation was stated to be expressly provisionally enforceable, enforcement is conditional upon the judgment not being overturned, that is to say upon no appeal being filed within the deadline.

The order for payment, therefore, can be communicated along with the judgment, including in cases where the latter orders the payment of an interim award, which, moreover, is always declared to be immediately enforceable. However, this will not always be satisfactory in the eyes of the victim. Therefore, if you consider it insufficient, you must bring an independent civil action, by means of which any residual damage can be ascertained and a new, different penalty imposed upon the offender.

Civil proceedings are always necessary in the third possible scenario, where the criminal court merely issues a general order for the offender to pay compensation, without fixing an amount, due to there being a lack of sufficient evidence in this regard.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**

The State, on the basis of Directive 2004/80/EC, implemented in Italy by means of the provisions stated above, must guarantee to citizens and non-nationals who are victims of violent intentional crime (murder, GBH with intent, sexual assault), committed on Italian territory, fair and appropriate compensation, every time that the offender is not identified, or is not brought to justice, or, in any case, does not have the financial resources to compensate victims for the damage he or she has caused them, or, if the victim has died, to their families.

**Am I entitled to compensation from the State?**

(See above)

**Am I entitled to compensation if the offender is not convicted?**

If the defendant is found to be innocent in criminal proceedings, this does not prevent you from bringing an action for compensation in the civil courts, unless you renounced this right by joining the criminal proceedings as a civil party.

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

If you join the criminal proceedings as a civil party to request repayment and compensation for damage, upon issuing the judgment the court will also rule on the civil aspects of the case, pursuant to Article 533 c.p.p. In cases in which there is evidence that damage was suffered as a result of the crime (an debeatur ) but not how much (quantum debeatur), the court will issue a generic ruling in relation to civil responsibility and remit the parties to a civil court for the amount to be settled (Article 539 c.p.p.). A civil party, however, can ask the criminal court for an interim award. within the limits of the damage already substantiated by evidence. The provisional ruling, more precisely, will order the offender and his or her civil representative to pay a sum by way of
I am a victim of crime, who do I contact for support and assistance?

Following first contact with the prosecuting authorities, as the offended party you will be provided, in a language you can understand, with information relating to: the health care facilities in the local area, residential facilities, refuges and shelters. If the victims include minors, the juvenile court must be informed, in order to assess the situation and the protection measures. If you so request, the law enforcement authorities have the duty to put you in contact, at any time, with the following organisations:

- victim support services
- specialised legal support authorities
- Bar councils (Consigli dell’Ordine)
- non-governmental organisations (NGOs)
- legal clinics
- forensic medicine departments
- state authorities involved in legal support (Ministry of Justice, Interior Ministry)

Victim support organisations

non-governmental organisations

Associations involved in providing legal support to victims of crime

trade unions: Italian General Confederation of Labour (Confederazione Generale Italiana del Lavoro; CGIL) - Italian Confederation of Workers’ Trade Unions (Confederazione Italiana Sindacati Lavoratori; CISL) - Italian Labour Union (Unione Italiana del Lavoro; UIL)

Libera association [anti-mafia organisation] - 0832 65349683430

Women’s refuge Rome - 06 6840 172006

consumer associations

National network of associations for the rights of elderly people (Associazioni per i Diritti degli Anziani; ADA) - 06 48907327

Dafne network (support for victims of violence) - 011 5683686

- Anti-trafficking Helpline - 800 290 290
- Anti-violence Helpline - 1522
- Anti-discrimination Helpline - 800 90 10 10
- Helpline for victims of genital mutilation - 800 300 558
- Helpline for victims of terrorism and organised crime - 06.46548373 - 06.46548374 - 06.46548375
- Helpline for victims of crimes related to the mafia - 800 191 000
- Helpline for victims of extortion and usury - 800-999-000
- Helpline in all languages to report incidents of discrimination and racism - 800 90 10 10
- Emergency Helpline for minors - 114

What types of support can I receive from state services or authorities?

Crimes committed with violence can have traumatic effects on the victim, and as such you may seek assistance from the appropriate public services provided by the local health authority (Azienda Sanitaria Locale; ASL), such as family advice centres (consultorio familiare), and by the local municipality (social services). If the victims include minors, the juvenile court must be informed, in order to assess the situation and the protection measures. If you so request, the police authorities (military police [Carabinieri], state police, municipal police, etc.) have the duty to put you in contact, at any time, with the following organisations: Some refugees have safe houses in which, in more serious cases, you may be housed to escape further violence. In order to obtain information and/or get in contact with refugees in your area, you may also call the freephone number 1522, run by the Italian Prime Minister’s Office. If you are in personal difficulties, you can also request assistance from a support administrator (Amministratore di Sostegno), an individual who works under the direction of the Guardianship Section of the Civil Court and has the responsibility of assisting individuals, free of charge, who find themselves in difficulties, including temporary difficulties, to provide for their needs. You can submit a request directly to the Civil Court or explain your difficulties to the social services of the local municipality, so that they can inform the public prosecution service’s civil affairs office, which may order action on your behalf.

What types of support can I receive from non-governmental organisations?

Non-governmental organisations provide different kinds of support, including psychological support, temporary accommodation in facilities such as refuges, legal support and advice, material support, providing necessities, etc.
In Cyprus, criminal proceedings begin with a police inquiry into the crime. Once the inquiry is finished, the case is referred to the Attorney-General of the Republic who decides whether to initiate criminal proceedings. If there is sufficient evidence against the alleged perpetrator, the Attorney-General will refer the case to court for trial. Once it has examined the evidence gathered, the court will decide whether the defendant is guilty and either sentence or acquit him/her.

Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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My rights as a victim of crime

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

The Police will inform you, without undue delay, of your right to obtain the following information on:

- The Police Station or Police Department where you can file a complaint;
- The type of support you can receive and from whom, including, where relevant, basic information regarding access to medical support, any specialist support, including psychological support, and alternative accommodation;
- how and under what conditions protection is provided, including protection measures;
- how and under what conditions you may claim compensation;
- how and under what conditions expenses incurred as a result of participation in the criminal proceedings can be reimbursed;
- how and under what conditions you are entitled to interpreting and translation services;
- the procedures available for filing complaints where your rights are not respected by the department involved;
- the contact details of the Police officer handling your case, for communication purposes.

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 resident in another Member State, the Cyprus Police will obtain a deposition from you right after you report the crime, in order to limit difficulties pertaining to how the procedure is organised.

If the crime was committed in the Republic of Cyprus and you are resident in another Member State, you can report it to the competent authorities of your Member State of residence, in so far as you are unable - or, in the case of a felony - unwilling to do so in Cyprus.

If you file a complaint for a crime committed in another EU Member State to the Cyprus Police, the latter must forward such complaint to the competent authority of the Member State where the crime was committed, where it does not have jurisdiction to initiate proceedings.

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

When you report a crime to the Police, you will obtain the following information, depending on what stage of the procedure your complaint is at:

- the details of the police officer handling your case;
- any justified decision not to proceed with or to end an investigation or not to prosecute the offender;
- the time and place of the trial, and the nature of the charges against the offender;
- information enabling you to be briefed on the course of the criminal proceedings. In exceptional circumstances, where the proper handling of the case may be adversely affected by disclosing such information, it may be withheld following a reasoned opinion of the Attorney General of the Republic of Cyprus.
- Information about your right to be informed if the person remanded in custody, prosecuted or convicted for the crime related to you is released or has escaped. The above information may be withheld if there is a potential or established risk of harm for the offender.

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 wish to report a crime but you are unable to understand or speak Greek, you can file a complaint in a language you do understand, with the necessary linguistic assistance.

Furthermore, the Police must ensure that you are offered:

- free interpreting services during the investigation if you do not understand or speak Greek;
- free translation of all information collected during the investigation, at your written request, to the extent that such information is essential for you to exercise your rights.

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

The Police will use simple and comprehensible language to communicate with you, taking into account your personal situation, including any disability which may affect your ability to understand or to be understood. Communication, both oral and written, shall be in a form accessible to people with disabilities, including, where necessary, Braille or sign language.

If you are a minor under the age of 18, you will be evaluated based on your age, maturity level, views, needs and concerns, to ensure that you can understand and be understood. Your parent, guardian or other legal representative will be informed of any rights that may concern you.

At your first contact with the Police, you may be accompanied by a person of your choice, save where this is detrimental to your interests or to the course of the proceedings. If you are a person with disabilities, you may be accompanied by a person of your choice throughout the investigation of the case.

Moreover, if you are a minor, information will be supplied to you by the Social Welfare Services (through an interpreter, where necessary) in a language which you understand and with due regard to your age and maturity level. If you are a person with a disability, you will receive information in a way you can understand (e.g. in sign language).

Victim support services

The following organisations provide victim support services:

- Medical Services,
- Social Welfare Services,
- Mental Health Services,
- Educational Psychology Service at the Ministry of Education and Culture,
- Non-Governmental Organisations
The Social Welfare Services of the Ministry of Employment, Welfare and Social Security offer support to vulnerable groups, including victims of crime, by:

- supporting the family, with a view to enabling its members to fulfil their roles and responsibilities effectively; resolve family disputes that threaten family unity;
- protect the safety and welfare of children; prevent delinquent behaviours and domestic violence and encourage the rehabilitation of persons involved in anti-social behaviour and delinquency;
- supporting vulnerable groups;
- helping local communities identify and handle the specific needs of vulnerable groups;
- putting victims in contact with other competent authorities and NGOs that are able to provide additional services and support.

**Will the police automatically refer me to victim support?**
The Police will refer you to governmental or other support and assistance services, if this is considered necessary, and will inform you about the existing services mentioned above:

**How is my privacy protected?**
Police officers must comply with the requirements of the Constitution, the applicable legislation and the Police Code of Conduct, which ensure that your privacy and family life will be respected and your personal data adequately protected.

According to the law, your name and the contents of your deposition may under no circumstances be publicised or howsoever disclosed.

Data processing is governed by special legislation, which ensures the protection of your personal data.

**Do I have to report a crime before I can access victim support?**
Yes. After you file a complaint with the Police, the Social Welfare Services will ensure that you are offered free support services, according to your needs, including services from NGOs capable of offering special support.

**Personal protection if I'm in danger**
The Police will take all steps necessary to protect your safety, especially where special protection needs are established. Thus, depending on the nature/circumstances of the criminal offence, your personal situation and any special protection needs, specific protection measures may be applied in various phases of the criminal proceedings, as follows:

1. **Victim integration in witness protection schemes, subject to supervision and control by the Attorney General**
   By decision of the Attorney General, you may be integrated in a witness protection scheme, involving Police measures to protect your personal safety as well as the safety of your family, where necessary.

2. **Victim protection during criminal investigation:**
   During the criminal investigation:
   - You will be interviewed by the Police without undue delay right after you file a complaint;
   - The number of interviews is kept to a minimum and interviews are only conducted where this is imperative for the purposes of the criminal investigation;
   - You may be accompanied by your legal representative or a person of your choice, unless a reasoned decision has been made to the contrary in relation to either or both persons;
   - Medical examinations are kept to a minimum and are carried out only where this is imperative for the purposes of the criminal proceedings.

3. **Right to protection of victims with specific protection needs during criminal proceedings:**
   If you are identified as a victim with specific protection needs, the following options are available to you:
   - All interviews are carried out on premises designed or adapted for that purpose;
   - All interviews are carried out by professionals adequately trained for that purpose;
   - All interviews are carried out by the same person, save where this contravenes the effective administration of justice, and
   - If you are a victim of sexual violence, gender-based violence or violence in close relationships, your interviews shall be conducted by a person of the same sex as you, if you so wish, provided that the course of the investigation is not prejudiced.

   In particular:
   - If you are a victim of domestic violence:
     - no disclosure of the personal information in your deposition shall be allowed;
     - you may be referred to a shelter operated by the Association for the Prevention and Handling of Violence in the Family;
     - the court may order the defendant's detention until the case is referred to court, or his/her release, on the condition that he/she will not visit or harass any members of his/her family in any way.
   - If you are an underage victim of sexual abuse:
     - your personal information shall not be disclosed in your deposition;
     - The Social Welfare Services of the Ministry of Employment, Welfare and Social Security will take all steps necessary to protect your safety, if your interests conflict with those of your parents.
   - If you are a victim of human trafficking and exploitation:
     - no disclosure of the personal information in your deposition shall be allowed;
     - Your case must be reported to the Social Welfare Services by any government official who is aware of your situation - the Social Welfare Services must inform you of your rights;
     - You are entitled to protection without discrimination, irrespective of your legal status or any cooperation you may have with the Police.

4. **Who can offer me protection?**
The Police are primarily responsible for offering you protection. If necessary, the Police will cooperate with other competent bodies of the public or private sector to ensure that you are effectively protected.

5. **Will someone assess my case to see if I am at risk of further harm by the offender?**
The Police will assess your case in order to:
   - (a) identify any specific protection needs, and
   - (b) determine whether and to what extent you would benefit from special measures in the course of the criminal proceedings due to your particular vulnerability to secondary and repeat victimisation, intimidation and retaliation.

   An individual assessment shall be carried out with your close involvement and shall take into account your wishes, including your wish not to benefit from special measures.

6. **Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?**
Individual assessment includes an assessment of your exposure to the risk of secondary and repeat victimisation, so as to exclude all possibility of you sustaining secondary and/or repeat victimisation by the bodies of criminal justice.

**What protection is available for very vulnerable victims?**
Very vulnerable victims are offered the following types of protection:

(1) Victim integration in witness protection schemes, subject to supervision and control by the Attorney General.

By decision of the Attorney General, you may be integrated in a witness protection scheme, involving Police measures to protect your personal safety as well as the safety of your family, where necessary.

(2) Victim protection during criminal investigation:

During the criminal investigation:

- You will be interviewed by the Police without undue delay right after you file a complaint;
- the number of interviews is kept to a minimum and are only conducted where this is imperative for the purposes of the criminal investigation;
- you may be accompanied by your legal representative or a person of your choice, unless a reasoned decision has been made to the contrary in relation to either or both persons;
- the required medical examinations are kept to a minimum and are carried out only where this is imperative for the purposes of the criminal proceedings.

(3) Protection of victims with specific protection needs during criminal proceedings:

If you are identified as a victim with specific protection needs, the following are available to you:

- all interviews carried out on premises designed or adapted for that purpose;
- all interviews carried out by professionals adequately trained for that purpose;
- all interviews carried out by the same person, save where this contravenes the effective administration of justice; , and
- if you are a victim of sexual violence, gender-based violence or violence in close relationships, interviews shall be conducted by a person of the same sex as you, if you so wish, provided that the course of the investigation is not prejudiced.

I am a minor – do I have special rights?

If you are a minor, your best interests are protected, which are assessed on a case-by-case basis taking into consideration your age, maturity level, views, needs and concerns.

As a minor you have some additional rights:

throughout the proceedings, you can be accompanied by your parents or by an officer of the Social Welfare Services, if you are in the care of the Social Welfare Services.

if you are a victim of domestic violence, a complaint may be filed on your behalf by the Social Services Director of the Social Welfare Services, and all measures necessary for your safety can be applied.

if you are a victim of sexual abuse, a complaint may be filed on your behalf by any government official and all measures necessary for your safety can be applied.

if you are unaccompanied, you will be placed in the care of the Director of Social Welfare Services and will have access to your rights, e.g. your right to education, health services etc. as well as your right to family reunification.

Right to Privacy. The Police will take all lawful measures necessary to prevent public dissemination of any information that could lead to your identification.

Specific protection needs. The Police:

must ensure that investigation and criminal prosecution proceedings are conducted irrespective of whether you or your representative has made a formal complaint, and that the criminal proceedings can be continued even if you withdraw your deposition;

continue prosecution even after you reach majority;

may record your interviews, as part of the investigation.

During interviews, you may be accompanied by your legal representative or by an adult of your choice, unless a reasoned decision has been made to the contrary with respect to that person.

Interviews will be carried out:

- without unjustified delay, from the moment the incidents are reported to the Police;
- where necessary, on premises specifically designed or adapted for that purpose;
- where necessary, by or through a professional who is properly trained for that purpose;
- only to the extent necessary for the purposes of the criminal investigation/proceedings whereas the number of interviews will be kept to a minimum;
- in case of sexual abuse, interviews will be carried out by trained professionals who are the same sex as the child.

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

You may seek support from the following victim support services:

State Medical Services,
Mental Health Services,
Social Welfare Services,
Educational Psychology Services (in the case of a minor);

The Association for the Prevention and Handling of Violence in the Family - operates a special hotline (1440) (for victims of domestic violence);

NGOs engaged in victim support activities.

The law allows you to file a claim for damages against the offender. You may also address the Social Welfare Services to obtain information about your right to claim damages.

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

You may seek support from the following victim support services:

State Medical Services,
Mental Health Services,
Social Welfare Services,
Educational Psychology Services (in the case of a minor);

The Association for the Prevention and Handling of Violence in the Family - operates a special hotline (1440) (for victims of domestic violence);

NGOs engaged in victim support activities.

The law allows you to file a claim for damages against the offender. You may also address the Social Welfare Services to obtain information about your right to claim damages.

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

You may seek support from the following victim support services:

State Medical Services,
Mental Health Services,
In Cyprus there is no legislative framework governing mediation services.

**Where can I find the legislation governing my rights?**

The legislation governing your rights is the 2000-2015 Domestic Violence Act (Prevention and Victim Protection). You can access the legislation governing your rights through the Cyprus Bar Association website.

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

In Cyprus there is no legislative framework governing mediation services.

**How do I report a crime?**

You may file your complaint at any Police Station. The Police will investigate your case as soon as you file a formal complaint and provide a written deposition.

**How do I find out what's happening with the case?**

You can obtain information on the progress of your case from the Police officer (investigator) who is assigned your case. Once your case has been referred to court, you may obtain information about the course of the proceedings from the Legal Division officer who is handling your case in court.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

You can obtain free legal aid for proceedings included in the Law on the Supply of Free Legal Aid, in the context of proceedings relating to particular types of human rights violations.

“Proceedings relating to particular types of human rights violations” means any:

- Civil proceedings pending before a court of law, at any stage, initiated against the Republic of Cyprus for damage that was inflicted upon a person as a result of particular human rights violations, or
- Criminal proceedings initiated by any person, where the claim relates to particular types of human rights violations.

The form of legal aid available under the aforementioned Law:

- consists in counselling, assistance and representation services, in the case of civil proceedings initiated in the Republic of Cyprus or in the case of criminal proceedings, and
- consists exclusively in counselling, in the case of civil proceedings initiated outside the Republic of Cyprus.

The human rights protected under the aforementioned Law are those secured under:

- Section II of the Constitution of the Republic of Cyprus;
- The 1962 Act ratifying the European Convention on Human Rights;
- The 1969 Act ratifying the International Covenants (Economic, Social and Cultural Rights; Civil and Political Rights);
- The 1989 Act ratifying the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- The 1990 and 1993 Acts ratifying the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- The 1985 Act ratifying the UN Convention on the Elimination of All Forms of Discrimination against Women;

Free legal aid is available to:

- any person who is a victim of human trafficking, in the context of proceedings before a District Court for the award of damages by virtue of the Act on the Prevention and Handling of Human Trafficking and Exploitation and Victim Protection;
- any minor who is a victim of human trafficking, in the context of proceedings pending before a District Court for the award of damages by virtue of the Act on the Prevention and Handling of Human Trafficking and Exploitation and on Victim Protection;
- any minor who is a victim of solicitation for sexual purposes, child pornography, sexual exploitation and/or sexual abuse, in the context of proceedings pending before a District Court for the award of damages by virtue of the Act on Prevention and Control of Sexual Abuse, Sexual Exploitation of Children and Child Pornography.

Moreover, any child who is a victim of any of the criminal offences described in the Act on Prevention and Control of Sexual Abuse, Sexual Exploitation of Children and Child Pornography, irrespective of whether he/she is willing to cooperate with the prosecution authorities for the purposes of criminal investigation, prosecution or trial, has direct access to free counselling under the Lawyers Act, at any phase of the proceedings, as well as to free legal aid in case he/she lacks the necessary resources, irrespective of the provisions of the Act on Legal Aid.

Where the child victim has the right to a representation, he/she may receive legal advice and be appointed a legal representative who acts on their behalf, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

Any person who is a victim of any of the crimes described in the Act on Prevention and Control of Human Trafficking and Exploitation and on Victim Protection, irrespective of whether he/she is willing to cooperate with the prosecution authorities for the purposes of criminal investigation, prosecution or trial, has direct access to free counselling under the Lawyers Act, as well as to free legal aid in case he/she lacks the necessary resources, in accordance with the provisions of the Act on Legal Aid.

In order for free legal aid to be provided, a written request needs to be filed to the Court before which your case is pending for trial. The Court may issue a free legal aid order, on the basis of:

- A socio-financial report of the Welfare Office, describing your financial situation and that of your family, your regular income or any other income originating from your employment or from any other sources, your standard living expenses and those of your family, and any other liabilities or needs you may have;
- The severity of the situation or any other circumstances, so as to determine whether it would be in the interest of justice to grant you free legal aid in preparing and handling your case.
Legal aid beneficiaries have a right to select the lawyer who will offer them free legal aid, among those willing to offer these types of services, as per the applicable laws. If a beneficiary fails to appoint a lawyer of his/her own choice, the Court will appoint a lawyer from a list prepared by the Cyprus Bar Association, as per the applicable regulations.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**
The Republic of Cyprus will reimburse you for all expenses provided for in the Law. Information about how and under what conditions you can claim expenses is available at the District Prosecution Divisions of the Police Force.

**Can I appeal if my case is closed before going to court?**
You can request a reasoned decision from the Police, if investigation or prosecution did not proceed or has been terminated.

**Can I be involved in the trial?**
You may participate in the trial as a witness for the prosecution and testify before the Court which hears the matter.

**What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?**
In the context of criminal proceedings, your role is that of a witness for the prosecution. If you file a claim for damages against the offender, you take the role of a plaintiff in the civil proceedings concerned.

**What are my rights and obligations in this role?**
As a witness for the prosecution, you are obliged to testify before the Court which hears the matter. If you have filed a claim for damages, you can obtain information about your rights and obligations from the lawyer who is handling your case before the Civil Courts.

**Can I make a statement during the trial or give evidence? Under what conditions?**
In the course of any proceedings in which you are a witness for the prosecution, you may read and adopt the deposition you have made to the Police or submit the evidence you have made available to the Police during the investigation. If you wish to make a statement or testify anything in addition to your original deposition or to the evidence you have made available to the Police, you should consult the director of the Legal Division which is handling your case at the Court.

**What information will I receive during the trial?**
During the trial, the Prosecutor will inform you as to when and how hearing sessions are to take place and the nature of the charges pressed against the offender. You may also request to be informed of any final rulings rendered in the course of the proceedings.

**Will I be able to access court files?**
You have no right to access any court files.

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**My rights after trial**

**Can I appeal against the ruling?**
You have no right to appeal against the ruling rendered by the court at first instance. The Attorney General of the Republic has the right to appeal.

**What are my rights after sentencing?**
A sentence may be utilised by your lawyer if you file a claim for damages against the offender.

**Am I entitled to support or protection after the trial? For how long?**
You are entitled to post-trial support and/or protection for a reasonable period of time, depending on your needs at that particular moment.

**What information will I be given if the offender is sentenced?**
Upon request, you may be informed by the Police about the sentence that was imposed on the offender by the Court.

**Will I be told if the offender is released (including early or conditional release) or escapes from prison?**
Upon request, you may be informed:
- if the person remanded in custody, prosecuted or convicted for a crime that concerns you is released from or has escaped detention;
- any relevant measures issued for your protection in case of release or escape of a person remanded in custody, prosecuted or sentenced for crimes which concern you.

It is pointed out that the above information may be withheld if there is a potential or established risk of harm for the offender.

**Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?**
You have no right to become involved in any release or parole decisions concerning the offender.

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**Compensation**

**What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)**
You have the right to bring a court case against the offender for the offence that was committed against you. You may also contact the Social Welfare Services to obtain information on your right to claim damages.

Minors under the age of 18 have a right to file a claim for damages against all parties liable, for the crimes provided for in the Act on Prevention and Control of Sexual Abuse. Sexual Exploitation of Children and Child Pornography and for human rights violations. The offender bears the respective civil liability to pay compensation for all specific or general damages incurred by the victim(s).

Any person who is a victim within the meaning of the Act on Prevention and Control of Human Trafficking and Exploitation and on Victim Protection has a right to file a claim for damages against all parties liable, for any criminal offences committed against them according to the aforementioned Act as well as for human rights violations. The offender bears the respective civil liability to pay compensation for all specific or general damages incurred by the victim(s), including any arrears owed to the victim(s) as a result of their forced employment.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**
If the offender fails to pay you the amount of damages awarded by the Court, you can address the Court, through your lawyer., which shall issue an order to the offender to pay the damages awarded; if the offender fails to comply, they shall be instantly arrested and imprisoned.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**
The Law does not provide for any advance to victims by the state.
Am I entitled to compensation from the state?
Compensation may be provided by the state in the form described in the 1997 Law on Compensation of Victims of Violent Crimes (Law 51(I)/97), to victims of violent crimes or their dependants, if:
(a) The victim or his/her dependants are unable to obtain compensation from the offender for any reason, and
(b) No compensation is available from other sources or such compensation is smaller in amount than that provided for in the above Law.
The compensation under the aforementioned Law is payable even in cases where the offender may not be prosecuted or sentenced.

Am I entitled to compensation if the offender is not convicted?
The award of compensation to the victims is not conditional upon the offender’s conviction. The Court renders a ruling as to the award of damages in the context of the proceedings regarding the claim for damages, which is clearly distinct from the outcome of the criminal proceedings.

Am I entitled to an emergency payment while awaiting the ruling on my claim for damages?
You may not receive an emergency payment since the law does not provide for such a payment.

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My rights to support and assistance
I am a victim of a crime who do I contact for support and assistance?
The Police........ 199/1460
The State Hospital First Aid Services
The District Welfare Services
The Educational Psychology Service
The Mental Health Services
A victim support helpline
Non-Governmental Organisations
The following helplines are available in the Republic of Cyprus:
1460 - Citizen hotline
1440 - Domestic Violence hotline
1498 - Drug Information and Assistance helpline
116111 - Child and juvenile support helpline
116000 - Cyprus Hotline for Missing Children

Is victim support free?
Victim support provided by governmental agencies and NGOs is free of charge.

What types of support can I receive from state services or authorities?
You can receive the following types of support from state services:
Healthcare services from the Medical Services
Psychological Support from Mental Health Services and the Educational Psychology Service
Protection from the Social Welfare Services, on the basis of warrants issued against the offender and/or victim protection warrants
Adoption of special police measures during the investigation, to prevent repeat victimisation
Effective police protection to prevent intimidation or retaliation by the offender and/or any other persons
Court measures during the hearing , to protect victims with special protection needs (e.g. children, victims with psycho-social disabilities).

If you are a victim of domestic violence, a child victim of sexual abuse or a victim of human trafficking, the Social Welfare Services will inform you of your rights and will offer you support. They will also put you in contact with all competent state agencies and NGOs which will handle your case and offer you support. If your interests conflict with those of your parents, the Director of the Social Welfare Services will take all steps necessary to protect you.

What types of support can I receive from non-governmental organisations?
You can receive the following types of support from non-governmental organisations:
Psychological support;
Accommodation in victim support shelters.

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During the trial the court will examine the collected evidence and will hold a hearing. During the hearing the participants will be invited to make their statements. At the end of the trial the court will announce its final decision. Depending on the collected evidence the offender will be convicted and punished or declared not guilty and released.

The following factsheets will take you through the different steps of the procedure, describing your rights during the investigation of the crime, during the trial or after the first trial. Also, read more about the help and support you can get.

**Criminal proceedings in Lithuania** consists of investigation and trial. During the investigation the public prosecutor and the police will investigate the incident to find the offender and collect evidence about his/her guilt. At the end of the investigation the public prosecutor will review the collected evidence and will make a decision on how to proceed with the case. If the public prosecutor believes the collected evidence is sufficient he/she will bring the case to court for trial. Otherwise the case will be closed.

During the trial the court will examine the collected evidence and will hold a hearing. During the hearing the participants will be invited to make their statements. At the end of the trial the court will announce its final decision. Depending on the collected evidence the offender will be convicted and punished or declared not guilty and released.

The following factsheets will take you through the different steps of the procedure, describing your rights during the investigation of the crime, during the trial or after the first trial. Also, read more about the help and support you can get.

**1 - My rights during the investigation of a crime**

How and where can I report a crime?
How can I follow up on what the authorities do after I report a crime?
How can I be involved in the investigation of the crime?
What are my rights as a witness?
I am a minor. Do I have additional rights?
What information can I obtain from police or victim support organisations during the investigation of the crime?
Can I receive legal aid?

How can I get protection, if I am in danger?
What services and assistance can I be given during the investigation of the crime?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
How will my case continue after the end of the investigation?
Can I appeal if my case is closed without reaching the court?
I am a foreigner. How are my rights and interests protected?

More information

How and where can I report a crime?
If you have suffered from a crime in Lithuania you can report it to the police or the public prosecutor’s office:
by going to the nearest police station or public prosecutor’s office;
by sending a letter; or
by calling the emergency phone number 112.

You can report a crime in any language. The authorities will provide interpretation free of charge.

Anybody who is aware of the crime you have suffered from can report it for you. There are two important exceptions to this rule:

For some crimes listed in the law (e.g. sexual offences, libel, etc.) investigation can start only if you or your representative reports the crime. The police and the public prosecutor will not start the investigation without your complaint.

Some less serious crimes are prosecuted directly by the victim and not by the public prosecutor. For these crimes you have to submit a written complaint directly to the court and there will be no investigation.

There is no obligatory form you have to follow. Based on your report the police will draft a document called ‘application-protocol’ and will ask you to verify its content and sign it. The application-protocol includes:

- information about you: name, surname, place of residence, nationality, marital status, ID document (number, date and place of issuance), workplace, position, profession, phone numbers; and
- information about the crime: description of the incident, damages, etc.

When you submit a complaint directly to the court you must include the following information:

- name of the court you are submitting the complaint to;
- place, time, consequences and other essential information about the offence;
- evidence supporting the complaint; and
- names and place of residence of the victim, the alleged offender and the witnesses (if any).
There is no deadline for reporting a crime. However, if a certain period of time has passed after the incident the police will accept your report but will not start an investigation. This period is specified in the law and ranges between two and 20 years depending on the type of the crime.

**How can I follow up on what the authorities do after I report a crime?**

Once the police start an investigation they will assign a reference number to your case. You can ask the police about the number of your case and you can use this number to follow the progress of the investigation.

**How can I be involved in the investigation of the crime?**

When the police or the public prosecutor decides to open an investigation you as a victim will receive a notification. Notifications are usually sent by post. To participate in the investigation of the crime as a victim you have to receive a formal authorisation from the public prosecutor or the police officer in charge of your case. By this authorisation the public prosecutor or the police officer officially recognises you as a victim of the investigated crime.

If you have reported the crime the authorisation will be given automatically and you will receive a copy of the decision. If you have not reported the crime but nevertheless an investigation has been launched you have to make a request to the public prosecutor or the police officer to formally recognise you as a victim.

Once you have received the formal authorisation to participate in the investigation as a victim you can:

- receive notifications when a suspect has been arrested or when an arrested person has been released;
- present evidence;
- make requests, including requests for collection of evidence;
- get acquainted with the materials collected on the case; and
- appeal against the actions of the police officer or the public prosecutor which you believe affect your rights or interests.

If you wish to claim compensation from the offender for the damages caused by the crime you can submit a civil claim. By submitting the civil claim you will become a civil claimant.

You can use the assistance of a lawyer irrespective of your role during the investigation. You have to pay for the lawyer’s services or apply for legal aid free of charge.

You can request reimbursement of the expenses you have made during the investigation. You can receive reimbursement for the travel and accommodation expenditures as well as compensation for lost remuneration. Requests for reimbursement are submitted to the public prosecutor or the police officer in charge of the case.

**What are my rights as a witness?**

During the investigation the public prosecutor or the police will probably call you for an interview as a witness. In this case you have to go to the police station or the public prosecutor’s office and answer the questions posed to you.

You will be asked to make an oath that you will speak the truth and not hide information. You can refuse to be interviewed only if your testimony may lead to criminal prosecution against you or your relatives. In all other cases, if you refuse to testify you risk being fined.

**I am a minor. Do I have additional rights?**

If you are a child under 18 years of age you usually will be interviewed only once. The interview will be conducted by a judge and may be recorded. During the interview the judge can invite a psychologist or a person from the local children’s rights protection agency to assist you. Your parents may also be present during the interview.

**What information can I obtain from police or victim support organisations during the investigation of the crime?**

The police officer, the public prosecutor and the judge in charge of your case are obliged to explain to you what rights you have during the proceedings and how you can exercise them.

If you have been formally recognised as a victim of the crime you will receive a copy of the decision for granting such recognition. In the decision you will find a brief explanation of your rights during the proceedings.

If you are a victim of violent crime you will also receive information about how you can receive compensation from the State.

At any time during the investigation you can ask for permission to check the documentation of the case or request copies or excerpts of documents. Your request has to be addressed to the public prosecutor. The public prosecutor will allow you to examine the entire case file. Access to the case file or to individual documents can be restricted only if it may hamper the investigation. You can appeal against such a restriction before the judge. The appeal has to be submitted within seven days. The judge will issue a final decision on your appeal within three days.

Additional information can also be obtained by contacting the non-governmental organisations working with victims of crime such as the Lithuanian Association of Victims of Crime Support.

**Can I receive legal aid?**

You can receive legal aid free of charge only if you have been formally recognised as a victim or you have filed a civil claim for damages. If you are participating in the investigation as a victim you have to present evidence that your income does not allow you to pay for legal services. If you are claiming damages from the offender as a civil claimant legal aid free of charge is available irrespective of your income.

To receive legal aid free of charge you have to fill in a special application form and send it to one of the State-Guaranteed Legal Aid Services. If you qualify for legal aid you will be provided with a lawyer free of charge. The lawyer will assist you during the investigation (including the drafting of the necessary documents) and will represent you before the authorities.

**How can I get protection, if I am in danger?**

If you are in danger your identity can be kept secret. This protection measure is available if:

- you have been called for an interview as a witness and your testimony is important to the investigation; and
- the crime you have suffered from was a serious one; and
- there is a real threat to you or your family members’ or close relatives’ life, health, liberty or property.

If you want your identity to remain secret you have to make a request to the public prosecutor or the police officer in charge of your case. Your personal data will not be included in any of the documents in the case file and will be replaced by a special identification number. Only the public prosecutor and the police officer in charge of your case (and the judge if the case goes to court) will have access to your personal data.

**Additional protection measures** are available if you have suffered from a serious crime and there exists a real threat to your life, health, or property. To benefit from these measures you have to actively cooperate with the justice and law enforcement officials, help them to conduct the investigation or provide them with important information on the case. The additional protection measures can also cover your spouse, partner, parents (including adoptive parents), children (including adopted children), brothers, sisters, grandparents, and grandchildren.

The additional protection measures may include:

- physical protection for you, your relatives or your property;
- temporary transfer to a safe place;
- restricted access to your data kept by other institutions or available through publicly accessible databases;
- change of place of residence, work or study location;
change of identity and biographical data;
change of personal appearance (including through plastic surgery);
provision of a weapon or other devices; and
financial support.

What services and assistance can I be given during the investigation of the crime?
There are non-governmental organisations offering different types of services such as: support, accompaniment, provision of information, search for available opportunities, psychological counselling, post-traumatic help, etc. For more information you can contact the Lithuanian Association of Victims of Crime Support.

You can receive medical assistance but you may be asked to pay for it unless you have a valid health insurance. Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the European Health Insurance Card.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
You can reconcile with the offender at any time during the investigation of the crime. The process of reconciliation is not regulated. Nevertheless there are conditions specified that should be followed for conciliation to happen. Conciliation is not possible in cases of very serious or serious crimes. Upon conciliation the offender should pay or promise to pay compensation for the damages you have suffered as a result of the crime. In case you reconcile with the offender during the investigation stage the case will not go to court.

How will my case continue after the end of the investigation?
At the end of the investigation you will be provided with the opportunity to check all the materials collected so far. After that, the police officer will send the case file to the public prosecutor who will decide how to proceed further. If the public prosecutor believes that there is sufficient evidence supporting the charges he/she will bring the case to court for trial. Otherwise the public prosecutor will close the case at this stage.

Can I appeal if my case is closed without reaching the court?
If in the course of the investigation the police officer decides to close the case you can appeal against his/her decision before the public prosecutor. If you are not satisfied with the public prosecutor’s decision you can appeal against it before the superior prosecutor. If the superior prosecutor confirms the decision of his/her subordinate prosecutor you can file an appeal before the judge.

The deadline for all appeals is 14 days after you receive the decision. If there are serious reasons preventing you from appealing on time you can ask for an extension of the deadline. The maximum possible extension is six months following the issuance of the decision.

I am a foreigner. How are my rights and interests protected?
If you are a foreigner you have all the rights listed above. You can also benefit from additional rights aimed at facilitating your participation in the proceedings. Criminal proceedings in Lithuania are conducted in Lithuanian. If you do not speak Lithuanian you can use your mother tongue or any other language you understand. You will be provided with an interpreter free of charge to assist you when you attend investigative actions. All documents you receive from the authorities during the investigation must also be translated in a language you understand.

More information:
Code of Criminal Procedure (Baudžiamojo proceso kodeksas) – in Lithuanian
Criminal Code (Baudžiamasis kodeksas) – in English and Lithuanian
Law on Fundamentals of Protection of the Rights of the Child (Lietuvos Respublikos vaiko teisių apsaugos pagrindų įstatymas) – in English and Lithuanian
Law on Protection of Participants of Criminal Procedure and Intelligence Operations (Lietuvos Respublikos baudžiamojo proceso bei operatyvinės veiklos dalyvių, teisėsių ir teisėsaugos institucijų pareigūnų apsaugos nuo nusikalstamo poveikio priemonių įstatymas) – in English and Lithuanian
Law on State-Guaranteed Legal Aid (Valstybės garantuojamos teisinės pagalbos įstatymas) – in English and Lithuanian
Decree of the Government of the Republic of Lithuania No 524/25.04.2003 on the order of establishing the sums and their payment to the witnesses, victims, experts, specialists, and interpreters (Nutarimas dėl liudytojams, nukentėjusiems, eskpertams specialistams ir vertėjams išmokėtinų sumų dydžio nustatymo ir apmokėjimo baudžiamajame procese ir administraciniai teisės pažeidimų teisenoje tvarkos patvirtinimo) – in Lithuanian

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2. My rights during the trial

How can I be involved in the trial?

What are my rights as a witness?

I am a minor. Do I have additional rights?

Can I receive legal aid?

How can I get protection, if I am in danger?

How can I claim damages from the offender or receive compensation from the state?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

I am a foreigner. How are my rights and interests protected?

More information

How can I be involved in the trial?

If you are formally recognised as a victim, you will receive a notification for the time and place of the court hearing. If you have not requested to be formally recognised as a victim so far you can do it during the court hearing.

As a formally recognised victim, during the trial you can:

present evidence;
make requests, including requests for the collection of evidence and requests for the replacement of the judge or the public prosecutor if you doubt their impartiality;
appeal against the decisions of the public prosecutor or the judge if you believe they affect your rights or interests;
get acquainted with all the materials collected on the case;
make a final speech; and
appeal against the final decision of the court.

You can request reimbursement of the expenses you have made during the trial. You can receive reimbursement for travel and accommodation expenses as well as compensation for lost remuneration. Requests for reimbursement are submitted to the court.
What are my rights as a witness?
During the trial the judge will most probably call you for an interview as a witness. In this case you have to go to court and take part in the court hearing. You will be asked to make an oath that you will speak the truth and not hide information. You can refuse to be interviewed only if your testimony may lead to criminal prosecution against you or your relatives. In all other case if you refuse to testify you risk being fined.

I am a minor. Do I have additional rights?
If you are a child under 18 years of age you will not be asked to attend the court hearing and you will not be interviewed during the trial. Instead, the record of your interview during the investigation will be used. Only in exceptional cases you may be asked to appear before the court and be interviewed for a second time.

Can I receive legal aid?
You can receive legal aid free of charge only if you are participating in the trial as a formally recognised victim and/or a civil claimant. If you are participating in the trial as a victim you have to present evidence that your income does not allow you to pay for legal services. If you are claiming damages from the offender as a civil claimant legal aid free of charge is available irrespective of your income.

To receive legal aid you have to fill in an [application form] and send it to one of the [State-Guaranteed Legal Aid Services].
If you qualify for legal aid you will be provided with a lawyer free of charge who will assist you during the trial and represent you before the court.

How can I get protection, if I am in danger?
If you are in danger you can benefit from the same protection measures as during the investigation.

Your identity can be kept secret if:
you have been called for an interview as a witness and your testimony is important for the case;
the crime you have suffered from was a serious one; and
there is a real threat to your own, your family members’, or your close relatives’ life, health, liberty or property.
If you want your identity to remain secret you have to make a request to the judge. When your identity is kept secret your personal data will not be omitted from the documents in the case file and will be replaced by a special identification number. Only the judge, the public prosecutor and the police officer in charge of your case will have access to your personal data. You will be interviewed in the absence of the offender and his/her lawyer or via telephone or videoconference.
If you have suffered from a serious crime and there exists a real threat to you life, health, or property you can ask for [additional protection measures] for you and/or your spouse, partner, parents (including adoptive parents), children (including adopted children), brothers, sisters, grandparents, and grandchildren.

The additional protection measures may include:
- physical protection for you, your relatives or your property;
- temporary transfer to a safe place;
- restricted access to your data kept by other institutions or available through publicly accessible databases;
- change of place of residence, work or study location;
- change of identity and biographical data;
- change of personal appearance (including through plastic surgery);
- provision of a weapon or other devices; and
- financial support.

How can I claim damages from the offender or receive compensation from the State?
You can claim damages from the offender by filing a civil claim during the criminal proceedings at any time during the investigation of the crime. You can file your claim to the public prosecutor in charge of your case or to the court. When you file a civil claim you will become a civil claimant.
If you do not want to claim damages from the offender during the criminal proceedings you can file a separate claim before a civil court. You cannot file claims both in the criminal proceedings and before a civil court.
If you are victim of a violent crime you are also entitled to [compensation provided by the State]. Please consult the factsheet on compensation to crime victims in Lithuania (available in [Lithuanian], [English] and other languages) of the European Judicial Network.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
Opportunities to reach conciliation with the offender exist during all stages of the investigation of the crime, including in court.

I am a foreigner. How are my rights and interests protected?
If you are a foreigner you have all the rights listed above. You can also benefit from additional rights aimed at facilitating your participation in the proceedings. The trial will be conducted in Lithuanian. If you do not speak Lithuanian you can use your mother tongue or any other language you understand. The court will provide you with an [interpreter free of charge] to assist you when you attend court hearings. All documents you receive from the court during the trial must also be translated in a language you understand.

More information:
- Code of Criminal Procedure (Baudžiamojo proceso kodeksas) – in [Lithuanian]
- Criminal Code (Baudžiamasis kodeksas) – in [English] and [Lithuanian]
- Law on Fundamentals of Protection of the Rights of the Child (Lietuvos Respublikos vaikų teisių apsaugos pagrindų įstatymas) – in [English] and [Lithuanian]
- Law on Protection of Participants of Criminal Procedure and Intelligence Operations (Lietuvos Respublikos baudžiamojo proceso bei operatyvinės veiklos dalyvių, teisingumo ir teisėsaugos institucijų pareigūnų apsaugos nuo nusikalstamo poveikio priemonių įstatymas) – in [Lithuanian]
- Law on State-Guaranteed Legal Aid (Valstybės garantuojamos teisinės pagalbos įstatymas) – in [Lithuanian]
- Law on Compensation of Damage Caused by Violent Crimes (Smurtiniais nusikaltimais padarytos žalos kompensavimo įstatymas) – in [Lithuanian]
- Decree of the Government of the Republic of Lithuania No 524/25.04.2003 on the order of establishing the sums and their payment to the witnesses, victims, experts, specialists, and interpreters (Nutarimas dėl liudytojams, nukentėjusiems, eskpertams specialistams ir vertėjams išmokėtinų sumų dydžio nustatymo ir apmokėjimo baudžiamojo procese ir administracinių teisės pažeidimų teisenoje tvarkos patvirtinimo) – in [Lithuanian]

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3. My rights after the (first) trial

Can I appeal against a sentence or if the defendant is declared not guilty?
Is further appeal possible?
Can I appeal against a sentence or if the defendant is declared not guilty?
The trial will conclude with the court convicting the defendant or declaring him/her not guilty. If the defendant is convicted the court will impose a penalty. The court will announce its decision publicly during the final court hearing. If you have participated in the trial as a formally recognised victim or as a civil claimant but you have not been present during the final hearing you will receive a notification about the court's decision.
If you are not satisfied with the court's decision you can appeal against it. You can appeal against the decision on the offender’s guilt and against the sentence only if you have participated in the trial as a formally recognised victim. If you have participated in the trial as a civil claimant you can appeal only if you are not satisfied with the court's decision on your claim.
You have to submit your appeal in writing and you have to sign it. The deadline is 20 days after the publication of the decision.

Is further appeal possible?
If you are not satisfied with the decision on your appeal you can appeal against it before the Supreme Court. The appeal has to be in writing and you have to sign it. The deadline is three months after the announcement of the decision you are appealing against.

What rights do I have after the court sentence enters into force?
The sentence will enter in force after the opportunities for appeal have been exhausted.
If the court convicts the defendant and sentences him/her to imprisonment the judge will ask you whether you wish to be informed about the defendant’s release from prison. If you state that you wish to receive such information you will be notified before the offender is released from prison.
You will also receive a notification when there is a court hearing to discuss an early release of the offender from prison. You can attend the hearing and appeal against the decision if you are not satisfied with it.

More information:
Code of Criminal Procedure (Baudžiamojo proceso kodeksas) – in Lithuanian
Criminal Code (Baudžiamasis kodeksas) – in English and Lithuanian
Code of Execution of Penalties (Bausmių vykdymo kodeksas) – in Lithuanian

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4 - Help and support for victims of crime

Ministry of Justice
Police Department of the Ministry of the Interior
Ministry of Foreign Affairs
Caritas Lithuania
Missing Person’s Families Support Centre
Klaipėda Social and Psychological Support Centre
Child House
International Organisation for Migration – Vilnius Office

The Ministry of Justice of the Republic of Lithuania administers the Fund for Victims of Crimes and provides state-guaranteed legal aid.
The Ministry of Justice of the Republic of Lithuania accepts and processes requests to compensate damage caused by violent crimes that were committed after 01.07.2005.
provides primary legal aid, which includes legal information and legal advice provided under the procedure set forth by the law and the drafting of documents to be submitted to state and municipal institutions, except for procedural documents.
provides secondary legal aid, which represents drafting of documents, defence and representation in proceedings before the court.

CONTACTS:
Website: http://www.tm.lt/

Police Department of the Ministry of the Interior
The Police Department of the Ministry of the Interior has functions related to implementation of different means of protection of victims and witnesses, who cooperate in intelligence operations and criminal proceedings.
The Police Department of the Ministry of the Interior has a Witness and Victim Protection Service, which is responsible for protection of victims’ interests.
provides physical protection of victims and their belongings and arranges restricted access to their personal data.
helps victims of crime to change their workplace and identity.
gives victims the right to receive a gun or other special means of protection.

CONTACTS:
Website: https://policija.lrv.lt/en/

Ministry of Foreign Affairs
The Ministry of Foreign Affairs is the official mechanism for cooperation on prevention of human trafficking. It provides return, shelter, assistance, referral for victims of human trafficking.
The Ministry of Foreign Affairs has a Consular Department responsible for protection of victims’ interests, which consists of a central department and consular institutions abroad.
is the official mechanism for cooperation on prevention of human trafficking.
provides return, shelter, assistance, referral for victims of human trafficking.

CONTACTS:
Website: http://www.urm.lt/

Caritas Lithuania
Caritas Lithuania is a non-governmental organization, which provides aid to women who were trafficked inside or outside Lithuania and to women who agreed to be involved into prostitution in any country but are victimised.
Caritas Lithuania
offers different services in the field of victim support: safe shelter, material help, consultations with social workers, psychotherapists and/or lawyers
provides immediate and free of charge help in crisis situations
cooperates with various services in the community with the aim of integrating women who were trafficked or involved into prostitution working
observes the principles of confidentiality, flexibility and offers a team approach in organising services which provide shelter in the community
CONTACTS:
Website: http://www.anti-trafficking.lt/

Missing Person's Families Support Centre
The Missing Person's Families Support Centre is a non-governmental association established in 1996 by relatives and parents of missing people, which provides aid to missing persons’ families and women who were trafficked inside or outside Lithuania.

The Missing Person’s Families Support Centre (MPFSC)
works in spheres of anti-trafficking and assistance to relatives of missing people
aims to decrease the number of missing and trafficked people, especially children, in Lithuania, by awareness-raising, prevention and assistance to the victims and their families
offers different services in the field of victim support: safe shelter, material help, consultations with social workers, psychotherapists and/or lawyers
provides immediate and free of charge help in crisis situations
CONTACTS:
Website: http://www.missing.lt/

Klaipeda Social and Psychological Support Centre
The Klaipeda Social and Psychological Support Centre is a non-governmental organisation, which provides aid to victims of domestic violence and women who were trafficked to brothels inside or outside Lithuania.

The Klaipeda Social and Psychological Support Centre
provides social and psychological support for women and mothers with children who have suffered any form of domestic violence
has rehabilitation and reintegration programmes for sexually exploited or trafficked women
tries to prevent suicides and provides psychological, legal and medical crisis assistance
has the goal to empower trafficked women to become able to take control of their circumstances and achieve their own goals, thereby being able to work towards helping themselves and others to maximise the quality of their lives now and in the future
ensures an anonymous toll free (8 800 66 366) consultation line
CONTACTS:
Website: https://www.ksppc.lt

Child House
Child House is a non-governmental organisation, which provides help for children victims of sexual and other types of abuse.

Child House
is a non-governmental organisation aiming for children to be raised without violence and abuse, and be able to help themselves and their friends
provides psychological, social and legal assistance and services to children who suffered sexual abuse and commercial exploitation, and their close relatives
provides services such as psychological counselling, crisis intervention, social skills training, assistance by professionals in conducting judicial interviews with children
accompanies children to other institutions that provide necessary services
assists in organising and solving cases in an interdisciplinary team
CONTACTS:
Website: http://www.children.lt/

International Organisation for Migration – Vilnius Office
The International Organisation for Migration – Vilnius Office provides aid to migrants in difficult situations, including victimisation, with a special focus on human trafficking.

The International Organisation for Migration – Vilnius Office
has as main objective to build the NGO capacity in dealing with trafficking in order to provide a better service to people in need of information related to safe migration and trafficking
aims to raise public awareness about legal and safe possibilities to travel abroad and risks related to human trafficking and smuggling
provides help in crisis situations; psychological help (material help, consultations of a social worker), helpline operation, live consultations
assists migrants willing to return to their home country
CONTACTS:
Website: https://lithuania.iom.int

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1 - My rights as a victim of crime

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2 - Reporting a crime and my rights during the investigation or trial

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3 - My rights after trial

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4 - Compensation

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5 - My rights to support and assistance

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on request, to be informed about the state of the criminal proceedings;

be automatically informed by the Public Prosecutor's Office of the date of the hearing at which their case will be tried;

on request, to obtain information on any final judgment in the prosecution.

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

As victims or civil parties who do not speak or understand the language of the proceedings, victims are entitled to assistance free of charge from an interpreter in a language which they understand and the right to a free translation of all the documents that will be notified or served or to which they have a right of access.

**How do the authorities ensure that I understand and that I am understood (if I am a child; if I have a disability)?**

If victims do not speak or understand the language of the proceedings, they have the right to assistance free of charge from an interpreter. If victims have a speech or hearing impediment, they are assisted by a sign language interpreter or by any qualified person having a language, method or device enabling communication with them.

If victims are children, they have the right to be accompanied by their legal representative or by a person of their choice.

**Victim support services**

**Who provides victim support?**

Victims have the right to be assisted by several victim support services. Assistance is provided by the State, through the central assistance service of the Public Prosecutor's Office, which will receive the victim and provide free social, psychological and legal support. There are also NGOs that offer help to victims if the victim is a female or child victim of violence, a vulnerable person, etc.

**Will the police automatically refer me to victim support?**

It is the duty of the police to inform victims of their rights and to seek to act as an intermediary for the victim support associations. The police will systematically and compulsorily supply an information leaflet entitled 'Information and assistance to victims' available in Luxembourgish, French, German and Portuguese.


The Luxembourg Police can protect victims.

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

The victims assistance service is intended for all victims (children, adolescents, adults) who have suffered physical and/or mental injury following a criminal offence. The team provides psychological and psychotherapeutic counselling and informs victims of their rights and may accompany them during the judicial proceedings. The service also offers a therapy group for victims of domestic violence. The service also offers services to all those who, in view of their relationship with the victim, have had to share their suffering, or to witnesses of criminal offences. The individuals in question are not required to have lodged a complaint in order to have access to the victim assistance service.

**Personal protection if I am in danger**

**What types of protection are available?**

Holding the accused in pre-trial detention

- if the offence is punishable by a maximum sentence of at least two years' imprisonment;
- if there is a risk that the accused will reoffend;
- if there is a risk of absconding.

**Who can offer me protection?**

The Luxembourg Police can protect victims.

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

The various elements are taken into account when deciding on possible pre-trial detention of the perpetrator.

**What protection is available for very vulnerable victims?**

Under Article 48(1) of the Code of Criminal Procedure, child victims receive the following protection:

- A sound or video recording may be made of the hearing of a witness or of any child, with the authorisation of the Public Prosecutor.

Recordings are made after having obtained the consent of the witnesses or children, if they have the necessary judgement, otherwise of the child's legal representative. Where there is a risk of a duly established conflict of interest between the child's legal representative and the child, the recording may be made only with the consent of the guardian ad litem (administrateur ad hoc), if one has been appointed for the child, or, if no guardian ad litem has been appointed, only with the express and duly reasoned authorisation of the Public Prosecutor.

By way of derogation from the foregoing, where a child is a victim of crimes referred to in Articles 354 to 360, 364, 365, 372 to 379, 382(1) and 382(2), 385, 393, 394, 397, 398 to 405, 410(1), 410(2) or 442(1) of the penal code or when a child is witness to crimes referred to in Articles 393 to 397, or 400 to 401a of the penal code, a recording must be made in the manner referred to in paragraph 1 unless, since the child or his legal representative or, where applicable, the guardian ad litem objects to such a recording being made, the Public Prosecutor decides there is no need to do so.

The recording serves as evidence. The original is placed under seal. The copies are inventoried and added to the file. Recordings may be listened to or viewed, without being moved, by the parties and by an expert with the authorisation of the Public Prosecutor and at a place designated by him or her.

Any child referred to in paragraph 3 has the right to be accompanied by the adult of his choice at the hearing, unless the State Prosecutor decides otherwise by a reasoned decision regarding the person concerned taken in the interests of the child or of establishing the truth.

Victims of human trafficking or domestic violence receive special protection under certain conditions.

**I am a child - do I have special rights?**

Victims who are children have a number of additional rights:

- to a limitation period, i.e. the period of time after which the offences can no longer be prosecuted, that not begin to run until the day they turn 18 for offences such as indecent assault, rape and human trafficking, sexual exploitation, manslaughter, assault and battery, abuse and administration of drugs committed against the victim;
- to the appointment of a special representative called an administrateur ad hoc (guardian ad litem) by the State prosecutor or investigating judge where their interests are not fully protected by at least one of their legal representatives. This special representative protects the victim's interests and exercises his or her rights as a civil party;
to be informed of the opening of the criminal proceedings and of the right to bring a civil action through their legal representative or guardian ad litem;
to have a video or sound recording made of their hearings to avoid being traumatised by having to repeat statements several times during the proceedings,
with the authorisation of the State Prosecutor and after obtaining the consent of the victims or of their legal representatives or guardians ad litem. Recording is mandatory for crimes relating to indecent assault and rape, prostitution, exploitation and trafficking in human beings, murder, voluntary homicide, assault and battery, unless, because the victim or the victim's representative object, the public prosecutor decides not to make such a recording;
to be accompanied at hearings by their legal representative or by a person of their choice.

My family member died because of the crime - what are my rights?
Anyone whose relative has died as a result of a criminal offence and who claims to have been injured has the right to complain by filing a civil action before the competent investigating judge.
In this case they have the right in particular:
to claim compensation from the accused;
be involved in the investigation conducted by the investigating judge;
to ask the investigating judge to order additional inquiries;
to appeal against certain inquiries which have an impact on their civil interests before a chamber of the court;
to be interviewed only if they so wish;
to be brought face to face with the accused if necessary;
to have access to the file at the investigating judge's office after the first questioning of the accused and the day before each inquiry for which legal assistance is necessary;
to ask the investigating judge for a copy of the file when the investigation has been completed;
to ask for an expert's report, to hear witnesses and the return of seized objects;
to attend the inspection of the scene of the crime.

My family member was a victim of crime - what are my rights?
A third party affected by an offence committed against a relative has the right:
to request from the public prosecutor's office a copy of the report giving an account of the crime affecting this person as a third party;
to be automatically informed by the public prosecutor's office of the date of the hearing at which the case will be tried;
to request the judgment that was given in the case from the Registry of the chamber of the district court or of the police court, as appropriate.

Can I access mediation services? Under what conditions? Will I be safe during mediation?
Criminal mediation is an alternative to criminal prosecution; in principle it allows a dispute to be settled without the intervention of the courts. Mediation between the perpetrator and the victim is possible only before criminal proceedings have been initiated. The Public Prosecutor may decide to resort to mediation if it appears to him/her that it is likely to secure compensation for the damage that has been caused, or to put an end to the disturbance resulting from the offence or to contribute to the rehabilitation of the offender. Mediation is ruled out if the offender is a person with whom the victim cohabits. This option requires the agreement of both the offender and the victim.

Where can I find the legislation setting out my rights?
In the Code of Criminal Procedure on Legilux.

http://legilux.public.lu/eli/etat/leg/code/procedure_penale

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2. Reporting a crime and my rights during the investigation or trial

How do I report a crime?
Victims of a criminal offence may report an offence (file a complaint):
to the Luxembourg Police;
to the Public Prosecutor with jurisdiction for the area concerned.

Although anyone may report an offence, if victims intend to take part in the proceedings as a civil party, they must file a complaint either personally or through their lawyer.

Victims can also bring a private prosecution against the perpetrator before the police court or a criminal chamber of the district court.
The complaint must be lodged in one of the official languages of Luxembourg, namely Luxembourgish, French or German. Victims who do not speak any of these three languages are entitled to an interpreter free of charge. The complaint must be made preferably in writing, without having to respect a particular form, and must indicate:
the surname, first name, place and date of birth, occupation and domicile of the complainant;
the event giving rise to the damage suffered;
the nature of the damage.

The period during which the victim must lodge a complaint depends, in particular, on the limitation period of the offence. The period varies between one and ten years.

How do I find out what is happening with the case?
Victims haves the right:
to be automatically informed when their case is closed and of the reasons why;
on request, to be informed that their case is under judicial investigation;
on request, to be informed about the state of the criminal proceedings;
to be automatically informed by the public prosecutor's office of the date of the hearing at which their case will be tried;
upon request, to obtain information on any final judgment in the prosecution.

When the complaint is filed with the Public Prosecutor, within 18 months of receiving the complaint or accusation, the Public Prosecutor will inform the victim of any action taken by way of follow-up including, where appropriate, closure of the case and the underlying reason.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?
To ensure access to justice in the event that victims do not have sufficient resources, particularly in relation to the guaranteed minimum income, they have the right to receive full legal support free of charge for the defence of their interests. This aid is provided by the Council of the Bar Association, if victims asks for it and if they are:
a Luxembourg national,
a foreign national authorised to settle in the country,
a national of a Member State of the European Union (EU),
a foreign national assimilated to a Luxembourg national in the matter of legal aid by virtue of an international treaty.

To determine financial resources, total gross income and wealth are taken into account, as well as the incomes of people living in the same household. In addition to the case of limited resources, victims can also receive legal aid if serious reasons related to their social, family or material situation justify eligibility.

An application for legal aid must be made using a questionnaire available from the Central Social Assistance Service (Centre Commun de la Sécurité Sociale - CCSS) as well as for persons belonging to their household, if the household does not decide not to refer the criminal case to a court that would decide on the guilt of the alleged perpetrator, victims to receive, free of charge, a copy of the complaint and the documents they lodged in support of the complaint;

Victims may also indicate the name of the lawyer(s) that they wish to be assigned under the legal aid scheme, or where applicable, indicate the name of the lawyer currently assigned to them. Documents to be attached to the application by victims:
a copy of their identity document;
a certificate of registration with the Joint Social Security Centre (Centre Commun de la Sécurité Sociale - CCSS) as well as for persons belonging to their households;
for the person concerned and each member of the household: pay slips (or a CCSS income certificate), minimum guaranteed income receipts, unemployment benefit or pension receipts or other receipts covering the last three months and indicating the gross amounts (bank statements are not sufficient);
a zero-balance certificate from the National Solidarity Fund (Fonds national de solidarité) for each member of the household, if the household does not receive anything from the Fund;
if the household receives or pays a maintenance allowance, a document indicating the amount paid or received (bank statements for the last three months, for example);
a real estate ownership or non-ownership certificate issued by the Luxembourg Tax Administration (Administration des contributions directes) for each member of the household;

If the judicial council decides not to pursue the case for reasons of fact and not of law, victims may still apply to a civil court to obtain compensation for their civil interests and may give testimony on the facts.

What is my official role in the justice system? For example, am I or can I choose to be a victim, witness, civil party or private prosecutor?

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

Can I appeal if my case is closed before going to court?

Can I be involved in the trial?

What is my official role in the justice system? For example, am I or can I choose to be a victim, witness, civil party or private prosecutor?

What are my rights and obligations in this role?
to obtain a receipt in a language understood by them specifying the file number and the date and place of their complaints, to obtain an acknowledgment of receipt of their complaints made to the Public Prosecutor;

to be assisted or represented by a lawyer;

to be automatically informed of the when their case is closed and the reasons why;

on request, to be informed that their case is under judicial investigation;

on request, to be informed about the state of the criminal proceedings;

to be automatically informed by the prosecution services of the date of the hearing at which their case will be tried;

upon request, to obtain information on any final judgment in the prosecution;

to ask the judge hearing applications for a provisional award, provided that the existence of the liability of the other party cannot seriously be called into question.

Civil parties also have the right:

to claim compensation from the accused;

to be involved in the investigation ordered by the investigating judge;

to ask the investigating judge to order additional inquiries;

to appeal against certain inquiries which have an impact on their civil interests before a chamber of the court;

to be interviewed only if they so wish;

to be brought face to face with the accused if necessary;

to have access to the file, to the investigating judge's office after the first questioning of the accused and the day before each inquiry for which legal assistance is necessary;

to ask the investigating judge for a copy of the file when the investigation has been completed;

to ask for an expert's report, to hear witnesses and the return of seized objects;

to attend the inspection of the scene of the crime.

