



Crime Victim Assistance and Financial Compensation Act

Promulgated in State Gazette, No. 105/22.12.2006, effective 1.01.2007

Text in Bulgarian: Закон за подпомагане и финансова компенсация на пострадали от престъпления

Chapter One GENERAL PROVISIONS

Article 1. (1) This Act shall set forth the terms and procedures for assistance and financial compensation from the State to victims of crime who are Bulgarian nationals or nationals of European Union Member States.

(2) Under the terms and procedures of this Act, assistance and financial compensation may also be provided to foreign nationals in cases envisaged by international agreements to which the Republic of Bulgaria is a party.

Article 2. The purpose of this Act is to recognize and ensure the protection of the rights and legitimate interests of victims of crime.

Article 3. (1) Under the terms and procedures of this Act, assistance may be provided to victims who have suffered pecuniary and non-pecuniary damages as a result of crime, and financial compensation may be awarded to victims who have suffered pecuniary damages.

(2) Where a victim has died as a result of a crime, the victim's rights to assistance and financial compensation shall be transferred to the victim's children, parents or spouse or the person with whom the victim has been in actual cohabitation.

(3) Assistance and financial compensation may be provided to persons referred to in Paragraphs 1 and 2, who have suffered damages as a result of any of the following crimes: terrorism; murder; intentional grievous bodily harm; sexual harassment or rape resulting in serious health impairment; trafficking in people; a crime committed by order or under a decision of an organized criminal group; or another serious premeditated crime resulting in death or grievous bodily harm, as consequences of offence defined by statute.

Article 4. This Act shall apply where a crime referred to in Article 3, Paragraph 3 has been committed in the Republic of Bulgaria, or where such a crime has been committed outside the country and the victim is a Bulgarian national.

Article 5. Assistance and financial compensation are forms of humane treatment extended by the State to victims of crime.

Chapter Two INFORMING CRIME VICTIMS OF THEIR RIGHTS

Article 6. (1) Services of the Ministry of Interior and victim support organizations shall inform victims about:

1. the organizations to which victims can turn for counseling and support provided free of charge, and the types of counseling and support which they can obtain free of charge;

2. victims' right to legal aid, the services to which they can turn in order to exercise that right, and



the terms and procedures for obtaining legal aid free of charge;

3. the services to which a crime can be reported, the procedures following such a report, and the types of action which victims can take under the applicable terms and procedures;

4. victims' rights in the criminal process and the options for their participation in it;

5. the services to which victims can turn for protection for themselves and their relatives, and the terms and procedures for obtaining such protection;

6. the services to which victims can turn for financial compensation from the State, and the terms and procedures for obtaining such compensation;

7. possible ways of protecting victims' rights and interests if they are foreign nationals who are victims of crime in the Republic of Bulgaria;

8. possible ways of protecting victims' rights and interests if they are victims of crime in another country, and the services to which they can turn in such cases.

(2) Such information shall be provided either in writing or orally in a language which the victim understands.

(3) The provision of such information shall be documented by drawing up a written statement which shall be registered in the records department of the respective service or organization referred to in Paragraph 1.

Article 7. (1) A National Council for Assistance and Compensation to Victims of Crime, hereinafter called the "National Council", shall:

1. publish and distribute a brochure in the Bulgarian, English, German and French languages, containing the information required under Article 6, Paragraph 1;

2. provide the brochure, for the purpose of its free circulation, to the services and organizations referred to in Article 6, Paragraph 1 and to medical treatment facilities, social assistance services and other legal entities which, in the course of their operation, come into contact with victims of crime.

(2) The information contained in the brochure shall be published on the Internet pages of the National Council, the Ministry of Interior, victim support organizations and those referred to in Paragraph 1, Item 2.

(3) The National Council, jointly with victim support organizations, shall be in charge of maintaining a permanent toll-free telephone line using a single national telephone number to provide information to victims of crime. The telephone line operator shall report to the services of the Ministry of Interior any victims who are in danger.

