

## Uz sākumlapu>Jūsu tiesības>Noziedzīgos nodarījumos cietušie>Cietušo tiesības (katrā valstī)

### Victims' rights - by country

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, you have your own capacity in all criminal proceedings and you have the legal right to join them at any time. The law confers certain individual rights to you, before, during and after court proceedings (trial).

**Criminal proceedings in Slovakia** consist of investigation of the crime, done by police, where evidence is collected about the offence committed and about the alleged offender. If the evidence is sufficient, the case goes to trial. The trial concludes with the court convicting or pronouncing the defendant not guilty and possibly ruling on your claim against him/her for the damage you have sustained. There may be appeals to higher courts.

The following factsheets will take you through the different steps of the procedure, describing your rights **during the investigation of the crime, during the trial or after the first trial**. Also, read more about the **help and support you can get**.

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### 1 - My rights during the investigation of a crime

#### How and where can I report a crime?

#### How can I follow up on what the authorities do after I report a crime?

#### How can I be involved in the investigation of the crime?

#### What are my rights as a witness?

#### I am a minor. Do I have additional rights?

#### What information can I obtain from police or victim support organisations during the investigation of the crime?

#### Can I receive legal aid?

#### How can I get protection, if I am in danger?

#### What services and assistance can I be given during the investigation of the crime?

#### Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

#### How will my case continue after the end of the investigation?

#### Can I appeal if my case is closed without reaching the court?

#### I am a foreigner. How are my rights and interests protected?

#### More information

#### How and where can I report a crime?

If you become a victim of a crime, you can **report** it to the police or the prosecutor:

orally;

in writing;

by fax or e-mail – in those cases, if your report does not contain your official signature, you have to confirm it orally or in writing and sign it before the police or the prosecutor within three days.

There are some crimes for which your consent will be needed in order to start criminal prosecution (e.g. fraud, theft or assault in negligence, threat of spreading a venereal disease).

Your report does not need to have any special form, but it is recommended that you include:

your full name, address, e-mail, phone number, etc.;

a description of the facts that may prove the crime;

a list of possible witnesses and other evidence;

a description of all your injuries and the specific value of the damage you have suffered, if that can be already determined.

When reporting, you can be represented by a lawyer, in which case you have to attach his/her power of attorney.

If you reside in another EU Member State, you can report the crime to the authorities there.

If you do not speak the Slovak language, you can present your crime report in another language. The police or the prosecutor will have to translate it, if it is in writing, or provide an interpreter, if you report orally.

There is no specific deadline for you to submit a report, apart from the period after which criminal prosecution is no longer possible and which depends on the seriousness of the crime.

#### How can I follow up on what the authorities do after I report a crime?

You will receive a reference number for your report upon your request.

#### How can I be involved in the investigation of the crime?

As a victim, you have your own specific capacity in the criminal proceedings by law and you can join them at any time.

After you report the crime, you can:

be heard as a witness or in relation to the damage you suffered;

make additional statements and propose additional evidence, including witnesses and expert witnesses, before the police and the prosecutor;

be represented by any natural person, by a lawyer at your own expense or by a victim support organisation;

examine the case file after the closing of the investigation or apply to examine it during the investigation, except the reports that contain data on the identity of a protected witness or an undercover agent; make excerpts, notes or copies at your own expense; propose new actions and evidence;

apply for free legal aid, if you cannot afford a lawyer and if it is necessary for the protection of your interests;

claim from the offender the damages you have sustained until the completion of the investigation – after that deadline, you will only be able to put a claim in the civil court;

complain about the investigative actions and decisions of police to the prosecutor; request in writing prosecution supervision on the police, if there are delays or other faults in the investigation.

In your capacity as a victim, you have the right to provide evidence, but the police and the prosecutor have the legal obligation to prove all aspects of the crime.

