

Home>Your rights>Victims of crime>Compensation>If my claim is to be considered in this country

If my claim is to be considered in this country

Slovakia

Which type of crime can I get compensation for?

The law provides for one-off financial compensation for people who have suffered bodily injury as a result of premeditated violent crimes; other crimes are not subject to compensation. Compensation for bodily injury attaches in particular to the crimes of murder and bodily harm. The law classifies the crimes of human trafficking, rape, sexual abuse, sexual violence, domestic violence and involuntary disappearance as a separate category of offence, for which there is also compensation for non-material damage.

Which type of injury can I get compensation for?

Victims of violent crime are compensated only to the extent of the injury sustained (compensation for pain and diminished social function). For the offences of human trafficking, rape, sexual abuse, sexual violence, domestic violence and involuntary disappearance, the law provides for compensation for non-material damage.

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?

When a person dies as a result of a violent crime, the law also gives the option of claiming compensation to his/her relatives, which means any surviving spouse and surviving children of the deceased; if there are no children, the surviving parents of the deceased; any person who lived with the deceased in the same household for at least one year before his/her death and who maintained the common household together with the deceased, and any person dependent for maintenance on the deceased.

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, in these cases the law does not provide for compensation for the relatives of the crime victim.

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

Compensation may be claimed by a victim of a violent crime who is a citizen of the Slovak Republic, a citizen of another Member State, a stateless person having permanent residence in the Slovak Republic or in another Member State, or a foreign national under the conditions and to the extent stipulated by an international treaty ratified and promulgated in the manner provided for by law, if the injury occurred in the Slovak Republic. Compensation may be claimed by a victim of a violent crime who has been granted asylum, subsidiary protection, temporary refuge, leave to remain or exceptional leave to remain in the Slovak Republic, if the injury occurred in the Slovak Republic.

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, Slovak law does not provide for such a procedure. Compensation may be claimed only if the injury occurred on the territory of the Slovak Republic.

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

Compensation may be claimed if criminal prosecution has already been initiated and the results of the investigation or summary investigation by law enforcement authorities so far do not give rise to reasonable doubts as to whether the victim of the violent crime has suffered bodily injury from an act constituting a criminal offence. This means that compensation can already be granted after criminal prosecution has been initiated, but it is irrelevant whether the prosecution was prompted by a criminal complaint from the victim or by other means.

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

No, the claim can be submitted to the Ministry immediately after the criminal prosecution has been initiated, provided that the results of the investigation or summary investigation by law enforcement authorities so far do not give rise to reasonable doubts as to whether the victim of a violent crime has suffered bodily injury from an act constituting a criminal offence.

However, the claim for compensation must be submitted to the Ministry no later than one year from the date of the final judgment or penalty order finding the offender guilty of committing a crime that caused bodily injury to the victim, or of a judgment acquitting the defendant because he/she was not criminally liable on the grounds of insanity or of being underage, and the victim must not have received any other compensation for the bodily injury. If criminal prosecution is stayed or terminated (or postponed) under the relevant provisions of Act No 301/2005 (the Criminal Code), the victim may seek compensation on the basis of a decision by the competent authority setting out the facts detailed above. However, in such cases the outcome of the investigation or summary investigation by the law enforcement authorities must not give rise to reasonable doubts as to whether the crime that caused the bodily injury to the victim actually occurred.

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

If the victim of a violent crime claims compensation only after the criminal proceedings have been concluded, the entitlement to compensation is subject to a claim for damages from the offender in criminal proceedings being entered before the conclusion of the investigation or summary investigation. This does not apply if the criminal act caused death, or in the case of bodily injury caused by the criminal offences of human trafficking, rape, sexual violence, sexual abuse, maltreatment of a close person or person under one's care or involuntary disappearance.