(4) The National Council, jointly with victim support organizations and executive or local government services with authority in the field of crime victim protection, shall organize public campaigns to raise citizens' awareness of their rights as victims of crime.

Chapter Three

FORMS OF ASSISTANCE AND FINANCIAL COMPENSATION TO VICTIMS OF CRIME



Article 8. (1) The forms of assistance to victims of crime shall be:

1. medical treatment in emergency situations according to the procedures established by the Health Act ;
2. psychological counseling;
3. legal aid provided free of charge;
4. practical help.

(2) Persons referred to in Article 3, Paragraph 2 shall be entitled to the forms of assistance under Paragraph 1, Items 2 to 4.

(3) In addition to the forms of assistance, victims of crime shall be entitled to one-time financial compensation under the terms and procedures established by this Act.

Article 9. (1) Free psychological counseling shall be provided by specialist psychologists from victim support organizations.

(2) Activities under Paragraph 1 shall be financed by the Ministry of Justice under procedures established by the National Council.

(3) Victim support organizations shall report annually on their performance to the National Council.

Article 10. Victims of crime are entitled to legal aid free of charge under the terms and procedures of the Legal Aid Act.

Article 11. (1) Victim support organizations and all other legal entities which, in the course of their operation, come into contact with victims of crime shall provide practical help to victims.

(2) Practical help shall consist in conspicuous placement of appropriate notice boards and other materials explaining the rights of victims of crime established by this Act, and in creating a calm and favourable environment while maintaining contact with victims.

Article 12. Financial compensation shall be provided upon entry into force of:

1. a guilty verdict, including in cases tried in the defendant's absence;
2. a prosecutorial or court instrument by which criminal proceedings are discontinued, except in cases where the discontinuation is in pursuance of Article 24, Paragraph 1, Items 1, 7, 9 and 11 of the Criminal Procedure Code ;
3. a prosecutorial or court instrument by which criminal proceedings are dismissed on the grounds of failure to identify the perpetrator of the crime.

Article 13. (1) Financial compensation shall consist in the State awarding a cash amount of between 250 and 5,000 leva.

(2) Where financial compensation is awarded to a person referred to in Article 3, Paragraph 2, its total amount shall not exceed 10,000 leva.



Article 14. Financial compensation shall cover, jointly or separately, pecuniary damages directly caused by a crime and consisting in:

1. medical expenses, except for expenses covered by the budget of the National Health Insurance Fund;
2. lost income;
3. legal fees and litigation costs;
4. lost support to dependents;
5. funeral expenses;
6. other pecuniary damages.

Article 15. (1) Financial compensation shall not be awarded where:

1. the victim has been sentenced for a crime referred to in Article 3, Paragraph 3 within the last 5 years prior to applying for financial compensation;
2. the crime was committed in a state of high agitation, provoked by the victim with unlawful action, due to which grave consequences occurred or could have occurred for the culprit or the culprit's next-of-kin;
3. the crime was committed by exceeding the limits of reasonable self-defence;
4. the victim has received compensation by other means;
5. the victim has not reported the crime to the competent authorities, except if the victim has valid reasons for failing to do so.

(2) Where a victim contributed to the occurrence of the criminal consequences, this shall entail a reduction of the financial compensation which the victim could obtain.

Article 16. Upon payment of financial compensation, the Minister of Justice shall immediately file a recourse against the perpetrator of the crime or the perpetrator's heirs to recover the money paid.

Chapter Four

TERMS AND PROCEDURES FOR ASSISTANCE AND FINANCIAL COMPENSATION TO VICTIMS OF CRIME

Article 17. (1) An application to receive psychological counseling free of charge shall be submitted to a victim support organization of the victim's choice.

(2) Such an application shall contain:

1. the victim's first, middle and last name, citizenship, date and place of birth, permanent address and current address;
2. date, place and circumstances of the crime;



3. the date on which the victim reported the crime to the competent authorities;

4. the applicant's reasons for seeking psychological counseling.

