

## Information regarding the Law on assistance to victims

### 1. What is the law on assistance to victims?

The federal law on assistance to victims of criminal acts of March 23, 2007 (law on assistance to victims, OHG, SR 312.5) replaces the previous law on assistance to victims of October 4, 1991 as of January 1, 2009. It is the objective of this law to offer effective assistance to affected persons and to improve their legal standing. This includes

- competent counseling and care
- protection of the victims and safeguarding of their legal rights in the criminal proceedings
- adequate compensation and satisfaction

### 2. To whom does the law on assistance to victims apply?

Assistance based on this law will be granted to persons who were directly impaired in their physical, sexual or emotional integrity by a criminal act (victims), regardless of whether the perpetrator has been determined and whether his act was culpable (Art. 1 OHG). Criminal acts in this context are physical injury, homicide, rape, indecent assault and sexual exploitation, serious threat and intimidation, unlawful detention, hostage taking and traffic accidents resulting in injuries or death. Acts of defamation, assault, theft or fraud are indirect consequences of a criminal act and therefore are not included. If a close relative was the victim of a criminal act, they are entitled to the same advice, e.g. if a person's spouse, parent or child was the victim of a criminal act. However, relatives of victims only have limited entitlement to compensation and punitive damages. In such cases, relatives must submit their claims separately as indirect victims.

### 3. To what is the victim entitled?

#### Counseling and Care

Victims are entitled to counseling by an approved counseling institution free of charge. These institutions offer and provide medical, psychological, social, material and legal assistance to persons concerned. This assistance may be offered and provided in the form of immediate help or as long-term assistance. In addition, the victims are informed about assistance to victims by the counseling institutions. Immediate help may consist in arranging for emergency accommodation, arranging for a preliminary legal evaluation or providing money as interim assistance. In such cases, such immediate help is not sufficient to overcome the consequences of the situation of the victim. In this case, depending on the financial situation (income and property are taken into consideration), the cost for long-term assistance from third parties will be assumed (psychotherapy, legal expenses, family assistance). Granting of long-term assistance will be decided by the Office for Health and Social Affairs on request.

### Legal rights in the criminal proceedings

If criminal charges are filed against the perpetrator, the victim in any case enjoys enhanced legal protection. Specifically, the victim can request

- the criminal court to assemble under exclusion of the public;
- that there is no confrontation with the perpetrator in the criminal proceedings;
- to be escorted by a person of confidence, if he/she needs to be interrogated as a witness;
- to be interrogated by a person of their own sex if he/she is a victim of violation of his/her sexual integrity. In general, the victim may refuse to answer any questions relating to his/her privacy.

### Compensation and satisfaction

The victim and his/her relatives can claim compensation for the damages caused by the perpetrator in the event that the victim is harmed or dies (Art. 19 OHG). Damage to property is not considered. In certain circumstances, an advance payment of such compensation can be requested (Art. 21 OHG). If the severity of the harm justifies it, the victim and his/her relatives are entitled to punitive damages (compensation for the harm suffered).

Applications for compensation and satisfaction need to be submitted **within five years from the date the criminal act was committed**, otherwise the claim will be forfeited (Art. 25 OHG). The canton in which the crime was committed (Art. 26 OHG) is responsible. If the crime is committed abroad, no compensation or punitive damages are awarded (Art. 3 OHG).

#### 4. How is the victim of a criminal act to proceed?

Persons concerned can immediately alert the police under the emergency number 117 or go to a police station. During the interrogation, the police will give the victim the main information about the law on assistance to victims, in particular the names and addresses of counseling institutions for victims in the Canton of Schwyz. Outside office hours of these counseling institutions, the anonymous telephone counseling of 'Dargebotene Hand' may be sought under number 143. The victim may also contact one of the approved counseling institutions immediately after the criminal act.

#### **Counseling Institution for victims**

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