



Your rights after a road traffic offence

Rights Leaflet Rondpunt vzw

COLOPHON

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Introduction

The 2012 EU directive has established a legal framework on victims' rights, containing minimum standards on the rights, support and protection of victims of crime. Not every country has implemented the directive in the same way. Therefore, the rights can differ from country to country.

Who does this legal framework apply to?

To everyone who has suffered physical, mental or emotional harm or economic loss or lost a family member,

due to

criminalised behaviour on the road, such as involuntary injuries, hit-and-run, drunk driving and excessive speed driving.

An overview

Your rights after a road traffic offence are presented in the figure below. In what follows, each of them will be listed in more detail.



Information

To give information

You have the right to...

- Be heard during criminal proceedings;
- Make a complaint and receive a written confirmation of it;
- Provide evidence during the criminal proceeding.

To receive information

You have the right to be informed about...

- The type of support and the access to it (medical, psychological, legal advice or aid...);
- The procedure for making complaints and your role in this procedure;
- Accessing compensation;
- Translation of communication or to ask for an interpreter;
- The available procedures for making complaints when your rights are not respected;
- Who you can contact for future communication on your case and how;
- The access to restorative justice services;
- Reimbursement of your expenses;
- A decision, within a reasonable time, on the compensation from the offender in the course of criminal proceedings or in another legal proceeding;
- The procedure of reviewing a decision not to prosecute.

And, upon request, to be informed about...

- Any decision and the reason(s) – why to end or not to proceed with an investigation or not to prosecute;
- The state of the criminal proceedings, unless this can be negative for the case;
- The trial (time, place, final judgment) and the charges against the offender;
- The release or escape from detention of the offender of your crash, at least in cases of danger or risk to harm you.

Support

Emotional support

You have **the right to be supported by a victim support service** which can give...

- Information, advice and support on accessing compensation and your role in criminal proceedings;
- Information or referral to relevant specialist services;
- Emotional and psychological support;
- Advice relating to financial and practical issues after the crash.

A victim support service should help you...

- Free of charge;
- In accordance with your needs;
- Before, during and after criminal proceedings;
- Regardless whether you make a formal complaint to a competent authority or not.

You have **the right to be supported by a restorative justice service** which...

- Safeguards you from secondary & repeated victimisation during restorative justice practices;
- Is in the interest of the victim and considers the needs of victims;
- Makes sure that the victim can participate voluntarily and withdraw participation at any time;
- Informs the victim about the process and potential outcomes of this service;
- Includes the acknowledgement by the offender of the basic facts of what happened;
- Supports a process that can lead to an agreement on voluntarily basis and which may be taken into account in further criminal proceedings;
- Ensures confidentiality of the discussions, except when the parties agree to disclose them or the national law requires disclosure.

Legal support

You have the right, during criminal proceedings to...

- Access legal aid when you are a party in the criminal proceedings.

Protection

You have the right to be protected...

- Regarding your privacy (e.g. personal characteristics, images and identity of victims and of their family members) . For more information about the situation in your country, you can consult the following website: journalism.cmpf.eui.eu/maps/privacy/;
- Regarding the number of interviews. They should be kept to a minimum;
- Regarding medical examinations. They should be kept to a minimum.

Translation

You have the right to ask for an interpreter...

- While making a complaint;
- When you don't understand or speak the language of the criminal proceedings (for instance during police questioning, participation in court hearings).

You have the right to ask for translation of...

- Essential information in a language that you understand and free of charge. This information can include any decision (and reasons for) ending the criminal proceedings and information about the time and place of the trial;
- Information that you find essential but is not translated;
- The written confirmation in a language that you understand.

You have the right to challenge a decision not to provide translation or interpretation.

Compensation

You have the right to...

- Receive a reimbursement of your expenses as result of your active participation in criminal proceedings.

Personal belongings

You have the right to...

- Recover your seized property, unless it is still needed for the purposes of criminal proceeding, which will be decided by a competent authority.

Crash abroad

When the crash happened in another EU Member State than your home country you have the right to...

- Receive available special measures, procedures or arrangements;
- Have a statement taken immediately after the complaint is made to the competent authority;
- Make a complaint to competent authorities in your home country when you are unable to do so in the Member State where the crash happened.

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Project partners

**Moderator vzw, Forum for restorative justice and mediation
Leuven Institute of Criminology, University of Leuven
Rondpunt vzw, Centre of expertise and ally after a road traffic crash**

Associate partners

**Victim Support Europe
European Federation of Road Traffic Victims
European Forum for Restorative Justice**

**Information on the project:
www.rondpunt.be**

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