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Victims' rights - by country

Португалия

You are a **victim of crime** if you have suffered harm of any kind, such as a violent act or damage to or removal of your property, as a result of an act classified as a crime under national law. As a victim of crime, under the law you have certain rights before, during and after criminal proceedings.

**Criminal proceedings in Portugal** take place in two stages: investigation and trial. During the investigation, the police and the Public Prosecution Service (*Ministério Público*) investigate the case and attempt to collect evidence that identifies who committed the crime. If there is sufficient evidence to consider that the suspect committed the crime, the Public Prosecution Service will forward the case to court for trial. The court, in turn, will examine the evidence collected and rule accordingly, acquitting or convicting the suspect.

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Last update: 07/04/2024

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#### **1 - My rights as a victim of crime**

##### **What information will I get from the authority after the crime occurred (e.g. police, public prosecutor), but before I even report the crime?**

From the moment you first contact the criminal police authorities or the Public Prosecution Service (*Ministério Público*), you have the right to be informed of: the kind of support available to you and who can provide it, such as medical assistance, psychological support, specialist support and, where appropriate, shelter;

how and where to file a complaint or report a crime;

how and under what conditions you can obtain protection;

how to apply for legal aid and advice;

how and under what conditions you can claim compensation from the offender;

in cases of violent crime or domestic violence, how and under what conditions you can claim compensation from the state;

how you can benefit from interpreting and translation services;

contact details of the authorities victims must use to provide or obtain information about the case;

how and under what conditions you can be reimbursed for expenses incurred in taking part in criminal proceedings.

This information may vary according to your specific needs and personal circumstances and the type of crime, and additional information may be provided at other points in the proceedings.

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

If you are a resident in an EU country and are a victim of a crime in Portugal and have not reported it, you may file a complaint with the authorities of your country of residence. The authorities in your country of residence will promptly forward the complaint to the competent authorities of the country where the crime was committed.

If you reside in another EU or non-EU country, you can provide statements for future recall, that is, statements that can be used as evidence at trial, so that you do not have to return to Portugal. That said, should you be required to provide further statements and are no longer in the country where the crime occurred, you can be heard via telephone or video conference from your country of residence.

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

In addition to the information indicated above, where you state that you wish to be informed of all decisions taken in the criminal proceedings, you are also entitled to be informed of the follow-up given to the complaint, including the decision to charge the accused person or to close or temporarily suspend the case, and the constraint measures imposed. You are also entitled to be informed of the day, time and place of the trial, and of the judgment.

##### **Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?**

Yes. If you are not proficient in the language and have to take part in a procedural act, you are entitled to be assigned, at the request of the authority responsible for such procedural act, an interpreter who understands Portuguese and the language you speak.

The appointment of an interpreter is free of charge.

##### **How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?**

After being provided with the standard document (indicating your rights and duties as the victim), a clear and comprehensible explanation, adapted to your individual characteristics (cultural, intellectual, etc.), is given as to your rights and duties, pointing out, for example, the applicability of the legal provisions in force concerning the appointment of an interpreter should you not be proficient in or understand the Portuguese language or where you have other communication needs due to a disability or incapacity.

#### **Victim support services**

##### **Who provides victim support?**

The criminal police authorities, the Public Prosecution Service, and the various victim support facilities.

##### **Will the police automatically refer me to victim support?**

You will be informed of the support facilities that are available to you so that you can make use of them if you so wish.

If you are a victim of domestic violence, you will be informed of your right to assistance from a facility specialised in supporting victims of domestic violence. After you agree to receive specialised assistance from a support facility in your area of residence (or work, or other area), the criminal police authorities will contact the said facility.

#### **How is my privacy protected?**

You will be provided with a suitable level of protection, particularly as regards your safety and protection of your privacy, where the competent authorities believe there is a serious threat of reprisals and re-victimisation or strong indications that your privacy may be intruded upon. To this end, care is taken to avoid contact between you, your family and the suspect(s) or accused person(s) in all places where they are present during proceedings, in particular in court buildings. You are entitled to be heard in an informal and private setting and may be heard by videoconference.

#### **Do I have to report a crime before I can access victim support?**

No. You may use a victim support service irrespective of whether you have filed a report or complaint.

