

Crime Victims' Rights

Crime victims' rights

Irish law has set out specific rights for victims of crime. These rights are designed to help ensure that **all** victims are treated with respect, sensitivity and dignity.

Am I a victim?

Irish law defines a victim as anyone who has suffered physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. Family members are also victims if the death of their loved one was directly caused by a criminal offence.

The crime does not need to be reported to An Garda Síochána (Irish police) for you to claim your rights as a victim.

I'm a victim. What are my rights?

You have the right to receive information in simple, accessible language that you can understand. If you have special communication needs, these should be accommodated.

If you speak a language other than English, you should be provided with an interpreter. You can also ask for written information to be translated so that you can understand it.



When you first make contact

When you first contact the Gardaí (Irish police) or the Garda Ombudsman Commission, you are entitled to be offered a wide range of information. The information should include:

- how to report a crime;
- details for who you can contact for updates and information about your case;
- information on victim support services, including domestic violence refuges;
- information on special protections available for victims who are under the age of 18;
- when and how you can get protection from an offender or an accused person;
- how and when you can get somebody to interpret what you are being told or how to get a translation of documents given to you;
- what your role is in the criminal justice process;
- if you are entitled to legal aid or advice, and how you can access it;
- whether restorative justice schemes are available;
- where you may apply for compensation for injuries that you suffered as a result of the crime;
- how and when a judge may make an order for you to receive compensation;
- how and when you can expect to be paid any expenses you have had because you have taken part, or will take part, in a criminal case;
- how and when you may make a victim impact statement;
- special measures available if you are a victim of crime in Ireland who is living in another EU Member State; and
- how to lodge a complaint if your rights aren't respected.

When you report a crime

You can bring someone with you

When you report a crime, when you make a statement and during subsequent interviews, you have the right to bring a person of your choice with you for support.

You can also bring a legal representative (solicitor), if you wish. However, the Gardaí can ask you to choose a different support person or legal representative if they think it is in your best interest or if they think the person you have chosen could interfere with the investigation.

You are entitled to written acknowledgment

After you report a crime, you have the right to receive a formal written acknowledgment of what you have reported.

You have a right to a copy of your statement

You will usually have the right to a copy of any statement you make to the Gardaí. You can get this by asking the investigating Garda or the Garda Victim Service Office.

You can report a crime that occurred in another EU country

If you were a victim of a crime in another EU country, you can report the crime to the Gardaí in Ireland. The details of your complaint should then be forwarded by the Gardaí to the appropriate law enforcement agency in the EU country where the crime was committed.

During the investigation

Interviews and medical examinations should be kept to a minimum and only done when necessary for the investigation.

You have the right to ask the Gardaí to keep you informed about significant developments in the investigation. However, you do not have a right to any information that could damage the investigation or put someone in danger.

If property is taken from you as part of the investigation, it should be returned to you without delay whenever possible. However, sometimes your property will have to be used as evidence in a criminal trial. If this happens, you may not be able to get this property back until the court case ends.



When a decision is made not to prosecute or to stop the investigation

Sometimes the Gardaí identify the person who they think committed a crime but a decision is made not to prosecute the suspect.

The decision not to prosecute is made by either the Gardaí or the Director of Public Prosecutions (DPP). When this happens, you have a right to request a summary of reasons for the decision. You must make your request within 28 days of the date you are told of the decision not to prosecute.

You also have a right to ask for the decision not to prosecute to be reviewed and reconsidered. You must send your request for a review within 56 days of the date you were told of the decision not to prosecute. Or, if you have asked to be given a summary of reasons for the decision, you have 28 days from the date that you receive the summary to make your request.

Sometimes the Gardaí decide to stop actively investigating a crime without identifying a suspect. You have the right to request a summary of reasons for the decision to stop investigating your case.

Both the Gardaí and the DPP have a form you can complete to request a summary of reasons and a review. You can get this form from the Gardaí, the DPP or the Crime Victims' Helpline.

At court

You are entitled to ask and be told by the Gardaí:

- when and where the court case you are involved in will take place,
- what the suspect is being charged with and, if they are convicted,
- the date they will be sentenced.

If a suspect has been arrested, you may have the right to be heard at a hearing where a decision is made about whether they should be released from custody on bail. For you to exercise this right, the Gardaí must ask the judge who is hearing the case whether or not you can be heard. It is up to the judge to decide.

If you give evidence in court, you can ask for an interpreter to be there. You do not have to pay for this. If your request for an interpreter is refused, you can appeal that refusal.

If the offender pleads guilty or is found guilty, you have a right to make a personal statement before they are sentenced. This is called a victim impact statement. It gives you a chance to describe, in your own words, how the crime has impacted you physically, emotionally and financially.

You have the right to ask for, and be told about, any final decision in a case and the reasons for the decision. However, you do not have a right to be given a reason in a case where a jury made the decision.

When the offender is in prison or other place of detention

When an offender is put in prison, a children's detention centre or the Central Mental Hospital, you have the right to ask for, and to be told:

- their expected release date (month and year),
- when they are about to be released or transferred, and
- if they escape from or die in custody.

Do I still have rights if I don't report the crime?

