

4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

You are entitled to file a civil action against the accused to claim damages as part of the criminal proceedings. You can file a civil action within 10 days after you examine the criminal file. You can also request that the prosecutor's office extend this deadline.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

If the convicted offender does not pay the amount imposed on him or her by the court ruling, you are entitled to contact a bailiff, who will organise enforcement proceedings.

If the offender does not pay, can the state pay me an advance? Under what conditions?

No, the state does not pay damages owed by a convicted offender.

Am I entitled to compensation from the state?

You may apply for compensation from the state for the following types of damage if you are a person close to the person who died because of a crime, or if you are a victim of a crime of violence, and have sustained a health disorder lasting for at least four months because of the crime:

1. damage arising from incapacity for work or reduced working capacity;
2. expenses incurred due to damage caused to the victim's health;
3. damage arising from the death of the victim;
4. damage caused to spectacles, dentures, contact lenses or other appliances substituting for bodily functions or to clothes;
5. the victim's funeral expenses.

To be eligible for compensation, you must report the crime to the police within 15 days after it takes place or after you have the opportunity to report it.

The application for compensation must be submitted to the Estonian National Social Insurance Board within three years of the crime being committed or the date of the victim's death, unless:

1. the dependant became aware of the death of the victim more than one year after the date of death and the application is submitted within three years of the date of becoming aware of the death of the victim;
2. the applicant for compensation sustained a health disorder that lasted longer than one year and the timely submission of the application was impossible due to his or her state of health, and the application is submitted within three years of his or her state of health improving;
3. the basis for applying for compensation is a sexual offence against a minor and the application is submitted within three years after the victim became an adult unless the reason for the criminal proceedings became evident before he or she became an adult.

Am I entitled to compensation if the offender is not convicted?

You can apply for state compensation to victims of crime if the criminal proceedings fail to identify the person who committed the crime against you.

If the person accused of the crime is acquitted in court but you still believe that the person has caused you damage, then you can file a civil action.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

The decision on the award of compensation to a victim of violence may be postponed until a county court ruling if:

1. the applicant's right to receive compensation from the person liable for the damage caused by the criminal offence is uncertain, or
2. it is obvious that the person liable for the damage caused by the criminal offence agrees and is able to compensate for the damage.

If the award of compensation is postponed, the Estonian National Social Insurance Board may make an advance payment on the basis of a request from the applicant for compensation if the applicant is clearly eligible for compensation and he or she is in a difficult economic situation.

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