

Information leaflet for those affected by sexualised violence

What is sexualised violence?

Sexualised violence is when a person approaches a child, youth or adult with the intention of sexually arousing or satisfying themselves.

Sexualised violence also means that the affected person's wishes and stop signals are ignored. The responsibility for sexualised violence always resides exclusively with the accused.

Criminal proceedings

Sexual violence is generally an offence prosecuted ex officio, i.e., a criminal investigation is initiated based on a report received by the police, and the accused is officially prosecuted. The criminal proceedings against the accused are conducted with the relevant **public prosecutor**. The **juvenile prosecutor** is responsible for cases in which the perpetrators are minors.

After completion of the criminal investigation, the public or juvenile prosecutor decides:

- Whether the proceedings are to be abandoned (e.g., if there is insufficient evidence or if a settlement is reached).
- Whether the proceedings are to conclude with a summary penalty order (e.g., if the accused is given punishment such as a caution, a fine, a custodial sentence not exceeding 6 months etc.).
- Or, particularly when there is a threat of more severe punishments, whether the proceedings are to be referred to a court or juvenile court that shall pass judgement.

The **court or juvenile court passing judgement** decides on the guilt of the accused and the degree of penalty. It can also decide on the affected person's

financial claims (civil claims, i.e., compensation claims for damages, pain and suffering).

Special measures to protect children as affected persons (art. 154 ff, CrimPC)

Filmed questioning of minors

Questioning of affected minors is generally filmed. This procedure prevents the affected person from having to recount painful events multiple times: to the police, to the public or juvenile prosecutor and to the court or juvenile court. Affected minors are usually questioned no more than twice.

Procedure for questioning minors

A visible camera films the questioning. In the presence of the **Inselspital child protection group** (for preschool children) or the **police**, the affected person tells a specially trained individual what happened to them. In an adjoining room behind a one-way mirror, or via a video link, another specialist from the cantonal police and a person in charge of the technical equipment follow the questioning.

The accused's legal expert, the affected person's legal expert and a confidant of the affected person may also follow the questioning. A break before the end of the questioning enables the interviewer to consult the specialist from the cantonal police and to take questions from the legal experts.

Children who are under the age of fifteen at the time of the hearing are questioned as persons providing information and are not obliged to testify (art. 178, CrimPC).

The most important rights of affected persons during the criminal proceedings

As the affected person, you have certain rights during the criminal proceedings: protection of privacy at

all stages of the proceedings, protection against public disclosure of identity, exclusion of public access can be requested or ordered by the court, prevention of any encounter or confrontation with the accused (exceptions are possible), refusal to answer questions that relate to your private sphere in cases of sexual offences, selection of the gender of various involved parties, notification of the perpetrator's prison release or escape, and accompaniment of a confidant.

As a **private complainant**, you also have the following rights: representation by a legal expert during the criminal proceedings, requests for the taking of further evidence, inspection of case documents, submission of civil claims, notice of judgement, and delivery of judgements and rulings.

These lists are not exhaustive. We will gladly give you specific information over the telephone or in person.

Please note that somewhat different rules apply to accused minors in criminal proceedings (juvenile prosecutor / juvenile court).

Medical costs

Medical costs are the costs of medical treatment, ambulances and other measures prescribed by a physician, e.g., physiotherapy.

If you are working, report the incident to your employer's accident insurance provider.

If you are not working, report the incident to your personal health and accident insurance provider. If you are currently unemployed and registered with the regional job centre (RAV), report the incident there.

You must submit the invoices (e.g., from medical specialists or hospitals) to the relevant insurance provider. You can subsequently declare any excess or deductibles as damages in court (see below).

If you incur medical costs that are neither paid by the insurance nor the perpetrator, there is a possibility that Victim Support will recompense you for these. Please let us know about them.

Compensation claims for damages, pain and suffering

If you wish to assert compensation claims for damages, pain and suffering against the perpetrator, these claims can be asserted as **civil claims** during the criminal proceedings with the public or juvenile prosecutor.

Claims for damages

Damages and costs caused by the criminal act mainly include:

- Damaged or destroyed clothing and shoes.
- Lost wages or income because of the criminal act.
- Telephone and travel expenses relating to the criminal act.
- Additional costs that the health or accident insurance does not cover.

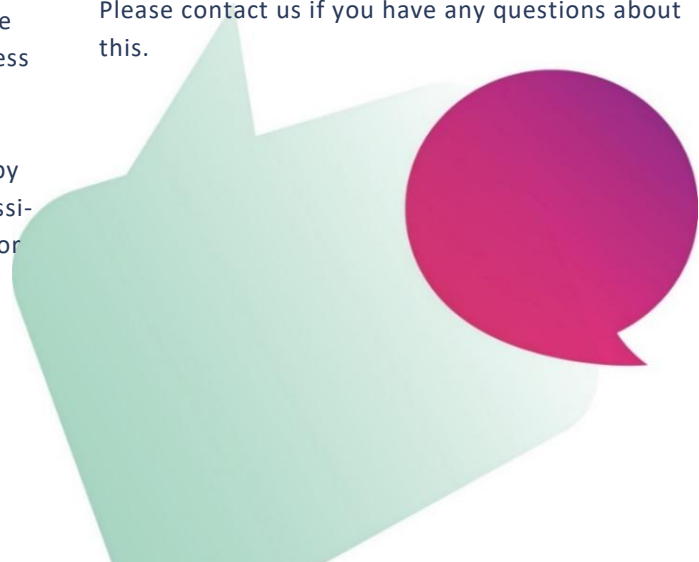
Make a **list of the damages and costs**, with the corresponding receipts.

Compensation for pain and suffering

When persons are affected by violence, the question of whether they are entitled to compensation for pain and suffering often arises. Such compensation is possible under the following circumstances:

- If the criminal act leaves behind physical injury and/or psychological damage.
- If the professional and/or private possibilities experienced prior to the criminal act are left impaired.
- If, despite no injury or damage being left behind, the healing process was very painful, abnormally long or extraordinarily difficult for the affected person.

Please note that in the summary penalty order procedure, the compensation claims for damages, pain and suffering must be asserted in **civil proceedings**. Please contact us if you have any questions about this.



Claiming compensation for damages and/or pain and suffering from Victim Support

If you or your child is entitled to compensation for damages and/or pain and suffering, and this is not paid, due to the perpetrator being unknown or unable to pay, such claims can, under certain circumstances, be covered by Victim Support. Please note that these claims should be put forward to Victim Support as soon as possible and within 5 years of the date of the offence at the latest, otherwise they expire. If your child was under the age of 16 at the time of the offence, these claims can be put forward to Victim Support at any time until the child turns 25.

Guidance counselling services

The Victim Support Service offers you counselling and support. The counselling is **cost-free** and can **compensation for damages and/or pain and suffering from Victim Support**

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We can provide you with general legal information and, if appropriate, put you in touch with a legal expert who can give you legal advice, as well as representation in the criminal proceedings if required. We can also offer you psychological support and put you in touch with therapy experts if necessary.

For further information and explanations, you are welcome to contact us or your legal

