



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

STATE COMPENSATION TO VICTIMS OF CRIME IN LITHUANIA

THE FUND FOR VICTIMS OF CRIME

- Established by the Republic of Lithuania Law on Compensation for Damage Caused by Violent Crimes; the Law was adopted on 30 June 2005
- The Fund's Administrator – the Ministry of Justice of the Republic of Lithuania
- The Fund is used by the State to compensate for material and/or non-material damage resulting from violent crimes committed after 1 July 2005

THE DEFINITION OF VIOLENT CRIME

- An act, which has the elements of a criminal offence defined in the Criminal Code of the Republic of Lithuania and which has intentionally killed a person, severely or non-severely impaired his or her health
- OR
- An act which has the elements of a less serious, serious or grave crime against human liberty, freedom of a person's sexual self-determination and inviolability

A finite list of the crimes, which inflict damage that is subject to compensation, has been approved by the Order of the Minister of Justice of the Republic of Lithuania

THE LIST OF VIOLENT CRIMES

Attempt on the Life of a Representative of Another State or International Public Organisation	Satisfaction of Sexual Desires by Violating a Minor's Freedom of Sexual Self-Determination and/or Inviolability	Abuse of the Rights or Duties of Parents, a Guardian or Custodian or Other Lawful Representatives of a Child	Theft, Extortion or Other Unlawful Taking Possession of Narcotic or Psychotropic Substances	Causing Bodily Harm to, Torture or Other Inhuman Treatment of Persons Protected under International Humanitarian Law	Violation of Norms of International Humanitarian Law Concerning Protection of Civilians and Their Property in Time of War
Forcible Use of Civilians or Prisoners of War in the Armed Forces of the Enemy	Unlawful Possession of Nuclear or Radioactive Materials or Other Sources of Ionising Radiation	Threatening a Civil Servant or a Person Performing the Functions of Public Administration	Deportation of Civilians of an Occupied State	Hindering the Activities of a Judge, Prosecutor, Pre-trial Investigation Officer, Lawyer or Bailiff	Resistance against a Civil Servant or a Person Performing the Functions of Public Administration
Genocide	Collaboration	Abuse of Authority	Murder	Riots	Infanticide
Abetting a Suicide or Procuring a Suicide	Violent Actions against a Subordinate	Severe Health Impairment	Murder in a State of Passion	Non-Severe Health Impairment	Unlawful Deprivation of Liberty
Robbery	Use for Forced Labour	Rape	Sexual Assault	Sexual Abuse	Aggression
Abduction of a Child or Exchange of Children	Purchase or Sale of a Child	Use of a Child for Pornography	Prohibited Military Attack	Trafficking in Human Beings	Use of Prohibited Means of Warfare
Hijacking of an Aircraft, Ship or Fixed Platform on a Continental Shelf	Inducing the Use of Narcotic or Psychotropic Substances	Influence on a Witness, Victim, Expert, Specialist or Translator	Influence on the Victim to Reconcile with the Offender	Disrupting the Work of a Place of Detention	Freeing a Prisoner Treatment of Persons Prohibited under International Law
Escape of a Prisoner	Act of Terrorism	Abuse of Office	Hostage Taking	Extortion of Property	Freeing a Prisoner
Severe Health Impairment Caused in a State of Passion	Threats or Violence Against a Commander	Attempt on the Life of the President of the Republic of Lithuania	Killing of Persons Protected under International Law	Terrorisation of a Serviceman	Involvement in Prostitution
Coup d'Etat	Aiding a Suicide	Self-Willed Conduct			

PERSONS ENTITLED TO COMPENSATION

- A citizen of the Republic of Lithuania;
- A citizen of another EU Member State;
- Any other person that has a lawful permanent residence in the Republic of Lithuania or in any other Member State of the European Union
- In cases provided for in the international agreements of the Republic of Lithuania, another person,
Who has suffered from a violent crime and who has been awarded a compensation for the material and/or non-material damage from a violent crime or approved an agreement regarding the compensation or elimination of such damage by the court.

