Diritti delle vittime per paese

Francia

Sarete considerati come **vittima di un reato** se avete subito un pregiudizio (ad esempio se siete stati feriti o se sono stati rubati o danneggiati beni personali ecc.) derivante da un fatto costituente reato secondo la legge francese. In quanto vittima di reato la legge vi accorda determinati diritti individuali prima, durante e dopo il processo.

La procedura penale in Francia si suddivide in una fase di indagine e una fase decisoria. Possono esserci due tipi di indagine secondo il tipo di reato commesso: **l'indagine di polizia** effettuata dalla polizia giudiziaria sotto l'autorità e i controllo del procuratore della Repubblica e **l'inchiesta giudiziaria** (istruttoria) sotto l'autorità del giudice istruttore e svolta dalla polizia giudiziaria o dal giudice istruttore stesso.

Alla fine della fase di indagine, in funzione delle prove raccolte, la causa può essere archiviata o rinviata dinanzi al giudice per la decisione. In quest'ultimo caso, il tribunale o la corte procederà all'esame delle prove raccolte e si pronuncerà in merito alla colpevolezza del presunto autore del reato. Se quest'ultimo è giudicato colpevole, il giudice lo condannerà a una pena. Altrimenti l'autore presunto è dichiarato non colpevole e viene rilasciato.

Cliccate sui collegamenti sottostanti per trovare le informazioni di cui avete bisogno

1 - I miei diritti in quanto vittima di reato
2 - Denuncia di un reato; miei diritti durante le indagini o il processo
3 - I miei diritti dopo il processo
4 - Risarcimento
5 - I miei diritti di aiuto e di assistenza

Ultimo aggiornamento: 07/09/2018

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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?

If the crime is not reported and is not brought to the attention of the judicial authorities or the police or gendarmerie, you will not be given any information, since the authorities will be unaware of the crime.

If the crime is brought to the attention of the judicial authorities or the police or gendarmerie by any means (other than a complaint by you as the victim), you will be summoned to give details of the harm you have suffered and the circumstances of the crime, and you will be informed of your rights at that point.

If you report the crime to the police or gendarmerie or the judicial authorities yourself, you will likewise be interviewed as soon as the facts are reported and you will be informed of your rights.

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 French national, you may file a complaint at any police station or any gendarmerie unit located in France. Your complaint will be handled in France if the French authorities have jurisdiction or referred to the relevant authorities of the State in which the crime took place.

If you are a foreign national who has been a victim of a crime committed in France, you may lodge a complaint at any police station or any gendarmerie unit in France. During the hearing or filing of the complaint, you may be assisted by an interpreter. You will be informed of the outcome by any appropriate means, and your rights will be protected in the same way as the rights of French nationals, as the law lays down the same rules on informing victims and protecting their rights, with no distinction on grounds of nationality.

You are entitled to legal aid if you are a national of a Member State of the European Union or of a State that has signed an international agreement with France.

Lastly, victims who file a complaint or testify against someone for procuring or human trafficking are entitled to obtain provisional authorisation to stay in France, entitling them to work, unless their presence constitutes a threat to public order.

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

When you report a crime, your contact details are taken so that you can be contacted during the investigation. You are also informed of your rights and the ways in which you can exercise them.

Information for the victim on the progress of the investigation

You can ask the police or gendarmerie, the prosecutor or the investigating judge (if the case is referred) about the progress of the investigation affecting you. In the case of a crime, and for certain offences, if you are a civil party, you are informed every six months by the investigating judge of the progress of the proceedings.

Information for the victim on the outcome of an investigation

When the investigation is over, you are informed of the decision taken: dismissal, alternative to prosecution, summoning of the defendant to court. If a trial is to take place, you are informed of the charges filed against the suspect, the date and place of the hearing.

Information for the victim when a case is referred to an investigating judge

When a judicial inquiry is opened, the investigation is entrusted by the public prosecutor to an investigating judge. The investigating judge must inform you that a judicial investigation has been opened, that you have the right to be a civil party and what the procedures are for exercising that right. If you are a minor, this information is given to your legal representatives.

In the notice to the victim, the investigating judge will also inform you that you have the right, if you are a civil party, to be assisted by a lawyer of your choice or appointed at your request by the president of the bar association, stating that the costs will be your responsibility unless you have access to legal aid (see conditions) or legal protection insurance.

Information for the victim on the circumstances of the suspect

You are not necessarily informed whether the alleged perpetrator is being held on remand, or has been released from prison.