**Can I make a statement during the trial or give evidence? Under what conditions?**

Witnesses may attend hearings and reveal to the judge on oath everything they know about the facts. Witnesses must answer both the questions of the Court and the questions put by the lawyer for the opposing party.

Civil parties may have the case argued on all matters relating to their civil interests and may give testimony on the facts; a lawyer for a civil party may question experts as well as witnesses for the defence.

In principle, all evidence is admitted provided that it is recognised by reason and from experience that this can lead the judge to a conviction. Evidence can be presented provided that the parties were able to exchange views and arguments on it.

**What information will I receive during the trial?**

The following information will be communicated to Victim:

on request: the state of the criminal proceedings;

automatically: the date of the hearing at which their cases will be tried;

upon request: any final judgment in the prosecution.

**Will I be able to access court files?**

When a complaint is lodged with the police, complainants receive a copy of the complaint free of charge, either immediately or within one month of lodging the complaint. Complainants may also ask the court dealing with their cases for specific procedural steps.

If complainants have joined the proceedings as civil parties, they have the right to have access to the case file, in the investigating judge's office, after the first questioning of the accused and the day before each inquiry for which legal assistance is necessary;

When the proceedings are complete, the investigating judge communicates the case file to the Public Prosecutor. As a civil party, you have the right to consult the file, at least eight working days before the case is examined by the judicial council.

Civil parties, and persons who can demonstrate a legitimate personal interest, have the right to receive a copy of the case file, except for any papers and documents seized, within a reasonable period before the appointed date of the hearing. To this end, they must make a request to the Public Prosecutor.

**Can I appeal against the ruling?**

Every final judgment has the authority of res judicata as soon as it is delivered. As such, it is deemed to represent the truth as long as it is not quashed by the exercise of a legal remedy provided by law. The judge normally rules on the criminal and civil actions in the same judgment.

Because of the right to a fair trial, this authority of res judicata applies only to those who were parties to the criminal trial and to the elements of the decision on which those parties were able to state their case. As a victim, you can only appeal if you were a party to the proceedings, having joined them as a civil party.

In this capacity, it is possible for you to appeal, but only in respect of your civil interests and if you have an interest in acting, i.e. if the court refused your claim for compensation or if you consider that the amount awarded is insufficient.

Thus, you cannot appeal because you do not agree with the sentence imposed or because the court acquitted the defendant. Only the State Prosecutor may bring an appeal concerning the criminal aspect of the proceedings.

Consult your lawyer to determine whether it is wise to lodge an appeal. If your lawyers answers in the affirmative, the appeal must be lodged within 40 days at the Registry of the court that delivered the judgment.

**What are my rights after sentencing?**

After the judgment has been delivered, you may receive a copy it.

It is also possible for you to lodge an appeal, but only if you were a party to the proceedings, having joined as a civil party and only in respect of your civil interests (see point 1).

If a release on parole is planned, you can inform the Public Prosecutor General, who is in charge of the execution of the sentence that you object.

You may continue to be represented by a lawyer.

**Am I entitled to support or protection after the trial? For how long?**
As a victim of a non-intentional offence resulting in bodily injury, you can, under certain conditions, apply to the Ministry of Justice for compensation payable by the State, when you cannot be compensated by the perpetrator of the offence.

The police and the justice system have an obligation to offer you protection as the victim. Any decision regarding the conditional release of a convicted person on parole may be subject to specific terms and conditions, which relate in particular to the protection of society and of the victim.

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

On request, you have the right to obtain information on any final judgment in the prosecution.

As to the sentence imposed on the offender, please be aware that the sentencing decision must mention the provisions of the law which are applied, without reproducing the terms, the facts constituting the offence of which the accused is charged or the sentence or sentences imposed (Article 195 of the Code of Criminal Procedure). For any other question relating to the carrying out of the sentences, you may contact the Sentence Enforcement Service of the Public Prosecutor General's Office.

In Luxembourg, a person convicted in final proceedings will be either in Schrassig Prison or Givenich Prison.

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

No.

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

In most cases it is the court responsible for trying the offender which, if it finds the defendant guilty, sets the amount of the damages and interest awarded to victims as compensation for their loss.

In order for the court to be called on to give a ruling on compensation, it is imperative that victims intervene by joining a civil claim to the criminal proceedings. Victims can join a civil claim at any time during the investigation. Victims are not required to appear at the hearing. They can be represented by a lawyer and make their requests in writing before the hearing.

If victims do not join a civil claim or make any applications, the court will not be able to award damages and interest to victims of its own motion. Victims who do not join a civil claim during the criminal hearing do not lose their right to compensation.

In fact, victims will still be able to bring an action against the perpetrator before the civil courts, provided that they act before the limitation period under civil law expires and that they demonstrate that the facts in question constitute a civil wrong.

The role of the criminal court is to quantify the harm that victims have suffered, but it does not intervene in the recovery of damages and interest awarded.

It is up to victims, once the final judgment has been delivered, to take steps to obtain payment of these damages from the offender.

Most often it is the lawyer who will take care of overseeing the recovery of damages and interest, amicably at first, by contacting the lawyer of the convicted person, or by applying to a bailiff to have the judgment enforced.

Where the convicting court imposes a suspended sentence entailing an obligation to pay compensation, the Public Prosecutor General, who is in charge of the carrying out of sentences, will check whether convicted persons are fulfilling their obligation.

If the offender does not pay, can the state pay me an advance? Under what conditions?

During the trial, the court may grant an interim payment pending the outcome of an expert report for example. If the offender refuses to, or cannot make this payment, the Ministry of Justice may take over in a case of proven need.

Am I entitled to compensation from the state?

The amended Law of 12 March 1984 on the compensation of certain victims of bodily injury resulting from an offence creates a right to compensation chargeable to the State budget in favour of certain victims of crime. This is an important measure for victims in the event that:

- The perpetrator of the assault has not been identified; the perpetrator of the aggression, although identified, cannot be found; the offender is insolvent.
- To assert this right, victims must apply to the Ministry of Justice, which will take a decision on claims for compensation within six months. Claims must be drafted in French, German or Luxembourgish and must indicate the date, place and exact nature of the facts. Documentary evidence of the facts and of the harm suffered by the victim must be attached to this letter in support of the claim.
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The right to compensation is subject to certain conditions that victims must meet:

Victims must either reside regularly and habitually in the Grand Duchy of Luxembourg or be a national of a Member State of the European Union or of the Council of Europe. In addition, at the time of the offence victims must have had their papers fully in order in the Grand Duchy of Luxembourg or be victims of the offence referred to in Article 382(1) of the Criminal Code [Trafficking in human beings].

The damage suffered must result from intentional acts that are in the nature of an offence.

The damage must be bodily injury and not mere material damage (which excludes, for example, compensation in the case of simple theft).

The harm must result in serious disruption to living conditions, which may result from a loss of or reduction in income, an increase in exceptional expenses or expenditure, or incapacity to perform a professional activity, the loss of one year of schooling, bodily or mental harm or moral or aesthetic damage as well as physical or mental suffering. Victims of an offence under Articles 372 to 376 of the Criminal Code are exempt from providing proof of physical or mental harm, which is presumed to exist.

Compensation is payable by the State only if the victim cannot obtain effective and sufficient compensation in any way (e.g. from the perpetrator, from social security or under personal insurance cover).

It is important to know that compensation may be denied or reduced because of the behaviour of victims at the material time or their relationship with the perpetrator.
If the State compensates victims, they may still join a civil action and claim additional sums from the perpetrator if they consider the compensation to be insufficient. In that case, victims must inform the court of the fact that they have submitted a claim for compensation to the State or that they have obtained such compensation from the State, as appropriate.

**Am I entitled to compensation if the offender is not convicted?**

Victims are entitled to compensation if the perpetrator is not convicted provided that they are victims of a criminal offence and the perpetrator of the assault has not been identified, or if the perpetrator of the assault has been identified but cannot be found, or if the perpetrator is insolvent.

If there is no trial and hence no determination of compensation by the court, the Ministry of Justice may award a fixed sum and/or order an expert report at its expense to determine the amount of compensation to be awarded to the victim.

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

In the case of duly proven need, the Minister of Justice may award a payment while the application is being examined.

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### 5 - My rights to support and assistance

#### I am a victim of crime, who do I contact for support and assistance?

- As a victim of an offence, you can contact the following main victim support services:

  **A. Government service:**
  
  Central Social Assistance Service (SCAS) - Victim Support Services (Service central d’assistance sociale (SCAS) – Services d’Aide aux Victimes (SAV))
  
  SAV in Luxembourg
  
  Types of support:
  - Psychological and psychotherapeutic counselling
  - Legal information service
  - Therapy group for victims of domestic violence.
  
  Accompanies victims throughout the legal process

  **CONTACT DETAILS:**
  
  Plaza Liberty Building, Entrance C
  
  12-18 rue Joseph Junck
  
  L-1839 Luxembourg
  
  Tel.: (+352) 47 58 21-627
  
  (+352) 47 58 21-628
  
  GSM: (+352) 621 32 65 95
  
  E-mail: scas-sav@justice.etat.lu
  
  Website: [https://justice.public.lu/fr/aides-informations/assistance-sociale/scas-service-aide-victimes.html](https://justice.public.lu/fr/aides-informations/assistance-sociale/scas-service-aide-victimes.html)

  **B. Non-governmental organisations (NGO):**

  1. **Support for Crime Victims (Aide aux Victimes de la Criminalité)** - Wäissee Rank Letzebuerg Asbl
     
     Types of support:
     - Legal advice service
     - Moral, financial and material support

     **CONTACT DETAILS:**
     
     84 rue Adolphe Fischer
     
     L-1521 Luxembourg
     
     Tel.: (+352) 40 20 40
     
     E-mail: wrl@pt.lu
     

  2. **Support services for recognised victims of domestic violence**
     
     There are three such services:
     
     - **SAVVD in Luxembourg from the non-profit association Women In Distress (Femmes en détresse) asbl**
       
       Types of support:
       - Psycho-social consultations
       - Legal information and support
       - Legal, administrative and social information and support after the public prosecutor has evicted the perpetrator of the violence
       - Planning of legal steps
       - Accompanies victims inter alia in court, at the lawyer's office, at the doctor's guidance
       - Consultations and protective measures against harassment
       - Establishment of a protection plan for victims

     **CONTACT DETAILS:**
     
     BP 1024
     
     L-1010 Luxembourg
     
     Tel.: (+352) 26 48 18 62
     
     Fax: (+352) 26 48 18 63
     
     E-mail: contact@savvd.lu
     
     Website: [http://fed.lu/wp/services/savvd/](http://fed.lu/wp/services/savvd/)

     - **PSY EA-** in Luxembourg from the non-profit association Women in Distress (Femmes en détresse)
       
       For children who are direct and indirect victims of domestic violence in connection with an eviction order.

       Types of support:
Care for children and adolescents who are victims of domestic violence in connection with an eviction measure

As a psychological service for child and adolescent victims of domestic violence Psychological support for children and adolescents who are victims of domestic violence and for their families

CONTACT DETAILS:
BP 1024
L-1010 Luxembourg
Tel.: (+352) 26 48 20 50
Fax: (+352) 26 48 18 63
E mail: contact@psyea.lu
Website: http://fed.lu/wp/services/psyea/

- ALTERNATIVES in Dudelange from the Pro Familia Foundation (Fondation Pro Familia)
Support service for children who are direct and indirect victims of domestic violence in connection with an eviction order.

Types of support:
Care for children and adolescents who are victims of domestic violence in connection with an eviction measure

CONTACT DETAILS:
5, Route de Zoufftgen
L-3598 Dudelange L-1010 Luxembourg
Tel.: (+352) 51 72 72 89
E mail: alternatives@profamilia.lu
Website: http://www.profamilia.lu/Enfants+Adolescents

/alternatives+/Centre+de+consultation+pour+enfants+et+adolescents+victimes+de+violence-p-470.html

3. Consultation services for women who are recognised victims of violence

Types of support:
Consultations by telephone
Psycho-social consultations
Legal, administrative and social information and support
Planning of legal steps
Women are accompanied at other professional services: lawyer, court, police
Admission interview at a women’s shelter
Training and lecture on domestic violence
Seminars and discussion groups
There are four such groups:

- VISAVI (Live Without Violence) (VISAVI (Vivre Sans Violence)) in Luxembourg from the non-profit association Women in Distress (Femmes en détresse)
Consultation centre for women who are victims of domestic violence

CONTACT DETAILS:
2, rue du Fort Wallis
L-2714 Luxembourg
Tel.: (+352) 49 08 77-1
Fax: (+352) 26 48 26 82
E mail: feminfo@visavi.lu
Website: http://fed.lu/wp/services/visavi/

- SOUTHERN CENTRE (FOYER SUD) in Esch-sur-Alzette of the National Council of Women of Luxembourg (Conseil national des femmes du Luxembourg)
Consultation centre for women in distress, including victims of violence.

CONTACT DETAILS:
41, rue de Luxembourg
L-4220 Esch sur Alzette
Tel.: (+352) 54 55 77 / 26 53 03 26 / 54 57 57
Fax: (+352) 54 57 57 57
E mail: foyersud@pt.lu
Website: http://www.cnfl.lu/site/foyersud.html

- Centre OZANAM in Luxembourg

- Centre OZANAM North (Centre OZANAM Nord) in Wiltz from the Open-Door House Foundation (Fondation Maison de la Porte Ouverte)
Consultation centres for women in distress, including victims of violence.

CONTACT DETAILS:
Ozanam Luxembourg
64, rue Michel Welter
L-2730 Luxembourg
Tel.: (+352) 48 83 47
E mail: ozanam@fmpo.lu
Website: http://fmpo.lu/foyers/centre-ozanam/

CONTACT DETAILS:
Ozanam Nord
49, Grand-Rue
L-9530 Wiltz
Tel.: (+352) 26 95 39 59
E mail: ozanam.nord@fmpo.lu
Website: http://fmpo.lu/foyers/centre-ozanam-nord/

- PROFAMILIA in Dudelange from the Pro Familia Foundation (Fondation Pro Familia)
Consultation centre for women in distress, including victims of violence.

CONTACT DETAILS:
5, route de Zoufftgen
L-3598 Dudelange
Tel.: (+352) 51 72 72-41
Fax: (+352) 52 21 88
E mail: femmes@profamilia.lu
Website: http://www.cnfl.lu/

4. Consultation centre for children and adolescents who are registered victims of violence

There are four:
- PSY EA in Luxembourg from the non-profit association Women in distress (Femmes en détresse)
Psychological service for children and adolescents aged 3 to 21 who are victims of or witnesses to domestic violence and for their families.
Types of support:
Psychological support for children and adolescents who are victims of domestic violence and for their families

CONTACT DETAILS:
BP 1024
L-1010 Luxembourg
Tel.: (+352) 26 48 20 50
Fax: (+352) 26 48 18 63
E mail: contact@psyea.lu
Website: http://fed.lu/wp/services/psyea/

- ALTERNATIVES in Dudelange from the Pro Familia Foundation (Fondation Pro Familia)
Consultation service for children and adolescents aged 0 to 27 who are victims of or witnesses to physical and mental violence including domestic violence, and for their families.
Types of support:
Psychological support for children and their families
Support for warm family relations, mutual esteem
Violence awareness and prevention work

CONTACT DETAILS:
5, Route de Zoufftgen
L-3598 Dudelange L-1010 Luxembourg
Tel.: (+352) 51 72 72 89
E mail: alternatives@profamilia.lu
Website: http://www.profamilia.lu/Enfants+Adolescents/ALTERNATIVES+_+Centre+de+consultation+pour+enfants+et+adolescents+victimes+de+violence-p-470.html

- OXYGENE in Dudelange from the Women in Distress (Femmes en détresse) association without lucrative purpose
Consultation and information service for girls (aged 12 to 21) in distress who are victims of physical, mental or sexual violence.
Types of support:
Individual interviews
Support for administrative procedures
Help in looking for supervised accommodation
Help for possible admission to the Meederchershaus shelter

CONTACT DETAILS:
2, rue du Fort Wallis
L-2714 Luxembourg
Tel.: (+352) 49 41 49
Fax: (+352) 27 12 59 89
E mail: infofilles@pt.lu
Website: http://fed.lu/wp/services/oxygene/

- ALUPSE DIALOGUE in Luxembourg from the non-profit association Alupse
Psychological consultation and therapy service for children from 0 to 21 who are victims of physical, mental and sexual violence and for their families.

CONTACT DETAILS:
8, rue Tony Bourg
L- 1278 Luxembourg
Tel.: (+352) 26 18 48-1
Fax: (+352) 26 19 65 55
E mail: alupse@pt.lu
Website: http://www.alupse.lu/fr/lassociation-alupse/

5. Accredited centre for consultation, information and assistance for men and boys in distress who are victims of violence - infoMann in Luxembourg from the non-profit association actTogether association
Types of support:
Psychological and social support and consultations
Information and documentation service
Awareness-raising and training
Accompanies and supports men with a view to their admission to a men’s shelter

CONTACT DETAILS:
5, Cour du Couvent
L-1362 Luxembourg
6. Accredited consultation and assistance centre for perpetrators of violence, including domestic violence - Richten aus in Luxembourg of the Luxembourg Red Cross

Types of support:
Consultation, listening, support, assistance and accompaniment of perpetrators (men and women) of domestic violence in connection with an eviction, either judicially enforced or on a voluntary basis
Encouraging awareness and accountability on the part of perpetrators
Short-term victim protection
Conflict management and self-confidence
Supporting people committed to change
Help with the development of practical strategies allowing for a lasting change in the attitude and behaviour of perpetrators
Support for people wishing to modify their violent behaviour
Discussion group

CONTACT DETAILS:
73 rue Adolph Fischer
L-1520 Luxembourg
Tel.: (+352) 27 55-5800
Red Cross Helpline: (+352) 27 55
Fax: (+352) 27 55-5801
E mail: richteraus@croix-rouge.lu
Website: http://www.croix-rouge.lu/richteraus/

7. Assistance Service for recognised victims of trafficking in human beings
Outpatient and inpatient care for all victims of trafficking in human beings, women, men and children.
There are two, which are coordinated:
- SAVTEH in Luxembourg from the Women In Distress (Femmes en détresse) asbl
- COTEH in Luxembourg of the Open Door House Foundation (Fondation Maison de la Porte Ouverte)

Types of support:
Telephone and in-person consultations
Psychosocial support and supervision
Psychological support and stabilisation
Organisation of counselling or medical care
Accompanying the victim to the criminal investigation department for identification purposes
Supporting the victim’s cooperation with police and Public Prosecutor’s Office
Accompanying victims during their legal, administrative and social procedures in particular
Coordinating inpatient care and organising victims’ accommodation according to their gender and age
Material and financial assistance
Information on the rights of victims of trafficking in human beings, judicial and administrative proceedings, benefits provided
Contacting NGOs in countries of origin during a voluntary return

CONTACT DETAILS:
SAVTEH
BP 1024
L-1010 Luxembourg
Tel.: (+352) 26 48 26 31
Fax: (+352) 26 48 26 82
GSM: (+352) 621 316 919
E mail: traite.humains@visavi.lu
Website: http://fed.lu/wp/services/savteh/

COTEH
Tel.: (+352) 24 87 36 22
GSM: (+352) 621 351 884
E mail: coteh@fmpo.lu
Website: http://fmpo.lu/services/service-dassistance-aux-victimes-de-la-traite-des-etres-humains/

C. Police:
Luxembourg Police
Directorate General
(Police Grand-Ducale Direction Générale) L-2957 Luxembourg
Tel.: (+352) 49 97-1
Emergency line: 113
Fax: (+352) 49 97-20 99
E mail: contact@police.public.lu
Website: http://www.police.public.lu/fr/aide-victimes/

D. Local authorities:
Legal reception and information service (Service d’accueil et d’information juridique):
-DIEKIRCH
Justice de paix
Place Joseph Bech
L-9211 Diekirch
Tel.: (+352) 80 23 15

-ESCH-SUR-ALZETTE
Justice de Paix
Place Norbert Metz
L-4239 Esch-sur-Alzette
Tel.: (+352) 54 15 52

-LUXEMBOURG
Cité judiciaire
Building BC
L-2080 Luxembourg
Tel.: (+352) 22 18 46
Website: http://www.justice.public.lu/fr/aides-informations/accueil-info-juridique/

"Women's Rights" legal information service:
OFFICE OF THE PUBLIC PROSECUTOR GENERAL (PARQUET GÉNÉRAL)
Cité judiciaire
Building BC or CR
L-2080 Luxembourg
Website: http://www.justice.public.lu/fr/aides-informations/droits-femme/index.html

E. Ministries:
-Ministry of Justice (Ministère de la Justice)
13 rue Erasme
L-2934 Luxembourg
Tel.: (+352) 247-84537
Fax: (+352) 26 68 48 61
E mail: info@mj.public.lu
Website: http://www.mj.public.lu/

Mission:
Civil cases
Criminal cases: Victim compensation, legal aid, criminal mediation
Commercial cases
Judicial organisation
General coordination of administrative litigation before the administrative courts
Penal establishments

-Ministry of the Interior (Ministère de l’Intérieur)
BP 10
L-2010 Luxembourg
Tel.: (+352) 247-84600
Fax: (+352) 22 11 25
E mail: info@miat.public.lu
Website: http://www.mi.public.lu/

Missions in accordance with the Grand Ducal Decree of 28 January 2015:
Coordination of the emergency services
Collaboration with NGOs

-Ministry of Home Security (Ministère de la Sécurité intérieure)
19-21 Boulevard Royal
L-2449 Luxembourg
Tel.: (+352) 247-84659
Fax: (+352) 22 72 76
E mail: secretariat@msi.etat.lu
Website: http://www.gouvernement.lu/3313529/minist_securite_interieure

Victim support in accordance with the Luxembourg Decree of 28 January 2015:
Luxembourg Police, General Inspectorate of Police (Police Grand-Ducale, Inspection générale de la Police), European Justice and Home Affairs Policy, International Police Cooperation Policy

-Ministry of Equal Opportunities (MEGA) (Ministère de l’Égalité des Chances)
6A, bd. F. D. Roosevelt
Hôtel Terres Rouges
L-2921 Luxembourg
Tel.: (+352) 247-85806
Fax: (+352) 24 18 86
E mail: info@mega.public.lu
Website: http://www.mega.public.lu/fr/index.html

Missions:
Domestic violence
Committee for cooperation between professionals in the fight against violence
Partnership in and management, with MEGA-accredited NGOs, of the outpatient and inpatient care of victims and perpetrators of domestic violence, women and men in distress, gender-based violence and trafficking in human beings.

Partnership and collaboration with State-approved NGOs for the care of people in distress who are victims of violence.

**Victim support hotline**

- **Luxembourg Police**
  - Hotline: 113
  - Monday to Friday 24 hours a day

- **Luxembourg Red Cross**
  - Hotline: 2755
  - Monday to Friday from 7.00 to 22.00

- **Fraentelefon (Women in distress)**
  - Hotline: (+352) 44 81 81
  - Monday to Friday 24 hours a day

- **Fraentelefon (Women in distress)**
  - Hotline: (+352) 44 81 81
  - Monday to Friday 9.00 to 15.00

**Is victim support free?**
Yes, victim support is provided free of charge.

**What types of support can I receive from non-governmental organisations?**
See answer to the first question under B.

Last update: 24/01/2019

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**Victims' rights - by country - Hungary**

You will be considered a victim of crime if you are wronged by an act that is a crime under Hungarian law, for example if you suffer an injury or your property is damaged or stolen. As the victim of a crime, you have various rights under Hungarian law, before, during and after court proceedings (the trial). You can request information on your rights and obligations in criminal proceedings from the investigating authority, the public prosecutor or the court, depending on the stage of proceedings.

**Hungary criminal proceedings** begin with an investigation. The investigation is usually performed by the police, under the supervision of the public prosecutor. Once the investigation is completed, either the public prosecutor will decide to bring charges and the case will go to court, or the case will be closed at the investigation stage, due to insufficient evidence or because criminal liability is precluded or no longer applies.

If the case reaches court, the court will examine the evidence gathered and decide whether the accused is guilty or not. In Hungarian criminal proceedings (except for some forms of proceedings) the court can also take evidence directly in a public hearing, so you may be summoned to the court hearing and examined as a witness. If found guilty, the accused will be convicted and sentenced. If found not guilty, the accused will be acquitted.

**Click on the links below to find the information that you need:**

1. My rights as a victim of crime
2. Reporting a crime and my rights during the investigation or trial
3. My rights after trial
4. Compensation
5. My rights to support and assistance

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1. My rights as a victim of crime

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

The Act on Criminal Proceedings requires the court, the prosecutor and the investigating authority to inform the persons subject to enforcement activities about their rights and obligations before any procedural act.

Crimes can be reported to the public prosecutor or to the investigating authority orally or in writing. The report may also be accepted by another authority or the court, which will send that report to the investigating authority. The law does not stipulate any formalities for reporting a crime; crimes can be reported by letter, post or e-mail, or in person.

Criminal proceedings are conducted in Hungarian, but a victim who does not speak Hungarian has the possibility to use his or her mother tongue or any other language of his or her choice. Even if the victim speaks Hungarian, he or she may use his or her national language in the criminal proceedings. Translation and interpreting costs are not passed on to the victim, and the victim may not be obliged to pay an advance for, or bear, such costs.

The victim of the crime is entitled to the support of the victim support service in the case of natural persons against whom a crime or an offence against property was committed in the territory of Hungary and in the case any natural persons who have suffered injuries as a direct consequence of criminal acts or offences against property committed in the territory of Hungary, in particular bodily or emotional harm, mental shock or economic loss, on condition that they are: Hungarian citizens, citizens of any EU Member States, citizens of any non-EU country lawfully residing in the territory of the European Union, stateless persons lawfully residing in the territory of Hungary, victims of trafficking in human beings or any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and Hungary or on the basis of reciprocity.

The State provides support services for the victims after assessment of their needs, which may include: facilitating the protection of victims’ interests, granting instant monetary aid, granting proof of victim status, witness protection, and providing protected accommodation. If the legally defined conditions are met, the victim is also entitled to state compensation.

In addition, the personnel protection of a victim may be ordered if acts of violence against persons or offences creating a collective danger for persons are planned or committed against the victims to impede or thwart their participation in criminal proceedings or the enforcement of their rights and performance of
their obligations or if such a crime is probable. Applications may be filed or recorded at the court, general prosecutor or investigating authority conducting the criminal proceeding.

To ensure the prevention or interruption of offences against the person’s physical integrity or liberty, personal protection covers the protection of the victim’s private dwelling or other place of residence as well as the securing of traffic routes and safe participation in criminal proceedings and other official acts.

Personal protection is provided in particular by means of regular patrol service, technical means, continuous communication connections, provision of protective clothing and, if other methods of personal protection are ineffective, by guarding personnel, which can be provided at the place managed by the law enforcement body authorised to order and provide personnel protection.

If the protection of a victim participating in criminal proceedings of outstanding gravity cannot be ensured by means of personal protection, and that victim cooperates with the authority and is in a threatened situation and it is therefore necessary to provide special safeguarding arrangements, the victim may also participate in a witness protection programme providing special safeguarding arrangements if specific additional conditions are met.

In certain cases, the victim is entitled to representation through a litigation friend and, if acting as substitute private prosecutor, is entitled to legal aid. As a general rule, the condition of these is that the victim is in need of them, that is, taking into account the income of persons living under the same roof, the victim’s monthly net income does not exceed the respective minimum amount of retirement pension determined on the basis of an employment relationship (HUF 28 500 in 2017) and she or he has no assets that could cover the legal service.

The victim may be entitled to join a civil action to seek compensation for damages arising from a criminal offence from the defendant at any stage of the criminal proceedings. In order to secure his or her civil claim, the victim may make a motion for sequestration on the defendant’s property which will be ordered by the court if there are reasonable grounds to assume that the satisfaction of the claim will be frustrated. The court decides on the civil claim in a judgment, accepting or rejecting the motion. If this would considerably delay the conclusion of the procedure, or if the defendant is acquitted, or if the adjudication of the motion on its merits in criminal proceedings is precluded due to other conditions, the court orders to the enforcement of the civil claim by other legal means.

The victim has the right to participate in a mediation procedure with the defendant under specific conditions. The mediation procedure cannot be carried out without the victim’s consent, and even in case of the victim’s consent it is not automatic and depends on many other conditions.

The out-of-pocket expenses of the victim and his or her representative incurred in the case are costs of criminal proceedings, as are the costs of the victim incurred in connection with his or her presence as witness. While the former is not advanced by the State, the latter is reimbursed after the procedural action.

The defendant is ordered to bear the costs of the criminal proceedings if the defendant is declared guilty.

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

The Act on Criminal Proceedings provides for the protection of rights in respect of proceedings falling under the jurisdiction of Hungary regardless of nationality and place of residence. The victim support service provides the same services to the nationals of any EU Member State as to Hungarian citizens.

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

The victim is only notified individually about the decision ordering the investigation if the crime was not reported by the victim. In addition, the Proceedings Act defines situations and decisions about which the victim must be notified.

The victim has the right to be notified upon his or her request, in connection with the crime concerning him or her, about the release or escape of the detained person, the release on parole, final discharge or escape as well as interruption of the execution of term of imprisonment of, the person sentenced to a term of imprisonment, the release or escape of the person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest, the release or escape of the person under involuntary medical treatment, the release, leave without permission and adaptation leave of the person under involuntary medical treatment and, in case of education for young offenders, temporary or permanent release, leaving the institution without permit and interruption of education for young offenders.

The victim must be notified about the following decisions in particular: assignment of an expert, suspension of the investigation, conclusion of the investigation, termination of the investigation, indictment, partial omission of indictment, dropping of charges, and adoption of any decisions which contain provisions pertaining directly to the victim, as well as the adoption of a conclusive decision.

The victim must be informed about the place and date of all procedural actions where he or she may participate. Such actions include the hearing of an expert during the investigation, inspections, reconstructions, presentations for identification, as well as trials and open sessions in the course of court procedures.

During the investigation, the victim may learn about, for a fee, obtain copies of any expert opinions and files on investigative actions during which he or she may be present, and may obtain copies of other documents if that is not contrary to the interests of the investigation. After the conclusion of the investigation, the victim is allowed to examine any documents pertaining to the criminal offence committed against him or her.

In course of the investigation, the victim may lodge an appeal or complaint against all decisions containing provisions pertaining directly to him or her. The victim may file a complaint against, among other things, decisions rejecting his or her report of the crime or decisions suspending or terminating the investigation.

If the report of the crime is rejected or the investigation is terminated, and in certain cases where formal charges were filed in respect of a part of indictment and the victim’s complaint failed to bring the desired result, the victim may act as a substitute private prosecutor within a deadline set out by the law. The victim may also act as a substitute private prosecutor if the prosecutor does not establish, as a result of the investigation, a criminal offence which is subject to public prosecution or if the prosecutor has not taken over the representation of prosecution from the private prosecutor.

A victim acting as a substitute private prosecutor may submit, by way of his or her lawyer, a motion for prosecution, and may thus file an indictment on his or her own against the defendant.

During the court procedure, the victim may appeal only against the adjudication of the civil claim in its merits, but not against the decision in its merits. During the court procedure, the victim may act as a substitute private prosecutor if the prosecutor dropped the charge.

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

Criminal proceedings are conducted in Hungarian, but not knowing the Hungarian language will not be grounds for discrimination. In criminal proceedings you may use, both verbally and in writing, your native, regional or minority language or another language that you indicate as spoken by you. In these cases, you are entitled to an interpreter and to the translation of official documents addressed to you 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)?

The authority will strive to communicate with you in a simple and easily understandable way both orally and in writing. Information about your rights and warnings about your obligations will be communicated in an easily understandable way taking into account your condition and personal abilities. In the course of verbal communication, the authority is also required to ascertain whether you have understood the information communicated to you, and if not, the authority will explain such information or warning to you. If you are a minor or a disabled person, the authority must take special care when communicating with you. If you are hearing impaired, deaf-blind or speech impaired, you may ask for a sign language interpreter or you may make a written statement instead of a hearing.

Victim support services
Who provides victim support?
At state level, victim protection and legal aid functions are exercised by the government offices of the capital and the 19 counties. If you are a victim of crime, government agencies provide you with personalised assistance free of charge, as part of which you are provided with information about your rights and possibilities; emotional support; practical assistance and legal advice in simple cases; confirmation of your victim status;
instant monetary aid may also be provided based on an application submitted within 5 days of the date of commission of the related crime.

As part of legal aid, the government offices provide free legal advice to you in cases where the facts of the case are relatively straightforward, and if you are in financial need, you may be provided with legal services (e.g. drawing up of documents) via legal assistance outside the context of criminal proceedings and representation through a litigant friend within the context of criminal proceedings.


Besides state victim support organisations, you can also turn to a number of civil organisations if you have become a victim of a crime, for example:

WHITE RING Charitable Association, a member of Victim Support Europe, provides financial, legal, psychological and other support as well as help to the victims of crime and their relatives, mainly those who are in need because of their social situation ([http://fehergyuru.eu/](http://fehergyuru.eu/)),

the National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telefonszolgálat) provides help to the victims of domestic violence, child abuse, prostitution and human trafficking and, if needed, can arrange for their accommodation ([http://bantalmazas.hu/](http://bantalmazas.hu/)),

NGO ESZTER Ambulance (ESZTER Alapítvány és Ambulancia) provides free psychological treatment and rehabilitation for children and adults in an abused and traumatised condition, and provides legal information and advice ([http://eszteralapitvany.hu/](http://eszteralapitvany.hu/)),

NGO NANE Women’s Rights Association operates a free helpline and provides personal legal assistance as well as psychological and social counselling for adult and minor victims of domestic violence ([http://nane.hu/](http://nane.hu/)).

Will the police automatically refer me to victim support?
If you turn to the police as a victim of a crime, you will receive a written notification of the relevant victim support service from the police, and you will be informed of your opportunities for victim support, and upon request the police will issue the necessary certificate which will be handed to you or sent to the victim support service.

How is my privacy protected?
In the course of criminal proceedings your personality rights and the right of reverence of those involved must be respected, and any unnecessary disclosure of data on your privacy is prohibited. For this purpose, if your testimony as a witness is necessary, you may request that your data be handled confidentially which, from that time, will be disclosed only to the authority proceeding in the case.

Do I have to report a crime before I can access victim support?
It is not a general condition of eligibility for victim support service provided by the state that you file a report on the criminal offence committed to your injury; nevertheless you will be entitled to receive monetary aid (compensation, instant monetary aid) only if you have written proof of initiating the criminal proceedings.

Personal protection if I am in danger
You can get personal protection after the initiation of criminal proceedings. If you are in a threatened situation due to your participation in criminal proceedings, you may request the authority proceeding in the case that you as a victim or witness as well as your family members and relatives be provided with personal protection. Personal protection may be initiated by the investigating authority proceeding in the case, the prosecution or the court, and the decision will be made by the police which provides the personal protection.

If you are to be heard as a witness and your testimony relates to the substantial circumstances of a particularly serious case, you may be declared specially protected if the evidence expected by your testimony cannot be substituted and if the exposure of your identity in connection with your participation in the criminal proceedings would seriously jeopardise either your or your relatives’ life, limb or personal freedom.

The investigating judge will decide on declaring the witness specially protected, which may be motioned by the prosecution, so you must initiate this kind of protection at the prosecution. If you are declared a specially protected witness, you may only be questioned by the investigating judge and you may not be summoned to the trial, your name, personal data and place of residence will be handled confidentially and they will not be disclosed to the defendant and his defence counsel.

You may also be protected within the framework of a special Protection Programme. If you participate in such a Programme, you may be summoned to or notified about the procedural actions, or sent documents only through the body responsible for your protection, and the address of that body will be indicated as your place of residence. No one, including the authorities, may be provided with copies of documents containing information about you, unless the body responsible for your protection has permitted it. In this case, you may refuse to give testimony giving or implying information about your new identity or place of residence.

If a criminal act punishable with imprisonment was committed to your injury, you may motion the court to order the defendant to restrain from you for a period of ten to sixty days.

What types of protection are available? Who can offer me a protection?
During criminal proceedings, the court, the prosecutor and the investigating authority will constantly examine whether you are a victim who has need for special protection based on the facts and circumstances characterising your personality and living conditions and the nature or the circumstances of the criminal offence, about whom it can be established that they have special needs during the criminal proceedings. Basically, in this case, the court, prosecution or investigating authority conducting the criminal proceedings may order the measures providing your personal protection, with the stipulation that the personal protection and Protection Programme defined in Section 7 is provided by the police, while the restraining order may be issued by the court.

Will someone assess my case to see if I am at risk of further harm by the offender?
Yes. It is a fundamental function of the court, the prosecution and the investigating authority to prevent the commission of further criminal offences by the offender. This aim is realised through coercive measures focusing on the defendant and his or her personal characteristics which involve the loss or restriction of the defendant's liberty (e.g. restraining order, house curfew) and, on the other hand, through measures ensuring your due care and protection which are based on the special consideration of your interests as a victim.

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. In criminal proceedings, procedural actions involving your participation as a witness must be prepared and conducted by the court, the prosecution and the investigating authority in such a manner that they are not unduly repeated and you do not meet the defendant unnecessarily. For this purpose, for example, your confrontation with the defendant may be omitted upon your request or ex officio, the defendant may be removed from the courtroom during the time you are questioned, and you may be questioned by means of telecommunication (even with the distortion of your facial features or voice).

**What protection is available for very vulnerable victims?**

If you are a victim who has need for special protection based on the facts and circumstances characterising your personality and living conditions or the nature or the circumstances of the criminal offence, the criminal proceedings will be conducted with utmost care for you, and any procedural actions affecting you (taking into account the interests of the proceedings) will be prepared and implemented by taking your needs into account as much as possible.

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

In line with the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989, the Hungarian legal system considers a person a child if he or she is under the age of 18 years.

In criminal proceedings affecting victims who are minors, it is a general requirement for authorities and judicial bodies to ensure the full application of children’s rights laid down in international conventions, particularly the principle of giving prime consideration to the ‘best interests of the child’ in decisions affecting minors.

In criminal proceedings, minor victims have additional rights compared to adults, and further protection is provided to them. If the victim is under the age of 18 at the time of initiation of the criminal proceedings, he or she will be deemed to be a ‘victim with special needs’ without submitting a separate request to that effect.

It is a general rule for victims with special needs that procedural actions must be prepared and implemented with the utmost care for the victim and by taking his or her needs into account as much as possible.

**Victims under the age of 18 years** have additional special rights compared to adults:

- Expeditious criminal proceedings must be conducted for criminal offences committed against life and limb or health or sexual freedom and for sexual offences as well as criminal offences against the interests of children and family or violent criminal offences against other persons, if the interests of the child justify that the criminal proceedings be concluded as soon as possible. Expeditious criminal proceedings are especially justified where the physical, mental or moral development of the victim were significantly jeopardised or where the defendant is responsible for raising, supervising or caring for the victim at the time of the proceedings or otherwise lives in the victim’s environment.
- Additional care should be taken in an oral and written communication conducted with him or her. Minors must be informed about their rights and obligations in a manner appropriate to their age and maturity and, if necessary, special clarification and explanation must be given to them.
- The ward of a minor must be notified of the subpoena, and that notification must be served together with a request to ensure the attendance of the minor. The legal representative, supporter and ward of the minor may be present at the examination of the minor as a witness. The person accompanying the witness is entitled to the reimbursement of the same expenses as the witness.
- The testimony of a minor may not be tested by instrumental credibility examination (polygraph).
- If the obligation for personal cooperation is not prescribed by the law, the rights of the minor may also be exercised by his or her legal representative.
- The examination may be ordered to be held by way of a closed-circuit communication system (video conference). In this case, the victim is placed in a separate room and he or she may communicate with those who are present at the venue of the trial via a device simultaneously transmitting video and voice (video conference).
- Ex officio or upon request, the court may exclude the public from the trial to protect the minor participating in the proceedings.
- If the prosecutor wishes to question a victim with special needs as witness in criminal proceedings conducted due to a criminal offence committed against sexual freedom, a sexual offence or an offence against the person of a relative, the victim may only be examined by a person of the same sex, provided that this is requested by the victim and it does not adversely affect the interests of the proceedings.

**Victims under the age of 14 years** have further special rights in addition to the above:

- The victim may only be heard as witness if the evidence expected from the testimony cannot be substituted. The victim only has to participate in confrontation if it will not cause anxiety to him or her.
- Subpoenas and notices on the examination of the witness must be served through their ward. The fact of the subpoena and notice must be communicated to the legal representative of the minor.
- Prior to filing the indictment, the investigating judge will hear the minor if there are reasonable grounds to assume that questioning at a public hearing would adversely affect the minor’s personal development. The hearing of the witness by the investigating judge may be motetoned at the prosecutor by the legal representative, the ward and the lawyer acting on behalf of the witness. Provided that the conditions set forth by law are met, the prosecutor will motion the hearing of the minor in such a way. The defendant and the counsel of the defendant may not be present at the session held by the investigating judge.
- The venue of the hearing of the witness is a room specially designed for hearings of minors. Derogations from this are only permitted in exceptional cases.
- The hearing may also be held by way of a closed-circuit communication system (video conference).
- The hearing of a witness under the age of 14 must be recorded using a video or audio recording device. In case of minors over the age of 14 years, this is only permitted on condition that an advance is granted for the costs.
- The minor may not be summoned for a public hearing if he or she was heard by the investigating judge before indictment.
- If the minor was not heard by the investigating judge before indictment but later the hearing as a witness becomes necessary, the minor may only be heard out of trial. In the event that the minor reached the age of 14 at the time of the trial, he or she may also be heard by the court in the trial in an especially justified case. The notification of the defendant and the counsel of the defendant may be dispensed with in both cases.

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

Victims who died either prior to or following the institution of criminal proceedings may be replaced by a relative in direct line, spouse, life partner, brother or sister, legal representative or a dependent person supported based on agreement or legislation who may exercise the rights of the victim.

In case of multiple persons who are entitled to do so, the persons concerned may designate a person exercising the victim’s rights. In the absence of such an agreement, the person who first acted in the proceedings may exercise the rights of the victim.

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

If the obligation for personal cooperation is not prescribed by the law, the rights of the victim may also be exercised by his or her legal representative. A lawyer or relative of full age may act as a representative based upon an authorisation.

If the complainant makes a verbal complaint, a person of full age designated by the complainant may be present at the hearing for the purpose of providing his or her support (including language support), provided that the presence of that person does not adversely affect the interests of the proceedings.
In case of investigative acts where your presence is obligatory or you may be present, your representative, supporter and, if it does not violate the interests of the proceedings, a person who is of age designated by you may also be present at your side. The above rule is applicable to the hearing of the victim and the examination of the victim as witness.

In case of death of the private substitute prosecutor, he or she may be replaced by a relative in direct line, spouse, life partner, brother or sister, legal representative or a dependent person supported based on agreement or legislation within thirty days.

**Can I access mediation services? Under what conditions? Will I be safe during mediation?**

The main goal of a mediation procedure is to ensure compensation for the consequences of the crime by the defendant in a way that is also acceptable for the victim. In mediation proceedings, therefore, efforts should be made to reach an appropriate agreement between the defendant and the victim for compensating the damage.

Provided that the conditions set forth by law are met, the prosecutor or, if the case is before the court, the judge may postpone the proceedings for a maximum of six months and order mediation.

Mediation may be ordered for criminal proceedings if the following conditions are met:
- it is motioned by the defendant or the victim or they voluntary agreed to do so;
- the criminal proceedings were launched for a crime committed against life and limb or health, human dignity and other fundamental human rights, a traffic offence or a crime against property or intellectual rights and the crime is punishable by imprisonment not exceeding five years;
- according to the Criminal Code, after a successful mediation procedure the criminal proceedings may be terminated or the penalty may be reduced without limitation;
- the suspect has admitted his or her guilt before being indicted and has agreed and is able to provide restitution by way of the means and to the extent accepted by the victim;
- the criminal proceedings may be dispensed with having regard to the nature of the crime, the way it was committed and the personal circumstances of the defendant, or there are reasonable grounds that the court would evaluate the restitution provided by the defendant in the framework of the imposition of punishment.

The victim may motion for ordering mediation at any stage of the proceedings. However, a mediation procedure may be ordered only once per case, so if the mediation process is concluded unsuccessfully for whatever reason, it may not be repeated.

A mediator trained for this purpose and employed by the State is responsible for the proper conducting of the mediation procedure. In the mediation procedure, the victim may choose to meet the defendant exclusively in the presence of the mediator, and in this regard the mediator’s person provides an adequate guarantee for the victim’s personal security.

**Where can I find the law stating my rights?**

Act XIX of 1998 on Criminal Procedures;
Act C of 2012 on the Criminal Code;
Act CXXXV of 2005 on the Support of Victims of Crime and State Compensation;
Act LXXX of 2003 on Legal Aid;
Act LXCVI of 2001 on the Protection Programme for those Participating in Criminal Proceedings and Supporting Jurisdiction;
Act CXXIII of 2006 on Mediation Activities Applicable in Criminal Cases;
Decree No 64/2015 of the Minister of Interior of 12 December 2015 on the Tasks of the Police Related to Victim Support;
Joint Decree No 23/2003 of the Minister of Interior and the Minister of Justice of 24 June 2003 on the Detailed Rules of Investigation Conducted by Investigative Authorities under the Minister of Interior and the Rules of Recording Investigative Acts by Means Other than Minutes;
Decree No 25/2016 of the Minister of Justice of 23 December 2016 on the State Reimbursement of Out-of-Pocket Expenses of the Defendant and the Defence Counsel, and on the Expenses and Fees of Persons Participating in Criminal Proceedings;
Decree No 14/2008 of the Minister of Justice and Law Enforcement of 27 June 2008 on the Reimbursement of Witnesses;
Joint Decree No 21/2003 of the Minister of Justice, the Minister of Interior and the Minister of Finance of 24 June 2003 on the Advancing of the Costs of Criminal Proceedings;
Order No 2/2013 of the National Police Headquarters of 31 January 2013 on the Tasks of the Police Related to Victim Support.

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2. Reporting a crime and my rights during the investigation or trial

How do I report a crime?

Anyone can report a crime.

Crimes are generally reported to the prosecutor or to the investigating authority:
- personally (in writing or orally) – oral reports are recorded by a representative of the authority, who will ask you about the elements and circumstances of the crime committed against you, the identity of the offender and any evidence you may possess;
- by phone – the police also operates a free hotline called ‘Phone Witness’, through which witnesses and victims can report criminal offences anonymously. The toll-free hotline number is 003680555111 and it operates 24 hours a day with the associates of Budapest Police Headquarters taking the reports. More information on the hotline is available in Hungarian on the official website of the Hungarian Police at [http://www.police.hu/en](http://www.police.hu/en);
- by any other means of communication, including dialling the EU emergency number: 112.

Reports may also be accepted by other authorities or courts, which are obliged to send them to the investigating authority. If the report requires immediate action, it must be accepted.

All submitted reports are registered immediately.

You can report anonymously, meaning that it is not obligatory to submit your identification or contact details. Your report needs to contain details about the crime. There is no special form required by the authorities for reporting crimes.

There is no expressed deadline for reporting a crime, but the authorities will reject your report if it is made past a certain period. This period (the so-called limitation period) is usually equivalent to the maximum period of penalty for a given offence and is at least 5 years.
For some crimes, you may also submit a private motion, which is a statement where you expressly request that the perpetrator be punished and you have 30 days to submit the private motion after you get to know the identity of the offender.

**How do I find out what's happening with the case?**

The complainant or, if the report was not made by the victim but she or he is known, are notified about the initiation of the investigation.

The court will decide on and notify you of the following:
- the rejection of your request to become a substitute private prosecutor,
- the termination of the procedure if the investigation ordered on the basis of your report submitted as a private prosecutor was not successful.

During the investigation, the police or the prosecutor may inform you about:
- investigative actions,
- appointing an expert in the case,
- issuing a restraining order against the offender.

As a victim of a crime, you have several privileges which allow you to obtain information about the investigation:
- you may be present (but your presence is not obligatory) at the hearing of experts, the inspection of a scene or an object, evidentiary experiments and identification line-ups, and you should be notified about these actions, but such notification may be dispensed with if it is justified by the urgency of the investigative act, and the notification must be dispensed with if the protection of the person involved in the proceedings cannot be otherwise guaranteed,
- you may inspect the minutes of any investigative actions where you can be present, and other files may be inspected only if this is not contrary to the interests of the investigation,
- in case of investigative acts where your presence is obligatory or you may be present, your representative, supporter and, if it does not violate the interests of the proceedings, a person who is of age designated by you may also be present at your side; in case you are interviewed as a witness, a person who is of age designated by you may also be present at your side beside the lawyer representing your interests,
- you have the right to be notified upon your request, in connection with the crime concerning you, about: the release or escape of the defendant in pre-trial detention,
- the release on parole or final discharge or escape as well as interruption of the execution of the term of imprisonment of the person sentenced to a term of imprisonment,
- the release or escape of the person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest,
- the release or escape of the person under temporary involuntary medical treatment,
- the release, leave without permission and adaptation leave of the person under involuntary medical treatment,
- in case of education for young offenders, the temporary or permanent release, leaving the institution without permit and interruption of education of young offenders,
- you may obtain copies of expert opinions and files on investigative actions during which you may be legally present; other copies may be obtained only if that is not contrary to the interests of investigation and only after you have given testimony as a witness; once the proceedings are terminated you can receive copies of all files created by the police or the prosecutor upon request,
- you may inspect case files after the end of the investigation, submit requests and make observations.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

Yes.

In criminal proceedings, the State grants the following aid within the framework of legal aid:
- personal exemption from costs for substitute private prosecutors,
- representation through a litigation friend for injured parties, private prosecutors, private parties and other interested parties as well as for substitute private prosecutors.

You are entitled to such aid if you are considered in need in accordance with the provisions of the Act on Legal Aid, but the right to representation through a litigation friend is granted only to victims, private prosecutors, and other interested persons who are in need if, because of the intricacy of the case, their lack of legal expertise or other personal circumstances, they would not be able to effectively assert their procedural rights if they proceeded personally.

Applications for aid may be submitted to the legal aid service at the latest during the litigation stage of the criminal proceedings before the divisional session of the court held for adopting a peremptory decision.

As far as the legal aid service allows you to use legal aid, you can select a legal aid provider from a register provided for that purpose.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

Yes.

If you participate in the proceedings as a victim, private prosecutor, substitute private prosecutor or civil claimant, the following expenses incurred by you or your representatives will be reimbursed:
- travel and accommodation expenses,
- costs of the opinion of the expert, invited by yourself, with the consent of the prosecution/court,
- expenses of full or partial video or audio recording of the proceedings/stenography,
- expenses for one copy of the case files,
- communication expenses (phone, fax, post, other),
- representatives’ fee.

Your out-of-pocket expenses and those of your representatives, as well as the representatives’ fees are advanced by yourself, irrespective of your capacity in the proceedings.

Expenses incurred as a result of your participation in the proceedings as a witness (travel expenses, accommodation expenses, board expenses, expenses related to taking days off work) will be reimbursed upon your request.

Travel expenses: expenses actually incurred in connection with the journey from the place of residence of the witness to the place of the hearing and the return journey.

Accommodation expenses: if the hearing of the witness started at a time when the journey from the place of residence to the place of the hearing would be started during the night hours, the expenses of accommodation for the witness in commercial accommodation or at a family resort will be reimbursed.

Board expenses: board expenses will be paid to the witness if he or she is entitled to a reimbursement of accommodation expenses or if the whole duration of the journey from the place of residence to the place of the hearing and the return journey plus the hearing exceeds 6 hours within a day.
Expenses related to taking days off work: a witness who is not entitled to payment for a period of absence for the time taken off work for the hearing is entitled to a reimbursement of 1.5% of the minimum pension per hour for the period taken off work, including the period spent travelling.

The witness who was present at the expert investigation must send the supporting evidence for the expenses to the authority or court that ordered the expert investigation, which will determine the amount of reimbursement after the receipt of the expert opinion.

If you are enforcing a civil claim as a civil claimant, the court will order the defendant to pay your out-of-pocket expenses and the out-of-pocket expenses and fees of your representative if the court's resolution upholds your civil claim. If the claim is partially upheld, the defendant will be obliged to pay a proportionate amount of costs.

If you are a substitute private prosecutor, the court will order the defendant to pay your out-of-pocket expenses and the out-of-pocket expenses and fees of your representative if the prosecution is represented by the substitute private prosecutor and the court finds the defendant to be guilty.

Can I appeal if my case is closed before going to court?

The victim may file an appeal, in the case specified by the law, if the investigating authority or the prosecution rejected the report or terminated the investigation. In case of rejection of the report, the victim may only request an investigation if he or she made the report.

Protest against the decision rejecting the report or the decision terminating the investigation may be filed within eight days from the communication of the decision. If the investigating authority or the prosecution adopting the decision does not sustain the protest, it must submit it to the prosecutor who is entitled to judge it. The decision made on the protest by the prosecutor may not be subject to further legal remedies.

Can I be involved in the trial?

After the notification of the indictment, the court establishes the date of the trial and makes arrangements for the trial, as well as for summons and notices.

Persons whose presence at the trial is obligatory are summoned to attend and notification are sent to those whose presence at the trial is allowed by the law.

The order of evidentiary actions at the trial is decided by the court. The evidentiary procedure starts with the questioning of the defendant, and the victim is usually the first among the witnesses to be heard. While a witness is being questioned, no other witnesses who have not yet been questioned may be present. Derogation from this rule is, however, permitted in the case of questioning the victim as a witness. The legal representative of the victim may be present throughout the course of the trial so the victim may be informed about any evidentiary procedures that took place in his or her absence through his or her legal representative.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

The victim may participate in the criminal proceedings in four roles under procedural law, as follows:

- witness: a person who may have knowledge of the fact to be proven;
- civil party: a victim enforcing a civil claim (most often a claim for damages) in criminal proceedings;
- private prosecutor: in the case of some criminal offences specified by the law, the victim may represent the prosecution himself as private prosecutor;
- substitute private prosecutor: in the case of some criminal offences which are otherwise subject to public prosecution, as specified by the law, the victim may represent the prosecutor.

If it is deemed necessary for the evidentiary procedure, the victim is obliged to make a testimony or contribute to the procedure in other ways in the cases and by the means defined by the law. By contrast, acting as civil party, private prosecutor or substitute private prosecutor is up to the victim’s decision alone.

What are my rights and obligations in this role?

At every stage of criminal proceedings, the victim is entitled to:

- be present at the procedural actions and inspect the documents affecting him or her in course of the procedure (unless otherwise provided for by the law), make motions and objections at any stage of the procedure, receive information from the court, the prosecutor and the investigating authority concerning his or her rights and obligations during the criminal proceedings, file for legal remedy in cases specified by the law;
- be notified upon his or her request in connection with the crime concerning him or her about the release or escape of the detained defendant, or of the defendant sentenced to a term of imprisonment or under involuntary medical treatment.

If it is deemed necessary for the evidentiary procedure by the investigating authority, the prosecution or the court, the victim is obliged to make a testimony or contribute to the procedure in other ways in the cases and by the means defined by the law. This primarily means fulfilling the obligation of giving testimony, exceptions from which are cases where the victim may not be heard as witness at all (e.g. legal professional privilege, knowing a secret as a clergyman) and cases where the victim may refuse to give testimony (e.g. relative of the defendant, or victims who would incriminate themselves or their relatives).

The victim may participate as civil party in the criminal proceedings and may indicate already at the time of reporting the crime that he or she intends to enforce a civil claim (typically a claim for damages). The enforcement of civil claims is exempt from fees. In this case, the court decides on the defendant’s criminal liability and the civil claim within one criminal proceeding, which has the advantage for the civil party that he or she does not have to initiate a civil procedure. During the criminal proceedings the civil party may make a motion for sequestration on the defendant’s property if there are reasonable grounds to assume that the satisfaction of the claim will be frustrated.

In case of criminal offences defined by the law (assault, invasion of privacy, violation of secrecy of correspondence, libel, defamation and irreverence) the victim may act as private prosecutor. In the case of the abovementioned criminal offences, the victim must report the crime within 30 days after the victim learned the identity of the offender. In the report, the victim must indicate any evidence of the crime, and must expressly declare if he or she requests the punishment of the defendant.

The crime can be reported to the court orally or in writing. The court will order an investigation if the defendant’s identity, personal data or place of residence are unknown, or if locating the means of evidence is necessary. The court will terminate the proceedings if the identity of the offender could not be determined during the investigation.

The court will set a personal hearing at which it will endeavour to reconcile the victim and the defendant. If the attempt at reconciliation is successful, the court will terminate the proceedings; otherwise the proceedings will continue in a public trial.

If the victim withdraws or drops the charge, the proceedings will be terminated. Similar consequences apply if the victim does not attend the personal hearing or the trial and fails to provide a substantial excuse in advance, or if the victim could not be summoned because he or she did not report a change of address.

The private prosecutor has the full rights that the representation of the prosecution entail, including the rights that may be exercised during the course of the proceedings and the right to legal remedy against the decisions made by the court.

After exhaustion of the possibilities for legal remedy available during the investigation, it is possible in some cases for the victim to act as a substitute private prosecutor and represent such cases at the court himself. Among other cases, you may act as a substitute private prosecutor if the report of the crime was rejected or the investigation was terminated on the grounds that the action was not a criminal offence or if any grounds for preclusion of punishability exists (e.g. coercion and duress, mistake, lawful self-defence or imminent danger). If in a specific case it is possible to act as a substitute private prosecutor under the law, the prosecutor deciding on the protest will specifically inform the victim about this.
If the protest is rejected due to the refusal of the report or the termination of the investigation, the victim will be allowed to examine the documents pertaining to the criminal offence committed against the victim at the official premises of the prosecutor’s office. A victim acting as a substitute private prosecutor may submit a motion for prosecution to the prosecutor’s office of first instance having proceeded in the case within sixty days of the rejection of his or her protest. The legal representation (by a lawyer) of the substitute private prosecutor is obligatory. The acceptability of the motion for prosecution is decided by the court.

**Can I make a statement during the trial or give evidence? Under what conditions?**

The victim is entitled to be heard during the criminal proceedings. In accordance with the provisions of the law, the victim is not only obliged but also entitled to cooperate at his or her own discretion in the evidentiary procedure. The victim may give a testimony and may also serve evidence in other ways (e.g. by providing documentary evidence to the authority). The victim may make motions and objections at any stage of the procedure. Generally, from among the witnesses, the victim is questioned first. After the prosecutor speaks for the prosecution, the victim may make an address and may state if he or she requests the establishment of the defendant’s criminal liability and punishment. The civil party may make a statement in connection with the civil claim intended to be enforced.

**What information will I receive during the trial?**

Before trial, the witness summoned to the trial may contact a witness supporter of the court for proper information. The witness supporter of the court is a judicial administrator who provides the witness with information about giving testimony and facilitates the attendance necessary for it. Witness support does not cover information about the case and may not have the effect of influencing the witness.

In the criminal proceedings the victim is entitled to receive information concerning his or her rights and obligations and about the case and, unless otherwise provided for by the law, to be present at the procedural actions and to inspect the documents about the crime committed against him or her and receive copies after the investigation is concluded.

The victim must be informed about the indictment and must be notified about any decisions concerning him or her as well as the conclusive decision.

**Will I be able to access court files?**

The victim is entitled to inspect the documents about the crime committed against him or her and receive copies at any time after the investigation is concluded.

The court must ensure the right to inspect documents in such a way as to avoid unnecessary disclosure of data on privacy. However, the issuance of copies of documents may only be limited on grounds of human dignity, personality rights and right of reverence.

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**3 - My rights after trial**

**Can I appeal against the ruling?**

The victim may appeal against the ruling if he or she is also a substitute private prosecutor, a private prosecutor or a civil party, or if the ruling contains a provision allowing appeals. The civil party may lodge an appeal against the provision adjudicating the civil claim in its merits. If any other provision is included in the ruling concerning the victim, he or she may appeal against such provisions.

**What are my rights after sentencing?**

If an appeal has been lodged against the sentence in the first or second instance, the victim is entitled to be present at the trial and public session held by the court of second or third instance, to access the documents produced in the course of the proceedings, to make motions and objections, and to make an address to the court after the closing argument of the public prosecutor.

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

The answer to this question to the extent that it concerns victim support falls within the responsibilities of the Deputy State Secretariat for Justice and Private Law Legislation of the Ministry of Justice and the Deputy State Secretary for Justice Methodology Management of the Ministry of Justice, while with regard to victim protection it falls within the responsibilities of the Ministry of Interior.

**What information will I be given if the offender is sentenced?**

The judgment, from which the victim can learn about the content of the sentence, namely the nature, type, extent and content of the punishment or measures imposed against the defendant, must be served to the victim by the court.

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

The victim or, in case of his or her death, the person who exercises his or her rights is entitled to be informed upon request about the following in connection with the crime concerning the victim:

- the release or escape of the defendant in pre-trial detention,
- the release on parole or final discharge or escape as well as interruption of the execution of the term of imprisonment of the person sentenced to a term of imprisonment,
- the release or escape of the person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest,
- the release or escape of the person under temporary involuntary medical treatment,
- the release, leave without permission and adaptation leave of the person under involuntary medical treatment, and
- in case of education for young offenders, the temporary or permanent release, leaving the institution without permit and interruption of education of young offenders.

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

The last day of imprisonment is determined by the penal institution and on that day it will arrange for the release of the convict. If the penal institution makes a motion for the release on parole of the convict, the penal judge will hold an audition of which the victim will not be notified and where he or she may not participate. The victim may not make a statement and may not appeal against the decision of the court made in the subject of release on parole.

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The language version you are now viewing is currently being prepared by our translators.

Please note that the following languages: **HU** have already been translated.
What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Primarily within criminal proceedings, the victim may enforce his or her claim for damages that arose as a consequence of the act subject of the accusation as civil claimant. In this case, the procedure conducted as part of the criminal proceedings for the enforcement of a civil claim is called as adhesion procedure. Civil claims may be enforced by other legal means as well. The fact that the victim did not take action as a civil claimant does not preclude the possibility of enforcing the claim. Under the conditions specified in the Code of Civil Procedure, a civil claim may also be enforced by the prosecutor instead of the victim.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

Enforcement proceedings may be initiated within 30 days from the expiration of the fulfilment of obligations established by the court. In this respect, the court will issue an enforcement file based on the part of the decision made in the criminal proceedings that concerns the civil claim.

If the offender does not pay, can the state pay me an advance? Under what conditions?

The state cannot pay you an advance. However, if an intentional violent criminal offence has been committed against you and as a consequence of it you have been injured physically and your health has been damaged you may receive state compensation. State compensation is independent from the civil claim, but if your loss or damage was compensated from other sources (e.g. by a court or insurer) within three years following the date when the decision on the merits of your application for compensation became final, you will be required to refund the compensation paid by the state.

Am I entitled to compensation from the state?

You are entitled to state compensation if an intentional violent criminal offence has been committed against you which resulted in serious damage to your physical integrity and health.

You may also be entitled to state compensation if you are a close relative or dependant of such a victim or if you have paid for the funeral of the deceased victim.

Only victims who are in need based on their financial standing or other conditions set out by the law may be eligible to state compensation.

You may submit your application for state compensation to any victim support service (district government office). When deciding on your application, the authority will examine the causal link between the amount of damages and the criminal offence.