(3) Such an application shall be accompanied by copies of documents verifying the information provided in the application.

(4) Victim support organizations shall maintain a register of applications received and actions taken thereon.

Article 18. (1) Sample financial compensation application forms shall be provided to victims by the National Council, regional governors, or services or organizations referred to in Article 6, Paragraph 1.

(2) A financial compensation application shall contain:

1. the victim's first, middle and last name, citizenship, date and place of birth, permanent address and current address;

2. date, place and circumstances of the crime and of the report thereon;

3. reasons justifying the financial compensation application.

(3) A financial compensation application shall be submitted to the governor of the region where the victim's current address is located or to the National Council within two months after a legal instrument referred to in Article 12 enters into force.

(4) Where an application is submitted to a regional governor, it shall then be forwarded to the National Council within 7 days after receipt, along with a file opened on the case.

(5) Where a financial compensation application is not submitted within the time limit under Paragraph 3 for a valid reason, the time limit shall commence from the date on which the said reason ceases to exist.

(6) An application shall be accompanied by authenticated copies of documents verifying the information provided in the application. Where the victim is a national of a European Union Member State, to verify the grounds under Article 15, Paragraph 1, Item 1, the National Council may ask for cooperation from the competent authorities in the Member State of the victim's nationality.

(7) The National Council shall provide the victim - and where the application was received via a regional governor, also the regional governor - with information about a contact person at the Ministry of Justice, application receipt confirmation and application processing time.

Article 19. (1) A Bulgarian national who is a victim of a crime committed in another European Union Member State may apply for financial compensation with the competent authority in the other Member State through the agency of the National Council.

(2) The National Council shall forward the application, along with an application receipt form, to the competent authority in the other Member State.

Chapter Five

ORGANIZATION AND PROCEDURE OF THE NATIONAL COUNCIL FOR ASSISTANCE AND



COMPENSATION TO VICTIMS OF CRIME

Article 20. (1) For the purposes of implementing and coordinating the activities covered under this Act, a National Council for Assistance and Compensation to Victims of Crime shall be set up under the Minister of Justice.

(2) The National Council shall consist of: a judge from the Supreme Court of Cassation, designated by the chairperson thereof; a prosecutor from the Supreme Cassation Prosecution Office, designated by the Prosecutor General; one official each from the Ministry of Interior, the Ministry of Health, the Ministry of Labour and Social Policy, the Ministry of Finance, the Ministry of Justice and the Ministry of Foreign Affairs, designated by the respective ministers; and one representative each of the State Agency for Child Protection, the National Commission Against Human Trafficking, the Supreme Bar Council and the Association of Crime Victim Support Organizations. The Association representative shall be elected at a general meeting of member organizations.

(3) The National Council shall be chaired by the Minister of Justice or a deputy minister authorized by the Minister of Justice.

(4) The National Council shall operate with technical support from members of the administration of the Ministry of Justice.

Article 21. The National Council shall:

1. be in charge of paying financial compensation;
2. compile a sample financial compensation application in the Bulgarian, English, French and German languages, a list of the documents required to support the application, and the forms referred to in Article 19, Paragraph 2 and Article 24, Paragraph 8, and recommend them for approval by the Minister of Justice;
3. devise a policy and a planning and proposal process for legislative and practical initiatives in the field of crime victim assistance;
4. coordinate the activities of the services and organizations referred to in Article 6, Paragraph 1 for the purposes of implementing this Act;
5. assist Bulgarian nationals who are victims of crime in other European Union Member States in completing their financial compensation applications, and forward such applications to the competent authorities in the other Member States;
6. commission victimological research and coordinate other research programmes in the field of crime victim assistance;
7. conduct and coordinate the information activities referred to in Articles 6 and 7;
8. organize and conduct the instruction and training of crime victim assistance personnel;
9. carry out international cooperation in the field of crime victim assistance;
10. submit annual reports to the Minister of Justice on the actions taken to provide assistance and financial compensation to victims of crime;
11. report at least once quarterly to the Minister of Justice on moneys spent on assistance and



financial compensation to victims of crime.

