

## **STATUTE OF VICTIMS**

### **\* Definition of Victim – article 67 – A Code of Criminal Procedure**

a) **“Victim”**:

i.) A single person that suffered a damage, namely an assault to his/her physical or psychological integrity, a moral or emotional damage, or a damage to property, directly caused by action or omission, in the scope of a crime;

ii.) The relatives of a person whose death has been directly caused by a crime and that has suffered damages as a consequence of that death;

b.) **“Particularly vulnerable victim”**, the victim whose special fragility results, namely, from his/her age, health or from a disability, as well as the fact of the type, the degree and the duration of the victimisation has resulted in injuries with serious consequences in his/her psychological balance or in his/her social integration.;

c.) **“Relatives”**, the spouse of the victim or the person who lived with the victim in similar conditions as a spouse, his/her direct relatives, the siblings and the persons economically dependant on the victim;

d.) **“Child or youngster”**, a singular person under 18.

2 – For the effects as laid down in paragraph ii) from subparagraph a) from nr. 1, are part of the concept of victim, by the following order and prevalence, the surviving spouse not judicially separated from people or goods, or the person who lived with the victims in similar conditions as a spouse, his/her descendants and ascendants, in the strict sense that they have suffered a damage as a result of the death, with exception to the author of the facts that provoked the death.

3 – The victims of violent deaths and of particularly violent criminality are always considered particularly vulnerable victims for the effects of the provisions laid down in paragraph b) from n.º1.

4 – The victim is entitled to the right of information, of assistance, of protection and active participation in the criminal proceedings, laid down in this Code and in the Statute of the Victim.

5 – The victim has the right to cooperate with the competent police and judicial authorities, giving information and providing evidence which is necessary to the discovery of the truth and to the good decision of the cause.

The victim of a crime of domestic violence is considered to be a particularly vulnerable victim, by force of the combination of the provisions article 3, nr. 3 Law 130/2015 04<sup>th</sup> September and article 1 paragraph j) of the Code of Criminal Procedure.

## **2. THE RIGHT TO INFORMATION – article 11 Law 130/15, 4<sup>th</sup> September**

The right to information is extremely important for all the victims, as only being well informed, may the victim take part in the process in a way to fully exercise all his/her rights.

The information must be transmitted to the victim in a simple and clear manner, so that it can be fully understood by her/him (the victim).

If the victim feels fragilised and with a need of support, he /she may be accompanied by a relative, a friend, a lawyer or technician who gives assistance and support to victims, and who helps to understand and to register all the information that is given.

The victim of crimes has the right to receive information, both from his/her rights and from the developing of his/her criminal proceedings- except in the situation in which, due to the judicial secrecy – and the main decision there taken. This information must be given in every phase of the proceeding by the police authority which is responsible for the investigation or by the holder of the criminal prosecution, the State Prosecution.

Furthermore, all the services of victim support may also have in this matter, a very important function. Thus, the victim may search for this information with the criminal police, more precisely, with the force that has taken note of the incident, by the Public Prosecution, that leads the investigation, or, in a more general way, even to inform himself/herself of the rights, by the different associations of Victim Support.

### **2.1. Information about the rights – nr. 1, article 11 Law 130/15, 4<sup>th</sup> September**

From the moment on that there is the first contact with a public authority, be it the 'Public prosecution or any Criminal Police Force, the victim has the right to be informed about the following issues:

- a) What kind of support may he/she obtain and who may give them, namely medical assistance, psychological support, specialized support and , whenever it is necessary, shelter;
- b) How and where a complaint may be lodged or denounce a crime;
- c) How and in which conditions protection may be obtained;
- d) How judicial counselling and judicial legal counselling may be obtained;
- e) How and in which conditions a compensation from the individual who committed the crime is obtained;

\* Must also be informed about;

- 1.) In cases in which a violent crime or domestic violence, how and in which conditions a compensation from the State may be obtained;

- 2.) How he/she can benefit of the services of translation and interpretation;
- 3.) When the victim does not reside in Portugal, which special proceedings are available so that the victim may defend his/her interests in our country;
- 4.) How to claim in case his/her rights are not respected by the authorities;
- 5.) Contacts of the authorities that the victim should use to transmit or ask for information about the process;
- 6.) Which mediation services are available;
- 7.) How and in which conditions may the victim be reimbursed of the expenses which result from his/her participation in the process.

