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# If my claim is to be considered in this country

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Lithuania



Lithuania

## Which type of crime can I get compensation for?

You can get compensation in cases where:

- a person's life was intentionally taken;
- there was serious or non-serious injury to a person's health;
- a less serious, serious or very serious crime against a person's liberty, freedom of sexual self-determination or integrity was committed.

## Which type of injury can I get compensation for?

You can get compensation if you have suffered a serious or non-serious injury to your health.

## Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

If a violent crime resulted in the loss of human life, any person to whom a court has awarded material and/or non-material damages incurred as a result of the violent crime is entitled to compensation.

When compensation is paid in advance, i.e. before the criminal proceedings are completed, the right to compensation is conferred on spouses, children, adopted children, parents, adoptive parents and dependants of the deceased.

## Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

No. If a victim of violent crime has survived, he or she is the only person entitled to compensation.

## Can I get compensation if I'm not a national of an EU country?

Yes, but only in the following two cases:

- you are a person lawfully and ordinarily residing in the Republic of Lithuania or another Member State of the European Union;
- such a possibility is provided for in the international treaties of the Republic of Lithuania.

Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so under what conditions?

No, compensation may be paid only for violent crimes committed in the Republic of Lithuania.

Do I have to have reported the crime to the police first, to be able to claim compensation?

Yes. In order for a claim for compensation to be made, a pre-trial investigation must have been launched.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

No, you may claim advance compensation payments while the pre-trial investigation is still ongoing.

Do I have to first seek compensation from the offender - if they have been identified?

Yes. When compensation is pursued under the normal procedure, compensation for material and/or non-material damage must be awarded to you by a court judgment. When an advance on the compensation is pursued, you are required to submit a ruling or order confirming your status as a civil claimant.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

Yes. In such cases you are required to submit the following:

- a copy of your identity document;
- a ruling or order confirming your status as a civil claimant;
- documents supporting the amount of material damage, if any;
- documents establishing the fact of marriage, family relationship or dependence if compensation is being claimed by the relatives of the deceased.

Is there a time limit within which I have to claim compensation?

An application for compensation should be submitted no later than within 10 years of the date of the court judgment ordering payment of compensation for damage incurred due to a violent crime. If a person misses that deadline for compelling reasons, it may be extended.

There is no deadline for submitting applications for the payment of advance compensation.

Which losses and expenses are covered by the compensation?

*For example, will the compensation cover:*

*(a) For the crime victim:*

*- Material (non-psychological) damage:*

- *medical costs of injury (medical treatment - ambulant and hospital treatment, recovery) Yes*
- *additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, adaptation of housing, special aids, etc.) Yes*
- *permanent injury (e.g. invalidity and other permanent handicaps)*
  - *loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.) Yes*
  - *loss of opportunity No*
  - *expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs) Yes*
  - *compensation for stolen or damaged personal property No*
  - *other Other material damage related to the violent crime committed which was awarded by the court*

- *Psychological (moral) damage:*

- *pain and suffering of the victim Yes*

*(b) For entitled people or relatives of a victim:*

- *Material (non-psychological) damage:*

- *funeral costs Yes*
- *medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation) Yes, but only if a violent crime resulted in the loss of human life*
- *loss of maintenance or of opportunity Yes, but only if a violent crime resulted in the loss of human life*

- *Psychological damage:*

- *pain and suffering of relatives or entitled people/compensation to survivors if the victim died Yes, but only if a violent crime resulted in the loss of human life*

**Is the compensation paid out in a single payment or monthly instalments?**

Compensation is normally paid in full as a single payment. In exceptional cases compensation may be paid out in instalments, but no later than within one year from the date of the decision to pay compensation for damage incurred due to a violent crime.

**In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?**

The aforementioned circumstances are only important when dealing with the question of advance compensation. Compensation is not granted if:

- you are being prosecuted for a violent crime or had a criminal record with unexpired or non-pardoned criminal convictions for a violent crime at the time when the violent crime in question was committed;
- you are bound by a court order in line with the Law of the Republic of Lithuania on the Prevention of Organised Crime (*Lietuvos Respublikos organizuoto nusikalstamumo užkardymo įstatymas*);
- you abuse the right to advance compensation for damage incurred due to a violent crime.

**In what way could my financial situation affect my chance of receiving compensation and/or the amount?**

This will have no effect when dealing with the question of compensation.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

No.

How will the compensation be calculated?

Compensation is granted on the basis of the amount awarded by the court, which, however, may not exceed the maximum amounts specified below.