Applications for compensation may normally be submitted within 3 months from the day on which the crime was committed, and the maximum amount of compensation in 2017 is HUF 1 599 105.

Am I entitled to compensation if the offender is not convicted?

If your criminal report is rejected, the investigation is terminated or the defendant is cleared for charges for reasons of grounds for exclusion specified by the law (namely: under-age, serious mental incapacity, coercion or duress, mistake, lawful self-defence, extreme necessity or a superior’s command), you will be entitled to state compensation.

State compensation is independent from the civil claim, but if your loss or damage was compensated from other sources (e.g. by a court or insurer) within three years following the date when the decision on the merits of your application for compensation became final, you will be required to refund the compensation paid by the state.

If you enforce your civil right outside the criminal proceedings then the matter of criminal liability and compensation will become separate from each other, that is, the two proceedings may result in judgments with different contents.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

As a victim of a crime or offence, you may be entitled to the payment of instant monetary aid for the purpose of remedying the crisis situation caused within a very short period by the crime or offence. You may submit your application to the victim support service (at a district government office), and the condition of receiving compensation is to report the crime to the police. Payment of instant monetary aid is decided based on the principle of equity and may be provided to victims without assessing whether they are in need. However, in the course of the proceedings, it must be examined whether the victim’s personal circumstances resulting from the criminal offence justify this kind of monetary aid. Instant monetary aid is not compensation and it is not intended to compensate or mitigate the damage caused by the criminal offence. It may be provided for the coverage of nutrition, housing, travel, clothing, medical and funeral expenses of the victim. The amount of instant monetary is determined based on the victim’s situation resulting from the criminal offence and the length of time during which the victim is unable to solve the his or her financial problems on his or her own. The maximum amount of the aid in 2017 is HUF 106 607.

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5 - My rights to support and assistance

I am a victim of crime: who do I contact for support and assistance?

If you have become a victim of a crime, you may report it at the nearest police station or by dialling the emergency call numbers 107 or 112.

The staff of the state-run Victim Support Service and Legal Aid Service can assist you at the nearest district government office. The staff of the free-phone Victim Support Line (Áldozatsegítő Vonal) (+36-80-225-225) provide immediate help via phone 24 hours a day in Hungary.


Victim support hotline

Police: 107

General emergency number: 112

Phone Witness (Telefontanú): +36-80-555-111 (through which you can report offences anonymously)

Victim Support Line (Áldozatsegítő Vonal): +36-80-225-225 (free-phone number which can be dialled 24 hours a day in Hungary)

National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telefonszolgálat) +36-80-205-520

NGO NANE Women’s Rights Association (Nők a Nőkért Együtt az Erőszak Ellen Egyesület):

+36-80-505-101 (helpline for abused women and children; it can be dialled free of charge, via cell phone as well, on Mondays, Tuesdays, Thursdays and Fridays between 6 p.m. and 10 p.m.)

+36-40-603-006 (for victims of sexual violence, it can be dialled on Fridays between 10 a.m. and 2 p.m. at local tariffs)

Patent Association (Patent Egyesület): +36-70-25-25-254 (free-phone legal aid service in essential legal and psychological issues for women living in an abusive relationship, which can be dialled on Wednesdays between 4 p.m. and 6 p.m.)

Is victim support free?
The victim support procedures are accessible without fees and free of charge. If you don’t speak Hungarian or need to use a sign language interpreter due to communication-related disabilities, the costs of translation and interpreting will be borne by the state.

What types of support can I receive from state services or authorities?
The Victim Support Service (Áldozatsegítő Szolgálat) can
inform you about your rights, obligations and possibilities,
provide information about social welfare services, health care services and health insurance benefits,
provide instant monetary aid (within 5 days from the date of commission of the related crime),
provide emotional support (including psychological assistance if needed),
provide legal advice and practical help in simple cases,
confirm your victim status,
in addition to the above, seriously injured persons and relatives of fatal victims of violent criminal offences may apply for state compensation.

The National Crisis Telephone Information Service (Országos Kríziskezelő és Információs Telonszolgálat) can
provide immediate assistance for citizens (mainly for women and children) who are in serious crisis situations due to abuse,
secure immediate accommodation in safe shelters for persons in need after consultation. This will be ensured in crisis homes where accommodation is ensured for 30 days but, where justified, it may be extended by an additional 30 days. The accommodation is provided free of charge, and as part of the care provided, the specialists of the crisis home will help find a safe, long-term solution to the problem, and they are also in contact with the family assistant of the relevant Family Support and Child Welfare Service.

Legal Aid Service (Jogi Segítségnyújtó Szolgálat)
provides legal advice in cases where the facts of the case are relatively straightforward,
and, if the legally defined conditions are met, it
provides out-of-court services (counselling, document editing) free of charge or under favourable conditions,
provides representation through a litigation friend in court proceedings and in the pre-trial section (when the case is investigated by the investigating authority or the prosecutor) of the criminal proceedings. If representation through a litigation friend is allowed, the actual legal service is provided by lawyers and law firms who are in contractual relationship with the Legal Aid Service.

What types of support can I receive from non-governmental organisations?
You may primarily rely on the following non-governmental organisations:

White Ring Charitable Association (Fehér Gyűrű Közhasznú Egyesület)
personal care after the criminal offence,
free legal aid,
free mediation,
free psychological assistance,
financial support to those who are in need (only if the crime is reported to the police),
assistance with the proceedings of other authorities,
mediation of support provided by other organisations and institutions.

NGO NANE Women’s Rights Association (Nők a Nőkért Együtt az Erőszak Ellen Egyesület):
provision of information,
provides immediate practical help to those who are in crisis (e.g. placement in shelters for women, notification of authorities, advice about actions and possibilities),
group sessions,
legal aid (through legal advice if necessary).

NGO ESZTER Ambulance (ESZTER Alapítvány és Ambulancia):
psychological assistance,
legal aid.

information and advice,
ensuring background consultations with a psychologist or social worker,
providing legal aid to abused women as well as victims of gender-based violence and discrimination.

Anonymous Ways Foundation (Névtelen Utak Alapítvány):
safe accommodation,
rehabilitation,
reintegration.

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Victims’ rights - by country - Malta
You will be considered a victim of crime if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, etc., as a result of an incident, which constitutes a crime according to national law. As a victim of crime, the law grants you certain individual rights before, during and after court proceedings (trial).

Criminal proceedings in Malta start with investigation of the crime. Depending on the crime, the investigation is carried out by the police or by an investigating magistrate.

Less serious crimes (crimes punished by a fine or imprisonment of less than six months) are investigated by a police officer. If there is sufficient evidence against the offender the police officer brings the case to the Court of Magistrates for trial and acts as a prosecutor before the court. During the trial a judge examines the evidence and convicts or acquits the alleged offender. If the offender is convicted the same judge specifies the penalty to be imposed.
All other crimes are investigated by investigating magistrates. If there is sufficient evidence against the offender the investigating magistrate brings the case before the Court of Magistrates. The Court of Magistrates examines the evidence and if there is sufficient evidence it sends the case to the Attorney General. The Attorney General then brings the case to the Criminal Court for trial. During the trial a public prosecutor prosecutes the offender before a judge and a jury. The jury decides whether the offender is guilty or not. If the offender is found guilty the judge specifies the penalty to be imposed.
Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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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:
- The type of support you can receive and from whom;
- The procedure for reporting the crime and the role of the victim in the related procedures;
- How and under what conditions you can receive protection;
- How and under what conditions you may seek legal advice, legal aid or any other type of advice;
- How and under what conditions you may seek compensation;
- How and under what conditions you are entitled to interpretation and translation;
- 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;
- The procedures available to file a complaint when your rights as a victim are violated by the Police;
- The contact details for communications regarding your case;
- 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:
- Any decision not to pursue the investigation or to stop it altogether or not to take steps against the offender;
- The time and place of the criminal proceedings, and the nature of the charges against the offender;
- Any final sentence in the proceedings.

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 Aġenzija Appoġġ.

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 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 (Qorti 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) - [L] Chapter 539 of the Laws of Malta -  
With regard to mediation, the applicable law is the Restorative Justice Act (Att dwar il-Ġustizzja Riparatîn) - [L] Chapter 516 of the Laws of Malta -  

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2. Reporting a crime and my rights during the investigation or trial

How can I report a crime?

If you were the victim of a crime you can report it to the police. Your spouse, parents, children, siblings or guardian can report the crime on your behalf. You can also inform the police if you have learned about a crime even when you are not the victim of that crime.

You can report a crime orally, by going to the nearest police station or by calling the emergency number 112 in cases which require immediate assistance, or by handing in a report at the police station or sending a letter. If you choose to send a written report you can draft it yourself or you can ask a lawyer to assist you. There is no obligatory form you have to follow. Usually the report is made in English or Maltese but, if you do not understand or speak any one of these languages, you have the right to make the report in a language you understand or with the help of an interpreter. You need to include your personal details. Anonymous reports are accepted in principle, but the police will open an investigation on such a report only if the crime is a very serious one.

There is no deadline for reporting a crime. However, the law states that if a certain period of time has elapsed after the crime was committed, the offender can no longer be prosecuted. The period differs according to the nature of the crime and ranges from three months for the least serious offences (e.g. verbal insult) to twenty years for particularly serious crimes (e.g. homicide). After that period you can still file a report but the police will not investigate the crime.

Even if they conduct an investigation, the court will acquit the offender.

For some minor offences you need to file a special complaint with the police, namely in cases where the police may not open an investigation if no complaint has been filed. Complaints are usually, but not necessarily, submitted in writing. You can ask a lawyer to draft the complaint for you. Your complaint must include: your personal details (name, address, identity card number), information about the offender, description of the incident, and a list of witnesses you wish the police to interview including their addresses. It is also recommended, but not obligatory, to include a reference to the legal provision you think the offender has violated.

How can I follow up what is happening with the case?

When you report a crime you will receive a reference number. You can use this number to check the progress of your case. In practice, you can also check by using the date on which you submitted your report. You can receive information about the investigation by going to the police station or calling by phone.

Do I have a right to legal aid (during the investigation or the trial)? On what conditions?

Crime victims are entitled to legal aid

Can I claim any expenses incurred (to take part in the investigation/in the trial)? On what conditions?

Yes, you can claim expenses incurred.

Can I appeal if my case is closed before reaching the court?

If after the police investigation the crime, they decide to close the case without taking it to court, as a victim you can appeal against this decision before the Court of Magistrates (Qorti tal-Maġistrati). The Court of Magistrates will ask you to confirm on oath the information you have provided in your report and to declare your readiness to testify in court. You will also have to pay a certain sum specified by the court as a guarantee that your intention to have the offender prosecuted is serious. The Court of Magistrates will examine the evidence and if it finds it sufficient will order the police to continue with the proceedings.

Can I be involved in the trial?

You can participate in the proceedings as a civil party. To join the proceedings as a civil party you need to submit an application to the court. The court will examine your application and decide whether to allow you to become a civil party. As a civil party you can attend all court sessions, even those that are non-public and even if you will be giving your testimony in the proceedings.

What is my official role in the judicial system? For example, can I be or choose to be: a victim, witness, civil party or private prosecutor?

You can be a witness or civil party, as explained above.

What are my rights and obligations in this role?

Your rights and obligations during the trial before the criminal court depend on the court that hears your case:
if your case is prosecuted by a police officer before the Court of Magistrates you have almost the same rights as the defendant: you or your lawyer can present evidence, cross-examine witnesses (by asking the questions through the prosecuting police officer), etc.

if your case is prosecuted by the Attorney General, the Deputy Attorney General or a public prosecutor before the Criminal Court, you can only attend the hearing and present arguments related to the sentence if the jury has found the offender guilty.

<table>
<thead>
<tr>
<th>Can I make a declaration or testify during the trial? on what conditions?</th>
</tr>
</thead>
<tbody>
<tr>
<td>During the criminal proceedings you will probably be called to testify because the court would want to hear your testimony as a victim of the crime.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>What information will I receive during the trial?</th>
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</thead>
<tbody>
<tr>
<td>You will have the right to be kept informed about the progress of the trial as well as to be informed about the final sentence.</td>
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</table>

<table>
<thead>
<tr>
<th>Can I access to the Court files?</th>
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<tbody>
<tr>
<td>As a civil party you will have access to the court acts and documents.</td>
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</tbody>
</table>

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3 - My rights after trial

<table>
<thead>
<tr>
<th>Can I appeal against a sentence?</th>
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<tbody>
<tr>
<td>The trial before the court concludes with a court decision convicting or acquitting the defendant from the charges. If the defendant is found guilty the judge will sentence them. According to Maltese law only the defendant and the Attorney General have the right to appeal against the conviction/acquittal and/or the sentence before the Court of Criminal Appeal. However, if an appeal has been submitted and you have been a civil party during the first trial, your lawyer will be allowed to examine all the relevant documents related to the appeal proceedings.</td>
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<tr>
<th>What rights do I have after the sentence?</th>
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<tbody>
<tr>
<td>After the sentence enters into force, you have the right to receive a copy of the court decision. If the court sentences the offender to imprisonment, you have the right to be informed when the offender is released or else if they escape.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Am I entitled to support or protection after the trial? For how long?</th>
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</thead>
<tbody>
<tr>
<td>You have the right to support or protection after the criminal proceedings are over, during the trial and for an appropriate time.</td>
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<tr>
<th>What information can I be given if the offender is convicted?</th>
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<tbody>
<tr>
<td>You will be given a copy of the final sentence.</td>
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<table>
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<tr>
<th>Will I be involved in decisions regarding their release or their conditional release? For instance, can I make a statement or file an appeal?</th>
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</thead>
<tbody>
<tr>
<td>You will not be involved in such decisions although you will be informed about them.</td>
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</table>

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4 - Compensation

<table>
<thead>
<tr>
<th>What is the procedure for claiming damages from the offender? (for example, a court case, civil action, claim for damages)</th>
</tr>
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<tbody>
<tr>
<td>The legal procedure to claim compensation from the offender is to open a civil action for damages against them, unless the criminal court has already issued an order against the offender to pay the victim.</td>
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<table>
<thead>
<tr>
<th>The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?</th>
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<tbody>
<tr>
<td>When there is such an order, you have the right to execute that order as if the civil court had ruled in your favour: consequently, you may even request the issue of a seizure warrant or a writ of attachment.</td>
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<table>
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<tr>
<th>If the offender does not pay, can the State pay me an advance? Under which conditions?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the offender does not pay, there is a possibility for the Government to pay the victim an advance under certain conditions which may be laid down at the discretion of the Attorney General.</td>
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</table>

<table>
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<tr>
<th>Am I entitled to compensation from the State?</th>
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<tbody>
<tr>
<td>Yes, you are entitled to apply for compensation from the State under the Criminal Injuries Compensation Scheme.</td>
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</tbody>
</table>


There is a right to compensation even when the offender is not convicted or is unknown.

<table>
<thead>
<tr>
<th>Am I entitled to an emergency payment while I wait for the decision on my compensation claim?</th>
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<tbody>
<tr>
<td>In exceptional cases, emergency payments may be made pending a final decision on the compensation claim.</td>
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</table>

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5 - My rights to support and assistance

<table>
<thead>
<tr>
<th>I am a victim of crime, who can I contact for support and assistance?</th>
</tr>
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<tbody>
<tr>
<td>The Police</td>
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</tbody>
</table>

Website: [https://polizia.gov.mt/en/Pages/Home.aspx](https://polizia.gov.mt/en/Pages/Home.aspx)

National social welfare agency for children and families in need, Appoġġ


The Justice Department - for assistance regarding compensation for injuries caused by crime

Contacts:
1 - My rights during the investigation of a crime

How and where can I report a crime?

How can I follow up on what the authorities do after I report a crime?

How can I be involved in the investigation of the crime?

What are my rights as a witness?

I am a minor. Do I have additional rights?

What information can I obtain from police or victim support organisations during the investigation of the crime?

Can I receive legal aid?

How can I get protection, if I am in danger?

What services and assistance can I be given during the investigation of the crime?

Are there opportunities to reach settlementconciliation or to start mediation between the offender and myself?

How will my case continue after the end of the investigation?

Can I appeal if my case is closed without reaching the court?

I am a foreigner. How are my rights and interests protected?

More information

How and where can I report a crime?

If you have suffered from a crime or you have learned that a crime has been committed you can report it to the police officer at the nearest police station or you can write a letter to the public prosecutor. There is no specific form you need to follow. You can also prepare a written document authorising another person to report the crime for you. Such a written authorisation will not provide the person you have authorised with any additional rights apart from the right to report the crime instead of you. Electronic reporting is also available on a national scale at http://www.politie.nl/.

You can file your report in any language but the police or the public prosecutor may require you to submit the report in Dutch. You can use the assistance of an interpreter but you need to pay for his/her services.

There are no deadlines for reporting a crime.
When you report a crime the police will draft a written record with all the relevant information on the case, including your personal data (name and address) and the facts you know about the incident. You will be asked to present an identification document (passport, drivers licence or identity card) and sign the record.

For some specific crimes like insult or stalking you need to submit a special complaint asking the police or the public prosecutor to start proceedings. For such crimes proceedings can only be started if you explicitly request so, i.e. without your complaint the police or the public prosecutor will not open proceedings even if they have learned about the offence from other sources.

**How can I follow up on what the authorities do after I report a crime?**

The police officer will assign an administrative number to the record drafted on your report. You will receive this number so that you can follow the progress on your case. You will also receive a copy of the record, which you can use, for example, when you contact your insurance company.

When the police send the case to the public prosecutor it will receive another number, which is the number of the registered criminal case. At the police station you can check the progress of your case only by using the administrative number given by the police. At the Public Prosecution Service you can check how your case is proceeding using either the number given by the police or the registered criminal case number given by the public prosecutor.

From 2011 there will be 10 victim information counters operational across the country, to which you can also address your questions concerning the case. At these counters representatives of the police, the public prosecutors office and Victim Support Netherlands will inform you and support you in exercising your rights.

When you report a crime the police officer accepting your report will ask you if you wish to receive further information about your case. If you confirm that you wish to be kept informed the police and the public prosecutor will notify you on a regular basis about any important developments. You can also check yourself how your case is proceeding by asking at the police station or at the Public Prosecution Service.

**How can I be involved in the investigation of the crime?**

When you report a crime you have to tell the police officer everything you know about the incident. The police will then investigate the case to collect evidence and find the offender. Usually, the information provided in the report is sufficient at this stage. However, if a more extensive investigation is necessary the police may call you for one or more additional interviews.

As a victim you do not need to prove anything in relation to the crime. However, if you have evidence you wish to present (e.g. documents) you could give them to the police officer or the public prosecutor in charge of your case. You can request the performance of certain investigative actions but the public prosecutor will decide whether these are necessary for the investigation. From January 1, 2011, you can request the public prosecutor to add certain documents to the case-file. The public prosecutor can only refuse this on certain legal grounds, such as the interests of the investigation. In case of refusal, you can object to the prosecutor’s decision before the court within 14 days.

If the suspect is present at the interview you can ask the judge to pose certain questions to him/her. The suspect has the same right and can ask the judge to pose certain questions to you.

If necessary, the judge can also invite you to participate in a reconstruction of the crime. All other investigative actions at this stage will be conducted without your participation.

If the crime you have suffered from is a serious one you will be allowed to speak before the court during the trial and explain the consequences of the crime on your life. This is called a *Victim Impact Statement*. In such cases you can make a written statement during the investigation and deliver it to the public prosecutor. Such a written statement can be done as a preparation for your speech in court but you can also use it instead of speaking before the court, if you wish so. If you find it difficult, you may ask the local office of Victim Support Netherlands to help you with drafting your statement.

If you wish to claim damages from the offender you have to submit a *civil claim*. When you report the crime, the police officer will explain to you how this can be done and will ask you whether you wish to file such a claim. Your answer will be indicated on the police record. If you have stated that you wish to file a civil claim, when the public prosecutor decides to bring the case to court he/she will send you a template of the civil claim, which you can fill in. If you find it difficult, you may ask the local office of Victim Support Netherlands to help you with the template. You need to enclose all relevant documents (e.g. medical certificates, receipts for medical or psychological consultations, etc.). In particular, you need to enclose evidence showing the expenses you have made in relation to filing the civil claim. If the offender is convicted, the court will order him/her to reimburse you for these expenses.

Your civil claim has to be delivered to the public prosecutor. It is recommended that you give the claim to the public prosecutor at least two weeks before the court hearing. The law allows you to deliver your claim during the hearing or even make an oral claim before the court but in this case the court may reject it finding it too complicated to deal with without having examined it in advance.

As a victim (civil claimant or not) from January 1, 2011, you can examine all the documents in the case file. The public prosecutor can deny access to certain documents if he/she believes this would violate privacy rights or hamper the investigation. You can appeal against such a denial before the court within 14 days after you have been informed about it.

**What are my rights as a witness?**

During the investigation you will probably be asked to appear before a judge as a *witness*. In this case you are obliged to show up and tell the judge everything you know about the offence.

If you have hearing or speaking problems the interview will be done in writing. If you cannot read or write you will receive additional assistance.

I am a minor. Do I have additional rights?

If you are a child and you have to be interviewed as a witness you can ask to have this interview at the place you live or another location outside the police station. Police officers especially trained to work with children will interview you. Your interview will be taped to avoid its repetition on a later stage. If necessary, you can be placed in a safe house.

You will also receive assistance from the Office for Advice and Reporting of Child Maltreatment.

**What information can I obtain from police or victim support organisations during the investigation of the crime?**

When you report the crime you have suffered from, the police officer will advise you to contact the local office of Victim Support Netherlands and will give you a brochure explaining the services provided by this organisation. If you want to receive support and information you can contact Victim Support Netherlands yourself. But if you do not object the police will give your details to Victim Support Netherlands and they will then contact you within a few days after the report. This is not the case with minor offences such as the theft of bicycles.

When you report a crime the police will ask you whether you want to receive financial compensation for damages you suffered. If you state that you wish to be compensated this will be recorded and after the offence has been cleared up, the police will contact the offender with your request for compensation.

When the calculation of the damages is simple and the offender does not disagree and is willing to directly transfer the complete sum, you will receive the compensation through an account of the state. If these conditions do not pertain, you can bring a civil claim into the criminal procedure.
The police officer will also explain you how you can submit a civil claim if you wish to claim compensation from the offender for the damages you have suffered. If you state that you wish to claim damages from the offender the police will make a note in the record on your case. When the investigation is over and the public prosecutor decides to bring the case to court he/she will send you a template of the civil claim, which you can fill in. If you find it difficult, you may ask the local office of Victim Support Netherlands to help you with the template.

If you want to be informed about the progress of the investigation you need to notify the police officer when you report the crime. Once you have notified the police officer you will receive information about important developments in your case. The public prosecutor will also inform you about his/her decision to bring the case to court.

You can also check all the documents in your case with the exception of those which the public prosecutor has decided to keep confidential.

If you decide that you no longer wish your case to be prosecuted you can send a letter to the public prosecutor stating that you want your case to be closed.

If you have suffered from a sexual offence you will be received and interviewed by specially trained police officers, with good social skills, sensitive to victim-issues and knowledgeable about all the social services available to victims in these cases. You can ask to be interviewed outside the police station. Your interview will be conducted by two police officers and will be taped unless you object to the taping. The police officers will offer you accommodation in a safe place when he/she continues with the prosecution.

If you have suffered from domestic violence you can ask for accommodation in a safe house for maltreated persons. You will also be referred to the Support and Advice Office for Domestic Violence, which has branches in 35 Dutch cities. If you are a child your case will also be forwarded to the regional Office for Advice and Reporting of Child Maltreatment. Depending on the seriousness of the crime you can also ask the police to request the mayor to order the offender to stay out of his/her home for ten days.

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If you do not speak Dutch you will be provided with an interpreter free of charge when you are called for an interview at the police or when you appear as a witness before the judge. You can also make a request to the public prosecutor or the judge to have some documents from the case file translated if you believe these documents are important for your case.

You have some additional rights if you are a foreigner and you are a victim of human trafficking. These rights depend on your willingness to cooperate with the authorities investigating the case. If you agree to cooperate you will receive a residence permit for a period of three months and will be allowed to work in the country. The permit is usually given within 24 hours after you report the crime. Depending on how your case is proceeding, you can request an extension of the residence and work permit.

More information:

Code of Criminal Procedure (Wetboek van Strafvoering) – in Dutch
Act of December 17, 2009 to change the Code of Criminal Procedure, the Criminal Code and the Act on Compensation for Violent Crimes to strengthen the position of victims in the criminal procedure (Wet van 17 december 2009 tot wijzigen van het wetboek van strafoorlog, het wetboek van strafrecht en de Wet schadevond geweldsverdrijven ter versterking van de positie van het slachtoffer in het strafproces)
Legal Aid Act (De wet op de Rechtsbijstand) – in Dutch
Foreigners Act (Vreemdelingenwet) – in Dutch
Youth Care Act (Wet op de jeugdzorg) – in Dutch and English
Instruction on Care of Victims (Aanwijzing slachtofferszorg) – in Dutch
Instruction on Domestic Violence (Aanwijzing huiselijk geweld) – in Dutch
Instruction on Detection and Prosecution of Sexual Abuse (Aanwijzing opsporing en vervolging inzake seksueel misbruik) – in Dutch
Instruction on Detection and Prosecution of Child Maltreatment (Aanwijzing opsporing en vervolging inzake kindermishandeling) – in Dutch

Notes:
1. Victim impact statement
The Victim Impact Statement is a description of the impact of the crime on your life. You may describe the medical, psychological and social consequences of the victimisation and the way they affect your everyday life but you cannot comment on the collected evidence or on the penalty to be imposed on the offender.

Your Victim Impact Statement can be presented in writing during the investigation and/or orally before the court during the trial. It can also be read out loud, partly or as a whole, by the public prosecutor or the judge.

You have the right to present a Victim Impact Statement only if you have suffered from specific crimes. The crimes, for which such a statement is allowed, are crimes punished by eight years imprisonment or more as well as some other offences like child pornography, lechery with unconscious or mentally disturbed minors, incitement of minors to lechery, lechery with persons between 16 and 18 of age, lechery abusing a relation of authority, forcing minors or pupils to prostitution, trafficking in human beings, threatening with a crime, stalking, maltreatment leading to severe injury or death, participation in fights leading to severe injury or death, death by negligence, bodily injury by negligence, extortion, death or severe injury by negligence in motor traffic.

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2 - My rights during the trial
How can I be involved in the trial?
What are my rights as a witness?
I am a minor. Do I have additional rights?
Can I receive legal aid?
How can I get protection, if I am in danger?
How can I claim damages from the offender or receive compensation from the state?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
I am a foreigner. How are my rights and interests protected?

More information

How can I be involved in the trial?
If you have indicated that you wish to be informed about the progress of your case you will receive a notification about the date and place of the court hearing. You can be present during all public hearings. If the judge decides to hold a non-public hearing you have to ask him/her for permission to attend. If the suspect is a juvenile, court hearings are always non-public, but victims and bereaved relatives are allowed to be present, unless the court decides differently. Your presence in the courtroom is not obligatory unless you have been called for an interview as a witness.

When you have missed the opportunity to file a civil claim during the investigation you can still do it during the trial. You can deliver a written claim to the court or make an oral claim during the hearing. In any case your claim must be made before the speech of the public prosecutor. You have the right to present a civil claim you will be allowed to speak after the public prosecutor and explain your claim. You can present new evidence supporting your claim. In practice, such new evidence can be only in the form of documents because you will not be allowed to bring witnesses or experts.

You cannot directly question the defendant, the witnesses or the experts but you or your lawyer may ask the judge to pose certain questions to them. From January 1, 2011, you have the right, both as a civil claimant and as a victim, to consult the case file, but this can be refused by the public prosecutor on certain important grounds, such as the interests of proper procedure. You can appeal to the court against such a refusal.

If you have suffered from a serious crime you have the right to speak before the court to explain the consequences of the incident on your life. This is called a Victim Impact Statement. The court will usually allow you to speak for 10-15 minutes. You have to make the statement yourself. The court will not allow another person to make the statement instead of you. However, if you have given a written statement during the investigation you may decide not to speak during the hearing. Sometimes your statement is read out loud, partly or as a whole, by the public prosecutor or the presiding judge.

During the trial you can use a lawyer but you have to pay for his/her services. You can add these expenses to your civil claim. If you have a low income you can receive legal aid, which is partly free of charge.

What are my rights as a witness?
If you have been called for an interview as a witness you have to go to the court and attend the court hearing. If you have serious reasons preventing you to go to the court you have to inform the public prosecutor who has called you in advance and he/she will decide whether your presence is mandatory. In court the presiding judge may also decide that your presence is not essential.
If you feel uncomfortable speaking in public you can ask the judge to hold a non-public hearing. During the interview the judge will first ask you to state your name, date of birth, occupation, place of residence and any relation to the defendant. Then you will be asked to swear that you will tell the truth and to give your testimony. After your testimony you may have to answer some additional questions. For more information about your rights as a witness please consult the brochure "Being a Witness in a Criminal Trial.

I am a minor. Do I have additional rights?
If you are a child and you have to be interviewed during the hearing the court can conduct the interview in a non-public session. Also, if your interview during the investigation has been taped you may not be asked to appear before the court as a witness.

Can I receive legal aid?
You can use the assistance of a lawyer during the trial proceedings, and he/she can also represent you if you authorise him/her to do so. The costs of legal aid are for your account: legal aid is only partly free of charge depending on your income.
To receive legal aid you need to go to the nearest Legal Services Counter where you will obtain some initial information and a referral to a lawyer. If you are a victim of a severe violent or sexual crime you could qualify for free legal aid. The Legal Services Counter can inform you on this.

How can I get protection, if I am in danger?
You can receive special protection if you are a witness and you are afraid of possible repercussions as a result of your testimony. In this case a judge will interview you during the investigation and you will not be required to appear before the court during your personal data will be available only to the judge and will be omitted from the documents in the case file.

How can I claim damages from the offender or receive compensation from the State?
When you report a crime to the police they will ask you whether you want to receive monetary compensation for damages from the offender if he will be found. If you want that, the police are obliged to try and settle the damages for you by inviting the offender to pay for the damages directly (through a government account). If this does not succeed you can receive compensation from the offender by submitting a civil claim. You can claim both property and psychological damages. Property damages include costs for medical services, lost profit, damaged property, etc. Psychological damages include the pain and suffering caused by the offence.
The civil claim is usually prepared and submitted during the investigation, but if you have missed this opportunity you can submit it in writing or orally during the court hearing before the speech of the prosecutor. Together with your claim you have to present all documents you consider relevant to the case (e.g. medical certificates, receipts from consultations, etc.). In your claim you can also include all expenses you have made in relation to your participation in the procedure.

If the court finds the offender guilty it will order him/her to pay you compensation. Compensation is usually financial and the court will specify the exact amount you will receive. In practice, you will get full compensation for all your property damages together with a certain amount to cover your psychological damages that the court finds fair.
When the court orders the suspect to pay the damages you claimed with your civil claim, it will often also impose a compensation order that will be executed by the Central Fine Collection Agency and will be transferred to your account. From January 1, 2011, the state will fully compensate your damages if you are a victim of a violent or sexual crime and the convicted offender has not done so within eight months.
The state will then take regrss on the offender.

As a victim of violent crime you can also apply for financial compensation from the State. Your application has to be submitted to the Compensation Fund for Violent Crime within three years of the crime. Please consult the factsheet on compensation to victims of crime in the Netherlands (available in English, Dutch and multiple other languages) of the European Judicial Network.

Are there opportunities to reach settlementconciliation or to start mediation between the offender and myself?
During the trial there are no opportunities for mediation or any other form of conciliation between you and the offender. Outside the criminal procedure you can request to have a ‘victim-offender conversation’ organised by SIB (Victim in Focus).

I am a foreigner. How are my rights and interests protected?
If you are a foreigner you have all the rights explained above but you also have some additional rights to facilitate your participation in the trial.
If you have filed a civil claim you can use the assistance of an interpreter when explaining your claim during the hearing. Interpretation will not be free of charge, but you can add the expenses to your claim so that the offender can be ordered to cover them if convicted.
If you are not a civil claimant, you will have the right to use the assistance of an interpreter free of charge from January 1, 2011. You must ask the public prosecutor for interpretation assistance before the start of the trial.

More information:
Code of Criminal Procedure (Wetboek van Strafvordering) – in Dutch
Act of December 17, 2009 to change the Code of Criminal Procedure, the Criminal Code and the Act on Compensation for Violent Crimes to strengthen the position of victims in the criminal procedure (Wet van 17 december 2009 tot wijziging van het wetboek van strafvordering, het wetboek van strafrecht en de Wet schadeloosstrating ter versterking van de positie van het slachtoffer in het strafproces)
Legal Aid Act (De wet op de Rechtsbijstand) – in Dutch
Act on Compensation for Violent Crimes (De wet Schadeloosstellingen) – in Dutch
Youth Care Act (Wet op de jeugdzorg) – in Dutch
Instruction on Care of Victims (Aanwijzing slachtoffervoorzorg) – in Dutch
Instruction on the Right to Speak and the Written Victim Impact Statement (Aanwijzing spreekrecht en schriftelijke slachtofferverklaring) – in Dutch
Instruction on Domestic Violence (Aanwijzing huiselijk geweld) – in Dutch
Instruction on Detection and Prosecution of Sexual Abuse (Aanwijzing opsporing en vervolging inzake seksueel misbruik) – in Dutch
Instruction on Detection and Prosecution of Child Maltreatment (Aanwijzing opsporing en vervolging kindermishandeling) – in Dutch
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The trial will end with the court convicting the defendant or declaring him/her not guilty. Only the public prosecutor and the defendant can appeal against the conviction/acquittal or against the imposed penalty.

If you have filed a civil claim for compensation of damages the court will make a decision on your claim. If the defendant is convicted the court may order him/her to pay you compensation but may also reject your claim. If the public prosecutor or the defendant appeals against the conviction the higher court will examine your claim as part of the case so you do not need to submit your own appeal.

The only case when you can file your own appeal is when you have submitted a civil claim, the court has not granted you the requested amount, and neither the public prosecutor nor the defendant has appealed against the court decision. The rejected amount must be higher than 1.750 Euro. Your appeal has to be submitted to the Court of Appeal within three months following the date of the court decision. You are obliged to use a lawyer to represent you before the court.

Irrespective of whether you have filed a civil claim or not, when you have suffered from a serious crime and you are entitled to make a Victim Impact Statement you can make this statement before the Court of Appeal if the public prosecutor or the defendant has appealed against the conviction/acquittal.

Your right does not depend on whether or not you have made such a statement during the first trial. The public prosecutor will contact you to explain to you your rights related to your participation in the appeal procedure.

Is further appeal possible?
If the Court of Appeal has rejected your civil claim you have no more opportunities to appeal. However, the public prosecutor or the defendant may submit an appeal to the Supreme Court against the decision of the Court of Appeal. In this case you will receive a notification that an appeal has been filed to the Supreme Court. You cannot appear and speak before the Supreme Court but your lawyer is entitled to submit a written statement, which the court will examine.

If criminal courts in any stage have found your civil claim inadmissible (in the criminal trial) you can bring this claim to the civil court.

What rights do I have after the court sentence enters into force?
When the court sentence enters into force your role in the proceedings is generally over. Dutch law does provide victims of severe crimes with the right to be informed about the release of the offender. You have to indicate that you want this to the public prosecutor responsible for your case.

If necessary, you can continue to benefit from the special protection measures undertaken earlier, e.g. accommodation in a safe house. You can also continue to receive the assistance provided by Victim Support Netherlands or even contact the organisation for the first time at this stage.

You can also consult a lawyer, but you have to pay for his/her services. Legal aid applies only until the end of criminal proceedings so once the court sentence enters into force you will have to pay the full amount of the lawyer’s fee irrespective of your income.

If the court has approved your civil claim (without also imposing a compensation order) you can obtain the compensation for damages with the help of a bailiff. In most cases together with approving your claim the court will order the offender to pay you the awarded compensation with a compensation order that will be executed by the Central Fine Collection Agency and will be transferred to your account. From January 1, 2011, the state will fully compensate your damages if you are a victim of a violent or sexual crime and the convicted offender has not done so within 8 months.

More information:
Code of Criminal Procedure (Wetboek van Strafvordering) – in Dutch
Act of December 17, 2009 to change the Code of Criminal Procedure, the Criminal Code and the Act on Compensation for Violent Crimes to strengthen the position of victims in the criminal procedure (Wet van 17 december 2009 tot wijziging van het wetboek van strafvordering, het wetboek van strafrecht en de Wet schadefonds geweldsmisdrijven ter versterking van de positie van het slachtoffer in het strafproces)
Legal Aid Act (De wet op de Rechtsbijstand) – in Dutch
Act on Compensation for Violent Crimes (De wet Schadefonds Geweldsmisdrijven) – in Dutch
Youth Care Act (Wet op de jeugdzorg) – in Dutch and English

Instruction on the Right to Speak and the Written Victim Impact Statement (Aanwijzing spreekrecht en schriftelijke slachtofferverklaring) – in Dutch

1. Victim impact statement

The Victim Impact Statement is a description of the impact of the crime on your life. You may describe the medical, psychological and social consequences of the victimisation and the way they affect your everyday life but you cannot comment on the collected evidence or on the penalty to be imposed on the offender.

Your Victim Impact Statement can be presented in writing during the investigation and/or orally before the court during the trial. It can also be read out loud, partly or as a whole, by the public prosecutor or the judge.

You have the right to present a Victim Impact Statement only if you have suffered from specific crimes. The crimes, for which such a statement is allowed, are crimes punished by eight years imprisonment or more as well as some other offences like child pornography, lechery with unconscious or mentally disturbed minors, incitement of minors to lechery, lechery with persons between 16 and 18 of age, lechery abusing a relation of authority, forcing minors or pupils to prostitution, trafficking in human beings, threatening with a crime, stalking, maltreatment leading to severe injury or death, participation in fights leading to severe injury or death, death by negligence, bodily injury by negligence, extortion, death or severe injury by negligence in motor traffic.

You are also allowed to present a Victim Impact Statement if you are a relative of a victim who has died as a result of the crime.

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Please note that the original language version of this page has been amended recently. The language version you are now viewing is currently being prepared by our translators.
1 - My rights as a victim of crime

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2 - Reporting a crime and my rights during the investigation or trial

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3 - My rights after trial

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4 - Compensation

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5 - My rights to support and assistance

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Victims' rights - by country - 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 (Schöffensenate) 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.

Click on the following links to find the information you are looking for:

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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1 - My rights as a victim of crime

Before you report the crime, you can get information on your rights from the website of the Federal Ministry of Justice (Bundesministerium für Justiz) (here) and the Victims’ Hotline (Opfemotru) or Victims’ Hotline website (0800 112 112 or [here]).

As a victim of a crime, you are entitled to receive information about your rights from the authorities. In principle, this information should be provided at the beginning of the investigation. If you are entitled to access victim assistance services from a victim support organisation, you will be informed about this before your first hearing. The notice to appear at the hearing will also contain information on these support services and will include the addresses of the relevant victim support organisations. In addition, you will be informed of your right to be accompanied by a confidant.

If you are a victim of a sexual offence or if you are a minor, or if a restraining order might be issued in accordance with § 38a(1) of the Security Police Act (Sicherheitspolizeigesetz – SPG) to protect you from acts of violence, you are regarded as a particularly vulnerable victim. That means you are granted additional rights; in particular, you must be informed before your hearing and testimony that:

- you may be heard, wherever possible during the investigation, by a person of the same sex;
- you may, when being heard during the investigation and trial, ask for interpretation services to be provided, wherever possible, by a person of the same sex;
- you may refuse to answer questions concerning details of the crime, e.g. in the case of a sexual offence, if you consider these to be unreasonable. However, you may be obliged to answer them if your testimony is of particular importance to the subject matter of the proceedings;
- you have the right to be questioned sensitively during the investigation and trial;
- you may ask for the public to be excluded from the trial;
- you may be informed if the offender escapes, is recaptured or is released from custody;
- you may be accompanied by a confidant during your hearing.

Further information can be found in the brochures produced by victim support organisations, which will be made available by the police. You can also be sure that you will be given information about your rights orally.

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


To facilitate the reporting of crimes in cases where the criminal offence has been committed in another EU Member State, complaints relating to such a crime that are made in the victim’s country of residence will be transmitted by the prosecutor to the competent authority in the other Member State. There is also an entitlement to free translation services during the criminal proceedings.

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

As a victim of a crime, you must be immediately informed about your rights. This information includes:

- your rights during the criminal proceedings;
- contact details of and services provided by victim support organisations;
- the possibility of claiming compensation from the offender;
the possibility of applying for compensation from the state.

If you are entitled to access victim assistance services from a victim support organisation, you will be informed about this before your first hearing. The notice to appear at the hearing will also contain information on these support services and will include the addresses of the relevant victim support organisations. In addition, you will be informed of your right to be accompanied by a confidant. Further information can be found in the leaflets or brochures produced by victim support organisations, which will be made available by the police. You can also be sure that you will be given information about your rights orally.

If your sexual integrity has been violated or if you are a minor, or if a restraining order might be issued in accordance with § 38a(1) of the Security Police Act to protect you from acts of violence, you are entitled to be informed about the following rights before your hearing and testimony:

- the right to be heard wherever possible by a person of the same sex during the investigation;
- the right, when being heard during the investigation and trial, to ask for interpretation services to be provided, wherever possible, by a person of the same sex;
- the right to refuse to answer questions concerning details of a sexual offence, for example, if you consider these to be unreasonable. However, you may be obliged to answer them if your testimony is of particular importance to the subject matter of the proceedings;
- the right to be questioned sensitively during the investigation and trial;
- the right to ask for the public to be excluded from the trial;
- the right to be informed if the offender escapes, is recaptured or is released from pretrial custody;
- the possibility to be accompanied by a confidant during your hearing.

Once you have reported the crime, you will receive written confirmation of your report. This will include a reference number. If you call the competent police station and quote this reference number, you can speak to the officer in charge of your case. You can also use the police reference number to contact the public prosecutor handling your case.

The public prosecutor’s office will inform you about important developments in the process. For example, you will be notified if the authorities decide not to proceed with the prosecution or are considering ordering alternative measures to conventional criminal proceedings. You also have the right to examine the files.

The court will inform you of the time and location of the hearing if you have made a prior request for this information or if you have joined the proceedings as a civil claimant. If you have not spoken German to a sufficient level, you are entitled to free interpreting services. These services will be made available during the interview or hearing. In addition, you are also entitled to a written translation of important parts of the file (written confirmation of the complaint, agreement on the closure of the investigation and the grounds on which it is based, execution of the judgment and the penalty order).

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 German to a sufficient level, you are entitled to free interpreting services. These services will be made available during the interview or hearing. In addition, you are also entitled to a written translation of important parts of the file (written confirmation of the complaint, agreement on the closure of the investigation and the grounds on which it is based, execution of the judgment and the penalty order).

The information provided by the police or public prosecutor must include the relevant grounds for the release and indicate whether the offender has been subjected to more lenient measures as an alternative to custody.

On request, you will also be informed immediately if the offender escapes or is released from prison, as well as of the first occasion when the offender is permitted to leave detention without supervision. You will also be notified when an offender who has escaped is apprehended. If conditions intended to protect the victim have been imposed on the offender at the time of release, you will be informed of these too.

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

Legal instructions must always be given and interviews conducted comprehensibly. The authority therefore has to adapt its instructions and questions to the victim’s needs and capabilities. After instructions have been issued, you will be asked if you have understood everything.

If you do not speak German to a sufficient level, you are entitled to free interpreting services. These services will be made available during the interview or hearing. In addition, you are also entitled to a written translation of important parts of the file (written confirmation of the complaint, agreement on the closure of the investigation and the grounds on which it is based, execution of the judgment and the penalty order).

A sign language interpreter must be present to assist deaf or mute victims. If necessary, you will also have the option of communicating in writing or another suitable manner.

Any impairments are considered when assessing whether a victim should be regarded as particularly vulnerable, a status associated with special rights. Such impairments may be compensated for by means of the entitlement to legal aid.

Victim support services

Who provides victim support?

You can contact a victim support organisation. There are specific organisations for victims of domestic violence and stalking, victims of human trafficking and juvenile victims. To help victims get in touch with the appropriate organisation, a Victims’ Hotline, funded by the Federal Ministry of Justice (0800 112 112 and [http://www.opfer-notruf.at/](http://www.opfer-notruf.at/)), which provides free support around the clock has been set up.

Certain victims are entitled to psychosocial and legal victim assistance services. If you are a victim of domestic violence or stalking, you will be supported by specialist organisations, such as the domestic violence intervention centre (Interventionstelle gegen Gewalt in der Familie) or violence protection centres (Gewaltschutzzentren). If the police have issued a restraining order, this information will be passed on to the local domestic violence intervention centre or a local violence protection centre. The employees of these organisations will contact you and offer support, including drawing up a safety plan and providing legal advice (in particular on filing an application for an interim injunction) and psychosocial support.

You can also contact the intervention centre or one of the violence protection centres directly. You do not have to wait until the police have taken action or you have reported a crime.

Will the police automatically refer me to victim support?

If you are a victim of domestic violence or stalking, you will be supported by specialist organisations, such as the domestic violence intervention centre or violence protection centres. If the police have issued a restraining order, this information will be passed on to the local domestic violence intervention centre or a local violence protection centre. The employees of these organisations will contact you and offer support, including drawing up a safety plan and providing legal advice (in particular on filing an application for an interim injunction) and psychosocial support.

In all other cases please contact the relevant victim support organisation yourself.

How is my privacy protected?

In all other cases please contact the relevant victim support organisation yourself.
As a victim you have various rights that guarantee that your privacy will be protected as much as possible, in spite of the principle of the public nature of court proceedings.

For example, you have the right to provide an address for service that differs from your actual home address. The court must also ensure that your personal circumstances as a witness are not disclosed.

It is prohibited to publish the content of files, to make television or radio recordings or transmissions and to record videos or take photographs during the hearing.

If necessary to protect the privacy of victims and witnesses, the public may be excluded from the trial.

If you are the victim of a sexual offence, you have the right to refuse to answer questions concerning certain details of the incident, unless the details in question are essential to the proceedings. In exceptional cases it is even possible to give your testimony anonymously, if revealing your identity would put your life, health, bodily integrity or freedom, or that of others, at serious risk. When giving their testimony before the court, witnesses may even change their appearance to make themselves unrecognisable (on condition that it is still possible to see their facial expressions).

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

You do not have to report to a crime to access victim assistance services. That means you can contact a victim support organisation before you have reported a crime. This organisation can help you through the process of reporting the crime, if necessary.

The services offered by the Victims’ Hotline (0800 112 112) can also be accessed irrespective of whether you have reported a crime.

**Personal protection if I’m in danger**

**What types of protection are available?**

Different types of witness protection are available, offering different levels of protection depending on the threat to which the witness is exposed. Witness protection by the police, for example, consists of preventive and protective elements, such as increased patrols, guarding of witnesses or placement in a witness protection facility. The most comprehensive form of protection is inclusion in a witness protection programme.

**Who can offer me protection?**

The security authorities are responsible for ensuring the personal protection of witnesses and victims.

Support and advice are available from victim support organisations. There are specific organisations for victims of domestic violence and stalking, victims of human trafficking and juvenile victims. To help victims get in touch with the appropriate organisation, a Victims’ Hotline, funded by the Federal Ministry of Justice (0800 112 112 and http://www.opfer-notruf.at/), which provides free support around the clock has been set up.

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

If new circumstances emerge in the course of the proceedings (e.g. as a result of information received from a victim support organisation), the public prosecutor or the court must document the new assessment and actually grant the rights associated with your status as a particularly vulnerable individual.

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

The criminal police, public prosecutor and court are obliged to give appropriate consideration to the rights, interests and vulnerability of victims. All authorities involved in criminal proceedings must respect the personal dignity of victims during the process and their interest in having their personal privacy protected.

This general obligation to safeguard the victim's interests also includes avoiding any harm to the victim as a result of the criminal proceedings themselves. This is also ensured by means of the victim's special rights, e.g. to be questioned sensitively or to have the public excluded from the trial, and by the ban on disclosing photographs or personal data of the victim.

**What protection is available for very vulnerable victims?**

Victims of sexual offences, all victims who are minors, and victims for the protection of whom a restraining order might be issued in accordance with § 38a(1) of the Security Police Act are considered to be particularly vulnerable.

All other victims may also be accorded this status on the basis of their age, psychological state, health and the nature and specific circumstances of the crime.

In addition to the rights available to all victims, particularly vulnerable victims also have the right to be interviewed wherever possible by a person of the same sex during the investigation. In addition, they have the right, when being heard during the investigation and trial, to have interpretation services provided wherever possible by a person of the same sex. They may refuse to answer questions concerning details of the crime if they consider describing these details to be unreasonable, or to answer questions concerning circumstances of a highly personal nature. During the investigation and trial, particularly vulnerable victims will be questioned sensitively if they so request. They may ask for the public to be excluded from the trial. Particularly vulnerable victims may always be accompanied by a confidant during a hearing.

If there is a concern that it will be impossible for a witness to be heard at the trial for reasons of fact or law, the court must organise a hearing with cross-examination at the request of the public prosecutor. To this end, a judge responsible for incarceration and judicial protection hears witnesses during the investigation with the participation of the parties to the proceedings and their representatives (in a separate location) using technical equipment for the transmission of images and sound. Where appropriate, an expert may be asked to interview witnesses. Care must be taken to ensure that, as far as possible, the victim does not meet the accused or other parties to the proceedings. Following a hearing with cross-examination, the video material recorded may be presented at the trial instead of a further hearing. This protective examination of witnesses in the investigation procedure may also be applied at the trial.

Of the court may exceptionally have the defendant leave the courtroom during the hearing of witnesses – for example on the grounds of witness protection – provided that the defendant is subsequently informed of everything which occurred in their absence, and notably of all statements made in the meantime.

If the offender is released, recaptured or escapes from detention or pretrial custody, particularly vulnerable victims must be informed immediately. On request, they will also be informed if the offender escapes or is released from prison, as well as of the first occasion when the offender is permitted to leave detention without supervision.

**I am a minor. Do I have special rights?**

Victims who are minors are always regarded as particularly vulnerable.

During the investigation they are entitled to be interviewed wherever possible by a person of the same sex. In addition, they have the right, when being heard during the investigation and trial, to have interpretation services provided wherever possible by a person of the same sex. They may refuse to answer questions concerning details of the crime if they consider describing these details to be unreasonable, or to answer questions concerning circumstances of a highly personal nature. During the investigation and trial, particularly vulnerable victims will be questioned sensitively if they so request. Minors whose sexual integrity may have been violated must always be questioned sensitively. They may ask for the public to be excluded from the trial. During a hearing they may be accompanied by a confidant.
If the offender is released, recaptured or escapes from detention or pretrial custody, particularly vulnerable victims must be informed immediately. On request, they will also be informed if the offender escapes or is released from prison, as well as of the first occasion when the offender is permitted to leave detention without supervision.

A member of my family died because of a crime – what are my rights?

If your spouse or registered partner, life partner, direct ancestor or descendant, sister, brother or another dependent person has been killed as a result of a criminal act, you are entitled to psychosocial and legal victim assistance services. This also applies if another of your relatives has died because of a crime and you witnessed the crime.

If your spouse or registered partner, life partner, direct ancestor or descendant, sister, brother or another dependent person has been killed as a result of a criminal act, you are entitled to psychosocial and legal victim assistance services. This also applies if another of your relatives has died because of a crime and you witnessed the crime.

If a person on whom you were dependent by law has died as a result of such a crime, you are potentially entitled to support under the Victim Compensation Act. Such requests for assistance are decided on by the Federal Office for Social Affairs and Disabled Persons (Bundesamt für Soziales und Behindertenwesen).

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

In cases where the physical and/or sexual integrity of children or adolescents may be affected, their caregivers are also provided with assistance in criminal proceedings.

Can I access mediation services? Under what conditions? Will I be safe during mediation?

The police, public prosecutor or judge must take your interests into account and inform you about the course of the proceedings, including any alternative measures to conventional criminal proceedings that are ordered in the case of minor and moderately serious crimes. If the public prosecutor is considering such alternative measures, he/she must offer you the opportunity to give your opinion where this is necessary to safeguard your rights and interests, in particular your right to compensation.

The public prosecutor may ask trained mediators from relevant organisations to support offenders and victims with mediation. Mediation can start only with your consent, unless your reasons for rejecting mediation are unacceptable within the context of the criminal proceedings. If the offender is under 18 years of age, your consent is not necessary.

You may be involved in the mediation process if you wish. Your interests will be respected. Where appropriate to safeguard your interests, in particular your right to compensation, you will be invited to submit a statement. During the mediation process you have the right to be accompanied by a confidant. You must be informed about your rights and appropriate victim support organisations at the earliest opportunity.

Where can I find the law setting out my rights?

Rights of victims in criminal proceedings are governed by the Code of Criminal Procedure (Strafprozessordnung (StPO)). The StPO and all other laws can be accessed free of charge from the Legal Information System of the Republic of Austria.

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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

If you have become a victim of a crime, you can report it to any police station or to the public prosecutor.

You can submit your report orally or in writing and your signature is required. The report may also be submitted by a third party. While not obligatory, it is advisable to include in the report your relevant personal details, including an address where you can be contacted, as well as personal details of the third party reporting the crime.

Additionally, it is advisable to provide any evidence and information that you may have about the suspect. This will facilitate the investigation.

The police have an official form to complete (generally computer-assisted) to record the information you provide. From this point on, your report of the crime will be part of the file.

You can report the crime to any police station or directly to the public prosecutor.

The report can be submitted in German or in one of the official regional languages.

If you do not speak German or another official language to a sufficient level, you have the right to be assisted by an interpreter.

In the case of certain crimes (e.g. violent crimes or sexual offences), you are entitled to assistance from a victim support organisation when reporting the crime.

There is no specific deadline for reporting a crime. However, after a certain period of time specified in law, the police, the public prosecutor or the court may refuse to examine the case. This period of time differs depending on the type of crime in question (limitation periods).

The authorities are obliged to start the investigation when they are informed about an alleged criminal offence (exception: crimes subject to private prosecution).

How do I find out what’s happening with the case?

Once you have reported the crime, you will receive written confirmation of your report. This will include a reference number. If you later get in touch with the competent police station and quote this reference number, you can contact the officer in charge of your case.

If you submit the report in writing to the police or public prosecutor, you have to ask them for the reference number. Victim support organisations will help you to find out the correct reference number.

As the victim of a crime, you have the right to examine the files. Access may be denied or limited only if the inspection of files could endanger the investigation or influence your testimony as a witness.

The public prosecutor’s office will inform you about important developments in the process. For example, you will be notified if the authorities decide not to proceed with the prosecution, to suspend the investigation, or are considering ordering alternative measures to conventional criminal proceedings.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

You can be supported and represented in your dealings with the law enforcement authorities by a lawyer, a member of a victim support organisation or another suitable person.

If you are entitled to legal support, lawyers, in cooperation with specialist victim support organisations, will support you free of charge in asserting your rights during the proceedings. Psychosocial and legal assistance is also available:
for persons who may have been exposed to violence or a dangerous threat as a result of a deliberate criminal act, whose sexual integrity or self-determination may have been violated or whose personal dependence may have been exploited in the commission of such a crime;

if you are a close relative of a person who may have died because of a crime or you are a relative who has witnessed the crime;

for victims of terrorism offensives;

for victims of a typical ‘online hate’ crime. This includes stalking, continued harassment by telecommunications or an IT system (‘cybermobbing’), and incitement. It also includes offences such as defamation, accusations of a criminal offence which have already been dismissed as unfounded, insults and slander, where there are certain reasons to assume that the act has been committed by means of telecommunications or using an IT system;

for minors who have been witnesses to violent acts within their social circle (violence in the family, violence against children).

The assistance must be necessary to safeguard the rights of the victim and is guaranteed by the victim support organisation. Victims whose sexual integrity may have been violated and who have not yet reached the age of 14 are granted psychosocial support as a matter of course.

If you are not entitled to victim assistance services, you can apply to the court for free legal aid if you have joined the proceedings as a civil claimant. If the court considers legal representation to be necessary (in particular to avoid a subsequent civil claim action) and your income is insufficient to pay for a legal representative without endangering your subsistence, the application will be approved.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

The costs of travelling to and from the public prosecutor’s office, court or place of the hearing will be reimbursed, and compensation for lost time will be paid if you have suffered a financial loss as a result. If you are a witness and have to stay overnight and have breakfast, lunch or an evening meal at a particular location, the costs of your stay will be reimbursed up to a certain amount. You need to submit your claim for this payment within 14 days.

**Can I appeal if my case is closed before going to court?**

If the public prosecutor decides to close proceedings, you must be informed. You then have 14 days to ask the public prosecutor to explain the reasons behind this decision. You can also apply for a continuation of the proceedings if:

- a law has been infringed or applied incorrectly;
- there are significant doubts about the accuracy of the facts on which the decision to terminate the proceedings was based; or
- new facts or evidence can be provided to justify the continuation.

The request has to be filed within 14 days after you have been informed about the public prosecutor’s decision to terminate proceedings or have received the reasons for such termination. If you have not received such information within this period, the time limit is extended to 3 months after the decision. The request to continue the proceedings must be addressed to the public prosecutor.

If the public prosecutor considers the request to be well founded, he/she will continue the proceedings. Otherwise, the public prosecutor will write a response and submit this, together with the file, to the court that will decide on your request. If the court approves the request, the public prosecutor must continue the proceedings. Otherwise, the request is rejected.

If the public prosecutor decides to order alternative measures to conventional criminal proceedings, you cannot appeal against his/her decision.

If charges have been filed and the public prosecutor subsequently closes the case, under certain circumstances you have the right to maintain the charges as a subsidiary prosecutor. In this case you must have already joined the proceedings as a civil claimant. You then acquire the status of a subsidiary prosecutor on declaring that you will be maintaining the charges.

**Can I be involved in the trial?**

As a victim you are entitled to participate in the trial. You will be summoned to appear in court only if you are required to testify as a witness. A victim is obliged to comply with a summons to appear only if he/she is called as a witness.

If you take advantage of victim assistance services, the victim support organisation providing these services will be informed about the dates of the hearings. If you gave testimony under cross-examination during the investigation, you will be informed about the date of the trial only if you have so requested. If you are a civil claimant, subsidiary prosecutor or private prosecutor, you will be given due notice about the fixed dates of hearings. Irrespective of whether the trial is public, as a victim you are entitled to be present and to be accompanied by a confidant – a lawyer, a member of a victim support organisation or another person. You have the right to put questions to the defendant, witnesses and experts as well as to be heard regarding your entitlement to compensation.

If you are a civil claimant, you may choose not to attend the hearing. However, if you are a private prosecutor and you do not attend the hearing, the court will irrefutably assume that you are no longer interested in a conviction and will close the case.

If you do not speak German (or another official language), you have the right to interpretation during the hearing free of charge.

**What is my official role in the justice system? For example, am I or can I choose to be a victim, witness, civil party or private prosecutor?**

You are a victim if you fulfil the relevant statutory requirements. The following persons have the status of victim:

- persons who may have been exposed to violence or a dangerous threat as a result of a deliberate criminal act, whose sexual integrity or self-determination may have been violated or whose personal dependence may have been exploited in the commission of such a crime;
- the spouse, registered partner, life partner, first-degree relatives, brother or sister and other dependants of a person who may have died because of a crime, or other relatives who witnessed the crime; and
- any other person who has suffered damage as a result of a crime or whose legal interests, as protected by criminal law, may have been harmed in other respects.

You are a witness if you have made observations relevant to the criminal proceedings. This will be determined by the police and public prosecutor during the investigation. During the trial, this decision will be made by the court.

It is up to you whether you wish to join the proceedings as a civil claimant.

Whether you continue the proceedings as a subsidiary prosecutor in the event that charges are dropped is also your decision.

**What are my rights and obligations in this role?**

During the proceedings all authorities must respect your personal dignity as a victim and your interest in having your personal privacy protected. Appropriate consideration must be given to your rights, interests and specific protection needs. All victims must be informed at the earliest opportunity about their rights and the possibility of receiving assistance and compensation.

Confirmation of your report of the crime must be issued to you on request.

Every victim is entitled to representation and advice. This may be provided by a lawyer, a victim support organisation or another suitable representative. If you are entitled to victim assistance services, the person providing you with legal support will represent you in the proceedings.

If you do not meet the conditions for legal support but wish to be represented by a lawyer as a civil claimant, under certain conditions you may apply for legal aid.

As a witness you are relieved of the duty to testify if you would have to incriminate a relative. You lose this right if you are an adult and are claiming compensation as a civil claimant within the framework of the criminal proceedings.
It is possible to refuse to answer individual questions:
if the answer would be humiliating or expose you or a member of your family to the risk of a direct and considerable financial loss;
if the answer would concern your most personal sphere or that of another person;
if you consider the questions concerning details of a sexual offence to be unreasonable.
However, you may be obliged to answer them if your testimony is of particular importance to the subject matter of the proceedings.
If there are other persons present during the interview, care must be taken not to disclose your personal data. You do not have to disclose your home address. Instead, you can give another address where the authorities can contact you.
You are entitled to examine the files if these concern your interests. You can also request copies from the file in return for payment of a fee. If you have been granted legal aid or the copies requested are the findings and opinions of experts, public bodies, services and institutions, the copies are provided free of charge.
If an offender is released from detention or pretrial custody, you must be informed if, as a result of a deliberate criminal offence, you have been exposed to violence or a dangerous threat, your sexual integrity or self-determination has been violated, your personal dependence has been exploited in the commission of such a crime, or you are a vulnerable victim. If you are the victim of another type of crime, you have to submit a request indicating that you would like to be informed of the offender’s release.
You must be notified of the termination and continuation of the proceedings and of any termination of the investigation by the public prosecutor. If alternative measures to conventional criminal proceedings are being considered, you must receive comprehensive information about your rights. Under certain circumstances, you can apply for the proceedings to be continued if they have been terminated by the public prosecutor.
If you do not speak German to a sufficient level or are deaf or mute, you have the right to translation/interpreting support. You are also entitled to participate in cross-examinations, incident reconstructions and the trial, during which you have the right to ask questions and file applications.

Can I make a statement or give evidence during the trial? Under what conditions?
As a victim your rights entitle you to make statements within the context of your testimony or other participation in an interview or hearing. For example, you can declare that you are joining the proceedings as a civil claimant and would like to be awarded compensation. You also have the right to put questions to the defendant, witnesses and experts.
You are entitled to give evidence if you are summoned to an interview or hearing.
If you are also a witness, you are obliged to comply with any summons received, and to provide truthful and complete information.

What information will I receive during the trial?
During the trial you will be informed about your rights at the beginning of your examination.
It is up to you whether you wish to participate throughout the trial.
The ruling will be pronounced at the end of the hearing. You can find out the content of the ruling by staying until the end of the hearing or examining the court file.
If you have joined the proceedings as a civil claimant, the court is also obliged to decide on your claim in its ruling. If it rules that you will receive compensation, the ruling is regarded as an order for execution under civil law and you can apply to the federal government for an advance on the compensation. However, this is subject to the condition that the person convicted is unable to comply immediately with the payment obligation as a result of serving a (custodial) sentence.
The court can also order that property belonging to the victim that is in the defendant’s possession must be returned to the victim.

