**INFORMATION ON COMPENSATION OF VICTIMS OF VIOLENT CRIMES**

**Where is the right to state compensation regulated?**

The Act no. 274/2017 Coll. on Victims´ Rights (“Victims´ Rights Act”) regulates the right to state compensation and the eligibility criteria for obtaining compensation in sec. 9 - 22.

**Who can apply for state compensation?**

The Victims´ Rights Act considers as a victim of violent crime a natural person who:

* suffered physical/bodily harm as a direct consequence of an intentional violent crime; if the person died as a result of a violent crime, eligible for compensation is a surviving spouse and a surviving child, if there is none, a surviving parent and a person who cohabitated with the deceased at least one year prior the death of the victim in a shared household or a person to whom the deceased had a maintenance obligation,
* suffered non-material/psychological harm as a direct consequence of crime of human trafficking, rape, sexual abuse, sexual violence, domestic violence and enforced disappearance.

Compensation can be granted only to:

* Slovak citizens;
* EU citizens;
* stateless persons having permanent residence in the Slovak Republic or in another EU Member state;
* foreign nationals under the provisions of a ratified international treaty;
* persons that were granted asylum, additional protection, subsidiary protection, leave to remain or exceptional leave to remain in the Slovak Republic.

State compensation can be granted only if the injury/harm occurred in the territory of the Slovak republic. This does not preclude victim from seeking compensation from an offender if the injury/harm occurred in territory of a different state.

**What are the eligibility criteria for claiming state compensation? When does the claim to state compensation arise?**

According to the Victims´ Rights Act, a victim of violent crime can claim the compensation from the state if:

1. a judgment or a criminal order, issued in a criminal proceeding by which the offender has been found guilty of committing a crime that caused injury/harm to the victim of violent crime, entered into force and the victim has not been compensated for the injury/harm suffered by other means;
2. a judgment, issued in criminal proceedings by which the defendant has been acquitted because s/he is not criminally responsible on the grounds of insanity or lack of age of criminal responsibility, and the victim has not been compensated for the injury/harm suffered by other means;
3. criminal prosecution is stayed or postponed based on a decision issued pursuant to the relevant provisions of Act no. 301/2005 Coll. (the Code of Criminal Procedure) and the outcomes of investigation led by law enforcement bodies do not give rise to reasonable doubts as to whether the crime by which injury/harm was caused to the victim occurred, or
4. a criminal proceedings have been initiated, neither of the above-mentioned decisions has been issued, announced or entered into force, and the outcomes of investigation led by law enforcement bodies, do not give rise to reasonable doubts as to whether the act that has characteristics of a crime by which injury/harm to the victim was caused, occurred.

If the victim applies for the state compensation after the end of the criminal proceedings (i.e. based on a decision mentioned in points 1 – 3 above), s/he must prove claiming the damages/compensation from the offender during the criminal proceedings. This claim has to be made prior the end of the investigation stage, except in cases when the criminal act caused death or the injury/harm was caused by the criminal offence of human trafficking, rape, sexual abuse, sexual violence, domestic violence or enforced disappearance.

**When is a victim not entitled to state compensation?**

Victim of violent crime is not entitled for compensation if:

* the victim has been compensated fully for the injury/harm suffered by other means (e.g. by the offender, insurance company);
* the victim (surviving relative in the case of death) is simultaneously the perpetrator of the crime for which s/he can be considered as the victim;
* the victim did not give consent with the criminal prosecution, or
* the victim cannot exercise his/her rights of an aggrieved party during the criminal proceedings.

Victims of sexual abuse are not entitled to compensation under the Victims' Rights Act if the defendant has been acquitted or the criminal prosecution has been stayed because the defendant is not criminally responsible due to the lack of age of criminal responsibility.

**What is the amount of state compensation?**

The maximum amount of state compensation is fifty times of the minimum wage valid at the time when the offence was committed.

In the case of injury/bodily harm, to a certain extent, a specific act on awarding of compensation for pain and suffering applies. In these cases, expert opinion or medical opinion is needed in order to evaluate injuries/bodily harm sustained and to enumerate the amount of compensation to be provided by the state. Such opinion has to be attached to the submitted application for state compensation, the Ministry of Justice does not conduct nor orders any medical examinations. If an expert opinion or a medical opinion is included in the criminal case file, please specify so in the application and indicate the case file number. In case of death of the victim, surviving relatives are eligible to receive compensation for non-pecuniary damages in the amount of twenty-five times of the minimum wage (calculations are based on the amount of minimum wage valid in the Slovak republic at the time when the offence was committed). If there is only one surviving relative to whom the deceased had a maintenance obligation, s/he is eligible to receive compensation in the amount of fifty times of the minimum wage.

In regard of the crimes of human trafficking, rape, sexual abuse, sexual violence, domestic violence and enforced disappearance, victims are eligible for compensation for non-pecuniary damages in the amount of ten times of the minimum wage.

The amount of compensation may be appropriately reduced if the victim is partially responsible for the caused injury/harm or if the victim has not exercised his/her right in order to receive compensation from the offender (e. g. submitting of application for compensation from the offender during the criminal proceedings, initiation of civil proceedings for claiming compensation, recovery procedure for awarded compensation).

**When and where is it possible to submit a claim for state compensation**?

The deciding authority for state compensation is the Ministry of Justice of the Slovak republic.

The claim for state compensation has to be submitted in a written form - Application form for compensation of the victim of a violent crime (can be downloaded at the link below). The application form contains all required information and includes brief explanations on how to fill out the relevant fields, e. g. required amount of the compensation, the amount of compensation already obtained by the victim, details of the measures taken by the victim in order to obtain compensation from the offender. The application form can be submitted to the Ministry of Justice of the Slovak republic at the beginning of the criminal proceedings, after filing a criminal complaint at the earliest. The victim is entitled to claim state compensation at latest 1 year after the decision (one of the decisions mentioned above in eligibility criteria) enters into force. When the court deciding in the criminal proceedings has referred the victim with his/her claim for compensation to civil proceedings or to proceedings before another body, an application for state compensation must be submitted within 1 year upon entry into force of a decision on compensation issued in civil or other proceedings.

If the victim does not apply for the state compensation within the statutory period of 1 year after entry into force of a decision on compensation (issued either in criminal or civil proceedings), the right to state compensation ceases to exist. The Ministry of Justice of the Slovak republic is obliged to decide on the claim for state compensation within 4 months after receiving a complete application for state compensation. This period extends by the time necessary for receiving of documents from the relevant law enforcement authorities, courts or other state and municipal bodies.

**What can the victim of violent crime expect after receiving state compensation?**

Once the compensation is paid to the victim, his/her claim in the amount of the received state compensation passes on to the state, i.e. at this point it is up to the state to recover the paid compensation from the offender. The victim of violent crime is no longer obliged to seek the compensation from the offender and cannot claim from the offender the amount of compensation received from the state. The victim can choose to seek compensation from the offender in a different extent than the received state compensation (e.g. the victim received compensation for injuries/bodily harm in certain amount, but decides to seek compensation from the offender in higher amount or compensation for non-pecuniary damages).