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If my claim is to be considered in this country

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Latvia



Latvia

Which type of crime can I get compensation for?

The victim is entitled to State compensation (*valsts kompensācija*) if an intentionally committed criminal offence has resulted in the death of a person, the victim has suffered severe or moderate personal injury, the victim has been subjected to indecent or sexual assault, the victim is a victim of human trafficking, or the victim has been infected with the human immunodeficiency virus, hepatitis B or C.

Which type of injury can I get compensation for?

You may receive State compensation for moral damages (*morālais aizskārumš*), physical suffering (*fiziskās ciešanas*) and material damage (*mantiskais zaudējums*) resulting from an intentionally committed criminal offence.

Can I get compensation if I am 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 person has died as a result of a criminal offence, the victim in the criminal proceedings may be a relative of the deceased (fiancé, spouse, parents, grandparents, children, grandchildren, siblings, as well as the persons with whom the natural person concerned was living and had a common (not shared) household).

If a person has died as a result of a criminal offence or the victim has died and has not requested State compensation or has requested and not received State compensation, you are entitled to receive State compensation. However, you must ask the person directing the proceedings (the police, the prosecutor's office, or the court) to recognise you as a victim in the relevant criminal proceedings.

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

You are not entitled to State compensation as a relative or a dependant of a victim if the victim has survived the criminal offence. In this case, the victim is himself or herself entitled to State compensation.

Can I get compensation if I am not a national of an EU country?

You may receive State 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 where the crime took place? If so under what conditions?

If the criminal offence has been committed in another EU Member State, you are entitled to claim compensation from the EU Member State in which the criminal offence was committed directly or through the Courts Administration (*Tiesu administrācija*).

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

You have to report the criminal offence to the police first.

To claim State compensation, criminal proceedings must be instituted in which you have been recognised as a victim in the criminal proceedings by the decision of the person directing the proceedings (the police, the prosecutor's office, the court).

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

To claim State compensation, you do not need to wait for the final ruling by the person directing the proceedings (the police, the prosecutor's office, the court).

For the Courts Administration to decide on the payment of State compensation or refusal, the person directing the proceedings (the police, the prosecutor's office, the court) must provide the following information:

1. time and place of the commission of the criminal offence;
2. characterisation of the criminal offence, the form of guilt of the offender established at the moment of the submission of the reference, date of the initiation of the criminal proceedings and the reference number of the criminal case;
3. information about the person recognised as a victim in the criminal proceedings;
4. information about the person who is recognised as a representative of the victim in the criminal proceedings, if the victim exercises his or her rights through a representative;
5. the nature of the injury caused as a result of the criminal offence (death of a person, severity of injury, indecent or sexual assault, presence of indications of human trafficking or established human immunodeficiency virus, hepatitis B or C);
6. date of the expert findings, document number and the person who carried out the expert investigation;
7. the number of persons who have been recognised as victims in the same criminal proceedings concerning the death of a person, and the information about such persons.

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

You are not obliged to claim compensation from the offender initially. State compensation does not prejudice the victim's right to claim compensation in criminal proceedings by submitting a request regarding compensation for the injury at any stage of the criminal proceedings until the initiation of the examination of the case at the court of first instance and in civil proceedings by raising a claim before the court if you believe that you have not been fully compensated.

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 are also entitled to State compensation if the offender or their accomplice is not identified or if they are not held criminally liable.

You should submit the claim for State compensation by adding a reference from the person directing the proceedings (the police), along with the necessary information.

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

The request for State compensation must be submitted to the Courts Administration within one year of the day on which you have been recognised as a victim, or you have become aware of the facts that entitle you to request that compensation.

Which losses and expenses are covered by the compensation?

State compensation covers the moral damage, physical suffering or material damage resulting from a criminal offence without distinguishing the type of damage for which the State compensation is paid. The amount of the compensation to be paid by the State is determined in the [Law on State compensation to victims](#) (*Likums par valsts kompensāciju cietušajiem*), based on the consequences resulting from the criminal offence.

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

State compensation is paid out as a single payment, which is transferred to the payment institution account specified in the claim.

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 characterisation of the criminal offence may affect the amount of State compensation; for example, if the criminal offence is committed in a state of intense mental agitation, in violation of the necessary limits of self-defence or of the conditions for the detention of a person. In such cases, the amount of State compensation, in line with the consequences of the criminal offence, is reduced by 50%.

If the Courts Administration does not receive the requested information within 15 days, it may decide to refuse to pay State compensation. The decision on the refusal to pay State compensation in this case does not prevent you from applying to the Courts Administration to claim compensation again in accordance with the procedures for requesting it.

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

Your financial situation does not affect your chance of receiving State compensation and/or the amount of the compensation.

If you have received compensation for the damages caused by the criminal offence from the offender or another person in his or her stead, the amount of State compensation is reduced by the amount of compensation already received.

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

The [Law on State compensation to victims](#) lays down other criteria that might affect your chances of receiving compensation and/or how much compensation you receive. For example:

- if, as a result of a criminal offence, several consequences have set in concurrently, State compensation is paid in line with the most severe consequence of the criminal offence;
- if, as a result of a criminal offence, a person has died and several persons have been recognised as victims in the criminal proceedings, State compensation is paid to those victims, dividing it up in proportion to the number of victims;
- if, after the payment of compensation, another person is recognised as a victim by the person directing the proceedings (the police, the prosecutor's office, the court) in the same criminal proceedings concerning the death of a person as a result of a criminal offence, State compensation is paid in the same amount as it was paid to the victim or victims.