Will I be able to access court files?
You have the right to examine the files. Access may be denied or limited only if the inspection of files could endanger the investigation or influence your testimony as a witness.

What are my rights after sentencing?
Can I appeal against the ruling?
A civil claimant (1), subsidiary prosecutor (2) or private prosecutor (3) is generally entitled to appeal against the ruling.
Two types of appeal are available: An appeal for nullity (Nichtigkeitsbeschwerde) is concerned with the legality of the proceedings and the ruling, while an appeal (Berufung) contests the decision made on civil law claims. As a private prosecutor you may also appeal against the level of the penalty. In the event of an acquittal, civil claimants and subsidiary prosecutors will be referred to the civil courts to pursue their compensation claims.
As a civil claimant, subsidiary prosecutor or private prosecutor you have the right to lodge an appeal for nullity against a ruling in the following case:
if your civil claim has been forwarded to a civil court on account of the defendant’s acquittal and it is evident that the denial of a motion you put forward during the trial negatively affected the court’s decision on your civil claim.
As a civil claimant or subsidiary prosecutor you are entitled to lodge an appeal if:
in the event of a conviction the court forwards your claims to a civil court, even though they could have been ruled on by the criminal court, as your claims were well founded and justified.
In proceedings before a district court (Bezirksgericht) and before a single judge at a regional court (Landesgericht), civil claimants and subsidiary prosecutors can appeal against the ruling on civil claims not only if these claims are forwarded entirely to the civil courts, but also if they wish to contest the level of any award.
If you have the status of a private prosecutor in the proceedings, you can rely on the same rights of appeal as the public prosecutor. If the defendant is acquitted, you may file an appeal for nullity. In proceedings before a district court and before a single judge at a regional court, you may also contest the facts established in the ruling by lodging an appeal on the question of the defendant’s guilt. If the defendant is convicted, you can appeal if you do not agree with the penalty or if your civil claims are forwarded to the civil courts. If you were not present at the hearing when the court announced its decision, you will need to examine the file to find out if the defendant was found guilty or not. The ruling must contain reasons and be signed by the judge within 4 weeks. If you have participated in the trial as a civil claimant, subsidiary prosecutor or private prosecutor and you lodge an appeal or an appeal for nullity within 3 days of the pronouncement of the ruling, you must receive a copy of the ruling. You can apply for legal aid to file your appeal or appeal for nullity. If necessary, this can include free translation support. Legal aid will be granted by the court if legal representation is necessary, and if your income is insufficient to pay for the legal representation without endangering your subsistence.

What are my rights after trial?
All victims can ask to be informed about the first occasion when the offender is permitted to leave detention without supervision, if the offender escapes and is reapprehended, if the offender is due to be or has been released and of any conditions imposed in the event of a conditional release. Victims of sexual offences and sexually motivated violence must be heard before electronic tagging is approved if they have asked to be informed about the offender leaving or being released from prison. Such victims must also be notified that electronic tagging has been approved. They are entitled to victim assistance services to support them in asserting these rights.

Otherwise you do not receive any other information from the authorities after the ruling has entered into force. However, you continue to have the right to examine the court file if your interests are affected.

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

After the trial you are entitled to a concluding discussion with the organisation that has provided you with victim assistance. Certain persons are entitled to psychosocial and legal victim assistance services. Such a right exists:

- for victims of a typical ‘online hate’ offence. These include persistent persecution, continued harassment by means of telecommunications or a computer system (cybermobbing) and incitement. Also included are offences such as defamation, accusation of a judicially punishable criminal act, insult or defamation which has been dismissed, if there are indications that the offence was committed by means of telecommunications or use of a computer system; for minors who have witnessed violence in their social circle (violence in the family, violence against children).

Victims who have received psychosocial support during the criminal proceedings are also entitled to such support during subsequent civil proceedings. This is conditional on the subject matter of the civil proceedings being related to that of the criminal proceedings and on such support being necessary to safeguard the victim’s procedural rights. The victim support organisation providing the assistance will assess whether these conditions are met. The victim may seek legal aid so that he/she can be represented by a lawyer in the civil proceedings. This support will be granted until the end of the civil proceedings at the latest.

### What information will I be given if the offender is sentenced?

You can find out the outcome of the proceedings and the penalty imposed either by remaining in the courtroom until the oral ruling is pronounced or by examining the court file later.

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

On request, you will be informed immediately if the offender escapes or is released from prison, as well as of the first occasion when the offender is permitted to leave detention without supervision. You will also be notified when an offender who has escaped is apprehended. If conditions intended to protect the victim have been imposed on the offender at the time of release, you will be informed of these too.

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal? The victim will be involved in release or parole decisions only in exceptional cases. Only victims of a sexual offence or sexually motivated violence who have asked to be informed about the offender’s escape or release will be heard before a decision is made on electronic tagging.

1. **Civil claimant**

   To become a civil claimant, you have to be or become a civil claimant and declare the subsidiary prosecution. If the offender is a minor, subsidiary prosecution is excluded.

   You can become a subsidiary prosecutor by submitting a declaration. If the public prosecutor drops the charge during the trial, you must submit this declaration immediately if you were summoned in due form. If you have not complied with the summons or do not declare the subsidiary prosecution, the offender will be acquitted.

   If the public prosecutor drops the charge outside the court hearing or if you have not been summoned in due form as a civil claimant, the court has to inform you of this development. You will then have 1 month to declare the subsidiary prosecution.

   If you continue the prosecution instead of the public prosecutor, the latter can access the information regarding the court proceedings at any time and may decide to take over the prosecution again. In this case you will continue to be involved in the trial as a civil claimant.

2. **Subsidiary prosecutor**

   To become a subsidiary prosecutor, you have to be or become a civil claimant and declare the subsidiary prosecution. If the offender is a minor, subsidiary prosecution is excluded.

   You can become a subsidiary prosecutor by submitting a declaration. If the public prosecutor drops the charge during the trial, you must submit this declaration immediately if you were summoned in due form. If you have not complied with the summons or do not declare the subsidiary prosecution, the offender will be acquitted.

   If the public prosecutor drops the charge outside the court hearing or if you have not been summoned in due form as a civil claimant, the court has to inform you of this development. You will then have 1 month to declare the subsidiary prosecution.

   If you continue the prosecution instead of the public prosecutor, the latter can access the information regarding the court proceedings at any time and may decide to take over the prosecution again. In this case you will continue to be involved in the trial as a civil claimant.

3. **Private prosecutor**

   Some less serious crimes are prosecuted not by the public prosecutor but by the victim himself or herself. If you are a victim of such a crime, criminal proceedings will be launched only if you bring charges privately before the court. You then acquire the status of a private prosecutor.

   In this case there is, in principle, no investigation procedure, but victims of certain online hate offences (defamation, accusation of a judicially punishable criminal act or insult which has been dismissed, if these offences were committed by means of telecommunications or use of a computer system) may apply to the court for investigative measures to investigate the offender. The application must meet the requirements of a request for evidence.

   As a private prosecutor, you must prove all the facts which are essential for a conviction yourself. If the accused is acquitted, you must bear the costs of the proceedings. There is an exception for victims of online hate crimes: in criminal proceedings for defamation, accusation of a judicially punishable criminal act or insult which has been dismissed, if these offences were committed by means of telecommunications or use of a computer system and the proceedings do not end in a conviction, private prosecutors or victims who make an application to investigate the offender are liable to pay compensation only if they made the accusation falsely and did so knowingly. However, this exemption from the obligation to reimburse costs concerns only the procedural costs. If the proceedings do not end in a conviction, the private prosecutor is obliged to reimburse the defendant’s defence costs in main and appeal proceedings.

   The cost arrangements for victims of online hate crimes are valid until 31 December 2023 and will be subject to an evaluation.

### 4. Victim assistance services

Certain persons are entitled to psychosocial and legal victim assistance services. Such a right exists:

- for persons who may have been exposed to violence or a dangerous threat as a result of a deliberate criminal act, whose sexual integrity and self-determination may have been violated or whose personal dependence may have been exploited in the commission of such a crime;
- if the death of a person may have been caused by a criminal offence and you are a close relative of that person, or if you are a relative of that person and you were a witness to the act;
- for victims of terrorist offences;
- for victims of a typical ‘online hate’ offence. These include persistent persecution, continued harassment by means of telecommunications or a computer system (cybermobbing) and incitement. Also included are offences such as defamation, accusation of a judicially punishable criminal act, insult or defamation which has been dismissed, if there are indications that the offence was committed by means of telecommunications or use of a computer system; for minors who have witnessed violence in their social circle (violence in the family, violence against children).

The cost arrangements for victims of online hate crimes are valid until 31 December 2023 and will be subject to an evaluation.
Victim support must be necessary in order to safeguard victims’ rights and must be ensured by the victim support institution. Psychosocial victim assistance services must always be granted without the need for an application to victims whose sexual integrity may have been violated and who are under 14 years of age.

Psychosocial procedure assistance includes the preparation for the procedure of those concerned and the emotional stress related to the procedure and the assistance to hearings with the police and in court; legal assistance includes legal advice and representation by a lawyer. Providers of legal assistance are also entitled to claim compensation in criminal proceedings (the rights of the civil party).

Victim assistance services are provided by specific victim support organisations (such as child protection centres, counselling centres or intervention centres). They instruct lawyers to provide legal assistance and/or provide the psychosocial assistance by their staff. Their members of staff are social workers, psychologists or comparable professionals with additional – obligatory – legal training in the area of criminal proceedings.

The Federal Ministry of Justice funds the victim assistance services.

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### 4 - Compensation

<table>
<thead>
<tr>
<th>What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To assert financial claims (e.g. for damages for pain and suffering, treatment costs), victims can bring a civil action against the offender or join the criminal proceedings against the accused as a civil claimant. To assert a claim as a civil claimant in criminal proceedings, you need to submit a declaration, in which you must quantify your claim for compensation for the damage caused by the crime or the harm suffered and demonstrate your entitlement to it (the grounds for and level of the damages/compensation). A further condition is that the defendant is convicted for the damage caused. You should join the criminal proceedings as a civil claimant as early as possible (ideally when the crime is reported to the police). After the charges have been brought before the competent court, the declaration can also be placed on record with the competent public prosecutor or submitted in writing without any formal requirements. In the trial, the declaration has to be submitted at the latest before all the evidence has been compiled. This is also the latest point by which the claim must be quantified.</td>
</tr>
</tbody>
</table>

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

If the convicted party fails to comply with their obligation to pay the sum awarded, the creditor, i.e. the victim to whom compensation has been awarded, can institute enforcement measures with the help of the court. To this end, a written or oral application (application for enforcement (Exekutionsantrag)) must be filed with the competent district court. You have 30 years to assert a claim for compensation awarded in a legally binding court ruling. At the end of this period, the claim becomes time-barred.

If assets of the convicted party are declared to have been forfeited, victims have the right to request settlement of the compensation awarded to them from the assets seized by the State.

If the offender does not pay, can the State pay me an advance? Under what conditions?

An advance payment can be granted only if payment has been prevented by the serving of a sentence. This is the case, for example, if the offender is unable to earn any income as a result of serving a custodial sentence or has no funds as a result of paying a fine. A condition for receiving this advance is that the civil claimant has been awarded compensation in a legally binding court ruling as a result of death, physical injury, harm to health or financial loss. In certain cases the possibility of an advance payment is ruled out (e.g. if other entitlements to state payments exist or if the injury resulted from involvement in affray or in the event of gross negligence).

The request for an advance payment must be filed with the competent criminal court.

Am I entitled to compensation from the State?

Vicims of crime can receive financial compensation from the State if they have been unable to pursue their profession owing to illness or a follow-up treatment, etc. and consequently have suffered loss of earnings they have had to undergo psychotherapy, crisis intervention or another treatment to improve their health orthopaedic treatments are necessary spectacles or dentures have been damaged rehabilitation is necessary they require care (in this case a care allowance can be paid) they are blind (in this case a blind person’s allowance can be paid).

Since 31 May 2009, victims who have suffered serious physical injury can receive lump-sum damages for pain and suffering.

Surviving dependants of victims of crime receive compensation for loss of maintenance (if the victim has died and their spouse and/or children have lost financial support needed to cover their living expenses) therapeutic care (e.g. psychotherapy) and orthopaedic care funeral expenses up to a specified maximum amount.

Am I entitled to compensation if the offender is not convicted?

If the offender is not convicted, the victim is referred to the civil courts and can bring a claim for compensation there.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

No.

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### 5 - My rights to support and assistance

I am a victim of crime. Who do I contact for support and assistance?

In accordance with Section 66b(3) StPO (Strafprozessordnung, Code of Criminal Procedure), the Federal Minister for Justice has entered into contracts with appropriate, established organisations that will provide assistance to the persons referred to in Section 66b(1) of the code after verifying that the statutory
conditions have been met. Details of these organisations can be found by clicking on the following link, where they have been sorted by province (Bundesland)

victim support organisations
Federal Social Welfare Office (Sozialministeriumservice): 0043 158831 and general victims’ hotline: 0800 112 112 (and also European victim support hotline: 116 006)

Is victim support free?
Yes.

What types of support can I receive from state services or authorities?
Victims of crime receive financial compensation in accordance with the provisions of the Victim Compensation Act (Verbrechensopfergesetz (VOG)), Federal Law Gazette (BGBl.) 288/1972.

Under the VOG, the procedure is the same for all applicants (Austrian and foreign nationals). This is an administrative procedure during which the authority has to establish the relevant facts and reach a decision on the assistance applied for. The applicant is required to cooperate with the procedure and provide the necessary information (including for the purpose of establishing the damage).

Applications under the VOG must be filed with the Federal Social Welfare Office, which also decides on them.

What types of support can I receive from non-governmental organisations?
The following are entitled to psychosocial and legal assistance:

victims of a violent crime, sexual offence or dangerous threat, or victims whose personal dependence may have been exploited in the commission of such a deliberate criminal act;

the spouse, life partner, first-degree relatives, brother, sister and other dependants of a person who died because of a crime, as well as other relatives who witnessed the death of a relative;

victims of terrorist offences;

victims of a typical ‘online hate’ crime. This includes stalking, continued harassment by telecommunications or an IT system (‘cybermobbing’), and incitement. It also includes offences such as defamation, accusations of a criminal offence which have already been dismissed as unfounded; insults and slander, where there are certain reasons to assume that the act has been committed by means of telecommunications or using an IT system; minors who have been witnesses to violent acts within their social circle (violence in the family, violence against children).

Upon request, these victims must be granted psychosocial and legal assistance, provided that this is necessary to safeguard their procedural rights, taking their personal involvement into account as far as possible. The victim support organisations themselves are responsible for assessing whether such assistance is ‘necessary’. Victims of a sexual offence who are under the age of 14 are always entitled to psychosocial assistance.

PSYCHOSOCIAL ASSISTANCE

Within the context of psychosocial assistance, victims are prepared for the psychological stress of the proceedings, supported in dealing with their experiences (anxieties, despair, grief or anger) and also accompanied during hearings as part of the investigation or trial.

LEGAL ASSISTANCE

The purpose of legal support is to assist victims in asserting their rights within the framework of criminal proceedings. This is particularly useful and necessary if specific circumstances give rise to concerns that the victim’s rights will not be sufficiently respected during the proceedings. If the victim has suffered harm or damage as a result of the crime, the lawyer may claim compensation (e.g. for pain and suffering) on the victim’s behalf (if the victim has the status of a civil claimant).

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Victims’ rights - by country - Poland

You will be considered a victim of crime if you have suffered as the result of an offence which carries a penalty under criminal law; for example, if you suffer injury or your property is lost due to damage or theft. As a victim of crime, you have certain legal rights both during and after criminal proceedings. You may also receive various forms of assistance and receive compensation or damages arising from the offence.

In Poland, criminal proceedings consist of a preliminary investigation and court proceedings. Preliminary investigations are undertaken before court proceedings. Their purpose is to determine the facts of the offence committed and identify the perpetrators. The police and the prosecution service gather evidence. If the evidence they gather is sufficient, the perpetrators will be charged. If not, the case will be dropped. The prosecution service’s indictment will be examined by the court.

During the trial, the court examines the evidence gathered to establish whether the accused is guilty. If the accused is found guilty as charged, he or she will be subject to the penalty provided for by law. If not, he or she will be cleared of all charges.

Click on the links below to find the information that you need:

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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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?

The victim is provided with information on his/her rights in writing before the first interview which takes place after the crime is reported. Before then the authority may provide the victim with information on his/her rights that will be useful in the circumstances.

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

The rights of non-EU citizens are protected in the same way as the rights of EU citizens except for the state compensation for which the victims of certain offences are eligible – compensation is granted only to EU citizens.
If I report a crime, what information will I receive?
Before the first interview, the victim obtains information in writing on his/her basic rights, including his/her status in the preparatory proceedings, whether he/she can ask for certain actions to be taken (e.g. questioning of witnesses), assistance of a legal representative, including a request for a court-appointed representative, the right to refer the case to mediation, to access the file, to appeal against a decision to discontinue proceedings, the possibility of damages being paid by the defendant or of obtaining state compensation, access to legal aid, the available measures of protection and assistance, access to assistance financed from the Victim Support and Post-Penitentiary Aid Fund (Fundusz Pomocy Pokrzywdzonym oraz Pomocy Postpenitencjarnej), the possibility of issuing an European protection order, organisations offering support to victims and reimbursement of expenses incurred in connection with the proceedings.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?
A translator assists in proceedings in which a non-Polish speaking victim is participating. Letters to or from the victim are translated. The victim does not bear the costs of translations.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)
Children who are victims of crime are represented by their parents or by the persons caring for them. For individuals requiring assistance (e.g. the elderly), their rights may be exercised by the person caring for them. Parents or guardians should make sure that victims in their care participate in proceedings as required and, in doubt regarding their charges' understanding of the significance of those proceedings, they may notify the authority conducting proceedings thereof.

Victim support services
Who provides victim support?
In Poland, the Victim Support and Post-Penitentiary Aid Fund accumulates financial resources for purposes such as assistance to crime victims and their closest relatives. The Fund is managed by the Minister for Justice who grants subsidies to NGOs selected by way of a competition that specialise in victim support. The aid financed by the Fund covers legal, psychological and material assistance.

Will the police automatically refer me to victim support?
The authority conducting the proceedings is required to inform the victim, before the first interview, that assistance financed by the Victim Support and Post-Penitentiary Aid Fund is available.

How is my privacy protected?
Data concerning the victim's place of residence and place of work are not available to the offender.

Do I have to report a crime before I can access victim support?
Access to victim support is not contingent on reporting a crime. A person wishing to access support just needs to demonstrate that a crime has been committed against him/her.

Personal protection if I'm in danger
What types of protection are available?
In the event of a threat to their life or health the victim and his/her closest relatives are entitled to:
- protection in the course of proceedings;
- physical protection;
- assistance with relocation.

Who can offer me protection?
Protection is granted by the Chief of Police with jurisdiction over the province.

Will someone assess my case to see if I am at risk of further harm by the offender?
An assessment of the need to provide and continue providing protection and assistance is performed by the Chief of Police competent for a the province.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?
The authority in charge of proceedings is required to conduct proceedings involving the victim in a manner which does not entail negative consequences. It should always react in a situation when the victim is not treated with due respect or when the victim does not feel safe.

During the trial, the presiding judge may order the defendant to leave the room while the victim is testifying.

What protection is available for very vulnerable victims?
In especially serious cases, the victim's personal data and other circumstances enabling their identification is possible in the event of reasonable concerns regarding a risk to the life, health, liberty or a significant part of property of that person or of that person's closest relative. In rape and similar cases, the victim is interviewed in a special room without the offender being present.

Can I access mediation services? What are the conditions? Will I be safe during mediation?
The case may be referred to mediation at the preparatory stage or during court proceedings subject to the consent of the victim and the defendant. Mediation proceedings are conducted by the mediator in an impartial and confidential manner. In the course of mediation, the victim may present his/her position, i.e. indicate what he/she expects from the offender. Mediation does not terminate the criminal proceedings but its outcome is taken into account both by the prosecutor and by the court.

Where can I find the law stating my rights?
The provisions governing the rights of crime victims are to be found in the Code of Criminal Procedure (Kodeks postępowania karnego), the Criminal Code (Kodeks karny), the Criminal Enforcement Code (Kodeks karny wykonawczy), the State Compensation for Victims of Certain Offences Act of 7 July 2005 (Kodeks postępowania pokrzywdzonych oraz Pomocy Postpenitencjarnej).
2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

Crimes are reported in writing or verbally at the public prosecutor's office or at a police station. A written crime report may be submitted in person or sent by post (or e-mail).

How do I find out what's happening with the case?

The person who reported the crime should be notified, within six weeks, that an investigation has been opened. If he/she does not receive such notification, he/she may submit a complaint to a senior prosecutor.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

In preparatory and court proceedings, victims may be assisted by a competent representative – an advocate or legal counsel. Victims may appoint their representative themselves or, if their financial situation does not allow them to do so, they may request a court-appointed representative. For that purpose, the victim should submit to the court or prosecutor a letter proving they are not able to pay the representative's fee themselves.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

If the victim has appeared in proceedings only as a witness, they are entitled to reimbursement of travel, accommodation and subsistence costs or of any loss of earnings.

If the victim has acted as auxiliary or private prosecutor, they are entitled to reimbursement of reasonable expenses, including expenses associated with appointing a representative.

To obtain reimbursement of the expenses, a request and, if possible, documents confirming the expenses incurred, must be submitted.

Can I appeal if my case is closed before going to court?

Victims may appeal against decisions to reject an application for preparatory proceedings and decisions to discontinue preparatory proceedings. Information on how to appeal is provided with those decisions.

Can I be involved in the trial?

Victims participate in preparatory proceedings as a party without having to submit a special statement.

In public prosecution proceedings, victims may act as a party (auxiliary prosecutor) if they submit a statement that they intend to do so.

In private prosecution cases, the victim is a party as private prosecutor.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

Victims are individuals affected by a crime.

The victim is a party to preparatory proceedings by law.

In public prosecution proceedings, victims may act as a party if they choose to do so, in which case they act as auxiliary prosecutor.

In private prosecution cases, victims act as private prosecutor.

Regardless of whether they act as a party, victims are practically always heard as a witness.

At present, criminal proceedings do not allow victims to act as a civil party.

What are my rights and obligations in this role?

Even if not acting before the court as a party, victims may participate in court proceedings that are important in order to protect their interests. Victims may take part in a trial and in a session concerning the conditional dismissal of proceedings, conviction without trial and dismissal of proceedings on the grounds that the defendant is insane or in cases involving protection measures on the grounds that the defendant is insane. During the trial, the victim may object to a request by the defendant for conviction without the taking of evidence and may apply for the defendant to be ordered to make good the damage or pay compensation.

If criminal proceedings are conditionally dismissed, the victim may apply for them to be resumed.

Havening chosen to act as a party before the court, the victim may take certain procedural measures: file applications for evidence, put questions to witnesses and experts, present their position, e.g. stating what decision they expect from the court. They may appeal against judgments.

Victims summoned as a witness must appear before the court and testify. Failure to appear without a good reason is punishable.

Can I make a statement during the trial or give evidence? Under what conditions?

Victims may file applications for evidence if they act as auxiliary or private prosecutor.

What information will I receive during the trial?

Before the first hearing, victims are informed in writing about their status as a party to preparatory proceedings and their rights in this situation.

Victims are informed in writing of the indictment referred to the court and of the dates and place of court hearings or sessions in which they may participate.

If the court orders damages, it will serve a copy of the judgment on the victim.

Will I be able to access court files?

In the course of preparatory proceedings, victims may access files with the consent of the authority conducting the proceedings. In the course of court proceedings, victims may access files if they are acting as private prosecutor or auxiliary prosecutor. If the victim is not acting in that capacity, the files will be made available with the consent of the president of the court.

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### 3 - My rights after trial

#### Can I appeal against the ruling?
Victims may appeal against the ruling in a public prosecution if they acted as auxiliary prosecutor.

If criminal proceedings against the offender have been conditionally discontinued and a ruling is handed down in court, the victim may appeal against it even if they did not act as auxiliary prosecutor.

Victims may appeal against a judgment in a private prosecution because in such cases they act as prosecutor.

#### What are my rights after sentencing?
If the offender is ordered to make good the damage, the court issues a copy of the sentence to the victim. If an offender who receives a suspended prison sentence does not make good the damage, the victim may apply for the sentence to be served.

If criminal proceedings against the offender have been conditionally discontinued, the victim is entitled to take part in the hearing for the resumption of proceedings.

**Am I entitled to support or protection after the trial? For how long?**
After the completion of proceedings, victims are entitled to protection and support if their life or health, or that of or their next of kin, is at risk. Protection and support are provided as long as there is a risk.

#### What information will I be given if the offender is sentenced?
The court will provide the victim with the information included in the sentence – to what punishment the offender has been sentenced, what the length of sentence is and whether it has been conditionally suspended, and what obligations, including making good the damage, have been imposed upon the offender.

**Will I be told if the offender is released (including early or conditional release) or escapes from prison?**
Victims may ask to be informed when the offender is released from prison. The victim will be then notified when the offender is released from prison after he/she has served the sentence, if the offender is allowed to serve the sentence under electronic surveillance, or if he/she escapes from prison, is granted leave or parole or temporarily released.

**Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?**
Victims do not take part in parole hearings and cannot appeal against these decisions.

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### 4 - Compensation

#### What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)
Crime victims can claim damages from the offender in the following ways:

- they can bring an action against the offender before a civil court; civil proceedings are contingent on payment of court fees; civil proceedings may be opened regardless of whether an indictment has been lodged with the court but they may be suspended until a final ruling is handed down in the criminal proceedings; if the action brought by the victim is successful, enforcement is handled by the enforcement authority, i.e. the bailiff (komornik);
- in the course of criminal proceedings, victims may apply for a compensation measure (środek kompensacyjny) to be imposed on the defendant – an obligation to make good damage or provide compensation; instead, the court may order payment of supplementary damages (nawiązka); the victim’s request will be granted only if the offender is convicted;
- if the offender is convicted and receives a suspended prison sentence, the court may order him/her to make good the damage resulting from the crime; if the proceedings are conditionally suspended, the court must order the offender to make good the damage in full or in part.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**
If the court orders the offender to make good the damage and the offender does not comply voluntarily, the victim may resort to enforcement proceedings conducted by a bailiff.

If the offender is given a suspended prison sentence by the court or proceedings against him/her are conditionally suspended and he/she fails to make good the damage, measures may be taken to enforce the sentence or resume proceedings. These measures, especially the real threat of imprisonment, tend to galvanise offenders who, even if enforcement is ineffective, will somehow find funds to meet victims’ claims. For such measures to be taken, it suffices for the victim to notify the court or probation officer (kurator sądowy) that the offender has failed to meet his/her obligation.

If the offender does not pay, can the state pay me an advance? Under what conditions?
If the offender fails to make good the damage, the victim cannot obtain that payment from the state. The victim may benefit from emergency assistance financed by the Victim Support and Post-Penitentiary Aid Fund offered by organisations specialising in aid to crime victims.

**Am I entitled to compensation from the state?**
Victims of the most serious crimes or their next of kin are entitled to special benefits paid by the Treasury. This applies to individuals domiciled in Poland or in another EU Member State who, as a result of an offence, have suffered serious injury or deterioration of health lasting more than seven days and to the next of kin of individuals who have died as the result of an offence.

**Am I entitled to compensation if the offender is not convicted?**
You are also entitled to compensation if the offender is not convicted.

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**
Victims entitled to compensation may obtain security, i.e. a one-off payment made before the case is concluded. That amount may be used in part to cover the costs of treatment, convalescence or burial.

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### 5 - My rights to support and assistance

**I am a victim of crime. Who do I contact for support and assistance?**
Crime victims and their next of kin are aided by NGOs who receive subsidies for that purpose from the Victim Support and Post-Penitentiary Aid Fund. The subsidies are granted by the Minister for Justice. Victims are informed that this aid is available before they make their first statement. A list of all the organisations that have obtained subsidies for victims and their next of kin and information (in Polish) on what the aid covers can be found on the website of the Ministry of Justice, under "Co robimy - Dla obywateli - Udzielamy pomocy - Fundusz Sprawiedliwości - Pomoc pokrzywdzonym.

Victim support hotline
At present, there is a nationwide Victim Support Hotline (Linia Pomocy Pokrzywdzonym) in Poland: + 48 222 309 900.

Is victim support free?
Victim support is offered free of charge.

What types of support can I receive from state services or authorities?
The authorities provide victims with information on the places where support is available. Some categories of victim are entitled to free legal assistance in the light of their age and financial situation. Crime victims are entitled to medical assistance under the general rules.

What types of support can I receive from non-governmental organisations?
NGOs financed by the Victim Support and Post-Penitentiary Aid Fund offer victims legal, psychological and financial assistance, e.g. food vouchers or help with the cost of food and clothes, underwear, footwear, cleaning and personal hygiene products, temporary accommodation or shelter, education and training, measures to adapt a flat or house to crime victims' needs and travel expenses.

Another type of support is funding for the services of an interpreter, including a sign language interpreter. Medical assistance includes covering the costs of health care, medicine and medical equipment necessary to treat the damage to health suffered as a result of the crime.

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Victims' rights - by country - Portugal
You are a victim of crime if you have suffered harm of any kind, such as a violent act or damage to or removal of your property, as a result of an act classified as a crime under national law. As a victim of crime, under the law you have certain rights before, during and after criminal proceedings.

Criminal proceedings in Portugal take place in two stages: investigation and trial. During the investigation, the police and the Public Prosecution Service (Ministério Público) investigate the case and attempt to collect evidence that identifies who committed the crime. If there is sufficient evidence to consider that the suspect committed the crime, the Public Prosecution Service will forward the case to court for trial. The court, in turn, will examine the evidence collected and rule accordingly, acquitting or convicting the suspect.

Click on the links below to find the information that you need
1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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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 wellbeing, 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?

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### 2 - Reporting a crime and my rights during the investigation or trial

#### How do I report a crime?
You can report a crime or file a complaint with any of the following authorities:
- Public Prosecution Service (Ministério Público - MP)
- Criminal Police (Policia Judiciária - PJ)
- Public Security Police (Policia de Segurança Pública - PSP)
- National Republican Guard (Guarda Nacional Republicana - GNR)

You can also use the following:
- Electronic Complaints Portal of the Ministry of Internal Administration
- Anonymous report

NOTE: All these authorities have a duty to receive all complaints and reports submitted to them, even if the crime was not committed in their area of jurisdiction or, in the case of the police, the investigation does not fall within their jurisdiction.

You may file a complaint or report a crime even if you do not know who committed the crime. The authorities will then investigate to try to identify the offender.

#### How do I find out what's happening with the case?
You are entitled, upon request, to be informed of the follow-up given to the report, including the decision to charge the accused person or to close or temporarily suspend the case. You are also entitled to be informed of the day, time and place of the trial, and of the judgment.

#### Am I entitled to legal aid (during the investigation or trial)? Under what conditions?
Yes. Should you wish to be accompanied by a lawyer and do not have the financial resources to bear the respective costs, you are entitled to legal aid, which may consist of:
- total or partial waiver of court fees;
- the appointment of a lawyer and payment of legal fees; or
- the phased payment of court or legal fees.

The decision to grant legal aid is taken by Social Security using a calculation formula that takes into account the applicant’s assets, income and expenses. The application for legal aid must be submitted using the forms provided free of charge by Social Security services and may be submitted in person, by fax, by post or online, in the latter case by completing the respective online form.

The application must be accompanied by documentary evidence to confirm the applicant’s financial difficulties. A decision will be taken within no more than 30 days. Submission of the application is free of charge.

#### Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?
Yes. As a victim who is a witness in proceedings, you are entitled to compensation for your time, as well as to be reimbursed for the expenses incurred as a result thereof.

Compensation must be claimed in writing, using the appropriate form provided by the court.

#### Can I appeal if my case is closed before going to court?
Yes. If you do not agree with the closing of the investigation, you can file an application with the immediate superior of the Public Prosecution Service magistrate who decided to close your case, asking them to charge the accused person or to continue the investigation indicating, in the latter case, new evidence to be taken into consideration.

#### Can I be involved in the trial?
Yes.

#### What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?
You may participate in the proceedings as an assistant, civil party or witness.

#### What are my rights and obligations in this role?
As a victim: you give evidence, just like a witness. This is vital for proof of the crime, as you have first-hand knowledge of what happened.

As an assistant: you play an active role in the trial by collaborating with the Public Prosecution Service in the production of evidence as to the facts described in the charges brought. Your lawyer may, for example, present evidence, ask the defendant, witnesses and experts questions, and, at the end of the trial, make closing statements, that is, give their opinion on the evidence presented and on whether the defendant should be convicted.

As a civil party: you will be defending your right to compensation at trial, you may ask the defendant, witnesses and experts questions about aspects of the claim for compensation submitted, including damages you suffered.

#### Can I make a statement during the trial or give evidence? Under what conditions?
Yes. Under the conditions indicated above.

#### What information will I receive during the trial?
You will be informed of rulings that may influence the course of proceedings, the day, time and place of the trial, and of the judgment.

#### Will I be able to access court files?
Yes. As the victim, you are entitled to view the case file, except when, during the investigation stage, the files are kept confidential and the Public Prosecutor Services objects to such viewing on the grounds that it may hinder the investigation and/or affect the rights of the persons involved in the proceedings.

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### 3 - My rights after the trial

#### Can I appeal against the ruling?
Yes. If you are an assistant or civil party, you can appeal against the ruling if you disagree with it. This appeal must be carried out through your lawyer.
The appeal must be submitted within 30 days, in writing, to the court where the trial took place. The appeal must contain the reasons why you do not agree with the ruling, the assessment of the evidence and/or the application of legal rules.

**What are my rights after sentencing?**
You have the right to be informed of the judgment and, as previously mentioned, depending on the role you played in the proceedings, to appeal it.

**Am I entitled to support or protection after the trial? For how long?**
The judgment may include, as an additional measure, the right to specific support or protection, such as restraining orders, the duration of which will be determined in the judgment itself.

**What information will I be given if the offender is sentenced?**
You will be informed of the judgment and consequently of the sentence imposed on the offender. Where the offender is sentenced to imprisonment, you will be informed of the prison where the sentence will be served.

**Will I be told if the offender is released (including early or conditional release) or escapes from prison?**
Yes. Provided you have stated your wish to be informed, you will be informed of the release or escape of the offender and, in particular in cases where the offender is considered especially dangerous, of information regarding their status, particularly when constraint measures are imposed.

**Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?**
You may submit an application to the court of enforcement (Tribunal de Execução de Penas), stating the reasons you deem appropriate.

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### 5. Compensation

**What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)**
As a rule, compensation must be sought in criminal proceedings. To this end, you must inform the criminal police authorities or the Public Prosecution Service, by the end of the investigation stage, that you wish to file a claim for compensation, which you may do, for example, when providing your statement. When you receive notice of the charges brought against the accused person, you will then have 20 days to file the claim.

**NOTE:** Civil claims for compensation are not subject to specific formalities and, where less than EUR 5 000 is claimed, you may file the claim yourself.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**
Where the offender does not voluntarily pay the compensation they have been ordered to pay, you will need to apply for an enforcement order, that is, ask the court to intervene – seize property, bank accounts, vehicles or other assets – in order to ensure payment of the compensation.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**
Yes, in the case of a violent crime that has caused significant disruption to your standard of living and quality of life and the offender is unable to pay the compensation.

**Am I entitled to compensation from the state?**
Yes, where the offender cannot afford to pay such compensation and you are the victim of a violent crime, and provided it has caused significant disruption to your standard of living and quality of life.

The following are entitled to compensation from the state:

- victims of grievous bodily harm (i.e. causing permanent disability, temporary total disability for at least 30 days, or death) directly as a result of an act of violence;
- in the event of the victim’s death, the persons to whom the law has granted the right to maintenance, such as children, and those living in cohabitation with the victim;
- persons who assisted the victim or cooperated with the authorities in preventing the crime or in finding or arresting the offender, in relation to the damages they have suffered as a result.

**NOTE:** in cases of sexual offences, permanent or temporary total disability for at least 30 days may not be a requirement. This exception is justified by the fact that, although this type of crime does not, as a rule, cause an inability to work for at least 30 days, compensation is still justified due to the seriousness of the crime.

The claim for compensation may be filed up to one year from the date of the crime or, in the case of criminal proceedings, up to one year after the final decision in the proceedings. Victims who were minors at the time of the crime may file a claim for compensation up to one year after reaching the age of majority.

Claims should be filed using the [online form](https://ec.europa.eu/info/曷ome/曷oration/曷or北大西洋公约组织/曷or北大西洋公约组织/public-protection) available on the Commission for the Protection of Victims of Crime (Comissão de Proteção de Vítimas de Crime) website.

Filing a claim for compensation is free of charge.

**Am I entitled to compensation if the offender is not convicted?**
Exceptionally, where a serious crime is involved (see above) and where the offender is unknown.

Where the offender has been tried and acquitted, as a rule, you are not entitled to compensation.

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**
If you are a victim of domestic violence you are entitled to receive cash benefits from the state whenever, as a consequence of the crime, you are in serious financial need.


You must include a copy of the complaint or of the report filed with the police authority with the application. The application must be filed within one year from the date of the crime.

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### 3. My rights to support and assistance

**I am a victim of crime who do I contact for support and assistance?**
You should contact any criminal police authority, the Public Prosecution Service or a victim support organisation.
Victim support hotline
116 006 – Victim Support Hotline (9 a.m. to 9 p.m.)
112 – National Emergency Number
144 – Social Emergency Hotline
808 24 24 24 – SNS 24 (NHS Hotline available 24 hours a day)
144 – National Social Emergency Hotline (available 24 hours a day)
300 502 502 – Social Security helpline

Domestic violence:
- 800 202 148 (available 24 hours a day)
- 3060 – SMS helpline

Children:
116 111 – SOS Child helpline

Is victim support free?
Yes. Victims are entitled to free and confidential support services before, during and after criminal proceedings.

What types of support can I receive from state services or authorities?
Medical support, psychological and social support, protection, legal information, emergency housing, shelter.

What types of support can I receive from non-governmental organisations?
Emotional support, psychological support, legal information, social referral, and assistance with practical matters.

Victims' rights - by country - Romania
You are considered to be the victim of a crime if you have suffered harm of any kind, including physical injury, mental harm, emotional distress or financial loss, as a result of an incident that constitutes a crime under the applicable national legislation. Family members of someone who has died as a result of a crime and who have suffered harm as a result of that person’s death are also considered to be crime victims.

As a victim of a crime, you have certain legal rights before, during and after the criminal proceedings. The stages of criminal proceedings in Romania are: prosecution, preliminary chamber, trial and enforcement of the criminal decisions that have become final.

During the criminal investigation, the criminal investigation bodies, under the supervision of the public prosecutor, investigate the case, gathering evidence in order to find the offender. At the end of the criminal investigation, the police refer the case to the public prosecutor’s office, together with all the data and evidence collected in the file. After receiving the file, the case prosecutor examines the case and decides whether it is to proceed to trial, or whether the file should be closed.

Once the case comes before the court, the panel of judges examines the facts and hears the persons involved in order to establish the guilt of the accused. Once guilt has been established, the offender receives a sentence. If the court considers that the accused is not guilty, then he or she is released.

Click on the links below to find the information that you need:

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

Victims rights - by country - Romania
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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?
The judicial bodies and any other State institutions with which you interact will provide you with information on the victim support services within the Directorates General for Social Work and Child Protection (Direcții Generale de Asistență Socială și Protecție a Copilului – DGASPCs) and the NGOs providing such services that you can contact.
You will receive that information both orally and in writing, by means of a form which you must sign and which includes at least the address of the victim support service within the jurisdiction of the institution providing the information and a list of its responsibilities.
The first judicial body (police/public prosecutor) you go to or, where appropriate, the victim support services, at the time of first contact, will inform you of your rights and the support and protection services that you can receive.
You will receive information on:
the type of support you can receive and who can provide it, including basic information on access to medical assistance, psychological counselling and alternative accommodation;
the criminal investigation body with which you can file a complaint;
the right to legal assistance and the institution you can contact for that purpose;
the conditions and procedure for receiving free legal assistance;
your rights during criminal proceedings (including protective measures as a threatened witness);
the conditions and procedure for receiving financial compensation from the State;
the right to use the services of a mediator;
if you live in another EU Member State, information on how to file a criminal complaint or apply for financial compensation from the State in that Member State, and information on how you can be heard by the Romanian judicial authorities without being present in Romania.
The information will be provided to you in a language that you can understand. You will also receive a form with all this information, which you must sign. You may be accompanied by a person of your choice when you first contact the authorities.
Support and protection services provided both to victims of crimes and to their family members may consist of:

- providers of social services. Where appropriate, those services cooperate with public or private healthcare providers, with the victim's consent.

In order to receive appropriate support and protection, victims will be assessed individually. Victims are assessed by victim support services or private Victim support services person specialising in victim counselling.

Yes. You are entitled to translation and interpreting services throughout the criminal proceedings.

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

Yes. You are entitled to translation and interpreting services throughout the criminal proceedings.

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

The judicial body may order that interviews of victims who require protection under the law be conducted via or in the presence of a psychologist or another person specialising in victim counselling.

Victims with speech or hearing impairments will be interviewed in the presence of persons who can communicate using sign language. In such cases, you may also communicate in writing.

Victim support services

In order to receive appropriate support and protection, victims will be assessed individually. Victims are assessed by victim support services or private providers of social services. Where appropriate, those services cooperate with public or private healthcare providers, with the victim’s consent.

Support and protection services provided both to victims of crimes and to their family members may consist of:
Moreover, during the proceedings, the court may prohibit the publication of any texts, drawings, photographs or images that could reveal your identity. Keeping the court session private throughout your interview.

Interviewing/hearing you via audio-visual means, with your voice and image being distorted, without you needing to be present, where the other measures do not suffice;

Protecting your identity details (personal data may be omitted from the file in order to protect your identity by keeping it secret);

Providing escort and protection to you or to the members of your family during travels;

Providing surveillance or security at your home or temporary housing;

They may take, either at your request or on their own initiative, certain measures to ensure your protection, such as:

Protecting your identity details;

Interviewing/hearing you via audio-visual means, with your voice and image being distorted, without you needing to be present, where the other measures do not suffice (in this way, you do not have to appear before the police officer, the prosecutor or the judge and you will not be in the same place as the offender);

Keeping the court session private throughout your interview.

Moreover, during the proceedings, the court may prohibit the publication of any texts, drawings, photographs or images that could reveal your identity.

More details on support services for victims of domestic violence can be found [here](#).

**Who provides victim support?**

There is a victim support service within each General Directorate for Social Work and Child Protection (DGASPC).

Victim support can also be provided by private social service providers.

If you are a victim of domestic violence, you can contact the National Agency for Equal Opportunities between Women and Men (Agenția Națională pentru Egalitate de Șanse între Bărbați și Femei) and the Directorates General for Social Work and Child Protection (DGASPCs).

If you are under 18 years of age and have been a victim of crime, you can contact the National Authority for the Protection of Children's Rights and Adoption (Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție - ANPDCA) and the Directorates General for Social Work and Child Protection (DGASPCs).

If you have been a victim of human trafficking, you can contact the National Agency Against Trafficking in Persons (Agenția Națională împotriva Traficului de Persoane - ANITP) within the Ministry of Internal Affairs (Ministerul Afacerilor Interne - MAI).

The Ministry of Justice is the Romanian assisting authority responsible for the financial compensation procedure for victims of intentional violent crimes committed in the territory of a Member State, other than that where the victim legally resides.

There are also a number of non-governmental organisations (NGOs) which provide various types of victim support. The institution you contact will direct you to the relevant NGO.

**Will the police automatically refer me to victim support?**

Yes, the judicial bodies must refer you to such services.

**How is my privacy protected?**

Information, support and protection are provided to victims of crime in a manner that ensures confidentiality of their personal data and of any information on the victim's private life and the difficulty the victim is facing. Support services are provided on an anonymous basis and do not require the conclusion of a contract with the beneficiaries.

Data concerning victims of crimes are stored for one year. They may be used for victim support and protection activities or supplied to judicial bodies at their request. The stored data will be deleted when the one-year period has expired.

If you receive victim support and protection, your identification data will be kept throughout the period during which such measures apply and for three months after that period has ended.

The location of accommodation centres for victims of domestic violence and human trafficking is secret. Both during the criminal investigation and during the court proceedings, if the judicial bodies deem that your privacy or dignity may be affected because of any information you provide or for any other reason, they may take a number of measures, on their own initiative or at your request, to protect your confidentiality and privacy, such as:

- Protecting your identity details;
- Interviewing/hearing you via audio-visual means, with your voice and image being distorted, without you needing to be present, where the other measures do not suffice;
- Keeping the court session private throughout your interview.

Moreover, during the proceedings, the court may prohibit the publication of any texts, drawings, photographs or images that could reveal your identity.

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

You do not need to file a complaint with the criminal investigation bodies in order to have access to information, support and protection provided to victims of crime.

**Personal protection if I'm in danger**

**What types of protection are available?**

Both during the criminal investigation and during the court proceedings, you are entitled to protective measures, when the judicial bodies deem that you may be in danger.

It is very important for you to know that, if the judicial bodies deem that you may be in danger because of any information you provide or for any other reason, they may take, either at your request or on their own initiative, certain measures to ensure your protection, such as:

- Providing surveillance or security at your home or temporary housing;
- Providing escort and protection to you or to the members of your family during travels;
- Protecting your identity details (personal data may be omitted from the file in order to protect your identity by keeping it secret);
- Interviewing/hearing you via audio-visual means, with your voice and image being distorted, without you needing to be present, where the other measures do not suffice (in this way, you do not have to appear before the police officer, the prosecutor or the judge and you will not be in the same place as the offender);
- Keeping the court session private throughout your interview.

Moreover, during the proceedings, the court may prohibit the publication of any texts, drawings, photographs or images that could reveal your identity.
Furthermore, if you are a witness in the criminal proceedings or, even where you are not involved in the case, you provide information which helps the judicial bodies to solve cases related to serious crimes or to prevent significant damages from occurring, you can ask the police officer or the prosecutor who conducts the investigation to place you under the witness protection programme. This programme includes a number of measures such as: secret identity, including participation in hearings with your voice or image being distorted; police protection of your home and police escort when you are invited to report to the criminal investigation bodies; relocation; change of identity, including a change in appearance, if required.

If you enter the witness protection programme, you will be able to receive additional assistance such as: reininsertion in a different social environment; acquiring new professional qualifications; a new job; financial support until you find a new job.

If necessary, your first-degree relatives (such as your children or parents) and your spouse may enter the witness protection programme as well.

If you have not entered the witness protection programme during the criminal investigation, you may apply to the court to be included.

Additional protection is available, depending on the type of crime:
- If you are a victim of domestic violence, you can ask the police to remove the offender immediately from your shared home by means of a temporary protection order, which will remain in force until the court has issued a protection order. Alternatively, as a victim, you can be accommodated in a centre for victims of domestic violence. Such accommodation is available only in urgent cases or with the approval of the centre's management. Once admitted to the centre you can receive accommodation, food, medical care, psychological counselling and legal assistance free of charge.
- If you are a victim of human trafficking, you can be accommodated in a centre for victims' protection. In accordance with the law, accommodation is available for a period of maximum 90 days, but the court may extend your stay until the end of the proceedings. Court sessions in cases concerning child trafficking are private. Furthermore, in such cases, minors under 14 years of age will be heard in the presence of a psychologist and a representative of the General Directorate for Social Work and Child Protection.

If you believe you are in danger, you should inform the police officer, the prosecutor or the judge and provide as much information as possible.

The measures set out above are available both at the criminal investigation stage and during the court proceedings.

**Who can offer me protection?**
You will be protected by the Romanian Police.

**Will someone assess my case to see if I am at risk of further harm by the offender?**
In order to avoid secondary victimisation, you will be assessed as soon as possible after your identification, so that the number of statements and medical /psychological/social assessments is kept to a minimum.
Victim support departments/providers of victim support services will offer you advice on the risks of intimidation and retaliation. In order to avoid the risk of intimidation and retaliation, you can be temporarily accommodated in residential centres.

If you are still in danger after the criminal trial has ended, the judicial bodies will consider whether you should be included in a witness protection programme, unless you are already part of such a programme.

If you have been a victim of human trafficking, violence in close relationships, organised crime, terrorism or other categories of crime, you will be deemed a vulnerable victim and will receive the protection provided for by law for threatened or vulnerable witnesses.

**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, your case can be assessed. For instance, if you have been a victim of certain categories of crime (domestic violence, rape, sexual assault etc.), you will be heard only by a person of the same gender, should you so request.

A second interview of the victim will take place only if this is strictly necessary for the purpose of the criminal proceedings, so as to avoid further harm.

To avoid secondary victimisation caused by repeated interrogation of the victim by the judicial bodies, the laws on criminal procedure also require that an injured party who has reported a crime should be heard immediately or, when this is not possible, after they have submitted the complaint, without undue delay.

Victims of crimes are offered separate waiting rooms in court.

**What protection is available for very vulnerable victims?**
If you are a vulnerable victim, you may benefit from the protective measures set out above in the answers relating to witness protection.

**If I am a minor – do I have special rights?**
If you are a child and have been a victim of exploitation, violence, abuse, negligence, maltreatment or any other crime, any person, including you, can report the crime to the police.

Minors are considered vulnerable victims from the beginning, and the authorities will inform you about the protective measures you can receive.

If the judicial body cannot determine your age and there are reasons to believe that you are a minor, you will be presumed to be a minor.

Child victims of violence will be assessed and provided support and protection under the law by the specialised departments of the Directorates General for Social Work and Child Protection that are responsible for intervention in cases of abuse, negligence, trafficking, migration and repatriation.

Minors can receive assistance from the National Authority for the Protection of Children's Rights and Adoption.

An abused or neglected child or a child who has experienced any form of violence may be temporarily placed with another family, with a foster parent or in a special centre, as an emergency measure.

If you are called to appear before the criminal investigation bodies and you are less than 14 years old, you must be accompanied by your parents or guardian or by the representative of the institution entrusted with your upbringing and education, as well as by a psychologist determined by the judicial body. The psychologist will provide expert advice to the minor throughout the legal proceedings.

If your parents or guardians are also involved in the criminal proceedings or may have an interest in influencing your statement, you will be interviewed in the presence of a representative of the guardianship authority or of a relative with full legal capacity, as well as a psychologist determined by the judicial body. If the hearing concerns the work of the institution entrusted with your upbringing and education, the representative of that institution shall be replaced by the representative of the guardianship authority or a relative with full legal capacity, as well as a psychologist determined by the judicial body.

The interview must be recorded. If that is not possible, it must be specified in your statement, giving the reasons.

You can be heard by the same person in specially designed/adapted rooms, if possible.

In the investigation of certain categories of crime, interviews may be conducted by a person of the same gender as the victim. You may also be accompanied by a person of your choice.
You are entitled to a legal representative throughout the proceedings. If you have no legal counsel, the court will assist you in finding one. If your family cannot afford to pay for the counsel's services, you are entitled to free legal assistance.

In cases concerning human trafficking crimes, minors under 14 years of age will be heard in the presence of at least one of their parents or another legal representative. Furthermore, a psychologist and a representative of the General Directorate for Social Work and Child Protection must also be summoned.

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

In this case, you are a victim of crime and are entitled to all the support and protection services set out above, including information, psychological counselling, legal assistance, referral to healthcare services, social insertion/reinsertion services etc.

The spouse, the children and dependants of a person deceased as a result of murder and aggravated murder as set out in Articles 188 and 189 of the Criminal Code, as well as of intentional crimes resulting in the victim's death are entitled to free legal assistance and financial compensation from the State. Free legal assistance is available also for other categories of crime, if the victim's monthly income per family member is no higher than the gross national minimum basic salary determined for the year when the application for free legal assistance is submitted.

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

Please see above.

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

Mediation is possible in the case of crimes that are considered less serious under criminal law. The procedure can be applied only if both you and the offender agree to participate. During the mediation procedure you will be invited to a series of meetings with the offender to see whether reconciliation is possible. A person called a mediator will facilitate the meetings. If at the end of the procedure you have reached an agreement with the offender, you can withdraw your complaint and the case will be closed. If the procedure has not been successful, the criminal proceedings will continue as if no mediation has occurred.

**Where can I find the law stating my rights?**

Law No 135/2010 on the Code of Criminal Procedure, as amended (Legea nr. 135/2010 privind Codul de procedură penală)

Law No 678/2001 on preventing and combating human trafficking, as amended (Legea nr. 678/2001 privind prevenirea și combaterea traficului de persoane)

Government Decision No 1216/2001 approving the National Action Plan for combating human trafficking (Hotărârea Guvernului nr. 1216 /2001 privind aprobarea Planului național de acțiune pentru combaterea traficului de ființe umane)

Law No 211/2004 on certain measures to ensure the protection of victims of crime, as amended (Legea 211 /2004 privind unele măsuri pentru asigurarea protecției victimelor infracțiunilor)

Government Decision No 1238/10 October 2007 approving the national specific standards for specialised assistance services to victims of human trafficking (Hotărârea Guvernului nr. 1238 din 10 octombrie 2007 pentru aprobarea Standardelor naționale specifice pentru serviciile specializate de asistență a victimelor traficului de persoane)

Law No 217/2003 on preventing and combating domestic violence, as amended (Legea 217/2003 pentru prevenirea și combaterea violenței în familie)

Law No 272/2004 on the protection and promotion of children’s rights, as amended (Legea 272/2004 privind protecția și promovarea drepturilor copilului)

Law No 682/2002 on witness protection, as amended (Legea 682/2002 privind protecția martorilor)

Law No 192/2006 on mediation and the organisation of the profession of mediator, as amended (Legea 192 /2006 privind medierea și organizarea profesiei de mediator)


Decision No 541 of 8 June 2023 approving the methodology for issuing, distributing and settling vouchers intended for victims of crime, determining their amount, and the criteria for selecting public and private entities involved in the granting mechanism, and supplementing Government Decision No 652/2009 on the organisation and functioning of the Ministry of Justice (Hotărârea nr. 541 din 8 iunie 2023 pentru aprobarea Metodologiei de emitere, distribuire și decontare a voucherelor destinate victimelor infracțiunii, pentru stabilirea cuantumului acestora, precum și a criteriilor de selectare a entităților publice și private înrolate în mecanismul de acordare și pentru completarea Hotărârii Guvernului nr. 652 /2009 privind organizarea și funcționarea Ministerului Justiției)

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**2.- Reporting a crime and my rights during the investigation or trial**

**How do I report a crime?**

If you have been a victim of crime, you can report it to the police (or the public prosecutor) orally or in writing. You can also ask another person to report the crime for you, but you need to provide that person with a written power of attorney. The written and signed power of attorney will be attached to the case file.

The crime may be reported by one spouse on behalf of the other spouse or by an adult child on behalf of parents. If a child that is still a minor reports a crime for you, but you need to provide that person with a written power of attorney. The written and signed power of attorney will be attached to the case file.

**How do I find out what's happening with the case?**

If you do not speak or do not understand Romanian, you can file the report in a language you understand and the judicial body will have it translated. In this case, you may ask that any summons you receive should be issued in a language you understand.

If you are a victim of domestic violence, you can ask for a provisional protection order to be issued by the police or ask the competent court to issue a protection order. This means you have to fill in a standard application, which is submitted to the district court (judecătoria) with jurisdiction over your place of residence. The application can be submitted in person or, if you agree, by a person from social services dealing with violence in the family, or by a public prosecutor or police officer.
Following your report, the police bodies will forward the case to the public prosecutor, where it will be assigned a sole number.

Once you report the crime, you can check the progress of your case by making a written request to this end, while indicating an address in Romania or an e-mail or electronic messenger address where the authorities should send the information.

If the prosecutor decides to bring the case to court, you are entitled to consult the file at the premises of the court during court proceedings. In addition, you will be called to appear before the court.

**Am I entitled to legal aid (during the investigation or trial)? What are the conditions?**

If you are an injured party, you are entitled to receive legal assistance or to be represented.

- a) Throughout the criminal proceedings, you are entitled to be assisted by a legal counsel of your choice paid by you. If the offender is convicted, you will be able to recover the expenses incurred for your legal counsel from the offender.
- b) If you so wish, you may be represented throughout the criminal proceedings, unless your presence is compulsory or the prosecutor, the judge or the court deems it necessary, as applicable (e.g. for hearing purposes).
- c) In certain cases, legal assistance during criminal proceedings may be provided free of charge:
  - if the prosecutor or the judge deems that you are not able to take care of your own defence and you have no paid legal counsel;
  - if you are a minor and have not yet acquired full legal capacity (by way of marriage or judicial decision);
  - if requested, if you have been the victim of any of the following crimes: attempted murder and attempted aggravated murder, bodily injury, intentional crimes resulting in the victim’s bodily injury (the Criminal Code defines the meaning of bodily injury), rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors;
  - if requested, if you are the spouse, parent or another person dependant on the victim who has died as a result of murder, aggravated murder or of another intentional crime;
  - if requested, if you are the victim of crimes other than the aforementioned and if your monthly income determined per family member is no higher than the gross minimum national wage. The application for free legal assistance should be filed with the tribunal under whose jurisdiction you are residing.

In such cases, free legal assistance is available only if you have reported the crime with the police or the public prosecutor within 60 days from the occurrence of the crime, or, if applicable, within 60 days of the date on which you became aware of the crime. If you were unable to report the crime, the 60 days runs from date marking the end of the circumstances that prevented you reporting it.

If you wish to receive free legal assistance, you need to lodge an application with the prosecutor or the court, as applicable, which will take the required actions. Free legal assistance is available to you until the end of the criminal proceedings.

**Can I claim expenses (for taking part in the investigation/trial)? What are the conditions?**

You can claim reimbursement of your legal expenses. The court will decide what part of your expenses has to be reimbursed and by whom.

- If you participate as an injured party or as a civil party in the proceedings (if your civil action is allowed) and the defendant is found guilty (even if, for certain reasons, he/she is not convicted to serve a sentence), he/she will be ordered to pay your legal expenses.

**Can I appeal if my case is closed before going to court?**

If the public prosecutor decides to close the case without bringing it to court, you can appeal against his/her decision within 20 days of receiving a copy of such decision. Your appeal has to be submitted to the superior prosecutor.

If the superior prosecutor dismisses your appeal, you may appeal against the superior prosecutor’s decision before the preliminary chamber judge of the court of jurisdiction.

**Can I be involved in the trial?**

You can be involved in the criminal proceedings as follows:

**As a victim (injured party)**

If you have suffered an injury caused by a crime, you may participate in the proceedings as a victim and you are entitled to a number of procedural rights, as detailed below.

**As a witness**

If you do not wish to participate in the criminal proceedings as an injured party, you should inform the judicial body handling your case, which, if so deemed necessary, may still call you to be heard as a witness. If you are called to be heard as witness, you must be present and declare everything you know about the incident.

**As a civil party**

If you wish to claim compensation for the damages caused by the crime, you have to file a civil claim, thus becoming a civil party in the criminal proceedings.

In general, court hearings are open to the public and you can attend the hearings irrespective of your role in the proceedings. However, the court may decide to hold private hearings when there are sufficient reasons for this decision. In this case, you will be able to attend only if you are an injured party or a civil party.

**What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?**

If you have been a victim of crime, you may have one of the following roles in the justice system:

**Victim (injured party)**

If you have suffered an injury caused by a crime, you may participate in the proceedings as a victim and you are entitled to a number of procedural rights, as detailed below.

**Civil party**

If you wish to claim compensation for the damages caused by the crime, you may file a civil claim, thus becoming a civil party in the criminal proceedings.

**Witness**

If you do not wish to participate in the criminal proceedings as an injured party, you should inform the judicial body handling your case, which, if so deemed necessary, may still call you to be heard as a witness. In this case, you will be called for an interview and you will be asked to provide detailed information on the incident. Your presence during the interview is compulsory whenever you are called for this purpose.

**What are my rights and obligations in this role?**

If you participate in the criminal proceedings as injured party/civil party, you have a number of procedural rights:

**During the criminal investigation:**

If you wish to claim compensation for the damages caused by the crime, you may file a civil claim, thus becoming a civil party in the criminal proceedings or to file a separate civil action. You can become a civil party at any time of the criminal investigation.
In order to become a civil party in the proceedings, you must either request it orally before the police officer or the prosecutor or submit a written application to the police officer or the prosecutor handling the case. The application should specify what compensation you claim, the reasons and the related evidence.

During the first interview, the prosecutor or the police officer will inform you that you can become a civil party in the proceedings.
you are entitled to claim reimbursement of the legal expenses. The court will decide what part of your expenses has to be reimbursed and by whom.
If you participate as an injured party or as a civil party in the proceedings (if your civil action is allowed) and the defendant is found guilty (even if, for certain reasons, he/she is not convicted to serve a sentence), he/she will be ordered to pay your legal expenses.
you are entitled to receive information on the progress of the investigation, as well as, if the prosecutor decides not to refer the case to court, a copy of such decision. For this, you will need to submit a request to the police officer or the prosecutor handling the case and to indicate an address in Romania, an e-mail or electronic messenger address to receive the information. If the prosecutor decides to refer the case to court for trial, you will be summoned to court.
you are entitled to interpreting and translation services, if you do not speak or understand Romanian. Throughout the criminal proceedings, you will be provided with an interpreter free of charge, if you do not speak Romanian.
you are entitled to be represented throughout the criminal proceedings, unless your presence is compulsory or the prosecutor, the judge or the court deems it necessary, as applicable (e.g. for hearing purposes).
you or your counsel can consult the file. However, the consultation of your file will be subject to specific rules, which will be communicated by the prosecutor's office registry.
you are entitled to be called for an interview by the police officer or the prosecutor handling the case. During the interview, you may be accompanied both by your legal representative, if any, and by a person of your choice whose presence during the interview you may deem helpful. The judicial body can dismiss your request only on reasonable grounds.
When you report a crime that has been committed against you, the judicial body must hear you right away. If this is not possible, you should be heard as soon as possible after reporting the crime.
If you participate as a civil party in the proceedings, you are entitled to be assisted by a lawyer. In specific cases, (e.g. when the prosecutor deems that you are not able to take care of your own defence or you are a minor and have not yet acquired full legal capacity, when you are a victim of certain crimes, when your income is below a certain limit etc. - please see the answer to the previous question), you are entitled to free legal assistance.
you are entitled to be represented throughout the criminal proceedings, unless your presence is compulsory or the prosecutor, the judge or the court deems it necessary, as applicable (e.g. for hearing purposes).
you are entitled to submit evidence and any other claims related to the settlement of the case. You can do this during your interview or in a separate application submitted to the judicial body handling your case.
If the defendant has been remanded in custody and then released, you are entitled to be informed of his/her release. During your first interview, you will be informed of this right and will be asked whether you wish to be informed of the offender’s release.
You can appeal against the acts undertaken in relation to your case. The appeal should be submitted to the case prosecutor, where the act was undertaken by a police officer, or to the superior prosecutor, where the act was undertaken by your case prosecutor.
If you appeal against the prosecutor's decision to close the criminal case and your appeal is dismissed, you can appeal against this decision before the preliminary chamber judge.

