

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (77) 27

ON THE COMPENSATION OF VICTIMS OF CRIME

*(Adopted by the Committee of Ministers on 28 September 1977,
at the 275th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Recalling that one of the aims of the Council of Europe is to achieve greater unity among its members ;

Believing that for reasons of equity and social solidarity it is necessary to deal with the situation of those who are victims of crime and in particular of those who suffered bodily injury and of dependants of those who are killed by crime ;

Considering that the possibilities of compensation which are available to victims are often insufficient, in particular, when the offender has not been identified or is without resources ;

Noting that with a view to remedying this situation many member states have already instituted special compensation schemes for victims while other member states are considering similar measures ;

Considering that it is important and in the interest of victims to lay down guiding principles with a view to harmonising national provisions in this field,

I. Recommends that the governments of the member states take into consideration the following principles :

1. When compensation cannot be ensured by other means the state should contribute to compensate :

- a.* anyone who has sustained severe bodily injury as a result of crime,
- b.* the dependants of any person who died as a result of crime ;

2. As regards the crimes which caused the bodily injury, at least all intentional crimes of violence should be covered even if the offender could not be prosecuted ;

3. The compensation might be effected either within the framework of the social security system, or by the setting up of a special compensation scheme or by recourse to insurance ;

4. The compensation should be the fullest and fairest possible, taking into account the nature and the consequences of the injury ;

5. The compensation should include, in appropriate cases, at least loss of past and future earnings, increase of expenses, medical expenses, expenses of medical and professional rehabilitation, and funeral expenses ;

6. For practical or economic reasons, the compensation scheme might make provision for a minimum or a maximum. It might also be fixed on the basis of prefixed scales or of a percentage assessment of the injury. The payment of compensation might be limited to victims who are in a serious material situation ;

7. The compensation might take the form of a lump sum or of periodic payments ;
 8. The compensation scheme should provide for the possibility of granting in urgent cases interim awards when there would be delay in determining the compensation ;
 9. With a view to avoiding double compensation, any amount of money received or obtainable from other sources such as the offender, social security or private insurance might be deducted or reclaimed ;
 10. The scheme might subrogate in the victim's claims, as far as possible without impairing the rehabilitation of the offender ;
 11. The compensation might be reduced or refused on account of the victim's conduct and his relationship to the offender and his milieu ;
 12. Except when special conventions apply, compensation shall be paid by the state on whose territory, including its ships and aircraft, the crime was committed ;
 13. In respect of foreigners, the principle of reciprocity might be wholly or partially applied ;
- II. Invites the governments of member states to inform the Secretary General of the Council of Europe every five years of the steps they have taken to implement this resolution.