

[Home](#) > ... > [Your Rights](#) > [Victims of Crime](#) > [Compensation](#) > [If My Claim Is To Be Considered In This Country](#)  
> Malta

## If my claim is to be considered in this country

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Malta

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

The types of crime you can get compensation for are rape with violence, inducing minors into prostitution, wilful homicide, grievous bodily harm or arson endangering life.

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

You can get compensation for any damage suffered as a consequence of any of the violent intentional crimes mentioned above.

### 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?

You can get compensation if you are a relative or dependant of a victim who has died as a result of a crime. 'Dependants' means the persons cared for by the deceased and the persons legally entitled to be cared for by 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?

You cannot claim compensation if you are a relative or dependant of a victim who has survived.

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

You cannot claim compensation if you are not a national of an EU country.

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

In this case you can claim compensation by providing all the necessary and reasonable assistance and

information required for the relevant purposes.

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

Yes, you have to have reported the crime to the police before you can claim compensation.

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

You do not necessarily have to await the outcome of any police investigations or criminal proceedings before you can claim.

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

You should first seek compensation from the offender – if they have been identified.

## 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?

You can still qualify for compensation even if the offender has not been identified or convicted. The evidence you need to present is the police report.

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

You have up to one year from when the crime took place to claim compensation.

## What losses and expenses are covered by the compensation?

The compensation will cover:

### (a) For the victim of the offence:

#### – Material (non-psychological) damage:

- medical costs of injury (medical treatment – ambulant and hospital treatment, recovery)
- 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.)
- 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.)
  - loss of opportunity
  - expenses linked to legal proceedings related to the incident causing the damage (such as legal fees, court costs)
  - compensation for stolen or damaged personal property
  - other – at the Claims Officer's absolute discretion

#### – Psychological (moral) damage:

- pain and suffering of the victim – at the Claims Officer's absolute discretion

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

- Material (non-psychological) damage:

- funeral costs
- medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation)
- loss of maintenance loss or of opportunity

At the Claims Officer's absolute discretion.

- Psychological damage:

- pain and suffering of relatives or entitled people/ compensation to survivors if the victim died

At the Claims Officer's absolute discretion.

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

Compensation is paid by way of a lump sum payment, rather than a periodical pension. However, the Claims Officer may make an interim award and postpone making a final award in a case in which a final medical assessment of the injury is delayed.

**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 Claims Officer may withhold or reduce compensation if he/she considers that:

1. The applicant failed to promptly take all reasonable measures to inform the police, or other body or person, whom the Claims Officer considers appropriate, of the circumstances of the crime for the purpose in question; or
2. the applicant did not cooperate with the police or any other authority to bring the offender to justice; or
3. the applicant failed to provide all reasonable assistance to the Claims Officer or to any other body or person in relation to the application; or
4. the applicant's behaviour before, during or after the incident for which claim is sought does not justify full compensation or any compensation, or
5. The applicant's character as shown in their criminal convictions or in evidence available to the Claims Officer does not justify full compensation or the award of any other full sum; or
6. the victim was jointly or partly responsible for the injury sustained; or
7. the victim's behaviour, character or lifestyle warrant this.

No compensation will be paid under the scheme where:

1. the criminal injury was sustained before 1 January 2006;
2. the Claims Officer is of the opinion that the offender is not indigent or unless it is shown that the legal action to claim compensation was made without a favourable outcome;
3. the Claims Officer is of the opinion that the applicant has not provided all reasonable assistance and information necessary for the purposes of the regulations;
4. the applicant was responsible for the criminal injury sustained due to provocation or any other action.

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

Your financial situation may affect the amount awarded.

**Are there any other criteria that could affect the possibility of receiving**

## compensation and/or the amount?

There are no other criteria other than those indicated above.

## How will the compensation be calculated?

The compensation will be calculated by discretionary assessment.

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

No payment to any claimant may exceed the sum of twenty-three thousand three hundred Euro (€23 300) and such sum shall not be exceeded where there is more than one claim for the same crime.

## 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 in the form and you can get instructions on how to calculate it or on other aspects.

## 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?

The amount of compensation received for your loss from other sources may be deducted from the compensation paid by the authority.

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

The Claims Officer shall be entitled to make any arrangements as he/she deems fit for the administration of the money to be awarded as compensation.

## Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health, etc.) after the main decision?

You cannot be awarded complementary or additional compensation after the main decision.

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

The documents are:

- power of attorney/proof of authority or relationship with the victim;
- death certificate of the victim;
- copy of the police report;
- copy of the court judgment/decision;
- medical reports and certificates;
- hospital bills;
- bills for other expenses (care, funeral);
- income (salary, social welfare/assistance payments);
- confirmation of the contribution (or not) from other sources (employer's insurance, private insurance);
- applicant's criminal record;
- affidavit by applicant confirming that no compensation has been received from any other body or authority; any other relevant documents according to circumstances.

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

No administrative or other payments are charged in such case.

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

The authority is the Claims Officer from the Attorney General's Office.

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

Claims should be sent to the Assisting Officer, Department of Justice, 14-16-18 Triq is-Suq, Floriana.

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

You do not need to be present.

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

One to two months, depending on the circumstances

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

It is not possible to challenge the decision.

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

These can be obtained from the Department of Justice or from the website: <https://eforms.gov.mt/pdfforms.aspx?fid=pjd010e>

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

<http://vso.org.mt/>

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

Yes, you can get legal aid.

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

<http://vso.org.mt/>

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■ Last update: 03/05/2023

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