

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 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 Portugal** consist of two stages: investigation and trial. During the investigation the police and the public prosecutor investigate the case and collect evidence against the offender. If there is sufficient proof that the alleged offender has committed the crime the public prosecutor brings the case to court for trial. The court examines the collected evidence and convicts or acquits the offender.

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 benefit from 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 crime you or your lawyer can **report** it to the following agencies:

 [Public Prosecution Service](#);

 [Republican National Guard](#);

 [Public Security Police](#);

 [Judicial Police](#);

 [Foreigners and Borders Service](#).

You can also report the crime when the victim has died and you are his/her:

spouse or partner (including of the same sex);

child (including adopted child);

parent (including adoptive parent);

brother, sister or their children.

If you choose to report to the Public Prosecution Service, you have to file a written report. In all other cases you can report the crime orally or in writing without any specific formalities.

For some offences like assault, domestic violence, theft, robbery, trafficking in human beings, etc. you can also submit your report electronically through the

 [Electronic Complaints Portal](#).

For most crimes there is **no deadline** for reporting. There are some less serious offences (like libel or slander), which can be prosecuted only if the victim files a complaint within six months after the offence has occurred or been detected..

When you report a crime or submit a complaint you have to present as much information as possible to facilitate the investigation. Such information includes data about you (name, date of birth, ID card number, address, phone number) and the alleged offender, description of the incident (including date, time and place), and name and contact details (addresses and phone numbers) of witnesses if any.

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

When you report a crime or file a complaint you will receive a reference number, which you can use to follow the progress of your case.

You can check how the investigation is proceeding by asking the public prosecutor or the police officer in charge of your case, unless the investigation is confidential.

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

The public prosecutor and the police are responsible for the collection of evidence and they may ask you for additional information.

A lawyer can accompany you each time you have to appear before the public prosecutor or the police. Legal assistance will be free of charge if you cannot pay the fee for the lawyer's services. You can also ask for reimbursement of the travel costs that you endured to appear before the public prosecutor or the police.

You can check the documents in the case file and make copies, unless the investigation is confidential. If the investigation is confidential (e.g. because its publicity may harm some of the participants), you can ask for access to the case file but the public prosecutor may reject your request. You can appeal against the public prosecutor's refusal before the court.

The public prosecutor or the police will most probably interview you as a **witness**.

If you wish to have an active role in the proceedings you can become an **assistant to the prosecutor** and/or **civil claimant**. As an assistant you cooperate with the public prosecutor during the investigation and accusation, while as a civil claimant you can claim compensation for damages from the offender.

For private crimes you are obliged to become an assistant within ten days after the submission of the complaint. For the rest of the crimes, you can request to become an assistant at any time during the investigation

To become an assistant you have to pay a court fee. You can be released from the obligation to pay this fee if your income is not sufficient to cover such expenses.

As an assistant you have the following specific rights:

to present or request the collection of evidence;

to cross-examine, through your lawyer, the offender and the witnesses;

to be present at investigative actions;

to appeal against the decisions of the public prosecutor in charge of your case.

To become a civil claimant you need to make a request **within 20 days** after a decision to prosecute was made. As a civil claimant you can present evidence supporting your claim for compensation.

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

If the public prosecutor or the police call you for an interview as a **witness** you will have to appear and answer their questions. You can refuse to answer only if you are in a close relation with the offender (e.g. spouse, partner, child, parent, brother or sister).

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

If you are a child **under 16 years of age**, the crime must be reported by your legal representative.

If you suffered from domestic or sexual violence (or sometimes in other cases) your interview will be carried out in an informal and reserved environment.

Whenever possible, a judge will also be present during the interview (this is mandatory in cases of sexual violence) in order to avoid repeated interviewing: your interview will be used during the trial and you will not be obliged to go to the court.

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

You can ask the police or the public prosecutor for information about your rights during the proceedings, about the outcome of the investigation and about the procedure to apply for compensation.

You can also receive detailed information about your rights at any of the [victim support offices](#) of the [Portuguese Association for Victim Support \(APAV\)](#).

#### **Can I receive legal aid?**

You can receive legal aid free of charge if you want to have a lawyer but your income does not allow you to pay the fee for his/her services.

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

If there is a risk that the offender may threaten you, the court may order his/her arrest or apply other restraining measures such as a ban on exercising certain profession or activity, on visiting specific places (e.g. the place where you live), on contacting you or your relatives, etc.

You can choose not to provide your home address to the police but instead e.g. your work address or the address of a victim support office. If you are victim of human trafficking or sexual violence, the media will not be allowed to publish your name or other details that may reveal your identity.

Special protection measures can be applied to you as witness when there is danger for your life, health, freedom or property. Such measures may include interview through videoconference, non-disclosure of your personal data, police protection and/or escort, provision of special equipment, relocation, separate waiting areas, etc. These measures may also apply to your relatives or other persons close to you.

