



27th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

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**VICTIMS:
PLACE, RIGHTS AND ASSISTANCE**

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COMPENSATION FOR THE DAMAGE CAUSED BY VIOLENT CRIMES IN LITHUANIA

Dear participants of the conference,

First of all I would like to note that it is a great honour for my country and me to participate in this twenty seventh conference of ministers of justice of the European Council. On this occasion I would also like to express my thanks to the Ministry of Justice of Armenia and the European Council for the provided possibility to share experiences of our countries in insuring protection and proper help to the victims of crime. I am sure that conferences of this type are a good opportunity to generate new ideas that would encourage new national and social initiatives.

We have been stressing many times and it is reflected in the present program of the Government of Lithuania that upon executing justice the State has to be interested not only in crime detection and punishment of the guilty. An equally important or even more important task is to ensure proper care and protection to people who suffered from the crime.

To pursue this goal from the 1st of July, 2005 the system of compensation for the damage caused by violent crimes has started to operate. This system was established upon implementing Directive 2004/80/EB of the European Council regarding compensations to the victims of crime, issued on the 29th of April, 2004. For this purpose the Law on the compensation for the damage caused by violent crimes was adopted in the Republic of Lithuania.

Since this system is new and is just starting its first steps we understand how it is important to implement this Law properly. That is why the underlying objective emphasized in the program of the Government of Lithuania approved by the Parliament on the 18th of July, 2006 is to create an effective system which would allow compensating for the damage caused by violent crimes to the victims of the crimes.

Therefore in my speech I would like to review essential particularities and application problems of the mentioned Law.

As I have already mentioned application practice of the Law is rather modest. However, we can already distinguish certain tendencies of application of the Law. During the first months no requests for compensation were received. Afterwards their number started to grow. There are objective and subjective reasons for that, which I would speak about later. However, in the nearest future we plan to carry out a comprehensive evaluation (monitoring) of application of the Law. Some statistics: during one year since the Law came into power the Ministry of Justice has received 56 requests to compensate for the damage caused by violent crimes. 51 requests were examined, 9 of them were satisfied. Total sum paid under these requests amounted to 21132 Litas (that is about 6125 euros).

The Law provides that compensation for the damage is implemented as a separate program of the State budget, funded from the Foundation of the victims of crime. The Foundation is administered and requests are handled by the Ministry of Justice.

According to the Law on the compensation for the damage caused by violent crime, damage which appeared as a result of difficult crimes is being compensated. These can be deliberate murder, severe or not severe health disturbance, encroachment into a person's sexual self-determination right or immunity.

The Law provides that the right to compensation for the damage is entitled to the victims of the crime. In cases when by the violent crime a homicide is committed compensation is paid to the spouses and children of the victim.

The Law provides for the possibility to request compensation for the damage in advance. Requests of this kind can be submitted if the violent crime resulted in the victim's death or heavy health disturbance. In such cases real damage will be partially compensated for during the course of criminal proceedings when a person responsible for the damage has not yet compensated for it. However, the advance payment is considerably less than the total possible compensation for the damage to be paid after the end of the criminal proceedings. This particular feature of the system regarding the possibility to get part of compensation for the damage in advance and later on to apply for the payment of the remaining amount at the end of the proceedings possibly encourage part of the victims wait until the end of the criminal proceedings and not to be content with a small advanced payment.

There is also a possibility to apply for the compensation for the damage after the end of criminal proceedings. It is worth noting that in regard to continuous nature of criminal proceedings 8 decisions on the compensation for the damage in advance and 1 decision on the compensation for the damage in general have been adopted recently.

The Law defines the following conditions for the compensation for the damage:

- The crime should be qualified as violent crime by the decision of Court or juridical institution;
- The violent crime has to be committed in the territory of the Republic of Lithuania;
- Damage caused by the violent crime has to be not compensated for;
- Request for the compensation has to be submitted not later than within three years after the crime had been committed, except for the cases when this term was missed for important reasons.

Compensations for the damage are processed in written procedure. Persons who have the right to get compensation for the damage should properly fill in a certain application form established by the Minister of Justice. This application form should be followed by documents proving the amount of suffered real damage.

The amount of real damage is to be determined in accordance with the provisions of the Civil Code. Damage caused by violent crime is approached to as income not received and direct expenditure. Although the conception of damage caused by violent crime is rather wide, in practice the applicants very often are not able to ground it and can not get an appropriate compensation.

The Law provides that in spite of the reasons the damage was suffered, the amount of compensation is limited taking into account severity of the consequences of crime. For example, if by a violent crime homicide was committed maximum amount of compensation for the real damage can be 6250 Lit, i.e. 1812 EUR. Compensation for unreal damage can be up to 3750 Lit, i.e. 1087 EUR.

However, it is necessary to note that the Ministry of Justice distinguished one more reason, why the system is just on the underway. Active measures taken to inform the society about the possibilities to get compensations (for example, media announcements, special handbooks distributed by the police officials, leaflets at juridical institutions) helped to encourage the society and as an outcome

of these measures first requests for compensation were received. Already in the middle of October a more active informational campaign will start, the purpose of which is to spread more information about the possibilities to get compensations. Practice shows that even after a few announcements in press, radio or television the interest in compensations starts growing. We hope that in the nearest future the system of compensation for the damage will turn into a really effective support to the victims of crimes.

Thank you for your attention and we will kindly answer to your questions or details you are concerned about.