Direitos das vítimas – por país

Estónia

Consideram-se **vítimas de crimes (partes lesadas)** as pessoas que tiverem sofrido danos físicos, materiais ou morais diretos em consequência de um ato ilícito, por exemplo danos pessoais ou materiais em consequência de factos que constituem um crime nos termos da lei nacional. A lei confere às vítimas de crimes determinados direitos antes, durante e após o julgamento.

Na Estónia, o processo penal começa pela fase da instrução, em geral conduzida pela polícia e pelo Ministério Público, durante a qual são recolhidos elementos de prova relativos ao crime cometido e seu alegado autor. Se houver elementos de prova suficientes, o processo segue para julgamento. O julgamento termina com a decisão do tribunal de condenar ou absolver o arguido. Em caso de condenação, o tribunal pronuncia-se também quanto à ação cível instaurada; em caso de absolvição, a ação cível será julgada improcedente. Neste caso, é possível instaurar uma ação cível para reclamar uma indemnização. O tribunal pode decidir deferir total ou parcialmente a ação cível, indeferi-la ou julgá-la improcedente Se não concordar com a decisão, pode interpor recurso junto de um tribunal superior.

Clique nas ligações abaixo indicadas para obter as informações de que necessita

1 - Os meus direitos enquanto vítima de crime
2 - Denúncia do crime e direitos que me assistem durante o inquérito ou julgamento
3 - Os meus direitos após o julgamento
4 - Indemnização
5 - Os meus direitos a apoio e assistência

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Traduções já disponíveis nas seguintes línguas: de | et | nl.

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?

When contacting the authority, you will get information on:

how to report the crime; and

any victim support services that are available without reporting the crime.

Guidance is also available on the website of the Police and Border Guard Board.

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

Your rights will be protected regardless of the EU country where you fell victim to the crime. You can report the crime and, if necessary, receive victim support services both in the country where the crime took place and in the country where you live.

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

When you report a crime, you are entitled to receive the following information:

at your request, a written acknowledgement that you have reported a crime;

a notification, within ten days, on the decision to commence or not commence criminal proceedings;

if criminal proceedings are commenced, you will be questioned as a victim and asked whether you wish to receive information on the arrest and release of the suspect, and the time and place of the trial; furthermore,

when the preliminary investigation of the case is completed, the public prosecutor will notify you that you are entitled to examine the contents of the criminal file.

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

Anyone who does not understand or speak Estonian is entitled to interpretation during the proceedings. You are entitled, on request, to receive a translation of any text that is essential for understanding the ruling on the termination of criminal proceedings or the court judgment or for ensuring the fairness of the proceedings.

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

The authorities must ensure that you understand what is explained to you and are understood. For this purpose, information sheets in easy-to-understand language and trained specialists are available at the police station or prosecutor's office. You are also always entitled to a sign language interpreter.

Victim support services

Who provides victim support?

Victim support services are provided by the Estonian National Social Insurance Board.

If you are a victim of violence against women, you may also turn to women's refuges for help.

Will the police automatically refer me to victim support?

The police will inform you about victim support services and refer you to a victim support worker if necessary. Many police stations have a victim support worker present at all times.

How is my privacy protected?

All information gathered in the course of criminal proceedings is confidential and will not be shared with the public before the public trial. The court may also declare that your trial will be held in camera, in which case the information discussed during the trial will also not be accessible to the public.

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

No, everyone has access to general victim support, whether or not they have reported a crime. However, there are specific victim support services, such as compensation to victims of violence or allowance for psychological support, which you can only access after you have reported a crime.

Personal protection if I'm in danger

What types of protection are available?

You can ask the prosecutor to request that the court issue a temporary restraining order against the suspect. A temporary restraining order instructs the suspect to stay away from places specified by the court and not to approach or communicate with persons specified by the court.

You may also be protected by witness protection measures applied by the police at the request of the prosecutor's office.

Who can offer me protection?

If you are in danger, contact the police and they will ensure your safety.

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

The police must assess every case, ensuring that any harm is prevented.

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

All the authorities conducting the proceedings are always required to consider your interests and prevent you from undergoing secondary victimisation during the criminal proceedings.

What protection is available for very vulnerable victims?