You can benefit from additional witness protection if you are a child, an elderly or disabled person, or you are dependent on the offender. These measures include the appointment of a person to accompany you when you have to go to the police or the court, psychological assistance, prevention of repeated interviewing (e.g. your testimony during the investigation stage can be used in the court so that you do not have to attend the hearing), use of videoconference, etc.

#### **What services and assistance can I benefit from during the investigation of the crime?**

You can receive legal, psychological, social, practical and emotional assistance from any of the [victim support offices](#) of the [Portuguese Association for Victim Support \(APAV\)](#). Services are free of charge and fully confidential.

You can receive medical assistance free of charge 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](#).

If you are victim of domestic violence you can receive medical assistance and psychological support free of charge.

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

For less serious crimes (complainant crimes against persons or property punishable with less than five years of imprisonment) the public prosecutor may suggest you to participate in a mediation process with the offender. If you agree, a mediation procedure will begin. During this procedure you will have the opportunity to communicate, directly or indirectly, with the offender, with the help of a mediator. If you reach agreement the case will be closed.

If the crime is prosecuted only upon complaint, you can withdraw your complaint at any time during the proceedings in case of reaching an agreement with the offender. In this case the process will be closed.

For some crimes against property, the case can be closed if the defendant has returned the stolen good or fully repaired the damage caused.

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

At the end of the investigation, the public prosecutor will review the collected evidence and decide whether to close the case or bring it to court.

The inquiry stage may be followed by an additional investigation stage called "instruction". This is an optional stage and will take place only if you (as assistant) or the offender requests so. During the instruction a judge, called judge of instruction, will conduct a hearing and collect additional evidence in order to assess if the prosecutor's decision at the end of the inquiry stage was adequate. At the end of this stage the judge of instruction will decide whether the case should be closed or brought to court.

For less serious crimes (punishable by less than five years of imprisonment) a provisional suspension of the punishment can be applied for a certain period of time. During this period the offender will be obliged to comply with certain requirements and if he/she does so the case will be closed.

For crimes prosecuted upon complaint you will receive a notification from the public prosecutor when the investigation is completed. Within ten days following the notification you have to review the collected evidence and decide whether you wish to bring the case to court or close it.

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

If the judge of instruction decides to close the case you can appeal against his/her decision before the court of appeal.

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

If you are a foreigner you have all the rights explained above as well as some additional rights to facilitate your participation in the proceedings. If you do not speak Portuguese you can use the free of charge assistance of an interpreter each time you have to appear before the police or the public prosecutor.

If you live abroad you can ask to be interviewed in the presence of a judge so that you do not have to appear before the court during the trial. In this case your testimony during the investigation will be used as evidence during the trial.

#### **More information:**

Penal Procedure Code (Código de Processo Penal) – in [Portuguese](#)

Penal Code (Código Penal) – in [Portuguese](#)

Decree-Law No. 34/2008 (Decreto-Lei n.º 34/2008) – in [Portuguese](#)

Law on the implementation of measures for witness protection in criminal proceedings (Lei n.º 93/99 regula a aplicação de medidas para protecção de testemunhas em processo penal) – in [Portuguese](#)

Law on the modification of the regime of access to law and courts (Lei n.º 34/2004 altera o regime de acesso ao direito e aos tribunais) – in [Portuguese](#)

Law on the creation of a system of mediation (Lei n.º 21/2007 cria um regime de mediação penal) – in [Portuguese](#)

Law on the establishment of the legal regime for the prevention of domestic violence and the protection and assistance of victims (Lei n.º 112/2009 estabelece o regime jurídico aplicável à prevenção da violência doméstica, à protecção e à assistência das suas vítimas) – in [Portuguese](#)

Ordinance No. 1593/2007 (Portaria n.º 1593/2007) – in [Portuguese](#)

Ordinance No. 799/2006 (Portaria n.º 799/2006) – in [Portuguese](#)

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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 involved in the process as a witness, civil claimant or assistant to the prosecutor, the court will send you a notification about the time and place of the court hearing. If you have missed the opportunity to become an assistant to the prosecutor during the investigation you can still make such a request until five days before the start of the trial.

As an assistant to the prosecutor or civil claimant you can be present during the entire court hearing, even if it is non-public. If you are called for an interview as a witness you can stay in the courtroom only when the hearing is public and after your interview. Before the interview you will be asked to wait outside the courtroom.

Your presence in the courtroom is obligatory only when you are called for an interview as a witness. During the rest of the trial your lawyer can represent you in court.

