

STEPS FOR EXERCISING THE RIGHT TO MONETARY COMPENSATION FOR VICTIMS OF VIOLENT CRIMES IN NORTH MACEDONIA



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**Steps for exercising
the right to monetary
compensation for
victims of violent
crimes in North
Macedonia**

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I.

Am I entitled to monetary compensation?

If you are a victim of a violent crime, you have the right to monetary compensation due to the consequences you have suffered as a result of a crime committed with intent with the use of physical force or other actions that resulted in severe health impairment,

You are a **direct victim** if you have suffered a serious impairment of your physical or mental health as a direct consequence of the committed crime. You are also a direct victim if you have suffered a severe impairment of your physical or mental health, as a result of:

- attempt to prevent the commission of a violent crime
- providing assistance to the victim and
- assisting the police in the deprivation of liberty of a perpetrator of a violent crime

You can also be an **indirect victim** if you are a family member (marital or common-law partner, child, parent) of an immediate victim who died as a result of a violent crime.

The have the right to monetary compensation as a victim regardless of your status, i.e., if you are a citizen of the Republic of North Macedonia, a foreign citizen, based on the principle of reciprocity or an international agreement, a person without citizenship or a person not registered in the birth register if at the time of committing the crime they reside on the territory of the Republic of North Macedonia.

II.

What is a violent crime?

Violent crime can be related to gender-based violence against women and domestic violence, a crime that violates a person's gender integrity, a crime related to establishing the status of slavery and transporting persons with a status of slavery, human trafficking and child trafficking.

A violent crime can also be another crime that endangers a person's life or property with a generally dangerous action, tool or means, which has caused death or serious bodily injury or serious impairment of the physical or mental health of one or more people.

III.

What conditions do I have to fulfil in order to exercise the right to a monetary compensation?

A prerequisite for exercising the right to monetary compensation is that the crime has been recorded or reported to the police station or the public prosecutor's office.

At your request, or at the request of your parent/guardian or representative, the police or the public prosecutor's office are obliged to issue you with an appropriate notice, a record of receipt of a report, an official note or a confirmation that the crime has been reported or recorded as a crime.

You have the right to monetary compensation regardless of whether the perpetrator of the crime is known and regardless of whether criminal proceedings have been initiated against the perpetrator of the crime, or whether there are factual or legal obstacles to conducting criminal proceedings.

IV.

What types of monetary compensation can I receive?

You are entitled to monetary compensation for:

- costs of treatment and medical devices (maximum amount up to 2,000 EUR in MKD equivalent)
- lost earnings (maximum amount up to 2,000 EUR in MKD equivalent)
- funeral expenses (only if you have not charged them on another basis)
- lost alimony (maximum amount of 4,500 EUR in MKD equivalent) and
- solidarity assistance for suffered consequences of the crime (maximum amount up to 500 EUR in MKD equivalent value)

The amount of monetary compensation that you can receive for all types cannot exceed the total amount of 5,000 EUR in MKD equivalents.

V.

What is the procedure for exercising the right to monetary compensation?

The procedure is initiated by submitting a written request to the Commission for Monetary Compensation (hereinafter: the Commission), which decides on the request.

The form for the request for monetary compensation for victims of a violent crime can be downloaded and printed from the website of the Commission. The request can be submitted directly through the archives of the Ministry of Justice or sent by mail or by electronic means.

Contact: Ministry of Justice, St. Dimitrie Chupovski no. 9, 1000 Skopje

Website: www.komisijazanadomestoknazrtvi.mk

E-mail: cabinet@justice.gov.mk

Phone: +389 (0)2 3226 - 975

For child victims/persons with limited legal capacity or deprived of legal capacity

If the victim is a child or lacks legal capacity, the request will be submitted to the Commission by the parent, guardian or representative.

For help and information, the parent or guardian can turn to the citizens' associations registered for the provision of free legal aid or to the regional departments of the Ministries of Justice.

What should the request for monetary compensation contain?

It is best to submit the request for monetary compensation on the **form** that you can find in this information material or pick it up from the offices of the citizens' associations registered for the provision of free legal aid or to the regional departments of the Ministries of Justice.

You can submit the request in the Macedonian language and its Cyrillic script or in another official language spoken by at least 20% of the citizens and its script or in the language you understand.

