

4 - Compensation

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

Damages can be claimed from an offender in criminal proceedings either by making an oral submission on the record of the hearing or by submitting a special written petition. A civil party who is entitled under law to claim damages from the offender for losses caused by the criminal offence committed against them is also entitled to petition the court to order the defendant to pay damages as part of the conviction; the civil party must make such a petition at latest by the end of the investigation or the summary investigation. The petition must clearly state the reasons for the claim and the amount of damages sought. The civil party is advised of the right to damages and the procedure for exercising that right in the course of the hearing.

If there is reasonable concern that satisfaction of the victim's claim for compensation for the losses caused by the crime will be obstructed or impeded, the claim up to the probable amount of the losses can be secured against the defendant's assets or other property rights. A decision on seizing assets is taken by the court on the basis of a petition submitted by the prosecutor or the civil party; in pre-trial proceedings, the prosecutor may secure the claim even without a petition by the civil party if protection of the civil party's interests so requires, especially if there is a risk of delay.

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

If the offender fails to voluntarily fulfil their obligations as ordered by the court in the criminal proceedings, you receive an enforcement order once the court's decision becomes enforceable, on the basis of which you can enforce the judgment against the offender under enforced recovery proceedings. In such cases, you may seek legal aid from a lawyer.

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

No.

Am I entitled to compensation from the state?

If you are a victim of violent crime, you may apply for compensation. The Ministry of Justice of the Slovak Republic decides on the provision of compensation and pays it on the basis of a written request. The request has to be submitted using a form provided on the Ministry's website. The request may already be submitted once the criminal prosecution has started, but no later than one year from the date on which the judgment or the penalty order becomes final.

If a criminal court has referred you with your claim for compensation for damage resulting from bodily harm to civil proceedings or proceedings before another body, the request must be submitted to the Ministry within one year of the date on which the decision on your claim in civil proceedings or in proceedings before another body becomes final. When this period elapses, the right to compensation under the Victims of Crime Act expires.

The above periods do not run during the proceedings before the competent body, especially during civil

proceedings and enforcement proceedings in which you claim compensation for bodily harm directly from the person who caused the harm to you.

The Ministry is required to decide on your request within four months of the date of receipt of a complete request. This period will be extended by the time elapsed between the request for cooperation or the documents necessary for the decision and their provision by the competent law enforcement authorities, courts, other national authorities, higher territorial units, municipalities and other persons.

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

If the defendant is acquitted, the court will refer you with your claim to civil proceedings or proceedings before another body.

If you are a victim of violent crime and the defendant has been acquitted because of not being criminally responsible on the grounds of insanity or of being underage, and you have not been compensated for the bodily harm otherwise, you are entitled to compensation under the Victims of Crime Act.

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

No.

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