



Tiesīcību ministrija

Project No.JUST/2010/KPEN/AG/1546 “Possibilities of solution of topical problems of restorative justice in the European Union”

**CONFERENCE „MECHANISMS OF VICTIM COMPENSATION IN
CRIMINAL PROCEEDINGS IN EUROPEAN UNION”
22 MAY 2012, RIGA**



Juridiskās
palīdzības
administrācija

State Compensation to Crime Victims

22.05.2013.

REGULATORY ENACTMENTS

- **European Council Directive 2004/80/EC regarding compensation to crime victims:** all member states must ensure that their legal norms prescribe such a system of compensations paid to victims of intentional violent crimes committed within their territory, which guarantees just and commensurate compensation to victims;
- **Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA:** victims of trafficking in human beings must be ensured with access to existing schemes that prescribe compensations to victims of intentionally committed violent crimes;
- **Law “On State Compensation to Crime Victims”** (entered into force on 20 June 2006, last amendments entered into force on 1 January 2013).

WHO HAS THE RIGHT TO RECEIVE STATE COMPENSATION?

The right to state compensation is granted to **victims** - natural persons, who in accordance with the procedure set in the Criminal Procedure Law are recognized as victims, and to whom harm was caused by an intentional criminal offence - physical suffering, a material loss or a moral injury.

The right to state compensation are granted, if as a result of an **intentional** criminal offence:

- 1) person's **death** set it;
- 2) **heavy or medium-heavy bodily injuries** were caused to the victim;
- 3) **morality** or sex **inviolability** of the victim was involved;
- 4) the victim is a **victim of trafficking in human beings**;
- 5) the victim is **infected** with human immunodeficiency virus, type A or type B virus hepatitis.

DEADLINE FOR SUBMISSION OF STATE COMPENSATION APPLICATIONS

A state compensation application is submitted to the Legal Aid Administration **within one year following the day** when the person **was recognized as a victim** or he/she **found out about the facts** that provide this person the right to do so.

For example,

if a person was recognized as a victim on 26 September 2012, the state compensation application must be submitted to the Legal Aid Administration by 27 September 2013.

WHAT IS REQUIRED TO RECEIVE STATE COMPENSATION?

It is required to submit a **state compensation application form** that can be received at:

- ▶ Legal Aid Administration;
- ▶ official leading the proceedings;
- ▶ Internet home page of the Legal Aid Administration www.jpa.gov.lv.

Information about the completion of the form may be received at the Legal Aid Administration by using the free-of-charge information telephone **80001801**.

