

Which type of crime can I get compensation for?

Compensation can only be granted to victims of **violent intentional crimes**. These are crimes that the offender committed intentionally and that constitute a direct attack on life and body, using force (crimes against life and body, such as murder, manslaughter, bodily harm) or violation of sexual integrity (sexual offences).

Another condition is that, under the Penal Code, these crimes are punishable by one or more years of imprisonment. In other words, compensation cannot be received for offences of a pecuniary (financial) nature.

Which type of injury can I get compensation for?

You are not entitled to compensation for minor injuries (e.g. contusions, abrasions, bruises) or for other cases of physical injury that only have a temporary external effect, or temporarily and to a lesser extent, affect the health of the victim.

Compensation may be granted in cases where a physical injury is considered to be at least *minor* (e.g. soft tissue wounds requiring stitches, simple fractures, simple dislocations and sprains, simple eardrum ruptures, concussions with very brief loss of consciousness, loss of one to two teeth, loss of one knuckle).

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?

Yes, compensation for mental suffering due to the death of a loved one may also be given to **survivors**; i.e. persons who were supported or had the right to be supported by the late victim (in particular minor children and children under the age of 26 who are in full-time education; a spouse or unmarried partner who had no means of subsistence and was unemployed for reasons that were not their fault; parents, if they do not have and cannot acquire sufficient means of subsistence).

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?

No.

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

No. The formal condition to grant a compensation is the fact that the claimant is either a citizen of the Republic of Slovenia or another EU Member State.

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?

No. In order to claim compensation, the offence must have been committed on the territory of the Republic of Slovenia, or on a Slovenian ship or Slovenian aircraft, regardless of where it was located when the offence was committed.

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

Yes, the act must have been recorded by or reported to the competent authority (police, prosecutor's office) and treated as a **crime** (and not, for example, as a minor offence), and there must be a reasonable suspicion that a crime has been committed (criminal complaint filed with the prosecution).

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

No, but there must be a **reasonable suspicion** that the crime has been committed, which means that as a rule, at least a criminal complaint must be filed, which the police forward to the prosecutor's office after their investigation has been completed.

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

As a rule, the basis for compensation to be granted in these cases is the **final and enforceable judgment by which the victim was granted compensation** and which could have already been issued during criminal proceedings (decision on a civil action within criminal proceedings) or in civil proceedings (decision on an action). An additional condition is that the **enforcement** (recovery of payment) based on this judgment was **unsuccessful or is not at all possible** (the offender has no property, the property cannot be recovered).

There are, however, exceptions when it is not necessary to first claim compensation from the offender:

— when a victim of crime belongs to one of the specially protected groups – **children, victims of domestic violence, disabled people, citizens of another EU Member State** (in cross-border cases);

— when the **offender** remains **unknown** (after three months of the recording or reporting of the crime, and is not identified before the Committee's decision) or if the offender **cannot be prosecuted** (e.g. the offender is deceased or under the age of 14 and not criminally responsible).

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?

If the offender remains unknown (after three months of the detection or reporting of the crime and is not identified before the Committee's decision), the victim may claim compensation.

As a rule, the compensation is linked to the conviction of the offender when it is claimed based on an enforceable instrument – a judgment (in criminal or civil proceedings) with which the victim was granted compensation, but the victim cannot recover it from the offender (enforcement is unsuccessful or impossible). In cases where a victim has a special status (children, disabled persons or victims of domestic violence and victims in cross-border cases – nationals of other EU Member States), the offender's conviction is not a condition to claim compensation.

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

Yes, there are two time limits for claiming compensation.

In cases involving an **unknown offender** or **special groups of victims** (children, victims of domestic violence, disabled people, nationals of other EU Member States), the deadline for filing the claim is **6 months from the date when the crime was committed**.

In other cases where compensation must first be sought from the offender, the time limit for filing the claim is **3 months from the date of receipt of the decision or the notification that the enforcement was not successful**; where enforcement was not proposed, the deadline is three months from receiving the information that **enforcement is not possible**.

Which losses and expenses are covered by the compensation?

For example, will the compensation cover:

(a) for the victim of the offence:

— **Material (non-psychological) damage:**

medical costs of injury (medical treatment — ambulant and hospital treatment, recovery) — **YES**, but only in case the person is not entitled to adequate benefits from the pension and disability insurance; in the amount of the costs of health services covered by compulsory health insurance under the regulations of the Republic of Slovenia, limited to EUR 20 000.

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.) — **NO**

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.) — **NO**

loss of opportunity — **NO**

expenses linked to legal proceedings related to the incident causing the damage (such as legal fees, court costs) — **NO**

compensation for stolen or damaged personal property — **NO**

other

— **psychological (moral) damage:**

pain and suffering of the victim — **YES**, for suffering physical and mental pain (due to loss of amenity, disfigurement, reduced freedom, violation of dignity and other personality rights); compensation for fear is not recognised.

(b) for entitled people or relatives of a victim:

— **Material (non-psychological) damage:**

funeral costs — **NO**, because this is now a social right and is enforced under another law;

medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation) — **YES (for victims only)**, in the amount of the costs of health services covered by compulsory health insurance under the regulations of the Republic of Slovenia, and only if the person does not have a compulsory or voluntary health insurance.

loss of maintenance — **YES**, for the children of the deceased who meet the conditions for a survivor's pension (the age of up to 15 years or 26 years if in full-time education), but the pension was not granted (for reasons on the side of the deceased);

loss of opportunity — **NO**

— **psychological damage:**

pain and suffering of relatives or entitled people / compensation to survivors if the victim died — **YES**, the survivors are compensated for mental pain due to the loss of a loved one;

(a) for the victim of the offence:

— **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.)

loss of opportunity

expenses linked to legal proceedings related to the incident causing the damage (such as legal fees, court costs)

compensation for stolen or damaged personal property

other

— **psychological (moral) damage:**

pain and suffering of the victim

(b) for entitled people or relatives of a victim:

— **Material (non-psychological) damage:**

funeral costs

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

loss of maintenance or of opportunity

— **psychological damage:**

pain and suffering of relatives or entitled people / compensation to survivors if the victim died

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

Compensation is, as a rule, paid out in a single payment unless it is necessary to determine the future conditions to grant compensation for certain periods (e.g. full-time education of a child).

