If my claim is to be considered in this country

Estonia

Which type of crime can I get compensation for?

Compensation may be paid to victims of violent crimes and to dependants of such victims. A violent crime is an act punishable under criminal procedure which is committed directly against the life or health of a person and as a result of which the injured person dies or sustains serious damage to his or her health or a health disorder that lasts for at least four months.

Which type of injury can I get compensation for?

You are entitled to compensation if a violent crime has resulted in serious damage to your health or a health disorder that lasts for at least four months.

Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

Compensation of 448 euros is paid to the person bearing the expenses of the funeral of a victim of a violent crime. Note that the person who bears the funeral expenses need not be a relative or dependant of the victim.

The dependants of a victim who has died as a result of a violent crime are entitled to State compensation payable to victims of crimes.

Dependants include the following persons:

the victim’s children under the age of 18;

the victim’s children aged 18-24 children enrolled in full-time studies;

the victim’s widow or widower whose work ability has diminished;

the victim’s widow or widower of pensionable age;

the victim’s parent of pensionable age;

the victim’s parent whose work ability has diminished;

the victim’s widow who is pregnant and not employed;

a parent or guardian of the victim’s child under three years of age who is not employed.

Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

You are entitled to compensation if, as a result of a violent crime, the victim has sustained serious damage to his or her health or a health disorder that lasts for at least four months.

The following persons are entitled to compensation:

the victim’s children under the age of 18;

the victim’s children aged 18-24 enrolled in full-time studies;

the victim’s widow or widower whose work ability has diminished;

the victim’s widow or widower of pensionable age;

the victim’s parent of pensionable age;

the victim’s parent whose work ability has diminished;

the victim’s widow who is pregnant and not employed;

a parent or guardian of the victim’s child under three years of age who is not employed.

Can I get compensation if I'm not a national of an EU country?

In Estonia, the right to compensation is not linked to nationality.

Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so under what conditions?

Compensation is paid by the competent authority of the country in which the crime took place. Compensation is paid in accordance with the laws of the country concerned.

In order to claim compensation, you can turn to:

the competent authority of the country concerned or the competent authority of your country of residence;

in Estonia, the competent authority is the Social Insurance Board, which will forward your application, along with supporting documents, to the competent authority of the other country.

Do I have to have reported the crime to the police first, to be able to claim compensation?

A violent crime must be reported to the police within 15 calendar days of the day on which the crime was committed.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

It is not necessary to wait for the outcome of the proceedings to claim compensation; it is sufficient to have reported the crime to the police and for criminal proceedings to have commenced. Compensation can be claimed within three years of the crime being committed.

Do I have to first seek compensation from the offender – if they have been identified?

There is no requirement to first seek compensation from the offender. When compensation is granted, the right to claim is transferred to the Social Insurance Board and we raise the claim against the person who caused the damage (the perpetrator of the crime) by recourse action.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

You are entitled to compensation even if the person who caused the damage has not been identified or judicial proceedings have not yet been concluded.

To obtain State compensation payable to victims of crimes, certification of the launching of criminal proceedings issued by an investigative body is required.

Expense receipts need to be submitted if you are applying for the reimbursement of medical treatment expenses or for a death grant.

Is there a time limit within which I have to claim compensation?

Applications for compensation can be submitted within three years of the date of a crime or of becoming aware of the crime being committed.

Which losses and expenses are covered by the compensation?

The compensation covers:

- Material (non-psychological) damage:

medical costs of injury (medical treatment — ambulant and hospital treatment, recovery)

additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, .adaptation of housing, special aids, etc.)
permanent injury (e.g. invalidity and other permanent handicaps)
loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.)
compensation for damaged clothes and aids (e.g. compensation for glasses, reimbursement of the costs of new clothes)
- Material (non-psychological) damage:
funeral costs
loss of maintenance or of opportunity
- Psychological damage:
pain and suffering of relatives or entitled people/compensation to survivors if the victim died
The family members of a victim can obtain psychological counselling. To obtain compensation for psychological help, it is necessary to contact a victim support service provider, who will then prepare the application to be signed. A police certificate is also required, confirming that proceedings have been opened and that you are a victim or the legal representative of a victim. The victim support service provider will help you in obtaining a police certificate. You will be informed of the granting of compensation for psychological help within 10 working days. Thereafter it is possible to turn to a psychologist. The amount of compensation per person is the minimum monthly wage (584 euros in 2020).

Is the compensation paid out in a single payment or monthly instalments?

Dependants are paid compensation in monthly instalments. Medical and funeral expenses of victims are reimbursed as a lump sum on the basis of expense receipts.