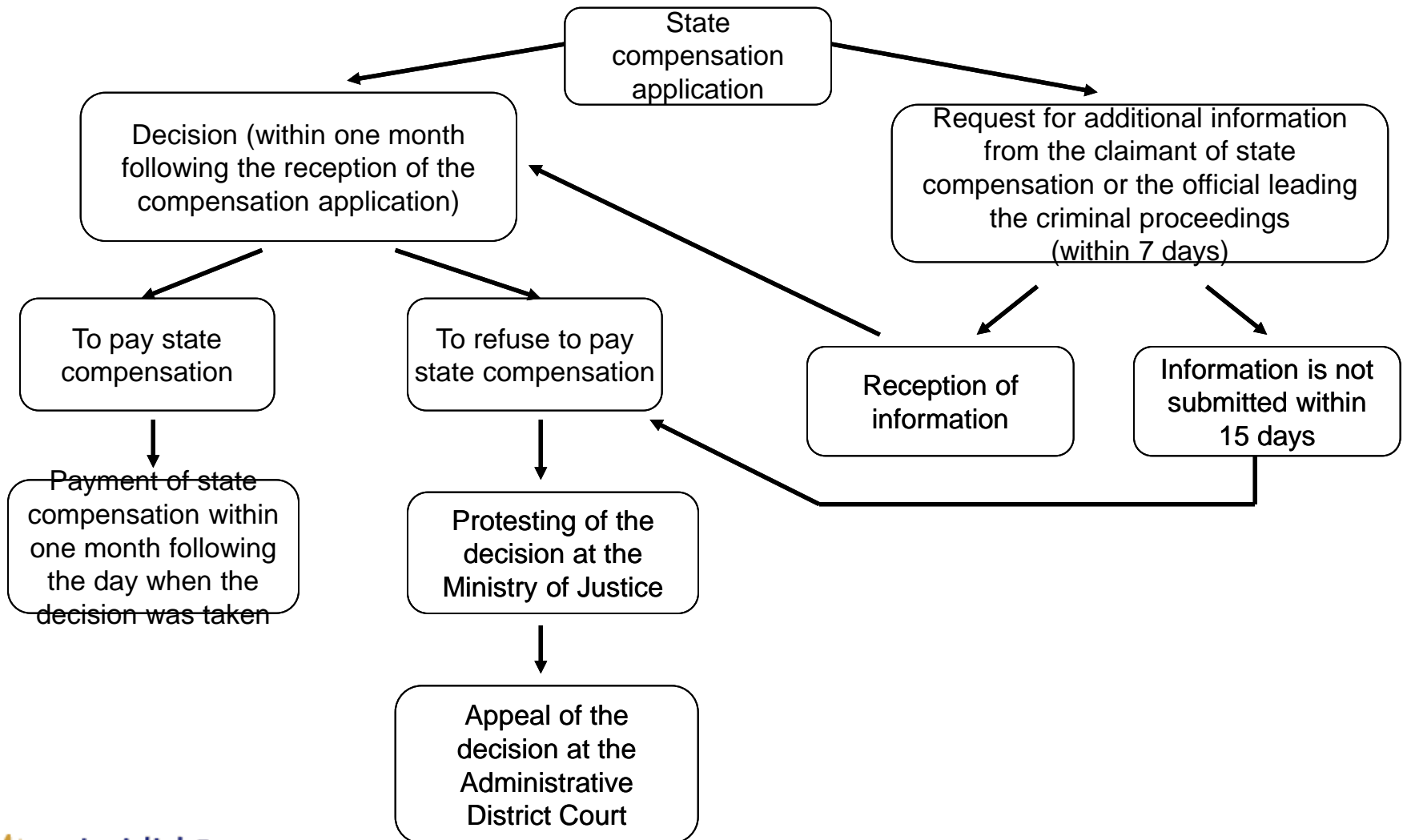
Completed form and documents attached thereto may be submitted in person at the Legal Aid Administration, sent by mail or sent in the form of an electronically executed document signed with secure electronic signature and timestamp.

DOCUMENTS ATTACHED TO THE STATE COMPENSATION APPLICATION

- If in the criminal proceedings no final ruling has been taken, the victim must attach to the state compensation application the **statement** by the official leading the proceedings;
- If the criminal proceedings have been terminated or the decision of the official leading the proceedings has entered into force abating the criminal proceedings on grounds that do not exonerate the person concerned, the victim must attach to the state compensation application the **final ruling in force taken by the official leading the criminal proceedings**.

If through criminal or civil proceedings the court judgment or final ruling by the official leading the proceedings provides the compensation for the injury suffered by the victim as a result of the criminal offence, but this measure has not been effected or has not been effected in full, a copy of the **enforcement document** must be attached to the final ruling by the official leading the criminal proceedings.

SCHEME FOR PROCESSING THE STATE COMPENSATION APPLICATION



AMOUNT OF STATE COMPENSATION

Maximum amount of state compensation	Amount of minimum monthly salary in the country in 2012, 2013	Maximum sum of state compensation (LVL)	Maximum sum of state compensation (EUR)
4 minimum monthly salaries	200	800	1138.30
In percentage form	Consequences of a criminal offence	LVL	EUR
100%	person's death set it	800	1,138
70%	heavy or medium-heavy bodily injuries were caused to the victim	560	796
70%	criminal offence was classified as rape or violent sexual satisfaction in unnatural way, or morality or sex inviolability of a minor victim was involved	560	796
70%	the victim is a victim of trafficking in human beings	560	796
50%	morality or sex inviolability of the victim was involved, except for cases referred to in paragraph 2 of Part Two of Section 7 of the Law "On State Compensation to Crime Victims"	400	569
50%	heavy or medium-heavy bodily injuries were caused to the victim	400	569
50%	the victim is infected with human immunodeficiency virus, type A or type B virus hepatitis	400	569