#### **Personal protection if I'm in danger**

##### **What types of protection are available?**

Your protection and safety is ensured by imposing one or more constraint measures on the accused person. A constraint measure is a restriction on the accused person's freedom, which may be imposed in the course of criminal proceedings where there is a risk of the accused absconding, a risk in collecting and preserving evidence of the crime, a danger to public order and/or a risk of continued criminal activity.

Application of the special witness protection scheme, in particular as regards your protection as the victim and of your family against acts of retaliation, intimidation or further criminal activity, including acts that may endanger your lives, physical integrity and emotional and psychological well-being, and your dignity when giving evidence.

##### **Who can offer me protection?**

The criminal police authorities, the Public Prosecution Service, and the court.

##### **Will someone assess my case to see if I am at risk of further harm by the offender?**

Your case will be assessed, according to the stage of proceedings, by the criminal police authorities, the Public Prosecution Service or the Court.

##### **Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?**

Yes, as previously mentioned, and taking into account the stage of proceedings, where the authorities believe there is a serious threat or strong indications that your safety and privacy may be seriously and deliberately at risk, you, as well as your family or other persons close to you, will be provided with a suitable level of protection.

##### **What protection is available for very vulnerable victims?**

Victims are interviewed as soon as possible and in a place where they feel comfortable. Where victims need to be heard more than once, interviews will be conducted, if the victim so wishes, by the same person;

Care is taken to avoid any contact with the accused person and, for example, for the purpose of giving evidence, the appropriate technological facilities will be used, in particular videoconferencing or teleconferencing;

Statements for future recall are used;

In cases involving victims of sexual violence, gender violence or intimate partner violence, interviews are conducted by a person of the same sex as the victim, if the victim so wishes, unless they are conducted by a judge or magistrate;

The court may order a closed hearing.

##### **I am a minor – do I have special rights?**

Irrespective of the crime committed against you, as a minor you are considered a particularly vulnerable victim.

In addition to the rights that apply to particularly vulnerable victims, children who are victims are also always accompanied by a legal representative or, in the event of a conflict of interests with their legal representatives, by a lawyer. You will always be heard in an informal setting, and may also be accompanied by a victim support worker and/or psychologist.

##### **My family member died because of the crime – what are my rights?**

In the event of death, the right to compensation is extended to those persons who, under civil law, are granted the right to maintenance and to those who lived in cohabitation with the victim, and they may also be entitled to advance compensation from the state.

##### **My family member was a victim of crime – what are my rights?**

Victims and their families have the right to protection from retaliation, intimidation or further criminal activity against them. You have the right to be protected from acts that may endanger your life, your physical integrity, your emotional and psychological well-being, and your dignity when giving evidence. Where the authorities believe there is a serious threat of reprisals or strong indications that your safety and privacy may be seriously and deliberately at risk, you, as well as your family or other persons close to you, will be provided a suitable level of protection.

##### **Can I access mediation services? What are the conditions? Will I be safe during mediation?**

Yes. In cases involving minor or less serious offences, such as, inter alia, threats, minor damages, and assaults, the law provides for resolution through mediation between the victim and the accused person, provided the accused person has already acknowledged the crime.

Accordingly, in the investigation stage, the Public Prosecution Service may, of its own volition or at the request of the victim and the accused person, refer the case to mediation, informing them of such referral and that they will be contacted by a mediator.

Mediation is free of charge, confidential and voluntary, that is, you only participate if you want to and can withdraw at any time.

If you cannot come to an agreement, criminal proceedings will continue.

##### **Where can I find the law stating my rights?**

At: [https://www.pgdlisboa.pt/leis/lei\\_main.php](https://www.pgdlisboa.pt/leis/lei_main.php)

Last update: 04/10/2021

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## **2 - Reporting a crime and my rights during the investigation or trial**

### **How do I report a crime?**

You can report a crime or file a complaint with any of the following authorities:

 **Public Prosecution Service (Ministério Público - MP)**

 **Criminal Police (Polícia Judiciária - PJ)**

 **Public Security Police (Polícia de Segurança Pública - PSP)**

 **National Republican Guard (Guarda Nacional Republicana - GNR)**

You can also use the following:

 [Electronic Complaints Portal of the Ministry of Internal Administration](#)

 [Anonymous report](#)

NOTE: All these authorities have a duty to receive all complaints and reports submitted to them, even if the crime was not committed in their area of jurisdiction or, in the case of the police, the investigation does not fall within their jurisdiction.