On the other hand, you are always informed about the pre-trial release under judicial supervision of the alleged offender if a restraining order has been put in place to protect you.

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

If you do not speak or understand enough French, an interpreter is requested by the police or gendarmerie unit where you report the crime. The interpreter will be present during your hearings, but also during any interviews that you may have with a lawyer, as well as during the trial.

During the investigation, you may request a translation of the essential parts of the file from the judge in charge of the case. This translation will be free if it concerns important documents, but will be subject to payment if it relates to other documents.

Some documents on the rights of victims have already been translated into the most common languages and so are given to you by the police or gendarmes.

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

If you have a disability restricting your communication, you will be assisted by an interpreter requested by the investigating officers or the judges. The interpreter will accompany you during the hearings, interviews with a lawyer, or during the trial.

If you are unable to read, documents will be read to you.

If you are a minor, the hearing will be geared to your age and level of maturity, and will be carried out by specially trained interviewers, sometimes accompanied by a psychologist. Whenever possible, when more than one hearing is required, it will be the same investigator that interviews you.

Specific rooms exist in some police stations to create a child-friendly environment and to make the hearing less formal.

At a hearing, you may always ask to be accompanied by an adult of your choice.

Finally, if the investigation concerns serious offences, and in particular for all crimes of a sexual nature, your hearings will be filmed, or at least recorded.

Victim support services

Who provides victim support?

Victim support is provided by victim support associations. The purpose of these associations is to provide guidance, socio-legal assistance or psychological support to all victims of crime, whether or not they are taking part in criminal proceedings.

The associations run the victim support offices at each regional court, to provide assistance and support to victims affected by ongoing proceedings.

In addition, specialised associations can provide appropriate support to the victims of specific crimes (for example, domestic violence).

Will the police automatically refer me to victim support?

You will be informed by any appropriate means of your right to be assisted by a service belonging to a public authority or by a victim support association whose contact details will be given to you. The law does not provide for police or gendarmerie services to contact victim support associations directly, but when social welfare officers (social workers or psychologists) are present on the premises, either because they have been asked to attend or because they have an on-call office, they can assist you with the process.

Each Departmental Directorate of Public Security has a departmental victim support officer in place. Their job is to maintain contacts with the associations, to improve the way victims are received, to centralise information of use to victims, and to keep track of the progress of criminal proceedings in order to provide information on the progress of investigations.

Each departmental gendarmerie has a ‘prevention/partnership/contact’ victim support officer.

Whenever a complaint is lodged against X for serious crimes, a victim support form is automatically handed over to the complainant by the police officer, to inform him or her of what the National Institute for Victim Support and Mediation (INAVEM) does and to provide contact details of victim support associations or social services.

Subsequently, the public prosecutor can refer a crime victim directly to a victim support association.

In the case of an accident involving a large number of people (mass accident or act of terrorism), victim support associations may access the list of victims and contact them directly.

How is my privacy protected?

During an investigation, you have the right, with the authorisation of the public prosecutor, not to reveal your private address and to declare the address of the gendarmerie brigade or police station, or with their express consent, the address of a third party.

Finally, you can request a non-public trial, which the judges cannot refuse if you have suffered rape, torture, or acts of cruelty accompanied by sexual assault. In other cases, the trial will be private only if you, or another civil party, do not object.

In any event, no mention of your identity may appear in the media, unless you have given authorisation.

In addition, the services provided by victim support associations and the data they collect are completely confidential.

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

It is not necessary to file a complaint to benefit from the support of a victim support association.

Personal protection if I'm in danger

What types of protection are available?

If you have experienced domestic violence, the abuser may be forced to leave the family home, be prevented from going to certain locations, or be required to undergo medical or psychological treatment.

If you have suffered violence at the hands of your (ex)-spouse or (ex)-cohabitant and in the event of a serious threat to you, the public prosecutor can assign you a teleprotection device (SOS telephone). A victim of domestic violence may also apply to the family court for a restraining order, which places certain restrictions on the offender where there is good reason to believe that the alleged violence has been committed and that the victim is in danger.

The court may also protect you and your family against possible threats or pressure from the alleged offender by taking steps to prevent any contact, such as pre-trial detention, judicial supervision, or other judicial restrictions.

Who can offer me protection?