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 identity of the offender whose crime caused the injury to the victim is not known, if his/her whereabouts are unknown, or if a lawful impediment prevents him/her from undergoing criminal prosecution and the injury to the victim has not otherwise been fully compensated, the victim may claim compensation only if the outcome of the investigation or summary investigation by the law enforcement authorities does not raise justified doubts as to whether the crime that caused bodily injury to the victim actually occurred. The claim must be supported by the final decision of the law enforcement authority or court that last considered the matter, in order to prove the facts detailed above.

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

The claim can be submitted to the Ministry once the criminal prosecution has been initiated. The claim must be filed no later than within one year of the date on which the judgment finding the offender guilty of the crime becomes final. If the identity of the offender is not known or if a lawful impediment prevents him/her from undergoing criminal prosecution, the claim must be filed within one year of the date on which the decision by the law enforcement authority that last considered the matter becomes final. Once this period elapses the right to compensation under this law expires.

Where a court in criminal proceedings has referred a victim of a violent crime, and his/her claim for compensation for damages resulting from injury, for civil proceedings or for proceedings before another body, an application must be submitted within one year of the date on which the decision concerning the victim's entitlement to civil proceedings or other proceedings became final. Once this period elapses the right to compensation under this law expires.

Which losses and expenses are covered by the compensation?

For example, compensation covers the following:

Compensation is paid solely in respect of bodily injury suffered (compensation for pain and diminished social function) and, in the cases defined by law, in respect of moral injury. Compensation does not cover other losses or expenses.

(a) for the victim of the criminal offence:

– Physical (non-psychological) injury:

costs of medical care (medical treatment: outpatient and hospital treatment, recuperation);

additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, extended study period, physiotherapy, adaptation of domestic environment, special aids, etc.);

permanent effects of injury (e.g. disability or other permanent handicap);

loss of earnings during and after medical treatment (including lost earnings and loss of earning power or diminished ability to earn a living, etc.);

loss of opportunity;

expenses associated with legal proceedings in connection with the incident causing the injury, such as legal fees, court costs);

compensation for stolen or damaged personal property;

other.

– not applicable

– Psychological (non-material) damage:

pain and suffering of the victim – compensation for non-material damage caused by the crimes of human trafficking, rape, sexual abuse, sexual violence, domestic violence and involuntary disappearance.

(b) for eligible persons or relatives of a victim:

– Physical (non-psychological) injury:

funeral costs;

costs of medical care (e.g. therapy for a family member, outpatient and hospital treatment, recuperation);

loss of ability to earn a living or of opportunity.

– not applicable

– Psychological (non-material) injury:

pain and suffering of relatives and eligible persons/compensation for survivors, if the victim has died – survivors of a deceased victim of a violent crime are paid compensation at a statutory maximum of 25 times the minimum wage at the time when the offence was committed. If the offence caused death and there is only one surviving victim of a violent crime who was dependent on the deceased for maintenance, the victim is entitled to compensation in the amount of fifty times the monthly minimum wage applicable in the calendar year in which the offence was committed. Is the compensation paid out in a single payment or monthly instalments?

Compensation is paid out 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?

Criminal records have no effect on the receipt of compensation from the Slovak Republic. The deciding authority may reduce the compensation or decide not to grant it if the victim is jointly culpable for the injury or did not exercise his/her right to receive compensation from the perpetrator of the crime which caused the bodily injury.

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

The financial situation of the victim has no effect on the compensation decision.

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

The amount of compensation may be affected by the extent of the victim's culpability for the bodily injury or if the victim has not exercised his/her right to receive compensation directly from the perpetrator of the crime.

How will the compensation be calculated?

If the bodily injury has been recognised by a court judgment, compensation is based on the extent of the injury detailed in the judgment; in other cases of bodily injury, the special legislation governing the awarding of compensation for pain and for diminished social function applies *mutatis mutandis*.

Compensation for non-material damage in the case of the crimes of human trafficking, rape, sexual abuse, sexual violence, domestic violence or involuntary disappearance is ten times the minimum wage (at the time when the injury occurred) and compensation for non-material damage to survivors if the criminal offence caused the victim's death is 25 times the minimum wage (at the time when the injury occurred).