#### **What are my rights as a witness?**

As a **witness** to the crime, you have the following specific rights:

to have an interpreter free of charge, if you do not speak the Slovak language; authorities also have the obligation to translate free of charge your written statements into Slovak;

to be examined only to the extent necessary for the criminal proceedings and not to have your privacy unnecessarily violated by questions;

to be interviewed with the help of technical equipment transmitting sound and images, if you cannot appear because of age, illness, disability or if you reside abroad;

to refuse to testify, if the offender is your spouse, common-law spouse, sibling or another close relative or if testifying would bring the threat of prosecution to you or those persons;

to have your expenses – travel expenses, accommodation, etc. - and lost earnings (witness allowance) reimbursed from the state budget – you have to claim them within 3 days of your interview.

#### **I am a minor. Do I have additional rights?**

If you are a minor, your crime report may be submitted by your parent or guardian. He/she may also represent you throughout the proceedings.

If you are **under 15 years of age** and your interview may affect you negatively, you will be interviewed with utmost consideration and your interview will not be repeated, if possible. An education specialist may be present as well as your legal guardian, if his/her presence can be beneficial for the interview. If necessary, technical equipment for the transmission of sound and images will be used. Your personal data will not be disclosed.

#### **What information can I obtain from police or victim support organisations during the investigation of the crime?**

The police have a legal obligation to decide whether to pursue your case **within 30 days** after you submit your report. You have the right to be informed about the development of the case in writing. Specifically, you have the right to be informed about the police decisions to start criminal proceedings and to charge the offender. You will also be informed, if the police decide not to initiate proceedings, which you can appeal before the prosecutor.

Also, at first contact with you, the police have to give you a written list of your rights in the criminal proceedings and a written list of assistance and support organisations. Authorities have to inform you about your rights, including damage compensation opportunities, and assist you in applying them.

You have no specific right to be informed about the arrest of the offender, but you will be informed about his/her release from detention, if he/she will present a danger for you.

#### **Can I receive legal aid?**

If you claim for compensation for the damage caused by the offender, you do not have sufficient resources to cover the expenses for a lawyer and this is necessary for the protection of your interests, you can apply for **legal aid**. It is provided by a lawyer and paid by the state.

If you are a victim of discrimination, you will be provided legal aid free of charge regardless of your income.

#### **How can I get protection, if I am in danger?**

If disclosing your address as a witness will endanger you or your relatives, you may provide your work address or another address, where authorities can officially communicate with you.

You may also be allowed not to provide any other personal data (identity, place of residence, etc.), if that would endanger your or your relatives' life or health. In any case, your personal data as a victim will never be disclosed to the public.

You may be interviewed, using technical equipment, recording the interview or transmitting sound and image. During such an interview, your voice and appearance can be changed. In exceptional cases, you may benefit from change of identity.

If you are a victim of a terrorist act or a crime, committed by an organised criminal group, and you are in danger as a witness, you may participate in a witness protection programme, including measures of physical security.

If you are a victim of human trafficking, you may benefit from anonymous accommodation.

#### **What services and assistance can I be given during the investigation of the crime?**

As a victim of a crime, you will generally be assisted by non-governmental organisations. They can provide you **services free of charge** in the following areas: informing you about assistance available;

psychological, legal and social counselling;

crisis intervention - immediate, short-term psychological help to individuals who experience emotional, mental, physical, and behavioural distress;

accompanying you to the police, representing you and helping you write motions/petitions;

temporary financial and material aid;

healthcare;

assisting you in searching for a job.

If you are a victim of human trafficking, you can benefit from a special programme for support and protection, including anonymous accommodation, therapy and healthcare.

#### **Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

You can take part in **mediation** between the offender and yourself during the investigation of the crime. For less serious crimes with a maximum sentence of five years of imprisonment, that can lead to reconciliation, which the prosecutor can approve and consequently terminate the prosecution. You can also, for any crime, participate in reaching an agreement between the defence and the prosecution about the guilt of the offender and the sentence he/she should get.

#### **How will my case continue after the end of the investigation?**

After the end of the investigation, you have the right to examine the case file and propose new evidence.

The police may decide to move forward with the case or to drop proceedings.

#### **Can I appeal if my case is closed without reaching the court?**

You can **appeal** against the decision of police to drop proceedings within three days after its announcement to the prosecution. In the appeal, you can demand continuation of the proceedings and provide relevant reasoning.