Compensation for damage paid in advance is calculated on the basis of the documents submitted by you in support of the material damage.

Is there a minimum/maximum amount that can be awarded?

In case of murder the maximum compensation for material damage may not exceed EUR 3 800 and the maximum compensation for non-material damage may not exceed EUR 4 560.

In case of severe injury to health the maximum compensation for material damage may not exceed EUR 3 040 and the maximum compensation for non-material damage may not exceed EUR 3 800.

In case of other violent crimes the maximum compensation for material damage may not exceed EUR 2 280 and the maximum compensation for non-material damage may not exceed EUR 3 040.

If compensation for damage incurred due to a violent crime is paid in advance, the maximum amounts may not exceed half of the above amounts.

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

Yes, you are expected to quote the amount of compensation claimed, which should be calculated on the basis of the amounts indicated in the court ruling or civil action brought.

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?

Yes. Amounts you received as compensation for damage from other sources will be deducted from the compensation.

Can I get an advance on the compensation? If so, under what conditions?

Yes, compensation for damages incurred due to violent crimes may be paid in advance if:

- criminal proceedings in respect of a violent crime are in progress and the person concerned is recognised as a civil claimant;
- a court ruling has been issued establishing that a violent crime was committed, but no claim has been lodged for compensation for damage incurred as a result, or the claim has not been examined;
- a violent crime was committed by a person who may not be prosecuted because of his or her age or international immunity or the person who committed the crime is no longer alive.

Can I get complementary or additional compensation (following e.g. a

change in circumstances or worsening health etc.) after the main decision?

No, such a possibility is not envisaged.

What supporting documents do I need to include with my claim?

*When applying for compensation under the normal procedure you should include the following documents with your claim:*

- a copy of your identity document;
- a transcript of the final court judgment awarding material and/or non-material damages incurred due to a violent crime;
- a statement drawn up by a bailiff stating that it is not possible to recover the damages from the offender, except in cases where the person liable for the damages is no longer alive.

*When applying for compensation to be paid in advance you should include the following documents with your claim:*

- a copy of your identity document;
- documents supporting the amount of material damage;
- a ruling or order confirming your status as a civil claimant or a final court judgment establishing that a violent crime was committed or a procedural decision confirming that criminal proceedings are not permitted due to the offender's age, international immunity or death;
- documents establishing the fact of marriage, family relationship or dependence if compensation is being claimed by the close relatives or dependants of the deceased.

Are there administrative or other charges to be paid when the claim is received and processed?

No, the claim is accepted and examined free of charge.

Which authority decides on compensation claims (in national cases)?

The Ministry of Justice of the Republic of Lithuania (*Lietuvos Respublikos teisingumo ministerija*) decides on compensation claims.

Where do I send the claim (in national cases)?

You should send your claim to the Ministry of Justice of the Republic of Lithuania (Gedimino pr. 30, LT-01104 Vilnius, Lithuania; email [rastine@tm.lt](mailto:rastine@tm.lt)).

Do I need to be present during the procedure and/or when my claim is being decided?

No.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

A decision will be taken within a month following the submission of a claim and all the necessary documents to the Ministry of Justice of the Republic of Lithuania.

If I'm not satisfied with the authority's decision, how can I challenge it?

Decisions taken by the Ministry of Justice of the Republic of Lithuania may be challenged before the Lithuanian

Administrative Disputes Commission (*Lietuvos administracinių ginčų komisija*) or Vilnius Regional Administrative Court (*Vilniaus apygardos administracinis teismas*) within one month from the date on which the decision was communicated.

## Where can I get the necessary forms and other information on how to claim?

From the Ministry of Justice of the Republic of Lithuania or the units of the State Guaranteed Legal Aid Service (*Valstybės garantuojamos teisinės pagalbos tarnyba*) and from websites (see information below).

## Is there a special helpline or website I can use?

<https://vgtpt.lrv.lt/en>

## Can I get legal aid (help from a lawyer) when preparing the claim?

Yes, a person may apply for primary legal aid from the executive authority of the municipality of his or her declared place of residence or from the units of the State Guaranteed Legal Aid Service.

## Are there any victim support organisations that can help me claim compensation?

The Lithuanian Association for the Support of Victims of Crime (*Lietuvos nusikaltimų aukų rėmimo asociacija*) (Valakupių g. 5, LT-10101 Vilnius, Lithuania);

Caritas Lithuania (*Lietuvos Caritas*, <https://www.caritas.lt>, Papilio g. 5, LT-44275 Kaunas, Lithuania).

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