Victim protection is the responsibility of the judicial authority, which takes into account the risks and needs of victims to order certain decisions, such as a contact ban or a prohibition on going to certain places, such as the victim’s home. Decisions imposing these prohibitions are forwarded to police stations and gendarmerie brigades who are then responsible for ensuring that they are complied with. If the person who has been accused or found guilty breaches the ban, they may be arrested, as the breach may be grounds for imprisonment or being charged with a new offence.

If you have been given a special protection device (SOS telephone), you can easily contact a call service, which immediately warns the nearest police or gendarmerie service so that they can be deployed to assist you when you are in danger.

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

The officer of the criminal investigation police who conducts your hearing is responsible for collecting the initial information for a personalised assessment of your situation and your protection needs. The officer transmits this information to the judicial authority in charge of the proceedings, who decides, if it deems it appropriate, to have an in-depth evaluation carried out by a victim support association. One of the purposes of this personalised assessment is to determine the risk of intimidation or retaliation by the offender.

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

The evaluation described above is also intended to determine the risk of secondary victimisation due to your participation in the criminal proceedings.

What protection is available for very vulnerable victims?

Particularly vulnerable victims are given an assessment and support from a victim support association.

In addition, various protection measures are provided depending on the victim's needs, such as:

limiting the number of hearings and medical examinations to those strictly necessary for the investigation;

the option of being interviewed by an investigator of the same sex, in a case of sexual violence or gender-based violence;

being interviewed in suitable premises, by trained investigators and, as far as possible, by the same investigators at each hearing.

I am a minor – do I have special rights?

A victim who is a minor not only has the same rights as adults, but also enjoys specific rights related to his or her age. Therefore, when the parents (or the legal representatives) are not in a position to ensure the protection of the interests of a minor, the judicial authority designates an ad-hoc administrator (a relative of the child or an authorised person) who is responsible for representing the minor and exercising his or her rights.

A lawyer is also automatically appointed to defend the child's interests, and must be present at each hearing of the minor.

For certain crimes, in particular of a sexual nature, the minor may be the subject of a medical or psychological examination, during the investigation stage, to assess the nature and extent of the harm suffered and to establish whether the child needs appropriate treatment or care. Interviews of a minor who is a victim of certain offences, especially those of a sexual nature, are mandatorily filmed, in order to avoid interviewing the minor on multiple occasions.

And finally, for each hearing, whatever the nature of the offences suffered, the minor may be accompanied by the person of his or her choice (a close family member, a legal representative, doctor, or psychologist).

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

A person who is not a direct victim of a criminal offence may none the less be considered an indirect victim, and may enjoy certain rights.

An indirect victim who considers that he or she has suffered harm, even if it is non-material, may become a civil party at the investigation stage, or when the case is before the investigating judge, or during the hearing, if an alleged perpetrator is tried before a court of law.

On the other hand, unlike direct victims of a crime, indirect victims will not necessarily be summoned or informed of the hearings if they have not made a prior request to that effect.

Finally, the victim will have to specify the nature of the harm suffered, so that the judge can determine whether his or her civil party status can be accepted, that is to say considered legitimate.

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

A person who is not a direct victim of a criminal offence may none the less be considered an indirect victim, and may enjoy certain rights.

An indirect victim who considers that he or she has suffered harm, even if it is non-material, may become a civil party at the investigation stage, or when the case is before the investigating judge, or during the hearing, if an alleged perpetrator is tried before a court of law.

On the other hand, unlike direct victims of a crime, indirect victims will not necessarily be summoned or informed of the hearings if they have not made a prior request to that effect.

Finally, the victim will have to specify the nature of the harm suffered, so that the judge can determine whether his or her civil party status can be accepted, that is to say considered legitimate.

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

Mediation is a judicial measure that can be implemented if it is likely to provide reparation for the harm done to a victim, to put an end to the disturbance resulting from the offence or to contribute to the rehabilitation of the perpetrator.

Mediation may be decided upon by the public prosecutor with the consent of the victim, or at the request of the victim.

When violence has been committed by the spouse or former spouse of a victim, a civil partner or former civil partner, cohabitant or former cohabitant, mediation is carried out only if the victim has expressly requested it. In this case, the perpetrator of the violence will also be given a caution.

If further violence is committed by the spouse or former spouse of a victim, a civil partner or former civil partner, cohabitant or former cohabitant after mediation, no further recourse to mediation is possible.