If you use your own request, pay attention to the following mandatory elements that the request must contain:

- personal data of the petitioner, i.e., the victim, if it is not the same person as the petitioner;
- description of the crime (date, place and method of execution),
- date when the commission of the crime was recorded or reported to the police or the public prosecutor's office,
- description of the consequences of the crime,
- statements about whether the victim is aware that criminal proceedings are being conducted against the perpetrator of the crime, before which competent authority, as well as the case number under which the criminal proceedings are being conducted,
- a statement on the access to compensation recognized by this law accessed on other legal grounds and
- the type of compensation the victim is seeking

Photocopies are submitted and the original or certified copy of the following documents are submitted along with the request for initiation of the compensation procedure:

- personal identification document,
- proof of citizenship, domicile or residence, except for a victim without citizenship or a victim who is an unregistered person in the birth register,
- appropriate document from the police or from the public prosecutor's office that the crime has been registered or reported,
- proof (medical documentation) stating that the victim has suffered serious physical injuries, severe mental or physical health impairment,
- death certificate, if the victim died as a result of the crime,
- proof of incapacity for work in accordance with pension and disability insurance regulations,
- proof that the intermediate victim paid the funeral expenses,
- a self-signed declaration of non-receipt of compensation recognized by this law accessed on other legal grounds,
- their personal transaction account details and
- other documents available to the victim, which prove that the conditions for compensation have been met.

What costs do I have in this procedure?

No administrative fees are payable in this procedure.

For foreign citizens/stateless persons

You have the right to an interpreter during the entire procedure, and the costs are borne by the state.

Along with the documents that you will submit in a foreign language, you must also attach a certified translation in the Macedonian language. Translation costs are covered by the state. You should report them in your request to be reimbursed by the Commission.

What should I pay attention to during the procedure?

After receiving your request with the necessary documents, the Commission will issue you a *confirmation of receipt* of the request, which specifies the contact person responsible for the procedure and the deadline by which the decision will be made, if possible.

If, during the procedure for exercising the right to monetary compensation, you exercise a right in accordance with another law, *you are obliged to notify the Commission* of this within seven days of exercising the right, and you must submit proof of the exercised right and compensation.

During the procedure, as an exception, the Commission may call you to give a statement for which it compiles a record or an official note. Ask for a copy of what you have declared and signed.

If the submitted request is incomplete, the Commission will call you within 30 days from the day of receipt of the notice to correct or supplement the request with evidence necessary for making a decision.

During the entire procedure, the Commission pays attention to the personal data that you have submitted and is obliged to ensure secrecy and protection against misuse.

In what period can I submit the request?

The request is to be submitted no later than *three years* from the day the criminal offense that you state in the request for compensation was committed.

If, due to health reasons, you were not able to submit the request within three years from the day the criminal offense stated in the request for compensation was committed, the request is to be submitted no later than within *six months* from the day when the reasons for which you were not able to submit the request have ceased to exist, and at the latest within *five years* from the date of commission of the crime.

For child victims/persons with limited legal capacity or deprived of legal capacity

If the victim is a child or a person with a limited legal capacity or deprived of legal capacity, and the parent or guardian had not submitted a request for compensation within three years from the day the criminal offense referred to in the request for compensation was committed, the three-year period begins from the day the person reaches 18 years of age or, after the victim reaches the age of maturity, from the day the commission of the crime has been reported or from the day the person's legal capacity has been restored.

VI.

What decision can be made after my request for monetary compensation?

Following your request, the Commission for monetary compensation a violent crime victims decides on the right and amount of monetary compensation.

The Commission sits and decides with a quorum of three members, and the decisions are made by a majority of votes from the total number of members.

How long will it take for me to receive a response after requesting monetary compensation?

The Commission decides on the right to monetary compensation, the type and the amount, by decision, no later than within 60 days from the day of receipt of the complete request for compensation.

Exception

If the basis for accessing the compensation and the amount of the compensation cannot be determined without facts and circumstances, which will be determined in a legally concluded enforceable criminal procedure, the decision is made no later than within *three months* from the day the decision in the criminal procedure becomes enforceable.

Types of decisions:

- a decision *rejecting* the request as untimely, impermissible or submitted by an unauthorized person,
- a decision *rejecting* the request as irregular or incomplete, if the petitioner is called to correct or supplement it, and does not do so within the given period,
- a decision *accepting* the request for compensation in whole or in part and determining the type and amount of monetary compensation,
- decision *declining* the request as unfounded.

The decision on the right to monetary compensation is delivered to you in writing at the address you provided in the request, without delay.

For child victims/persons with a limited legal capacity or deprived of legal capacity

The decision on the right to monetary compensation is delivered in writing to the address that the guardian or parent indicated in the request, without delay.

If you have changed your address in the meantime, immediately after the change you are obligated to notify the Commission of your new address.

The request will be declined when the damage has been settled in full by compensation from the perpetrator of the crime.

VII.

Payment of the monetary claim

Within 30 days from the day of receipt of the decision approving the payment of compensation, the Commission makes a payment exclusively to your transaction account that you will submit to the Commission.