How will the compensation be calculated?

The maximum amount of State compensation to be paid to a single victim of a criminal offence is five times the minimum monthly wage as laid down in the Republic of Latvia. The amount of State compensation to be paid is calculated, taking into account the minimum monthly wage as it was at the time when the person was recognised as a victim.

The compensation is paid out:

- if a person has died – in full (100%);
- if the victim has suffered grievous bodily injury, the criminal offence is classified as rape or sexual violence, a minor has been subjected to indecent or sexual assault, or the victim is a victim of human trafficking – in the amount of 90%;
- if the victim, who is a minor, sustains moderate bodily injuries or the victim, who is a minor, has been infected with human immunodeficiency virus, hepatitis B or C – in the amount of 70%.

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

The maximum amount of State compensation is five times the minimum monthly wage laid down in the Republic of Latvia, whereas the minimum amount of State compensation is 50% of the maximum amount of State compensation. When the amount of the minimum monthly wage changes, the amount of State compensation also changes.

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?

You do not need to specify the amount in the claim form for State compensation, as the [Law on State compensation to victims](#) lays down the amount of State compensation.

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 compensation you receive from other sources (for example, the employer's or a private insurance scheme) is not deducted from the amount of State compensation.

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

You may not receive an advance payment of State compensation.

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

If you have received State compensation and the final decision finds that you have suffered more severe consequences as a result of the criminal offence, you may receive the difference between the amount of State compensation paid and the amount payable.

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

If a final judgment has not yet been reached in the criminal proceedings at the moment of claiming State compensation, you should add to the claim for State compensation a reference from the person directing the proceedings (the police, the prosecutor's office, the court), specifying the following:

1. time and place of the commission of the criminal offence;
2. characterisation of the criminal offence, the form of guilt of the offender established at the moment of the submission of the reference, date of the initiation of the criminal proceedings and the reference number of the criminal case;
3. information about the person recognised as a victim in the criminal proceedings;
4. information about the person recognised as the victim's representative in the criminal proceedings;
5. the nature of the injury caused as a result of the criminal offence (death of a person, severity of injury, indecent or sexual assault, presence of indications of human trafficking or established human immunodeficiency virus, hepatitis B or C);
6. date of the expert findings, document number and the person who carried out the expert investigation;
7. the number of persons who have been recognised as victims in the same criminal proceedings concerning the death of a person, and the information about such persons.

If the criminal proceedings have ended at the moment of requesting State compensation, you should add to the claim for State compensation the final ruling of the person directing the proceedings and the enforcement order, if the compensation for the damages provided for in the final ruling has not been made or has been made only in part.

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

The procedure for examining claims for State compensation is free of charge.

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

The decision to pay or not to pay State compensation is made by the Courts Administration.

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

To receive State compensation, you must send the claim for State compensation to the Courts Administration (*Tiesu administrācija*), at this address: Antonijas iela 6, Rīga, LV-1010.

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

Your presence during the process of examining the claim for State compensation and deciding on whether or not to pay it is not required.

How long does it take (approximately) to receive a decision on a claim for

compensation from the authority?

The Courts Administration decides on whether or not to pay State compensation within one month of receiving the compensation claim and sends the decision to the address indicated in the claim.

If the Courts Administration requires any additional information from you or the person directing the proceedings (the police, the prosecutor's office, the court), the decision-making period is suspended until all the information required is received.

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

You may contest the decision of the Courts Administration on whether or not to pay State compensation within one month of its entry into force by submitting the relevant application to the Courts Administration, which it will forward to the Ministry of Justice.

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

You can find the [State compensation request form](#) (*Valsts kompensācijas pieprasījuma veidlapa*) and information on how to complete it here:

- on the portal <http://www.latvija.lv>;
- on the website of the Courts Administration, <http://www.jpa.gov.lv>, in the 'Services' section;
- at the Courts Administration, Antonijas iela 6 in Riga ([information on office hours](#));
- from the person directing the proceedings (the police, the prosecutor's office or the court);
- by calling the toll-free information line 80001801 (during working hours).

Is there a special helpline or website I can use?

You can use the toll-free helpline 116006, 'Helpline for victims of crime', every day from 12:00 to 22:00, where you can obtain:

- emotional and psychological support for victims of criminal offences;
- information about the procedural rights of victims (for example, rights in criminal proceedings, rights to compensation for damage, State compensation etc.), available services and existing support services for victims.

You can also use the website <http://www.cietusajiem.lv>.

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

You do not need legal aid to apply for State compensation. The Courts Administration provides the necessary assistance for the process of claiming State compensation.

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

The 'Skalbes' association (*Biedrība "Skalbes"*) offers a free helpline 116006 'Helpline for victims of crime' (every day from 12:00 to 22:00), providing emotional and psychological support to victims of criminal offences, information about the procedural rights of victims (for example, rights in criminal proceedings, rights to compensation of damages, State compensation etc.), available services and existing support services for victims.

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