Mediation, which can be entrusted to a criminal investigation officer, a delegate of the prosecutor or to a mediator, consists of putting the victim in contact with the perpetrator, while guaranteeing the safety of the victim, who must consent to the principle and means of implementation. The victim may not be confronted with the perpetrator against his or her will, nor under any circumstances be left alone with him or her.

In addition, this measure is not used if it appears that bringing the perpetrator and victim into contact will put the victim in danger.

Where can I find the law stating my rights?

All French legislation can be found on the website. The rights of victims are listed in the Criminal Procedure Code, notably in Articles 10-2 to 10-5 and D1-2 to D1-12.

Last update: 04/07/2018

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

How do I report a crime?

You can file a complaint with the police or gendarmerie, which will forward it to the public prosecutor of the place where the crime was committed or the place of residence or arrest of the perpetrator.

You can also approach the public prosecutor directly, by a simple letter, explaining the harm you have suffered, giving the dates and places of the offences, and specifying your name and address.

Anyone who is not a victim may also report a crime under the same conditions.

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

Information for the victim on the progress of the investigation

A victim may ask the police or gendarmerie, the prosecutor or the investigating judge (if the case is referred), about the progress of the investigation affecting him or her.

In the case of a crime, and for certain offences, a victim who is a civil party to the proceedings will receive a progress report from the investigating judge every six months

Information for the victim on the outcome of an investigation

When the investigation is over, the victim is informed of the decision taken: dismissal, an alternative to prosecution, opening of a judicial inquiry, summoning of the defendant in court. If a trial is to take place, the victim is informed of the crimes filed against the suspect and of the date and place of the hearing.

Information for the complainant

Anyone who has reported a crime is informed by the public prosecutor of the follow-up.

Am I entitled to legal aid (during the investigation or trial)? What are the conditions?

If you do not have a lawyer, you can get information about your rights and obligations by going to the courts, the law centres (*maisons de la justice et du droit*), the legal information desks (*points d'accès au droit*), town halls and community centres in which victim support associations hold drop-in sessions. You can also benefit from free legal advice, regardless of your age, nationality or financial means, provided by legal professionals, including lawyers, in these locations.

You can benefit from legal aid if you meet the following conditions:

you are a French national or a national of a Member State of the European Union or a State that has signed an international convention with France, or if you are normally resident in France and are in the country legally (this condition is not applied if you are a minor or a civil party);

your financial resources [1] do not exceed a maximum threshold, as determined by the Finance Act. This condition is not applied if you are the victim of a particularly serious crime (intentional attempt on your life, torture or acts of cruelty, act of terrorism, rape, etc.), if you benefit from the active solidarity income (RSA) or the solidarity allowance for the elderly and have no other sources of income, or if your situation appears particularly noteworthy in view of the subject of the dispute or the likely costs of the proceedings.

Legal aid covers:

lawyer's fees;

bailiff's charges, if any;

charges for expert opinions, etc.;

any deposit that you may have to pay.

Legal aid may be total or partial. It is important to apply for legal aid from the beginning of the proceedings because costs incurred prior to the application will not be reimbursed.

You can obtain information and the application form for legal aid from your lawyer, in a law centre, at a town hall, at the court of your place of residence or at the court dealing with the case. The form can also be downloaded from the following link: https://www.service-public.fr/particuliers/vosdroits/R1444.

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[1] *Financial resources conditions for obtaining legal aid:*

In order to assess your legal aid needs, the authorities take into consideration the resources you received between 1 January and 31 December of the year prior to your application. These resources include income of all kinds, excluding family benefits and certain social benefits. Also taken into account are the resources of your spouse, partner, dependent child(ren) and all persons who usually live under your roof.

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

Costs related to particular proceedings may, subject to certain conditions, be covered by your legal protection insurance if this covers some or all of the legal fees, bailiff charges, costs of proceedings or transactions or expert opinion fees.

Failing this, when sentence is pronounced, and during the settlement of damages by the court, such expenses are charged to the convicted party at your request.

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

If the public prosecutor decides to dismiss the case at the end of the investigation, you may lodge an appeal by applying to the prosecutor general of the court of appeal in the jurisdiction where the court that dismissed the case is located.

If the prosecutor general believes that legal proceedings are necessary, he or she can order the prosecutor to bring a prosecution. If the prosecutor general considers your claim unjustified, you will be informed that no further action will be taken on your appeal.

In addition, if a complaint filed with the public prosecutor has been dismissed, or if a period of three months has elapsed since this complaint, you may file a complaint directly with the competent investigating judge, by becoming a civil party.