The type of information aforementioned, may however vary, according to the specific necessities of each victim, and with personal circumstances and also with the type of crime.

**2.2. Information provided about the criminal proceedings where the case is being investigated – nrs. 4, 5 and 6 from article 11 Law 130/15, 04<sup>th</sup> September**

The victim has the right to be informed about the monitoring given to the complaint whenever the victim it requests, including the decision to file the process, or of charging the defendant or in the cases of domestic violence, the possibility of a provisional suspension of the process.

He /she has also the right to be informed of the day, hour and local of the trial, as well as of the reading of the sentence.

For this purpose, it is convenient that the victim declares that he/she wants to be notified of all the decisions pronounced in the criminal proceedings, as well as the reasons for the same. He/she also has the right to be informed of the release or escape from prison of the defendant or convicted who has been the author of the crime suffered by the victim, moreover and specially in cases of an extreme dangerous nature of the defendant, of information about the main judicial decisions that affect his/her status, in particular the enforcement of coercive measures.

It is to be highlighted that in spite of everything that was previously referred to, the victim has also the right of not being informed about everything that was referred to.

The victim cannot refuse to be informed, in the cases in which its position in the process is that of a civil part or of an assistant, and as such demands its notification as to be able to proceed with the defence of his/her interests and rights.

The victim has also the right to consult the process whenever he/she desires it, except when, during the phase of inquiry, the process is in legal confidentiality and the public prosecution is against it for considering that it may harm the strategy of investigation or to be violating of the rights of the other participants in the proceedings.

### **2.3. The Right to Receive a Receipt of the Complaint – nr.3 article 11 Law 130/15, 04th September**

At the moment when the victim lodges the complaint or the criminal complaint, the victim has the right to immediately receive and without the need to lodge any requirement, a receipt/proof that confirms that submission and that contains a brief summary of the essential facts of the crime in question, including the type of crime suffered, the date and place of the occurrence as well as the damage caused.

If the victim does not speak/understand the Portuguese language he/she has the right to receive this document in his/her mother tongue or in any other he /she understands.

### **2.4. The Right to Translation – nr. 3 article 11, Law 130/15, 04<sup>th</sup> September**

In all procedural acts, the Portuguese language is used.

When the victim does not dominate the Portuguese language and has to take part in a procedural act , has the right to be nominated, by request of the authority in charge, an interpreter who knows well the Portuguese language and the language spoken by the victim.

The appointment of an interpreter has no cost.

### **2.5. The right to access the services of Victim Support – paragraph a) nr. 1 article 11 Law 130/15, 04<sup>th</sup> September**

The victim has the right to benefit from free and confidential support services, before, during and after the criminal proceedings.

### **2.6. The Rights in case of a non charge of the suspect**

If at the end of the phase of the Inquiry of the Public Prosecution considers that there is no sufficient evidence in order to take the defendant to trial, the proceedings are filed.

If the victim does not agree with the decision of the Public Prosecution, has the right to lodge a requirement to the Investigating Judge, requesting the opening of an instruction phase.

The deadline to request the opening of the instruction phase is of 20 days counting from the notification of the decision of the Public Prosecution, and the victim has to become an assistant in order to be able to do so.

The victim may, in alternative, lodge a requirement addressed to the hierarchical superior of the prosecutor, in the Public Prosecution office who decided to file the proceedings, requesting to review the evidence or to continue the investigation.

If this is the case, he/she should indicate in a documented way, the reason for which he /she does not agree with the decision of the Magistrate of the Public Prosecution , or really present new evidence which he/she understands should be taken into account in the investigation.

If he/she decides for this possibility, disposes of twenty days from the date of the opening of the instruction cannot be required to request that intervention, not being in this case necessary its constitution as an assistant.

### **2.7. The right to mediation**

In proceedings related to some crimes of minor gravity, such as menaces, minor injuries, assault, among others, the law allows that one tries to solve the issue through a mediation between the victim and the defendant, provided that the later has already recognized the practice of the crime.