Yes. You have rights, such as the right to information and support services, even if you decide not to report the crime to the Gardaí. You can contact the Crime Victims' Helpline, and we will tell you about the support services available to you.

Do I have any rights to special protections?

While investigating your case, the Gardaí will decide whether you need special supports or protections (on next page). Among the things they will consider when making their decision are your personal circumstances and the type and circumstances of the crime.

If you have been the victim of certain types of crime, you are more likely to need special protection. These crimes include terrorism, organised crime, human trafficking, gender-based violence, violence in close relationships and sexual violence.

Victims of hate crimes may also need special protection. Hate crimes are crimes with a bias or discriminatory motive related to your age, gender, gender identity or expression of it, ethnicity, race, religion, sexual orientation or health.

Victims with a disability or who have problems communicating may also be identified as needing special protections.

You should let the Gardaí know if you think you have any special protection needs.

Special protections and supports can include:

- Interviews conducted in a location specially designed or adapted for the purpose.
- Interviews conducted by someone who has specialised training.
- The trial may take place without the presence of the general public. However, if the judge orders the public not be allowed, members of the press may still have the right to be present.
- While testifying in court, you have a right to avoid contact with the offender. This could mean testifying from behind a screen or from a different room over a video link.
- You cannot be cross-examined about your private life if it is not related to the criminal offence.

What if my child is the victim of a crime?

Child victims (anyone under the age of 18) are automatically presumed to need special protections. As well as the special protections outlined above, children also have the following rights.

Child's best interests: The Gardaí must consider your child's best interests, including the child's views or concerns.

Recording interviews: Interviews conducted by the Gardaí with your child may be recorded and then may be used in criminal proceedings as evidence.

Special representative: A special representative may be appointed for your child when a family member or guardian has been charged with, or is under investigation for, an offence relating to your child.

Free services for children: A child has a right to access support services, free of charge. These support services may include counselling.

What should I do if I think my rights have not been respected?

In Ireland, no one person or organisation is responsible for receiving and investigating complaints that a victims' rights have been violated. However, there are a few steps that you can take if you think your rights have not been respected.

Talk directly to responsible organisation

Raise your concerns directly with the organisation responsible. You can do this informally by asking to speak with a supervisor or you can follow the organisation's formal complaint procedure. This will usually mean making your complaint in writing.

In the case of the Gardaí, you can speak to a sergeant or a superintendent about your concerns.

Complain to the Garda Ombudsman

Make a complaint to the Garda Ombudsman (GSOC). If you do this, the case can be investigated for "breach of discipline". However, GSOC cannot force the Gardaí to act in a specific way. However, the Garda Ombudsman may make recommendations to the Garda Commissioner concerning disciplinary proceedings.

Complain to the Children's Ombudsman

Make a complaint to the Children's Ombudsman if the victim is a child and the complaint is about a public body other than An Garda Síochána.

Seek legal advice

You can also look for legal advice.

What if I don't qualify for special protections? Can I still get help?

Yes. All victims of crime have a right to access support services, free of charge.

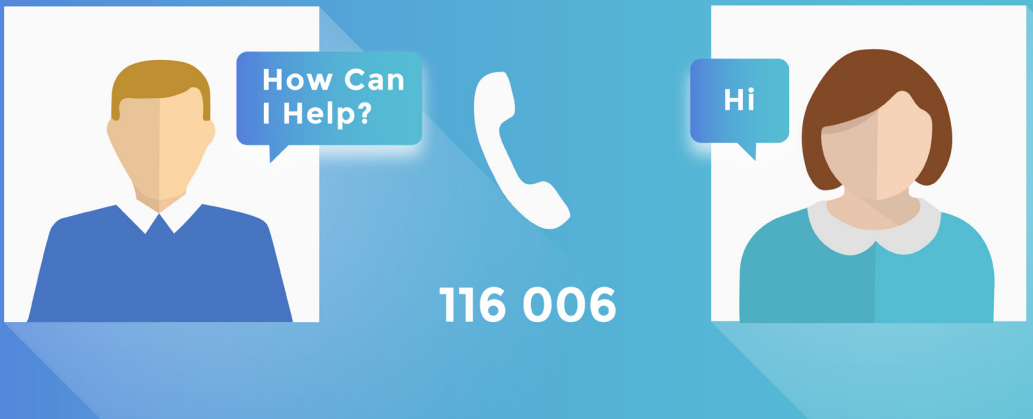
You can contact the Crime Victims' Helpline to find out what support services are available to you. These services include specialised supports for victims of crimes such as domestic violence, sexual assault and homicide.

Get more information

If you would like more information about these rights, you can visit www.crimevictimsrights.ie or contact the Crime Victims' Helpline.

The national Crime Victims' Helpline, Freephone 116 006, is a listening and support service for victims of crime in Ireland. Our aim is to support, inform and listen to victims of crime and all those impacted by crime.

We provide time and space for victims to talk about their experiences. We also provide information about the criminal justice system and information about local and specialised victim support services.



Crime Victims Helpline.ie



Freephone
116006

Crimevictimshelpline.ie

info@crimevictimshelpline.ie

Helpline 116 006 (free to call)

Text 085 133 7711 (standard text fees apply)



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