In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

Compensation is not paid if:
the victim caused or facilitated the committing of the crime or the occurrence of the damage through his or her intentional or reckless behaviour;
the victim fails to give notice of the crime within 15 days despite being capable of doing so, and the police have not become aware of the crime in any other way;
the victim has been convicted of committing a violent crime of violence or on the basis of Section 255(1) or 256(1) of the Penal Code and their criminal record has not been deleted from the criminal records database pursuant to the Criminal Records Database Act;
payment of compensation would be unfair or unjustified for other reasons.
In addition, compensation may be refused if the applicant has refused to cooperate with law enforcement authorities in ascertaining the facts relating to the criminal offence, identifying or apprehending the offender or proving the damage.

In what way could my financial situation affect my chance of receiving compensation and/or the amount?

Your financial situation does not affect the granting or payment of compensation.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

Any amounts which an injured person receives or is entitled to receive as on the basis of damage resulting from a violent crime from a source other than the person liable for the damage caused by the crime are deducted from the damage serving as the basis for determining the amount of compensation, including the work ability allowance paid to the victim. In determining the amount of the compensation, any amounts paid to the applicant by the person liable for the damage caused by the crime before the granting of the compensation are taken into account.

How will the compensation be calculated?

Calculation of compensation for partial or no work ability

The amount of the compensation is calculated on the basis of the average income per calendar day. Income, taxed with social tax, earned during the six months prior to the crime is taken into account.

Calculation of damage resulting from partial or no work ability

The average income per calendar day is multiplied by thirty, and the pension for incapacity for work or work ability allowance granted to the person is deducted from the result of the multiplication. The compensation covers 80% of the lost income. Data on average income is obtained from the Tax and Customs Board.

Calculation of compensation for provider's death

1. The victim’s average income per calendar day is multiplied by thirty, and the survivor's pension granted to the person is deducted from the result of the multiplication.
2. A percentage of the amount arrived at is calculated in accordance with the number of dependants:
75% in the case of one dependant
85% in the case of two dependants
100% in the case of three or more dependants
80% of the calculated amount is compensated.

Is there a minimum/maximum amount that can be awarded?

There is no minimum amount; compensation is paid as long as the entitled person qualifies for compensation or up to the limit of 9,590 euros.

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

No amount needs to be indicated on the claim form.

Will any compensation I receive for my loss from other sources (such as my employer’s or a private insurance scheme) be deducted from compensation paid by the authority/body ?

Yes

Can I get an advance on the compensation? If so under what conditions?

Advance compensation can be claimed by persons in a difficult economic situation, if they are entitled to compensation but the granting thereof is postponed.
Advance payment of up to 640 euros is made on the basis of the relevant application.
If the advance payment exceeds the amount of compensation subsequently granted, the overpaid amount will be recovered.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

You have the right to submit additional invoices for medical treatment expenses.

What supporting documents do I need to include with my claim?

Certificate from an investigative body
Invoices for funeral expenses
Invoices for medical treatment expenses, receipts for medicinal products, etc.

Victim’s death certificate

Are there administrative or other charges to be paid when the claim is received and processed?

No.

Which authority decides on compensation claims (in national cases)?

Estonian National Social Insurance Board.

Where do I send the claim (in national cases)?

Options for submitting applications:

A digitally signed application along with scanned supporting documents can be sent by e-mail. The application form can be found on the website of the Social Insurance Board.

The digitally signed application should be sent to: info@sotsiaalkindlustusamet.ee

Applications can also be sent by post to Põllu 1A, 50303, Tartu.

Applications can be submitted via a victim support provider. Contact details of victim support providers can be found on the website of the Social Insurance Board;

Applications can also be submitted at a customer service office of the Social Insurance Board.

Do I need to be present during the procedure and/or when my claim is being decided?

You do not need to be present.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

A decision will be made within 30 days of the receipt of the last document.

If I'm not satisfied with the authority's decision, how can I challenge it?

A challenge can be filed against the decision within 30 days of receipt thereof. Alternatively, a complaint can be lodged with an administrative court under the procedure provided for in the Code of Administrative Court Procedure.

Where can I get the necessary forms and other information on how to claim?

Application forms and information on applying for compensation can be found on the website of theSocial Insurance Board.

Is there a special helpline or website I can use?

Victim support providers can also be contacted by telephone. Their contact details can be found on the website of the Social Insurance Board.

Can I get legal aid (help from a lawyer) when preparing the claim?

Yes

Are there any victim support organisations that can help me claim compensation?

Victim support providers also assist in claiming compensation.

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