Thus, in the inquiry phase the Public Prosecution may, by own decision or by the victim's request and of the defendant, forward the proceedings to mediation, informing of this mediation and that they will be contacted by the mediator.

The mediator is always a professional with a special training to perform this function, being that this qualification has to be recognized by the Ministry of Justice, being assigned to promote and facilitate the communication between the participants in the mediation.

This process of mediation is for free, confidential and voluntary, the victim only takes part in the process if he/she wants to and may withdraw at any moment.

The mediator, in the first contact with the victim, must explain what the mediation consists of, which outcome and consequences it might have, which rights and duties of the participants and what role the mediator has. This information is very important so that the victim may feel enlightened and decide if he/she wants to participate or not.

The process of mediation has as its aim provide to the victim and the defendant a space of communication, with the help of an impartial mediator, in which he may express the harm which was provoked by this crime and that the defendant can assume the responsibility for the act. The victim and the defendant can still try to find together a way of reparation, which might be the payment of a compensation, a provision of an activity by the defendant which benefits the victim or the community in general, or even and apology.

If they reach an agreement, the mediator will inform the Public Prosecution, being that the consequence of this agreement the criminal proceedings will be filed.

If during the mediation there is no agreement, then the criminal proceedings will proceed.

The appeal to mediation is forbidden in cases of domestic violence.

### **2.8. The right to information and juridical protection**

The system of access to the law and to the courts is designed to ensure that nobody is hindered or impeded, on grounds of its social or cultural condition, or due to insufficient economical means, knowledge, the exercise or the protection of his/her rights.

The victim has the right to a judicial appointment and counselling about his role during the process.

When the victim is assistant or civil part, or when, being a witness, intends to be accompanied by a lawyer in the act of the process and has no other economical means to support the corresponding expenses, and has also the right to judicial support.

The judicial support may consist in:

- Total or partial exemption dispense of the payment of the justice tax;
- Appointment and payment of lawyers' fees; or
- Pagamento faseado da taxa de justiça ou dos honorários de advogado.

Who decides about the requests of judicial support is in the social security, with basis in a calculation formula which takes into account the assets, the income and the expenses of the applicant. The request for judicial support must be lodged in printed documents freely available in the social security services, having also the possibility to lodge/present it personally, by fax, mail or through the internet, in this case through the filling in of the corresponding digital form. The request must be accompanied by a set of documents that are used to confirm the economic difficulties of the applicant, and the decision is made in 30 days maximum.

The presentation of this request does not imply any cost for the victim.

The victims of Domestic Violence to whom the statue of victim has been attributed they are exempted of costs.

### **2.9. The Right to Compensation due to the Participation in the Process and Reimbursement of Expenses**

The victim that intervenes as a witness in the criminal proceedings has the right to be compensated for the time spend due to his/her participation in the process, as well as of being reimbursed of the expenses made as a result of that participation. The compensation must be requested by writing, in a standard form available in the courts.

The compensation that the victim is entitled to is between 7 and 13 euros for each travel to the court, being determined according to the distance done by the witness and the time that the witnessed used.

**3. The right to the restitution of n.º 3 article 11 law 130/15, 04<sup>th</sup> September, as well as the provided in this matter in the Code of Criminal Procedure**

It may happen that, due to the crime and during the so resulting investigation, goods of the victim are seized. As soon as it is not necessary to keep this apprehension, as soon as all the exams or expertise are accomplished, the victim has the right that his/her goods or objects are immediately returned.

In some cases in order to be entitled to have their goods returned, the victim has to request their devolution /return of them in written to request their return.

After being notified to recover its goods, the victim has a deadline of 3 months to doing so.

**4. The Right to Compensation**

The victim of a crime, from which damage of moral or material nature have resulted, has to right to be compensated in the civil sphere, for the occurrence of the damages.

The duty to compensate is of the responsibility of the author of the crime.

In case of conviction, the defendant may be obliged to compensate in the civil sphere the victim in an amount set by the Court, provided there has not been claimed a request for a civil compensation in the criminal proceedings or at separate and if the victim does not oppose to that, when specific demands of protection of the victim so demand, in accordance with article 82, of the Code of Criminal Procedures.