You can only terminate proceedings, if they concern a crime, for which your consent is needed to start prosecution (e.g. fraud, theft or assault in negligence, threat of spreading a venereal disease). You can withdraw your consent until the moment the appeal court has its final deliberation and the proceedings will not continue.

## I am a foreigner. How are my rights and interests protected?

If you are a foreigner, you have the following specific rights:

if you reside in another EU Member State, you can report the crime to the authorities there;

if you do not speak the Slovak language, you have the right to an interpreter free of charge;

if you reside abroad, you can be interviewed as a witness using technical devices transmitting sound and images.

### More information:

Code of Criminal Procedure (Trestný poriadok) – in [English](#) and [Slovak](#)

Criminal Code (Trestný zákon) – in [English](#) and [Slovak](#)

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## 2 - My rights during the trial

### How can I be involved in the trial?

#### What are my rights as a witness?

#### I am a minor. Do I have additional rights?

#### Can I receive legal aid?

#### How can I get protection, if I am in danger?

#### How can I claim damages from the offender or receive compensation from the State?

#### Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

#### I am a foreigner. How are my rights and interests protected?

### More information

#### How can I be involved in the trial?

The trial starts after the prosecutor submits to the court the indictment or the proposal for agreement on the guilt and sentence of the offender. The defence and the prosecution may have reached this agreement with or without your participation and it has to be approved by court. You will be informed in writing about either of the two. The indictment will be accompanied by a written call to propose additional evidence. You will also be informed in writing about the date of the court hearing.

As a victim, you have your own specific capacity in the trial, and you have the legal right to join it at any time. You only have until the completion of the investigation to submit your claim for compensation for damages that you have sustained, otherwise you will be able to claim solely before the civil court.

During the trial, you have the following **specific rights**:

to be present throughout the trial at the first instance, even if it is non-public, and also during the public hearing of the appeal court; you are only obliged to be present if you are also a witness – if you are not present, the court will decide on compensating the damage you have sustained in accordance with your written statements;

to be represented by any natural person, a lawyer or a victim support organisation;

to have an interpreter free of charge, if you do not speak the Slovak language; you do not have a specific right to written translation of case documents;

to ask questions to the defendant and the witnesses or experts;

to express opinions about the evidence presented and propose new evidence until the main court hearing at the latest;

to have access to the case file, except the parts that contain data on the identity of protected witnesses, undercover agents or on how the court panel voted on certain issues; make excerpts and notes from the file, as well as copies at your own expense;

to have all your costs incurred during the proceedings reimbursed by the defendant, if he/she is convicted and if the court considers them necessary for the enforcement of your rights;

to give a final speech at the end of the trial.

#### What are my rights as a witness?

As a **witness** to the crime you have suffered from, you can ask to give testimony without the presence of the defendant, his/her lawyer and the public. It is also possible for your testimony during the investigation to be read in court, instead of you being interviewed, if the prosecution and the defence agree and the court does not consider your examination necessary.

You are entitled not to have your privacy unjustifiably invaded by questions.

You have the right to have your expenses as witness – travel expenses, accommodation, etc. - and lost earnings (witness allowance) reimbursed from the state budget. You have to claim them within 3 days of your examination.

#### I am a minor. Do I have additional rights?

If you are a minor, your parent or guardian may represent you throughout the trial.

If you are **under 15 years of age**, you will be interviewed with utmost consideration and your interview will not be repeated, if possible. An education specialist may be present. If necessary, technical equipment for the transmission of sound and images will be used. Your personal data will not be disclosed.

#### Can I receive legal aid?

If you claim for compensation for the injuries caused by the offender, you do not have sufficient resources to cover the expenses for a lawyer and this is necessary for the protection of your interests, you can apply for **legal aid**. It is provided by a lawyer and paid by the state.

If you are a victim of discrimination, you will be provided legal aid free of charge regardless of your income.

