



FACT SHEET

FOR VICTIMS OF CRIMES AGAINST HEALTH AND LIFE

1. What is victim support?

The victim support alleviates the effects of serious crimes, especially crimes against health and life and crimes against sexual integrity. The victim support includes:

- The possibility of claiming various victim support benefits.
- Special rights in the criminal proceeding.
- The possibility to receive damages and satisfaction and a release of procedural costs.

2. Who can request victim support?

Every person whose physical, sexual or mental integrity has been directly and adversely affected by the offence can request victim support.

Relatives of the victim can also request victim support. Relatives of the victim include his or her spouse, children and parents, and persons closely related to him or her in a similar way. If relatives of the victim file civil claims, they are entitled to the same right as the victim.

It is not important to establish whether the offender is guilty or whether he or her traded willfully or negligently in order to receive victim support.

3. Services by victim advice centres

The victim advice centres provide private advice or advice by telephone for the victim and his or her relatives. If it is necessary the victim advice centres can impart the victim to professionals (health care professionals or lawyer) and support him or her in requesting financial assistance. The support is confidential and free of charge.

4. Special rights for victims of criminal proceedings

4.1. Right to information

- Information about his or her rights and obligations in the criminal proceedings.
- The right to information about several victim supports and about the victim advice centres at their first examination hearing by the police or the public prosecutor.
- The right to information about the order and ending from the remand or preventive detention and about the escape by the accused.

4.2. Right to participation

Victims can participate at the penal procedure and have there the right to be heard. In particular they have the following rights:

- to inspect case documents
- to participate in procedural acts
- to appoint a legal agent;
- to comment on the case and on the proceedings

- to request that further evidence has to be taken.

If the person suffering harm files civil claims (damages and/or satisfaction) he or she is a civil claimant in the criminal proceedings. The victim has expressly to declare, by the criminal justice authority, that he or she wishes to participate at the criminal proceedings as a criminal or civil claimant. The declaration must be made by the end of the preliminary proceedings at the latest. The civil claim must be quantified in the declaration and a brief statement of the grounds has to be provided. If a private claimant withdraws the civil claims before the end of the main hearing before the court of first instance, they may file the claim again in civil proceedings.

The relatives of a victim can file separate civil claims. They are entitled to the same rights as the victim.

4.3. Right to protection

- The right to be accompanied by a confidant at all procedural hearings, for example in an examination hearing as a witness or as persons providing information.
- The right to not encounter the accused if the victim does not request this.
- The court has completely to exclude members of the public from court hearings by legitimate interests of the victim.
- The right to have the anonymity will be sustained outside the public proceeding.

4.4. Special rights for victims of sexual offences

- The right to be questioned by a person of the same sex.
- A confrontation hearing with the accused may be ordered against the wishes of the victim only if the accused's right to be heard cannot be guaranteed in any other way.
- The right to an examination hearing being translated by a person of the same gender.
- The right to remain silent, if the statements or the questions touch the privacy of the victim.
- The right to request to the court that at least one of its members must be of the same gender as the victim.

4.5. Special rights for child victims

Child victims have following rules which apply when he or she is under 18 years at the time of the examination hearing or confrontation hearing and if it is evident that the examination hearing or the confrontation hearing could be a serious psychological burden for the child:

- A confrontation hearing with the accused may be ordered only if the child expressly request the confrontation hearing.
- Examination hearings shall be conducted in the presence of a specialist by an investigating officer specifically trained for this purpose and unless a confrontation hearing is held, audio and video recordings shall be made of the examination hearing.
- The child victim may not normally be interviewed more than twice during the entire proceedings.

5. Financial assistance

The victim has the right to request financial assistance, if the conditions are fulfilled.

5.1. Emergency and permanent aid

The aid from the victim advice centre is for free. If the victim needs help from other persons (health care professional, a lawyer or a domestic aid) the victim support could bear these expenses, if the conditions are fulfilled.

5.2. Compensation and reparation

Victims and his or her relatives have the right to receive damages by health implications or death of the victim. But they have no rights to receive damages to property or damages caused by emergency or permanent aid.

If several conditions are fulfilled the victim and his or her relatives can ask for an advance.

Victims and his or her relatives have the right to receive satisfaction, if the measure of damages justified this.

Claim for damages and satisfaction are filed in the following allotted periods:

- Claims must be filed within 5 years since the crime or since knowledge of the crime
- Victims, that have been under 16 years at the time of the crime, like sexual offences, tried homicide, serious assault or trafficking in human beings, can file the claims until he or she is 25.
- Civil claims based on an offence as a private claimant in the criminal proceedings, have to be filed within one year since the final decision about it.

The canton, in which the offences are committed, is responsible for damages or satisfactions. If the offences are committed in another country the victim has no right to damages or satisfactions.

Claims for damages, satisfaction and advancement are to be filed to the Department of Justice, police building, 6061 Sarnen, phone 041/666 64 94.

6. Information

For further information and questions please contact the following victims support centre:

Cantonal social welfare office:

Dorfplatz 4

Postfach 1261

6061 Sarnen

phone: 041/666 64 62

e-Mail: sozialamt@ow.ch

The public prosecutor of Obwalden, police building Foribach, 6061 Sarnen, 041 / 666 62

40, can be contacted by questions about the special rights for victims of criminal proceedings. The victim can obtain information about the order and ending from the remand or preventive detention and about the escape by the accused and can declare that he or she wishes to participate in the criminal proceedings in order to assert more rights.

website: www.opferhilfe-schweiz.ch