In the cases of domestic violence it is mandatory the setting of an amount due to compensation of the victim, except if the victim opposes to that –article 21, Law 112/2009 16<sup>th</sup> September.

However, in some cases, it is stated that the author of the crime, does not have the possibility, even in a coercive manner, compensate the victim of the crime.

In these cases, provided we are in presence of a violent crime or a crime of domestic violence, the State may take the liability of paying an adjournment of the compensation, in accordance with the provisions in Law 104/09, 14<sup>th</sup> September.

- **Compensation by the author of the crime**

The victim has the right to be compensated by the author of the crime, be it for the material damages be it for the non-pecuniary losses that the defendant has caused.

This compensation, of a civil nature, might and should be required and decided in the criminal proceedings. In this case, the victim must inform the police or the Public Prosecution, until the end of the inquiry phase, and wants to lodge a request for compensation, may do it, for example when the victim is going to provide a statement.

If it is not done, by the decision of the victim, when notified of the Order of Prosecution issued by the Public Prosecution, receives the wanted information, must require the request for civil compensation, both for material damages and for moral damages suffered. There is a deadline of 20 days to lodge that request, from the date of the notification, previously mentioned.

If the request is above 5.000 euros, it has to be presented by a lawyer in representation of the victim.

If it is equal or inferior, the victim itself may do it.

The request for civil compensation must not be subject to special formalities:

A requirement should suffice, it should have a brief description of the facts in which the requirement is based and indicate the following damages and corresponding values:

- Property Damages, which include:
- The damages caused by the crime, as for example the costs with hospital treatment, expenses with medicines, travel expenses due to doctor's appointments, damaged clothes, etc.
- And the benefits that the victim ceased to receive due to the crime he/she suffered, as for example wages that the victim ceased to earn while he/she was unable to work...
- The material damages as they are measurable, have to be proven, therefore, material or documental evidence related to the facts has to be presented.

\* **Moral damages ( non-pecuniary loss),** which are the damages that, are not possible to evaluate economically, as the honour and the reputation of the victim are at stake, they can only be compensated with the obligation imposed to the author of the crime of paying a specific amount to the victim. Moral damages are, for example, physical pain, psychological distress, emotional suffering, loss of prestige or reputation, etc.

If the individual sentenced to pay the compensation doesn't do it on a voluntary basis, the victim must lodge an executive action against him/her, this is, request a court to execute it, namely to execute, that is, that the seizure, of his/her patrimony is undertaken – bank accounts, buildings, vehicles or other goods – in a way to ensure the payment of the value of the compensation.

- **Compensation of the state by the Portuguese State to victims of violent crimes**

The protection to victims of violent crimes consists in the attribution to these victims of a compensation by the state, when the same compensation cannot be supported by the individual that practised the crime and if the damage has caused a considerable disruption in the level and quality of life of the victim.

**People who have the right to this Compensation:**

- The victims of serious bodily harm, and that;
  - a) Cause a permanent or an absolute temporary disability of at least 30 days, or the death, directly resulting from acts of violence;
  - b) That due to the crime, have suffered a considerable disruption in the level and quality of life;
  - c) It has not been possible to obtain from the author of the crime the payment of the civil compensation, in the enforcement of the judgement.

- In case of the death of the victim, the people to whom the law concedes the right to alimony, as for example the children, or those who lived in non-marital status with the victim, if at the time of the crime, they were economically dependent on the victim;

- The people who helped the victim or cooperates with the authorities in the prevention of the crime, persecution or detention of the individual who practised it, as for damages suffered because of the crime and if the requirement with regard to the damages suffered by this and since the requirements foreseen in paragraphs a), b) and c) nr. 1 article 2, Law 104/09, 14 September, are met

\* In the cases of sexual crimes, the permanent incapacity or temporary absolute incapacity of at least 30 days, be exempted. This exception is justified by the fact, that although those types of crimes does not cause, usually, an incapacity for work that of least 30 days, is even so justifiable the attribution of a compensation, due to the seriousness of the crime.