#### How can I get protection, if I am in danger?

As a witness to the crime you suffered from, you can benefit from measures to protect your security and identity, including testifying in the absence of the defendant. They are imposed by the presiding judge if:

there is a danger that you might not testify accurately in the presence of the accused;

there is a risk of you getting a serious injury in relation to your testimony;

your identity must not be disclosed for serious reasons.

If disclosing your address as a witness will endanger you or your relatives, you may provide your work address or another address, where authorities can officially communicate with you.

You may also be allowed not to provide any other personal data (identity, place of residence, etc.), if that would endanger your or your relatives' life or health. In any case, your personal data as a victim will never be disclosed to the public.

You may be interviewed, using technical equipment, recording the interview or transmitting sound and image. During such an interview, your voice and appearance can be changed. In exceptional cases, you may benefit from change of identity.

If you are a victim of a terrorist act or a crime, committed by an organised criminal group, and you are in danger as a witness, you may participate in a witness protection programme, including measures of physical security.

If you are a victim of human trafficking, you may benefit from anonymous accommodation.

#### **How can I claim damages from the offender or receive compensation from the State?**

Your **claim against the offender** for the damage you have suffered from the crime, with the necessary reasoning and calculations, has to be submitted before the end of the investigation. It may concern damage to your health or property, or psychological or other damage. The criminal court will rule on your claim.

You may also be entitled to receive **compensation from the State**. Please consult the factsheet on compensation to victims of crime in Slovakia (available in [English](#), [Slovak](#) and other languages) of the European Judicial Network.

#### **Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?**

**Mediation** between the defendant and yourself can be applied during trial. For less serious crimes with a maximum sentence of five years of imprisonment, that can lead to reconciliation. If such a proposal is submitted after the prosecution submits the indictment, the court can start reconciliation proceedings, approve reconciliation and subsequently drop the criminal proceedings.

You can also, for any crime, participate in reaching an **agreement** about the guilt of the defendant and the sentence he/she should get. If the court finds out before the trial that the prosecution and defence are willing to negotiate on such agreement, the case is passed back to the prosecution.

#### **I am a foreigner. How are my rights and interests protected?**

If you are a foreigner, you have the following specific rights:

if you do not speak the Slovak language, you have the right to an interpreter free of charge;

if you reside abroad, you can be interviewed as a witness using technical devices transmitting sound and images.

#### **More information:**

Code of Criminal Procedure (Trestný poriadok) – in [English](#) and [Slovak](#)

Criminal Code (Trestný zákon) – in [English](#) and [Slovak](#)

Compensation Act (Zákon o odškodňovaní osôb poškodených násilnými trestnými činmi) – in [Slovak](#)

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### **3 - My rights after the (first) trial**

#### **Can I appeal against a sentence or if the defendant is declared not guilty?**

##### **Is further appeal possible?**

#### **What rights do I have after the court sentence enters into force?**

##### **More information**

#### **Can I appeal against a sentence or if the defendant is declared not guilty?**

You can only appeal the decision of the first instance court, regarding your **claim for damages**, not the guilt of the defendant and not the penalty.

##### **Is further appeal possible?**

You cannot submit an appeal against the decision of the second instance court.

#### **What rights do I have after the court sentence enters into force?**

If there is a risk of harm for you in relation to the release/escape of the offender, you have to be **informed about the release/escape** after you request so as soon as you have indications for such harm. You need to submit your request to the first instance court. The court, the prison or the police/prosecution will inform you about the release/escape as soon as they find out about it.

You do not have specific rights to appeal or otherwise influence the release of the offender, or to have access to the file on the execution of the offender's sentence.

If your damage claim against the offender in the criminal proceedings was unsuccessful or partially successful, you can claim before the civil court. You can apply for legal aid free of charge, if you do not have sufficient resources to cover the expenses for a lawyer.