Finally, you may have the alleged perpetrator directly summoned before the court by asking a bailiff to hand him or her a summons, in which case you will have to pay a deposit, the value of which is set by the court according to your financial resources.

Can I be involved in the trial?

You are notified of the trial date and can attend the hearing. In some cases, the trial is not public, and you will be able to remain in the room only for the duration of your testimony. You will not be allowed to attend the entire trial if it is not public (behind closed doors), unless you are a civil party to the proceedings.

You have the unconditional right to be assisted throughout the trial by a victim support association. The members of these associations can help you at the time of your application to become a civil party, they can be present during various hearings and can help you to understand the acts and decisions of the magistrates.

An interpreter will be called for you if you have difficulty understanding or expressing yourself in French.

At the hearing, the civil party can call witnesses or object to certain witnesses being heard.

The victim or a civil party can put questions to the witnesses and the accused/defendant through the President of the court.

Finally, you can file conclusions (written remarks) on the technical aspects of the proceedings, the law and/or the facts of the case, to which the judge must respond;

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?

Once the facts have been brought to the attention of the justice system or the police and gendarmerie, the victim is contacted for an interview.

The victim is not responsible for finding the accused or proving his or her guilt, that is the role of the public prosecutor. The victim may, however, be requested to provide any details or evidence to help establish the truth (medical certificates, identities of the witnesses etc ...)

The victim may choose to become a civil party, which gives him or her the right to claim financial compensation for the harm suffered and to be assisted by a lawyer.

What are my rights and obligations in this role?

As soon as an investigation is referred to the police or gendarmerie they will interview the victim. On this occasion they will always inform him or her of their right:

To obtain damages or other appropriate compensation for their loss, including, where appropriate, a restorative justice measure;

To become a civil party either in the context of an action instituted by the public prosecutor, or by a direct summons of the perpetrator before a competent court or a complaint brought before the investigating judge;

If they wish to become a civil party, to be assisted by a lawyer of their choice or appointed, at their request, by the president of the bar association at the competent court, the costs being borne by the victim, unless they meet the conditions for access to legal aid or have legal protection insurance;
To be assisted by a service belonging to one or more public authorities or by an approved victim support association;
To apply, where appropriate, to the crime victims compensation board, in the case of certain offences;
To be informed about the protective measures available to them, including protection orders. Victims are also informed of the penalties incurred by the perpetrators of violence and the conditions of execution of possible convictions that may be imposed;
For victims who do not understand French, to benefit from an interpreter and a translation of information essential to the exercise of their rights;
For each to be accompanied, at their request, during all stages of the procedure, by their legal representative and by an adult of their choice, unless otherwise reasonably decided by the competent judicial authority;
To declare as their address the address of a third party, subject to the express agreement of the latter.
The victim must appear in court and testify if summoned as a witness.
A civil party does not have to be present in person if represented by a lawyer. However, if a civil party is absent and is not represented, they will be assumed to have given up their claim, unless they have written to the court to state their claim.
A civil party, and a victim called to give testimony before the court, may reclaim the costs of attending the hearing if they so request during the trial.

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

You can make statements at the hearing and present evidence; however this must respect the adversarial principle and be forwarded to the defence beforehand (the alleged perpetrator and/or his or her lawyer) as well as to the public prosecutor.
You can become a civil party either alone or with the help of a lawyer.
You must quantify your claim for damages/interest (sum of money intended to repair material damage, suffering, time lost as a result of the acts of which you were a victim). A victim support association can guide you through this process.

What information will I receive during the trial?

During the trial, the victim is informed of his or her right to become a civil party, to benefit from the assistance of a lawyer and to benefit under certain conditions from legal aid, as well as of the possibility of being accompanied by a victim support association.
A victim who is established as a civil party will be informed that in certain cases he or she may apply to the crime victims compensation board (CIVI) for payment of damages and interest if the court has so ruled.

Will I be able to access court files?

At the Criminal Court and the Police Court, you will not be able to access the files directly; you must first obtain the consent of the Prosecutor.
However, if you are a civil party, you may consult them directly or through your lawyer as the case may be, or request a copy of them.
At the Court of Assizes, you can obtain free copies of the police reports recording the offence, written witness statements and expert opinions and obtain copies of the other documents relating to the proceedings.

Last update: 04/07/2018

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3 - My rights after trial

Can I appeal against the ruling?