For child victims/persons with a limited legal capacity or deprived of legal capacity

The Commission makes a payment to the transaction account of the victim's parent or guardian.

If the Commission pays you monetary compensation, and you obtain full or partial compensation from the perpetrator of the crime, the state has the right to ask you to return the amount that was paid to you.

VIII. Court protection

Against the decision of the Commission, you have the right within 30 days from the day of receipt of the decision to file a lawsuit and initiate an administrative dispute to the Administrative Court

The lawsuit can be submitted directly to the court in writing, by mail to the address or by electronic means.

If you filed the lawsuit directly in court, the person who received the lawsuit is obliged to issue you a receipt with the registered number of the lawsuit.

If you sent the lawsuit by registered mail, the date of delivery at the post office is considered the date of filing the lawsuit in court. Keep the slip as proof that you have sent the lawsuit to the court. Then contact the court to get a number under which your case is processed.

If you filed a lawsuit through electronic means, it will be considered filed at the moment it is recorded on the server for outgoing electronic messages. Such claim shall be verified by electronic means with an electronic signature by the court, without any delay.

You can file an appeal against the judgment of the Administrative Court within 15 days from the day of delivery of the transcript of the judgment. The appeal is submitted to the Administrative Court, and the Higher Administrative Court decides on the appeal.

Contact: Administrative Court, St. Dame Gruev no. 6, 1000 Skopje
Tel. 02 3203-200 or 02 3203-231

The lawsuit does not delay the execution of the Commission's decision.

IX.

Costs of the procedure

Administrative fees are not paid in the procedure for obtaining monetary compensation.

If you are not a citizen of the Republic of North Macedonia, during the entire procedure you have the right to an interpreter at the expense of the Commission.

X.

Free legal aid

During the procedure for exercising the right to monetary compensation, you have the right to free legal aid.

To get *primary legal aid* when filling out the request, you need to contact the authorized official from the regional departments of the Ministry of Justice according to your place of residence/accommodation, an authorized association¹ or a legal clinic (part of the faculties of law).

You can also request *secondary legal aid*, which includes free representation by a lawyer in the entire procedure. The afore-stated must be previously approved by a Certificate issued by the regional department of the Ministry of Justice or by a Decision from the Ministry of Justice.

The authorized official from the regional departments of the Ministry of Justice according to your place of residence/accommodation, the authorized association or the legal clinic (as part of the faculties of law) can help you in the procedure for obtaining secondary legal aid.

Important contacts:

Ministry of Justice, St. Dimitrie Chupovski no. 9, 1000 Skopje, Republic of North Macedonia

e-mail: cabinet@justice.gov.mk

tel. +389 (0)2 3116 - 493, +389 (0)2 3116 - 648

Compensation Commission

Website: www.komisijazanadomestoknazrtvi.mk

Email address: contact@komisijazanadomestoknazrtvi.mk

tel. +389 (0)2 3116 - 493, +389 (0)2 3116 - 648

Contact person: Andrijana Gjorgjevska, Head of Department for Pardons and Compensation

Tel. +389 2 3116 493 ext.119,

Mob. +389 (0)70 314-453,

Email address: agjorgjevska@justice.gov.mk

¹ <https://www.pravda.gov.mk/bpp>

Regional departments of the Ministry of Justice

City	Contact person	Contact telephone number
Berovo	Ljupka Dupkarska	075-388-783
Bitola	Mirjana Ruteska	075-388-761
Novaci		075-388-719
Mogila		075-388-739
Makedonski Brod	Ljupka Dupkarska	075-388-783
Vinica	Gorancho Dimitrov	075 388-693
Valandovo	Fika Kaburova	075 388-752
Gevgelija	Mite Peev	075 388-659
Gostivar	Xhelibe Presheva	075 388-764
Debar	Tonin Koleci	075 388-786
Delchevo	Goran Stoimenovski	075 388-754
Demir Hisar	Aneta Mitrajchevska	075 388- 756
Kavadarci	Cvetanka Bashtovanova	075 388-696
Kichevo	Nuri Selmani	075 388-767
Kochani	Magdalena Manchova	075 388-761
Kriva Palanka	Suzana Ilievska	075 388-749
Krushevo		071 227 808
Kumanovo	Frosina Stefanovska	075 388-671
Negotino	Jovanka Kamcheva	075 388-718
Ohrid	Toni Kochevski	075 388-791
Prilep	Armina Feratoska	075 388-753
Probishtip	Martin Mladenovski	075 388-697
Radovish	Daniela Svirкова	075 388-771
Resen	Divna Barandovska	075 388-685
Sveti Nikole		071 227 862
Struga		071 223 015
Strumica		071 224 526
Tetovo		071 227 893
Shtip		071 221 484; 070 821 089
Karposh		071221381
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