You may file a complaint or report a crime even if you do not know who committed the crime. The authorities will then investigate to try to identify the offender.

#### **How do I find out what's happening with the case?**

You are entitled, upon request, to be informed of the follow-up given to the report, including the decision to charge the accused person or to close or temporarily suspend the case. You are also entitled to be informed of the day, time and place of the trial, and of the judgment.

#### **Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**


Yes. Should you wish to be accompanied by a lawyer and do not have the financial resources to bear the respective costs, you are entitled to legal aid, which may consist of:

total or partial waiver of court fees;

the appointment of a lawyer and payment of legal fees; or

the phased payment of court or legal fees.

The decision to grant legal aid is taken by Social Security using a calculation formula that takes into account the applicant's assets, income and expenses.

The application for legal aid must be submitted using the forms provided free of charge by Social Security services and may be submitted in person, by fax, by post or online, in the latter case by completing the respective  [online form](#).

The application must be accompanied by documentary evidence to confirm the applicant's financial difficulties. A decision will be taken within no more than 30 days. Submission of the application is free of charge.

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

Yes. As a victim who is a witness in proceedings, you are entitled to compensation for your time, as well as to be reimbursed for the expenses incurred as a result thereof.

Compensation must be claimed in writing, using the appropriate form provided by the court.

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

Yes. If you do not agree with the closing of the investigation, you can file an application with the immediate superior of the Public Prosecution Service magistrate who decided to close your case, asking them to charge the accused person or to continue the investigation indicating, in the latter case, new evidence to be taken into consideration.

#### **Can I be involved in the trial?**

Yes.

#### **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?**

You may participate in the proceedings as an assistant, civil party or witness.

#### **What are my rights and obligations in this role?**

As a **victim**: you give evidence, just like a witness. This is vital for proof of the crime, as you have first-hand knowledge of what happened.

As an **assistant**: you play an active role in the trial by collaborating with the Public Prosecution Service in the production of evidence as to the facts described in the charges brought. Your lawyer may, for example, present evidence, ask the defendant, witnesses and experts questions, and, at the end of the trial, make closing statements, that is, give their opinion on the evidence presented and on whether the defendant should be convicted.

As a **civil party**: you will be defending your right to compensation at trial, you may ask the defendant, witnesses and experts questions about aspects of the claim for compensation submitted, including damages you suffered.

#### **Can I make a statement during the trial or give evidence? Under what conditions?**

Yes. Under the conditions indicated above.

#### **What information will I receive during the trial?**

You will be informed of rulings that may influence the course of proceedings, the day, time and place of the trial, and of the judgment.

#### **Will I be able to access court files?**

Yes. As the victim, you are entitled to view the case file, except when, during the investigation stage, the files are kept confidential and the Public Prosecutor Services objects to such viewing on the grounds that it may hinder the investigation and/or affect the rights of the persons involved in the proceedings.

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### **3 - My rights after trial**

#### **Can I appeal against the ruling?**

Yes. If you are an assistant or civil party, you can appeal against the ruling if you disagree with it. This appeal must be carried out through your lawyer.

The appeal must be submitted within 30 days, in writing, to the court where the trial took place. The appeal must contain the reasons why you do not agree with the ruling, the assessment of the evidence and/or the application of legal rules.

#### **What are my rights after sentencing?**

You have the right to be informed of the judgment and, as previously mentioned, depending on the role you played in the proceedings, to appeal it.

#### **Am I entitled to support or protection after the trial? For how long?**

The judgment may include, as an additional measure, the right to specific support or protection, such as restraining orders, the duration of which will be determined in the judgment itself.

#### **What information will I be given if the offender is sentenced?**

You will be informed of the judgment and consequently of the sentence imposed on the offender. Where the offender is sentenced to imprisonment, you will be informed of the prison where the sentence will be served.