You will not be able to appeal against the judgment of the court if you have not applied to join the criminal proceedings as a civil party seeking damages, because the fact that you are a victim of the offence does not by itself make you a party to the proceedings.
If you have indeed applied to join the criminal proceedings as a civil party, and the court has accepted your application, you will not be able to appeal against the verdict of guilty or not guilty or against the sentence imposed. You can challenge only the parts of the judgment that concern you.

What are my rights after sentencing?

In all cases, you are entitled:
to be informed of any decision prohibiting the offender from coming into contact with you;
to be informed about the enforcement of the sentence (release of the convicted person, reduction of the sentence, address where the convicted person is living, etc.), through a victim support association (*association d'aide aux victimes*) or directly by the Penal Integration and Probation Service (*Service Pénitentiaire d'Insertion et de Probation* — SPIP);
to ask the judge to prohibit the offender from meeting you or contacting you, if he or she is temporarily released or is on parole or if the sentence is reduced or modified;
to be notified if after conviction the offender escapes and there is a danger to you or those around you;
to be assisted by a victim support association;
to have your interests taken into consideration prior to any decision to release the convicted person, and to submit written comments before any decision is taken, within a period of fifteen days of being asked.
If you have joined the proceedings as a civil party, you are also entitled:
to be informed by the court of your right to apply to the crime victims compensation board (*commission d'indemnisation des victimes d'infractions* — CIVI);
to be represented by a lawyer and/or to benefit from legal aid;
to be notified of the judgment (a copy will be sent to you).
While the offender is serving the sentence, you are entitled:
1. to refer any step harmful to your interests to the judicial authority (*autorité judiciaire*, includes the public prosecutor);
2. to obtain reparation for your loss, in the form of damages or other appropriate compensation; in appropriate cases you may be asked whether you would agree to a measure of restorative justice;
3. to be informed, if you wish, of the end of the execution of a custodial sentence, in the cases and conditions provided for by the Code of Criminal Procedure (*Code de procédure pénale* — CPP);
4. if necessary, to have consideration given to the need to guarantee your peace of mind and safety.
The judicial authority is obliged to guarantee all these rights throughout the execution of the sentence, whatever form it may take.

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

After the trial, you may be assisted by a lawyer who can advise you on the desirability of an appeal, or on how to engage a bailiff.
You may also be able to obtain assistance from a victim support association, without any limit on duration.

What information will I be given if the offender is convicted?

If the offender is convicted, you will be notified of the sentence if it contains provisions prohibiting the author from contacting you or approaching your home.
If you have joined the proceedings as a civil party, you will receive a copy of the judgment imposing the sentence.
If the offender is imprisoned, you can be notified of any proposed parole and asked to give your views.

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

When a person has been convicted of certain crimes (rape, murder or attempted murder, and most crimes of a sexual nature), and if you have so requested as a victim or a civil party, you will be informed, directly or through your lawyer, of the release of the offender on the expiry of the sentence.
In the case of an escape, you will be informed by the public prosecutor.

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

Where there is a danger that a convicted person may come into contact with the victim or civil party, and such contact should be avoided, the courts dealing with the enforcement of sentences, if they decide that the convicted person should be temporarily or permanently released, will prohibit the convicted person from making contact with the victim or civil party, and, if necessary, from being in the vicinity of his or her home or place of work (Article 712-16-2, first paragraph, CPP).
Such a prohibition must be imposed — unless for stated reasons a decision is taken to the contrary — if the person has been convicted of one of the offences referred to in Article 706-47 CPP (which includes most sexual offences, Article 712-16-2, second paragraph, CPP).
In such cases the victim or civil party is informed of the measure and of the consequences the offender faces if he or she fails to comply with the prohibition (Article 712-16-2, third paragraph, CPP, see below).
If a civil party so requests, a lawyer acting for him or her — but not for a victim who is not a civil party — may appear and make submissions in the proceedings before a court that is considering an application for parole by a person sentenced to a term of imprisonment (*emprisonnement* or *réclusion*) of five years or more.
Moreover, courts dealing with the enforcement of sentences may, before taking a decision, inform the victim or civil party, directly or through their lawyer, that they can submit their observations in writing within 15 days of being so notified. The victim or civil party can send their observations to the court by whatever means they prefer.
A victim cannot appeal against decisions relating to the execution of the convicted person's sentence. The victim may file a fresh complaint if the perpetrator commits fresh offences. If the convicted person commits any infringement of his or her obligations or prohibitions, for example by failing to comply with the prohibition on making contact with the victim, the victim may report the matter to the judge monitoring the terms of parole or to the public prosecutor.