AMOUNT OF STATE COMPENSATION

- The amount of state compensation to be paid is calculated taking into account the amount of minimum monthly salary, which is determined at the moment when the person is recognized as a victim;
- If the victim has received compensation for the committed crime from the person, who committed the criminal offence, or other person instead of him/her, the amount of state compensation is reduced according to the already received compensation;
- State compensation is paid in the amount of 50% from the set amount of state compensation, if the criminal offence was committed in a state of alcohol intoxication, violating necessary protection borders or conditions of person's detention (qualified according to Section 120, 121, 122, 127, 128 or 129 of the Criminal Law);

AMOUNT OF STATE COMPENSATION

- If a criminal offence resulted in consequences referred to in the Law “On State Compensation to Crime Victims”, one state compensation is paid according to the heaviest consequences of the criminal offence;
- If a criminal offence resulted in death of several persons, state compensation is paid to the victim according to the number of persons, whose death, wherewith the person was recognized as a victim, set in as a result of a criminal offence;
- If a criminal offence resulted in person's death and in the criminal proceedings several persons were recognized as victims, state compensation is paid to these persons by dividing it in proportion to the number of victims;
- If state compensation is paid and in the final ruling it has been established that a criminal offence had resulted in heavier consequences to the victim, the difference between the state compensation paid and the state compensation to be paid is paid to him/her.

STATE COMPENSATION IS NOT PAID, IF:

- it is requested **unjustifiably**;
- the **deadline set in the Law “On State Compensation to Crime Victims” for submission of state compensation applications was missed**, except for cases when the deadline was missed due to plausible reasons (for example, person’s illness);
- it was established that the victim, while requesting for it, **deliberately provided false information**;

STATE COMPENSATION IS NOT PAID, IF:

- **the victim has received** from the person that committed the criminal offence the **compensation**, the amount of which **exceeds the amount** of state compensation prescribed in the Law “On State Compensation to Crime Victims” **or equals** thereto;
- the victim has no right to receive state compensation, if a criminal offence was directed against the road traffic safety and the victim has the right to insurance indemnity in accordance with regulatory enactments regarding mandatory civil liability insurance of vehicle owners.

PROCEDURE FOR PAYMENT OF STATE COMPENSATION

- ✓ State compensation is paid in a **single** instalment;
- ✓ Payment of the state compensation **within one month following the day** when the decision to pay state compensation was taken;
- ✓ The Legal Aid Administration transfers the amount of state compensation to the **bank account** indicated in the compensation application or to a **current account held under the postal payment system**.

COOPERATION WITH OTHER EU MEMBER STATES

- The Legal Aid Administration takes decisions regarding applications submitted by persons residing permanently in a different EU member state for compensation of injuries suffered as a result of a criminal offence committed in Latvia;
- The victim residing permanently in a different EU member state and to whom harm was caused in the territory of a different EU member state as a result of a criminal offence has the right to submit a state compensation application directly or with the mediation of the Legal Aid Administration to the competent institution of the relevant EU member state;
- Within 7 days the Legal Aid Administration draws up the state compensation application according to the compensation application set by the EU member state and sends it together with other necessary documents to the competent institution of the EU member state.

STATISTICS

State compensation applications received and decisions taken

2006-2012

	2006	2007	2008	2009	2010	2011	2012
Total number of applications	92	240	590	689	457	456	560
Decisions regarding payment of state compensation	49	191	476	596	376	406	477
Person's death	30	92	138	175	125	85	114
Heavy bodily injuries	12	46	121	103	59	92	115
Sex inviolability involved	7	45	95	138	68	75	64
Medium-heavy bodily injuries	-	8	122	179	124	154	184
Refusals	8	52	77	83	63	60	52

CONTACTS

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Rīga, LV-1050

Phone: 80001801, 67514201, 67515273
fax: 67514209

Home page: www.jpa.gov.lv
e-mail: jpa@jpa.gov.lv

Visiting hours:

Monday:	13.00-18.00
Tuesday:	9.00-14.00
Wednesday:	9.00-14.00
Thursday:	9.00-14.00
Friday:	8.00-12.00
Pre-holiday days:	9.00-13.00
Pre-holiday Fridays:	8.00-12.00



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THANK YOU FOR ATTENTION!

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