

Basel Victim Support

The *Bundesgesetz über die Hilfe an Opfer von Straftaten* (Federal law on support for victims of criminal offences, OHG) has been in force since 1.1.1993. A victim within the meaning of this law constitutes any person who has had their physical, sexual or psychological integrity directly threatened as a result of a criminal offence. Relatives and close friends/acquaintances are put on an equal footing with the victim under certain conditions.

As a victim of an act of violence, you have various rights under OHG legislation:

- Free advice and support
- Rights in conjunction with police action and legal proceedings against the offender
- Financial assistance

You may also assert your rights under the OHG even if you did not report the crime or do not want to report it.

1. Advice

Basel Victim Support is a service provided by the cantons of Basel-Stadt and Basel-Landschaft.

Advice from Basel Victim Support is free of charge and does not depend on the date of the offence. So you may also contact us a long time after you suffered from violence. You are even entitled to free advice if you have not reported a crime or do not wish to do so, if the identity of the offender is unknown or if he/she was not prosecuted or sentenced for a criminal offence.

This unrestricted entitlement to advice also applies to relatives and close friends/acquaintances of a person affected by violence.

As employees of Basel Victim Support, we are in principle sworn to secrecy and respect the right of every person to decide in favour of or against reporting a crime. You may also seek advice without stating your name.

2. Rights associated with police action or legal proceedings

As the victim of an act of violence, you may

- request that there be no direct contact with the offender(s). Only in exceptional circumstances will this wish be denied.
- be accompanied by a person you trust to all questioning sessions.
- - if you were the victim of a sexual offence - refuse to comment on your private life and request that you be questioned by a person of your own gender at the police station and public prosecutor's office.

You also have the opportunity to become involved in the criminal proceedings in the capacity of a private prosecutor and to assert your claims for damages and legal redress. To that end, you must make an explicit statement at the police station or public prosecutor's office or initiate legal proceedings at as early a stage as possible (in the case of criminal offences which are only prosecuted if a petition is lodged: within 3 months). Any decision not to become involved as a private prosecutor or not to initiate legal proceedings shall be final.

As part of your consultation, we will inform you about these and all of your other rights, help you to enforce them and put you in touch with experienced lawyers. For detailed information about your legal position in the criminal proceedings, we refer you to the information sheet '*Was Sie*

zum Strafverfahren wissen müssen' (,What you need to know about the criminal proceedings'), which is available from Basel Victim Support,

Tel. 061 205 09 10, or can be downloaded from our website www.opferhilfe-bb.ch.

Please note:

In the case of criminal offences which are only prosecuted if a petition is lodged, you must initiate legal proceedings **within 3 months** of the crime.

3. Financial assistance

Immediate assistance

Irrespective of the date of the crime and your financial situation, consequential costs of an act of violence can be borne quickly and without too much red tape by Basel Victim Support, such as, for example, medical care, costs associated with translation, crisis intervention, security measures, transport costs, legal advice and emergency accommodation.

Assistance in the longer term

Depending on your income, which may not exceed a statutory limit, and your personal circumstances, costs can be paid which result from the assistance of other experts, such as psychotherapists or lawyers.

A petition for reimbursement of costs must be lodged and approved before any such assistance can be granted. We will help you to apply for this 'assistance in the longer term' as set forth in the OHG.

4. Compensation and legal redress

Compensation

Within the meaning of the OHG, compensation constitutes covering all or some of the damage and losses actually incurred. The compensation (and legal redress) will only be paid by the canton in which the crime took place if the offender or his/her insurance companies are unable to make any compensation payments.

The compensation payments are linked to income limits. As a victim, you are entitled to request an advance payment.

Legal redress

Legal redress is a compensation payment for emotional damage and is paid irrespective of the victim's income.

The canton in which the criminal act was perpetrated is responsible for compensation and legal redress. In Basel-Stadt this is the *Amt für Sozialbeiträge* (Social Security Office), and in Basel-Landschaft it is the *Sicherheitsdirektion* (Public Safety Office) in Liestal.

We will be happy to assist you if you would like to lodge a petition for compensation and/or legal redress.

Please note:

Entitlement to compensation and legal redress must be asserted within **5 years of the date of the crime** in the canton in which the crime was committed. Once this period has passed, the legal entitlement shall lapse (forfeiture deadline).