

4 - Compensation

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

As a rule, compensation must be sought in criminal proceedings. To this end, you must inform the criminal police authorities or the Public Prosecution Service, by the end of the investigation stage, that you wish to file a claim for compensation, which you may do, for example, when providing your statement. When you receive notice of the charges brought against the accused person, you will then have 20 days to file the claim.

NOTE: Civil claims for compensation are not subject to specific formalities and, where less than EUR 5 000 is claimed, you may file the claim yourself.

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

Where the offender does not voluntarily pay the compensation they have been ordered to pay, you will need to apply for an enforcement order, that is, ask the court to intervene – seize property, bank accounts, vehicles or other assets – in order to ensure payment of the compensation.

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

Yes, in the case of a violent crime that has caused significant disruption to your standard of living and quality of life and the offender is unable to pay the compensation.

Am I entitled to compensation from the state?

Yes, where the offender cannot afford to pay such compensation and you are the victim of a violent crime, and provided it has caused significant disruption to your standard of living and quality of life.

The following are entitled to compensation from the state:

- victims of grievous bodily harm (i.e. causing permanent disability, temporary total disability for at least 30 days, or death) directly as a result of an act of violence;
- in the event of the victim's death, the persons to whom the law has granted the right to maintenance, such as children, and those living in cohabitation with the victim;
- persons who assisted the victim or cooperated with the authorities in preventing the crime or in finding or arresting the offender, in relation to the damages they have suffered as a result.

NOTE: in cases of sexual offences, permanent or temporary total disability for at least 30 days may not be a requirement. This exception is justified by the fact that, although this type of crime does not, as a rule, cause an inability to work for at least 30 days, compensation is still justified due to the seriousness of the crime.

The claim for compensation may be filed up to one year from the date of the crime or, in the case of criminal proceedings, up to one year after the final decision in the proceedings. Victims who were minors at the time of the crime may file a claim for compensation up to one year after reaching the age of majority.

Claims should be filed using the [online form](#) available on the Commission for the Protection of Victims of Crime (Comissão de Proteção de Vítimas de Crime) website.

Filing a claim for compensation is free of charge.

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

Exceptionally, where a serious crime is involved (see above) and where the offender is unknown.

Where the offender has been tried and acquitted, as a rule, you are not entitled to compensation.

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

If you are a victim of domestic violence you are entitled to receive cash benefits from the state whenever, as a consequence of the crime, you are in serious financial need.

Applications for emergency payment should be submitted using the [online form](#) available on the Commission for the Protection of Victims of Crime website.

You must include a copy of the complaint or of the report filed with the police authority with the application. The application must be filed within one year from the date of the crime.

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