During the trial:
you are entitled to claim compensation for the damages caused by the crime. For this purpose, you need to become a civil party in the criminal proceedings or to file a separate civil action.
If you have participated in the criminal investigation as a civil party, you may retain the same status during trial.
If you have not participated in the criminal investigation as a civil party, you may still become a civil party in the trial before the commencement of the inquiry.
When you are called for the first court hearing, you will be informed of this.
You may request to become a civil party in the trial orally before the court or submit a written application to this effect. The application should specify what compensation you claim, the reasons and the related evidence.
you are entitled to claim reimbursement of the legal expenses. The court will decide what part of your expenses has to be reimbursed and by whom.
If you participate as an injured party or as a civil party in the proceedings (if your civil action is allowed) and the defendant is found guilty (even if, for certain reasons, he/she is not convicted to serve a sentence), he/she will be ordered to pay your legal expenses.
you are entitled to make objections and conclusions on criminal matters in the case.
you are entitled to submit evidence and any other claims related to the settlement of the case.

If the defendant has been remanded in custody or convicted to serve a penalty, you are entitled to be informed of his/her release. If you have not requested to be informed of the offender’s release at your first interview during the criminal investigation when you were informed of this right, you may still request it during the trial either orally before the court or in writing.
When a ruling is available, it will be notified to you and you are entitled to appeal against it.
An injured party or a civil party or a witness in the criminal proceedings also has a number of obligations arising from the need for the judicial bodies to find out the truth in the case and for the offender to be held liable:
the obligation to appear before the police officer, the prosecutor or the judge whenever you are called to make statements.
the obligation to declare everything you know in relation to the incident; you should be aware that if you commit misrepresentation before the judicial bodies, you can be accused of and convicted for perjury. As the spouse or close relative of the suspect/defendant, you can decline to make statements. You may also decline to answer if the questions are related to professional secrecy that you are required to keep, where that is legally binding on judicial bodies the obligation to inform the judicial bodies about any change of address so that they can call you and send you any future notices on the proceedings. you must display civil behaviour and show respect for the solemnity of the hearing. Otherwise, the court may order you to be removed from the courtroom. Both during the criminal investigation and during court proceedings, you are entitled to protective measures if the judicial bodies deem that you might be in danger or if you are the victim of certain crimes that might affect your privacy or dignity. It is highly important for you to know that, if the judicial bodies deem that you might be in danger or that your privacy or dignity might be affected due to the information you provide or due to other causes, they may take, either if you request it or on their own initiative (ex officio), certain measures to ensure your protection, such as: providing surveillance or security to your home or temporary housing; providing escort and protection to you or to the members of your family during travels; protecting your identity details; hearing you via audio-visual means, with your voice and image being distorted, without there being a requirement for your presence, where the other measures do not suffice; keeping the court session private throughout your interview; When so deemed necessary for your protection during the court proceedings, the judge may decide that the hearing should be private. You may also ask the judge to declare the hearing private. Moreover, during court proceedings, the court may forbid any publication of texts, drawings, pictures or images that might reveal your identity. If you are a witness, you are also entitled to other special means of witness protection. If you consider yourself in danger, you should inform the police officer, the prosecutor or the judge and provide as much information as possible.

Can I make a statement during the trial or give evidence? What are the conditions?
Yes. If you have chosen to participate in the trial, both the prosecutor/ police officer and the judge may hear you as an injured party/ as a civil party. The prosecutor or the police officer will call you to be present at the premises of the police/ prosecutor's office in order to be interviewed and, during the trial, you will be called to be heard in the proceedings.

What information will I receive during the trial?
During the criminal investigation, you can receive information on the progress of the case and a copy detailing the prosecutor's decision related to the advisability of referring the case to court. For this, you will need to submit a request to the police officer or the prosecutor handling the case and to indicate an address in Romania, an e-mail or electronic messenger address to receive the information. During the trial, you will be called at the first hearing and informed that you can become a civil party in the proceedings. You will receive no further calls for the next hearings. By attending court hearings or consulting the file, you will be informed about the progress of the case and the next hearing dates. However, you will be called whenever you must be interviewed. Once available, a copy of the ruling will be delivered to you.

Will I be able to access court files?
Yes, you or your counsel can consult the file. In order to do this, you need to go to the registry of the prosecutor’s office or of the court which keeps your file and submit an application in this respect. However, the consultation of your file will be subject to specific rules, which will be communicated by the registry.

You are entitled to receive information on the conditions and the procedure governing the admission to the witness protection programme.

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3 - My rights after trial
Can I appeal against the ruling?
The trial ends with a court decision (judgment) applying one of the following measures to the defendant: conviction, acquittal, waiver of sentence, postponement of sentence or termination of criminal proceedings. The decision will be announced during a public court hearing. If you have participated in the trial as a victim and/or civil party, you will receive a copy of the court’s decision by post. If you are dissatisfied with the court decision, you can appeal against it. You can file an appeal only if you have participated in the trial as a victim or civil party. You can also appeal as a witness, but only in relation to the reimbursement of legal expenses and indemnities you are entitled to. If you are a victim or civil party, the deadline for submitting the appeal is 10 days after receiving a copy of the decision minutes. If you have acted as a witness, you can file an appeal right after a decision on legal expenses and indemnities has been handed down, but no later than 10 days from the ruling that settled the case or from the notification of the ruling on legal expenses or indemnities, as applicable. The appeal has to be made in writing and signed. Appeals are submitted to the same court whose decision you are appealing against. After receiving the appeal, the court will forward it to the higher court competent to deal with it. The copy of the court’s decision will include information about when and where you can file your appeal.

What are my rights after sentencing?
The sentence will enter into force after all the opportunities for appeal have been exhausted. After the sentence enters into force, your role in the proceedings is over. If you have been placed under a special witness protection programme during the proceedings, you can continue to benefit from it until the court decides that you are no longer in danger.

Am I entitled to support or protection after the trial? For how long?
Some support measures are granted during the trial or for a fixed period of time, while others are granted on the basis of the victim’s specific needs. Free legal assistance for crime victims is granted for the full duration of the trial.
If you are a victim of human trafficking, you can benefit from a recovery and reflection period of up to 90 days, during which you have the right to psychological counselling, medical and social assistance, medicine, food and, upon request, accommodation in protected centres or safe houses and you will be informed of the applicable judicial and administrative procedures.

If you are a foreigner for whom there are serious grounds for believing you have been the victim of human trafficking, you also benefit from a period of recovery and reflection of up to 90 days, during which you are granted, at the request of a judicial body, permission to remain in the territory of Romania and may be accommodated in dedicated facilities. You may also be granted a temporary permit to reside in Romanian territory during or after the recovery period.

In the case of victims of domestic violence, the protection order is issued for a maximum duration of 6 months. Further details on the right to support and protection of victims of domestic violence can be found [here](#).

In the case of a witness included in a witness protection programme, the protection measure may also continue after the trial has finished, but when it does finish the scheme will be reviewed in order to adapt it to the new situation. The term of such protection will be decided by the court.

### What information will I be given if the offender is sentenced?

If the offender is sentenced, you can have access to the following categories of information: the type and the duration of the penalty (the sentence is handed down in a public hearing and will be delivered to you subsequently), information in case of escape, release on any terms, provided that you have requested such information.

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

Yes, you will be informed of the offender’s release or escape from prison, if you have requested so when asked by the judicial bodies. Please see the answer above.

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

Your role in the criminal proceedings will be over when the court’s decision (convicting or acquitting the defendant, waiving or postponing penalty enforcement or terminating criminal proceedings) becomes final.

You will not be involved in the offender’s release or conditional release procedure.

### What is the process for claiming damages from the offender? (e.g. court case, becoming a civil party or lodging a civil action)

You can claim damages from the offender by becoming a civil party in the criminal proceedings. You should take this course of action before the commencement of the preparatory inquiry. The judicial bodies must inform you of this right. You may become a civil party in the criminal proceedings either orally or in writing. However, you must specify the damages claimed, the reasons and the evidence underlying your claim.

This claim may be lodged either with the prosecutor’s office or with the court that will deal with the substance of the case.

The court sentence will also include the damages ordered by the court against the offender.

If you are not a civil party in the criminal proceedings, you may still lodge a separate action with the civil court in order to claim damages.

### The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

As long as there is a judgment in place ordering the offender to pay damages, he/she must do so without the need for you to take any further action. If the offender fails to pay, you may seek the enforcement of the judgement.

In order to do this, you must submit the judgement awarding you compensation to a bailiff. The bailiff will act for the enforcement of the court decision and will tell you what to do next.

### If the offender does not pay, can the state pay me an advance? Under what conditions?

The state can pay you compensation under certain conditions.

If the offender is insolvent or is missing, the state can pay you compensation, provided that you lodge an application for financial compensation. You should lodge the application within one year. The date on which the term begins to run depends on the solution ordered by the judicial bodies.

If the offender is unknown, you should lodge the application for financial compensation within 3 years from the perpetration of the offence, unless you have obtained full compensation from an insurer.

You may submit an application for an advance payment of the financial compensation. In order to do this, you should first submit the application for financial compensation as mentioned above. The advance payment may be requested in the application for financial compensation or subsequently within 30 days.

You are entitled to an advance payment provided that you are in a precarious financial position.

If your application for damages/compensation is dismissed, you must refund the advance money received. The application for financial compensation should be lodged with the tribunal under whose jurisdiction you reside.

### Am I entitled to compensation from the state?

Yes. Financial compensation is granted, upon request, if you are the victim of an attempt to commit aggravated murder or murder, physical assault, crime committed with intent resulting in bodily injury, rape, a sexual act with a minor or sexual assault, human trafficking or trafficking in minors, a terrorist offence or of any other violent crime committed with intent.

You can obtain financial compensation if one of the above offences was committed on Romanian territory and you are a Romanian citizen, a foreign citizen or a stateless person legally residing in Romania, a citizen of a Member State of the European Union, legally present in Romania at the time the crime was committed, or a foreign citizen or stateless person residing in the territory of a Member State of the European Union legally present in Romania at the time the crime was committed.

Compensation is granted only if you have referred the matter to the criminal investigation authorities within 60 days of the date on which the offence was committed. If the victim was physically or mentally unable to notify the criminal investigation authorities, the 60-day deadline shall be calculated from the date on which this inability ceases.

If you are under 18, you are not obliged to report the crime to the criminal investigation authorities, your legal representative can do so on your behalf. If your legal representative has not applied for financial compensation within the prescribed time limits, these periods shall begin to run from the date on which you reach the age of 18.

If the offender is known, financial compensation may be granted to you providing the following conditions are met:

- you have applied for financial compensation within one year;
- you have brought a civil claim as a civil party to the criminal proceedings, unless the case has been closed;
- the perpetrator is insolvent or cannot be found;
- you have not received full compensation for the damage incurred from an insurance company.
If you are unable to make your claim for financial compensation, the one-year deadline is calculated from the date on which the inability ended.

If the offender is unknown, you can apply for financial compensation within 3 years from the date on which the offence was committed.

You are entitled to financial compensation for the following categories of damage suffered as a result of the crime: hospitalisation and other medical expenses; the material injury resulting from the destruction or degradation of a victim’s assets or because the assets have been rendered useless or the victim has been dispossessed as a consequence of the crime; the gains you are deprived of due to the crime.

If you are a surviving spouse, child or dependant of a deceased victim, you are entitled to financial compensation for funeral costs and maintenance that the victim is deprived of due to the crime.

You can also claim financial compensation for the psychological damage suffered as a result of the crime.

To cover any urgent needs, you may receive an advance on the financial compensation in the form of a voucher. Vouchers are awarded up to an amount equivalent to 5 basic gross minimum wages per country established for the year in which you request the advance. Vouchers shall be used exclusively to cover expenditure on food, accommodation, transport, medicine and sanitary supplies, as well as on items for hygiene and personal use, and shall be distributed through the competent public institutions and authorities, as well as associations and foundations active in the field of victim protection and social assistance. The advance on the financial compensation in the form of a voucher has to be paid back.

**Am I entitled to compensation if the offender is not convicted?**

If the criminal court does not award relief in respect of the civil claim, you may lodge a separate action with the civil court in order to claim damages.

If the criminal court rules that there is no offence or that it has not been committed by the person against whom you have lodged the complaint, you will not be entitled to damages either in the criminal court or in a separate civil action, since the ruling of the criminal court acquires the force of res judicata before the civil court.

If you are not a civil party in the criminal proceedings, you may lodge a separate action in civil court during the criminal trial or even when it is over, subject to the general limitation periods.

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

Yes, under certain conditions. You may submit an application for an advance payment of the financial compensation. Please see the answer to the question on advance payments.

You can also benefit from an advance on the financial compensation in the form of a voucher to cover urgent needs. Vouchers are awarded up to an amount equivalent to 5 basic gross minimum wages per country established for the year in which you request the advance. Vouchers can only be used to cover expenses for food, accommodation, transport, medicines and sanitary supplies, as well as items for hygiene and personal use. Vouchers shall be distributed through competent public institutions and authorities, as well as associations and foundations active in the field of victim support and protection and social welfare.

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## My rights to support and assistance

### I am a victim of crime, who do I contact for support and assistance?

You may contact various institutions, according to the category that your case comes under:

**National Agency for Equal Opportunities between Women and Men (ANES – Agenția Națională pentru Egalitatea Intre Femei și Bărbați)**

It offers various types of services, such as:
- free and anonymous helpline for victims of domestic violence - 24/7 Call Centre - 0800 500 333
- specialised social services at the Emergency Reception Centres for Victims of Domestic Violence
- advice, information and guidance for victims of domestic violence.

**National Agency against Human Trafficking (ANITP – Agenția Națională Împotriva Traficului de Persoane) within the Ministry of Internal Affairs.**

The network of courts of appeal includes 15 regional centres. Each centre is attached to a court of appeal.

They offer various types of services, including:
- A citizen helpline that is available around the clock for information and notification of any potential cases of human trafficking: HelpLine 0800 800 678 (national toll-free number) or +40 21 313 3100 (for calls from abroad). Working hours: Mon to Fri, between 08:00-16:00

**National Employment Agency (ANOFM – Agenția Națională pentru Ocuparea Forței de Muncă) within the Ministry of Labour and Social Justice**

ANOFM provides professional employment and training services through its territorial structures for registered persons seeking employment, including those who were victims of crimes, particularly to victims of trafficking in persons.

**Contact:**
It has territorial structures exclusive to the border counties that can provide support at ANITP’s request to help victims take part in specific stages of a criminal trial.

The police can inform you of your rights as a victim.

IGPR’s specialised structures can also provide physical protection during a trial.

**National Authority for the Protection of Children’s Rights and Adoption (ANPDCA) – Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopției**

within the Ministry of Labour and Social Justice

ANPDCA is the institution responsible for monitoring the application and enforcement of regulations to protect children’s and adoptive rights, as well as coordinating work carried out by public or private providers in this field.

The child protection system is decentralised, as the DGASPCs or General Directorates for Social Work and Child Protection (Direcțiile Generale de Asistență Socială și Protecția Copilului) report to the county councils or to the local municipalities within Bucharest.

DGASPCs provide various services, such as: evaluating cases of violence against children and providing facilitating plan-based response services, complex evaluation for children with disabilities, complex evaluation for other persons with disabilities, the non-emergency social care ambulance, the social care helpline, social services for preventing domestic violence and human trafficking, specialised social services across a range of institutions.

Contact: [http://www.copii.ro](http://www.copii.ro)

### Non-Governmental Organisations (NGOs)

#### In the field of human trafficking, accessible by clicking on:

- [Asociația Dezvoltare a Practicilor Alternativ pentru Reintegrare și Educație – ADPARE](https://www.alternativesociale.ro/) (Association for the Development of Alternative Practices for Reintegration and Education), Bucharest
- [Fundatia Ușă deschisă – Open Door Foundation, Bucharest](https://www.salvaticopiii.ro/)
- [Asociația Generație Tântără România – (Association of the Younger Generation), Timișoara](https://www.salvaticopiii.ro/)
- [People to People Foundation – Oradea: (email: office@people2people.ro)](https://www.salvaticopiii.ro/)
- [Micu Bogdan Foundation – Brașov: (email: office@fundatiamicubogdan.ro)](https://www.salvaticopiii.ro/)

#### In the field of prevention and countering domestic violence, accessible by clicking on:

- [TRANSCENA Association](https://www.alternativesociale.ro/)
- [ANAIȘ Association](https://www.alternativesociale.ro/)
- [PRETUIESTE VIATA (Value Life Foundation)](https://www.alternativesociale.ro/)
- [SENSIBLU Foundation](https://www.alternativesociale.ro/)
- [Network for preventing and combating violence against women](https://www.alternativesociale.ro/)
- [Rețeaua “Rupem tăcerea despre violența sexuală” (Breaking the silence on sexual violence)](https://www.alternativesociale.ro/)
- [NECUVINTE (No Words Association against domestic violence)](https://www.alternativesociale.ro/)
- [“Touched” Association Romania](https://www.alternativesociale.ro/)

#### In the field of protection of children’s rights:

- [Save the Children (Salvați copiii)](https://www.alternativesociale.ro/)
- [Social Alternatives (Alternative Sociale)](https://www.alternativesociale.ro/)
  
  **Address:** Intr. Ștefan Furtună 3, Sector 1, Bucharest, postcode: 010899, Romania  
  **Tel.: +40 21 316 61 76**  
  [https://www.salvaticopiii.ro/](https://www.salvaticopiii.ro/)

- [Victim support hotline](https://www.alternativesociale.ro/)
  
  People who have suffered injuries as a result of crime can also contact the police by dialling the single national emergency number - 112.  
  Free and anonymous helpline for victims of domestic violence - 24/7 call centre - 0800 500 333.  
  Telverde of the National Agency Against Trafficking in Persons: 0800 800 678 - national toll-free number and 0040213133100 - for calls from abroad.  
  **Working hours:** Mon to Fri, between 08:00-16:00  
  Child helpline: 116111 (freephone number). Working hours: Mon to Sun: 08.00 – 00.00.

- [Is victim support free?](https://www.alternativesociale.ro/)
  
  Pursuant to applicable Romanian law, the victims of crime are entitled to protection and assistance free of charge.

- [What types of support can I receive from state services or authorities?](https://www.alternativesociale.ro/)
  
  See the replies above.

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#### Victims’ rights - by country - Slovenia

You will be considered a **victim of crime** if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, etc., as a result of an incident, which constitutes a crime according to national law. As a victim of crime, the law confers to you certain individual rights before, during and after court proceedings (trial).
Criminal proceedings in Slovenia starts with a police inquiry, which usually includes informal interviews with suspects and witnesses, examination of the scene of the crime, search of the premises, etc. At the end of the inquiry the police will send the case to the public prosecutor. For less serious offences the public prosecutor will bring the case to court for trial. If the offence is a serious one the public prosecutor will forward the case to an investigative judge to conduct a formal investigation. At the end of the formal investigation the case will be sent to the public prosecutor again to bring the case to court for trial. During the trial the court will examine the collected evidence in a court hearing and will decide on the guilt of the offender. If the offender is found guilty, the court will impose a penalty.

The following factsheets will take you through the different steps of the procedure, describing your rights during the investigation of the crime, after the first trial or after the appeal before the presiding judge of the court against delays of other irregularities during the investigation.

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### 1 - My rights during the investigation of a crime

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More information

**How and where can I report a crime?**

If you have suffered from a crime or otherwise learn that a crime has been committed you can report the offence to the police or the public prosecutor. You can do this by:

- going to the nearest police station or public prosecutor’s office;
- sending a written report by post;
- calling on the telephone;
- submitting an electronic report through the Electronic Public Services Portal.

If you choose to submit a written report you can sign it, but it is not obligatory. Anonymous reports are also accepted. For oral reports and reports made by phone, the police or the public prosecutor will draft a written record. You do not have to sign this record.

There is no obligatory template for reporting a crime and there are no specific requirements as to what information you have to include in the report. A brief description of the incident will be sufficient (e.g. when and where did it happen, how, who was the offender or how did he/she look like, what was stolen, what are the damages, etc.). If you have any relevant evidence you can present it when you report the crime.

If you do not speak Slovenian you can report the crime in any language you understand. The public prosecutor or the police will provide you with an interpreter free of charge, if necessary.

There is no deadline for reporting a crime. However, if you report the crime after a certain period of time specified in the law the authorities may not start an investigation.

Some less serious crimes are prosecuted only if you report them to the public prosecutor or start a private prosecution yourself by filing a complaint directly to the court. For these crimes there is a deadline. You have to file a report or complaint within three months after you learn about the crime and the offender.

**How can I follow up on what the authorities do after I report a crime?**

If the public prosecutor finds that there are no grounds to prosecute for a criminal offence that you reported, he/she has to instruct you that you may start the prosecution by yourself. In such case, you can start the prosecution within eight days from the day you received this notice.

You can also check what has been done on your report by asking the police officer in charge of your case.

**How can I be involved in the investigation of the crime?**

When you report the crime, the public prosecutor or the police officer may ask you additional questions to clarify some details of the incident. This is not a formal interrogation. Nevertheless, a lawyer or another person you trust can accompany you if you wish. If you want a lawyer to come with you, you have to pay for his/her services. Legal aid free of charge is available at a later stage.

When the public prosecutor decides to start an investigation he/she will send the case to an investigative judge. The investigative judge will send you a written invitation for each investigative action you are allowed to attend. In the invitation you will find information about the time and place of the investigative action. The investigative judge will also explain to you what rights you have during the investigation.

As a victim you can:

- examine the case file together with the collected evidence (the investigative judge may refuse to allow you to examine the case file before you are interviewed as a witness);
- suggest the performance of specific investigative actions;
- attend certain investigative actions (you can attend the examination of the crime scene, the questioning of experts and the interviews of witnesses that will not be interviewed again during the trial but you cannot attend the questioning of the offender and the examination of premises);
- ask questions, with the permission of the investigative judge, during the investigative actions you are allowed to attend;
- appeal before the presiding judge of the court against delays of other irregularities during the investigation.
To benefit from your rights as a victim you do not need to file any formal requests to join the proceedings. You are not obliged to prove anything related to the crime. Only when the crime is prosecuted upon your complaint to the court will you have to prove the crime and the guilt of the alleged offender.

During the investigation you can (but you are not obliged to) have a lawyer. If you wish to have a lawyer you have to pay for his/her services. Alternatively, you can apply for legal aid if your financial situation does not allow you to cover the lawyer’s fee.

**What are my rights as a witness?**

If you are called for an interview as a witness during the investigation you have to appear before the investigative judge and answer his/her questions. The investigative judge will warn you that you have to tell the truth and not hide information.

You can refuse to be interviewed if:
- you are keeping an official or military secret;
- you are a relative to the offender (spouse, partner, parent, grandparent, child, grandchild or another close relative); or
- you are not allowed to share information you have learned while exercising your profession (e.g. you are a doctor and the offender is your patient).

In addition, you can refuse to respond to individual questions if your answers may disgrace or harm you or may result in criminal prosecution against you or your close relatives.

Before the interview, the investigative judge will explain to you when you can refuse to answer individual questions and when you can refuse to be interviewed at all.

If you cannot appear before the investigative judge because of illness or some other serious reason, the investigative judge can perform the interview at the place you live. If you have hearing or speaking impairments your interview will be conducted in writing or a special interpreter will be called to assist you.

When you are interviewed as a witness you can ask for reimbursement of the expenses you have made. Reimbursement may cover travel expenses, expenses for food and accommodation, and expenses related to taking day(s) off from work or the loss of profit. You have to request reimbursement immediately after your interview.

**I am a minor. Do I have additional rights?**

If you are a child and you have been called for an interview, a teacher or another qualified expert can be present to assist you. If you are a minor (under 18 years of age) a person you trust can accompany you and assist you during the entire investigation. This person can also be present during your interview.

Depending on the crime, if a lawyer has assisted you during the proceedings you may receive reimbursement for the fee you have paid for his/her services. If you are child victim of a sexual offence, cruel treatment or human trafficking you must have an authorised person to assist you throughout the proceedings.

If you do not choose such a person yourself the court will assign a lawyer to perform this function.

If you are an under age victim of domestic violence the authorities are not allowed to publicly disclose any information that may reveal your identity irrespective of your parents’ consent.

**What information can I obtain from police or victim support organisations during the investigation of the crime?**

When you report a crime you can ask the police officer or the public prosecutor to give you more information about the procedure that follows and about the assistance you can receive as a victim. You can also consult the leaflets for victims of crime available at the police stations.

**Can I receive legal aid?**

You can apply for free legal aid if you are:
- a Slovenian citizen permanently residing in Slovenia;
- a foreigner permanently or temporarily residing in Slovenia; or
- a foreigner entitled to legal aid under international law (you can ask the police officer/public prosecutor if you fall under this category).

You can receive legal aid free of charge if you wish to have a lawyer but your financial situation does not allow you to pay for his/her services.

To receive legal aid you have to submit an application to the court. You do not have to provide any information about your income. The authorities that will decide on your application will collect this information from the available official records.

If you are victim of a domestic violence you can receive legal aid free of charge irrespective of your financial situation. You need to prove that you are victim of domestic violence by presenting a certificate issued by the local Social Work Centre.

**How can I get protection, if I am in danger?**

If the offender is a dangerous person and may affect the criminal procedure by influencing you as a witness or if there is a risk that the offender can commit another crime he/she will be arrested and placed in detention during the proceedings.

If you are victim of violent crime you can ask the police officer to issue a restraining order banning the offender from approaching and contacting you. If the offender lives with you (e.g. in cases of domestic violence) the police officer will ask him/her to leave and will take his/her keys. The ban can last for a maximum period of ten days but you can ask the judge to extend it to up to 60 days. If the offender does not comply with the restraining order he/she will be fined.

If you are a witness and you are afraid that the disclosure of your identity could endanger your life or health or the life or health of your relatives or other persons close to you, you can ask the investigative judge to keep your identity secret. The investigative judge can undertake the following measures:
- deletion of your personal data from the case file;
- protection of your personal data as official secret;
- issuance of court order banning the offender and his/her lawyer to disclose certain facts;
- assignment of a pseudonym;
- conduct of your interview using technical devices (protective screen, devices for disguising the voice, transmission of sound from separate premises and other similar technical devices).

If you are afraid that keeping your identity secret would not be enough to protect you, you can apply for special protection measures. Special protection measures apply only in if you are victim of a very serious crime such as kidnapping, drug trafficking, etc.

The special protection measures may include:
- physical protection;
- relocation, including relocation abroad;
- new ID documents;
- non-disclosure of your identity;
- change of identity;
- interview via video conference and phone conference;
- financial and social support.
If you are victim of **domestic violence**, authorities are not allowed to publicly disclose any information that may reveal your identity. Such information can be disclosed only with your consent. You can ask the judge to ban the offender from approaching your home or other places you visit frequently (e.g. your workplace, your school, etc.) and from contacting you by means of communication such as telephone, e-mail, etc. You can also ask the judge to remove the offender from your common place of living for a period of up to six months (with a possible extension for six more months). In the latter case you may be requested to pay compensation to the offender for the period he/she is obliged to live elsewhere. These measures are not related to the criminal proceedings. You can request their application irrespective of whether there is a criminal investigation or not.

If you are victim of **human trafficking** and you are residing in Slovenia without permission you can ask the police to allow you to remain in the country for up to three months (with a possible extension for three more months).

**What services and assistance can I be given during the investigation of the crime?**

You can get medical help from medical institutions but you have to pay for it unless it is covered by your insurance. You can add the amount paid for medical or psychological assistance to your civil claim. Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the [European Health Insurance Card](http://www.ehic.org/).

You can receive psychological support and other services from the local [Social Work Centre](http://www.mljk.gov.si/zh-www/organizacije_UNO/organizacije_UNO/obce 社会工作中心) or from specialised non-governmental organisations.

If you are victim of domestic violence you can choose another person to help you during the proceedings. This person is called "victim's assistant" and can be anybody you trust.

**Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

In the course of the investigation the public prosecutor may invite you and the offender to participate in a mediation procedure. During this procedure you will meet with the offender in the presence of a mediator in an attempt to reach an agreement on your case. Mediation is possible only for less serious crimes (crimes punished by a fine or imprisonment of up to three years or other specific crimes in special circumstances). Mediation is a voluntary procedure and can take place only if both you and the offender agree to participate. If the procedure is successful and you reconcile with the offender the case will be closed.

The public prosecutor can also ask for your consent to temporarily suspend the case and give the offender the opportunity to rectify what he/she has caused with the crime (e.g. to eliminate or compensate the damage, to engage in community work, make a contribution to a charity or fund for crime victims, etc.). This can happen only if you are a victim of a less serious crime (crime punished by a fine or imprisonment of up to three years or other specific crimes in special circumstances). If you agree with the public prosecutor’s proposal the offender will be instructed in what he/she must do and will be provided with a deadline for complying with the instructions. If the offender complies with the instructions within the specified time limit the case will be closed.

**How will my case continue after the end of the Investigation?**

At the end of the investigation the investigative judge will send the case to the public prosecutor. The public prosecutor will examine the collected evidence and will bring the case to court or close it. When the public prosecutor brings the case to court, the court will also examine the evidence and may decide to start a trial or in specific circumstances close the case. The case can also be closed if the public prosecutor withdraws the charges before the first court hearing.

**Can I appeal if my case is closed without reaching the court?**

If the public prosecutor closes the case before bringing it to court or withdraws the charges before the first court hearing, you will receive a notification that you case has been closed. You cannot appeal against the closing of the case, but you can continue the proceedings yourself. The notification you will receive will contain information about how you can continue the proceedings. If you wish to continue the proceedings yourself you have to do it within eight days after you receive the notification informing you about the closing of your case.

If the public prosecutor brings the case to court but the judge decides to close it without starting a trial you will receive a notification. You can appeal against the court’s decision within eight days after you receive the notification. If your appeal is successful there are two possible options:

- if only you have appealed against the decision, you will be allowed to continue the proceedings yourself;
- if the public prosecutor has also appealed against the decision the proceedings will continue as if the case has never been closed.

If you are a foreigner you can benefit from the rights listed above. You also have additional rights to facilitate your participation in the investigation. If you do not speak Slovenian you can use any language you understand. An interpreter free of charge will be provided to assist you when you attend investigative actions. Documents and other pieces of evidence will also be translated for you free of charge.

**More information:**


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**2 - My rights during the trial**

How can I be involved in the trial?  
What are my rights as a witness?  
I am a minor. Do I have additional rights?  
Can I receive legal aid?  
How can I get protection, if I am in danger?  
How can I claim damages from the offender or receive compensation from the State?  
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
I am a foreigner. How are my rights and interests protected?

More information

Can I receive legal aid?
You can apply for legal aid if you are:
- a Slovenian citizen permanently residing in Slovenia;
- a foreigner permanently or temporarily residing in Slovenia; or
- a foreigner entitled to legal aid under international law (you can ask the judge if you fall under this category). You can receive legal aid free of charge if you wish to have a lawyer but your financial situation does not allow you to pay for his/her services.

To receive legal aid you have to apply. You do not have to provide any information about your income. The authorities that will decide on your application will collect this information from the available official records.

How can I get protection, if I am in danger?
You can receive the same protection as during the investigation.
If the offender is a dangerous person and may affect criminal procedure by influencing you as a witness or if there is a risk the offender can commit another crime he/she will be arrested and placed in detention during the proceedings.
If you are a witness and you are afraid that the disclosure of your identity could endanger your life or health or the life or health of your relatives or other persons close to you, you can ask the judge to keep your identity secret by:
- deleting your personal data from the case file;
- protecting your personal data as official secret;
- issuing a court order banning the offender and his/her lawyer to disclose certain facts;
- replacing your name with a pseudonym;
- performing your interview using technical devices (protective screen, devices for disguising the voice, transmission of sound from separate premises and other similar technical devices);
- not allowing questions that may reveal your identity.

If you are afraid that keeping your identity secret would not be enough to protect you, you can apply for special protection measures. Special protection measures apply only in if you are victim of a very serious crime such as kidnapping, drug trafficking, etc. and may include:
- physical protection;
- relocation, including relocation abroad;
- new ID documents;
- restricted access to your personal data;
- non-disclosure of your identity;
- change of identity;
The sentence enters into force when it is confirmed by the court. It means that the court has convicted the defendant or declared him/her not guilty. After the sentence enters into force, your role in the proceedings is generally over. Slovenian legislation does not provide victims with the right to receive compensation from the offender. Victims can appeal against the decision only if they are not satisfied with the way the court has distributed the costs of the proceedings.

Can I appeal against a sentence or if the defendant is declared not guilty?

You can appeal against the decision by filing a civil claim. During the appeal procedure, the investigative judge or the court may decline to examine your claim if it is too complicated and its examination will prolong the proceedings. If the appeal is successful and you reconcile with the offender, the court may close the case.
Help and support for victims of crime

Ministry of Justice

Ministry of the Interior, Witness Protection Unit

The Supreme State Prosecutor's Office

Commission for the Protection of Endangered Persons

Social Work Centres

Society Ključ – Centre for Fight Against Trafficking in Human Beings

Association against Violent Communication

White Ring of Slovenia - Association for the Help to the Victims of Crime

Association for the Promotion and Development of the Quality of Life Papilot

SOS Help Line for Women and Children - Victims of Violence

Women's Counselling

Ministry of Justice

The Ministry of Justice performs expert and logistic tasks for the Committee that decides on compensation claims. Its departments responsible for the protection of victims' interests are Directorate for Justice Administration, Sector for Justice Supervision, etc.

The Ministry of Justice provides cooperation and exchange of information between the Commission for the Compensation to the Victims of Crime, the Police and the relevant authorities of other countries, according to the regulations of the respective countries competent for performance of tasks in relation to proceedings for compensation claims.

The Ministry of Justice provides the applicants with basic information on the possibilities and on the terms and conditions for claiming compensation in accordance with the manual drawn up by the European Commission.

The Ministry of Justice is also the competent authority to receive claims for compensation of other EU Member States' citizens who were victims of crimes, committed within the territory of the Republic of Slovenia.

CONTACTS:

Website: [https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-pravosodje/](https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-pravosodje/)

Ministry of the Interior, Witness Protection Unit

The Ministry of the Interior has a special unit of the police responsible for protection of victims' interests called the Witness Protection Unit. It proposes, organises and implements the measures of protection under the witness protection programme.

The Witness Protection Unit under the Ministry of the Interior proposes, organises and implements the measures of protection under the witness protection programme. It requires all governmental bodies, state and local institutions and authorities to provide the assistance necessary for the implementation of the measures and tasks of the witness protection.

The Witness Protection Unit cooperates with other organisational units of police; it directs and coordinates their work.

CONTACTS:

Website: [http://www.policija.si/](http://www.policija.si/)

The Supreme State Prosecutor's Office

The Supreme State Prosecutor's Office of the Republic of Slovenia is the highest-ranking prosecutor's office in the country, within which operate supreme and higher state prosecutors, district state prosecutors assigned to the Supreme State Prosecutor's Office for performing demanding professional tasks, and state prosecutors operating within the group of state prosecutors for the prosecution of organised crime.

The Supreme State Prosecutor's Office of the Republic of Slovenia is organised into four departments (the criminal law department, the civil and administrative affairs department, the department of state prosecutor supervision and the appeals department), an expert centre and a legal information centre.

The Supreme State Prosecutor's Office decides on disputes over the jurisdiction between district state prosecutors' offices and on transferring territorial jurisdiction to another district state prosecutors' office, where appropriate, to facilitate the completion of the proceedings or for other substantive reasons.

The Supreme State Prosecutor's Office has group of state prosecutors for the prosecution of organised crime which is responsible for prosecuting the perpetrators of criminal offences in the area of "classical" organised crime and economic crime, terrorism, offences connected with corruption and other offences where detection and prosecution require special organisation and skills.

CONTACTS:

Website: [http://www.dt-rs.si/](http://www.dt-rs.si/)

Commission for the Protection of Endangered Persons

The Commission for the Protection of Endangered Persons decides on the inclusion of specific persons in the witness protection programme and the termination of such programme.

The Commission for the Protection of Endangered Persons has four members: a Supreme Court Judge, a Supreme State Prosecutor, a representative of the Ministry for Justice and a representative of the Ministry of the Interior.

The Commission for the Protection of Endangered Persons decides on the inclusion of specific persons in the witness protection programme and the termination of such programme.

CONTACTS:

Information on the members of the Commission may only be provided at the request of the court for the purpose of a criminal proceeding.
**Social Work Centres**  
The Social Work Centres are public social care institutions. A multidisciplinary team is formed at each Social Work Centre to deal with the instances of family violence. Such team prepares the aid plans for particular victims of family violence.

**Organisation:** The Social Work Centres  
are public social care institutions, of which there are more than 60 in Slovenia

**Activities:** provide to the victim and perpetrator of violence services according to the law, regulating the field of social security  
take care for the victim’s long-term safety by eliminating causes or circumstances in which violence is present, and finding solutions for their social and material conditions required for existence  
draw up an aid plan for the victim if long-term action needs to be taken to establish a safe environment for them

**CONTACTS:**  
For the contact details of all Social Work Centres click [here](http://www.beliobroc.si/).

**Society Ključ – Centre for Fight Against Trafficking in Human Beings**  
The Society Ključ is a non-governmental, non-profit and humanitarian oriented organisation. It is the strongest Slovene organisation regarding preventive and curative activities in the field of fighting trafficking in human beings.

**Organisation:** The Society Ključ  
offers care and (re)integration programme for victims of trafficking which includes counselling interviews, providing documents, help with personal and professional growth

**Activities:** has a programme for child abuse prevention (CAP) which contains workshops for children and a presentation for parents and school personnel and aims to present to children, in a way appropriate to their age, how to recognise potentially dangerous situations and how to respond to them

**CONTACTS:**  
has a programme in Asylum Home and Aliens detention centre where individuals at risk, namely juveniles and all women, are informed about trafficking in human beings and violence

**Website:** [http://drustvo-kljuc.si/](http://drustvo-kljuc.si/)

**Association against Violent Communication**  
The Association against Violent Communication is a non-governmental organisation founded in 1996, dedicated to violence prevention and spreading principles of non-violent communication.

**Organisation:** The Association Against Violent Communication  
has three primary objectives: to reduce society’s tolerance to violence, help those who commit violence to change their behaviour, and help those who experience violence

**Activities:** strives for an integrated solution to the problem of violence  
aims to prevent violence and to mitigate its consequences with programmes for those who experience violence and those who commit it

**CONTACTS:**  
organises preventative and educational activities to raise awareness of the occurrences of violence among the professional community and general public:

telephone line, e-mail or mail for information and counselling in the field of violence

**Website:** [http://www.drustvo-dnk.si/](http://www.drustvo-dnk.si/)

**White Ring of Slovenia – Association for the Help to the Victims of Crime**  
The White Ring of Slovenia is part of a wide network of White Ring associations across Europe, which was established in December 2003. It is a network (ring), entered by victims in need of assistance and those who can help them.

**Organisation:** The White Ring of Slovenia  
provides material assistance in the form of financial contributions, legal and psycho-social assistance to victims of crime

**Activities:** has educational programmes for professionals who work with victims

**CONTACTS:**  
protects the rights of victims and advocates on behalf of victims in proceedings before state authorities

**Website:** [http://www.beliobroc.si/](http://www.beliobroc.si/)

**Association for the Promotion and Development of the Quality of Life Papilot**  
Papilot is a non-governmental and non-profit organisation, which provides help, advice or information to victims of crime or any other form of violence. It also runs several programmes for the prevention of unemployment and implementation of active employment policy.

**Organisation:** The Association for the Promotion and Development of the Quality of Life Papilot  
provides psycho-social assistance to crime victims guided by a vision of providing an integrated intervention in order to improve victims’ interpersonal relationships and their social status

**Activities:** organises a centre for daily care for the elderly

**CONTACTS:**  
helps victims by providing addresses of governmental and non-governmental organisations and institutions

**Website:** [http://www.papilot.si/](http://www.papilot.si/)

**SOS Help Line for Women and Children – Victims of Violence**  
The SOS Help Line for Women and Children – Victims of Violence implements different forms of psychosocial support for women and children – victims of domestic violence. It provides counselling and information via a free telephone line and shelter (safe housing), and organises self-help groups.

**Organisation:** The SOS Help Line for Women and Children – Victims of Violence  
is intended primarily for women, children, adolescent girls and boys who experience domestic violence or violence by their partners, relatives, violence at the work place or in other relationships

**Activities:** provides counselling and informative talk with a competent female counsellor on a free telephone help-line

**CONTACTS:**  
provides shelter for women with or without children, in need of a safe space to avoid violence they had experienced from their partners, within family or from relatives

**Website:** [http://www.papilot.si/](http://www.papilot.si/)
The Women's Counselling, established in 1993, is a voluntary women's organisation (from October 1994 formally an association), operating in the field of psycho-social support and self-help of women who are victims of violence or suffer from eating disorders.

The Women's Counselling offers free counselling, advocacy, information on the responsibilities of public service, and assistance in organising self-help groups publicly calls attention to the social circumstances that often contribute to victimisation of women, fights various forms of discrimination against women, and advocates for the rights of women provides information and advice on organisations where women can seek appropriate help

CONTACTS:

Website: http://www.drustvo-zenska-svetovalnica.si/

Last update: 23/02/2018

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1 - My rights as a victim of crime

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2 - Reporting a crime and my rights during the investigation or trial

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3 - My rights after trial

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4 - Compensation

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5 - My rights to support and assistance

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Victims' rights - by country - Slovakia

You are considered a victim of crime if you have suffered damage as a result of a criminal offence, for example if you have been physically injured or if any damage has been caused to your (tangible or intangible) property as a result of an event that constitutes a criminal offence under national law. The law grants you, as a victim of crime, certain individual rights before, during and after court proceedings.

Victims of crime have privileges throughout the criminal proceedings and you can exercise them at any time during the proceedings.

In Slovakia, criminal proceedings start with a criminal investigation conducted by the police, in which evidence concerning the criminal act and the offender accused of the act is collected. If the evidence is sufficient, the proceedings move to a trial. The trial ends either with the court's verdict on the defendant's guilt or with acquittal, and it may also include a decision on your claim for compensation for the damage you have suffered. You can appeal against the court's decision to a higher court.

Click on the links below to find the information that you need

- 1 - My rights as a victim of crime
- 2 - Reporting a crime and my rights during the investigation or trial
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 you have been a victim of crime, you have the right to receive information, which should be provided by the person with whom you come into contact first. Usually, this is the first police officer, prosecutor, physician or an entity providing assistance to victims of crime. During the first contact, the police/prosecutor are required to provide you in particular with information on:
- the procedures relating to the filing of a criminal complaint, and the rights and obligations of the victim/the civil party in criminal proceedings (such as the right to be accompanied by a trusted person, the appointment of an authorised representative, and the possibilities for the service of documents and access to the file);
- the entities providing assistance to victims of crime (contact details, information on the form of assistance they provide); • the possibilities regarding the provision of the necessary medical care;
- access to legal aid;
- the conditions for the provision of protection if there is a threat of danger to life or health, or a threat of danger of significant damage to property (e.g. the possibility of banning the offender from the household, the right to seek that a claim for damages be secured up to the probable amount of the damages against the accused person’s property);
- the right to interpreting and translation services;
- the measures to protect your interests that you can request if you reside in another EU Member State;
- the procedures for seeking redress should your rights be violated by the police and/or the prosecutor’s office;
- the contact details for communication about the case in which you are a victim;
- the procedures relating to claiming compensation for damage;
- the procedures for mediation in criminal proceedings;
- the possibility and conditions for concluding amicable settlement;
- the possibility and conditions for reimbursement of the costs of criminal proceedings.

Upon request, the police or the prosecutor’s office will help you contact an entity providing assistance to victims of crime that will further address your needs.

If you seek medical assistance first, the staff of the healthcare institution are required to give you the contact details of the entities providing assistance to victims of crime.

Entities providing assistance to victims of crime will provide you with information on:
- the form and scope of expert assistance and the extent to which it is provided free of charge;
- the contact details of other entities that can help you in case the above entities are unable to provide the expert assistance you need;
- the victim’s rights, including the right to compensation;
- the rights you have if you are in the position of the civil party or a witness in criminal proceedings;
- financial and practical matters.

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 have been a victim of crime in another EU Member State and, in the case of a serious offence, you could not or did not want to lodge a criminal complaint in the Member State where the crime was committed, you can report it to the police/prosecutor in Slovakia. The reason why you could not or did not want to make a criminal complaint in another country – whether for reasons of time, distance, lack of fluency in the local language, fear for your family, or other – is not relevant. If the public prosecutor/police find that they lack the competence to deal with the case, they will forward the complaint without delay to the competent authority of the EU Member State in whose territory the crime was committed.

The competent authorities will take the necessary measures to minimise the difficulties you face as a victim of crime, especially as regards the organisation of the proceedings. This means, for example, that you can be heard as a witness by video call or by phone. If you have been a victim of a violent crime, you can claim compensation both in the Member State where the crime was committed and in Slovakia; in the latter case, this is done by submitting an application to the Ministry of Justice of the Slovak Republic.

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

In particular, the police will inform you about the outcome of your criminal complaint. As a rule, the police will decide in one of the following ways within 30 days:

- they will reject the complaint and discontinue the criminal proceedings
- they will refer the complaint to the competent authority
- they will set the criminal complaint aside
- they will initiate criminal prosecution

The police are required to notify you of their decision. This decision is designated as an order (uznesenie) and will be served at the address you indicated in your criminal complaint. If criminal prosecution is initiated on the basis of your complaint, you as the person who reported the crime will be kept informed of its individual stages (i.e. bringing criminal charges against a specific person, extension of the charges, referral of the case to another body, discontinuation, conditional discontinuation or suspension of criminal prosecution).

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?
You have the right to ask for an interpreter; the interpreter will then be provided by the police. You do not have to pay the interpreter’s fee; it is covered by the state. You also have the right to have the essential decisions translated or interpreted into a language you understand.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?
In their communication with you, the police/prosecutor take into account your specific circumstances (such as your age, gender, disability or mental maturity). The purpose is to ensure that you, as a victim, receive sufficient information in a form you can understand to enable you to fully access your rights and to ensure that you feel treated in a respectful manner.

Particularly vulnerable persons, including children and disabled persons, are to be questioned in a considerate manner ensuring that the questioning need not be repeated later in the proceedings. For this reason, their statements are recorded on camera. Before taking the witness statement, the police will consult a psychologist or an expert attending the questioning as to how the questioning is going to be conducted in order to ensure that it is conducted correctly.

Victim support services
Who provides victim support?
Victim support is ensured by entities registered in the register of entities providing assistance to victims of crime, which is available on the website of the Ministry of Justice of the Slovak Republic, or, where appropriate, by intervention centres for victims of domestic violence. They will provide you both with psychological assistance and with legal advice. You will be attended by professionally trained staff who will help you with legal issues or provide you with psychological support. If needed, they will help you find emergency accommodation, contact your family or obtain money.

Will the police automatically refer me to victim support?
During the first contact, the police will inform you about the entities providing assistance to victims of crime, tell you how to contact them and explain which form of assistance they provide. If you so request, the police will assist you in contacting them.

How is my privacy protected?
Law enforcement authorities make sure that they do not disclose protected personal data or facts of a private nature, in particular regarding your family life, home address and correspondence not directly related to the crime. They pay particular attention to the interests of children, minors and the civil parties, whose personal data are not disclosed.

If you file a criminal complaint, you can ask the police officer not to indicate your personal information in the complaint.

Do I have to report a crime before I can access victim support?
You have the right to receive support regardless of whether or not you file a criminal complaint.

Personal protection if I’m in danger
What types of protection are available?
The competent authorities have various measures at their disposal to protect the victim. These measures also differ with regard to the stage of the proceedings. Your participation in such measures should be voluntary and you should be sufficiently informed about the risks and benefits to be able to make an informed decision.

If you live with the offender in a common household, the police may banish the offender from the household for a period of two weeks immediately after you call the police and/or file a criminal complaint. In such a case, the offender is prohibited from entering your common flat or house. The police will then inform you of the possibility to seek a court injunction (neodkladné opatrenie) prohibiting access to the common household also for a longer period of time. An application for a court injunction may also be directed against an offender who does not live with you in the same household. The court may prohibit the offender from approaching your home, workplace or places where you habitually stay, or from contacting you in any way.

You also have the right to decide whether you want to be informed in case the offender is released or absconds from a detention facility. Information about these facts serves, in particular, to protect you should the offender try to contact you (e.g. the offender is a close person or a family member). You can change this decision at any time and it will be taken into account by the police, the prosecutor and the court. However, if you are at risk, or your life or health is in danger, you will be informed by the police/prosecutor/court of the release or absconding even if you have not requested such information.

Who can offer me protection?
Protection will be provided by the police; during court hearings, it will be ensured by the court.

Will someone assess my case to see if I am at risk of further harm by the offender?
The police, the prosecutor, the court, but also an entity providing assistance to victims of crime will assess your case on an individual basis to determine whether you are a particularly vulnerable victim. They will examine whether the offender continues to pose a threat to you and whether you are at risk of repeat victimisation. If they find that the offender intends to intimidate you, threaten you, take revenge or in any way affect your psychological or physical integrity, the competent authorities will take the necessary measures.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?
As a victim, you have the right to protection from secondary victimisation. This means any harm you would suffer not as a direct consequence of the crime itself, but as a result of the conduct of the individuals or the institutions you have been in contact with after the crime. This may include, for example, insensitive conduct on the part of the public authorities, their inaction in ensuring your protection, or insensitive publicity of your case. There are mechanisms in criminal proceedings to avoid such conduct. The police, the prosecutor, the court and the entities providing assistance to victims are required to act in such a way that their activities do not lead to secondary victimisation. Therefore, your questioning may be recorded on camera so that you do not have to give statements repeatedly. In the interests of your protection, medical examination can also be ordered only to the extent necessary and only if required for the purposes of the criminal proceedings.

What protection is available for very vulnerable victims?
If you are a particularly vulnerable victim, you have the right to ask the entity providing assistance to victims of crime for free specialised expert assistance. It will be provided for 90 days and this period may be extended in justified cases at your request. It includes psychological assistance as well as legal advice. You will be attended by professionally trained staff who will help you with legal issues or provide you with psychological support. If needed, they will help you find emergency accommodation, contact your family or obtain money. They will also help you assess whether your life or health is at risk, and take measures to protect you.

I am a minor – do I have special rights?
In addition to all the rights you have as a particularly vulnerable victim because as a minor you are automatically considered to be such a victim, the police, the prosecutor’s office, the courts and the entities providing assistance to victims of crime are required to act in your best interest.

If you are questioned as a witness regarding events that have caused you discomfort, a psychologist or an expert will attend the questioning and supervise its conduct. If appropriate, your parent or teacher may also attend the questioning. The questioning will be conducted in such a way that you do not have to provide the witness statement repeatedly later in the proceedings; you may only be required to give it again if absolutely necessary.
It is widely recognised that a child has special needs in criminal proceedings and the institutions you come into contact with will take your age and needs into account.

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

If your family member died as a result of a crime and you have suffered damage as a result of their death, you are also considered a victim. You have the right to information, especially on how to file a criminal complaint, on the progress of the criminal proceedings and how to contact organisations that can help you. Upon your request, the police or the prosecutor’s office will help you contact an entity providing assistance to victims of crime that will further address your needs. In addition, you have the right to expert assistance, the right to be heard and the right to be treated with respect, consideration and sensitivity.

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

If a person died as a result of a violent crime, the surviving spouse and surviving children are also considered victims of a violent crime. If there are no such persons, the surviving parent and the person who lived with the deceased in the same household for at least one year before their death and who maintained the household together with the deceased, or a person who was dependent on the deceased person’s support, will be considered a victim of crime. You have all the rights granted to victims, but as a victim of a violent crime, you are also entitled to compensation, which you can claim at the Ministry of Justice of the Slovak Republic.

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

Information on mediation procedures will be provided to you by the police during the first contact. Mediation is carried out by probation and mediation officers on the basis of the voluntary consent given both by you and the offender. The purpose is to eliminate, with the active participation of both parties, the negative consequences resulting from the crime committed. You can withdraw your consent at any time. Information obtained in the course of mediation is considered confidential; without the parties’ consent, it may not be used for any purpose other than dispute settlement in the context of mediation.

**Where can I find the law stating my rights?**

- The Victims of Crime Act
- The Code of Criminal Procedure

**Reporting a crime and my rights during the investigation or trial**

**How do I report a crime?**

You can report a crime by filing a criminal complaint with any police authority, the prosecutor’s office or a court. You can file a complaint if you are a victim of crime, and also if you learn that someone you know is a victim of crime, has suffered damage or has committed a crime. The individual authorities (i.e. the police, the prosecutor’s office, courts) cooperate with each other and, if necessary, pass your complaint on to the authority that will examine it further. A criminal complaint may be made in writing, by an oral submission on the record or electronically with an authenticated electronic signature. It should contain, in particular, a description of the act that has occurred, your contact details and, if you are a victim of crime, a description of the damage you have suffered, together with an indication whether you are claiming damages. A criminal complaint must not be anonymous, but the police or the prosecutor will not disclose your personal details if you so request.

**How do I find out what’s happening with the case?**

If you have reported a crime or are a victim of crime, the police are required to notify you of their decision. The decision is designated as an order (uznesenie ) and will be served at the address you indicated in your criminal complaint. You as the person who reported the crime will be kept informed of how the case evolves (i.e. of bringing criminal charges against a specific person, extension of the charges, referral of the case to another body, discontinuation, conditional discontinuation or suspension of criminal prosecution).

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

Representation by a lawyer is not required to file a criminal complaint. Legal aid can be provided by entities providing assistance to victims or, under certain conditions, by the Centre for Legal Aid. A lawyer may be appointed for you at later stages of the criminal proceedings at the state’s expense.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

If you are summoned as a witness, either in the pre-trial proceedings or trial, you are entitled to reimbursement of cash expenses already incurred, in particular, travel, meal and documented accommodation expenses. You are entitled to compensation for lost earnings from work or for other demonstrable loss of income. A claim for witness fees must be raised within three days of the hearing, otherwise it will expire. It must be quantified no later than fifteen days after the claim was made.

If you are the civil party, the state will not bear your own costs. Own costs include, in particular, travel expenses, compensation for the civil party’s authorised representative’s lost time, postal charges and other out-of-pocket expenses. However, as a civil party, already in criminal proceedings you are entitled to receive compensation for the costs necessary to effectively pursue your claim, including the costs incurred by involving an authorised representative. The convicted person must reimburse you for these costs.

**Can I appeal if my case is closed before going to court?**

Your case need not necessarily go to court. It may be concluded by a less formal alternative procedure which does not end with a decision on guilt and punishment. These procedures include, for example, conditional discontinuation of criminal prosecution, conditional discontinuation of criminal prosecution of a cooperating defendant, settlement or a penal order. Whether or not you have a right of appeal depends on your position in the procedure and how the criminal proceedings are closed. You may lodge a complaint against the conditional discontinuation of criminal prosecution or against the conditional discontinuation of criminal prosecution of a cooperating defendant, whether or not you are the civil party or the person who reported the crime. A court settlement cannot be appealed, as it is concluded with your consent. If you are the civil party, you can lodge a statement of opposition against the operative part of the penal order concerning damages. In that case, the operative part of the penal order on damages will be cancelled and the court will refer you to civil proceedings where you can claim compensation.

**Can I be involved in the trial?**

If you are the civil party, the court will notify you of the main hearing. If you fail to appear in court, your claim for damages will be decided on the basis of your previous applications contained in the file. If you are only a person reporting the crime, you can attend the main hearing as a member of the public.

**What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?**

You become a victim if you have sustained personal injury or if damage has been caused to your (tangible or intangible) property or if your rights and freedoms have been violated or threatened as a result of a crime, and also if a member of your family has died as a result of a crime. Anyone who claims to be a victim is regarded as such, unless proven otherwise, regardless of whether or not the offender has been identified, prosecuted or convicted. Victims’ rights, protection and support are governed by the Victims of Crime Act.
In criminal proceedings, however, the victim may have the status of a reporting party, a victim or a witness with all the rights that the Code of Criminal Procedure confers in relation to that particular status.

A victim in criminal proceedings is a person who, as a result of a criminal offence, has sustained personal injury, or economic, moral or other damage, or whose other legally protected rights or freedoms have thereby been infringed or threatened.

You become a witness if you have been asked (summoned) by a law enforcement authority or a court to testify as a witness about facts relevant to the criminal proceedings that you perceived with your own senses, or if you appear before a law enforcement authority or a court either on your own initiative or at the motion of a party.

Slovak criminal law does not include the concept of a private prosecutor; in criminal proceedings it is the public prosecutor who files an indictment.

What are my rights and obligations in this role?
As a victim of crime, you have the right to information on how to file a criminal complaint, about the progress of the criminal proceedings and how you can contact the organisations that can help you. Upon your request, the police or the prosecutor’s office will help you contact an entity providing assistance to victims of crime that will further address your needs. You have the right to expert assistance, the right to be heard, the right to be treated with respect, consideration and sensitivity, and you also have the right to claim compensation if you have been a victim of violent crime.

As the civil party, you have the right, in some cases, to express consent to criminal prosecution, to claim damages, to propose taking or supplementing evidence, to submit evidence, to consult and study files, to attend the main hearing and a public hearing on an appeal or agreement on guilt and acceptance of punishment, to comment on the evidence taken, to make a closing statement and the right to appeal.

As a witness, you are required to appear if you are summoned by the law enforcement authorities and the court, and to testify as to what you know about the crime and the offender or about circumstances relevant to the criminal proceedings. If you do not appear without sufficient excuse, you may be brought before the court.

You have the right to refuse to testify as a witness in three cases:
- if the defendant is your direct relative, sibling, adoptive parent, adopted child, spouse or cohabitant
- if by doing so, you would put yourself or a person close to you at the risk of criminal prosecution
- if by doing so, you would breach the seal of confession or confidentiality of information entrusted to you as a person bound to maintain confidentiality or as a person in charge of pastoral care.

You have the right to legal aid and to have a lawyer present at the questioning and the right to read the record and ask for it to be supplemented or corrected. You are entitled to reimbursement of necessary expenses (e.g. travel costs) and lost earnings from work – witness allowances. A claim for witness allowances must be raised within three days of the hearing.

Can I make a statement during the trial or give evidence? Under what conditions?
As the civil party, you have the right to attend the main hearing and to propose evidence to be taken by the court. You can also comment on evidence that has already been taken. No further motions may be submitted once the court has declared the taking of evidence closed.

At the end of the hearing (but there may also be several hearings) you have the right to make a closing statement. Its content is not precisely defined, so it is up to you what you decide to say. You can bring your notes with you. Your authorised representative, if you have one, will make the closing statement.

What information will I receive during the trial?
Any decision made (judgment, order, penalty order) will always be delivered to you as the civil party. The decision will be delivered directly to your authorised representative if you have appointed one.

Will I be able to access court files?
You can choose to consult the file at any stage of the criminal proceedings. The request for consultation of the file should be addressed to the competent law enforcement authority. You can submit your request in writing or orally. In such a case, the competent authority is, in principle, obliged to grant the civil party’s request by specifying the place, date and time of this procedural act. All necessary steps must be taken to prevent the disclosure of classified information, business and banking secrets, etc., when the files are consulted.

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3 My rights after trial
Can I appeal against the ruling?
You have the right to appeal against the part of the decision concerning the claim for damages or the costs of the proceedings. Depending on the type of the decision, it is possible to lodge an appeal (within 15 days), a complaint (within 3 working days) or a statement of opposition (within 8 days). The decision you receive will indicate exactly what remedy is available to you, where and by when you can lodge it.

What are my rights after sentencing?
The convicted offender is obliged to compensate you for the damage as determined in the decision. If the convicted person fails to comply with this obligation after the decision has become final, you can enforce it through a bailiff. The bailiff then takes the necessary steps to ensure that you receive the damages, e.g. sells the convicted person’s property, deducts a certain amount from the convicted person’s salary. However, even after the criminal proceedings have been closed, you have further rights as a victim of crime/the civil party. These rights cover both your safety and compensation.

If you are the victim of violent crime, you may apply to the Ministry of Justice for compensation, which will be provided by the state. Compensation is granted for bodily harm and, in the case of certain crimes, also for non-material damage. The basic condition to be met before you apply is that the criminal proceedings in which you have brought a claim for compensation from the offender have been initiated and you have not been compensated for the damage otherwise. You can apply for compensation already during the criminal proceedings, but no more than one year from the date on which the decision becomes final, so it is important that you do not miss this deadline.

Am I entitled to support or protection after the trial? For how long?
You are entitled to expert assistance even after the criminal proceedings have ended. If you continue to need, in particular, psychological help or assistance to exercise your rights as a victim, you have the right to receive it.

What information will I be given if the offender is sentenced?
The judgment you will receive will contain information on the sentence imposed on the offender, including the term of the sentence and the prison where the sentence will be served if the offender has been sentenced to imprisonment.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?
You have the right to decide whether you want to be informed in case the offender is released or absconds from a detention facility. Information about these facts serves, in particular, to protect you if the offender tries to contact you (e.g. the offender is a close person or a family member). You can change this
decision at any time and it will be taken into account by the police, the prosecutor and the court. However, if you are at risk, or your life or health is in danger, you will be informed by the police/prosecutor/court of the release or abscinding even if you have not requested such information.

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

You may lodge an appeal only against the section of the court decision concerning damages. Only the defendant and the prosecutor may lodge an appeal against the sentence itself or, more precisely, its term.

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### 4 - Compensation

#### What is the process for claiming damages from the offender? (e.g. court case, civil claim, admission procedure)

Damages can be claimed from an offender in criminal proceedings either by making an oral submission on the record of the hearing or by submitting a special written petition. A civil party who is entitled under law to claim damages from the offender for losses caused by the criminal offence committed against them is also entitled to petition the court to order the defendant to pay damages as part of the conviction; the civil party must make such a petition at latest by the end of the investigation or the summary investigation. The petition must clearly state the reasons for the claim and the amount of damages sought. The civil party is advised of the right to damages and the procedure for exercising that right in the course of the hearing.

If there is reasonable concern that satisfaction of the victim’s claim for compensation for the losses caused by the crime will be obstructed or impeded, the claim up to the probable amount of the losses can be secured against the defendant’s assets or other property rights. A decision on seizing assets is taken by the court on the basis of a petition submitted by the prosecutor or the civil party; in pre-trial proceedings, the prosecutor may secure the claim even without a petition by the civil party if protection of the civil party’s interests so requires, especially if there is a risk of delay.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

If the offender fails to voluntarily fulfil their obligations as ordered by the court in the criminal proceedings, you receive an enforcement order once the court’s decision becomes enforceable, on the basis of which you can enforce the judgment against the offender under enforced recovery proceedings. In such cases, you may seek legal aid from a lawyer.

#### If the offender does not pay, can the state pay me an advance? Under what conditions?

*No.*

**Am I entitled to compensation from the state?**

If you are a victim of violent crime, you may apply for compensation. The Ministry of Justice of the Slovak Republic decides on the provision of compensation and pays it on the basis of a written request. The request has to be submitted using a form provided on the Ministry’s website. The request may already be submitted once the criminal prosecution has started, but no later than one year from the date on which the judgment or the penalty order becomes final.

If a criminal court has referred you with your claim for compensation for damage resulting from bodily harm to civil proceedings or proceedings before another body, the request must be submitted to the Ministry within one year of the date on which the decision on your claim in civil proceedings or in proceedings before another body becomes final. When this period elapses, the right to compensation under the Victims of Crime Act expires.