The request for compensation may be lodged until one year from the date of the crime or, if there is a criminal proceedings - until one year after the final decision. The victim at the date of the crime was minor of age may lodge the request until one year after having reached the majority of age or of being emancipated.

The request is sent to the Commission of the Protection to Victims of Crimes. It must be submitted on a proper requirement, available for instance, in the premises of that Commission and in the site of the Ministry of Justice, as well as in the sites of the different Victim Support Associations.

The support is free and the victims may represent themselves, by the Victim Support Associations or constitute an authorised representative.

In the case that the crime was committed in the territory of another member state of the European Union, the request for the concession of the compensation to be paid by that member state may be submitted to the Commission to the Protection of Victims, provided that the applicant has its habitual residence in Portugal.

- **Compensation to Victims of Domestic Violence**

The State may grant, to victims of domestic violence a compensation, in six cash payments - whenever, as a result of the crime of domestic violence suffered, they have a situation of a serious economic deprivation.

The request is lodged to the of Victims of Crimes. It must be lodged in a proper document, available in the facilities of the Commission, in the web site of the Ministry Of Justice, or in the several sites of the Associations of Support to the Victims. To the requirement a copy of the complaint should be attached or the file issued by the police.

The amount of the monthly payments cannot be superior of the minimum wage.

#### **5. The Right to Protection – article 15, Law 130/15, 4<sup>th</sup> September**

The victims and their relatives have the right to protection against acts of retaliation, intimidation or of continuing criminal activity against them. They have the right to be protected against acts that may put at risk their lives, their physical integrity, their emotional and psychological well-being their dignity when they make their statements.

Whenever the authorities consider that there is a serious threat of vengeful acts or strong evidence that the security and privacy of the victim may be serious and intentionally disturbed, it should be ensured to the victim, as well as to his/her family or other close persons, an adequate level of protection.

#### **Enforcement Measures**

The protection and the security of the victims may be safeguarded, for example, through the application to the defendant of enforcement measures.

Enforcement measures is a restriction to the defendants freedom, that may be applied in the course of the criminal proceedings, in case there is danger of escape, danger for the obtaining or the conservation of the proof of the crime, danger for the public order and/or danger of the continuing of the criminal activity.

- There are several Enforcement Measures, as for example:
  1. Identity and Residence, it consists in the duty/obligation of the defendant not changing the residence that he indicated in the process nor being absent for more than 5 days without communicating the new residence or the place where he might be found;
  2. Mandatory Presentation in the Police Department – The obligation to periodical presentation of the defendant, usually in the police station of his area of residence;
  3. The suspension of the Exercise of his/her profession, of duties, of activities and of rights;
  4. The Prohibition and Imposition of Behaviour, as for example the prohibition of the suspect contacting the victim;
  5. The obligation of staying inside the home, with or without electronic surveillance;
  6. Pre- trial detention.

If the victim considers that an application of a specific coercive measure is the adequate way of ensuring its protection, the victim of a crime may present the situation to the Public Prosecution and request the application of that particular measure. The Public Prosecution must then make an evaluation of the measure, in terms of the existent legal framework, and also in all the other factors that have influence in the criminal proceedings itself and request the (Investigating) Judge the application of the adequate measure to the specific case.

All coercive measures to the exception of the Measure of verifying the Identity and Residence are all implemented by a Judge.

- Protection of the victim and other witnesses

Whenever the life of the victim or of another witness, or his/her physical integrity, psychological, or his/her freedom or material goods of a considerable value be put at risk due to its contribution to the investigation and for obtaining proof of crime, these may require the application of means of protection.

The following means of protection have an exceptional nature, which can only be applied if, in concrete, they reveal themselves to be the only necessary and adequate to the protection of the people- victims and witnesses- and to the accomplishment to the purposes of the process.

- Concealing: the court may decide, based on circumstances that suggest a great risk of intimidation of the victim, that the statement must take place in a public place with

concealment of the image, cumulatively or not with voice distortion as to avoid the recognition of the witness

- Teleconference: as to more serious crimes, and whenever it is justified by strong reasons of protection, the use of teleconference is acceptable, namely, the witness is not going to make her statement in the audience room but from another public building, preferably in a criminal investigation department building, a police station or even a prison, and in the presence of a judge. This statement might be done concealing the image and with voice distortion.

