

## THE RIGHTS OF THE VICTIMS IN CRIMINAL PROCEEDINGS

THE VICTIMS' ASSISTANCE ACT (VAA, KNOWN AS LAVI IN FRENCH) AIMS TO PROVIDE APPROPRIATE ASSISTANCE TO VICTIMS OF CRIMINAL OFFENCES AGAINST THEIR INTEGRITY, AND TO STRENGTHEN THEIR RIGHTS.

THE RIGHTS OF VICTIMS PROTECT THEM IN CRIMINAL PROCEEDINGS, WHETHER OR NOT THEY HAVE FILED A COMPLAINT.

### THE RIGHT TO BE INFORMED OF THEIR RIGHTS

From the first hearing, the police or the public prosecutor's office must properly inform the victims about their rights and duties during the criminal proceedings. This includes providing information about the LAVI Advisory Centre, its mission and services, as well as the deadline for filing an application with the LAVI Compensation Board.

### THE RIGHT TO REFUSE TO GIVE ONE'S PRIVATE ADDRESS

The authorities must protect the victim's personality at all stages of the criminal proceedings (Art. 152 para. 1 CCP). The victim's name and contact details must not be disclosed to third parties, unless an exception applies.

The defendants must know who is/are accusing them, but the victims have the right to refuse to give their private address, by electing their lawyer's office as their place of residence; this must be requested at the very beginning of the proceedings.

### THE RIGHT TO BE ACCOMPANIED BY A TRUSTED PERSON

Victims may be accompanied by a support person, in addition to their lawyer, when they are heard by the police, a prosecutor or the court (Art. 152 para. 2 CCP). A support person represents a moral resource and friendly support during court hearings. He or she may not intervene and must not be likely to act as witness in the proceedings in progress. This person can be a member of the victim's entourage (relative, friend, colleague, etc.). The staff of the LAVI Centre can also fulfil this role.

### THE RIGHT TO REQUEST NOT TO BE CONFRONTED WITH THE DEFENDANT

Victims can demand not to be confronted with the defendant (non-confrontation\*, art. 152 para. 3 CCP). In this case, the authorities must use other means, such as a room separated into two parts, with a one-way mirror between them (called the LAVI room).

### THE RIGHT TO BE INFORMED ABOUT DECISIONS AND FACTS RELATING TO THE DEFENDANT'S EXECUTION OF A SENTENCE OR MEASURE, RELEASE, AND/OR ESCAPE

Victims have the right to be informed of the defendant's detention (pre-trial or on security grounds), release or escape, unless they have expressly required not to receive this information (art. 214 para. 4 CCP).

The Public Prosecutor's Office notifies the victims without delay of the defendants' indictment (Article 327(1) CCP). At the end of the criminal proceedings, victims may ask the Service d'application des peines (SAPEM) to be informed of the decisions and facts relating to the execution of a sentence or measure by the convicted persons, their conditional or final release, and/or escape.

## SPECIFIC RIGHTS OF VICTIMS OF OFFENCES AGAINST THEIR SEXUAL INTEGRITY

- Victims can demand to **BE HEARD BY A PERSON OF THE SAME GENDER** (art. 153 para. 1 CCP), at all stages of the proceedings: preliminary proceedings (hearings by the police or by the Public Prosecutor's Office) and debates (court hearings).
- Victims may **REFUSE TO ANSWER QUESTIONS ABOUT THEIR OWN PERSONAL CIRCUMSTANCES**, such as their relationship with their relatives and friends, or their sex life, whether or not the questions are related to the offence (art. 169 para. 4 CCP).

## SPECIFIC RIGHTS OF MINOR VICTIMS

Victims under the age of 18 benefit from special provisions to protect their personality, including:

- Minor victims may only be confronted with the defendant when they expressly request it (or when their right to be heard cannot be guaranteed otherwise) (Art. 154 para. 4 lit. a CCP).
- Minor victims **SHOULD IN PRINCIPLE NOT BE SUBJECT TO MORE THAN TWO HEARINGS** throughout the proceedings (art. 154 para. 4 lit. b CCP).
- **HEARINGS** are conducted in a special format by a trained investigator, in the presence of a specialist. The hearing is recorded on a medium that preserves sound and image (art. 154 para. 4 lit. d CPP).

### MAIN INFORMATION ABOUT THE LAVI CENTRE

The LAVI Centre aims to inform, advise and offer appropriate and personalised support to victims who fall within the scope of the LAVI Act. The support that our service can provide is free of charge. Moreover, after evaluation, our services can take the following forms:

- giving victims who so wish the opportunity to talk about the event that occurred, so as to receive support in overcoming the physical, psychological and relational consequences of the offence;
- accompanying them during criminal proceedings;
- supporting them in dealing with insurance companies;
- helping them to assert their rights regarding the financial consequences of the offence (compensation and reparation of any moral damage);
- if necessary, putting them in touch with a lawyer, a specialised therapist or other services.

We are also at the disposal of the parents or relatives of the victims.

**The consultations are confidential; we are legally bound by the obligation to maintain secrecy.**

Not all offences are covered by the LAVI. In order to confirm whether your situation falls within the scope of the LAVI and to explain to you what support we can provide, you can contact us through our hotline at 022/320.01.02. Detailed timetables and other information are available on our website.

[www.centrelavi-ge.ch](http://www.centrelavi-ge.ch)