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?

When deciding on the amount of compensation, the **conduct of the claimant** while and after the crime was committed, as well their **contribution** to the occurrence and extent of the damage are taken into account, and the compensation may be reduced accordingly or the claim rejected.

The criminal record of the claimant is not checked, while non-cooperation in the compensation procedure can result in some of the circumstances relevant for determining the right to compensation not being established and, as a result, the conditions for the recognition of damages might not be met. If the claimant does not respond to calls from the authority to supplement the compensation claim, an incomplete claim may be rejected.

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

The financial situation of the victim is not checked and therefore does not affect the recognition of the right to compensation or its amount.

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

Yes, the compensation is reduced by any other compensations, reimbursements or other payments received by the claimant on any other basis for the same type of damage.

How will the compensation be calculated?

For physical pain and mental pain, the highest statutory amounts of compensation for each type of damage are taken into account, and the compensation is determined according to these limits and in relation to the severity of the injury or the type of damage.

Regarding **physical pain**, special rules identify categories of injuries, and the law sets the minimum and maximum amounts for these categories – from EUR 50 to 500 for minor injuries, from EUR 100 to 1 000 for medium injuries, from EUR 250 to 2 500 for severe injuries, from EUR 500 to 5 000 euros for very severe injuries, and from EUR 1 000 to 10 000 for extremely severe injuries.

For other types of damage, the law refers to other regulations. The reimbursement of treatment costs is recognised in the amount of the costs of health services from compulsory health insurance, to which the insured person would be entitled under the regulations of the Republic of Slovenia given the circumstances. Compensation of funds due to loss of maintenance is recognised to deceased victim's survivors to the extent determined by Slovenia's regulations on pension and disability insurance regarding survivor's pension.

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

Yes, for physical pain of a minimum of EUR 50 and a maximum of EUR 10 000, and for mental pain, a maximum of EUR 10 000.

Compensation for mental pain caused by a loved one's death may be granted to all relatives of a deceased up to EUR 10 000.

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. In the claim form, it is possible to state the amount of compensation, but this is not required by law.

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. By law, the compensation set for each type of damage is **reduced** by any other compensations, reimbursements or **other payments** received by the claimant **on any other basis** for the same type of damage.

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 law does not envisage such a change in circumstances.

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

By law, the claim must be supported by the following documents:

power of attorney

copy of the police report (or documentation from another body in (pre-)criminal proceedings)

relevant medical reports and certificates

claimant's statement on claiming compensation from other sources.

Where a claimant applies for compensation after being unable to recover it from the offender, the following must also be enclosed:

copy of the judgment (by which the compensation was granted)

a copy of the enforcement order and evidence that the enforcement was not successful or not possible.

The authority may request further evidence to establish the conditions for granting compensation.

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

No. No fee is charged for claims, actions and decisions in compensation proceedings under this Act.

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

Committee for decision-making on compensation to crime victims (Komisija Vlade Republike Slovenije za odločanje o odškodnini žrtvam kaznivih dejanj; hereinafter 'Committee').

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

To the Ministry of Justice (Ministrstvo za pravosodje), Župančičeva 3, 1000 Ljubljana.

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

No.

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

The legal deadline for issuing a decision is 3 months from the receipt of a complete application. As a rule, the actual procedure lasts less than half a year, depending on individual circumstances.

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

The decision of the Committee may be challenged by an action in an administrative proceeding before the Administrative Court of the Republic of Slovenia.

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

On the website of the Ministry of Justice:

http://www.mp.gov.si/si/delovna_podrocja/direktorat_za_kaznovalno_pravo_in_clovekove_pravice/sektor_za_popravo_krivic_in_podporo_zrtvam_kaznivih_dejanj/odskodnine_zrtvam_kaznivih_dejanj/

The English version of the webpage:

http://www.mp.gov.si/en/areas_of_work/legislation_on_the_justice_system/sektor_za_popravo_krivic_in_podporo_zrtvam_kaznivih_dejanj/crime_victims_compensation_national_cross_boarder_situations/

Information can also be obtained in writing or by telephone:

Ministrstvo za pravosodje

Direktorat za kaznovalno pravo in človekove pravice

Sektor za popravo krivic in podporo žrtvam kaznivih dejanj

Župančičeva 3, 1000 Ljubljana

T: +386 1 369 5442

E: gp.mp@gov.si

By law, the police is required to provide basic information on how people can exercise their rights. Also other state bodies dealing with victims are generally acquainted with these rights and provide this information (social work centres, victim assistance NGOs).

Is there a special helpline or website I can use?

See above.

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

Free legal aid is not possible in these cases.

Under the rules on general administrative procedure, however, the official person must respect the principle of protecting the rights of the claimant, which means that the official must allow the claimant to exercise their rights, to warn them in this regard, invite them to complete the claim and provide explanations, while ensuring that claimant's ignorance or lack of knowledge does not harm their rights.

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

Yes, some NGOs offer assistance in enforcing the rights of victims (e.g. Non-Violent Communication Society (Društvo za nenasilno komunikacijo)).

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