- The right to withheld the Identity of the Victim or other witness: not revealing the identity of the victim or any witness may take place at any or at all phases of the process. The victim or the witness whose identity has not been revealed may give a statement using image concealment (cumulatively or not with voice distortion) or a teleconference.

- Temporary Measures of Security: as to more serious crimes, and whenever strong reasons of protection so justify, the victim or another witness may benefit of temporary measures of security, namely the transport in a vehicle provided by the state in order to participate in the procedural act, police protection or a change of the physical place of usual residence, among others.

- Special Security Programme: As to certain crimes among the most serious ones, the witness, the spouse, ancestors, siblings or other people that are close and may benefit, if they want, of a special programme of security, during or after the course of the proceedings, if certain conditions are met. The special programme of security includes the application of one or several administrative measures of protection and of support, namely the supply of documents that give the victim or the witness a “new identity”, a change in the facial or physical appearance, the concession of a new house, in the country or abroad, by the period of time determined or the concession of a maintenance allowance by an unlimited period of time.

- Privacy – The victim and his/her relatives have the right to privacy during the criminal-proceedings.

The fact that the proceedings are a public does not mean that the facts that concern the private life are not part of the evidence.

Besides that, the means of communication cannot, before the sentence, disclose procedural parts or documents, unless they have the authorization by the judicial authorities, Also they

cannot broadcast images or sound of a procedural act, namely the judgement, unless the judge allows it and that there is no opposition by any of the participants.

In processes of sexual crimes or for human trafficking, the public is not allowed to assist to the procedural acts. In these proceedings, as well as in crimes against the honour or against privacy, the means of communication cannot publish the identity of the victim.

In case any organ of communication disrespects any of these regulations, the victim must lodge a complaint against a crime of disobedience. The victim must also communicate this situation to the Regulating Authority for the Media.

To find out more about the Regulating Authority for the Media or to access the form to report an incident, please click [here](#).

- **Prohibition or Decision of No Contact with the suspect**

The victim has the right of not meeting or not enter into contact with the defendant, namely, in the court buildings and at the police station and posts, through the existence, whenever possible, of entry and exit doors and of waiting areas for the victims different from those used by the defendant and his/her relatives or other people close to the victim.

Unfortunately many of the Portuguese courts are not prepared nor have the conditions to fully ensure this right but, even so, whenever the victim has founded reasons to want to avoid the contact with the defendant, must claim, within the possible, an alternative option to the entering and leaving, as well as a different waiting room from the one used by the defendant and relatives.

#### **6. Victims with special need of protection – article 20, 21 and 22 Law 130/15, 4<sup>th</sup> September**

Victims with special needs of protection are all those that, regarding their personal characteristics, the nature of the crime suffered and/or the circumstances in which this occurred, is particularly vulnerable to the continuing of the victimisation, secondary victimisation, intimidation or retaliation, so it needs some special care, specially at a protection level.

This vulnerability must be evaluated case by case, but special attention must be given to victims who suffered a considerable damage due to the severity and seriousness of the crime, to victims of crime motivated by discrimination based on personal characteristics of the victim

and the victim whose relationship and dependence in regard to the author of the crime which makes them (victims) particularly vulnerable. Consequently, they deserve a special attention to the victims of crime of terrorism, of all types of organised crime, crime of human trafficking, crimes of violence of gender, of domestic violence, crimes of sexual violence and hate crimes.

Independently of the kind of crime suffered, the children, the elderly people and the people weakened by disease or handicapped people must be particularly taken into consideration when evaluating the issue of the 'special vulnerability'.