As an assistant to the prosecutor or civil claimant you can use the assistance of a lawyer. If your income does not allow you to pay for the lawyer's services you can receive legal aid free of charge. Through your lawyer, you can make introductory remarks, ask questions, make proposals and have a final speech. You can present or ask for the collection of evidence and cross-examine witnesses and experts.

Irrespective of your role in the proceedings you have the right to check the content of the case file and receive certified copies of the documents included in it. You can ask for reimbursement of the travel costs that you endured to appear before the court.

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

If you are called for an interview as a **witness** during the trial you have to attend the court hearing and tell the judge what you know about the case. You can refuse to testify only if you are spouse or close relative of the defendant.

If you wish to avoid any contact with the defendant you may ask the judge to allow you to testify without the presence of the defendant.

While waiting to present testimony you will stay at a place reserved only to the witnesses.

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

If you are a minor, you can be considered as a particularly vulnerable witness and therefore benefit from a set of measures like assistance by a skilled professional, psychological support, non-public audience, etc.

##### **Can I receive legal aid?**

You can receive legal aid free of charge if you want to be represented by a lawyer during the trial but your income does not allow you to pay for his/her services.

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

If there is a risk that the offender may threaten you the court may order his/her arrest or apply other restraining measures such as a ban on exercising certain profession or activity, on visiting specific places (e.g. the place where you live), on contacting you or your relatives, etc.

When there is a risk that the publicity of the hearing may harm you, you can ask the court to hold a non-public hearing. Court hearings of cases of human trafficking or sexual violence are always non-public. You can also ask the judge to remove the defendant from the courtroom during your interview if you are afraid that his/her presence may intimidate you.

If you are a witness and there is a danger for your life, health, freedom or property you can benefit from the same special protection measures that are also available during the investigation: interview through videoconference, non-disclosure of your personal data, police protection and/or escort, provision of special equipment, relocation, separate waiting areas, etc. Protection measures may also apply to your relatives or other persons close to you.

Additional witness protection measures are available if you are a child, an elderly or disabled person, or you are dependent on the offender. Such measures are the appointment of a person to accompany you in court, psychological assistance, prevention of repeated interviewing (e.g. use of your testimony given before the police officer so that you do not have to attend the court hearing), interviews via videoconference, etc.

##### **How can I claim damages from the offender or receive compensation from the State?**

You can claim damages from the offender in the course of the criminal proceedings if you file a civil claim and thus become civil claimant. The deadline for filing a civil claim is **20 days** after a decision to prosecute has been made. In your claim you have to describe the damages you have suffered and enclose all evidence you have (medical certificates, receipts for expenses made, etc.). You can claim both property and moral damages. The judge hearing your case will decide on your claim for compensation.

You can apply for compensation provided by the State if you have suffered from domestic violence or from a violent crime that has prevented you to work for more than 30 days (in sexual crimes this requisite does not apply). Please consult the factsheet on compensation to victims of crime in Portugal (available in [English](#), [Portuguese](#) and other languages) on the European Judicial Network website.

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

In general, there are no opportunities for mediation during the trial.

For crimes prosecuted upon complaint you can reconcile with the offender at any time during the trial. If you reach agreement you can withdraw the complaint and the case will be closed.

For some crimes against property, the case can be closed if the defendant has returned the stolen good or fully repaired the damage caused.

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

If you are a foreigner you have all the rights explained above as well as some additional rights to facilitate your participation in the trial. If you do not speak Portuguese you can use the assistance of an interpreter during the court hearing free of charge

If you live abroad you can ask your testimony during the investigation to be used as evidence during the trial so that you do not have to appear before the court. In this case your interview during the investigation will be done in the presence of a judge and a second interview during the trial will not be necessary.

#### **More information:**

Penal Procedure Code (Código de Processo Penal) – in [Portuguese](#)

Penal Code (Código Penal) – in [Portuguese](#)

Decree-Law No. 34/2008 (Decreto-Lei n.º 34/2008) – in [Portuguese](#)

Law on the implementation of measures for witness protection in criminal proceedings (Lei n.º 93/99 regula a aplicação de medidas para protecção de testemunhas em processo penal) – in [Portuguese](#)

Law on the modification of the regime of access to law and courts (Lei n.º 34/2004 altera o regime de acesso ao direito e aos tribunais) – in [Portuguese](#)

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Law on the establishment of the legal regime for the prevention of domestic violence and the protection and assistance of victims (Lei n.º 112/2009 estabelece o regime jurídico aplicável à prevenção da violência doméstica, à protecção e à assistência das suas vítimas) – in [Portuguese](#)

Ordinance No. 799/2006 (Portaria n.º 799/2006) – in [Portuguese](#)

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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?**

The trial will end with a court decision convicting or acquitting the defendant. If the defendant is found guilty the court will impose a penalty.