#### **More information:**

Code of Criminal Procedure (Trestný poriadok) – in [English](#) and [Slovak](#)

Code of Civil Procedure (Občiansky súdny poriadok) – in [Slovak](#)

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### **4 - Help and support for victims of crime**

#### **Ministry of Justice**

#### **Centre for Labour, Social Affairs and Family**

#### **Victim Support Slovakia**

#### **Alliance for Women**

#### **Slovak Crisis Centre Touch**

#### **Gate to Life Crisis Centre**

#### **Hope Centre**

#### **Rainbow Crisis Centre**

#### **Beacon of Hope**

#### **Family Support**

[Križovatky](#)

[Dorka](#)

[Prevention and Aid Centre Dafné](#)

[Association of Women – WeMothers](#)

[Armful – Aid for Children in Crisis](#)

[Pro Familia](#)

[Fenestra](#)

[Women in Distress](#)

[Yes for Life](#)

#### **Ministry of Justice**

The Ministry of Justice is responsible for mediation in criminal proceedings and, through its Department of Damage Compensation, for compensation by the State of damages from intentional violent crimes.

The Ministry of Justice of the Slovak Republic

is responsible for mediation in criminal proceedings

through its Department of Damage Compensation, is responsible for compensation by the State of damages from intentional violent crimes

CONTACTS:

Website: <http://www.justice.gov.sk>

#### **Centre for Labour, Social Affairs and Family**

The Centre for Labour, Social Affairs and Family is the public body responsible for respect for the rights of vulnerable groups, mainly children in criminal proceedings.

The Centre for Labour, Social Affairs and Family

is a public body with 46 offices around the country

is responsible for respect for the rights of vulnerable groups, mainly children in criminal proceedings through social and legal protection and social curatorship

CONTACTS:

Website: <http://www.upsvar.sk/>

#### **Victim Support Slovakia**

Victim Support Slovakia provides free of charge aid to victims of crime and their relatives.

Victim Support Slovakia

has a central office and 9 regional centres

provides free of charge aid to victims of criminal offences, domestic violence, traffic accidents and their relatives

offers personal and telephone consultations

supports a hotline for victims of crime - 0850 111 321

works in the field of crime prevention

CONTACTS:

Website: <http://www.pomocobetiam.sk/>

#### **Alliance for Women**

The Alliance for Women provides aid to victims of domestic violence and human trafficking.

The Alliance for Women

works mainly in the Bratislava Region (South - West Slovakia)

provides aid to victims of domestic violence and human trafficking

offers socio-legal counselling, support in filing criminal complaints and civil actions

CONTACTS:

Website: <http://www.alianciazien.sk/>

#### **Slovak Crisis Centre Touch**

The Slovak Crisis Centre Touch provides aid to victims of domestic violence and human trafficking.

The Slovak Crisis Centre Touch

has branches in Bratislava, Trenčín and Martin

provides aid to victims of domestic violence and human trafficking through free of charge social, psychological and legal advice

provides representation of victims in court

does crisis intervention and provides anonymous accommodation

CONTACTS:

Website: <http://www.dotyk.sk/>

#### **Gate to Life Crisis Centre**

Gate to Life Crisis Centre provides aid to victims of domestic violence.

Gate to Life Crisis Centre

provides aid to women and children - victims of domestic violence - through shelters

organises therapeutic workshops

CONTACTS:

Website: <http://www.branadozivota.sk/>

#### **Hope Centre**

The Hope Centre provides crisis intervention, psychological counselling and psychotherapy, social counselling and social assistance, legal advice to children and victims of domestic violence.

The Hope Centre

provides crisis intervention, psychological counselling and psychotherapy, social counselling and social assistance to children and victims of domestic violence

offers legal advice

CONTACTS:

Website: <http://www.centrumnadej.sk/>

### **Rainbow Crisis Centre**

The Rainbow Crisis Centre serves as a reception centre for children and adolescents at risk.

The Rainbow Crisis Centre

serves as a reception centre for children and adolescents at risk

works with children of 6-18 years of age, whose rights are endangered; who come from problematic families; for whom reasonable suspicion exists for exposure to abuse or neglect

offers help to children of 0-18 years of age, who, together with their mothers, are exposed to domestic violence

offers crisis intervention, psycho-therapeutic and social care

CONTACTS:

Website: <http://www.domovduha.sk/>

### **Beacon of Hope**

Beacon of Hope provides social assistance and charitable services to victims of domestic violence, abused children and single mothers.