The above periods do not run during the proceedings before the competent body, especially during civil proceedings and enforcement proceedings in which you claim compensation for bodily harm directly from the person who caused the harm to you.

The Ministry is required to decide on your request within four months of the date of receipt of a complete request. This period will be extended by the time elapsed between the request for cooperation or the documents necessary for the decision and their provision by the competent law enforcement authorities, courts, other national authorities, higher territorial units, municipalities and other persons.

**Am I entitled to compensation if the offender is not convicted?**

If the defendant is acquitted, the court will refer you with your claim to civil proceedings or proceedings before another body.

If you are a victim of violent crime and the defendant has been acquitted because of not being criminally responsible on the grounds of insanity or of being underage, and you have not been compensated for the bodily harm otherwise, you are entitled to compensation under the Victims of Crime Act.

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

*No.*

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### 5 - My rights to support and assistance

#### I am a victim of crime who do I contact for support and assistance?

Contact details of the entities providing assistance to victims can be found [here](#).

**Victim support telephone helpline**

| National helpline for women experiencing violence (24/7) | 0800 212 212 |
| Child safety helpline (24/7) | 116 111 |
| Missing children helpline (24/7) | 116 000 |
| Emotional support helpline for children (14.00-20.00) | 055/234 72 72 |
| Helpline for abused persons | 0800 300 700 |
| Victims of human trafficking helpline | 0800 800 818 |
| Emotional support helpline ‘Nezábudka’ | 0800 800 566 |

**OTHER CONTACTS**

| Integrated Rescue System | 112 |
| Police | 158 |
| Helpline of the Office of Labour, Social Affairs and Family (UPSVAR) for reporting neglect of childcare | 0800 191 222 |
| The prosecutor’s office’s helpline for reporting domestic violence | 0800 300 700 |
1 - My rights as a victim of crime

Victims of crime are entitled to receive victim support and assistance. This support is provided to the victim by the entities accredited by the Victim's Rights Act. The support includes legal aid, psychological assistance, and assistance in contacting the police. The police will provide you with the contact details of the entity providing the assistance and the information about the form of assistance provided.

2 - Reporting a crime and my rights during the investigation or trial

If you have been the victim of an act or omission which constitutes a crime according to Finnish law, you have certain rights before, during, and after court proceedings. The prosecutor has the right to receive expert assistance in the form of legal aid to exercise the rights of the victim who has the status of a civil party or a witness in criminal proceedings.

3 - My rights after trial

Criminal proceedings may continue if one of the parties lodges an appeal with a higher court. If there is sufficient evidence that a criminal act was committed, the prosecutor will file charges and bring the case to court. During the trial, the court examines the evidence and either convicts the alleged offender or finds them not guilty. The criminal proceedings may continue if one of the parties lodges an appeal with a higher court.

4 - Compensation

Legal aid can be obtained from the entities providing assistance to victims, from the intervention centre for victims of domestic violence or, under certain conditions, from the Centre for Legal Aid. The state cooperates with the entities providing assistance to victims, and during the first contact the police will provide you with their contact details and the information about the form of assistance provided by these entities. At your request, the police will assist you in contacting them.

5 - My rights to support and assistance

The accredited entities can provide you with general expert assistance or with specialised expert assistance intended for particularly vulnerable victims. The accreditation of entities is subject to the provision of one of the above forms of assistance, which is also linked to the type of victims to whom they provide assistance. If you are not sure what kind of expert assistance the accredited entity provides and what type of victims it deals with, do not hesitate to contact them. They will be able to advise you and refer you to another entity where appropriate.

Is victim support free?

Yes.

What types of support can I receive from state services or authorities?

Legal aid can be obtained from the entities providing assistance to victims, from the intervention centre for victims of domestic violence or, under certain conditions, from the Centre for Legal Aid. The state cooperates with the entities providing assistance to victims, and during the first contact the police will provide you with their contact details and the information about the form of assistance provided by these entities. At your request, the police will assist you in contacting them.

What types of support can I receive from non-governmental organisations?

Each victim has the right to receive expert assistance. It is provided mainly by the entities accredited under the Victims of Crime Act, as well as by other entities providing assistance to victims (‘registered entities’ – however, these entities do not necessarily provide assistance to the extent indicated below). The accredited entities meet especially the conditions of professional competence, i.e. they employ professionals who have obtained university degrees and professional experience in the field. The various entities usually specialise in providing expert assistance to a particular group of victims, with a view to focusing more specifically on the victims’ needs and providing better-quality assistance. The register of entities providing assistance to victims contains information on this specialisation, as well as the contact details or the geographical coverage of each entity.

The accredited entities can provide you with general expert assistance or with specialised expert assistance intended for particularly vulnerable victims. General expert assistance to victims includes:

- provision and adequate explanation of information (especially as regards criminal proceedings, procedures and rights, expert assistance);
- legal aid to exercise the victim’s rights;
- legal aid to exercise the rights of a victim who has the status of a civil party or a witness in criminal proceedings;
- psychological assistance;
- counselling on the risk and prevention of repeat victimisation.

An accredited entity providing general expert assistance must always provide the first consultation free of charge. If it has received a grant, it provides expert assistance free of charge for 90 days and even for a longer period if necessary and if the victim asks for it.

Specialised expert assistance to particularly vulnerable victims includes:

- provision of general expert assistance;
- provision of psychological crisis intervention;
- evaluation of the threat of danger to life or health;
- arranging for the provision of social services at an emergency housing facility and specialised social counselling where there is an immediate threat to the life or health of a particularly vulnerable victim.

Particularly vulnerable victims are always entitled to receive specialised expert assistance free of charge. This assistance is provided for 90 days and even for longer if necessary and if the victim asks for it. The accreditation of entities is subject to the provision of one of the above forms of assistance, which is also linked to the type of victims to whom they provide assistance. If you are not sure what kind of expert assistance the accredited entity provides and what type of victims it deals with, do not hesitate to contact them. They will be able to advise you and refer you to another entity where appropriate.

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Victims' rights - by country - Finland

You are considered a victim of crime if you have been the victim of an act or omission which constitutes a crime according to Finnish law. As a victim of crime, you have certain rights before, during, and after court proceedings.

Criminal proceedings in Finland start with a pre-trial investigation, usually conducted by the police. During this stage, it will be established whether or not an offence has actually been committed, under what circumstances it occurred and the identity of the parties concerned. The extent of the injury or damage caused by the offence and your claims as a victim will also be examined.

If there is sufficient evidence that a criminal act was committed, the prosecutor will file charges and bring the case to court. During the trial, the court examines the evidence and either convicts the alleged offender or finds them not guilty. The criminal proceedings may continue if one of the parties lodges an appeal with a higher court.

The following links will provide you with relevant information.

1 - My rights as a victim of crime

- 2 - Reporting a crime and my rights during the investigation or trial
- 3 - My rights after trial
- 4 - Compensation
- 5 - My rights to support and assistance

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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?

The Rights of a crime victim brochure, published by the Finnish Ministry of Justice, provides information on matters that crime victims are entitled to be informed about by the authorities. The brochure briefly explains matters such as how to report a crime, victim support services, legal aid, the possibility of
obtaining protection, how to seek compensation, the right to interpretation and translation of documents, and mediation in criminal cases. The printable brochure is intended for distribution to victims and to support communications, particularly in the work of the police and other criminal investigation authorities. The brochure can also be used by judicial authorities, victim support services and others who come into contact with crime victims.

The information given to victims may vary according to their needs, personal circumstances and the type or nature of the crime.

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

You may be provided with support and advice even if the offence has been committed in another country. If you have become the victim of a crime in another EU Member State, the criminal investigation authority may, in certain cases, transfer your report of the crime or an already initiated pre-trial investigation to the authorities of another EU Member State. This may be possible, for example, if the offence is serious or if you have not been able to report the crime in the state where it was committed. With serious offences, transfer outside the EU can also be considered.

If you are a victim of human trafficking, you are entitled to the services of the Assistance system for victims of human trafficking even if the crime was committed in another country. The prosecutor decides whether or not to open a pre-trial investigation into a suspected offence involving human trafficking in Finland.

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

The police and other criminal investigation authorities will provide you with information on victim support services, how to report a crime, legal aid, the possibility of obtaining protection, how to seek compensation, the right to interpretation and translation services, mediation in criminal cases, the right to obtain information on the hearing of the case, the right to be notified of the release of the offender from prison or pre-trial detention, how to file a complaint about the conduct of the authorities, the procedure for crime victims not residing in the country where the criminal offence was committed, and contact details for any questions related to the case. These rights are described in the "Rights of a crime victim' brochure.

The information outlined above may not necessarily be provided when you report the crime, especially if you report the crime electronically. The police will inform you about these rights when you are being interviewed. The investigation authority will always inform you if your report does not lead to a pre-trial investigation or in the event that the pre-trial investigation is discontinued or closed.

Am I entitled to free interpreting or translation services (in my dealings with the police or other authorities, or during the investigation and trial)?

You have the right to use Finnish or Swedish during the pre-trial investigation and trial. If you are a Sámi, you have the right to use the Sámi language within the Sámi Homeland. The authorities must provide interpreting services as needed. If you do not speak the official languages of Finland, you have the right to use a language that you know in any situations relating to the investigation of the crime. If necessary, the authorities must arrange interpretation into a language that you know. The authorities must also arrange interpretation during the investigation and trial if you are a sign language user or if you need interpretation due to a sensory or speech defect. The interpreter has an obligation of secrecy. The interpreter’s fee is paid by the state.

You may request a translation of certain key documents. An oral translation may be provided if a written translation of the document is not required for your legal protection. In some cases, you may be provided with only a partial translation or a summary of the document.

During the pre-trial investigation, you have the right to receive a translation of the written confirmation of your report of the offence, a decision to discontinue the investigation and, if necessary, any other document essential to the case. From the prosecutor, you may obtain a translation of a decision not to prosecute.

In court, you have the right to receive a translation of the judgment, a notice concerning the time and place of the court session and, if necessary, any other document essential to the case.

How do the authorities ensure that I understand them and that I am understood by them (if I am a child; if I have a disability)

The authorities must ensure that interpretation services are available during the pre-trial investigation and trial if you are a sign language user or if you need interpretation due to a sensory or speech defect.

The 'Rights of a crime victim' brochure is also available in easy-to-understand language. The 'If You Become a Victim of a Crime' brochure is available in both easy-to-understand language and in sign language.

Investigators of crimes against children have received special training, including how to interact with and interview a child in criminal proceedings. In certain cases, the child may also be interviewed by a psychologist specialised in interviewing children.

Victim support services

Who provides victim support?

You may need medical assistance or other social welfare and healthcare services, such as emergency social services, hospital treatment or physical and mental rehabilitation. You may use these services under the same conditions as all other clients.

Many organisations provide support, advice and guidance to crime victims. Victim Support Finland (Rikosuhripäivystys) provides assistance for all types of crimes and criminal proceedings as well as advice relevant to the rights of victims. If you are a victim of domestic violence, you can seek protection and support from shelters. In some localities, special support is available for victims of sexual offences and immigrant women. There is a separate assistance system for victims of human trafficking. You can access these services under certain conditions.

You can contact the support services even if you do not report the crime. With your consent, the police or another criminal investigation authority may forward your contact details to a support service, which will then contact you.

Will the police automatically refer me to victim support?

If you need special protection or if otherwise required by the nature of the crime or your personal circumstances, the police will, with your consent, forward your contact details to a support organisation. The police should tell you about the support available for victims of human trafficking and, with your consent, propose that you be admitted to the Assistance system for victims of human trafficking.

How is my privacy protected?

In order to protect your privacy, the court may, under certain conditions, hear the case without the presence of the public and order the trial documents and judgment to be kept secret to the extent necessary. You may request this from the court. The court may in some cases also order your identity to be kept secret. This applies to crimes such as sexual offences.

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

No, you do not.

Personal protection if I'm in danger

What types of protection are available?

In some cases, you may be questioned in the trial behind a screen, via a video link or without the offender or public being present. When being questioned, you may in some cases be video-recorded and the recording may then be used as evidence in the trial, for example if you are under 18 years of age.

In order to protect your privacy, the court may, under certain conditions, hear the case without the presence of the public and order the trial documents and judgment to be kept secret to the extent necessary. You may request this from the court. The court may in some cases also order your identity to be kept secret. This applies to crimes such as sexual offences.
The court will always consider the trial arrangements and protection measures on a case-by-case basis, taking into account the fact that the rights of the defence must not be restricted. The decision of the court may thus differ from an earlier assessment.

In seriously threatening situations, you may request the non-disclosure of your contact details, non-disclosure for personal safety reasons, a restraining order or even the change of your name or personal identity code. In the most serious cases, you may be admitted to a witness protection programme. Further information is available from the authorities or support services. If you are protected by a restraining order and move to another EU Member State and also feel in need of protection there, you can request the court that issued the original restraining order to issue a European Protection Order.

If you are a victim of domestic violence or you are at risk, the authorities may jointly draw up a safety plan for you as part of a Multi-Agency Risk Assessment Conference (MARAC).

If you are a victim of human trafficking, you have the right to safe accommodation, which may involve special security arrangements at different levels to ensure safe housing for you. In more serious situations, your safety can be ensured in a special safe accommodation unit, as well as through technical equipment or security services. In the most serious situations, you may be admitted to a witness protection programme. The Assistance system for victims of human trafficking is operated by the authorities and, if necessary, will be used to help the police protect you.

**Who can offer me protection?**

The police will assess your need for protection and the measures required if you are under threat. The authority deciding on protection will depend on the measures in question (see above). Further information on protection measures is available from the authorities or victim support services.

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

The authorities will assess your specific protection needs during the pre-trial investigation and trial as well as determine the required protection measures. The purpose of the protection measures is to protect you from additional suffering, intimidation or retaliation during the investigation and trial. The assessment will be carried out together with you, taking into account your personal characteristics and circumstances as well as the nature of the crime.

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

The authorities will assess your specific protection needs during the pre-trial investigation and trial as well as determine the required protection measures. The purpose of the protection measures is to protect you from additional suffering, intimidation or retaliation during the investigation and trial. The assessment will be carried out together with you, taking into account your personal characteristics and circumstances as well as the nature of the crime.

**What protection is available for very vulnerable victims?**

In seriously threatening situations, you may request the non-disclosure of your contact details, non-disclosure for personal safety reasons, a restraining order or even the change of your name or personal identity code. In the most serious cases, you may be admitted to a witness protection programme. Further information is available from the authorities or support services.

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

If you are a minor (under the age of 18), you are a vulnerable victim and may therefore need special protection measures. You may be protected by having your interview video-recorded during the investigation, for example, and the recording then being used as evidence in the trial.

If you are a minor, you may be entitled to legal aid at the expense of the state. If your guardian is suspected of having committed an offence against you, a substitute for that guardian must be appointed for you for the criminal proceedings.

If you are a minor victim of human trafficking, you have the right to the services of the Assistance system for victims of human trafficking. If you are a child victim of human trafficking without a residence permit, a representative will always be appointed for you if you are in Finland without a guardian or other legal representative. If you are a child victim of human trafficking and you are a Finnish citizen or hold a residence permit, a substitute for a guardian can be appointed for you. If the criminal investigation is initiated in Finland, as a minor, you may be entitled to a state-funded legal counsel.

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

When a crime results in the victim’s death, the victim’s family members, as defined by law, are in the position of an injured party, i.e. the victim. They will then have the same rights as other victims of crime.

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

The victim’s family members also have access to victim support services.

A minor child of a trafficked person in Finland may also be included in the Assistance system for victims of human trafficking.

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

Mediation can be used in criminal matters if both the victim and the suspected offender consent to it. Additional requirements are that the suspect confirms the general course of events and that mediation is in the best interests of the victim. Mediation is free of charge, confidential and always voluntary, and you may choose to end it at any stage. Trained voluntary mediators help the parties in a criminal case to discuss the event and agree on compensation for possible loss or damage caused by the offence. This service is available at mediation offices across the country. The parties involved in mediation usually have the right to counsel or a support person at the mediation meetings. The mediators, under the guidance of professionals, will assess and ensure safe contact between the parties to the conflict and may, if necessary, suspend the process. Mediation must be suspended if either party withdraws their consent or there is reason to believe that consent has not been freely given.

**Where can I find the laws stating my rights?**

Key laws on victims’ rights in criminal proceedings include the Criminal Investigations Act (Esitutkintalaki, 805/2011) and Criminal Procedure Act (Laki oikeudenkäynnistä rikosasioissa, 689/1997). The right to assistance for victims of human trafficking is governed by the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (Laki kansainvälistä sujelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta, 746/2011). These and other laws can be found online here.

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The language version you are now viewing is currently being prepared by our translators.

Please note that the following languages: fi have already been translated.
You can report a crime to the police at the crime scene, at a police station or, in the case of minor offences, online or by phone. You have the right to receive a written confirmation of your crime report.

**How do I find out what's happening with the case?**

The police will provide you with contact details for following up on the case.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

You have the right to the assistance of a legal counsel for reporting a crime, being questioned and at the trial. The counsel must be a lawyer, public legal aid attorney or licensed legal counsel.

Low- and middle-income earners may be entitled to state-funded legal aid. In such cases, the counsel's fee will be paid by the state in part or in full. You can apply for legal aid to a public legal aid office or through an electronic service. You can also ask law firms to apply for legal aid on your behalf.

The court can order legal counsel and a support person for you in the case of domestic violence, sex offences or serious offences against your life, health or liberty. In such cases, the state will pay for the fee regardless of your income.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

If you are summoned to appear before the court in order to clarify the facts in the case, you are entitled to receive travel expenses incurred in your attendance at court from the State. You may receive a daily allowance, travel expenses and compensation for financial loss.

**Can I appeal if my case is closed before going to court?**

A complaint about the prosecutor's decision not to prosecute can be submitted to the Prosecutor General, who has the right to serve a new indictment.

**Can I attend the trial?**

Yes, you may attend the trial as a party to the proceedings. You are a party to court proceedings if you request punishment or compensation for a criminal offence. You may agree with the prosecutor's summary penal order or request some other penalty. You may seek compensation from the defendant yourself, or the prosecutor may have pursued the claim on your behalf.

**What is my official role in the justice system? For example, am I or can I choose to be: a victim, witness, civil party or private prosecutor?**

You are a party to court proceedings if you request punishment or compensation for a criminal offence. You may also be questioned for the purpose of hearing evidence.

If the prosecutor has decided not to prosecute, you have the right to bring charges yourself.

**What are my rights and obligations in this role?**

You may be obliged to appear in court in person if this is necessary to clarify the facts in the case. In this case, you are entitled to compensation from the state for the costs incurred.

During the trial, you must always tell the truth.

**Can I make a statement during the trial or give evidence? Under what conditions?**

If you are a party to the proceedings, you have the right to give evidence. At the main hearing, you will be able to present your claim and its grounds, give evidence and make a final statement, in which you can state your opinion regarding the defendant's guilt and the penalty to be imposed.

**What information will I receive during the trial?**

You will be summoned to the main hearing if your presence is necessary to clarify the facts in the case or if you have told the court that you intend to present claims that are not pursued by the prosecutor.

You have the right to be informed, at your request, of the time and place of the court hearing as well as the verdict given in a criminal case.

**Will I be able to access court files?**

Yes. If you are a party to the proceedings, you have the same right to access court files as the accused. As a rule, you have the right to be informed about the content of trial documents, even those that are not in the public domain.

**Can I appeal against the ruling?**

You can appeal against the ruling of a district court (käräjäoikeus) before a court of appeal (hovioikeus). As a general rule, you will need a leave for further consideration in order for a court of appeal to process the case fully.

An appeal against a judgment by a court of appeal can be made to the Supreme Court (korkein oikeus). You will need permission to appeal to the Supreme Court. This will only be granted under the conditions laid down by law.

**What are my rights after sentencing?**

With some serious crimes, you can ask to be informed of the release of the offender from prison or pre-trial detention (see below).

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

Victim support organisations provide support and advice even after the trial for as long as needed. In cases of domestic violence, a safety plan will be drawn up as part of Multi-Agency Risk Assessment. This is not tied to the ending of the trial.

If you are a victim of human trafficking, your right to special assistance from the Assistance system for victims of human trafficking will cease if the criminal proceedings end without anyone being convicted for human trafficking by a final decision of the court.

**What information will I be given if the offender is sentenced?**

You have the right to be informed, at your request, of the judgment in a criminal case. The judgment indicates the sentence passed on the accused, including the term of imprisonment.

Parties to criminal proceedings receive a copy of the judgment. You will not be told which prison the offender may be sent to.

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

With some serious crimes, you can ask to be informed if the offender is released from prison or pre-trial detention, escapes or, under certain conditions, otherwise leaves prison. If you wish to be notified, you must tell this to the pre-trial investigation authority or prosecutor. The investigation authority will provide further information.

You will only be informed if it is believed that this will not pose a risk to the life or health of the prisoner or someone in pre-trial detention.

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

No, you have no such right.

Last update: 19/05/2024
4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Claims for compensation for a criminal offence are usually dealt with as part of the hearing of a criminal case in the same trial. You must notify your intention to claim damages to the police during the pre-trial investigation or, at the latest, in court.

You may ask the prosecutor to present your compensation claim for the crime in question in court. It is a good idea to inform the police of this during the pre-trial investigation. The prosecutor may pursue the compensation claim on your behalf if the matter is clear and simple. If the prosecutor does not present the compensation claim, they will notify you in writing.

You can also bring your claim for damages before the court during the criminal proceedings. This can be done by a legal counsel on your behalf.

If necessary, the claim for damages can also be handled in separate civil proceedings. You can also pursue your claim as a separate civil claim. If your claim is not handled together with the criminal case, a court fee will be charged for the proceedings.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

If the offender fails to pay in accordance with the court decision voluntarily, the judgment can be carried out by way of enforcement. Enforcement will not be initiated automatically. You must file an enforcement request with the enforcement authority and attach the court decision to it.

If you cannot claim compensation from the offender for any amount that you have received as state compensation from the State Treasury for the same loss or damage.

If the offender does not pay, can the state pay me an advance? Under what conditions?

You do not have to claim compensation from the offender in order to receive compensation out of state funds. However, you must submit a claim for compensation to the offender at the trial.

Am I entitled to compensation from the state?

If you (or a close relative) are the victim of a crime in Finland, you may be paid compensation out of state funds for the personal injury and suffering caused by the crime. You must report the crime to the police in order to claim compensation.

If the criminal case is heard by a court, you should seek to have your right to compensation upheld by means of a judgment. This means that you should present a claim for compensation against the offender during or after the court proceedings. Compensation for criminal damage is not generally paid out if you have failed to fulfill this obligation.

You must apply for compensation within three years of the date on which a judgment with legal force is issued in a case of compensation. If the case has not been heard in court, compensation must be claimed within ten years of the date on which the crime was committed. There is only flexibility with these deadlines in special circumstances.

Your compensation claim will be processed by the State Treasury. You can either send your claim electronically to rikosvahingot@valtiosoitintori.fi or print out the form and post it to: State Treasury, P.O. Box 50, 00054 State Treasury.

Am I entitled to compensation if the offender is not convicted?

You may apply for compensation even if the offender has not been identified. You must enclose a copy of the police record from the pre-trial investigation, or other reliable evidence of the events, with your compensation claim.

You are also entitled to compensation if the offender has been identified but is not convicted because the offender is under the age of 15 or lacks criminal responsibility.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

You may submit a written application for an advance compensation payment if necessary. An advance compensation payment may be made if the processing of your compensation case is delayed for reasons beyond your control and you are entitled to a significant amount of compensation.

Last update: 19/05/2024

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5 - My rights to support and assistance

I am a victim of crime who do I contact for support and assistance?

Support for all crime victims
- Victim Support Finland (Rikosuhripäivystys), tel.: 116 006
- Shelter services for victims of domestic violence
- Online Shelter (Nettiturvakoti)
- Seri Support Centres for victims of sexual assault (over the age of 16):
  - Helsinki, Turku, Tampere, Kuopio, Oulu

Tukkinainen Rape Crisis Centre
- tel. 0800 97899
- Tukkinainen online (Nettitukkinainen)
- Tukkinainen Rape Crisis Centre (in English) https://www.nettitukkinainen.fi/

Assistance system for victims of human trafficking
- Joutseno Reception Centre (Joutsenon vastaanottokeskus), tel. 029 54 63 177

Mediation
- mediation offices:
  - Mediation in criminal and civil cases
  - Mediation in criminal and civil cases (in English)

Police
- emergencies: call 112 (emergency phone number)
Legal aid
Compensation payable out of state funds for criminal injuries
- State Treasury, tel. 0295 50 2736

Victim support hotline
Victim Support Finland, tel. 116 006
Nollalinja (24/7), tel. 080 005 005 (helpline for victims of domestic violence and violence against women)
Tukinainen Rape Crisis Centre, tel. 0800 97899 (victims of sexual abuse)
Assistance system for victims of human trafficking (24/7), tel. 029 54 63 177 (victims of human trafficking)

Is victim support free?
The support provided by victim support organisations is free of charge. The services provided by shelters, support centres for victims of sexual assault and the Assistance system for victims of human trafficking are also free of charge for the client.

What types of support can I receive from state services or authorities?
A crime victim may need medical assistance or other social welfare and healthcare services, such as emergency social services, hospital treatment and physical and mental rehabilitation. You may use these services under the same conditions as all other clients.

Shelters provide immediate crisis relief, 24-hour safe housing and psychosocial support, advice and counselling for your acute situation. These services are primarily provided to individuals and families who have experienced domestic violence or a threat of violence. Some of the services are provided by organisations. The Finnish Institute for Health and Welfare is responsible for arranging shelter services.
The Assistance system for victims of human trafficking is a state authority which is responsible for ensuring that the rights guaranteed to victims of human trafficking are respected. Support services include safe housing, health care, social services, a reception allowance or social assistance, legal aid and advice, a support person for criminal proceedings, and interpretation and translation services. In addition to the assistance system, organisations also provide assistance to victims of human trafficking.

You have the right to the assistance of a legal counsel for reporting a crime, being questioned and at the trial. The counsel must be a lawyer, public legal aid attorney or licensed legal counsel.

Low- and middle-income earners may be entitled to state-funded legal aid. In such cases, the counsel's fee will be paid for by the state in part or in full. You can apply for legal aid to a public legal aid office or through an electronic service. You can also ask law firms to apply for legal aid on your behalf.
The court can order legal counsel and a support person for you in a case of domestic violence, sex offences or serious offences against your life, health or liberty. In such cases, the state will pay for the fee regardless of the your income.

You can be assisted by a support person at different stages of the criminal proceedings. You can ask anyone you choose to be your support person. The support person may accompany you to hearings and court sessions, but their presence may be restricted in certain circumstances. Victim Support Finland can provide you with a trained support person free of charge. The general victim support services provided by Victim Support Finland are financed by the Ministry of Justice and are subject to a public service obligation.

What types of support can I receive from non-governmental organisations?
Many organisations provide support, advice and guidance to crime victims. Victim Support Finland provides assistance for all types of crimes and criminal proceedings as well as advice relevant to the rights of victims. Victims of domestic violence can seek protection and support from shelters. Help is also available via helplines and community care services. In some localities, special support is available for victims of sexual offences and immigrant women, as well as peer support for the families of homicide victims.

Support services provided by organisations
Victim Support Finland
Support for all crime victims, including witnesses and the victim’s family members. Assistance and advice on the exercise of victims’ rights in criminal proceedings. National helpline, legal helpline, online support service. Support person services on a regional basis.
- helpline 116 006 (free of charge)
- legal helpline 0800 161 177 (free of charge)
- Nollalinja
  24/7 helpline for victims of domestic violence and violence against women, tel. 080 005 005 (free of charge)
- Federation of Mother and Child Homes and Shelters (Ensí- ja turvakotien liitto)
Shelters for persons experiencing domestic violence or a threat of violence and who need support for recovery as well as temporary accommodation.
Community care services provide support for resolving the situation caused by domestic violence and overcoming the crisis. Advice by phone, talking to a professional in domestic violence, a guided peer group or assisted living.
- Online Shelter
Online service maintained by the Federation of Mother and Child Homes and Shelters; helps all parties involved in violent relationships.
- Tukinainen Rape Crisis Centre
Provides support and guidance for persons who have been sexually assaulted and/or abused, as well as for their families. Online help service.
- crisis helpline: tel. 0800 97899 (free of charge)
- legal helpline: tel. 0800 97895 (free of charge)
- MONIKA – Multicultural Women’s Association, Finland
Easy-access services, legal advice and shelter housing for immigrant women and children who are suffering from violence. Help is available in several languages; support person services are also provided.
- helpline 0800 05058 (free of charge)
- Mona Shelter, tel. 045 639 6274 (24/7)
- Women’s Line (Naisten Linja)
Advice and support to women and girls concerned about violence. Information is available online and by phone.
- tel. 0800 02400 (free of charge)
- Pro-tukipiste
Health and support services for people working in the sex or erotic industry and victims of human trafficking.
- Association for family members of homicide victims HUOMA (Henrikkoisten uhrien läheiset ry)
Peer- support for the family members of homicide victims.
- tel. 050401 2230
- https://www.huoma.fi/
The police and the public prosecutor are required to inform you of:

- information on rights in other EU Member States here.

If you have been the victim of a crime in another country, the authorities in that country are responsible for informing you of your rights. View more

You are also entitled to interpreting and translation services if you do not speak Swedish.

If you are a foreign national and have been the victim of a crime in Sweden, you are entitled to the same information as a Swedish citizen (see above). You may also be entitled to various forms of support and compensation for damage caused by the crime.

Crime Victim Compensation and Support Authority (Brottsoffermyndighet) before you file a police report.

Note that the above information will be provided following a police report. But you can of course refer to the information on, for example, the website of the

Victims' rights - by country - Sweden

You are considered to be the victim of a crime if you have suffered damage, e.g. you have been injured or your property has been damaged or stolen, as the result of an incident which constitutes a crime under national law. As a victim of crime, the law grants you certain individual rights before, during and after court proceedings. You may also be entitled to various forms of support and compensation for damage caused by the crime.

Criminal proceedings in Sweden start with the investigation of the crime, known as the preliminary investigation. With some exceptions, there is an obligation to start a preliminary investigation if there are grounds to assume a crime has been committed. Preliminary investigations are conducted by the police, but sometimes led by a prosecutor. After the investigation is completed, the prosecutor may decide to continue the proceedings by bringing the case to court or, if the prosecutor does not believe there is sufficient evidence, close the case without bringing it to court. If the case is brought to court there will be a trial. During the trial, the court examines all the evidence collected and decides whether or not to convict the accused of the crime. The court will also state whether there is any possibility to appeal to a higher court.

As the victim of a crime, you play a significant part in proceedings and have a variety of rights. You can participate in legal proceedings without a specific legal status or play a more active part by formally becoming a party to the proceedings. You may claim damages and/or support the prosecution. In certain cases you may bring a private prosecution on your own initiative when the prosecutor has decided not to.

Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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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?

The police and the public prosecutor are required to inform you of:

- your entitlement to damages from the suspect or compensation from the State;
- the fact that, if you request this, the public prosecutor is usually required to prepare and present your claim for damages in court;
- the options and conditions for mediation;
- the continued proceedings and the role you will play in them;
- your right to interpreting and translation;
- the fact that the preliminary investigation has not been initiated or has been dropped;
- where to address any complaints concerning the handling of your case;
- whether or not legal proceedings have been initiated;
- whether a detained or arrested person has absconded.

Note that the above information will be provided following a police report. But you can of course refer to the information on, for example, the website of the Crime Victim Compensation and Support Authority (Brottsoffermyndighet) before you file a police report.

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 foreign national and have been the victim of a crime in Sweden, you are entitled to the same information as a Swedish citizen (see above). You are also entitled to interpreting and translation services if you do not speak Swedish.

If you have been the victim of a crime in another country, the authorities in that country are responsible for informing you of your rights. View more information on rights in other EU Member States here.

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

The police and the public prosecutor are required to inform you of:

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The information provided by the police or the public prosecutor may include:

- the fact that a criminal investigation has been started or whether a crime has been committed;
- the fact that the preliminary investigation has not been initiated or has been dropped;
- whether there is any possibility to appeal to a higher court.

If you have been the victim of a crime, you have certain rights before, during and after legal proceedings. You can participate in legal proceedings or play a more active part by formally becoming a party to the proceedings. You may claim damages and/or support the prosecution. In certain cases you may bring a private prosecution on your own initiative when the prosecutor has decided not to.

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The police and the public prosecutor are required to inform you of:

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- the fact that, if you request this, the public prosecutor is usually required to prepare and present your claim for damages in court;
the provisions on restraining orders, counsel for the injured party and personal assistance; how to apply for legal aid and advice; the options and conditions for mediation; authorities and organisations offering support and assistance; the contact details needed to obtain information on your own case; the continued proceedings and the role you will play in them; your right to interpreting and translation; your right to reimbursement of costs; the fact that the preliminary investigation has not been initiated or has been dropped; where to address any complaints concerning the handling of your case; whether or not legal proceedings have been initiated; whether a detained or arrested person has absconded.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?
You are entitled to interpreting and translation services if you do not speak Swedish.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)
You are entitled to an interpreter if you have a disability which means you are deaf, hard of hearing or have a speech impediment. The Crime Victim Compensation and Support Authority (Brottsoffermyndigheten) has produced information material specially designed for children. Visit [https://www.jagvillveta.se/](https://www.jagvillveta.se/) for details of your rights in the event of a crime.

The police also provide information specially for children: [https://polisen.se/Utsatt-for-brott/Olika-typer-av-brott/Barn-och-ungdomar/](https://polisen.se/Utsatt-for-brott/Olika-typer-av-brott/Barn-och-ungdomar/)

**Victim support services**

Who provides victim support?
As the victim of a crime, you can obtain support from many non-profit associations and organisations. The social services in your municipality are also required by law to ensure that victims of crime and their families receive support and assistance.

**Restraining order**
A restraining order (kontaktförbud) is designed to avert situations that could be dangerous for the victims. Restraining orders have emerged and been used mainly to protect women against threats and harassment from a former spouse or partner, but they can also be issued to protect children and other vulnerable persons. A restraining order means the person who is threatening and harassing you is forbidden to visit you or contact you in any other way, e.g. by letter, text or telephone or through friends. It can also be extended into an order not to approach your home, workplace or other place that you frequent. A restraining order can also cover a person who has been the person being threatened. For such an order to be issued, with the aim of barring the source of the threats from the joint home, there must be a high risk of crime against the partner’s life, health, freedom or safety.

The public prosecutor decides on restraining orders. If the prosecutor does not issue such an order, you can ask for the matter to be brought before the district court (tingsrätt). Anyone who disobeys such an order may be sentenced to a fine or up to one year’s imprisonment.

**Sheltered housing**
Women and their children who have been subjected to domestic violence may need to move out of their home for a while. Sheltered housing is provided by both municipalities and women’s refuges. Contact social services in your municipality or a local women’s centre for more information.

Protected personal data
If you need to keep your address secret because of threats or other forms of harassment, you can have a code entered in the population register for a special secrecy check (sekretessmarkering). The code will also be entered in other public registers, such as the register of vehicles and driving licences. The classification is generally reviewed each year.

Another way of protecting personal data is for a threatened person who has moved or intends to do so to remain in the population register at their old address (kvarskrivning). You can remain registered at your old address for up to three years after moving. Requests for protected personal data in the form of secrecy coding and use of old addresses should be submitted to the local tax office where you are registered. It is important to state that you have protected personal data when you talk to authorities. You must also be very careful when dealing with organisations, companies and others.

**Change of name**
Another way of enhancing protection could be to change your name. You can switch to a parent’s surname by notifying the Swedish Tax Agency (Skatteverket). A change to any other surname requires authorisation from the Swedish Patent and Registration Office (Patent- och registreringsverket).

**Security pack**
For some people, the threat is so serious that it may be necessary to use a ‘security pack’. The pack contains a mobile phone and alarm system and can be borrowed from the local police authority subject to a specific review.

**Fictitious personal data**
Where there is a threat of serious crime against your life, health or freedom, or where other safety measures are not felt to provide sufficient protection, you may be allowed to use fictitious (i.e. invented) personal details. Requests to use fictitious personal data should be made to the police.

**Witness protection programme**
In exceptional cases, when other measures are not working, threatened persons who could influence the outcome of a court case can enter the special witness protection programme run by the police.
**Who can offer me protection?**

Depending on the type of protection, different organisations may make decisions on protection. See section above.

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

In order to determine your need for special protective measures during the police enquiries and court proceedings, the police should make an individual safety assessment as soon as possible. This will take account of the severity of the crime and your personal circumstances. If you are under 18, you will always be considered to need special protection.

The social services also tend to use special assessment methods to examine the risk of renewed exposure to violence from an offender you are living with.

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

In order to determine your need for special protective measures during the police enquiries and court proceedings, the police should make an individual safety assessment as soon as possible. This will take account of the severity of the crime and your personal circumstances. If you are under 18, you will always be considered to need special protection.

**What protection is available for very vulnerable victims?**

The most far-reaching protective measures in the case of serious crime are fictitious personal details and the witness protection programme (see above).

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

The social services are responsible for ensuring that a child who has been the victim of a crime, and its relatives, receive the help and support that they need. The social services should also remember that a child who has witnessed violence or other abuse against a relative is also the victim of a crime, and ensure that the child receives the help and support that it needs.

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

The social services are also responsible for providing support to relatives when a family member is the victim of a crime. There are also non-profit associations dedicated to supporting relatives when a family member has died because of a crime.

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

The social services are also responsible for providing support to relatives when a family member is the victim of a crime. Many of the protective measures described above may also apply to you if you have a relative who has been the victim of a crime. Many non-profit organisations also offer support to relatives.

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

Mediation means that the victim and the perpetrator meet to discuss what has happened with an impartial mediator. When the perpetrator is under 21, the municipality is required to offer mediation.

A condition for mediation is that the crime must be acknowledged. Both parties must also want to participate. Mediation may lead to agreement, e.g. on how the parties should behave in future meetings with each other, which can give the victim some reassurance.

Agreements on financial compensation for damages are also possible, but can lead to problems, particularly where there are several perpetrators, large sums or personal injuries involved. Contact the Crime Victim Compensation and Support Authority (Brottsoffermyndigheten) if you have any questions on such agreements. If you enter into an agreement on financial compensation, you may lose the right to claim crime victim compensation.

The appointed mediator (who must be competent, honest and impartial) is responsible for ensuring that the mediation proceeds in a safe manner for you.

**Where can I find the law stating my rights?**

A list of important acts and regulations can be found on the [web site of the Crime Victim Compensation and Support Authority (Brottsoffermyndigheten)](https://www.brottsoffermyndigheten.se/). Last update: 16/07/2018

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2. **Reporting a crime and my rights during the investigation or trial**

**How do I report a crime?**

You can report a crime to the police by calling 114 14 (+46 77 114 14 00 from outside Sweden) or by going to a police station. You can also report a crime via the internet in the case of burglary, payment card fraud, theft or loss (but not of your passport or national ID card). If you have a protected identity, you should not report a crime via the internet. In an emergency, or while a crime is happening, call SOS Alarm on 112. Link to [e-report](https://www.sosalarm.se/).

**How do I find out what's happening with the case?**

When you have made a police report, your case will be assigned a number and you will also be given the contact details you need to obtain information on your case. Otherwise, you can ask the police what is happening in your case by contacting them by phone, via e-mail to your local police station or by visiting the closest police station to you. If you want to talk to the police officer who is responsible for your case, you can use the national phone number for the police, 114 14. The switchboard will connect you to the officer responsible for your case.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

For some types of crime, victims are entitled to their own legal representation, known as ‘counsel for the injured party’ (målsägandebiträde). This applies particularly to sex crimes and domestic violence, but also to other offences where there is a special need. A representative can be appointed as soon as the (preliminary) investigation has been initiated, and the aid is free of charge to you. If you feel that you need a legal representative, you should discuss this as soon as possible with the public prosecutor (åklagare) or the police officer responsible for the preliminary investigation. You can also submit your request directly to the district court (tingsrätt). The district court will determine whether you are entitled to representation and appoint the counsel. You can suggest whom you wish to have. The counsel, who will usually be a lawyer, is there to safeguard your interests and provide support and assistance during the preliminary investigation and the trial. The counsel is bound to secrecy and can help you to plead your case and submit a claim for damages. This task ends after the court proceedings, and help in recovering damages or obtaining other compensation is not part of the role of the ‘counsel for the injured party’.

If a guardian (usually a parent) is suspected of a crime against his or her child, the child may be assigned a special representative. The same is true where the person suspected of the crime is closely related to the guardian. The representative will safeguard the rights of the child during the preliminary investigation and the trial. A lawyer, assistant counsel in a law firm or another person may be appointed as special representative. There are also requirements for knowledge and experience and personal qualities that make this person especially suited to the task.

Legal protection is included in household insurance policies. This means, for example, that the insurance can reimburse your legal costs if your claim for damages is not dealt with in the criminal proceedings. The insurance will generally include a provision to the effect that you must pay a certain portion of the costs (the excess). Refer to your insurance company for more information.
You can obtain legal advice under the Swedish Legal Aid Act (Rättshjälpslagen) in all types of case. The advice might relate, for example, to a claim for damages where the public prosecutor does not help you or to negotiations with the insurance company. You can contact a law firm which provides legal advice under the Legal Aid Act. You can consult a lawyer for up to two hours for a fixed fee. The fee is around SEK 1 600 per hour. Depending on your financial position, the fee may be lower.

If you do not have any legal protection insurance and your case cannot be settled via the legal advice given, you may obtain legal aid subject to an assessment of your needs. The State will then pay part of the cost of your legal representation. You can also get help with the costs of travel, accommodation and presenting evidence, and with other expenses. A lawyer, the court or the National Legal Aid Authority (Rättshjälpsmyndigheten) can advise you on how to apply for legal aid.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?
If you are summoned by the police or the public prosecutor, you are entitled to reimbursement of your expenses for coming in for questioning. These may be travel and accommodation costs, compensation for lost income or other financial losses. However, compensation for lost income is limited to a specific amount. Contact the police to request this type of reimbursement.

If you are summoned by the police or the public prosecutor, you are entitled to reimbursement of your expenses for coming in for questioning. The president of the court will sometimes ask whether you have any claim for compensation when your questioning is completed. Generally, however, the matter of payment is dealt with in the court's reception area after the trial. You can then request reimbursement and also find out how much you are to get. Payment will be made directly in the reception area. High costs may be subject to deferral; contact the court for more information.

Can I appeal if my case is closed before going to court?
If your case has been closed and you are dissatisfied with the decision, you can ask for the case to be examined by the public prosecutor. Contact the police, who will pass the matter on to the prosecutor at your request. If you are not happy with a decision taken by the public prosecutor, you can apply to the nearest more senior prosecutor for a retrial (överprövning).

Can I be involved in the trial?
Yes, you will usually need to be involved in the trial, as your evidence is important for the court to be able to decide on the case.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?
Under Swedish law, you are defined as an injured party (målsägande) during the preliminary investigation and the trial. You cannot be a party to the case until the public prosecutor has initiated proceedings. You can be a party to the case:
- when a prosecutor has initiated proceedings;
- if you have a claim for damages, and/or
- if you assist in the prosecution.

You can assist in the prosecution at any time during the trial; you will then have almost the same procedural standing as the prosecutor and will be able to present your own evidence to the court, for example. But you do not need to prove anything concerning the crime.

You can bring individual charges on your own initiative or raise a specific charge if the prosecutor has dropped or withdrawn a general charge. Then you need to prove to the court that the crime took place.

What are my rights and obligations in this role?
If you are not a party to the case, you will be notified of the date and time of the trial. However, you will only be notified if you have requested this during the preliminary investigation. If you are a party to the case, you have the right to be present throughout the trial even if the proceedings are not public.

You may be summoned to appear in court if the prosecutor has requested that you be questioned or you have filed a claim for damages. You will receive a summons with the date and time when you are to appear and details of acceptable reasons not to appear in court. If you are ill or have some other acceptable reason not to appear, you must inform the court as soon as possible before the proceedings. The court will then tell you whether or not your presence is required. If you fail to appear without a valid reason, you risk a fine.

During the trial, you have the right to claim damages. You have this right only if you are an injured party. You will also be questioned by the prosecutor and the accused (or his/her lawyer). You will not be questioned under oath. If you are a party to the case, you or your counsel may question the accused, witnesses and experts. At the end of the trial, you will also have the opportunity to say something in conclusion.

Can I make a statement during the trial or give evidence? Under what conditions?
Yes, the prosecutor will probably want you to be questioned during the trial. However, an injured party cannot appear as a witness. That means that you will not speak under oath. If you are a party to the case, you or your counsel may question the accused, witnesses and experts. At the end of the trial, you will also have the opportunity to say something in conclusion.

What information will I receive during the trial?
If you are a party to the case, you are entitled to be informed in various ways of the legal proceedings and of what has happened in your case. In Swedish, this is called ‘partsinsyn’. If you are an injured party but not a party to the case, you do not have the same right to be informed of the process.

During the preliminary investigation by the police, you will be asked whether you wish to be informed of the judgment in the case. If you were a party during the preliminary investigation, the court will send the judgment to you. If you were not a party, the judgment will be sent to you if you have asked to see it.

Will I be able to access court files?
If you are a party to the case, you are entitled to be informed in various ways of the legal proceedings and of what is happening in your case. In Swedish, this is called ‘partsinsyn’ and is intended to meet a party’s need for information to pursue his/her case in an action or trial. This could mean, for example, that you could have access to documents or other materials in a case on request or at the instigation of the court. The court also has a duty of communication, which means that it must ensure, on its own initiative, that a party is given access to documents or other investigation material submitted in the case by someone other than the party him/herself. The party may also comment on the material to the court.

If you are an injured party but not a party to the case, you do not have the same right to be informed of the process.

Last update: 16/07/2018

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The language version you are now viewing is currently being prepared by our translators.

Please note that the following languages: SV have already been translated.
A party who is not satisfied with the judgment of the district court (tingsrätt) can bring it before the Court of Appeal (hovrätt). Details of how to do this are given in the judgment. In some cases, leave to appeal may be required for the Court of Appeal to take up the case. If the judgment is appealed, there will usually be a fresh trial in the Court of Appeal. In most cases, injured parties and witnesses do not need to be present during this trial. The evidence from the district court is played back instead. In a few cases, however, the Court of Appeal may reach a decision on the case without conducting any main hearing. The judgment of the Court of Appeal can generally be appealed to the Supreme Court (Högsta domstolen). However, the Supreme Court will only hear a case if there is a question of principle (precedent) involved or where there are obvious grounds for a retrial, such as a gross error by the district court or the Court of Appeal. In practice, therefore, the Court of Appeal is usually the court of last instance.

**What are my rights after sentencing?**
If you are a party to the case, you have the right to receive a written copy of the judgment as soon as possible. If you are not a party to the case, you must contact the court to obtain details of the content of the judgment.

You are generally entitled to have documents translated. If necessary, the court may translate documents submitted to or sent out by the court. You may however need to contact the court and ask for this service. The translation will be free of charge to you.

You cannot be represented by a ‘counsel for the injured party’ (målsägandebiträde) at the expense of the public at this stage of the judicial process. The counsel’s duty to assist you ends once the proceedings are over. You may however choose to take on a legal representative at your own expense. If you are entitled to legal aid, the State may cover part of your costs for legal representation.

If you need a support person at this stage, you can contact one of the non-profit organisations in this area, such as a victim support line or a women’s helpline – Brottsoffjöрен Sverige, Riksorganisationen för kvinnojören och tjejerjören i Sverige (ROKS), Unizon, etc.

**Am I entitled to support or protection after the trial? For how long?**
Yes, you may be entitled to support or protection after the trial. There is no particular limit to the time you can receive support or protection from non-profit organisations or the social services. There are some time limits applicable to protected personal data. You can read more about this under ‘Personal protection if I’m in danger’ (My rights as the victim of a crime).

**What information will I be given if the offender is sentenced?**

The judgment will specify the sentence handed down and how long the convicted person is to remain in prison, for example. In the case of a crime against the person (crimes against a person’s life, health, freedom or safety) you as the injured party will be asked by the Swedish Prison and Probation Service whether you wish to be informed:

- of the institution in which the convicted person has been placed in Sweden,
- if the convicted person is moved to another institution or transferred to another country,
- if the convicted person is anywhere outside the institution,
- if the convicted person or the Swedish Prison and Probation Service applies for a life sentence to be commuted,
- if the convicted person is released,
- if the convicted person escapes or is sprung from jail, or
- if the convicted person absconds after leave or other time spent outside the institution.

The Swedish Prison and Probation Service does not need to provide any notification if this could endanger the detainee’s life or health.

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

In the case of a crime against the person (crimes against a person’s life, health, freedom or safety) you as the injured party will be asked by the Swedish Prison and Probation Service whether you wish to be informed:

- if the convicted person is released,
- if the convicted person escapes or is sprung from jail, or
- if the convicted person absconds after leave or other time spent outside the institution.

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

No, you have no such right.

**What process is for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)**

You can claim damages for more or less any injury suffered in connection with the crime. Claims for damages are usually heard at the same time as the court decides whether the accused is guilty of the crime.

The victim or injured party has to claim damages from the person who committed the crime or caused the injury. To facilitate this, the prosecutor (åklagare) will prepare and present your claim for damages during the trial, if you have requested this. The only exceptions are claims for damages that require extensive investigation or claims that may be considered obviously unjustified, i.e. either unconnected with the crime or much larger than normal in similar situations.

If you seek compensation for injuries suffered as a result of a crime, you should say so when you are questioned by the police. You should also say whether you want the prosecutor to help you with the claim.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

The fact that the court has ordered the accused to pay damages does not mean that you will automatically receive the money. The offender will often be unable to pay or will not do so voluntarily. The Enforcement Service (Kronofogden) will help you to get the damages paid.

The court will send a copy of the judgment to the Enforcement Authority, which will then contact you by letter to ask whether you want help in obtaining the damages. If you want this, you have to fill in the form sent to you and return it to the Enforcement Authority, which will then examine the offender’s financial situation. If it turns out that he or she is able to pay, the Enforcement Authority will ensure that you receive damages.

Help from the Enforcement Authority is free of charge except in very specific cases. If you are not contacted by the Enforcement Authority, you should contact them yourself.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**
Am I entitled to compensation from the state?
If a convicted offender cannot pay damages and there is no insurance to cover the whole claim, you may be entitled to compensation from the State. This is called crime victim compensation (brottsskadeersättning) and is handled by the Crime Victim Compensation and Support Authority (Brottsoffermåndigheten).

To enable crime victim compensation to be paid when the perpetrator is unknown, there must be enquiries, such as a preliminary investigation, to show that you have been the victim of a crime rather than have suffered an accident. The crime must always be reported to the police. If the suspect has been identified, there must normally be a conviction or a sentence passed.

Crime victim compensation covers crimes committed in Sweden, and you may be entitled to compensation whether you live in Sweden or are in Sweden on a temporary basis, e.g. as a tourist or student. If you are actually resident in Sweden, you may be entitled to compensation even when the crime took place abroad.

Like the excess on an insurance policy, a similar amount will be deducted from the crime victim compensation.

Am I entitled to compensation if the offender is not convicted?
To enable crime victim compensation to be paid when the perpetrator is unknown, there must be enquiries, such as a preliminary investigation, to show that you have been the victim of a crime rather than have suffered an accident. The crime must always be reported to the police. If the suspect has been identified, there must normally be a conviction or a sentence passed.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?
No, that is not possible.

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- My rights to support and assistance

I am a victim of crime; who do I contact for support and assistance?

Barnens Rätt i Samhället (BRIS – Children’s Rights in Society)
BRIS is a children’s rights organisation with no political or religious affiliation. Vulnerable children and young people up to 18 years of age can e-mail, chat or call an advisor at BRIS anonymously and free of charge. BRIS also takes calls from adults who need someone to talk to about questions and concerns relating to children and young people.

Contact details:
116 111, helpline for children and young people
077 150 50 50, helpline for adults
info@bris.se
https://www.bris.se/

Brottsofferråden Sverige (Victim Support Sweden)
Victim Support Sweden is a non-profit organisation which works for the right of all victims of crime to receive support. It consists of local victim support centres around the country, a secretariat and a toll-free national helpline. The organisation assists victims of crime, witnesses and relatives by listening and providing support and good advice. If necessary, the victim can obtain support in dealings with other bodies that can provide, for example, psychological help, sheltered housing or financial assistance. Victims can also obtain guidance on the criminal proceedings. Victim Support Sweden also organises witness support from volunteers who provide information and support in connection with a trial.

Contact details:
0200 21 20 19
08 644 88 00
info@brottsofferrouren.se
http://www.brottsofferrouren.se/

Föreningen anhöriga till sexuellt utnyttjade barn (ATSUB – Association for Relatives of Sexually Abused Children)
ATSUB holds individual consultations with relatives of sexually abused children, and offers help and support in dealings with authorities. The Association also arranges support groups and provides assistance in court.

Contact details:
08 644 21 12
info@atsub.se
http://atsub.se/

Riksorganisationen för kvinnnjuror och tjejer i Sverige (ROKS – National Organisation for Women’s Shelters and Young Women’s Shelters in Sweden)
ROKS coordinates local member centres and provides help and sheltered housing for abused women, girls and children. The organisation also does opinion-forming work to publicise the experience of the member centres and so reduce violence by men against women.

Contact details:
08 442 99 30
info@roks.se
RIKSFÖRENINGEN STÖDÖVERGREPP I BARNDOMEN (RISE – National support centre for victims of incest and other forms of sexual abuse in childhood)

RISE is a non-profit organisation which offers support to adults who were subjected to sexual abuse in childhood. The association has a helpline which women, men, children, relatives and professionals can call. RISE also offers various activities to its members, including discussions in support groups.

Contact details:
08 696 00 95
stod@rise-sverige.se
https://www.roks.se/

Terrafem
Terrafem is a non-profit organisation. It runs Sweden’s only nationwide helpline for women of immigrant background who have been victims of violence. Terrafem also runs a legal helpline and provides protection for abused women and their children in sheltered housing.

Contact details:
020 52 10 10
08 643 05 10
info@terrafem.org
http://www.terrafem.org/

Unizon
Unizon represents women’s shelters, young women’s empowerment centres and other support services working for a gender-equal society free from violence. The work of the member organisations mainly involves supporting and protecting abused women and their children. The organisations also do preventive and supporting work with children and young people, influence opinion and spread knowledge.

Contact details:
08 642 64 01
info@unizon.se
http://unizon.se/

Public authorities and other bodies

Brottsoffermyndigheten (Crime Victim Compensation and Support Authority)
The overall purpose of the Crime Victim Compensation and Support Authority is to work to promote the rights of victims of crime and attend to their needs and interests. The Authority has nationwide responsibility for four areas of activity: handling crime victim compensation cases, administering the Crime Victim Fund (Brottsofferfonden), acting as a centre of expertise, and reclaiming crime victim compensation that has been paid.

Contact details:
090 70 82 00
registratror@brottsoffermyndigheten.se
https://www.brottsoffermyndigheten.se/

Domstolsverket (National Courts Administration)
The National Courts Administration is a State authority which reports to the Government and acts as a service organisation for the Swedish courts. The National Courts Administration is responsible for overall coordination and general issues affecting the Swedish courts. This also involves providing services to the courts, the national rent and tenancies tribunals and the National Legal Aid Authority (Rättshjälpsmyndigheten).

Contact details:
036 15 53 00
domstolsverket@dom.se
https://www.domstol.se

Kronofogden (Swedish Enforcement Authority)
The Swedish Enforcement Authority is a State authority. Among other things, it works to establish debts through payment orders and to help anyone who has not been paid to recover a debt.

Contact details:
0771 73 73 00
kronofogdemyndigheten@kronofogden.se
https://www.kronofogden.se/

Nationellt centrum för kvinnofrid (NCK – National Centre for Knowledge of Violence by Men Against Women)
The National Centre for Knowledge of Violence by Men Against Women (NCK) at Uppsala University works on behalf of the Government to raise awareness at the national level of violence by men against women, honour-related violence and oppression and violence in same-sex relationships. NCK is responsible for the ‘Kvinnofridslinjen’, Sweden’s national helpline for victims of violence, and for a specialised outpatient unit for abused women at Uppsala University Hospital.

Contact details:
020 50 50 50
018 611 27 93
info@nck.uu.se
http://www.nck.uu.se/

Polismyndigheten (Swedish Police)
The Police Authority investigates crimes and works to prevent new crimes. The Police Authority also handles cases involving fictitious personal data.

Contact details:
114 14
112 (in emergency)
registratror.kansli@polisen.se
https://polisen.se/
The National Legal Aid Authority is a nationwide authority which provides legal aid under the Swedish Legal Aid Act. The National Legal Aid Authority is also the recovery authority when a court has decided to demand repayment of costs, including reimbursement of defence costs in criminal cases.

Contact details:
060 13 46 00
rattshjalpsmyndigheten@dom.se
https://www.domstol.se/rattshjalpsmyndigheten/

**Skattverket (Swedish Tax Agency)**
The Swedish Tax Agency is the administrative authority for taxation, property assessment, the population register and registration of deeds. The Swedish Tax Agency also handles requests for the protection of personal data (secrecy coding and use of old addresses).

Contact details:
0771 567 567
https://www.skattverket.se/privat.4.76a43be412206334b8980052864.html

**Sveriges Kommuner och Landsting (SKL – Swedish Association of Local Authorities and Regions)**
SKL is a membership organisation for all municipal, county and regional councils.

Contact details:
08 452 70 00
info@skl.se
https://skl.se/

**Åklagarmyndigheten (Swedish Prosecution Authority)**
The Prosecution Authority works with the police to investigate crimes. If an enquiry leads to charges, the case will be tried in court. The public prosecutor’s job is then to prove that the accused committed the crime.

Contact details:
010 562 50 00
registrat@aklagare.se
https://www.aklagare.se/

**Victim support hotlines**

**Barnens Rätt i Samhället (BRIS – Children's Rights in Society)**
BRIS is a children’s rights organisation with no political or religious affiliation. Vulnerable children and young people up to 18 years of age can e-mail, chat or call an advisor at BRIS anonymously and free of charge. BRIS also takes calls from adults who need someone to talk to about questions and concerns relating to children and young people.

Contact details:
116 111, helpline for children and young people
077 150 50 50, helpline for adults

**Brottsofferjouren Sverige (Victim Support Sweden)**
Victim Support Sweden is a non-profit organisation which works for the right of all victims of crime to receive support. It consists of local victim support centres around the country, a secretariat and a toll-free national helpline. The organisation assists victims of crime, witnesses and relatives by listening and providing support and good advice. If necessary, the victim can obtain support in dealings with other bodies that can provide, for example, psychological help, sheltered housing or financial assistance. Victims can also obtain guidance on the criminal proceedings. Victim Support Sweden also organises victim support from volunteers who provide information and support in connection with a trial.

Victim Support Sweden runs a national helpline which can provide support to all victims of crime and also refer them to a local victim support centre. The national helpline can provide support in 21 different languages.

Contact details:
0200 21 20 19

**Brottsoffermynäigheten (Crime Victim Compensation and Support Authority)**
The overall purpose of the Crime Victim Compensation and Support Authority is to work to promote the rights of victims of crime and attend to their needs and interests. The Authority has nationwide responsibility for four areas of activity: handling crime victim compensation cases, administering the Crime Victim Fund (Brottsofferfonden), acting as a centre of expertise, and reclaiming crime victim compensation that has been paid.

The Crime Victim Compensation and Support Authority runs a helpline which can answer questions on financial compensation following a crime and also on, for example, the right to ‘counsel for the injured party’, special representation for children, restraining orders and judicial proceedings.

Contact details:
090 70 82 00

**Nationellt centrum för kvinnofrid (NCK – National Centre for Knowledge of Violence by Men Against Women)**
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Contact details:
020 52 10 10

**Riksförbundet för homosexuella, biseksuella och transpersoners rättigheter (RFSL – Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights), victim support line**
RFSL is a non-profit organisation which exists to ensure that LGBT people have the same rights, opportunities and obligations as everyone else in society. RFSL runs a victim support line for LGBT people who have been subjected to abuse, threats and violence. The service is also aimed at relatives and friends and people who meet vulnerable LGBT people in their work. The organisation offers crisis meetings, information on rights, help in dealings with authorities, support in the judicial process and sheltered housing.

Contact details:
020 34 13 16

Is victim support free?
Yes, support to victims provided by a non-profit organisation is free. The same is true of the support services managed by public authorities.

What types of support can I receive from state services or authorities?

Brottsoffermyndigheten (Crime Victim Compensation and Support Authority)
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Contact details:
090 70 82 00
registratior@brottsoffermyndigheten.se
https://www.brottsoffermyndigheten.se/

Domstolsverket (National Courts Administration)
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036 15 53 00
domstolsverket@dom.se
https://www.domstol.se

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018 611 27 93
info@nck.uu.se
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Contact details:
114 14
112 (in emergency)
registratior.kansli@polisen.se
https://polisen.se/

Rättshjälpsmyndigheterna (National Legal Aid Authority)
The National Legal Aid Authority is a nationwide authority which provides legal aid under the Swedish Legal Aid Act. The National Legal Aid Authority is also the recovery authority when a court has decided to demand repayment of costs, including reimbursement of defence costs in criminal cases.

Contact details:
060 13 46 00
rattshjalpsmyndigheterna@dom.se
https://www.domstol.se/rattshjalpsmyndigheterna/

Skatteverket (Swedish Tax Agency)
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Contact details:
010 562 50 00
registrator@aklagare.se
https://www.aklagare.se/

**What types of support can I receive from non-governmental organisations?**

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077 150 50 50, helpline for adults
info@bris.se
https://www.bris.se/

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Contact details:
0200 21 20 19
08 644 88 00
info@brottsofferjouren.se
http://www.brottsofferjouren.se/

**Föreningen anhöriga till sexuellt utnyttjade barn (ATSUB – Association for Relatives of Sexually Abused Children)**
ATSUB holds individual consultations with relatives of sexually abused children, and offers help and support in dealings with authorities. The Association also arranges support groups and provides assistance in court.

Contact details:
08 644 21 12
info@atsub.se
http://atsub.se/

**Riksförbundet för homosexuella, biseksuella och transpersoners rättigheter (RFSL – Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights), victim support line**
RFSL is a non-profit organisation which exists to ensure that LGBT people have the same rights, opportunities and obligations as everyone else in society. RFSL runs a victim support line for LGBT people who have been subjected to abuse, threats and violence. The service is also aimed at relatives and friends and people who meet vulnerable LGBT people in their work. The organisation offers crisis meetings, information on rights, help in dealings with authorities, support in the judicial process and sheltered housing.

Contact details:
020 34 13 16
boj@rfsl.se
http://www.rfsl.se/verksamhet/brottsofferjour/

**Riksorganisationen för kvinnojourer och tjejjourer i Sverige (ROKS – National Organisation for Women’s Shelters and Young Women’s Shelters in Sweden)**
ROKS coordinates local member centres and provides help and sheltered housing for abused women, girls and children. The organisation also does opinion-forming work to publicise the experience of the member centres and so reduce violence by men against women.

Contact details:
08 442 99 30
info@roks.se
https://www.roks.se/

**Riksorganisationen mot incest och andra sexuella övergrepp i barnsåldern (RISE – National support centre for victims of incest and other forms of sexual abuse in childhood)**
RISE is a non-profit organisation which offers support to adults who were subjected to sexual abuse in childhood. The association has a helpline which women, men, children, relatives and professionals can call. RISE also offers various activities to its members, including discussions in support groups.