MANDATORY CONDITIONS FOR THE COMPENSATION

- The violent crime has been committed within the territory of the Republic of Lithuania or onboard the ships or aircrafts flying the flag or displaying marks of registry of the State of Lithuania
- the damage caused by a violent crime has not been compensated
- an application to compensate for violent crime damage has been filed before the expiry of a ten-year period after the court's decision, except when such time-limit has been exceeded due to important reasons.

REQUIRED DOCUMENTS

- a proof of identity of the person
- a copy of the enforceable decision of the court awarding the compensation for the material and/or non-material damage or the agreement approved by the court regarding the compensation or elimination of such damage
- a statement on impossible recovery or special certificate drawn up by a bailiff that the damage has not been recovered due to objective reasons, except when the person liable for the damage is dead

MAXIMUM AMOUNTS OF COMPENSATED DAMAGES

- If the violent crime caused the deliberate deprivation of a human life
 - Material damage LTL 13000 / ~ EUR 3770, non-material damage LTL 15600 / ~ EUR 4520
- If the violent crime caused severe health impairment
 - Material damage LTL 10400 / ~ EUR 3015 and non-material damage LTL 13000 / ~ EUR 3770
- Any other violent crime
 - material damage LTL 7800 / ~ EUR 2260 and non-material –LTL 10400 / ~ EUR 3015

PERSONS ENTITLED TO COMPENSATION IN ADVANCE

- Victims of violent crime
- Spouses, children, parents, adoptive children, adoptive parents and dependants of the victims murdered by violent crimes

MANDATORY CONDITIONS FOR THE COMPENSATION IN ADVANCE (1)

- Criminal proceedings regarding the relevant violent crime are going on and the person has been recognised as a civil claimant; OR
- It has been stated by an enforceable decision of the court that a violent crime has been committed, but there has not been any claim filed to compensate the violent crime damage; OR
- The claim has been set aside without investigation; OR
- The circumstances under which the criminal process is impossible are met:
 - the crime has been committed by a person who has immunity from criminal jurisdiction according to the rules of international law;
 - by a person who was not of the age to be liable under criminal laws at the time of commission of the criminal act
 - The offender died

MANDATORY CONDITIONS FOR THE COMPENSATION IN ADVANCE (2)

- The violent crime has been committed onboard the ship or aircraft flying the flag or displaying marks of registry of the State of Lithuania
- the person liable for the damage has not compensated the material damage voluntarily or the amount of covered, compensated and recovered damage does not reach the maximum amount of damages to be compensated

MANDATORY CONDITIONS FOR THE COMPENSATION IN ADVANCE (3)

- There are no circumstances identified to make the entitlement to prepaid compensation of violent crime damage impossible:
 - commenced criminal prosecution of the victim regarding the commission of a violent crime;
 - the victim had unexpired or non-expunged conviction for a violent crime at the time of commission of the violent crime against him or her
 - the victim was subject to court injunctions at the time of commission of the violent crime in accordance with the Law on Organised Crime Prevention
 - the person abuses the right to compensation in advance for violent crime damages