If you are a victim of a serious crime, you may be allowed not to be questioned in court; alternatively, a telehearing may be allowed or a partition used to hide you from the view of the accused during your questioning in court.

I am a minor – do I have special rights?

The authority conducting the proceedings may involve a child protection official, social worker or psychologist in the questioning of a victim who is a minor. This is mandatory in serious cases if the person conducting the proceedings has not received appropriate training.

If you are a victim who is a minor and your interests are in conflict with those of your legal representative or your parents, the authority conducting the proceedings may appoint an advocate for you free of charge as legal aid.

Minors with mental disorders and all children under 10 years of age, or children under 14 years of age in cases of domestic or sexual violence, will not be questioned in court. Instead, the police interview with the minor will be recorded on video and may be used as evidence in court.

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

If your family member died because of the crime, you have all the rights of a victim during the proceedings.

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

If your family member was a victim of crime, you are entitled to receive victim support services similarly to the victim if necessary.

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

With your consent and that of the suspect, the prosecutor's office may decide to terminate the criminal proceedings by conciliation (mediation). The conciliation service is provided by a victim support worker.

You will have the right to opt out of the conciliation procedure at any point.

Where can I find the law stating my rights?

Code of Criminal Procedure

Victim Support Act

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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 by calling the police emergency number 112 (if you also urgently need police assistance), submitting a written report at the nearest police station or emailing a report to the appropriate police prefecture. More information on how to report a crime is available here.

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

After you have reported a crime, you will be contacted and informed about any further procedures (e.g. you will be asked to give testimony, provide information on possible witnesses, help with collecting evidence, etc.). If necessary, you will also receive information on possible victim support and other protection measures.

After your questioning, write down the number of the criminal matter and the investigator responsible for the case. This will make it easier for you to request information from the police at a later date.

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

You have the right to have a lawyer present during the proceedings. If you do not have the means to hire one, you may make a request to the court for state legal aid.

All victims who are minors whose interests are in conflict with those of their legal representatives are entitled to state legal aid free of charge.

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

Victims and witnesses are entitled to compensation for expenses incurred or income not received because of the criminal proceedings. For example, you can claim for travelling expenses or loss of earnings incurred from going to give evidence. To claim expenses, notify the authority that summoned you and you will receive instructions on how to submit your claim.

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

When criminal proceedings are terminated, a copy of the relevant ruling will immediately be sent to you or your representative. As a victim you can request access to the criminal file within 10 days from receiving the ruling terminating the criminal proceedings. Within those 10 days, you are also entitled to request that the prosecutor's office review the ruling.

Can I be involved in the trial?

As a victim, you are a party to the trial on equal terms with the other parties and are entitled to be involved in the trial.

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?

If a crime has been committed against you, then you are a victim in the criminal proceedings. However, you are also entitled to file a civil action as part of the same proceedings. The concept of private prosecution does not exist in Estonian law.

What are my rights and obligations in this role?

Under the Code of Criminal Procedure, a victim is entitled to:

contest a refusal to commence or a termination of criminal proceedings;

file a civil action through an investigative body or the prosecutor's office;

give or refuse to give testimony against persons close to him or her;

submit evidence;

submit requests and complaints;

examine the minutes of the proceedings and make statements on the conditions, course, results and minutes of the proceedings (your statements will be taken down in writing);

examine the contents of the criminal file after the preliminary investigation of the case is completed;

participate in the court hearing;

give consent or refuse to consent to the application of a settlement procedure and give an opinion concerning the charges and punishment, the amount of the damages specified in the charges and the civil action;

give consent to the application of a temporary restraining order and request the application of a restraining order;

request to be questioned by a person of the same sex in the case of sexual violence, gender violence or a criminal offence committed in a close relationship, except where the questioning is conducted by a prosecutor or judge or if it would hinder the course of the proceedings.

A victim is required to:

appear when summoned by an investigative body, prosecutor's office or court;

participate in procedural acts and obey the orders of the investigating body, the Prosecutor's Office and the court.

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

You are entitled to make statements and express your opinion during the trial. You have the right to give testimony in court if the prosecution requests that you be questioned.

What information will I receive during the trial?

The court will inform you about the time and place of the court sessions and you will also be informed about the court ruling, which will be delivered to you unless you are personally present in court when the ruling is pronounced.