#### **Will I be told if the offender is released (including early or conditional release) or escapes from prison?**

Yes. Provided you have stated your wish to be informed, you will be informed of the release or escape of the offender and, in particular in cases where the offender is considered especially dangerous, of information regarding their status, particularly when constraint measures are imposed.

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

You may submit an application to the court of enforcement (*Tribunal de Execução de Penas*), stating the reasons you deem appropriate.

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#### 4 - Compensation

##### What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

As a rule, compensation must be sought in criminal proceedings. To this end, you must inform the criminal police authorities or the Public Prosecution Service, by the end of the investigation stage, that you wish to file a claim for compensation, which you may do, for example, when providing your statement. When you receive notice of the charges brought against the accused person, you will then have 20 days to file the claim.

NOTE: Civil claims for compensation are not subject to specific formalities and, where less than EUR 5 000 is claimed, you may file the claim yourself.

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

Where the offender does not voluntarily pay the compensation they have been ordered to pay, you will need to apply for an enforcement order, that is, ask the court to intervene – seize property, bank accounts, vehicles or other assets – in order to ensure payment of the compensation.

##### If the offender does not pay, can the state pay me an advance? Under what conditions?

Yes, in the case of a violent crime that has caused significant disruption to your standard of living and quality of life and the offender is unable to pay the compensation.

##### Am I entitled to compensation from the state?

Yes, where the offender cannot afford to pay such compensation and you are the victim of a violent crime, and provided it has caused significant disruption to your standard of living and quality of life.

The following are entitled to compensation from the state:

victims of grievous bodily harm (i.e. causing permanent disability, temporary total disability for at least 30 days, or death) directly as a result of an act of violence;

in the event of the victim's death, the persons to whom the law has granted the right to maintenance, such as children, and those living in cohabitation with the victim;

persons who assisted the victim or cooperated with the authorities in preventing the crime or in finding or arresting the offender, in relation to the damages they have suffered as a result.

NOTE: in cases of sexual offences, permanent or temporary total disability for at least 30 days may not be a requirement. This exception is justified by the fact that, although this type of crime does not, as a rule, cause an inability to work for at least 30 days, compensation is still justified due to the seriousness of the crime.

The claim for compensation may be filed up to one year from the date of the crime or, in the case of criminal proceedings, up to one year after the final decision in the proceedings. Victims who were minors at the time of the crime may file a claim for compensation up to one year after reaching the age of majority.

Claims should be filed using the [online form](#) available on the Commission for the Protection of Victims of Crime (Comissão de Proteção de Vítimas de Crime) website.

Filing a claim for compensation is free of charge.

##### Am I entitled to compensation if the offender is not convicted?

Exceptionally, where a serious crime is involved (see above) and where the offender is unknown.

Where the offender has been tried and acquitted, as a rule, you are not entitled to compensation.

##### Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

If you are a victim of **domestic violence** you are entitled to receive cash benefits from the state whenever, as a consequence of the crime, you are in serious financial need.

Applications for emergency payment should be submitted using the [online form](#) available on the Commission for the Protection of Victims of Crime website.

You must include a copy of the complaint or of the report filed with the police authority with the application. The application must be filed within one year from the date of the crime.

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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?

You should contact any criminal police authority, the Public Prosecution Service or a victim support organisation.

##### Victim support hotline

116 006 – Victim Support Hotline (9 a.m. to 9 p.m.)

112 – [National Emergency Number](#)

144 – Social Emergency Hotline

[808 24 24 24](#) – SNS 24 (NHS Hotline available 24 hours a day)

144 – National Social Emergency Hotline (available 24 hours a day)

300 502 502 – Social Security helpline

##### Domestic violence:

- 800 202 148 (available 24 hours a day)

- 3060 – SMS helpline

##### Children:

116 111 – SOS Child helpline

##### Is victim support free?

Yes. Victims are entitled to free and confidential support services before, during and after criminal proceedings.

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

Medical support, psychological and social support, protection, legal information, emergency housing, shelter.

#### **What types of support can I receive from non-governmental organisations?**

Emotional support, psychological support, legal information, social referral, and assistance with practical matters.

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