You will receive a notification about the time and place of the final court hearing if you have participated in the process as an assistant to the prosecutor or civil claimant. Nevertheless, the final court hearing is always open to the public and if you wish you are free to attend irrespective of whether you have participated in the trial as an assistant or civil claimant or not. If you have missed this opportunity you can still read the decision afterwards at the court's secretariat.

If you have participated in the trial as an assistant to the prosecutor and you are not satisfied with the court's decision you can file an appeal to the Court of Appeal (or in exceptional cases to the Supreme Court). The deadline for submitting the appeal is **20 days** if you believe the law has not been applied correctly and **30 days** if you object to the appreciation of some of the evidence.

##### **Is further appeal possible?**

If you do not agree with the decision of the Court of Appeal, you can appeal for the Supreme Court, unless that decision does not apply a prison penalty or, confirming the decision of the First Instance Court, considers the defendant not guilty or convicts him/her in a prison penalty of less than 8 years.

The deadline for submitting the appeal is **20 days** if you believe the law has not been applied correctly and **30 days** if you object to the appreciation of some of the evidence.

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

Some of the sanctions that the court may impose with the sentence are aimed to protect you from the offender after the trial, e.g. the offender can be prohibited from contacting you.

In case of release or escape of the convicted person, and if that puts you in risk, you will be informed.

There is a possibility that the offender is conditionally released under the parole system. You will not be consulted when such a decision is being made.

If you have participated in the trial as a witness and you believe your testimony may somehow create danger for your life, physical or mental integrity or freedom, you can be placed under a special protection programme. Such programme can include change of identity, relocation (including relocation abroad if necessary) and even plastic surgery. The programme can also cover your relatives or other persons close to you if they are also in danger.

##### **More information:**

Penal Procedure Code (Código de Processo Penal) – in [Portuguese](#)

Penal Code (Código Penal) – in [Portuguese](#)

Law on the implementation of measures for witness protection in criminal proceedings (Lei n.º 93/99 regula a aplicação de medidas para protecção de testemunhas em processo penal) – in [Portuguese](#)

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#### **4 - Help and support for victims of crime**

##### **National Commission for Protection of Children and Young People at Risk**

###### **Directorate General of Social Affairs**

###### **The Portuguese Association for Victim Support**

###### **Commission for Equality and against Racial Discrimination**

###### **Open Window - Support to Victims of Domestic Violence**

##### **National Commission for Protection of Children and Young People at Risk**

The National Commission for Protection of Children and Young People at Risk coordinates the work of different agencies and organisations in the field of assistance to children at risk and supports the establishment of emergency shelters for children and young people at risk.

The National Commission for Protection of Children and Young People at Risk coordinates the work of different agencies and organisations in the field of assistance to children at risk; supports the establishment of emergency shelters for children and young people at risk.

CONTACTS:

Website: <http://www.cnpcjr.pt/>

###### **Directorate General of Social Affairs**

The Directorate General of Social Affairs provides psychological counselling to children participating in criminal proceedings and is responsible for the protection of and assistance to child victims of crime.

The Directorate General of Social Affairs monitors the execution of penalties and other measures imposed on offenders; provides psychological counselling to children participating in criminal proceedings; is responsible for the protection of and assistance to child victims of crime.

CONTACTS:

Website: <http://www.dgrs.mj.pt/>

###### **The Portuguese Association for Victim Support**

The Portuguese Association for Victim Support (APAV) provides information and free and confidential legal, psychological, social, emotional and practical support to victims of crime.

The Portuguese Association for Victim Support (APAV) provides information to victims of crime in general; provides emotional, social, legal, psychological and practical support; maintains a Network of Victim Support Offices throughout Portugal; has a special Support Unit for Migrant Victims of Crime and Victims of Discrimination.

CONTACTS:

Website: <http://www.apav.pt/>

For contact details of the Network of Victim Support Offices and the Support Unit for Migrant Victims of Crime and Victims of Discrimination click [here](#).

###### **Commission for Equality and Against Racial Discrimination**

The Commission for Equality and Against Racial Discrimination is an independent commission, specialised in combating racial discrimination, which receives and investigates complaints of racial discrimination.

The Commission for Equality and against Racial Discrimination is an independent commission, specialised in combating racial discrimination; receives and investigates complaints of racial discrimination; collects data and information about incidents of racial discrimination.

CONTACTS:

Website: <http://www.cicdr.pt/>

###### **Open Window - Support to Victims of Domestic Violence**

The Open Window - Support to Victims of Domestic Violence is a local organisation providing support to victims of domestic violence in the region Vale do Sousa.

The Open Window - Support to Victims of Domestic Violence is a local organisation active in the region Vale do Sousa; provides confidential and free of charge psychological, legal and social assistance to victims of domestic.

CONTACTS:

Website: <http://janelaaberta-valedosousa.blogspot.com/>

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