Pravice žrtev – po državah

Luksemburg

Za **žrtev kaznivega dejanja** veljate, če ste v dogodku, ki se po nacionalnem pravu šteje za kaznivo dejanje, utrpeli škodo, na primer če ste bili poškodovani ali je bilo poškodovano ali ukradeno vaše premoženje itd. Kot žrtev kaznivega dejanja imate zagotovljene nekatere individualne pravice, ki jih lahko uveljavljate pred sodnim postopkom (glavno obravnavo), med njim in po njem.

Kazenski postopek v Luksemburgu sestavljata dve fazi: preiskava in glavna obravnava. Preiskavo običajno izvedeta policija in/ali preiskovalni sodnik. Po končani preiskavi bo zadevo obravnaval zunajobravnavni senat. Ta bo odločil o predložitvi zadeve sodišču ali njenem končanju na tej stopnji.

Če bo zadeva predložena sodišču, bo to izvedlo obravnavo, na kateri bo preučilo zbrane dokaze in odločilo, ali je obtoženec kriv ali ne. Če bo spoznan za krivega, ga bo sodišče obsodilo in mu naložilo kazen. Če na podlagi zbranih dokazov obtoženca ne bo mogoče razglasiti za krivega, ga bo sodišče oprostilo.

Za informacije, ki jih potrebujete, kliknite na spodnje povezave

1 - Moje pravice kot žrtve kaznivega dejanja
2 - Prijava kaznivega dejanja in moje pravice med preiskovanjem kaznivega dejanja ali med sojenjem
3 - Moje pravice po sojenju
4 - Nadomestilo
5 - Moje pravice do podpore in pomoči

Zadnja posodobitev: 08/11/2018

Strani v jezikih držav članic pripravljajo posamezni nacionalni organi, njihov prevod pa zagotavlja prevajalska služba Evropske komisije. Prevodi zato morda še ne vsebujejo kasnejših sprememb izvirnika, ki so jih vnesli nacionalni organi. Evropska komisija ne prevzema nobene odgovornosti za informacije ali podatke, ki jih vsebuje oziroma na katere se sklicuje ta dokument. Za pravila o avtorskih pravicah države članice, ki je odgovorna za to stran, glejte pravno obvestilo.

1 - My rights as a victim of crime

What information will I get from the authorities (e.g. police, Public Prosecutor's Office) after the crime occurred but before I even report the crime?

The police or Public Prosecutor's Office informs victims of the following without delay and in accordance with Article 3(7) of the Code of Criminal Procedure, in a language understood by them:

the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialised support, including psychological support, and an alternative accommodation;

the procedures for making complaints with regard to a criminal offence and their role in connection with such these procedures;

how and under what conditions they can obtain protection;

how and under what conditions they can access lawyers and legal aid under the conditions provided for by law and any other sort of advice;

how and under what conditions they can access compensation;

how and under what conditions they can exercise the right to interpretation and translation;

the available procedures for making complaints where their rights are not respected;

the contact details for communications about their case;

opportunities for mediation and restorative justice;

how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed;

their right to an individual assessment with the victim support service to verify the need for specific handling to prevent secondary victimisation;

depending on their needs, additional details will also be provided to the victim as appropriate at each stage of the proceedings;

their right to be accompanied by a person of their choice where, due to the impact of the crime, they require assistance to understand or be understood.

In addition, the Legal Reception and Information Service, the Victim Support Service of the Central Social Assistance Service and the Ministry of Justice also offer help and advice.

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

Where victims are foreigners (European and third-country nationals), they can take advantage of the rights set out above and they are informed about how to exercise their rights when residing in another EU Member State, i.e. their right to lodge a complaint before the Luxembourg police authorities.

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

Victims are entitled in particular:

to be automatically informed 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 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 does 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'* (http://www.police.public.lu/fr/aide-victimes/flyer-aide-victime-fr.pdf) available in Luxembourgish, French, German, English and Portuguese and an information sheet *'Infodroit'*. (http://www.police.public.lu/fr/aide-victimes/infodroit-victime.pdf).

How is my privacy protected?

The privacy of victims is protected by the Luxembourg Constitution. Article 11(3) states that *'the State guarantees the protection of privacy, with the exceptions established by law.*

The police and the justice system have an obligation to offer victims protection in the event of threats or acts of revenge committed by the perpetrator, among others. This protection should be available from the beginning of the investigation and during its entire duration. Victims also have the right to be protected from all intrusions into their private lives, and in any case directly after the crime.