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

The law does not stipulate a minimum amount of compensation. The maximum amount of compensation is set at 50 times the minimum wage at the time when the offence was committed (note: this is currently EUR 31 150).

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?

If the damages for bodily injury have been recognised by a final judgment or penalty order in criminal proceedings, compensation in the case of injury is calculated and awarded on the basis of the extent of the injury stated in the judgment or penalty order. If the victim and the claim they made in criminal proceedings are referred to civil proceedings, the calculation and awarding of compensation in the event of bodily injury is based on the extent of the injury as detailed in the decision of the civil court. . Otherwise an expert or medical opinion containing information needed for the purpose of determining the specific amount of compensation must be submitted in order to make it possible to calculate the amount. The rules for determining the amount of compensation are specified by legislation laying down the rules for calculating bodily harm in general, not only for the purpose of compensating the victims of violent crimes.

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, compensation is provided only on condition that the injury has not been otherwise compensated (through a private insurance scheme or directly by the perpetrator of the violent crime, for example).

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

Advances on compensation are not available.

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

This is possible; the victim may apply for compensation more than once (in the event of a change in situation or worsening health, for example), but the application must still be submitted within the basic period (i.e. no later than one year of the date on which the criminal judgement finding the perpetrator guilty became final, or – if the identity of the perpetrator is not known, or if criminal prosecution is prevented by a legal impediment – within one year of the decision of the criminal prosecution authority that last considered the matter becoming final). However, the total amount of compensation for the same case may not exceed 50 times the minimum wage.

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

the final judgment or decision of the law enforcement authority that was the last to hear the matter; if the victim is unable to attach such a decision, it is necessary to indicate the law enforcement authority or court that was the last to hear the criminal offence;

proof of the bodily injury caused to the victim by the violent crime; if such a document is part of an investigation file or a court file, instead of submitting the document itself, the victim of the violent crime may just indicate the document and the file it is in; details of any measures the victim has taken in order to obtain compensation from the perpetrator of the crime that caused the bodily injury or the perpetrator of the human trafficking, rape, sexual violence or sexual abuse;

a document proving that the claim is submitted by a person who is the victim of a violent crime and who lived with the deceased in the same household at the time of his/her death if the crime caused death.

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

Compensation proceedings are not subject to charges.

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

The Ministry of Justice of the Slovak Republic decides on compensation claims.

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

The request must be sent to the following address: Ministerstvo spravodlivosti Slovenskej republiky [Ministry of Justice of the Slovak Republic], Račianska ul. 71, 813 11 Bratislava

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

The victim is not required to be present.

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

The Ministry of Justice of the Slovak Republic must decide on the claim for compensation within 4 months. This period is extended by the time taken by the competent law enforcement authorities, courts, other governmental authorities, higher territorial units, municipalities or other persons to provide the cooperation or documents they have been asked for that are needed for the decision.

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

If the Ministry of Justice of the Slovak Republic does not accept the claim or upholds it only in part, the victim of a violent crime has the right claim the protection of their subjective rights by an administrative complaint under the relevant provisions of Act No 162/2015 (the Code of Administrative Court Procedure).

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

At the website of the [Ministry of Justice of the Slovak Republic](#). During the criminal proceedings victims are kept informed by the investigating authorities of the possibilities of and conditions for obtaining compensation from the Slovak Republic.

Is there a special helpline or website I can use?

Information on compensation for crime victims is published on the [Ministry of Justice website](#). In addition, a victim being interviewed in criminal proceedings receives information (including contact details) about organisations that offer aid and support to victims.

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

There is no legal aid specifically for the purpose of claiming compensation. It is possible to use general legal aid provided by the State through the Legal Aid Centre. In addition, the Ministry of Justice itself provides basic guidance for claiming compensation.

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

Yes, there are organisations that offer assistance and support to victims of violent crimes, but these currently operate independently of the State.

Last update: 03/05/2023

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.