

Home>Your rights>Victims of crime>Victims' rights - by country

Victims' rights - by country

Austria

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

Criminal proceedings in Austria start with the investigation of the crime. The police and the public prosecutor carry out the investigation. After the investigation is completed the public prosecutor may decide to close the proceedings, to order alternative measures to conventional criminal proceedings or to continue the proceedings by bringing the case to the court. For certain criminal offences the trial starts only if you as a victim lodge a complaint to the court. In these cases no pre-trial investigation is carried out.

During the trial, the court holds a hearing and examines the collected evidence. Depending on the seriousness of the crime the case may be heard by: a single judge; or

a panel of one judge and two lay judges who decide on the question of guilt and on the penalty; or

a jury court consisting of three judges and an eight-member jury where the jury decides on the guilt of the defendant and the judges together with the jury determine the penalty.

You as a victim can take a significant part in criminal proceedings and thus benefit from a variety of rights available to you. You can participate as a victim without a specific legal status or have a more active role by formally becoming a civil claimant, subsidiary prosecutor or private prosecutor.

Click on the following links to find the information you are looking for:

[1 - My rights as a victim of crime](#)

[2 - Reporting a crime and my rights during the investigation or trial](#)

[3 - My rights after trial](#)

[4 - Compensation](#)

[5 - My rights to support and assistance](#)

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