Will I be able to access court files?

You are entitled to examine the court files in the prosecutor's office after the preliminary investigation is completed or when the criminal proceedings are terminated. The prosecutor's office will inform you about this right and provide instructions on how you can examine the files.

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3 - My rights after trial

Can I appeal against the ruling?

As a party to the trial, you have the right to file an appeal against the ruling with a district court within 30 days after the ruling is made.

What are my rights after sentencing?

You have the right to be notified in the event of the early release of the convicted offender from prison if you request this during the proceedings.

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

The course of the criminal proceedings does not affect how long you can receive victim support services. You can continue to receive victim support services after the conclusion of the criminal proceedings without any specific time limit.

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

You will be informed about the court ruling, which states the length of the sentence given to the suspect. You will also be notified in the event of the early release of the convicted offender from prison if you so request.

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

If you requested this during your questioning, you will be notified if the convicted offender is released or escapes from prison.

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

You may be asked to give an opinion during early-release proceedings, but you cannot appeal against such decisions.

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4 - Compensation

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

You are entitled to file a civil action against the accused to claim damages as part of the criminal proceedings. You can file a civil action within 10 days after you examine the criminal file. You can also request that the prosecutor's office extend this deadline.

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

If the convicted offender does not pay the amount imposed on him or her by the court ruling, you are entitled to contact a bailiff, who will organise enforcement proceedings.

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

No, the state does not pay damages owed by a convicted offender.

Am I entitled to compensation from the state?

You may apply for compensation from the state for the following types of damage if you are a person close to the person who died because of a crime, or if you are a victim of a crime of violence, and have sustained a health disorder lasting for at least four months because of the crime:

damage arising from incapacity for work or reduced working capacity;

expenses incurred due to damage caused to the victim's health;

damage arising from the death of the victim;
damage caused to spectacles, dentures, contact lenses or other appliances substituting for bodily functions or to clothes;
the victim's funeral expenses.
To be eligible for compensation, you must report the crime to the police within 15 days after it takes place or after you have the opportunity to report it.
The application for compensation must be submitted to the Estonian National Social Insurance Board within three years of the crime being committed or the date of the victim's death, unless:
the dependant became aware of the death of the victim more than one year after the date of death and the application is submitted within three years of the date of becoming aware of the death of the victim;
the applicant for compensation sustained a health disorder that lasted longer than one year and the timely submission of the application was impossible due to his or her state of health, and the application is submitted within three years of his or her state of health improving;
the basis for applying for compensation is a sexual offence against a minor and the application is submitted within three years after the victim became an adult unless the reason for the criminal proceedings became evident before he or she became an adult.

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

You can apply for state compensation to victims of crime if the criminal proceedings fail to identify the person who committed the crime against you.
If the person accused of the crime is acquitted in court but you still believe that the person has caused you damage, then you can file a civil action.

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

The decision on the award of compensation to a victim of violence may be postponed until a county court ruling if:
the applicant's right to receive compensation from the person liable for the damage caused by the criminal offence is uncertain, or
it is obvious that the person liable for the damage caused by the criminal offence agrees and is able to compensate for the damage.
If the award of compensation is postponed, the Estonian National Social Insurance Board may make an advance payment on the basis of a request from the applicant for compensation if the applicant is clearly eligible for compensation and he or she is in a difficult economic situation.

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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?

Estonian National Social Insurance Board's Victim Support Department
Women's support centres
Police and Border Guard Board

Victim support hotline

Victim support hotline: 6121360 or 16106 (calls are taken Mon-Fri 9.00-17.00).
Children's support hotline: 16111 (for reporting children who need help; calls are taken 24 h, every day).

Is victim support free?

Yes, the victim support services are free.

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

The state victim support services cover the following:
counselling victims;
assisting victims in communicating with state and local government authorities and legal persons;
ensuring safe accommodation;
ensuring catering;
ensuring access to necessary health services;
providing necessary material assistance;
providing necessary psychological assistance;
arranging translation and interpretation services necessary for receiving victim support services;
providing other services necessary for the physical and psycho-social rehabilitation of victims.

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

State victim support service providers can direct you to suitable non-governmental organisations.
Women's refuges

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