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Greek

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If my claim is to be considered in this country

Greece

Which type of crime can I get compensation for?

Greek legislation on the compensation of victims of violent crime includes the following crimes committed in Greece:

Crimes of intentional violence, and the crimes referred to in the following Articles of the Criminal Code: Articles 323 (trafficking in slaves), 323A (human trafficking), 323B (arranging travel for the purpose of participating in acts of sexual intercourse or other indecent acts involving a minor (sex tourism)), 336 (rape of a minor), 339(1) and (4) (corruption of a minor), 342(1) and (2) (sexual abuse of children), 348A (child pornography), 348B (soliciting children for sexual purposes), 348C (pornographic representations of minors), 349 (procuring prostitution), 351 (trafficking for sexual exploitation) and 351A (indecent acts involving a minor for payment).

Which type of injury can I get compensation for?

For any offence committed intentionally, using physical violence or the threat of physical violence, and resulting in the death or a severe physical or mental condition of the victim; and for any offence committed intentionally, using physical violence or the threat of physical violence, and punishable by a longer term of imprisonment (*kátheixi*).

Since 1 January 2010 employees of detention facilities who are victims of intentional violence which has caused them disability or serious deformity, and which was committed in Greece, are granted uninterrupted paid sick leave until the relevant medical committee advises that they are fit for work.

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 is available for members of the victim's family, that is, a spouse, a person living with the victim in a steady and continuous relationship of heterosexual or homosexual commitment, a fiancé, relatives by blood or by marriage in the direct line, adoptive parents and adopted children, siblings, spouses or fiancés of siblings, and dependants of the victim in addition to his or her dependent children and parents.

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?

In this case, only the person directly injured, i.e. the victim himself or herself, is entitled to compensation.

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

The Greek Compensation Authority (*Archí Apozimiosis*) compensates victims of crimes of intentional violence if the act is committed in Greece and the victim's place of residence (*katoikía*) or habitual residence (*siníthi diámoni*) is in Greece or in the territory of another EU Member State. No distinction is made between EU and non-EU nationals.

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?

If the crime was committed in another EU country, victims whose place of residence or habitual residence is in Greece are entitled only to submit an application to the Greek Assisting Authority (*Archí Syndromís*) for reasonable and appropriate compensation to be provided by the compensation authority of the EU Member State concerned, in accordance with the specific conditions laid down by the law of that State.

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

Yes, to the public prosecutor or the police within five days, because otherwise it may not be possible to locate the offender. If reasons of *force majeure* have prevented you from reporting the criminal offence committed against you, the five-day time-limit starts to run once those reasons cease to apply.

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

Yes, because your entitlement to compensation begins (a) in the event that the offender has not got the resources necessary to compensate you, when a final sentence is imposed; (b) in the event that the identity of the offender cannot be ascertained, when the case file is archived in the record of unknown offenders; or (c) in the event that the offender cannot be prosecuted or sentenced, when the case file is archived by an act of the competent public prosecutor, or by a final decision not to proceed to trial, or by a final acquittal, or by the final closure of the case in any other way.

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

Yes, because in the cases referred to in points (a) and (c) above (i.e. where the offender has not got the resources necessary to compensate you, or the offender cannot be prosecuted or sentenced) the victim can submit an application for compensation of this kind only if he or she is unable in any way to satisfy his or her claim for compensation against the offender as determined by a final judgment.

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?

Yes, you can claim compensation from the Compensation Authority if the identity of the offender cannot be ascertained, once the case file has been archived in the record of unknown offenders.

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

A claim for compensation has to be filed with the Compensation Authority by the entitled person or by his or her representative within a limited period of **one year** from the date on which the claim arose.

Which losses and expenses are covered by the compensation?
(a) For the victim of the offence:
Material (non-psychological) damage:

medical costs of injury (medical treatment — out-patient and hospital treatment, rehabilitation)

loss of earnings during medical treatment and thereafter (including lost earnings, loss or diminution of capacity to earn a livelihood, etc.)

Psychological (moral) damage

mental and psychological support

change of environment and address (removal and purchase of essential consumer items)

(b) For relatives of the victim or other persons entitled by reason of their relationship to the victim:

Material (non-psychological) damage:

funeral costs

medical costs (e.g. therapy for a family member, out-patient and hospital treatment, rehabilitation)

loss of support or prospects.

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

In a single payment.

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?

In determining the amount of compensation account will be taken of any wrongful act on your part.

In addition, if during the criminal proceedings you have failed to cooperate with the authorities by unjustifiably failing to assist them, especially if you have refused to testify or have concealed or failed to produce material evidence, thus making it more difficult to identify the offender, you are not entitled to compensation.

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

Your entitlement to compensation or the amount you may receive are not affected by your financial situation.