Last update: 04/07/2018

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4 - Compensation

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

The legislation in force allows any person who considers themselves a victim:
to apply to the investigating judge in charge of the case to be recognised as a civil party seeking damages (*constitution de partie civile*);
to bring an action for interim relief (*action en référé*), or an action on the substance in the civil courts (*action devant le juge civil au fond*).
1) There are a number of ways in which a civil claim can be brought before the criminal courts:
- **A prosecution** (*action*) brought when a public prosecution has not been set in motion by the public prosecutor (this has the effect of triggering a public prosecution).

Two methods are possible:
a direct summons to appear(*citation directe*), for minor offences (*contraventions*) or intermediate offences (*délits*);
an application for recognition as a civil party to the criminal proceedings (for intermediate offences or serious crimes (*crimes*).
- **Intervention** (*intervention*), when a public prosecution has already been brought.
- **An application for recognition as a civil party to the criminal proceedings**.

A victim can ask to join the proceedings as a civil party at the hearing, but also by sending an application to the presiding judge of the criminal court, by registered letter with acknowledgment of receipt or by fax, stating that the applicant wishes to join the proceedings as a civil party seeking damages and indicating the amount of damages claimed. This can also be done through a lawyer.
2) A civil claim can be brought in the civil courts under the ordinary law of civil liability.
If a victim brings an action for damages in the civil courts, he or she will not then be able to proceed in the criminal courts. But if a victim asks to be treated as a civil party in the criminal proceedings, he or she is not thereby prevented from bringing the matter before the civil courts.

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

If a victim has difficulty in recovering the value of compensation, he or she may resort to civil enforcement proceedings by engaging a bailiff (*huissier de justice*). The application must be sent by post to the presiding judge of the regional court (*tribunal de grande instance*) of the convicted person's principal residence (*domicile*) or, if he or she is in prison, of the regional court of the place where the prison is located. The following may be seized:
- a share of the remaining available salary of the convicted person;
- funds in his or her bank account;
- certain assets that may belong to him or her.

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

If the convicted person does not compensate the victim voluntarily, the victim may refer the matter to the Victims of Crime Recovery Assistance Service (*Service d'Aide au Recouvrement des Victimes d'Infractions* — SARVI). It is sufficient for the victim to show that he or she has been awarded damages by a final criminal judgment (against which there is no further appeal possible).
Taking the place of the person liable, SARVI pays the victim all the damages up to EUR 1 000; beyond that it pays an advance of 30 %, up to a ceiling of EUR 3 000. After paying an advance, SARVI pays the balance due as and when it collects money from the person convicted.
To apply to SARVI the victim should obtain a recovery assistance application form (*formulaire de demande d'aide au recouvrement*) from the regional court (for example from the court's single registry office (*guichet unique de greffe*), the registry of the judge delegated to deal with victims (*greffe du juge délégué aux victimes*), the enforcement office (*bureau d'execution*) or the victim support office (*bureau d'aide aux victimes*)) or from a law centre (*maison de la justice et du droit*), a legal information desk (*point d'accès au droit*), a town hall or the like, which will also forward the completed form to SARVI.
An application to SARVI must be made no less than two months and no more than one year from the day the judgment awarding damages becomes final.

Am I entitled to compensation from the state?

The Guarantee Fund for Victims of Terrorism and Other Offences (*Fonds de garantie des victimes d'actes de terrorisme et d'autres infractions* — FGTI) compensates victims of terrorist acts in accordance with a special procedure. It also compensates:
- victims of rape, sexual assault, theft, fraud, breach of trust, extortion, or destruction of or damage to property;
- victims of an offence resulting in permanent disability or total incapacity for work;
- relatives of victims of murder or manslaughter.

To receive compensation from the Fund, a victim meeting certain conditions must make an application direct to the crime victims compensation board (CIVI) at the regional court of the applicant's principal residence or of the place of the criminal court trying the offence.
The application must be made to the board within three years of the date of the offence. This period is extended by one year from the date of the last criminal judgment.
If the offence was committed in France, compensation can be awarded to:
- holders of French nationality;
- nationals of a Member State of the European Union.