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 State 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 (http://www.guichet.public.lu/citoyens/fr/organismes/service-central-assistance-sociale/index.html) signed by the victim and sent to the territorially competent Chairman of the Bar Association (Diekirch or Luxembourg).
The questionnaire to be completed will include in particular:
the identity (surname, first names, place and date of birth, occupation, domicile, marital status, nationality) of the victim;
the nature of the litigation for which the legal aid is required;

the family situation of the victim;
the financial circumstances of the victim.
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;
where applicable, supporting documents for the ownership of real estate located abroad;
documentary evidence of movable assets (cash, savings, shares, bonds, etc.);
if the household is a tenant, a copy of the lease contract and rent receipts for the last three months;
if the household is repaying a mortgage, proof of payment of the monthly amount;
documentary evidence of income from real estate and movable property;
documents relating to the case in question.

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

After the insufficiency of resources has been checked, the granting or refusal of legal aid will be notified by the Chair of the Bar Council or the member delegated by the Chair for the purpose, by **ordinary post** if it has been granted and by registered letter if it has been **refused**. The Chair appoints the lawyer that the victim has freely chosen or, if no choice has been made or the Chair considers the choice inappropriate, a designated lawyer.
Notaries and bailiffs are appointed ex officio by the court dealing with the case within the legal aid framework.
If legal aid is granted **during the proceedings,** the costs incurred by the victim will be reimbursed.

Unreimbursed costs

If the victim receives legal aid and is ordered to pay costs, these will be borne by the State.
In criminal cases, legal aid does not cover the costs and fines imposed on persons who are convicted.

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

If a case is closed before going to court, the notice specifies the conditions under which victims may initiate proceedings by bringing a private prosecution or a civil party claim.
If the penalties for the crimes are criminal penalties or correctional penalties, the notice includes the information that victims may apply to the State General Prosecutor, who has the right to instruct the state prosecutor to prosecute.
If the judicial council (*Chambre du conseil*) decides not to refer the criminal case to a court that would decide on the guilt of the alleged perpetrator, victims can appeal to the judicial council of the Court of Appeal. They therefore have the right to submit requests and comments to this council.
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 damage.

Can I be involved in the trial?

Just as during the enquiry/investigation, victims can take part in the proceedings without having any special status or as a civil party.
Victims may attend both public and non-public hearings, but only if they are summoned as witnesses. They may also be called as witnesses to the oral pleadings. To this end, they receive a written summons from the Public Prosecutor and must answer both the questions of the Court and the questions put by the lawyer for the opposing party. During the trial, victims sit at the back of the court room to prevent them from being in direct contact with the accused.
Civil parties receive a written summons to the oral pleadings. They also have the right to attend public and non-public hearings, and must be present to submit their applications. In principle, they intervene after the hearing of the witnesses. In addition, they may have the case argued on all matters relating to 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?

Your official role in the judicial system is that of victim without a special status. Victims have the right to join the proceedings as civil parties.

What are my rights and obligations in this role?

Victims have in particular the right:
to the use of a language understood by them, or otherwise to have recourse to an interpreter in the case of a complaint to the police service;
to receive, free of charge, a copy of the complaint and the documents they lodged in support of the complaint;
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 interim measures to make 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.

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3 - My rights after trial

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 civil party, you have the right to legal aid for any question relating to the carrying out of the judgment.
As a victim of an 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 told if the offender is released (including early or conditional release) or escapes from prison?

On the basis of Article 4(1) of the Code of Criminal Procedure, you can, upon specific application to the Public Prosecutor General's Office, be informed of the release or escape of an offender if there is a danger or identified risk of harm to you, unless this notification involves a risk of identity of harm to the offender.

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

No.

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To jezikovno različico trenutno prevajajo naši prevajalci.

Opozarjamo, da so že na voljo naslednje jezikovne različice: fr.

4 - Compensation

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

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.

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

B. Non-governmental organisations (NGO):

***1. Support for Crime Victims (*Aide aux Victimes de la Criminalité) - Wäisse Rank Lëtzebuerg 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

Website: http://www.benevolat.public.lu/de/espace-benevole/decouvrir-associations/chercher-association/associations/?~=/de/assoc/212

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/

- 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 DudelangeL-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
Tel.: (+352) 27 49 65
Fax: (+352) 27 49 65 65
E mail: info@infomann.lu
Website: http://www.infomann.lu/
6. Accredited consultation and assistance centre for perpetrators of violence, including domestic violence - Riicht eraus 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: riichteraus@croix-rouge.lu
Website: http://www.croix-rouge.lu/riichteraus/
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?

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

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.

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