Beacon of Hope

provides aid to victims of domestic violence, abused children and single mothers

offers social, legal and psychological counselling, social assistance before the court and other competent authorities, crisis intervention and accommodation for a period of 3-12 months, psychotherapy

includes in its structure a crisis centre and a shelter

CONTACTS:

Website: <http://www.majak-nadeje.eu/about-us>

### **Family Support**

Family Support provides support and assistance to victims of domestic violence.

Family Support

provides support to victims of domestic violence

offers socio-legal expert advisory assistance, crisis intervention, drafting legal documents, accompanying to court and other state authorities

offers a helpline to victims of domestic violence +421 56 6884 473, 0 954 873 0908

CONTACTS:

Website: <http://www.pomocrodine.sk/>

### **Križovatky**

Križovatky offers social services, housing, food, counselling, and spiritual support to people in crisis.

Križovatky

offers social services, housing, food, counselling and spiritual support to people in crisis

CONTACTS:

E-mail: [krizovatky@ba.telecom.sk](mailto:krizovatky@ba.telecom.sk)

Website: n/a

### **Dorka**

Dorka provides social services and crisis rehabilitation for families.

Dorka

provides social services and crisis rehabilitation for families

offers emergency housing for abused women

includes in its structure crisis centres in Košice and Rožňava

CONTACTS:

Website: <http://www.centrumdorka.sk/>

### **Prevention and Aid Centre Dafné**

Dafné serves as a first contact centre and provides assisted voluntary returns of human trafficking victims to Slovakia and subsequent social work.

Dafné

serves as a first contact centre

provides assisted voluntary returns of human trafficking victims to Slovakia

provides aid to victims of torture

offers social counselling, social assistance, support in finding a job and accommodation as well as in contacts with authorities

CONTACTS:

Website: <http://www.dafne.sk/>

### **Association of Women – WeMothers**

The Association provides crisis counselling and crisis accommodation for women – victims of domestic violence.

The Association of Women – WeMothers

works mainly in the Prešov Region (East Slovakia)

provides crisis counselling and crisis accommodation for women – victims of domestic violence

offers services from lawyers, psychologists and doctors; accompanying to proceedings before state authorities

CONTACTS:

Website: <http://www.mymamy.sk/>

### **Armful - Aid for Children in Crisis**

Armful provides services for tortured and abused women and children.

Armful – Aid for Children in Crisis

provides services for tortured and abused women and children, often during ongoing civil and criminal proceedings

offers crisis intervention, psychological and legal counselling, representation before institutions

includes in its structure a children's centre, a training centre and a family centre

CONTACTS:

Website: <http://www.naruc.sk/>

### **Pro Familia**

Pro Familia provides protection of women and children from violence through social, legal and psychological counselling.

Pro Familia

provides protection of women and children from violence

offers social, legal and psychological counselling; legal representation in civil and criminal proceedings

is a member and focal point of the  **WAVE international network**

CONTACTS:

Website:  <http://www.profamilia.sk/>

#### **Fenestra**

Fenestra provides assistance to women victims of violence.

Fenestra

provides free and long-term assistance and support to women and children victims of violence

does advocacy for changing legislation on domestic violence

CONTACTS:

Website:  <http://www.fenestra.sk/>;  <http://www.bunker.sk/>

#### **Women in Distress**

Women in Distress works on preventing domestic violence, offers free of charge expert advice and social services.

Women in Distress

does work in preventing domestic violence

offers free of charge expert advice and social services

supports a crisis telephone line, through which crisis intervention, social, legal and psychological counselling is done - +421 43 4220 853, 0907 346 374,

0911 346 374

CONTACTS:

Website:  <http://www.zenavtiesni.sk/>

#### **Yes for Life**

Yes for Life provides assistance to women in crisis.

Yes for Life

provides assistance to women in crisis

operates a free telephone line for women in crisis situations - 0800 12 00 24

offers accommodation and special consulting in a shelter for mothers with children - victims of domestic violence

CONTACTS:

Website:  <http://www.anoprezivot.sk/>

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