If the offence took place abroad, only French nationals can be compensated.
1) In cases of serious personal injury:
The victim may obtain full compensation for damage resulting from personal injury where the offence resulted in death, mutilation or permanent disability or in total incapacity for work equal to or greater than one month, or if the offence was one of rape, sexual assault, or trafficking in human beings.
The board will take account of benefits paid by social welfare bodies, mutual health insurance societies, insurance companies, etc. Clothing or material damage is not compensated.
2) In the case of minor personal injury and material damage resulting from theft, fraud, breach of trust, extortion or the destruction of or damage to property:
If the victim has suffered bodily injury resulting in total incapacity for work of less than one month or material loss as a result of one of these offences, the compensation available is subject to strict conditions and is limited by a ceiling.
To qualify for compensation of this kind the victim must meet the following additional conditions:
- the victim's resources must not exceed 1.5 times the ceiling set for partial legal aid (adjusted for family expenses);
- the victim must be unable to obtain effective and sufficient compensation for the damage caused from an insurance company, a social welfare body or any other body that might be liable;
- in the case of material loss only, the victim must be in a serious material or psychological situation as a result of the offence.

If these conditions are met, the victim may qualify for compensation capped at EUR 4 500.

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

If the accused is not convicted, you can bring a civil action claiming compensation for your loss in a civil court. You will have to show that the perpetrator is responsible for the harm you have suffered.
Proceedings before the crime victims compensation board (CIVI) are independent of any proceedings in the criminal courts, and a victim may apply to the board even if there is no judgment or ruling from a criminal court and even if the accused is acquitted.

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

In proceedings before the crime victims compensation board, you can claim an interim payment if your right to compensation is not contested and if your loss cannot be finally determined because you cannot calculate the total amount or because the social welfare bodies have not yet told you what sums they will repay. If you do not meet these conditions, an interim payment may nevertheless be granted to you at the discretion of the chair of the board.

Last update: 04/07/2018

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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?

Victim support structures are listed in a directory of victim support associations: *Annuaire des associations d'aide aux victimes*.
You can contact the victim support association closest to where you live.

Victim support hotline

Specific victim assistance:
Children in danger: 119 — 24 hours a day, 7 days a week
Missing children: 116 000 — 24 hours a day, 7 days a week
Violence against women: 3919 — 7 days a week, Monday to Friday from 9.00 to 22.00 and Saturdays, Sundays and public holidays from 9.00 to 18.00
Rape and sexual assault: 0 800 05 95 95 — Monday to Friday from 10.00 to 19.00
Racist acts: 01 40 35 36 55 — Tuesday, Thursday and Friday from 10.30 to 13.30
Homophobic acts: 01 48 06 42 41 — Monday to Friday from 18.00 to 22.00, Saturday from 14.00 to 16.00 and Sunday from 18.00 to 20.00
School bullying: 3020 — Monday to Friday from 9.00 to 20.00 and Saturday from 9.00 to 18.00

Is victim support free?

Yes, the help provided by victim support associations is **completely** free.

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

Medical help:
A victim can consult a doctor and obtain certificates recording his or her injuries by visiting a hospital.
Domestic violence:
Regardless of marital status, in case of danger, a victim may make an urgent application to a family court judge (*juge aux affaires familiales*) at the regional court (*tribunal de grande instance*) to obtain a protection order provisionally giving him or her the use of the family home and excluding a violent partner.
Legal aid:
Each regional court has a victim support office (*bureau d'aide aux victimes*) run by a victim support association. These offices inform, guide and accompany the victims of criminal offences, and explain the functioning of the courts to them and any proceedings concerning them that may be in progress. This enables victims to keep abreast of:
any steps taken as a matter of urgency, such as an immediate appearance in court (*comparution immédiate*);
the progress of criminal proceedings.

Victims will always be guided towards any compensation mechanism for which they may qualify.
The assistance given is free and confidential.

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

Victim support associations assist victims throughout the proceedings by providing free legal and welfare information and psychological support. Their representatives can assist victims when they are filing a complaint or asking to be treated as a civil party to the criminal proceedings. They may also attend criminal hearings and help the victim to understand the procedural steps and the decisions taken by the different players.
Victim support associations may have a presence in gendarmerie and police stations, hospitals, courthouses, social welfare offices, etc. Their addresses and telephone numbers are available from the courts and from gendarmerie and police stations, and also from the directory accessible through this link.
Alongside these ordinary victim support associations, there are numerous other associations that have no special recognition working in particular areas such as personal injury, domestic violence, traffic accidents, medical errors, etc. Some associations specialising in helping female victims of violence can provide women and their children with temporary accommodation.

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