Contact details:
08 686 00 95
stod@rise-sverige.se
http://rise-sverige.se/

**Terrafem**
Terrafem is a non-profit organisation. It runs Sweden’s only nationwide helpline for women of immigrant background who have been victims of violence. Terrafem also runs a legal helpline and provides protection for abused women and their children in sheltered housing.

Contact details:
020 52 10 10
08 643 05 10
info@terrafem.org
http://www.terrafem.org/
How can I follow up on what the authorities do after I report a crime?

More detailed information about how to report a crime to the police is also available.

The police officer to whom you report the crime will record it on a special form. For most crimes there is no deadline for reporting but it is preferable to report your relevant personal details (e.g. your name, address, and other contact details).

When you report a crime to the police, you will be asked for all relevant details about the crime, the person you think committed the crime (if known), and if necessary, the date and time of the crime. The police may decide not to pursue the investigation if it appears that the crime cannot be solved or that the suspect cannot be found.

If you do not speak English you can report the crime in your own language or any other language you understand. Translation services will be provided free of charge.

If you do not feel comfortable to report the crime yourself you can ask another person to report it for you or file an anonymous report to Crimestoppers by calling 0800 555 111 or filling in their online form. Remember though that if you are the victim of the crime the police will need to speak with you at some point to progress the investigation.

If you do not speak English you can report the crime in your own language or any other language you understand. Translation services will be provided free of charge, if necessary.

When you report a crime to the police, you will be asked for all relevant details about the crime, the person you think committed the crime (if known), and relevant personal details (e.g. your name, address, and other contact details).

The police officer to whom you report the crime will record it on a special form. For most crimes there is no deadline for reporting but it is preferable to report crimes as soon as possible.

More detailed information about how to report a crime to the police is also available online.
How can I follow up on what the authorities do after I report a crime?
You will receive a written acknowledgement that you have reported a crime including the basic details of the offence and the crime reference number. You can use this information to follow the progress of your case. You are entitled to be contacted by the person dealing with your case at regular intervals to update you on the investigation (or a decision not to proceed with, or end an investigation; or not to prosecute the offender) and the details of any trial. If you require further information you can call using the non-emergency 101 number. You can also go to the police station but, if doing so without an appointment, the person dealing with your case may not be available.

How can I be involved in the investigation of the crime?
If the police deal with the crime you will be able to make a Victim Personal Statement, in which you can detail the financial, emotional, physical and psychological impact of the crime on you (and, where applicable, your family). You can do this when reporting the crime or at any time thereafter. Depending on your needs you will be provided free of charge with an interpreter, medical examination, and other services. However, this does not include legal advice and/or representation as in the UK the victim is not a party to the proceedings, which are between the state and the defendant. As a victim of crime, if you do participate in court proceedings then this will be as a witness.

During the investigation you are entitled to regular up-dates on progress, and to be told of any arrests. However, you will not be allowed to see any documents or data concerning the proceedings. Any further involvement in the investigation is at the request of the police (e.g. responding to additional questions or participation in an identity parade). You are not obliged to take any further part if you do not wish to do so (though you may be obliged to participate in any court proceedings that might follow).

Because in the UK victims are not party to proceedings, you are not specifically entitled to representation. However, if you choose to instruct a lawyer (which will be at your own expense) to put information or arguments before the authorities they will generally take such representations into account.

You will be informed if and when formal charges have been brought against a suspect and your views will be taken into account by the prosecution service. The prosecution service is not obliged to act in accordance with what you say, although you can make them aware of your views through making a Victim Personal Statement.

Expenses incurred at this stage are not generally reimbursed.

What are my rights as a witness?
During the investigation the police may ask you to give a witness statement. Usually you will be invited to say what happened and the police officer will write an account of what you have said. Then you will be asked to verify if your statement was recorded correctly and sign it. The police officer will be able to make corrections if you feel they are necessary and you will be asked to endorse them.

If you are providing a statement, the police will carry out an assessment of your needs as a witness. This will cover when and how you can be contacted and what language and communication needs you may have. The police will also assess whether a communication specialist (called a Registered Intermediary) might help you to give your statement or whether your witness statement will be video recorded.

Your witness statement may not be used as evidence in court in certain circumstances, such as if your evidence is not being challenged by the defence, but it is likely to be used and you may also be requested to give evidence at the trial in person.

For further information on your rights as a witness, please consult the Witness Charter (coming soon)

I am a minor. Do I have additional rights?
If you are a child under 18 years of age you are able to receive enhanced support and assistance in giving evidence in court if you are required to do so. Your witness statement will be video recorded unless you ask to make a written statement. However, you may still be required to attend court to be questioned about your evidence.

What information can I obtain from the police or victim support organisations during the investigation of the crime?
When you report a crime to the police you will be told whether or not the police will investigate the case and you will be asked what views you have about prosecution.

You will be asked if you wish to receive further information (e.g. about prosecution decisions and court proceedings). The police will keep you regularly updated on progress during the investigation for example about the suspect's arrest. You will be informed on the conclusion of the investigation (e.g. whether the defendant has been charged or cautioned).

For further guidance about matters such as emotional and practical support and compensation you are entitled to be referred to local victim support services based in the area where you live (England and Wales only).

Where applicable you will also be referred to other specialist services (e.g. in relation to domestic violence or sexual assault).

Can I receive legal aid?
You do not have a right to legal aid unless you are seeking private prosecution where in some cases legal aid is available. This is because victims are not party to proceedings in the UK and therefore do not normally require representation. The only exception is where the nature of the crime requires specialist assistance or assessment (e.g. medical), which will then be provided free of charge.

How can I get protection, if I am in danger?
If you feel you or your family are at risk from criminal activity you should report this to the police immediately so that appropriate action can be taken. The police will provide such protection, as they assess is necessary and reasonable, bearing in mind the level, probability and immediacy of the risk.

Protection can take different forms e.g. regular patrols near the victim’s home, or an alarm that will ring in the local police station. Only in the most serious cases are more drastic protection measures taken (such as anonymity during trials or witness protection programmes).

What services and assistance can I be given during the investigation of the crime?
If the allegation is a police matter, you will be referred to victim support services which will give further support and guidance as appropriate.

Where applicable you will also be referred to other specialist services (e.g. in relation to domestic violence or sexual assault), if you want to be.

Services are usually free of charge.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
The police and the prosecution service (or Youth Offending Team in the case of an under 18 offender) will consider whether any form of diversion from prosecution is appropriate, and this may include mediation. A formal warning from the police or conditional warning (also known as a “caution”) from the prosecution service often requires offenders to engage in some form of conciliation with victims, and this could also include mediation.

You would normally be invited to participate in this procedure and have your views taken into account when a decision is made. Mediation can only be pursued with your consent and is carried out by police or probation staff.

How will my case continue after the end of the investigation?
Once the police have completed the investigation, they will decide whether the case should be referred to the prosecution service to determine if it should proceed to a trial. The prosecution service will examine whether there is enough evidence against the defendant and whether it is in the public interest to
prosecute him/her. If the prosecution service decides that a prosecution should go ahead the suspect will be charged and the case will go to court. In more minor cases the police can make this decision themselves without referring it to the prosecution service. The police will always inform you whether your case will go to court, regardless of whether they or the prosecution service make the decision.

Can I appeal if my case is closed without reaching the court?

You cannot appeal to the police or the prosecution service against a decision not to prosecute. However, in certain circumstances you are entitled to ask the police to review a decision made by them not to prosecute a suspect or not to refer the case to the prosecution service to make a decision; and to ask the prosecution service to review their decision if they decide not to prosecute.

You can also ask the High Court to review the decision (which is known as "judicial review"). The High Court will only make a ruling against the decision-maker if it decides that the decision was irrational or otherwise unlawful (as distinct from undesirable). If you succeed it is likely that the court would order the decision-making organisation to review its decision in the light of the court's findings. If you are considering this course of action you will need legal representation. Legal aid is available in some circumstances, but only if certain criteria are satisfied (particularly concerning financial circumstances).

It is possible that you may be able to seek a private prosecution, although this is not common in the UK. It is done by asking the local magistrates court to issue a warrant for the arrest of the suspected offender or a "summons" requiring him/her to appear in court on a specified day. Legal aid is unlikely to be available in such cases. In addition, if a prosecution has begun and then been terminated it will not usually be possible to start proceedings again. The magistrates will require sufficient evidence of the guilt of the suspected offender that he/she would be convicted in the absence of any rebuttal from him/her.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above.

In addition, if you do not understand or speak English you are entitled to request an interpreter and are entitled on request to translation of certain information.

More information:

Code of Practice for Victims of Crime – in English
The Witness Charter – in English
Domestic Violence, Crime and Victims Act 2004 – in English
Victim Personal Statement: A guide for police officers, investigators and criminal justice practitioners – in English
Final Warning Scheme – in English
Code of Practice on Conditional Cautions – in English
Criminal Evidence (Witness Anonymity) Act 2008 – in English
Criminal Injuries Compensation - Criminal Injuries Compensation Authority

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(OLD)2 - My rights during the trial

How can I be involved in the trial?

What are my rights as a witness?

I am a minor. Do I have additional rights?

Can I receive legal aid?

How can I get protection, if I am in danger?

How can I claim damages from the offender or receive compensation from the State?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

I am a foreigner. How are my rights and interests protected?

More information

How can I be involved in the trial?

You will be informed of the date of the court hearing, and what type of hearing it will be. It could be:

- a preliminary hearing, e.g. to decide on bail or to decide whether the case will be heard at a higher or lower court;
- a trial, where the defendant contests guilt and evidence is heard;
- a guilty plea hearing, where the defendant does not contest guilt, and conviction is certain;
- a sentencing hearing (in many cases the penalty is decided at a special hearing a week, or even a month, following the determination of guilt).

You may take part in trial proceedings:

- as a witness (if the defendant pleads not guilty and if you are required to give oral evidence);
- as an observer;
- by making a Victim Personal Statement (1) if you wish to do so.

You have the right to be present throughout court proceedings unless:

- it is held in private (usually only juvenile court hearings); or
- you will be giving evidence (in which case you can only attend the hearing after you have given your testimony).

You do not need to attend trial proceedings unless you are requested to be a witness and you are compelled to give evidence.

What are my rights as a witness?

You will also be told if you will be needed to give evidence as a witness, which will generally only be if the defendant contests guilt. As a witness you have to attend the hearing and answer the questions you will be asked.

If you have made a witness statement during the investigation and you have been requested to give oral evidence at the trial, you will be allowed to see the statement again before you testify.

In the beginning of your hearing you will be asked to take an oath or make an affirmation that you will tell the truth. During the hearing the prosecutor and the defendant's lawyer will ask you questions. The questioner may say or suggest something that you think is wrong. If this happens, you should clearly say that you disagree. Your role as a witness is to tell the truth. When there are no more questions the judge will release you. You can then leave or, if you wish and are aged 14 or over, you can remain in the courtroom and listen during the remainder of the hearing.

If you feel vulnerable or intimidated you are entitled to ask for special measures to be used during the trial and you meet the relevant criteria, the prosecutor may apply to the court before the hearing, for special measures to assist you give evidence. These measures include a screen to shield you from the defendant when in court and giving evidence by live video link from outside the courtroom. The court decides what measures you can use but must take your views into account when making the decision.
**My rights after the (first) trial**

In England and Wales you can benefit from the assistance of the local Witness Care Unit. A witness care officer will contact you after the defendant is charged. This will be your single point of contact until the end of the trial. Your witness care officer can arrange for you to visit the court before you give evidence, so it will not seem strange to you. He/she will take care of all other assistance you might need such as transport, interpretation, medical help, etc. Depending on where the crime was committed you can also get assistance from the Witness Service, a voluntary organisation, which helps witnesses cope with going to court by providing information and support.

For further information please consult the booklet Witness in Court. For further information on your rights as a witness, please consult the Witness Charter.

### I am a minor. Do I have additional rights?

If you are a child aged **17 years or under** you can ask the prosecutor to apply to the court before the trial for one or more special measures to assist you give evidence in court.

The special measures available include:

- giving evidence through a TV link from outside the courtroom (you will be able to see the courtroom and those in the courtroom will see you on a television screen);
- giving video recorded evidence (if your statement to the police was video recorded it will be played to the court);
- giving evidence behind a screen (a screen will be placed around the witness box to prevent the witness seeing the defendant);
- removal of wigs and gowns (the judge and lawyers will not wear gowns and wigs so that the court feels less formal);
- giving evidence in private – in sex offence cases and those involving intimidation (members of the public will not be allowed in the court room);
- use of communication aids such as an alphabet board;
- examination through an intermediary if you have communication difficulties, e.g. someone who can help you understand the questions being asked.

#### Can I receive legal aid?

You have no rights to legal aid unless you are seeking private prosecution, where in some cases legal aid is available. This is because in the UK victims are not party to proceedings.

### How can I get protection, if I am in danger?

During the trial you can get the same protection as during the investigation. The police will provide such protection, as they assess is necessary and reasonable, bearing in mind the level, probability and immediacy of the risk. Protection can take different forms e.g. regular patrols near your home, or an alarm that will ring in the local police station. In the most serious cases are more drastic protection measures considered (such as anonymity during trials or witness protection programmes).

### How can I claim damages from the offender or receive compensation from the State?

In some circumstances the court may make a compensation order in respect of any personal injury, loss or damage you have suffered, in these cases you will have to provide details of your losses to the police when you report the crime or soon after. The police will pass these details onto the prosecution service and the prosecution service will request compensation on your behalf. If someone is convicted of the crime, and where personal injury, loss or damage has resulted from the offence, the sentencing court can order that the offender pays an appropriate amount of compensation. The court will take the offender's ability to pay into account and payment may be on a weekly or monthly basis. This compensation order takes priority over any fine that the offender may have to pay.

If you are a victim of violent crime you may be eligible to receive financial compensation from the State. Your application has to be submitted to the Criminal Injuries Compensation Authority. Please consult the factsheet on compensation to victims of crime in England and Wales (available in English and multiple other languages) of the European Judicial Network.

#### Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

During the trial conciliation and/or mediation may be possible, depending on the nature of the crime. You would normally be invited to participate in such a procedure. Mediation can only be pursued with your consent and is carried out by police or probation staff.

### I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above.

In addition, if you do not understand or speak English you are entitled to request an interpreter and are entitled on request to translation of certain information. The authorities will endeavour to ensure that a translation or interpreter is provided where necessary, in particular when you are called to give evidence in court as a witness.

### More information:

- Code of Practice for Victims of Crime – in English
- The Witness Charter – in English
- Domestic Violence, Crime and Victims Act 2004 – in English
- Victim Personal Statement: A guide for police officers, investigators and criminal justice practitioners – in English
- Going to court as a victim or witness – in English

Notes:

1. **Victim personal statement**

   The Victim Personal Statement is a written statement, in which you can explain how the crime has affected you. It is an official document, which will become part of the file relating to the crime and will be seen by everyone involved in the case. In the Victim Personal Statement you can explain how the crime has affected you physically, emotionally, financially or in any other way. The Victim Personal Statement is not used to determine guilt or innocence but to inform the court of the harm caused to the victim. You are also able to say whether you would like to read your Victim Personal Statement aloud or have it read aloud on your behalf (usually by a Crown Prosecution Service prosecutor) in the event that the defendant is found guilty. The final decision on whether you can read out all or part of your Victim Personal Statement will be made by the court. You can make your Victim Personal Statement at any time before the court hearing.

Last update: 21/09/2017

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The purpose of the VCS is to provide eligible victims with information.

A list of the rape support centres funded under the Female Rape Support Fund 2014-16 can be accessed at the link below (NB: this does not include the two centres in Grantham and Crawley commissioned in 2014 that have recently opened):

Contact: witnessservice@citizensadvice.org.uk

The Ministry of Justice has overall lead on policy on criminal justice and victim and witness care in England and Wales. Following public consultation in 2012 the majority of emotional and practical support services for victims of crime are commissioned by democratically elected and locally accountable Police and Crime Commissioners (PCCs) in 41 police force areas and the Mayor’s Office for Policing and Crime in London (including for the City of London).

PCCs are best placed to understand the needs of their local communities and target funding to help victim’s cope and recover from the effects of crime. Information services available in local areas can be found on individual PCC websites and through the Victim Information Service. Nationally the Ministry of Justice continues to fund the provision of a number of services for victims and witnesses of crime:

Victims’ Information Service
The Victims’ Information Service comprises a web portal and a Victims’ Information Line 0808 168 9293. The Victims’ Information Line is delivered by Victim Support, a national charity, under grant funding by the Ministry of Justice.

The Victims Information Service:
provides victims of crime with information on their entitlements to support, and on where they can access local support arrangements. The Victims’ Information Line also provides callers with immediate emotional and practical assistance when needed, whilst focused on getting the victim to local support arrangements as quickly as possible.

National Homicide Service
The national Homicide Service is provided by the national charity Victim Support and funded by the Ministry of Justice. Originally set up in 2010, the service was re-commissioned in 2014. The new Service continues to provide support to people in England and Wales bereaved by homicide (murder and manslaughter) since 2010. This includes a range of emotional and practical support, specialist support including counselling for both adults and children, access to legal services and, for the first time, incorporates peer support.

CONTACTS:
Support line on 08 08 16 89 111

Note: The Ministry of Justice also helps fund a number of independent organisations who provide support for families bereaved by homicide prior to 2010. These include the specialist therapy organisations Winston’s Wish, Cruse Bereavement Care and ASSIST Trauma Care.

Court based Witness Service
The Ministry of Justice grant funds Citizens Advice, a national charity, to provide a court-based Witness Service at over 200 criminal courts in England and Wales.

The Witness Service provides free and confidential emotional and practical support and information for prosecution and defence witnesses giving evidence in criminal courts, including supporting family and friends attending court where that support is material to the effective support of the witness.

Contact: witnessservice@citizensadvice.org.uk

Rape Support Centres
Rape Support Centres in England and Wales provide a range of specialist services for all victims of rape or sexual violence whether as adults or as children through the Male and Female Rape Support Funds.

Rape Support Centres:
offer specialist support, advocacy, counselling and information to all victims of rape and sexual violence, free of charge and in confidence, in a safe and non-threatening environment (NB: some centres may restrict access to protect female-only counselling)

We also fund Survivors UK for a national website as part of the Male Rape Support Fund to deliver support to male victims across the country and have arranged for Safeline to pilot a telephone helpline (until March 2017) to support male victims of rape and sexual abuse.

CONTACTS:
A list of the rape support centres funded under the Female Rape Support Fund 2014-16 can be accessed at the link below (NB: this does not include the two centres in Grantham and Crawley commissioned in 2014 that have recently opened):
Rape support centres
An infographic showing where the rape support centres funded under the Male Rape Support Fund are located can be accessed here.
A list of other Rape Support Centres across England and Wales can be found through the following websites:

Rapecrisis England and Wales
The Survivors Trust

Support for victims of terrorism
The Survivors’ Assistance Network provides emotional and practical support including peer support to help victims of terrorist attacks address their medium to longer term support needs and increase their sense of personal safety and well-being.
will signpost and refer members to third parties as appropriate and as agreed as part of any support provision.
Contact: SAN@foundation4peace.org

The national Homicide Service continues to provide support to people in England and Wales bereaved by homicide (murder and manslaughter), including terrorism, since 2010.
The Ministry of Justice also helps fund a number of independent organisations who provide support for families bereaved by homicide prior to 2010. These include the specialist therapy organisations Winston’s Wish, Cruse Bereavement Care and ASSIST Trauma Care.
Victim Support supports statutory agencies with their criminal humanitarian assistance response in the event of a terrorist attack. Within the Humanitarian Assistance Centre Victim Support will provide an initial assessment of individual need and support, (including onward referral and signposting to other organisations) for victims referred to them.

Support for bereaved and seriously injured victims of road crime
In addition to support commissioned locally by PCCs the MoJ funds the road safety charity Brake for the provision of:

- A specialist, Freephone helpline, 0808 8000 401 or helpline@brake.org.uk, open 10am-4pm weekdays. Run by experienced professionals, the helpline offers emotional support, practical information, guidance on criminal justice system procedures, help overcoming problems or getting answers to questions, and help accessing services like counselling, group support or legal advice.
- Support packs and books, handed to families by police following all road deaths and available here. They include information on practical and emotional matters following road death and injury and are available for families bereaved by crashes in England & Wales, Scotland or Northern Ireland, serious injury victims, and bereaved children. Information in them can be explained over the phone or they can be ordered in hard copy through the Brake helpline.

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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?
You are entitled to receive written information on what to expect from the criminal justice system such as the “information for victims of crime leaflet”, or the details of a website which contains that information.
Depending on the type of crime, your personal circumstances, or its relevance to the particular stage of the investigation or criminal proceedings access to the following information must be offered to you from your first contact with the police:
where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation;
what you need to do to report a criminal offence, and who you should contact in case you have any questions about the case;
any measures available for your protection, if required;
how to seek compensation;
the arrangements available if the victim is not present in England and Wales;
the availability of interpretation and translation services;
how to make a complaint about a service provider;
the availability of restorative justice services;
how to recoup expenses incurred as a witness in a criminal trial.
You are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

I don’t live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?
You are entitled to receive the services set out in this Code if the crime took place in England or Wales, or if the services relate to criminal proceedings that are taking place in England or Wales. [1]

[1] Eligibility for compensation from the Criminal Injuries Compensation Authority may depend on your residency or nationality unless you are conclusively identified as a victim of human trafficking, or granted asylum, humanitarian protection or discretionary leave to remain.

If I report a crime, what information will I receive?
You are entitled to receive the following from the police:
a written acknowledgement that you have reported a crime including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the police consider there may be a risk of harm to you from sending the written acknowledgement (for example in domestic violence cases), they may agree with you not to send one;
a clear explanation of what to expect from the criminal justice system when you report a crime or are contacted as a victim in the course of investigations;
an assessment of whether you want support, and if so what help or support you may need. This will help to identify whether you are in one of the three categories of victim who may need enhanced support, and to determine whether and to what extent you may benefit from Special Measures. Victim support services may do a more detailed assessment on behalf of the police;
either written information on what to expect from the criminal justice system such as the “information for victims of crime” leaflet, or the details of a website which contains the same information, as soon as possible, and not later than 5 working days after reporting the crime or being contacted as a victim in the course of investigations;

to be informed how often you will receive updates on the status of the case following discussion with the police;

an explanation, within 5 working days of a decision not to investigate a crime;

to be advised when an investigation into the case has been concluded with no person being charged and to have the reasons explained to you.

You are entitled to receive information about victim support services including their contact details from the police so that you can access their support at any time.

You are entitled to be informed by the police of the following information and to have the reasons explained to you within 5 working days of a suspect being: arrested;

interviewed under caution;

released without charge;

released on police bail, or if police bail conditions are changed or cancelled. 

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 understand or speak English, you are entitled to request interpretation into a language you understand: when reporting a criminal offence [1] when being interviewed by the police; and when giving evidence as a witness

If you do not understand or speak English, you are entitled on request to translation of the following information:

the written acknowledgment of the reported crime;

where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;

the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decision where available.

[1] You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don’t speak English.

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

Service providers under the Victims’ Code must communicate with you in simple and accessible language, taking appropriate measures (e.g. EasyRead, Braille or the use of a Registered Intermediary) to assist you to understand and be understood. In considering appropriate measures, service providers must take account of any relevant personal characteristic which may affect your ability to understand and be understood.

A range of information leaflets are available using simple language, in a variety of formats.

Victim support services

Who provides victim support?

Section 56 of the Domestic Violence, Crime and Victims Act 2004 provides for the Ministry of Justice (MoJ) to commission national victims’ services by grant. It also provides grants to Police and Crime Commissioners (PCCs) for the local commissioning/provision of emotional and practical support services to victims of crime in accordance with Section 143 of the Anti-social Behaviour, Crime and Policing Act 2014.

Will the police automatically refer me to victim support?

The police will explain to you that they will automatically pass your details to victim support services within 2 working days of reporting the crime. You are entitled to ask the police not to pass on your details to victim support services.

If you are a victim of a sexual offence or domestic violence, or if you are a bereaved close relative, the police will seek your explicit consent before sending your details to victim support services.

How is my privacy protected?

Where required to share information under the Victims’ Code, service providers must do so effectively and in accordance with their obligations under the Data Protection Act 1998 and other relevant legislation.

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

No - you are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

Personal protection if I’m in danger

What types of protection are available?

Where a victim reports a crime to a service provider responsible for investigating offences, the service provider must ensure that the victim is individually assessed to identify any specific protection needs and to determine whether and to what extent the victim would benefit from specific protection measures or Special Measures in the course of being interviewed or Special Measures when giving evidence

The nature of the assessment will depend on all the circumstances, including the severity of the crime and the degree of apparent harm suffered by the victim. The assessment must take into account the victim’s personal characteristics, his or her views, and the nature and circumstances of the crime.

Where, as a result of the individual assessment, a service provider has identified a victim as having specific protection needs and who would benefit from specific protection measures in the course of being interviewed, the service provider responsible for investigating an offence must also ensure, subject to operational and practical constraints, that the following are available:

if possible, ensure that the same person conducts all the interviews with the victim, unless doing so would prejudice the proper handling of the investigation; that the interview takes place, where necessary, in premises designed or adapted for the purpose; and that interviews are carried out by or through professionals trained for the purpose; and

that in cases of sexual violence, gender-based violence or domestic violence, victims are offered the opportunity to have their interview conducted by a person of the same sex. Any such request should be agreed to if possible, unless doing so would be likely to prejudice the proper handling of the investigation.

In the unlikely event of a suspect escaping from custody, the police, once aware of the escape or notified of it by the prison, Youth Offending Team, hospital or immigration detention centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

Who can offer me protection?

Where a victim reports a crime to a service provider responsible for investigating offences must ensure that the victim is individually assessed to identify any specific protection. In most cases this will be the police.
Will someone assess my case to see if I am at risk of further harm by the offender?

All victims of a criminal offence are entitled to an assessment by the police to identify any needs or support required, including whether and to what extent they may benefit from Special Measures. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.

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

All victims of a criminal offence are entitled to an assessment by the police to identify any needs or support required, including whether and to what extent they may benefit from Special Measures. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.

What protection is available for very vulnerable victims?

You are eligible for enhanced entitlements under the Victims’ Code as a vulnerable victim [1] if the quality of your evidence is likely to be affected because:

- you suffer from mental disorder within the meaning of the Mental Health Act 1983;
- you otherwise have a significant impairment of intelligence and social functioning; or
- you have a physical disability or are suffering from a physical disorder.

[1] This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for Special Measures (see paragraphs 1.13-1.15 of Chapter 1)

I am a minor – do I have special rights?

You are eligible for enhanced entitlements under the Victims’ Code as a vulnerable victim [1] if you are under 18 years of age at the time of the offence. This includes eligibility for Special Measures if you give evidence at court.

[1] This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for Special Measures (see paragraphs 1.13-1.15 of Chapter 1)

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

Close relatives of the deceased are entitled to receive services under the Code as victims of the most serious crime.

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

The family spokesperson for victims of crime who have a disability or for victims who have been so badly injured as a result of a criminal offence that they are unable to communicate

If you have a disability or have been so badly injured as a result of a criminal offence that you are unable to communicate, you or your close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Code.

The parent or guardian of a victim who is under 18 years of age

If you are a victim who is under the age of 18 you, and usually your parent or guardian, are entitled to receive services under this Code.[1]

[1] Unless your parent or guardian is under investigation or has been charged by the police in connection with the crime or if in the reasonable opinion of the service provider involved it is not in your best interests for your parent or guardian to receive such services.

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

Restorative Justice is the process of bringing together victims with those responsible for the harm, to find a positive way forward. Restorative Justice is voluntary – you do not have to take part, and both you and the offender must agree to it before it can happen. You can ask to participate in Restorative Justice at a time that is right for you or you may be asked to take part because the offender has requested Restorative Justice. Even if both parties want to take part, it might not be appropriate and the facilitator will make an assessment of this.

Appropriate measures will be put in place to make sure that anything you agree to take part in is safe; a trained facilitator will always be present during any meeting between you and the offender. If the offender has admitted guilt and is willing to participate in a meeting or communicate with you, you may be able to explain to the offender how the incident has affected you. You may then decide to seek an apology, or agree an activity that the offender has to undertake as part of making good the harm that has been done.

Restorative Justice is not the same as Community Resolution. Community Resolution is an informal police disposal that enables the police to deal more proportionately with low level crime and anti-social behaviour, outside the formal criminal justice system. Community Resolutions are primarily aimed at first time offenders where genuine remorse has been expressed, and where the victim has agreed that they do not want the police to take formal action.

Where can I find the law stating my rights?

The Code of Practice for Victims of Crime (‘the Victims Code’) is made under Section 32 of the Domestic Violence, Crime and Victims Act 2004 (‘DVCVA 2004’) and commenced by way of Order made under Section 33, DVCVA 2004, The Domestic Violence, Crime and Victims Act 2004 (VICTIMS’ CODE OF PRACTICE) ORDER 2015 (Statutory Instrument 2015 No. 1817) was laid before Parliament on 23rd October 2015, and brings into force a revised version of the Victims’ Code on 16 November 2015. The Victims Code sets out the services that are to be provided in England & Wales to victims of crime by the main criminal justice organisations (Introduction, Chapters 1-4) and other organisations with relevant functions (Chapter 5). These organisations are referred to as ‘service providers’. The Victims Code specifies the entitlements owed to victims of criminal offences and the reciprocal duties placed on relevant service providers. Chapter 3 of the Victims’ Code sets out, in language that is comprehensible for children, the services that are to be provided to child victims of crime. It is to be read in conjunction with the Introduction to, and Chapters 1 and 2 of the Victims’ Code. Victims’ Code, Introduction, Paragraph 1 and Chapter 5, Paragraph 1 ensure that the over-arching objectives of the Directive are taken into account by competent authorities when exercising their functions under the Victims’ Code.

The entitlements in the Victims’ Code apply to all victims, regardless of their residence status. Section 56 of the Domestic Violence, Crime and Victims Act 2004: the Ministry of Justice (MiJ) commissions national victims’ services by grant. It also provides grants to Police and Crime Commissioners (PCCs) for the local commissioning/provision of emotional and practical support services to victims of crime in accordance with Section 143 of the Anti-social Behaviour, Crime and Policing Act 2014. Clause 3 of the Grant Agreement between MoJ and PCCs requires that PCC commissioned services are compliant with the Victims’ Directive and in particular articles 8 and 9. Clause 4 requires stipulates that services commissioned or provided must comply with the conditions listed in article 8.1. Last update: 21/09/2017

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## 2 - Reporting a crime and my rights during the investigation or trial

**How do I report a crime?**

She should in the first instance report a crime to the police. Information about how to do so is available here: [reporting a crime](#).

**How do I find out what's happening with the case?**

If you are a victim of crime you are entitled to be informed by the police of the following information and to have the reasons explained to you within 5 working days of a suspect being:

- arrested;
- interviewed under caution;
- released on police bail, or if police bail conditions are changed or cancelled.

You are entitled to be informed by the police of the following information within 5 working days of the police receiving it:

- the date, time and location of the first court hearing;
- where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.

**Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

Victims and witnesses are not parties to criminal proceedings and are therefore not eligible for legal aid in England and Wales.

**Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

Service providers responsible for prosecuting an offence must have rules under which victims have the possibility of reimbursement of expenses incurred from attending court to give evidence.

More information on claiming expenses for witnesses are available [here](#).

And [here](#).

**Can I appeal if my case is closed before going to court?**

If you are dissatisfied with the police or CPS's decision not to prosecute, you are entitled to seek a review of that decision in accordance with the National Police Chiefs Council (NPCC) and CPS Victims' Right to Review schemes.

The CPS launched their Victims' Right to Review Scheme on 5 June 2013. Police forces in England and Wales adopted a Victims' Right to Review scheme on 1 April 2015. The schemes give victims of crime a right to request a review of a police or CPS decision not to prosecute, or otherwise to terminate criminal proceedings.

Where you are notified of a decision that qualifies for a review under either the NPCC or the CPS Scheme, you are entitled to receive sufficient information in the notification to enable you to decide whether or not you wish a review to take place.

**Can I be involved in the trial?**

If you know something about an incident you may be asked to give evidence in court for the prosecution or defence.

**What is my official role in the justice system? For example, am I or can I choose to be a victim, witness, civil party or private prosecutor?**

For the purposes of the Code of Practice for Victims of Crime (Victims' Code), a “victim” is:

- a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
- a close relative (see glossary) of a person whose death was directly caused by a criminal offence.

If you know something about an incident you may be asked to give evidence in court for the prosecution or defence. If you know one of the people involved in a case, you may be asked to provide evidence as a character witness, usually by the defence. In either event, your evidence can be crucial to securing the conviction or the acquittal of the defendant.

The right to bring private prosecutions is preserved by section 6(1) of the Prosecution of Offences Act (POA) 1985. There are, however, some limitations: the Director of Public Prosecutions (DPP) has power under section 6(2) POA 1985 to take over private prosecutions; in some cases, the private prosecutor must seek the consent of the Attorney General or of the DPP before the commencement of proceedings.

More information is available [here](#).

**What are my rights and obligations in this role?**

The Code of Practice for Victims of Crime sets out the entitlements for victims. It is available [here](#).

If you have witnessed a criminal offence, but are not a victim, you can access services under the Witness Charter, rather than under this Code. It is available [here](#).

**Can I make a statement during the trial or give evidence? Under what conditions?**

If you know something about an incident you may be asked to give evidence in court for the prosecution or defence. If you know one of the people involved in a case, you may be asked to provide evidence as a character witness, usually by the defence.

If you are a victim of a crime a Victim Personal Statement (VPS) gives you an opportunity to explain in your own words how a crime has affected you, whether physically, emotionally, financially or in any other way. This is different from a witness statement about what happened at the time, such as what you saw or heard.

The VPS gives you a voice in the criminal justice process. However you may not express your opinion on the sentence or punishment the suspect should receive as this is for the court to decide.

You are entitled to be offered the opportunity to make a VPS at the same time as giving a witness statement about what happened to the police about a crime.

If the defendant is found guilty, you are entitled to say whether you would like to have your VPS read aloud or played (where recorded), in court. You are also entitled to say whether you would like to read your VPS aloud yourself or to have it read aloud by someone else (for example, a family member or the CPS advocate). Before deciding whether you wish to have your VPS read aloud or played in court, you will be advised about the possible consequences, including that your VPS could be reported on in the media. You could also be asked questions about your VPS in court by the defence.

If you do request that your VPS is read aloud or played in court, it is for the court to decide whether and what sections of the VPS should be read aloud or played, and who will read it, taking into account your interests. In most cases some or all of your VPS will be read out or played, unless the court decides there are good reasons not to do so. You will be told of the court's decision.

**What information will I receive during the trial?**

You are entitled to:

- be informed of the outcome of any bail hearing (any relevant bail conditions and any relevant changes to these bail conditions) with reasons within 5 working days. If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated, you are entitled to receive this information within 1 working day;
be informed of the date, location and outcome of any criminal court hearings in the case by your Witness Care Unit. This information must be provided within 1 working day of the Witness Care Unit receiving it from the court;
be informed if an arrest warrant is issued for a suspect and the outcome of a hearing if the suspect is re-arrested. If a suspect is re-arrested after a warrant has been issued they normally attend court soon afterwards. This information must be provided within 5 working days of the Witness Care Unit receiving it from the court;
in cases where the suspect pleads not guilty, discuss any needs you may have with the Witness Care Unit and be referred to a relevant support group or agency where appropriate;
If you are a witness during the trial you are entitled to:
ask the court staff if you can enter the court building through a separate entrance from the suspect and their family and friends;
where circumstances permit, meet the CPS advocate or representative and ask him or her questions about the court process. They will indicate where possible how long you may have to wait before giving evidence;
wherever possible, receive an explanation from the CPS advocate or representative if there is a delay in proceedings on the day and how long the wait is likely to be;
wait and be seated in an area separate from the suspect and their family and friends - the court will ensure this is done wherever possible;
be given a contact point at the court so you can find out what is happening in the case whilst it is being heard.

Will I be able to access court files?
Access to court documents is governed by Part 5 of the Civil Procedure Rules. Most likely the most relevant rules are 5.4C and 5.4D. These are available [here](#). Last update: 21/09/2017
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3 - My rights after trial
Can I appeal against the ruling?
Victims have no right of appeal against the conviction or sentence of the offender.

What are my rights after sentencing?
Following the trial you are entitled to:
be paid any expenses the CPS have decided are due to you if you have attended court to give evidence not later than 10 working days after the CPS has received a correctly completed claim form;
be informed by the Witness Care Unit about the outcome of the trial including, where available, a brief summary of reasons for the decision. This information will be provided within 1 working day of the Witness Care Unit receiving it from the court;
be directed by the Witness Care Unit to victim support services where appropriate and where they are available.
(i) If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates' Court.
You are entitled to be informed of the following information by your Witness Care Unit within 1 working day of them receiving it from the court:
any notice of appeal that has been made;
the date, time and location of any hearing;
the outcome of that appeal, including any changes to the original sentence.
You are also entitled to:
wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible;
be provided with a contact point at the Crown Court;
receive information about victim support services where appropriate and available.
(ii) If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law.
You are entitled to:
be told that the appellant has been given leave to appeal within 5 working days of the Witness Care Unit receiving that information from the court. If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated you are entitled to receive this information within 1 working day;
receive information about the date, time and location of any hearing from the Witness Care Unit within 1 working day of them receiving the information from the court;
be told by the Witness Care Unit if the appellant is to be released on bail pre-appeal or if the bail conditions have varied within 1 working day of them receiving this information from the court;
receive an update from the Witness Care Unit on any changes to hearing dates within 1 working day of receiving this information from the court;
be provided, by your Witness Care Unit, with a contact point for the Criminal Appeal Office or UK Supreme Court staff;
be told about the result of that appeal, including any changes to the original sentence. If you are a victim of the most serious crime, persistently targeted or vulnerable or intimidated you are entitled to receive this information within 1 working day.
wait and be seated in court in an area separate from the appellant and their family and friends. The court staff will ensure this is done wherever possible. It is rare for the appellant to attend hearings in the Supreme Court. Special arrangements will be made for you if the appellant is present and you do not wish to sit in the courtroom;
request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court’s judgment in the case once it has been published.

Following grant of leave to appeal, if you are a bereaved close relative, in a qualifying case, you are entitled to be offered a meeting with the CPS to explain the nature of the appeal and the court processes.

Criminal Cases Review Commission
On receiving an application from an offender, the Criminal Cases Review Commission undertakes reviews of convictions and sentences imposed as a result of the offender’s criminal offending. The Commission may refer a conviction or sentence for a fresh appeal if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long. The Commission receives about 1000 applications from convicted persons every year and refers about 30-40 cases for a fresh appeal. When reviewing a case, the Commission will assess the potential impact on you and decide if you should be
Guidance on the Scheme is available must be eligible under the rules of the Scheme. The Criminal Injuries Compensation Authority (CICA), administers the Scheme and decide all claims. Not all claims for compensation will be successful; you The Criminal Injuries Compensation Scheme is a government funded scheme designed to compensate blameless victims of violent crime in Great Britain.

4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

4 - Compensation

Am I entitled to support or protection after the trial? For how long?
You are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

What information will I be given if the offender is sentenced?
You are entitled to be informed by the Witness Care Unit of the sentence given to the suspect (if convicted) within 1 working day of the Witness Care Unit receiving the information from the court. This includes a short explanation about the meaning and effect of the sentence.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?
The statutory Probation Service Victim Contact Scheme (VCS) is offered to victims of violent and sexual offences where the offender receives a sentence of 12 months or more. The purpose of the VCS is to provide eligible victims with information and advice about the criminal justice process by a designated Victim Liaison Officer. This includes being kept informed of key stages of the offender’s sentence, at the discretion of the National Probation Service, such as transfer to open conditions or release, and to make representations about victim-related conditions that can be attached to the offender’s release licence. If you are the victim of an offender who has committed a violent or sexual offence [1] and received a sentence of 12 months’ imprisonment or more or has been detained in a hospital for treatment under the Mental Health Act 1983, you are entitled to be notified about the VCS by your Witness Care Unit and be told that your details will be automatically referred to the National Probation Service within 20 working days, unless you have said you do not want them to be. If you choose to take part in the VCS you are entitled to: decide whether you want to receive information about key stages of the offender’s sentence; be assigned a Victim Liaison Officer (VLO) who will act as your point of contact in the National Probation Service unless you are a victim of an unrestricted patient (see below); receive information and make representations to the National Probation Service about victim-related conditions to be included on the offender’s release licence or conditions of discharge in the event of release. For example, this could include a condition to prevent the offender from contacting you or your family; be informed by the National Probation Service about any conditions which an offender is subject to on release or discharge which relate to you or your family; be informed of the date on which these conditions will end; be informed about any other information which the National Probation Service considers to be appropriate in the circumstances of the case, including about key stages of the offender’s sentence, or treatment in the case of a restricted or unrestricted mental health patient.

If you are a bereaved close relative of the victim of an offender sentenced to 12 months in prison or more for a violent or sexual offence or detained in a secure hospital for treatment, you will also be offered participation in the VCS. However, if you are not the next of kin of the victim, this will be at the discretion of the National Probation Service. If you are the parent, guardian or carer of a victim who is under 18, a vulnerable adult, or is otherwise unable to fully participate in the VCS, then you will usually be offered participation on their behalf. However, this participation may not be offered to a parent, guardian or carer if it is considered not to be in the best interests of the victim.

Measures for victim’s protection in case of escape
In the unlikely event of an offender escaping from custody, the police, once notified by the prison, Youth Offending Team, hospital or immigration detention centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the offender poses a significant risk of harm to you.


Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?
If you have opted into the VCS and the Parole Board are going to consider the offender’s release or a move to open conditions, you are entitled to: be informed by the National Probation Service if a Parole Board hearing is to take place; make representations about licence conditions (see glossary) to the Parole Board; be provided with an explanation if a licence condition you have requested is not included on the offender’s release licence; have the Victim Personal Statement (VPS) explained to you by your VLO, including how it will be used by the Parole Board; make a VPS which will be sent to the Parole Board; apply to attend an oral Parole Board hearing to present your VPS in cases where the Parole Board decides that it is appropriate to hold an oral hearing.

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Criminal Injuries Compensation Scheme 2012
The Criminal Injuries Compensation Scheme is a government funded scheme designed to compensate blameless victims of violent crime in Great Britain. The Criminal Injuries Compensation Authority (CICA), administers the Scheme and decide all claims. Not all claims for compensation will be successful; you must be eligible under the rules of the Scheme.

Guidance on the Scheme is available here.
You can start an application [here](#).

**Court-ordered compensation**

A magistrates' court can make a compensation order up to a maximum of £5,000 per charge. The Crown Court has unlimited powers, but should have regard to the means of the offender.

Compensation orders shall be for such amount as the court considers appropriate, taking into account any evidence and representations by the prosecution and defence.

Courts attach considerable importance to the making of compensation orders and must give reasons where they do not make an order.

More information on Crown Court compensation orders is available [here](#):  

**Civil Claim**

Whether to make a civil claim is a matter for you, the victim. It may, however, affect other claims for compensation. You may wish to seek legal advice.

Information about how to make a claim is available [here](#).

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

Enforcement of compensation orders is a matter for the courts.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**

No - there is no up-front payment of court ordered compensation in England and Wales.

**Am I entitled to compensation from the state?**

You may be eligible under the Criminal Injuries Compensation Scheme, more information is available [here](#):  

**Am I entitled to compensation if the offender is not convicted?**

Under the Criminal Injuries Compensation Scheme you may still be eligible for an award even if your assailant is not known, or is not convicted. More information is available [here](#):  

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

Where CICA have decided that you are eligible for a payment but cannot make a final decision then, they may consider making an interim payment. If they are unable to make a final decision this is likely to be because they are waiting until the long term impact of your injury is understood.

More information is available [here](#):  

**My rights to support and assistance**

The Victims’ Information Service offers information about support services near you, restorative justice, the criminal justice system, and the Victims’ Code and Witness Charter.

The Ministry of Justice (MoJ) commissions national victims’ services by grant. It also provides grants to Police and Crime Commissioners (PCCs) for the local commissioning/provision of emotional and practical support services to victims of crime in accordance with section 143 of the Anti-social Behaviour, Crime and Policing Act 2014.

Locally funded services can be accessed via the websites of the relevant Police and Crime Commissioners. You can find the appropriate PCC [here](#).  

You can find your nearest Sexual Assault Referral Centre by calling the [NHS 111 non-emergency service](#), speaking to your General Practitioner (GP) or the Accident & Emergency (A&E) department of your local hospital, or by visiting the [NHS Choices](#) website.

**Victim support hotline**

The Victim Information Service includes a victim information line: +44 808 168 9293.

**Is victim support free?**

Yes.

**What types of support can I receive from state services or authorities?**

The police must provide you with information about where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation.

**Part 7 of the Housing Act 1996** requires local housing authorities to assist individuals and families who are homeless and apply for help.

The National Health Service provides support for:

- [post-Traumatic Stess Disorder](#)
- [Sexual assault](#)
- [Domestic Violence](#)

**What types of support can I receive from non-governmental organisations?**

Many non-government organisations and charities provide assistance, support advice, counselling and other general and specialised services to victims of crime, nationally, regionally and locally.

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**Victims’ rights - by country - Northern Ireland**

If you have been a **victim of crime**, the law confers certain individual rights to you, before, during and after court proceedings (trial). You can also benefit from various forms of assistance and may be able to claim compensation for the damages caused by the crime.

**Criminal proceedings in Northern Ireland** start with investigation, where the police gather evidence. Once the police have completed their investigation, the case is passed to the prosecution service. The public prosecutor examines whether or not there is enough evidence against the suspect for a reasonable prospect of conviction and whether it is in the public interest to prosecute him or her. If the prosecutor decides that a prosecution should not go ahead, the case will be closed. Otherwise the prosecutor will prepare the case for hearing, and prosecute the case in court. In either situation you will be notified of the prosecution decision and, if the case is going to court, you will be contacted about the date of the hearing.
Cases for less serious offences are heard at the magistrates’ courts. Cases for more serious crimes (like rape or robbery) are heard at the Crown Court by a judge and a jury. The jury is composed of 12 people selected at random from the electoral register who listen to the evidence presented during the trial and decide if the defendant is guilty of the crime. The judge decides on matters of law during the trial, such as whether the presentation of certain evidence is allowed. At the end of the trial if the jury finds the defendant guilty the judge decides the sentence for the crime according to the law.

Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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My rights during the investigation of a crime

How and where can I report a crime?
How can I follow up on what the authorities do after I report a crime?
How can I be involved in the investigation of the crime?
What are my rights as a witness?
I am a minor. Do I have additional rights?
What information can I obtain from police or victim support organisations during the investigation of the crime?
Can I receive legal aid?
How can I get protection, if I am in danger?
What services and assistance can I be given during the investigation of the crime?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
How will my case continue after the end of the investigation?
Can I appeal if my case is closed without reaching the court?
I am a foreigner. How are my rights and interests protected?

More information

How and where can I report a crime?

If you have suffered from a crime in the United Kingdom you can report it to the enforcement body responsible for this type of crime. For most crimes (e.g. theft, assault) this will be the police.

Depending on where the crime was committed you can report it by calling or going in person to the nearest police station in Northern Ireland. In urgent cases you can dial the emergency number 999 or 112.

If you are an asylum seeker or a refugee, you can also contact one of the One Stop Services, which will help you to find the nearest police station and can arrange an interpreter free of charge if you need one.

If you do not feel comfortable to report the crime yourself you can ask another person to report it for you or file an anonymous report to Crimestoppers by calling 0800 555 111 or by filling in their online form.

More detailed information about how to report a crime to the police is also available online at the Police Service of Northern Ireland’s website. This site provides some information in alternative languages.

Crimes are usually reported in English. If you do not speak English you can report the crime in your own language or any other language you understand. Translation services will be provided free of charge, if necessary.

In the report you have to include all relevant details about the crime, the person you think committed the crime (if known), and relevant personal details (e.g. your name, address, and other contact details).

There is no obligatory form you have to follow. The police officer to whom you report the crime will record it on a special form.

How can I follow up on what the authorities do after I report a crime?

You will receive the reference number of your report and you can use it to follow the progress of your case. You can check what is being done on your case by going to the police station or calling by phone.

You are entitled to be contacted by the person dealing with your case at regular intervals to update you on the investigation (or a decision not to proceed with, or end an investigation; or not to prosecute the offender) and the details of any trial. If you require further information you can call using the non emergency 101 number. You can also go to the police station but, if doing so without an appointment, the person dealing with your case may not be available.

How can I be involved in the investigation of the crime?

You may wish to make a Victim Personal Statement, in which you can detail the financial, emotional, physical and psychological impact of the crime on you (and, where applicable, your family). You can do this when reporting the crime or at any time thereafter.

Depending on your needs you will be provided free of charge with an interpreter, medical examination, and other services. However, this does not include legal advice and/or representation as the victim is not a party to the proceedings.

During the investigation you are entitled to regular updates on progress, and to be told of any arrests. Any further involvement in the investigation is at the request of the police (e.g. responding to additional questions or participation in an identity parade).

If you are worried about the defendant being given bail, you should inform the Public Prosecution Service so that they are aware of this when determining whether to oppose a bail application or not.

You are not specifically entitled to representation by anyone. However, if you choose to instruct a lawyer (which will be at your own expense) to put information or arguments before the authorities they will generally take such representations into account.

You will be informed when formal charges have been brought against a suspect and it is possible to put points to the prosecution service. However, the decision to prosecute is for the Public Prosecution Service to decide after considering the evidence and if it is in the public interest to do so. Expenses incurred at this stage are not generally reimbursed.

What are my rights as a witness?

During the investigation the police may ask you to give a witness statement. Usually you will be invited to tell what happened and the police officer will write an account of what you have said. Then you will be asked to verify if your statement was recorded correctly and sign it.
You can make your Victim Personal Statement at any time before the court hearing. This will cover when and how you can be contacted and what language and communication needs you may have. The police will also assess whether a communication specialist (called a Registered Intermediary) might help you to give your statement or whether your witness statement will be video recorded.

Your witness statement may be used as evidence in court in certain circumstances such as if your evidence is not being challenged by the defence but you may be requested to give evidence at the hearing in person.

I am a minor. Do I have additional rights?
If you are a child under 18 years of age you are able to receive enhanced support and assistance in giving evidence in court if you are required to do so. You will be referred to the NSPCC’s Young Witness Service, who will give you further support.

Your witness statement will be video recorded unless you ask to make a written statement. However, you may still be required to attend court to be questioned about your evidence.

What information can I obtain from police or victim support organisations during the investigation of the crime?
When you report a crime to the police you will be asked if you wish to receive follow up contact form the police. You will be asked if you wish to receive further information (e.g. about prosecution decisions and court proceedings). The police will keep you regularly updated on progress during the investigation for example about the suspect’s arrest. You will be informed on the conclusion of the investigation (e.g. whether the defendant has been charged or cautioned).

For further support you will be referred, to Victim Support Northern Ireland.
Where applicable you will also be referred to other specialist services (e.g. the Sexual Assault Referral Centre in relation to sexual assault. A 24 hour helpline is also available to victims of domestic assault or sexual assault on 0808 802 1414).

Can I receive legal aid?
Anyone can make an application for legal aid. However, whether it is granted or not will depend on the nature of the case, your status in it and a financial assessment. Witnesses are generally not “parties” to a case in a legal sense and generally do not have a legal representative. So unless a particular application (such as a judicial review) is being made as a side issue in the case, it is unlikely that an application for legal aid would be made.

How can I get protection, if I am in danger?
You and anyone else with whom you have a close relationship and believe yourselves to be at risk as a result of having reported a crime should report your concerns to the police. The police will make an assessment and, where necessary and reasonable, bearing in mind the level, probability and immediacy of the risk, take steps to reassure and safeguard those at risk.

Protective measures can take different forms, e.g. regular patrols near your home, or an alarm that will ring in the local police station. Only in the most serious cases are more drastic protective measures taken (such as anonymity during trials or witness protection programmes).

What services and assistance can I be given during the investigation of the crime?
If the allegation is a police matter, you will be referred to Victim Support Northern Ireland, who will contact you to further support and guidance as appropriate.
Where applicable you will also be referred to other specialist services (e.g. in relation to domestic violence or sexual assault).

Services are free of charge.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
The police and the prosecution service will consider diversion from prosecution, if the offender is under the age of 18 years. If a divertional Youth Conference is decided as appropriate diversionary action you, as the victim in the case, will be contacted and invited to participate. This type of formal Youth Conference is supervised by professionally qualified staff in the Youth Justice Agency. Equally, you will be invited to participate if the court orders a youth conference.

How will my case continue after the end of the investigation?
Once the police have completed the investigation, the case will be passed to the prosecution service. The public prosecution service will examine whether there is enough evidence against the defendant and whether it is in the public interest to prosecute him/her. If the public prosecution service decides that a prosecution should go ahead the suspect will be charged, or served with a summons, and the case will go to court.

Can I appeal if my case is closed without reaching the court?
You can request that the PPS review a decision not to prosecute. Where no additional evidence is provided this will be done by someone other than the person who took the original decision.
You can also ask the High Court to review the decision. It is very difficult to succeed in this process (which is known as “judicial review”) because the High Court will not substitute its view of the preferable course of action for that of the decision-maker. It will only make a ruling against the decision-maker if it decides that the decision was completely unreasonable (as distinct from undesirable). Even if the victim succeeds, the court will not order that the prosecution go ahead. It will, instead, order the decision-making organisation to review its decision in the light of the court’s findings. If you are considering this course of action you will need legal representation. Legal aid is available in some circumstances, but only if stringent criteria are satisfied (particularly concerning financial circumstances).

In rare cases some people pursue a private prosecution. Such prosecutions can be taken over and continued or discontinued by the Director of Public Prosecutions.

I am a foreigner. How are my rights and interests protected?
If you are a foreigner you have all the rights listed above.
In addition, if you do not speak English the authorities will endeavour to ensure that a translation or interpreter is provided where information is given to you if this is necessary.

More information:
Victim Charter: a charter for victims of crime
A Guide to Northern Ireland’s Criminal Justice System for Victims and Witnesses of Crime – in English
A Guide to Northern Ireland’s Criminal Justice System for bereaved families and friends following murder or manslaughter – in English
Crime, justice and the law section of the NIDirect Website – in English

Notes:
1. Victim Personal Statement
The Victim Personal Statement is a written statement, in which you can explain how the crime has affected you. In the Victim Personal Statement you can explain how the crime has affected you physically, emotionally or financially, whether you feel vulnerable or intimidated, etc. The Victim Personal Statement is not used to determine guilt or innocence but to inform the court of the harm caused to the victim.

You can make your Victim Personal Statement at any time before the court hearing.

Last update: 14/03/2019
How can I get protection, if I am in danger?

An assessment is made based on the case and financial eligibility.

Can I receive legal aid?

How can I get protection, if I am in danger?

Can I claim damages from the offender or receive compensation from the State?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

I am a foreigner. How are my rights and interests protected?

More information

How can I be involved in the trial?

You will be informed of the decision to prosecute in writing by the Victim and Witness Care Unit. They will contact you to check your availability to attend court before a trial date is set and later inform you of the date set for the court hearing. They will also appoint a case officer to look after your case.

You may take part in trial proceedings:

as a witness (if the defendant pleads not guilty and if you are required to give oral evidence);

as an observer;

by making a Victim Personal Statement (1) if you wish to do so.

You have the right to be present throughout court proceedings unless:

it is held in private (usually only juvenile court hearings); or

you will be giving evidence.

You do not have to attend trial proceedings unless you are requested to be a witness and you are compelled to give evidence.

What are my rights as a witness?

You will also be told if you will be needed to give evidence as a witness, which will generally only be if the defendant contests guilt. As a witness you have to attend the hearing and answer the questions you will be asked.

If you have made a witness statement during the investigation and you have been requested to give oral evidence at the trial, you will be allowed to see the statement before you testify.

In the beginning of your hearing you will be asked to take an oath or make an affirmation that you will tell the truth. During the hearing the prosecutor and the defendant’s lawyer will ask you questions. When there are no more questions the judge will release you. You can leave or, if you wish, you can remain in the courtroom and listen during the remainder of the hearing.

If you feel vulnerable or intimidated and you meet the relevant criteria, the prosecutor may apply to the court before the hearing, for special measures to assist you give evidence. These measures include a screen to shield you from the defendant when in court and giving evidence by CCTV from outside the courtroom. The court decides what measures you can use but must take your views into account when making the decision.

Usually you will be heard as a witness only once. However, if necessary, you may be requested to go to court again and answer additional questions.

You can claim certain expenses for travelling to court and an allowance for meals.

In Northern Ireland you can benefit from the assistance of the witness services. If you are a victim or witness for the prosecution, the witness services will be available before, during and after the trial to make sure that you are well informed and supported. There are two types of witness service available – one for adult witnesses, which is run by Victim Support (the Witness Service), and one for witnesses under the age of 18 (the Young Witness Service), which is run by the NSPCC.

The aim of these services is to help prosecution victims and witnesses, and their families and friends, to deal with the experience of going to court and giving evidence. Both witness services normally phone witnesses before the court hearing to offer their services. Trained volunteers and staff from the services provide a free and confidential service including:

having someone to talk to;

providing information on court procedures;

going with you to the court and letting you look around the courtroom before you are called as a witness;

providing a quiet place for you to wait before and during the hearing;

having someone to go with you into the courtroom or the live TV link room when you give evidence;

giving practical help with things such as expense forms;

putting you in touch with people who can answer specific legal questions (the witness services do not discuss evidence with witnesses); and

giving you a chance to talk over the case once it is over, to get more help or information.

For further information please read the booklet "Attending as a Witness in a Criminal Court."

I am a minor. Do I have additional rights?

If you are a child under 18 years of age you can ask the prosecutor to apply to the court before the trial for special measures to assist you give evidence in court.

The special measures available include:

- giving evidence through a TV link while sitting outside the courtroom (you will be able to see the courtroom and those in the courtroom will see you on a television screen);
- giving video recorded evidence (if your statement to the police was video recorded it will be played to the court);
- giving evidence behind a screen (a screen will be placed around the witness box to prevent you seeing the defendant);
- removal of wigs and gowns (the judge and lawyers will not wear gowns and wigs so that the court feels less formal);
- giving evidence in private – in sex offence cases and those involving intimidation (members of the public will not be allowed in the court room);
- use of communication aids such as an alphabet board;
- examination through an intermediary if you have communication difficulties, e.g. someone who can help you understand the questions being asked.

Can I receive legal aid?

An assessment is made based on the case and financial eligibility.

How can I get protection, if I am in danger?
The police will provide such protective measures, as are necessary and reasonable, bearing in mind the level, probability and immediacy of the risk. Protective measures can take different forms e.g. regular patrols near your home. Only very exceptionally and in the most serious cases are more drastic protective measures considered (such as anonymity during trials or witness protection programmes).

**How can I claim damages from the offender or receive compensation from the State?**

In some circumstances you may be able to claim damages from the offender, in these cases you will have to provide details of your losses to the police when you report the crime or soon after. The police will pass these details on to the prosecution service and the Public Prosecution Service can ask the court to make a compensation order in appropriate cases. If someone is convicted of the crime the sentencing court may order that the payer pays all, or a proportion, of the losses you have suffered unless he/she is unable to do so. This may be on a weekly or monthly basis. This compensation order takes priority over any fine that the offender may have to pay.

If you are a victim of violent crime you may be eligible to apply for financial compensation from the State. Your application has to be submitted to the Northern Ireland Compensation Services. Please consult the factsheet on compensation to victims of crime in Northern Ireland (available in English and multiple other languages) of the European Judicial Network.

**Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

There are no opportunities to reach settlement/conciliation or to start mediation with offender other than a diversionary Youth Conference.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above.

In addition, if you do not speak English the authorities will endeavour to ensure that a translation or interpreter is provided where information is given to you if this is necessary, in particular when you are called to give evidence in court as a witness.

**More information:**

Victim Charter: a charter for victims of crime

A Guide to Northern Ireland’s Criminal Justice System for Victims and Witnesses of Crime – in English

A Guide to Northern Ireland’s Criminal Justice System for bereaved families and friends following murder or manslaughter – in English

Crime, justice and the law section of the NIDirect Website – in English

Notes:

1. **Victim Personal Statement**

The Victim Personal Statement is a written statement, in which you can explain how the crime has affected you. In the Victim Personal Statement you can explain how the crime has affected you physically, emotionally or financially, whether you feel vulnerable or intimidated, etc. The Victim Personal Statement is not used to determine guilt or innocence but to inform the court of the harm caused to the victim.

You can make your Victim Personal Statement at any time before the court hearing.

Last update: 14/03/2019

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The Mentally Disordered Offenders’ Victim Information Scheme provides a service for victims of offences committed by mentally ill offenders who are held for treatment in hospital in Northern Ireland under a hospital order and a restriction order.

More Information:
Victim Charter: a charter for victims of crime
A Guide to Northern Ireland’s Criminal Justice System for Victims and Witnesses of Crime – in [English]
A Guide to Northern Ireland’s Criminal Justice System for bereaved families and friends following murder or manslaughter – in [English]
Crime, justice and the law section of the NIDirect Website – in [English]

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[OLD] - Help and support for victims of crime

Victim Support Northern Ireland

Women’s Aid Federation of Northern Ireland

NSPCC

SAMM NI (Support after murder and manslaughter)

Victim Support Northern Ireland

Victim Support Northern Ireland is a local charity working to end domestic violence against women and children.

Women’s Aid Federation of Northern Ireland

Women’s Aid Federation of Northern Ireland

Women’s Aid Federation of Northern Ireland

The NSPCC Young Witness Service provides support before, during and after a trial to children under 18 years who have to give evidence in court.

The NSPCC aims to provide direct support, assistance and information to children and young people under the age of 18 years who may have to give evidence in Crown Courts to complement the support to young witnesses with support to their carers and/or families. To provide a consistent, structured service in a tailored manner, this takes account of each young witness’ individual needs and the legal context. The NSPCC provides a service to ensure that young witnesses are able to understand the impact of testifying on young witnesses and their families, taking into account the young witness’ age, level of understanding, race, culture, gender and ability, having regard to the research on young witness’ understanding of courts to articulate a young witness’ needs and requirements within the court process and secure arrangements that will alleviate the adverse effects of giving evidence to ensure that issues relating to onward referral are identified and actioned.

CONTACTS:
Website: [http://www.nspcc.org.uk/](http://www.nspcc.org.uk/)

Childline: 0800 1111 (free and confidential 24-hour helpline for children in danger or distress) or [http://www.childline.org.uk/](http://www.childline.org.uk/)

SAMM NI (Support after murder and manslaughter)

Support after murder and manslaughter is a registered independent charity, which offers emotional support to those bereaved through murder and manslaughter.

SAMM NI (Support after murder and manslaughter) works to promote for the benefit of the public any charitable purpose directed to assisting those who have lost through death resulting from murder, manslaughter, unlawful killing of their relative or friend, to promote good health, both mental and physical, and to relieve poverty and sickness and to advance education in matters of the nature of the support of the young witness to feel empowered by the experience thus increasing the likelihood of positive therapeutic outcomes.

