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If my claim is to be considered in this country

Latvia

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For which types of crime are victims entitled to compensation?

The victim is entitled to State compensation if a deliberate criminal offence has resulted in an individual's death, the victim has suffered moderate to severe personal injury, the victim has been subjected to indecent or sexual assault, the individual is a victim of trafficking, or the victim has been infected with HIV, hepatitis B or C.

For what type of injury am I entitled to compensation?

You are entitled to State compensation for moral damages, physical suffering and damage to property resulting from a deliberate criminal offence.

Am I entitled to compensation if I am a relative or dependent of a victim who has died as a result of a crime? Which relatives or dependants are entitled to compensation?

Where a person has died as a result of a criminal offence, a relative of the deceased (fiancé, spouse, parents, grandparents, children, grandchildren, siblings, as well as the person with whom the natural person concerned was cohabiting and kept a joint (single) household) may be deemed victims for the purposes of criminal proceedings.

Where a criminal offence results in a person's death or the victim dies without requesting State compensation or has claimed but not received State compensation, you are entitled to State compensation. However, you must ask the party directing the proceedings (the police, the prosecutor's office, the court) to recognise you as a victim in the relevant criminal proceedings.

Am I entitled to compensation if I am a relative or dependent of a victim who is a survivor of a criminal offence? Which relatives or dependants are entitled to compensation in this case?

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

Am I entitled to compensation if I am not an EU national?

You are entitled to State compensation if you are not an EU national.

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 circumstances?

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 Legal Aid Administration (Juridiskās palīdzības 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 have been initiated in which you have been recognised as a victim in the criminal proceedings by the decision of the party 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 party directing the proceedings (the police, the prosecutor's office, the court). For the Legal Aid Administration to decide on the payment or non-payment of State compensation, the party directing the proceedings (the police, the prosecutor's office, the court) must provide the following information:

time and place of the commission of the criminal offence;

the type of criminal offence, the form of guilt of the offender established at the time of issue of the record, the date of the initiation of the criminal proceedings and the reference number of the criminal case;

information about the person recognised as a victim in the criminal proceedings;

information about the person who is recognised as a representative of the victim in the criminal proceedings, where the victim asserts his or her rights through a representative;

the nature of the harm done as a result of the criminal offence (death of a person, severity of injury, indecent or sexual assault, presence of signs of trafficking or infection with HIV, hepatitis B or C established);

date of the expert findings, document number and the person who carried out the expert investigation;

the number of persons who have been recognised as victims in the same criminal proceedings concerning the death of an individual, and the information about such persons.

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

You are not obliged to first seek compensation from the offender. State compensation does not prejudice the victim's right to seek compensation in criminal proceedings by submitting a request regarding compensation for 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 bringing a claim before court if you believe that you have not been fully compensated.

If the offender has not been identified or convicted, may I still be eligible 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 must submit a claim for State compensation, attaching the reference from the party directing the proceedings (the police) 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 Legal Aid Administration within three years of the day on which you were recognised as a victim, or you became aware of the facts that entitle you to claim compensation.

Which losses and expenses are covered by the compensation?

State compensation covers the moral damages, physical suffering or loss of property resulting from a criminal offence with no distinction as to the type of damage for which State compensation is paid. The amount of State compensation is laid down in

[the Law on State compensation to victims \(Likums par valsts kompensāciju cietušajiem\)](#), based on the consequences arising from the criminal offence.

Is compensation paid as a lump sum or in monthly instalments?

State compensation is paid as a lump sum which is transferred to the account of the credit institution indicated in the claim for State compensation.

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

The type of 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 Legal Aid Administration does not receive the requested information within 15 days, it may decide to refuse to pay State compensation. The decision on the non-payment of State compensation in this case does not prevent you from applying repeatedly to the Legal Aid Administration to claim compensation according to 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 might affect my chance of receiving compensation and/or the amount?

[The Law on State compensation to victims](#) lays down other criteria that may affect your chance of receiving compensation and/or the amount. For example: if, as a result of a criminal offence, several consequences have set in concurrently, State compensation shall be paid in line with the most severe consequence of the criminal offence;

if, as a result of a criminal offence, the death of a person has occurred and several persons have been recognised as victims in the criminal proceedings, State compensation for those victims shall be paid proportionately to the number of victims;

if, after the payment of compensation, another person is recognised as a victim by the party directing the proceedings (the police, the prosecutor's office, the court) in the same criminal proceedings regarding the death of a person resulting from a criminal offence, State compensation shall be paid in the same amount as it has been 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 shall be five times the minimum monthly wage as laid down in the Republic of Latvia. The amount of State compensation to be paid shall be calculated in the light of the amount of the minimum monthly wage determined at the point in time when the person was recognised as a victim.

Compensation is paid at the following rates:

100% in the event of a person's death;

90% where the victim has suffered severe bodily injury or the criminal offence has been classified as rape or sexual violence, indecent or sexual assault of a minor, or the individual is a victim of trafficking;

70% where a minor has suffered moderate bodily injury or has been infected with HIV, hepatitis B or C.

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, but the minimum amount of State compensation is 50% of the maximum amount of State compensation. When the minimum monthly wage changes, the amount of State compensation also changes.

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

You do not need to indicate 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 (for instance, following a change in circumstances or a deterioration in health etc.) once the main decision has been adopted?

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 attach to the claim for State compensation a reference from the party directing the proceedings (the police, the prosecutor's office, the court), specifying the following:

time and place of the commission of the criminal offence;

the type of criminal offence, the form of guilt of the offender established at the time of issue of the record, the date of the initiation of the criminal proceedings and the reference number of the criminal case;

information about the person recognised as a victim in the criminal proceedings;

information about the person recognised as a representative of the victim in the criminal proceedings;

the nature of the harm done as a result of the criminal offence (death of a person, severity of injury, indecent or sexual assault, presence of signs of trafficking or infection with HIV, hepatitis B or C established);

date of the expert findings, document number and the person who carried out the expert investigation;

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 point in time when State compensation is applied for, you should add to the application for State compensation the final ruling of the party directing the proceedings and the enforcement order, if the compensation for damages provided for in the final ruling has not been paid or has been paid in part only.

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 Legal Aid Administration decides on the payment or non-payment of State compensation.

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

To receive State compensation, you must send the claim for State compensation to the Legal Aid Administration to the following address: Pils laukums 4, Rīga, LV-1050.

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

Your presence is not required for the process of reviewing claims for State compensation and the taking of decisions on the payment or non-payment of State compensation.

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

The Legal Aid Administration takes a decision on the payment or non-payment of State compensation within one month of receipt of a claim for State compensation and the decision is sent to the address indicated in the claim for State compensation.

If any additional information is required from you or the party 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 Legal Aid Administration on the payment or non-payment of State compensation within one month of its entry into force by submitting an application to that effect to the Legal Aid Administration which will be forwarded to the Ministry of Justice.

Where can I find the necessary forms and other information on submitting a claim?

You will find the [State compensation request form](#) and information about its completion here:

on the portal - <http://www.lativija.lv/>

on the website of the Legal Aid Administration - <https://www.jpa.gov.lv/en/>, by clicking on 'Services';

At the premises of the Legal Aid Administration (Pils laukums 4, Rīga) (by appointment only);

from the party directing the proceedings (the police, the prosecutor's office or the court);

by calling the toll-free information line 800001801 (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 will find:

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 the 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 request State compensation. The Legal Aid 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 association '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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