When in a determined procedural act the particularly vulnerable victim must participate, the Public Prosecutor or the judge shall provide for , independent from the enforcement of other measures, ,that act shall have the most suitable conditions, as to ensure the spontaneity and the sincerity of the answers:

- The testimony of the special vulnerable victim must take place as soon as possible;
- This enquiry must be done by a professional particularly qualified for the effect and, in the case that the victim has to be heard more than once, the enquiries must be done, as a rule, always by the same professional;
- The enquiry of a victim of sexual violence, violence of gender, or of violence in the sphere of intimate relationships, when not done by a judge or the Public Prosecution, must be done by a person of the same gender if the victim so wishes;
- The procedural acts must be organised de in such a way that the particularly vulnerable witness never meets with certain parties involved in the same act, namely the defendant;
- Whenever it is justifiable to avoid visual contact between the victim and the defendant, the victim must be heard with the resource of means of concealing or of teleconference, being even not present at the court room;
- The victim must be surveyed by the Judge, after that, the other judges, the Public Prosecutor, o defender of the defendant and the lawyers of the civil parts may require formulating questions that will be done by that one and not directly by these;
- The victim shall not be asked questions about his/her private life that are not related with the crime suffered;
- In some cases, the procedural acts, including the trial, they may occur without the presence of an audience.

As soon as the special vulnerability of the victim is perceived, the authority must appoint a social service technician or another person particularly qualified for technical support and, if it is the case, provide the victim with the necessary psychological support by a specialised technician.

At any phase of the process, the Judge, by application of the Public Prosecutor's office, may determine the temporary withdrawal of the victim particularly vulnerable from the family or a closed social group in which he/she is inserted, being hosted in an institution.

All these measures may also be implemented to witnesses who, in accordance with the criteria aforementioned, may be considered particularly vulnerable.

**In accordance to Law 71/2015, 20<sup>th</sup> July**

The victim may request a **European Decision of Protection** against the assailant already subject to coercive measures of/constraint/ restrictive prohibition of contact, in accordance with article 4, Law 71/2015, 20<sup>th</sup> July , when the life or the physical or psychological integrity are at stake, dignity, personal freedom or sexual integrity, **ensuring in this way the protection in the European Union space.**

**6. Rights of who is a victim in a country of the European Union other than the country of residence – article 19, Law 130/15, 04<sup>th</sup> September**

To suffer a crime in a foreign country, puts the victim in a situation of special vulnerability, due to the lack of knowledge of the judicial proceedings and of the resources of support available, and of the difficulties resulting from the understanding of a different language, all allied usually to a short stay of the victim in the country where the crime occurred, all factors that make it difficult to participate and to follow the proceedings.

Who suffers a crime in a country that is not his habitual residence must benefit from the adequate measures which lead to the removal of the difficulties that may appear because of this fact, specially regarding the criminal procedures, namely through the provision of all necessary information by the authorities and the appointment of an interpreter that guarantees the total understanding of the proceedings. It is ensured to a person that resides in a country of the European Union that has suffered a crime in another country of the European Union the possibility of lodging a complaint at the authorities of the country where they reside, whenever they didn't do it in the country where the crime was committed. In these cases, the authorities of the country of the residence of the victim, must communicate the complaint as brief as possible, to the competent authorities of the country where the crime was committed.

In the European Union, the victim of a crime which occurred in a country that is not the country of his/her residence benefits of the possibility of making statements immediately after the crime happened.

In Portugal, the victim that resides in another country may make statements for future memory, statements, that may be used as a proof in a trial, avoiding this way that the victim has to return to Portugal.

However, if it is necessary to hear the victim again and he/she is no longer in the country where the crime occurred, must be done, whenever possible, through telephonic conference or video conference from the country of residence.

The victim of a violent crime, practised in a Member State of the European Union that has his/her usual residence in another Member State may lodge its request for compensation at the Authority of his/her residence State with competence to assess and decide about this type of request.

This authority must transmit this request to the State authority in which the crime has occurred with competence in this area and follow the conduct of the corresponding proceedings.

In Portugal, the authority with competence to receive the requests of people who reside in other countries and who were victims of crime in Portugal and also to forward requests of people residing in Portugal and who were victims of crimes in other countries of the European Union is the Commission of Protection to Victims of Crimes. In Portugal, the authority with competence to receive requests of people who reside in other countries and that were victims of crimes in Portugal, whether to forward applications of residents in Portugal that were victims of crimes in other countries of the European Union is the Commission of Protection of Victims of Crimes.