In the support process an opportunity for the young witness to feel empowered by the experience thus increasing the likelihood of positive therapeutic outcomes.

To provide support before, during and after trial, including undertaking the role of accompanying adult in TV link cases. The NSPCC supports, through contact between members, those who have lost a member of their family or close friend as a result of homicide, to promote good health, both mental and physical, and to relieve poverty and sickness and to advance education in matters of the nature of the support of the young witness to feel empowered by the experience thus increasing the likelihood of positive therapeutic outcomes.

The NSPCC aims to promote and protect good health, both mental and physical, to relieve poverty and sickness and to advance education in matters of the nature of the support of the young witness to feel empowered by the experience thus increasing the likelihood of positive therapeutic outcomes.

The NSPCC aims to promote and protect good health, both mental and physical, to relieve poverty and sickness and to advance education in matters of the nature of the support of the young witness to feel empowered by the experience thus increasing the likelihood of positive therapeutic outcomes.

Provision of a service for victims of offences committed by mentally ill offenders who are held for treatment in hospital in Northern Ireland under a hospital order and a restriction order, to promote cohesive inter-agency responses to domestic violence and develop partnerships.
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?

You are entitled to receive written information on what to expect from the criminal justice system such as the "information for victims of crime leaflet", or the details of a website which contains that information.

Depending on the type of crime, your personal circumstances, or its relevance to the particular stage of the investigation or criminal proceedings access to the following information must be offered to you from your first contact with the police:

where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation;

what you need to do to report a criminal offence, and who you should contact in case you have any questions about the case;

how to seek compensation;

the arrangements available if the victim is not present in Northern Ireland;

the availability of interpretation and translation services;

how to make a complaint about a service provider;

the availability of restorative justice services;

how to recoup expenses incurred as a witness in a criminal trial.

You are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

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

You are entitled to receive the services set out in the Victim Charter if the crime took place in Northern Ireland, or if the services relate to criminal proceedings that are taking place in Northern Ireland. [1]

Eligibility for compensation from the Compensation Services may depend on your residency or nationality unless you are conclusively identified as a victim of human trafficking, or granted asylum, humanitarian protection or discretionary leave to remain.

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

You are entitled to receive the following from the police:

- a written acknowledgement that you have reported a crime including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the police consider there may be a risk of harm to you from sending the written acknowledgement (for example in domestic violence cases), they may agree with you not to send one;
- a clear explanation of what to expect from the criminal justice system when you report a crime or are contacted as a victim in the course of investigations;
- an assessment of whether you want support, and if so what help or support you may need. This will help to identify whether you are in one of the three categories of victim who may need enhanced support, and to determine whether and to what extent you may benefit from Special Measures. Victim support services may do a more detailed assessment on behalf of the police;
- either written information on what to expect from the criminal justice system such as the "information for victims of crime" leaflet, or the details of a website which contains the same information, as soon as possible, and not later than 5 working days after reporting the crime or being contacted as a victim in the course of investigations;
- to be informed how often you will receive updates on the status of the case following discussion with the police;
- an explanation, without unnecessary delay, of a decision not to investigate a crime;
- to be advised when an investigation into the case has been concluded with no person being charged and to have the reasons explained to you.

You are entitled to receive information about victim support services including their contact details from the police so that you can access their support at any time.

You are entitled to be informed by the police of the following information and to have the reasons explained to you without unnecessary delay, of a suspect being:

- arrested;
- interviewed under caution;
- released on police bail, or if police bail conditions are changed or cancelled;

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 understand or speak English, you are entitled to request interpretation into a language you understand:

- when reporting a criminal offence [1]
- when being interviewed by the police; and
- when giving evidence as a witness.

If you do not understand or speak English, you are entitled on request to translation of the following information:

- the written acknowledgement of the reported crime;
- where it is essential for the purposes of the interview or court hearing to see a particular document that is disclosed to you, a copy of the relevant parts of the document;

the document informing you of the date, time and place of trial; and

the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decisions where available.

[1] You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don't speak English.

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

Service providers under the Victim Charter must communicate with you in simple and accessible language, taking appropriate measures (e.g. EasyRead, Braille or the use of a Registered Intermediary) to assist you to understand and be understood. In considering appropriate measures, service providers must take account of any relevant personal characteristic which may affect your ability to understand and be understood.

A range of information leaflets are available using simple language, in a variety of formats.
Victim support services

Who provides victim support?
Para 76 of the Victim Charter provides an entitlement for victims to access victim support services whether or not the have reported the crime to the police. The Charter covers Victim Support NI and the NSPCC Young Witness Service. For NSPCC the entitlements only apply where a child or young person is to give evidence at court. Other NSPCC support services may be available outside the scope of the Charter, such as Childline services.

Will the police automatically refer me to victim support?
The police will explain to you that they will automatically pass your details to victim support services when you report the crime. You are entitled to ask the police not to pass on your details to victim support services.

How is my privacy protected?
Where required to share information under the Victim Charter, service providers must do so effectively and in accordance with their obligations under the Data Protection Act 1998 and other relevant legislation.

Do I have to report a crime before I can access victim support?
No - you are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

Personal protection if I'm in danger

What types of protection are available?
Where a victim reports a crime to a service provider responsible for investigating offences, the service provider must ensure that the victim is individually assessed to identify any specific protection needs and to determine whether and to what extent the victim would benefit from specific protection measures or Special Measures in the course of being interviewed or Special Measures when giving evidence.

The nature of the assessment will depend on all the circumstances, including the severity of the crime and the degree of apparent harm suffered by the victim. The assessment must take into account the victim's personal characteristics, his or her views, and the nature and circumstances of the crime.

Where, as a result of the individual assessment, a service provider has identified a victim as having specific protection needs and who would benefit from specific protection measures in the course of being interviewed, the service provider responsible for investigating an offence must also ensure, subject to operational and practical constraints, that the following are available:
- if possible, ensure that the same person conducts all the interviews with the victim, unless doing so would prejudice the proper handling of the investigation;
- that the interview takes place, where necessary, in premises designed or adapted for the purpose;
- that interviews are carried out by or through professionals trained for the purpose; and
- that in cases of sexual violence, gender-based violence or domestic violence, victims are offered the opportunity to have their interview conducted by a person of the same sex. Any such request should be agreed to if possible, unless doing so would be likely to prejudice the proper handling of the investigation.

In the unlikely event of a suspect escaping from custody, the police, once aware of the escape or notified of it by the prison, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

Who can offer me protection?
Where a victim reports a crime to a service provider responsible for investigating offences must ensure that the victim is individually assessed to identify any specific protection. In most cases this will be the police.

Will someone assess my case to see if I am at risk of further harm by the offender?
All victims of a criminal offence are entitled to an assessment by the police to identify any needs or support required, including whether and to what extent they may benefit from Special Measures. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?
All victims of a criminal offence are entitled to an assessment by the police to identify any needs or support required, including whether and to what extent they may benefit from Special Measures. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.

What protection is available for very vulnerable victims?
You are entitled to enhance entitlements under the Victim Charter as a vulnerable victim [1] if the quality of your evidence is likely to be affected because you suffer from:
- mental health issues;
- learning or communication difficulties;
- a neurological disorder; or
- a physical disability.

[1] This is based on the criteria in Article 4 of the Criminal Evidence (Northern Ireland) Order 1999 for the court to determine witness eligibility for special measures.

I am a minor – do I have special rights?
You are eligible for enhanced entitlements under the Victim Charter as a vulnerable victim [1] if you are under 18 years of age at the time of the offence. This includes eligibility for Special Measures if you give evidence at court.

[1] This is based on the criteria in Article 4 of the Criminal Evidence (Northern Ireland) Order 1999 for the court to determine witness eligibility for special measures.

My family member died because of the crime – what are my rights?
Close relatives of the deceased are entitled to receive services under the Victim Charter as victims of the most serious crime.

My family member was a victim of crime – what are my rights?
The family spokesperson for victims of crime who have a disability or for victims who have been so badly injured as a result of a criminal offence that they are unable to communicate.

If you have a disability or have been so badly injured as a result of a criminal offence that you are unable to communicate, you or your close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under the Victim Charter.

The parent or guardian of a victim who is under 18 years of age.

If you are a victim who is under the age of 18 you, and usually your parent or guardian, are entitled to receive services under the Victim Charter. [1]
Can I access mediation services? What are the conditions? Will I be safe during mediation?
The aim of restorative justice is to try to help repair the damage (including mental and emotional damage) caused by the crime. Any restorative justice practices are completely voluntary - you do not have to take part - and are assisted by a trained facilitator. Restorative justice can involve direct and indirect contact between you and the offender. It might be written, verbal or involve an actual meeting. All parties have a chance to say what happened and to explain the impact of the offence. Before this, preparation will be carried out with you, by the relevant service provider, to make sure that you feel supported.
Appropriate measures will be put in place to make sure that anything you agree to take part in is safe; a trained facilitator will always be present during any meeting between you and the offender. If the offender has admitted guilt and is willing to participate in a meeting or communicate with you, you may be able to explain to the offender how the incident has affected you. You may then decide to seek an apology, or agree an activity that the offender has to undertake as part of making good the harm that has been done.

Where can I find the law stating my rights?
The Victim Charter was laid before the Northern Ireland Assembly by the Department of Justice under Section 31(2) of the Justice (Northern Ireland) Act 2015.
The Victim Charter sets out the services that are to be provided in Northern Ireland to victims of crime by the main criminal justice organisations and other organisations with relevant functions. These organisations are referred to as ‘service providers’.
The entitlements in the Victim Charter apply to all victim, regardless of their residence status.
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2 - Reporting a crime and my rights during the investigation or trial
How do I report a crime?
You should in the first instance report a crime to the police.
You can do this in a number of ways:
Emergency: In an emergency dial 999 or 18000 for textphone users. An emergency is where serious injury has been caused or a crime is in progress and suspects are at the scene.
Emergency SMS text service: The police operate an emergency SMS text message registration scheme to help those with certain disabilities contact them in an emergency. This service also enables the police to pass on requests for assistance to the fire and ambulance services. The service is only available to pre-registered users who have completed an application form (further details and an application form are available on the police website [http://www.psni.police.uk]).
Non-Emergency: Where the incident is not urgent telephone 101.
Hate crime: Where the incident is not urgent telephone 101, then dial 2.
This is in addition to the other ways of reporting the crime set out in this section.
Third party reporting: If you really do not want to or cannot report the crime yourself, someone else can report it for you, such as a family member or voluntary organisation. They would make the initial contact with the police. You would still be involved later in the proceedings.
Call at your local police station: Where the incident is not urgent you may also report it at your local police station, during opening hours.
The crime may also be reported in the following ways:
Crimestoppers: If you do not want to give your name you can report a crime anonymously by calling the freephone Crimestoppers charity helpline on 0800 555 111. This service is not part of the police.
Harbour or Airport Incident: Where the incident has occurred within the grounds of Belfast International Airport or Belfast Harbour you should contact Belfast International Airport Constabulary on 028 9448 4400 (extension 4412)/Mobile 077 1081 9183 or Belfast Harbour Police on 028 9055 3000. Where a major or serious incident such as murder, an act of terrorism or armed robbery has occurred these can also be reported to the Police Service of Northern Ireland. Incidents at Belfast City Airport will be dealt with by the Police Service of Northern Ireland, through the contact numbers above.
Police Ombudsman: If you believe that a crime has been committed by a police officer you should report it to the Police Ombudsman who will investigate and may make recommendations to the Director of Public Prosecutions for criminal prosecution.

How do I find out what’s happening with the case?
If you are a victim of crime you are entitled to be informed by the police of the following information and to have the reasons explained to you without unnecessary delay of a suspect being:
arrested;
interviewed under caution;
released on police bail, or if police bail conditions are changed or cancelled.
You are entitled to be informed by the police of the following information without unnecessary delay of the police receiving it:
the date, time and location of the first court hearing;
where the suspect is released on police bail to appear in court, any bail conditions and any changes to these bail conditions.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?
Victims and witnesses are not parties to criminal proceedings and are therefore not eligible for legal aid in Northern Ireland.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?
If you are required to attend court to give evidence you may have to pay for aspects like your travel. You can apply to have this money paid back. This is subject to time limits for claiming money back and standard rates for travel and subsistence costs, as well as maximum daily amounts for loss of earnings.
Expenses are not paid for making a statement to the police about the criminal offence.
Details of how, under what conditions expenses can be reimbursed by the Public Prosecution Service and the rates that apply can be found at [http://www.ppsni.gov.uk/Publications-7873.html].

Can I appeal if my case is closed before going to court?
If a decision is taken by the Public Prosecution service not to prosecute, and you do not agree with this, you are entitled to ask for a review of the Public Prosecution Service decision.
The right to a review of a Public Prosecution Service decision not to prosecute applies regardless of a crime type or potential court tier. Where the decision not to prosecute is taken by the Director of Public Prosecutions, and that decision cannot be reviewed by a higher authority, the review may be carried out by the Director of Public Prosecutions. Further detail on the right to a review and how this operates can be found at [http://www.ppsni.gov.uk](http://www.ppsni.gov.uk).

Can I be involved in the trial?
If you know something about an incident you may be asked to give evidence in court for the prosecution or defence.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?
For the purposes of the Victim Charter, a "victim" is:
a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.
a close relative of a person whose death was directly caused by a criminal offence.
If you know something about an incident you may be asked to give evidence in court for the prosecution or defence. If you know one of the people involved in the case, you may be asked to provide evidence as a character witness, usually by the defence. In either event, your evidence can be crucial to securing the conviction or the acquittal of the defendant.

What are my rights and obligations in this role?
If you have witnessed a criminal offence, but are not a victim, you can access services under the Witness Charter. It is available here: [https://www.justice-ni.gov.uk/publications/witness-charter](https://www.justice-ni.gov.uk/publications/witness-charter).

Can I make a statement during the trial or give evidence? Under what conditions?
If you know something about an incident you may be asked to give evidence in court for the prosecution or the defence. If you know one of the people involved in a case, you may be asked to provide evidence as a character witness, usually by the defence.

The victim personal statement will be used in court if the defendant is found guilty or pleads guilty. It will be seen by the prosecutor, the defendant, their legal representative and the judge. Where a person is convicted of an offence the court must consider relevant parts of the victim personal statement when determining the sentence. In some cases it may not be possible for a statement to be considered if the case is dealt with very quickly by the courts - for example, if there is an early guilty plea or the case is dealt with at the first court appearance.

What information will I receive during the trial?
You are entitled to:
- be informed of the outcome of any bail hearing (any relevant bail conditions and any relevant changes to these bail conditions) with reasons without unnecessary delay;
- be informed of the date, location and outcome of any criminal court hearings in the case by your Victim and Witness Care Unit;
- be informed if an arrest warrant is issued for a suspect and the outcome of a hearing if the suspect is re-arrested. If a suspect is re-arrested after a warrant had been issued they normally attend court soon afterwards;
- In cases where the suspect pleads not guilty, discuss any needs you may have with the Victim and Witness Care Unit and be referred to a relevant support group or agency where appropriate.

If you are a witness during the trial you are entitled to:
- ask the court staff if you can enter the court building through a separate entrance from the suspect and their family and friends;
- where circumstances permit, meet the PPS prosecutor and ask him or her questions about the court process. They will indicate where possible how long you may have to wait before giving evidence;
- wherever possible, receive an explanation from the PPS prosecutor if there is a delay in proceedings on the day and how long the wait is likely to be;
- wait and be seated in an area separate from the suspect and their family and friends - the court will ensure this is one wherever possible;
- have any Special Measures set up for you where these have been ordered by the court;
- be given a contact point at the court so you can find out what is happening in the case whilst it is being heard.

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3 - My rights after trial

Can I appeal against the ruling?

What are my rights after sentencing?
Following the trial your are entitled to:
- be paid any expenses the PPS have decided are due to you if you have attended court to give evidence;
- be informed by the Victim and Witness Care Unit about the outcome of the trial including, where available, a brief summary of reasons for the decision;
- be directed by the Victim and Witness Care Unit to victim support services where appropriate and where they are available.

(i) If an application is made to the Crown Court to appeal against a conviction or sentence in the Magistrates’ Court.
You are entitled to be informed of the following information by your Victim and Witness Care Unit:
- any notice of appeal that has been made;
- the date, time and location of any hearing;
- the outcome of the appeal, including any changes to the original sentence.
You are also entitled to:
- wait and be seated in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible;
- be provided with a contact point at the Crown Court;
receive information about victim support services where appropriate and available.

(ii) If an application is made to appeal against a conviction or sentence to the Court of Appeal, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law.

You are entitled to be informed of the following by your Victim and Witness Care unit:

be told that the appellant has been given leave to appeal;

receive information about the date, time and location of any hearing;

be told if the appellant is to be released on bail pre-appeal or if the bail conditions have varied;

receive an update on any changes to hearing dates;

be provided with a contact point for the Criminal Appeal Office or UK Supreme Court staff;

be told about the result of the appeal. This includes any changes to the original sentence.

wait and be seated in court in an area separate from the appellant and their family and friends. The court staff will ensure this is done wherever possible. It is rare for the appellant to attend hearings in the Supreme Court. Special arrangements will be made for you if the appellant is present and you do not wish to sit in the courtroom;

request a copy from the Criminal Appeal Office or UK Supreme Court staff of the court's judgement in the case once it has been published.

Following grant of leave to appeal, if you are a bereaved close relative, in a qualifying case, you are entitled to be offered a meeting with the PPS to explain the nature of the appeal and the court processes.

Criminal Cases Review Commission

On receiving an application from an offender, the Criminal Cases Review Commission undertakes reviews of convictions and sentences imposed as a result of the offender's criminal offending. The Commission may refer a conviction or sentence for a fresh appeal if there is some new information or new argument which might mean the conviction is unsafe or the sentence too long. The Commission receives about 1000 applications from convicted persons every year and refers about 30-40 cases for a fresh appeal. When reviewing a case, the Commission will assess the potential impact on you and decide if you should be notified. The Commission will record the reasons for its decisions as to the form of contact with you and in appropriate cases will notify the police of those decisions.

You are entitled to be notified by the Commission if it deems there is a reasonable prospect of a review coming to your attention.

If the Commission decides that it is appropriate to contact you during the course of the review, the Commission will notify you that an application has been received and that the case is under review. Following the review, the Commission will decide if the conviction or sentence should be referred to the courts, and will notify you of its decision unless you have expressly asked not to be informed.

If the Commission decides that it is not appropriate to contact you during the review, but subsequently decides to refer the conviction or sentence to the courts, the presumption is that the Commission will inform you of the referral.

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

You are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

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

You are entitled to be informed by the Victim and Witness Care Unit of the sentence given to the suspect (if convicted). This includes a short explanation about the meaning and effect of the sentence.

You are entitled to be referred to the PPS who will answer any questions you may have about the sentence which the Victim and Witness Care Unit is not able to answer.

In addition to the entitlements outlined above, if you are a bereaved close relative, in a qualifying case, you are also entitled to be offered a meeting with the PPS representative who will explain the sentence given. This meeting will usually take place at court.

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

If an offender is sentenced to prison, confined to hospital or is under Probation Board supervision you are entitled to be informed by the Victim and Witness Care Unit about access to a relevant post-conviction victim information scheme. You are also entitled to ask the Victim Information Unit to provide you with certain information. The Unit, which is managed by the Probation Board for Northern Ireland, co-ordinates a single victims' service which covers all three victim information schemes. The three schemes are the prisoner release victim information scheme (PRVIS), the Probation Board for Northern Ireland victim information scheme and the mentally disordered offenders victim information scheme. These relate to:

young offenders who have been given the equivalent of a life sentence, convicted of a grave offence or sentenced to detention in a Young Offenders Centre by the Crown Court (when the young offender becomes 18). The prison scheme also covers adult offenders (18 or over) who are sentenced to six months or more;

offenders who receive a sentence which includes supervision by the Probation Board for Northern Ireland; and

offenders who are subject to a Hospital Order with a Restriction Order.

Prisoner Release Victim Information Scheme (PRVIS)

If you register with the scheme you are entitled to be informed by the Victim Information Unit, without unnecessary delay (where it has been informed of a decision or outcome), about:

the year and month in which a prisoner is expected to be released from custody or will be eligible to be considered for temporary release;

when the prisoner is being considered for temporary release;

decision taken in relation to temporary release; and

any known conditions of the prisoner's release, or conditions imposed on temporary release, and any breaches of these which result in the prisoner being returned to custody unless sharing the information would endanger someone or there is an identified risk of harm to the offender which would result from this.

If the cases of prisoners given a life sentence, an indeterminate custodial sentence or an extended custodial sentence which are subject to considerations of release by the Parole Commissioners you are entitled to be informed by the Victim Information Unit about when the prisoner is being considered for release. You will also be entitled to make your views on release known to the Parole Commissioners (through the Victim Information Unit) ahead of such a prisoner being considered for release. You are entitled to be informed of the decision the Parole Commissioners make and, if it is to release the prisoner, to be told of the licensing arrangements that apply.

You are also entitled to have the opportunity to submit views to the Victim Information Unit, or to register concerns you have about your personal safety and have these considered as part of the assessment process, when an offender applies for temporary release or is to be released on licence.
Very occasionally it may only be possible to tell you about a release after it has happened. In the very unlikely event that an offender in the case you are involved in escapes from detention you will be entitled to be informed about this, without unnecessary delay, by the police or the prison service, unless sharing the information would endanger someone or there is an identified risk of harm to the offender which would result from this. You are also entitled to be informed by the police or prison service of any measures then taken to protect you.

**Probation Board for Northern Ireland Victim Information Scheme**

If you register with this scheme you are entitled to receive information from the Victim Information Unit, without unnecessary delay (where it has been informed of a decision or outcome), on:

- how the case is to be managed;
- the type and length of supervision the offender will receive and the general conditions of this (including any variation);
- any extra conditions that apply to the supervision, including where these are varied;
- the number of hours of community service, where this applies; and
- any further sentences relating to the case.

You are also entitled to choose how you receive this information (for example, face-to-face, by phone or in writing) and to discuss any concerns you may have with a Victim Information Unit staff member. In certain cases the Unit will also offer you the opportunity to give your views and concerns in a victim report, so they can be considered by the Parole Commissioners.

**Mentally Disordered Offenders Victim Information Scheme**

This scheme provides information about any periods of leave of absence from hospital being considered for an offender and their conditional or absolute discharge from hospital. If you register for this scheme you are entitled to be informed by the Victim Information Unit, without unnecessary delay (where it has been informed of a decision or outcome):

- when a period of leave of absence is to be considered;
- that a period of leave of absence is to be granted, or an offender is to be discharged from hospital, within the next few weeks, along with any general conditions relevant to you; and
- of any relevant conditions that apply to the offender leaving hospital.

You are also entitled to have the opportunity to submit your views, in writing, to the Victim Information Unit on how the proposed leave or discharge may affect your safety or well-being and also what conditions an offender might be subject to when leaving hospital.

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### 4 - Compensation

#### What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

If you are a victim of a violent crime you may be able to claim compensation. Unless there are good reasons, you should report the incident to the police as soon as possible after it happened and submit an application for compensation within two years (of the date of the incident that caused the injury). The two year time limit may be waived if Compensation Services consider that there is a good reason for the delay and it is in the interests of justice to do so. Further information about compensation for victims of violent crime can be found at [http://www.nidirect.gov.uk/articles/compensation-criminal-injuries](http://www.nidirect.gov.uk/articles/compensation-criminal-injuries).

**Court-ordered compensation**

A magistrates' court can make a compensation order up to a maximum of £5,000 per charge. The Crown Court has unlimited powers, but should have regard to the means of the offender.

Compensation orders shall be for such amount as the court considers appropriate, taking into account any evidence and representations by the prosecution and defence.

Courts attach considerable importance to the making of compensation orders and must give reasons where they do not make an order.

**The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

Enforcement of compensation orders is a matter for the courts.

**If the offender does not pay, can the state pay me an advance? Under what conditions?**

No - there is no up-front payment of court ordered compensation in Northern Ireland.

**Am I entitled to compensation from the state?**

You may be eligible under the Criminal Injuries Compensation Scheme, more information is available [https://www.nidirect.gov.uk/articles/compensation-criminal-injuries](https://www.nidirect.gov.uk/articles/compensation-criminal-injuries).

**Am I entitled to compensation if the offender is not convicted?**

Under the Criminal Injuries Compensation Scheme you may still be eligible for an award even if your assailant is not known, or is not convicted. More information is available at [https://www.nidirect.gov.uk/articles/compensation-criminal-injuries](https://www.nidirect.gov.uk/articles/compensation-criminal-injuries).

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

Where Compensation Services have decided that you are eligible for a payment but cannot make a final decision this is likely to be because they are waiting until the long term impact of your injury is understood. If they are unable to make a final decision then, they may consider making an interim payment.

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### 5 - My rights to support and assistance

#### I am a victim of crime who do I contact for support and assistance?


**Victim support hotline**

The Victim Information Service includes a victim information line: +44 808 168 9293.

**Is victim support free?**

Yes.

**What types of support can I receive from state services or authorities?**
The police and the Victim and Witness Care Unit must provide you with information about where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation.

What types of support can I receive from non-governmental organisations?
Many non-governmental organisations and charities provide assistance, support advice, counselling and other general and specialised services to victims of crime, nationality, regionally and locally.

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Victims’ rights - by country - Scotland

Victims’ Rights in Scotland
As a victim of crime you have rights.
You have the right to use victim support services even if the crime has not been reported to the police. Such services can provide practical and emotional support to victims of crime.
The Victim's Code for Scotland sets out your rights, how to exercise them and who to contact for help and advice. It includes information on your:
Right to minimum standards of service - how you’ll be treated by criminal justice organisations
Right to information - how you’ll be updated about your case and what you can ask about
Right to participation - being understood, understanding what’s happening and telling the court how a crime has affected you
Right to protection and protection of privacy - feeling safe and protected from intimidation
Right to support - whether you report the crime to the police or not
Right to compensation and expenses - such as travel expenses, loss of earnings or compensation if you were injured.
Information on the release of an offender (Victim Notification Scheme)
Support for Vulnerable Individuals in Court (Special Measures)
You also have a right to complain if you’re unhappy about how an organisation has treated you.
Visit mygov.scot to find out more about your rights as a victim of crime at the different steps of the criminal justice process, including reporting a crime, investigation and prosecution, if a case goes to court and what happens after the verdict.
You can also read about help and support for victims of crime.

Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

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(OLD)2 - My rights during the trial

How can I be involved in the trial?

What are my rights as a witness?
I am a minor. Do I have additional rights?
Can I receive legal aid?
How can I get protection, if I am in danger?
How can I claim damages from the offender or receive compensation from the State?
Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?
I am a foreigner. How are my rights and interests protected?

More information
How can I be involved in the trial?
If you are to give evidence in court as a witness for the prosecution, you will be sent a letter from the Procurator Fiscal. The letter (called a citation) will tell you where and when you should go to court. More information about the procedure is available here.
If you are not to be a witness in the case you may not be informed of the trial. If you want to find out the date of the trial you could contact the Court or the Procurator Fiscal office, although they will need the name of the accused to find this information. You should also quote the reference number from any correspondence you may have received.
Any member of the public can sit in the public gallery at the back of the courtroom and listen to the evidence.
You have the right to be present throughout court proceedings unless:
it is held in private (e.g. a child or victim of an alleged sexual offence is giving their evidence); or
you will be giving evidence (in which case you can only attend the hearing after you have given your evidence).
You do not need to attend trial proceedings unless you are requested to be a witness and you are compelled to give evidence.

What are my rights as a witness?
You will also be told if you will be needed to give evidence as a witness, which will generally only be if the defendant contests guilt. As a witness you have to attend the hearing and answer the questions you will be asked.
If you have made a witness statement during the investigation and you have been requested to give oral evidence at the trial, you will be allowed to see the statement before you testify.
In the beginning of your hearing you will be asked to take an oath or make an affirmation that you will tell the truth. During the hearing the prosecutor and the defendant's lawyer will ask you questions. When there are no more questions the judge will release you. You can leave or, if you wish, you can remain in the courtroom and listen during the remainder of the hearing.
How will my case continue after the end of the investigation?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

What services and assistance can I be given during the investigation of the crime?

How can I get protection, if I am in danger?

Can I receive legal aid?

What information can I obtain from police or victim support organisations during the investigation of the crime?

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

How will my case continue after the end of the investigation?
Can I appeal if my case is closed without reaching the court?
I am a foreigner. How are my rights and interests protected?

More information

How and where can I report a crime?
If you are a victim of a crime in the Scotland you can report it to the police. Depending on where the crime was committed you can report by calling or going in person to the nearest police station. In urgent cases you can dial the emergency number 999 or 112.
If you are an asylum seeker or a refugee, you can also contact one of the Scottish Refugee Council, which will help you to find the nearest police station and can arrange an interpreter free of charge if you need one.
If you do not feel comfortable to report the crime yourself you can ask another person to report it for you or file an anonymous report to Crimestoppers by calling 0800 555 111 or filling in their online form.

Crimes are usually reported in English. If you do not speak English, the police will try to organise an interpreter, free of charge.
Tell the police all relevant details about the crime, the person you think committed the crime (if known), and relevant personal details (e.g. your name, address, and other contact details). The police will record this on a special form.

Sometimes there is a limited time period during which proceedings for an offence may be started against a person.

More detailed online information about how to report a crime to the police in Scotland is available here.

How can I follow up on what the authorities do after I report a crime?

The police will give you a crime number, which is the reference number of your case. You may need to quote this number if you wish to check on the progress of your case. You can do this by going to the police station or calling by phone.

How can I be Involved in the Investigation of the crime?
Depending on your needs you will be provided free of charge with an interpreter, medical examination, and other services. However, this does not include legal advice and/or representation as the victim is not a party to the proceedings. If you want to know how your case is progressing, you can contact the police (you will be told who to contact once you have reported the crime, and you will be given a crime number that you should quote to help the police find the information more easily). You will not be allowed to see any documents or data concerning the proceedings. Any further involvement in the investigation is at the request of the police (e.g. responding to additional questions or participation in an identity parade). You are not obliged to take any further part if you do not wish to do so (though you may be obliged to participate in any court proceedings that might follow).

What are my rights as a witness?

During the investigation the police may ask you to give a witness statement. Usually you will be invited to tell what happened and the police officer will write an account of what you have said. Then you will be asked to verify if your statement was recorded correctly and sign it. Your witness statement may be used as evidence in court in certain circumstances such as if your evidence is not being challenged by the defence but you may be requested to give evidence at the trial in person.

Sometimes the Procurator Fiscal or someone on their behalf, known as a precognition officer or precognoscer, speaks to some or all of the witnesses individually about the case and the evidence they will give. This is called a precognition investigation interview, or precognition for short. It often takes place at the Fiscal’s office, and is a chance to make sure the Fiscal knows as much as possible about the case.

You might also be asked for a precognition by the defence solicitor.

More information about being a witness is available here.

I am a minor. Do I have additional rights?

If you are a child under 16 years of age, special measures may be available to assist you in giving evidence, if you are required to do so. More information about help that is available can be accessed here.

What information can I obtain from police or victim support organisations during the investigation of the crime?

When you report a crime to the police you will be told whether or not the police will investigate the case.

For support and advice, as well as guidance about matters such as claiming compensation you will be referred (with your consent) to Victim Support Scotland.

Where applicable you may be referred to other specialist services (e.g. in relation to rape or sexual assault).

Can I receive legal aid?

You may be entitled to legal aid. If you want to apply for Legal Aid you should complete an application form for advice and assistance. Forms are available on the Scottish Legal Aid Board website.

How can I get protection, if I am in danger?

If you and anyone else, with whom you have a close relationship, feel you are in danger or being harassed, you should let the police know. If someone is charged with the crime and you are worried about the accused being released, you should tell the police officer you are dealing with, or the Procurator Fiscal, or your solicitor about any concerns as soon as possible.

What services and assistance can I be given during the investigation of the crime?

If the allegation is a police matter, you will be referred, with your consent, to Victim Support Scotland, which will give further support and guidance as appropriate.

Where applicable you will also be referred to other specialist services (e.g. in relation to rape or sexual assault).

Services are free of charge.

Are there opportunities to reach settlementconciliation or to start mediation between the offender and myself?

Some services are available which offer support to those affected by and those responsible for harm. These are based on restorative justice principles. The aim is to address behaviour in a way that empowers the people harmed, those responsible and wider community members to resolve issues in a constructive way.

More information is available here.

How will my case continue after the end of the investigation?

Once the police have completed the investigation, the case will be passed to the Procurator Fiscal who will examine whether there is enough evidence against the defendant and whether it is in the public interest to prosecute. If the Procurator Fiscal decides that a prosecution should go ahead the accused will be indicted and the case will go to court. In some less serious cases the Procurator Fiscal may decide that prosecution in court is not appropriate but that it is still in the public interest to take action. In those cases there are a number of direct measures available. These measures include warnings, fiscal fines, compensation offers and referral to specialist support and treatment.

Can I appeal if my case is closed without reaching the court?

You cannot appeal to the police or the Procurator Fiscal against a decision not to prosecute. However, you can seek explanation from the Procurator Fiscal.
What rights do I have after the court sentence enters into force?

Is further appeal possible?

Can I appeal against a sentence or if the defendant is declared not guilty?

What rights do I have after the (first) trial?

What rights do I have if I am a victim of a civil action?

Can I bring civil action and is it likely I will be successful?

If I am a foreigner. How are my rights and interests protected?

In certain circumstances an individual may seek to prosecute another person for a criminal offence. This is called a private prosecution. To bring a private prosecution you must have the Lord Advocate's consent. This process is very costly and you cannot claim legal aid. It is therefore very rare.

It may be possible to undertake a civil action. A civil action is based on a different level of proof (on the balance of probabilities). A decision in a criminal case is based on proof "beyond reasonable doubt". You would not be making a criminal allegation, but making a claim for damages. This can be a very long and expensive process and there is no guarantee you would get legal aid. If you are considering civil action you should get advice from a solicitor.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights listed above.

In addition, if you do not speak English the authorities will try to ensure that a translation or interpreter is provided where information is given to you if this is necessary.

More information:

National Standards for Victims of Crime – in English

Vulnerable Witnesses (Scotland) Act 2004 – in English

Victims of Crime in Scotland website – in English

Witnesses in Scotland website – in English

Victim Support Scotland website – in English

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Help and support for victims of crime

Scottish Government Criminal Justice Directorate

Victim Support Scotland

Victim Information and Advice

Rape Crisis Scotland

Scottish Domestic Abuse Helpline

Scottish Women’s Aid

National Association for People Abused in Childhood

PETAL (People Experiencing Trauma and Loss)

Support after murder and manslaughter

Scottish Government Criminal Justice Directorate

The Scottish Government Criminal Justice Directorate is responsible for the overall lead on policy on criminal justice and victim and witness care.

The Scottish Government Criminal Justice Directorate is responsible for the overall lead on policy on criminal justice and victim and witness care.

maintains the websites Victims of Crime in Scotland and Witnesses in Scotland

CONTACTS:

Website: http://www.scotland.gov.uk/Topics/Justice/law/victims-witnesses/victims-of-crime

Victim Support Scotland
Victim Support Scotland is a national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across by crime.

Victim Support Scotland
has offices across Scotland managed by the national centre in Edinburgh
runs the Witness Service in every Sheriff and High Court
provides emotional and practical support to victims of crime
provides support to prosecution and defence witnesses in all criminal courts
speaks out as a national voice for victims and witnesses and campaign for change
runs a national telephone helpline - 0800 160 1985

CONTACTS:
Website: [http://www.victimsupportsco.org.uk/](http://www.victimsupportsco.org.uk/)
For the contact details of the local offices of Victim Support Scotland click [here](http://www.victimsupportsco.org.uk/).

Victim Information and Advice
Victim Information and Advice (VIA) provide a service to certain victims, witnesses and nearest relatives of specific crimes reported to the Procurator Fiscal.
Victim Information and Advice (VIA)
provide a service to victims and witnesses of crimes reported to the Procurator Fiscal which involve: domestic abuse; racial or religious aggravation; sexual offences; child victims and witnesses; crimes where any trial is likely to involve a jury
assist the nearest relatives in cases of deaths which may involve criminal proceedings, or where there is to be a Fatal Accident Inquiry or significant further inquiries
assist vulnerable witnesses or victims who may need additional support (because of, for example, language, circumstances or disabilities)
VIA staff will contact you if you fall within one of these categories; if you do not want to receive the VIA service or if you want to opt in or out at any time, just let VIA know

CONTACTS:
Website: [http://www.copfs.gov.uk/involved-in-a-case/victims](http://www.copfs.gov.uk/involved-in-a-case/victims)

Rape Crisis Scotland
The Rape Crisis Scotland provides support for anyone affected by rape or sexual violence. They can also put you in touch with your nearest local service.
Rape Crisis Scotland
is the national office for the rape crisis movement in Scotland
supports the work of local centres and develops new centres in areas where there are no or few specialist services
works with other agencies such as the police, Crown Office and health services to improve the response to those who are affected by and who perpetrate sexual violence
campaigns, lobbies and raises awareness of sexual violence, challenges attitudes and presses for legal change
maintains the Rape Crisis Scotland National Helpline (0808 801 03 02) providing crisis support for anyone in Scotland affected by sexual violence at any time in their lives

CONTACTS:
Website: [http://www.rapecrisisscotland.org.uk/](http://www.rapecrisisscotland.org.uk/)

Scottish Domestic Abuse Helpline
The Scottish Domestic Abuse Helpline (0800 0271234 - 24 hour line) provides confidential information and support to those affected by domestic abuse.
The Scottish Domestic Abuse Helpline
provides confidential information and support to those affected by domestic abuse
services are free of charge

CONTACTS:
Website: [http://www.domesticabuse.co.uk/](http://www.domesticabuse.co.uk/)

Scottish Women's Aid
Scottish Women's Aid Federation provides advice, support and safe accommodation for women (and their children) who have been abused mentally, physically and/or sexually by their partner/ex-partner.
Scottish Women's Aid
is the lead organisation in Scotland working towards the prevention of domestic abuse
its members are local Women's Aid groups which provide specialist services to women, children and young people, including safe refuge accommodation, information and support
works to end violence against women by tackling its root cause, which is gender inequality
promotes women's equality and children's rights
campaigns for responses which actively prevent violence against women
works to ensure that services are available to women, young people and children with experience of domestic abuse
provides services and advice to members

CONTACTS:
Website: [http://www.scottishwomensaid.org.uk/](http://www.scottishwomensaid.org.uk/)

National Association for People Abused in Childhood
The National Association for People Abused in Childhood is a registered charity, based in the UK, providing support and information for people abused in childhood.
The National Association for People Abused in Childhood
responds to the distress caused in adulthood by ill treatment and/or neglect in childhood
established a national information line and postal service for people requiring advice and information about help available to overcome the continuing impact of childhood abuse in adulthood
provides support, training, information and resources to persons and organisations supporting people who have experienced ill treatment and/or neglect in childhood
raises public awareness of the continuing impact of childhood abuse in adulthood
campaigns to alleviate the impact of child abuse in adulthood

CONTACTS:
PETAL (People Experiencing Trauma and Loss)

PETAL provides practical and emotional support, advocacy, group support and counselling for the families and friends of homicide murder and suicide victims in Scotland.

PETAL is a pro-active support centre providing practical and emotional support, advocacy, support and counselling for the families and friends, children and young people victims of homicide or suicide.

Its membership consists of the families and friends of murder and suicide victims.

Services also include telephone support to those outwith/beyond a reasonable travelling distance of PETAL.

Practical support and advocacy is comprehensive through the provision of information and advice and includes liaising with statutory and voluntary agencies on their members’ behalf.

CONTACTS:

Website:  http://www.petalsupport.com/

Support after murder and manslaughter

Support after murder and manslaughter is a registered independent charity, which offers emotional support to those bereaved through homicide.

Support after murder and manslaughter works to promote the benefit of the public any charitable purpose directed to assisting those who have lost through death resulting from murder, manslaughter or unlawful killing of their relative or friend.

It aims to promote and protect good health, both mental and physical, to relieve poverty and sickness and to advance education in matters of the nature of grieving and bereavement.

Supports, through self-help groups and contact between members, those who have lost a member of their family or close friend as a result of homicide.

It aims to promote good health, both mental and physical, for those bereaved through homicide that they may eventually become strong enough to live positively in the future.

CONTACTS:

Website:  http://www.samm.org.uk/

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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?

You may also be able to access information relating to a crime by contacting relevant organisations (Police Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Scotland.) For more information, you can visit the crime, justice and the law section of the Scottish Government’s website.

If you do decide to report a crime to the police, they will issue you with a victim care card. This will acknowledge your complaint and provide further information.

The Victim’s Code for Scotland also outlines a number of rights which can be accessed, depending on which stage you are at in the criminal justice system.

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

Even if the offence was not committed in Scotland, you may still be entitled to protection when living in Scotland, using measures like:

The European Protection Order (EPO). The EPO allows an order made by a court anywhere in the EU (for example, prohibiting a particular individual from approaching you) to be recognised and enforced in Scotland. Or if the order was made in Scotland, it may be transferrable to the country in which you live.

Further information about the EPO can be obtained from the Scottish Courts and Tribunals Service website.

Under the Victims and Witnesses Act 2014, you can report a crime committed in another EU Member State to Police Scotland, who have the responsibility to ensure that the complaint is transmitted without undue delay to the appropriate authority of the Member State in which the offence or alleged offence was committed.

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

If you choose to report a crime, you will receive a victim care card. You also have the right to request case-specific information from the following authorities.

From Police Scotland - information about a decision not to proceed with a criminal investigation and any reasons for it, and a decision to end a criminal investigation and any reasons for it.

From the Crown Office and Procurator Fiscal Service - if your case is not prosecuted, you have the right to be told the reasons why and to request a review of this decision.

From the Scottish Courts and Tribunals Service - the dates of any court hearings, the final decision of a court in a trial or any appeal arising from the trial, and any reasons for it.

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

During the criminal justice process, you are entitled to understand and be understood during proceedings. If you have difficulty understanding or speaking English, you can request an interpreter to help you:

Understand any questions you are being asked;

Understand any information you are being given;

Give answers and provide information; and otherwise communicate effectively.

You may also request translation of a document if it is provided to you by law, or if is essential to your participation in the investigation or proceedings.

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

Information is available, on request, in a variety of formats, and an easy read version of the Victims’ Code will be available soon.

Appropriate Adults help to facilitate communication between police and victims aged 16 and over who have communication difficulties as a result of a mental disorder, including a learning disability. This is primarily during police interviews, but can also include forensic examinations and identification procedures.

Victim support services

Who provides victim support?

There are a number of victim support organisations depending on the nature of the crime.
Victim Support Scotland is the largest charity providing support and information services to victims and witnesses of crime in Scotland. VSS uses an assessment methodology based on meeting the needs of individuals to provide personalised support.

Community Safety Glasgow (TARA) who provide support to trafficking survivors in the form of crisis accommodation, dependent on individual need, for up to 45 days, care planning, onward referral and support to access legal advice.

Migrant Help support vulnerable migrants by providing advice and guidance to asylum seekers, Foreign National Detainee Services and advice to Foreign National Prisoners.

Other organisations include PETAL, Rape Crisis Scotland, Scottish Women’s Aid, ChildLine.

You can find contact details for all victim support organisations within the Victims’ Code for Scotland.

### Will the police automatically refer me to victim support?

The police will ask if you wish to be referred to victim support services and will only pass on your information to them if you have given your consent to do so.

### How is my privacy protected?

When you report a crime, the police will take steps to support you and protect you from repeat victimisation, intimidation and retaliation. In terms of support these steps may include:

- Only interviewing you when necessary.
- Ensuring interviews are kept to a minimum.
- Using specialised facilities for interview.

The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in.

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

No, you have the right to use victim support services even if the crime has not been reported to the police.

### Personal protection if I'm in danger

#### What types of protection are available?

When you report a crime the police will take steps to support you from repeat victimisation, intimidation or retaliation.

In terms of support these steps may include:

- Only interviewing you when necessary.
- Ensuring interviews are kept to a minimum.
- Using specialised facilities for interview.

The court can, in certain circumstances, impose media reporting restrictions on the case you are involved in. The court may also impose special bail conditions for accused persons, when appropriate.

Further information on protection measures can be obtained from Police Scotland or the Crown Office and Procurator Fiscal Service.

### Who can offer me protection?

See above.

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

See above.

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

See above.

### What protection is available for very vulnerable victims?

See above.

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

Some individuals may be particularly vulnerable or at risk because of their circumstances or the nature of the evidence they may be asked to give to the court. There are different options available to help a vulnerable witness give their evidence in court, such as through live TV links or from behind a screen so that you cannot see the accused person. There are called “special measures”.

Further information about special measures can be obtained from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service. The relevant authorities should also ask you whether you would have any concerns about giving evidence, and can help you with options in giving evidence.

All children (aged under 18 years) are, by law, classed as vulnerable and, alongside alleged victims of domestic abuse, sexual crimes, human trafficking and stalking, are automatically entitled to the use of certain standard special measures. A witness who has a mental disorder, learning disability or is suffering fear and distress at the prospect of giving evidence might also be considered vulnerable. An assessment to establish vulnerability will be carried out by the Crown Office and Procurator Fiscal Service.

The Scottish Courts and Tribunal Service will also ensure victims have separate waiting areas from defence witnesses when waiting to give evidence in court.

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

Relatives of victims of crime can also access the victim support organisations including Victim Support Scotland.

Where a close family member has died because of the crime, you may have rights (such as the right to information about a case) as if you were the victim of crime. For example, if you have a relative who died, you have a right to access information from the police.

Further information can be found in the Victims’ Code and also the Standards of Service produced jointly by Police Scotland, the Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service, Scottish Prison Service and Parole Board for Scotland. (see link below)

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

Relatives of victims of crime can also access the victim support organisations including Victim Support Scotland.

In some circumstances (e.g. if the victim is deceased) a family member may have rights (such as the right to information about a case) as if they were the victim of crime.

For example, if you have a relative who has died, you have a right to access information from the police. Further information can be accessed from the Victims’ Code and also Standards of Service produced by the Scottish Courts and Tribunals Service.

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

Sacro is the Scottish Community Justice Organisation which works to create safer and more cohesive communities across Scotland. They provide mediation services. More details are available on their website.

### Where can I find guidance stating my rights?

To find the most up-to-date information on victims’ rights, you can read the Victims’ Code for Scotland which is available here.

Last update: 17/05/2019
If you are a witness, the Scottish Courts and Tribunals Service will:

Justice of the Peace Courts.
Sheriff Courts.

For more information on cases, you can contact the Scottish Courts and Tribunals Service:

What decision the judge, sheriff or justice of the peace made about a case.
What's happening with a case in court.

This depends on whether you are called as a witness at trial. If you're not called as a witness, you can ask the Scottish Courts and Tribunals Service:

Can I be involved in the trial?
Can I appeal if my case is closed before going to court?

The prosecutor Scotland) has published reported to them, where that decision was made on or after 1 July 2015. You should, if possible, apply for a review within one month of the date you are notified of the decision.

As a victim of crime in Scotland, you have the right to a review of a decision by the Crown Office and Procurator Fiscal Service not to prosecute a case.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

Victims are not parties to criminal proceedings in Scotland. If a victim needs legal advice and assistance they can contact a lawyer. They may be entitled to help with the costs of that advice and assistance via the legal aid system.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

Victims are not parties to criminal proceedings in Scotland. If a victim needs legal advice and assistance they can contact a lawyer. They may be entitled to help with the costs of that advice and assistance via the legal aid system.

Can I appeal if my case is closed before going to court?

As a victim of crime in Scotland, you have the right to a review of a decision by the Crown Office and Procurator Fiscal Service not to prosecute a case reported to them, where that decision was made on or after 1 July 2015. You should, if possible, apply for a review within one month of the date you are informed of the decision not to prosecute. Generally, you would be told of the review decision within 20 working days. The Lord Advocate (the chief public prosecutor Scotland) has published rules on this process.

Can I be involved in the trial?

This depends on whether you are called as a witness at trial. If you're not called as a witness, you can ask the Scottish Courts and Tribunals Service:

What offences a person has been charged with - once the accuse has had a chance to answer to them (only the general nature of the charges.)
What's happening with a case in court.
What decision the judge, sheriff or justice of the peace made about a case.

The Scottish Courts and Tribunals Service website has further details of how to get information in relation to the case and for information on the calling of cases to court, including trials due to call in the near future. This includes:
The High Court of Justiciary.
Sheriff Courts.
Justice of the Peace Courts.

If you are a witness, the Scottish Courts and Tribunals Service will:
Update you on the progress of the court case at least once per hour and let you know when you can leave court.

Provide separate waiting rooms for prosecution and defence witnesses, and access to refreshments.

If you’re entitled to give your evidence to court by live TV link, someone from the Scottish Courts and Tribunals Service will meet you on the day and explain the process for giving evidence to court.

What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

Victims are not parties to criminal proceedings in Scotland. Subject to prosecutorial discretion, victims may be requested to give evidence in court.

What are my rights and obligations in this role?

Information on your rights as a victim can be found in the Victims’ Code.

If you are called as a witness, you will receive a citation. Your citation is an official letter telling you to come to court and give evidence as a witness. It is important not to ignore the citation. Tell whoever asked you to be a witness right away if there’s an important reason why you can’t make the date of the trial. If you don’t turn up at the correct time and place, the court can issue a warrant for your arrest.

Some witnesses may find it difficult to give evidence. They may be particularly vulnerable because of their circumstances or the nature of their evidence. The court can take extra steps (called ‘special measures’) to help vulnerable witnesses give the best evidence they can, such as a screen so the witness does not have to see the accused. You should discuss any concerns with the person who has requested that you give evidence as they may be able to apply to the court for special measures on your behalf.

Further information on being a witness can be found on the Crown Office and Procurator Fiscal Service website and on the Giving Evidence at Court pages of mygov.scot.

Can I make a statement during the trial or give evidence? Under what conditions?

Subject to prosecutorial discretion, victims may be requested to give evidence in court. Scotland’s general laws of evidence apply to those victims who are called to give evidence.

For those victims who are to give evidence, and are considered vulnerable or have protection needs, special measures can be made available through sections 271 to 271M of the Criminal Procedure (Scotland) Act 1995 in order to assist them in giving evidence. These measures are automatic for children and for those persons who are victims in specific offences such as sexual offences, trafficking and stalking.

In addition, victims may also be able to make a victim statement under section 14 of the Criminal Justice (Scotland) Act 2003. Further information on victim statements can be found here.

What information will I receive during the trial?

You can contact the Scottish Courts and Tribunals Service to find out the dates of any court hearings, the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it. In addition, if you are attending court to give evidence, court staff at the Scottish Courts and Tribunals Service will update you on the progress of the court case at least once per hour and let you know when you can leave court.

Will I be able to access court files?

Please see above for details of information that can be accessed.

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3 - My rights after trial

Can I appeal against the ruling?

Only the convicted person or the prosecution can appeal a verdict.

Prosecution appeals can only be made in certain circumstances. The prosecution can:

Appeal against an acquittal - a verdict of ‘not guilty’ or ‘not proven’ - but only in summary cases (trials without a jury) and only on a point of law.

Appeal against the sentence - but only where a sentence is regarded as ‘unduly lenient’

You can find out more information by visiting https://www.mygov.scot/after-the-verdict/the-appeals-process/

What are my rights after sentencing?

After a guilty verdict, your victim statement may be taken into consideration by the judge considering the sentence which is to be imposed.

If the result of the case (known as the verdict) was not what you expected, or feel you need some support after the verdict, there are lots of organisations that can help you. Victim Support Scotland has a hotline which operates Monday to Friday, 8am to 8pm. They are a national charity that supports people affected by crime across Scotland, regardless of the type of crime they have suffered. You can contact them on 0345 603 9213. The support they provide is free.

There are a number of other organisations including specialist services, that are able to provide free confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Information on these services can be found here.

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

Yes, there are a number of victim support organisations who can offer support before, during and after the trial which are free. Victim Support Scotland, which is a national charity offer emotional support, practical help and essential information to victims. These services are free and confidential.

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

If you made a victim statement it may be considered when the judge decides the sentence. After a guilty verdict, the judge has to decide what punishment to give to the offender. This punishment is called a sentence. The judge makes this decision after hearing all the evidence and taking account of any background information. This includes things such as the offender’s age, any medical issues and whether they already have a criminal record. The judge can choose what sentence to give from a range of option.

Further information on sentencing can be found here.

You have the right to request information on the final decision of the court in a trial and any reasons for it. This information can be requested from the Scottish Courts and Tribunals Service.

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

In all criminal cases, victims have a right to get information about the release of a prisoner. They may also have a right to be told when the prisoner is considered for parole and to make written representations (comments) about their release to the Parole Board for Scotland. This is called the Victims Notification Scheme.

Victims of offenders sentenced to less than 18 months are entitled to know only of the release or escape of the offender. If you would like to receive this information you do not have to register with the scheme, you can simply contact the Scottish Prison Service.

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?
Under the provisions of sections 249 to 253 of the Criminal Procedure (Scotland) Act 1995, any criminal court in Scotland has power in appropriate cases to order an offender to pay some compensation to the victim of his/her crime for any injury, loss or damage which the victim has suffered as a result of the crime, without the need for separate civil action.

The 1995 Act does not provide for a victim to make an application to a court for a 'compensation order' personally; however, the Procurator Fiscal may raise the question with the court in appropriate cases and in all cases, the Procurator Fiscal should provide the court with available information about the extent and value of any injury, loss or damage sustained.

Under the existing law a victim has the right to sue the offender for damages in a civil court or (if he/she sustained physical or mental injuries) to see an award from the Criminal Injuries Compensation Authority (CICA). The ordering of compensation by the criminal courts does not affect these rights, although any award made to the victim by the civil courts or the CICA will be reduced by the amount paid under the 'compensation order'.

In solemn criminal proceedings, there is no limit on the amount that may be awarded under a 'compensation order'.

In summary, criminal proceedings the following limits apply:

- In the Sheriff Court, the maximum for each offence is the prescribed sum (£10,000) (but for statutory offences committed on or after 28 March 2011, where the maximum fine which can be imposed exceeds the prescribed sum, the maximum compensation order which can be imposed is the same as that maximumfine).
- In the Justice of the Peace Court, the maximum for each offence is Level 4 on the Standard Scale (£2500)

Payment of any amount under a 'compensation order' is made to the clerk of court who will then account for the amount to the entitled person.

**B. 'Compensation requirement' in Community Payback Order**

When an accused is convicted of an offence, the court may, in certain circumstances, impose a Community Payback Order (CPO). In terms of section 227H of the Criminal Procedure (Scotland) Act 1995, payment of compensation (together with an offender supervision requirement) may be a requirement of a CPO.

The same limits in respect of the amount of the awards, apply to 'compensation requirements' as to 'compensation orders' (as detailed above).

The compensation can be paid either in a lump sum or by instalments to the clerk of court who will then account for the amount to the entitled person. The compensation must be paid in full no later than 18 months after the CPO is imposed or not later than 2 months before the end of the supervision period, whichever is earlier. Failure by the offender to make the payment may constitute a breach of the CPO.

**C. 'Compensation offer' by Procurator Fiscal**

In terms of section 302A of the Criminal Procedure (Scotland) Act 1995, the Procurator Fiscal can send a 'compensation offer' to an alleged offender if it appears that a relevant offence has been committed. The 'compensation offer' is an effective direct measure for offences where an individual has suffered monetary loss, personal loss, or alarm or distress.

If a 'compensation offer' is accepted or deemed accepted (when the alleged offender does not formally reject the offer) no prosecution can take place, and no conviction will be recorded.

The maximum amount available as a compensation offer is £5,000 in terms of the Criminal Procedure (Scotland) Act 1995 Compensation Order (Maximum Amount) Order 2008.

Payment of any amount under a 'compensation offer' is made to the clerk of court who will then account for the amount to the entitled person.

**Civil Court case:**

Under the existing law, a victim has the right to sue the offender for damages in a civil court. In the event that the victim decides to raise an action in the civil courts, there are different procedures governed by different sets of court rules and these are also dependent on whether actions are raised in a Sheriff Court or the Court of Session. The various rules are available on the Scottish Courts and Tribunals Service website under Rules and Practice.

The drafting of any writ or petition and the various court procedures are quite complex, and legal advice is recommended.

**Adhesion Procedure - not applicable in Scotland:**

This is a procedure through which a court of law can rule on compensation for the victim of a criminal offence. Rather than pursuing damages in a separate civil action, the victim files a civil claim against the offender as a part of a criminal trial. It should be noted that whilst this system exists in some civil law jurisdictions, it does not in Scotland.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

**Enforcement of compensation in a criminal case**

Payment of any amount under:
- A 'Compensation Order';
- A 'Compensation Requirement' in a Community Payback Order (CPO), or
- A 'Compensation Offer' by the Procurator Fiscal

is made to the clerk of court who has to account for the amount to the entitled person.

Payment can only be enforced by the court and on no account should the entitled person contact or attempt to contact the offender directly or accept payment from him/her personally.

If payment is not made in respect of a 'compensation order' or a 'compensation offer', further action may be taken by the court to recover the money by using a range of sanctions including:

- Deduction from Benefits Orders;
- Earnings Arrestment Orders;
If payment is not made in respect of a ‘compensation requirement’ in a CPO, this may constitute a breach of the CPO and the offender can be brought back before the court. Section 227ZC of the Criminal Procedure (Scotland) Act 1995 contains provisions in respect of breaches of CPOs and what actions the court may take.

**Enforcement of compensation in a civil case:**
If the victim raises a successful action in the civil court and the court grants a decree for a sum of money in his/her favor, the victim should contact a firm of Sheriff Officers who will advise of the procedure for recovery of the debt. Further information can be found on the [Society of Messengers-at-Arms and Sheriff Officers website.](#)

**If the offender does not pay, can the state pay me an advance? Under what conditions?**

**Payment of compensation from CICA**

The state will not pay any advance to a victim of crime where an offender has been ordered by a court to pay but the offender has not done so. See also Enforcement of compensation above.

**Am I entitled to compensation from the state?**

The Criminal Injuries Compensation Authority (CICA) deal with compensation claims from people who have been physically or mentally injured because they were the blameless victim of violent crime in England, Scotland or Wales. The government's Criminal Injuries Compensation Scheme sets the criteria and amounts for compensation.

The Criminal Injuries Compensation Scheme 2012 is a government-funded scheme that exists to compensate blameless victims of violent crime who have sustained serious physical or mental injuries directly attributable to their being a direct victim of crime of violence. The rules in the Scheme and the value of the awards paid are approved by the UK Parliament, and the CICA is responsible for the administration of the Scheme and all the decisions made on individual applications. The Scheme contains a tariff of injuries which sets out compensation payable in respect of injuries sustained.

There are two types of compensation - personal and fatal injury awards - with additional compensation payable in some cases for loss of earnings, dependency or special expenses where appropriate.

Payments can be awarded to the most seriously injured victims, victims of rape and other sexual abuse, victims of child abuse and the bereaved. The Scheme does not make compensation payments for minor injuries.

Not all claims for compensation will be successful. An applicant must be eligible under the rules of the Scheme. There are nationality and residence criteria that must be met (paragraphs 10 to 16 of the Scheme). Applications must be made as soon as reasonably practicable, and in any even within two years of the incident which gave rise to the criminal injury (although in exceptional circumstances in some cases the time limit may be extended, see paragraphs 87 to 89). There are also rules which require and applicant to have reported the incident which gave rise to the criminal injury as soon as reasonably practicable and to cooperate as far as reasonably practicable in bringing the assailant to justice (paragraphs 22 and 23). Awards may be withheld or reduced in various other circumstances, such as where the conduct of the applicant makes it inappropriate to make an award (paragraph 25) and where the applicant has unspent criminal convictions at the time of their application to the CICA (paragraph 26 and Annex D). Further information about the Scheme can be found [here.](#)

**Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

The Criminal Injuries Compensation Scheme 2012 is designed to be a scheme of last resort. Awards under the Scheme are not designed to meet immediate needs; in most cases an applicant's claim will not be settle until sometime after that incident. No payment will be made until the Criminal Injuries Compensation Authority (CICA) deal with compensation claims from people who have been physically or mentally injured because they were the blameless victim of violent crime in England, Scotland or Wales. The government's Criminal Injuries Compensation Scheme sets the criteria and amounts for compensation.

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**Am I entitled to compensation if the offender is not convicted?**

It is not necessary for the offender to be identified or convicted for the victim of a crime of violence to be eligible for compensation (paragraph 9 of The Criminal Injuries Compensation Scheme). However, the Scheme requires that an applicant has reported the incident to the police as soon as reasonably practicable and has co-operated as far as reasonably practicable in bringing the offender to justice (paragraphs 22 and 23). Applicants will therefore not be eligible for compensation unless they have co-operated fully with the investigation into the crime and any prosecution that follows.

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### 5 - My rights to support and assistance

**I am a victim of crime who do I contact for support and assistance?**

You have the right to use victim support services, even if the crime hasn't been reported to the police.

Whether you decide to report a crime or not - [or you haven't decided yet](#) - Victim Support Scotland can give you emotional and practical help and support.

If you [report a crime](#), the police - with your permission - may pass on your details to Victim Support Scotland.

You may also be offered help from [Victim Information and Advice (VIA)](#) if your case involves:

- Domestic Abuse
- Child Victims or Witnesses
- Hate Crime
- Sexual Crime;
- or where it is likely that a trial with involve a Jury.

VIA will give you information about the criminal justice system, keep you informed about the progress of the case and put you in touch with other organisations that can help you.

**Victim support hotline**

Victim Support Scotland has a hotline which operates Monday to Friday, 8am to 8pm. They are a national charity that supports people affected by crime across Scotland, regardless of the type of crime they have suffered. You can contact them on 0800 160 1985. The support they provide is free. There are a number of other organisations, including specialist services, that are able to provide free and confidential emotional support, practical help and essential information to victims, witnesses and others affected by crime. Information on these services can be found [here.](#)
Victim Support Scotland gives free and confidential support to victims, witnesses and others affected by crime.

What types of support can I receive from state services or authorities?

Support at court
If you're asked to be a witness at court, the Witness Service is provided by trained Victim Support Scotland staff and volunteers at all High Court and Sheriff Court locations. They can:

Give you practical help and information on what happens at court
Arrange for you to visit the court before the trial starts - so you know what to expect.

Some witnesses - because of their circumstances or the nature of the crime - may be able to get extra support when they give evidence. You can find out more about giving evidence at court, including 'special measures' for vulnerable witnesses [here](#). If you're a victim of crime but haven't been called to give evidence as a witness, you might not be informed about the trial. However, you can ask for information about what happens with the case at court.

What types of support can I receive from non-governmental organisations?

Depending on the organisation, you can be offered different types of support. Victim Support Scotland provide a community based Victim Service. This is provided in every local authority area in Scotland, and their court based Witness Service is in every criminal court in Scotland.

There are a number of other charities who can help depending on the nature of the crime. For example, Rape Crisis Scotland, TARA (Trafficking Awareness Raising Alliance) who support female victims of human trafficking, and Migrant Help, which also offers support of victims of human trafficking. Children 1st, Scottish Women's Aid and PETAL are also charities which can offer support to victims of crime. More information on these services can be found [here](#).

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