

STATUTE OF THE VICTIM SPECIALLY VULNERABLE

I- RIGHTS

The following particularly vulnerable victim status applies to the following rights:

1. Right to Information

She/he was informed about,

- 1.1. The type of services or organizations she/he can go to for support and the type of support she/he can receive (See Annex);
- 1.2. Which procedures follow the complaint and what is her/his role in the complaint;
- 1.3. How and on what terms can she/he receive protection;
- 1.4. To what extent and under what terms may she/he have access to legal advice, legal aid or other forms of advice provided by law;
- 1.5. . What are the requirements to be entitled to compensation;
- 1.6. Under what conditions she/he has the right to interpretation and translation;
- 1.7. What are the procedures for filing a complaint if her/his rights are not respected by the competent authorities operating in the context of criminal proceedings;
- 1.8. What special defense mechanisms she/he can use, being resident in another State;
- 1.9. How and under what conditions can the costs incurred by her/his participation in criminal proceedings be refunded;
- 1.10. Under what conditions is she/he entitled to notification of judgments handed down in criminal proceedings;
- 1.13. The right to free assistance and translation of the written confirmation of the complaint, in a language she/he understands, whenever she/he do not understand Portuguese;
- 1.14. The right to consult the case and to obtain copies of procedural documents under the same conditions as the offender is permitted to do.

Without prejudice to the secrecy of justice, she/he may request information on:

- 1.15. The follow-up of the complaint (decision to close the case or not to rule on it, decision to temporarily suspend proceedings and the decision to prosecute or pronounce);
- 1.16. The state of the proceedings (including the place and date of the hearing, and the procedural situation of the accused, for facts concerning her, except in exceptional cases where this may prejudice the proper conduct of the case);
- 1.17. The judgment of the court;

She/he is also entitled to be informed, specially in cases of recognized danger of the defendant:

- 1.19. Main judicial decisions affecting the accused's status, in particular the application of coercive measures;

- 1.20. On the release or evasion of the arrested, accused, pronounced or convicted person;
- 1.21. The right to choose not to receive information should be assured unless the communication of such information is mandatory.

2. Expenses resulting from her/his participation in criminal proceedings

- 2.1. She/he has the possibility of being refunded for expenses incurred as a result of her/his legitimate participation in the criminal process, under the terms established by law.

3. Right to special protection measures

- 3.1. An adequate level of protection is provided to the victim and, when appropriate, to her/his family or persons in a similar situation;
- 3.2. By decision of the Public Prosecutor's Office or judicial, specially vulnerable victims must be assured the testimony by any compatible means, which protects them from the effects of the testimony given at a public hearing:
 - 3.2.1. The right to videoconference or teleconference when the statements involve the presence of the accused. The victim is accompanied by a specially qualified technician appointed by the Public Prosecution or court;
 - 3.2.2. The right to make statements for future memory in an informal and reserved environment. The victim should be assisted by a specially trained technician.
- 3.3. The right to be interviewed by the same person, if the victim wishes so and since the processing of the criminal proceedings is not prejudiced;
In cases of sexual violence, gender violence or intimacy, unless it is done by a Public Prosecutor or a judge, it may be carried out by a person of the same sex as the victim if she/he requires it;
- 3.4. Whenever it is necessary to protect her/him, the victim is guaranteed psychosocial support.
- 3.5. The right to temporary accommodation in host structures supported by the State;
- 3.6. The right to assistance by the health services integrated in the National Health Service located in the area where they were inserted, with exemption from the payment of fees;
- 3.7. The right to safeguard the dissemination of information to the public that may lead to the identification of the victim.

4. Right to a decision on compensation and restitution of property

- 4.1. The right to receive a decision on compensation from the criminal agente, within a reasonable time, is recognized in criminal proceedings;
- 4.2. Recoverable objects belonging to the victim, seized in criminal proceedings, shall be immediately examined and returned, unless they are of probative value or capable of being declared in favor of the State.

5. Rights of child victims

5.1. They have the right to be heard in criminal proceedings, taking into account their age and maturity;

5.2. In the absence of a conflict of interests, the child may be accompanied by the parents, by the legal representative or by the person who has custody during the testimony.

The appointment of an employer to the child is mandatory when his/her interests and those of his / her parents, legal representative or guardian are in conflict, and even when the child with adequate maturity requests the court.

II - DUTIES

The victim has a special duty of cooperation, and must act under good faith.