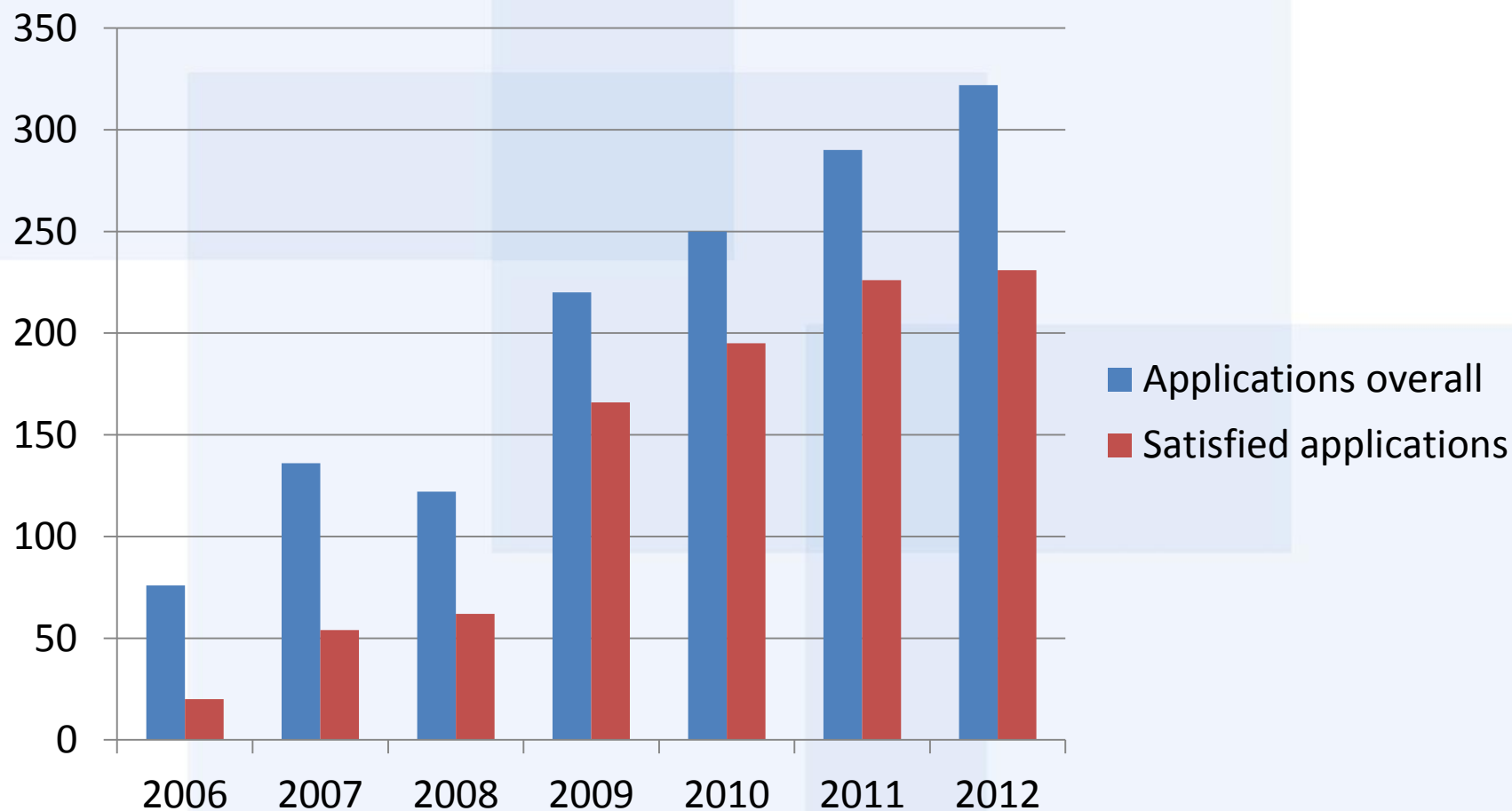
MAXIMUM AMOUNTS OF COMPENSATION IN ADVANCE

- Maximum amounts of material and non-material damage compensation in advance make half of the regular compensation amounts (exception of certain cases)
- Material damages compensated in advance:
 - expenses related to the recovery of health;
 - non-received income that the victim would have received had his or her health not been impaired;
 - funeral expenses not exceeding 12 MSL in case the person was murdered by the violent offence;
 - non-received income that the dependants received or had the right to receive when the deceased was alive in case the person was murdered by the violent offence

THE AMOUNT OF CONSIDERED APPLICATIONS

	2005	2006	2007	2008	2009	2010	2011	2012
Applications received	11	76	136	122	220	250	290	322
Applications satisfied	0	20	54	62	166	195	226	241
Applications rejected	11	56	82	59	54	55	64	81
The sum of compensations awarded (thousands of LTL/EUR)	-	56	247	266	1600	1900	2000	2024

CONSIDERED APPLICATIONS (2006-2012)



CONSIDERED APPLICATIONS BY CRIMES (2012)