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

You are not entitled to compensation in the following cases: if the act took place between members of a criminal organisation, a gang or a terrorist group; (b) if you intentionally failed to report within five days the offence committed against you, making it more difficult to identify the offender (but if reasons of *force majeure* prevented you from reporting the offence committed against you, the five-day time-limit starts to run once those reasons cease to apply); (c) if, during the criminal proceedings, you have unjustifiably refused to assist the authorities, especially if you have refused to testify or have concealed or failed to produce material evidence, thus making it more difficult to identify the offender; and (d) in any other case where in view of the particular circumstances your claim for compensation constitutes an abuse of rights.

In determining the amount of compensation account will be taken of any wrongful act on your part, any costs incurred by the Greek State for your hospitalisation, and any other sums you have received from the offender, from social security services or from any another source.

How will the compensation be calculated?

The amount of compensation will be determined in accordance with Greek law, subject to any more specific provisions.

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

No.

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?

Yes, the application form contains a specific field to be completed.

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, in your application form you must indicate the amount of compensation you are claiming and any other compensation you have received so that account can be taken of any costs incurred by the Greek State for your hospitalisation and any other sums you have received from the offender, from social security services or from any another source.

You will also be asked to provide details of the situation resulting from the damage. This means that you will be asked to declare and produce all evidence of medical expenses, hospital fees or funeral expenses and of any loss or reduction of your income, any increase in your expenses or any incapacity to carry on an occupation as a result of the damage caused by the alleged crime.

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

No.

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

The Compensation Authority has not made express provision for complementary or additional compensation. However, Greek law does provide for such a possibility in the event of a change in circumstances or deterioration of the victim's health.

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

The following supporting documents are required, depending on the case:

Identity card or passport or certificate of marital status

Residence permit or acknowledgment of receipt of an application for renewal of residence permit

Proper proof of payment of funeral expenses and medical expenses

Death certificate of the victim or medical certificates showing the type of damage, the duration of disability, the nature of any health consequences and any permanent disability and the degree of any such disability

Income in the year before the application was submitted and in the year before the incident (tax assessment from the competent tax authority or declaration of income submitted by you or your life partner, a partner in a civil partnership, or any other person permanently living with you)

Certificate of submission of a complaint/report of offence(s)

A copy of the relevant final court judgments or orders or a certificate that the case has been closed

Certificate of payment or non-payment of related sums from other sources (employer's insurance fund, private insurance company)

Any other document that is relevant or constitutes proof of loss, reduction of your income, increase in your expenses, or incapacity to carry on an occupation.

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

Yes, EUR 100 before the case is examined by the Compensation Authority, failing which the application will be rejected.

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

The Compensation Authority.

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

To the Assisting Authority or directly to the Secretary of the Compensation Authority.

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

Not necessarily. If necessary, you will be requested to present yourself.

If your place of residence or your habitual residence is in the territory of another Member State, the Greek Compensation Authority will ask the relevant assisting authority to interview you in accordance with the law of that state and to send it a report. The Greek Compensation Authority may also conduct a hearing itself, by telephone or videoconference, in accordance with Greek law, in cooperation with the relevant assisting authority. In that case, the Greek Compensation Authority cannot oblige the applicant to be heard.

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

The Compensation Authority must examine the case within three months of the date on which the application is lodged, and must give its final decision within three months of the date of assessment of the application.

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

Both the applicant and the Greek State are entitled to lodge an appeal against the decision of the Compensation Authority before the Administrative Court of First Instance (*Dioiketikó Protodikeío*). The deadline is four months.

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

<http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=PqM22gvCCCg%3d&tabid=151>

Is there a special helpline or website I can use?

There is no special helpline for claiming compensation. <http://www.ministryofjustice.gr/site/en/HellenicCompensationAuthority.aspx>

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

For cross-border disputes, legal aid is provided in civil (or commercial) cases if your residence or habitual residence is in another EU Member State. Legal aid may also take the form of the appointment of a lawyer to provide legal advice with a view to settling the dispute before it is brought to court. Persons who have their residence or habitual residence in Greece but seek legal aid for a trial or procedural step in another EU Member State are also eligible for the services of a lawyer pending receipt of an application for the provision of legal aid by the competent authority of the foreign Member State.

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

Research Centre for Gender Equality (KETH)

National Centre for Social Solidarity (EKKA)

Secretariat-General for Gender Equality (*Genikí Grammatela Isótitas ton Fýlon*):

<http://www.isotita.gr/en/home/>

<http://womensos.gr/en/about-us/>

<https://el-gr.facebook.com/WomenSOSgr-242892059153851/>

Greek Council for Refugees (*Ellinikó Symvoulio gia tous Prósfyges*)

Amnesty International – Greek Section

Hellenic Police – Cyber-crime

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