Article 22. (1) An expert commission shall be set up with the National Council to assist the Council in its activities. Commission members shall be designated by the Minister of Justice.

(2) The commission shall consider financial compensation applications, draw up a written statement on the validity of each application, and propose the size of the compensation payment in each case.

Article 23. (1) The National Council shall meet at least once quarterly.

(2) National Council meetings shall be convened and chaired by the Council chairperson. In the chairperson's absence, a Council member shall be designated separately in each case to perform the chairperson's functions.

(3) National Council members shall be given at least three day's notice of all regular meetings.

(4) A National Council meeting shall be valid only if attended by at least two-thirds of the Council members. If no quorum is present, the chairperson shall schedule a new meeting not later than three days thereafter.

Article 24. (1) A financial compensation application shall be considered within three months after receipt thereof.

(2) A National Council decision shall require approval by a simple majority of those present in order to pass. All decisions shall be formulated in writing on the date of the respective meeting.

(3) A decision to award financial compensation shall state:

1. the first, middle and last name, personal identification number, citizenship, permanent address and current address of the person awarded financial compensation;

2. the legal classification, time and place of the crime in which the beneficiary of the decision was a victim;

3. the damages for which the financial compensation is awarded and the size of the compensation payment.

(4) A decision to deny financial compensation shall state the information referred to in Paragraph 3, Items 1 and 2 and shall be substantiated.

(5) Decisions shall be not be subject to appeal.

(6) A copy of the decision shall be immediately forwarded to the victim, and where the financial compensation application was submitted via a regional governor, also to the regional governor.

(7) In cases referred to in Article 12, Item 3, a copy of the National Council decision shall be forwarded to the authority which ordered the dismissal of the criminal proceedings, along with an indication that the decision should be enclosed with the case file.

(8) Where a financial compensation application was received via a competent authority of another European Union Member State, the National Council shall forward a copy of its decision, along with a decision receipt form, to the said authority.



Article 25. (1) Funds to implement this Act shall be drawn from the budget of the Ministry of Justice according to a schedule based on the conditions and time limits of the procedure for preparing the national budget for each year.

(2) Any proceeds arising from the recourse rule laid down in Article 16 shall be credited to a special extra-budgetary account of the Ministry of Justice.

Article 26. Central and local government services, public officials, legal entities and the general public shall assist the National Council in performing its functions.

Chapter Six INTERNATIONAL COOPERATION

Article 27. (1) The National Council shall turn to the competent authorities in other countries for assistance in cases where Bulgarian nationals are victims of crime abroad, and shall provide assistance to nationals of other countries who reside legally in the Republic of Bulgaria, in order to make available the forms of assistance referred to in Article 8, Paragraph 1.

(2) The Ministry of Justice shall be the central authority in charge of receiving and deciding on financial compensation applications from nationals of foreign countries.

Chapter Seven ADMINISTRATIVE PENALTY PROVISIONS

Article 28. (1) Failure to perform an obligation under Article 6, Paragraph 1, Article 9, or Article 11, Paragraph 1, shall carry a fine of between 100 and 500 leva or a pecuniary penalty of between 1,000 and 2,000 leva.

(2) A second infraction shall carry a fine of between 500 and 1,500 leva or a pecuniary penalty of between 2,000 and 5,000 leva.

Article 29. (1) The drawing up of written statements of administrative infractions shall be the responsibility of a National Council member or officials in the administration of the Ministry of Justice authorized by the National Council chairperson.

(2) The issuing of penalty orders shall be the responsibility of the National Council chairperson.

(3) Infractions shall be established, and penalty orders shall be issued, appealed and carried out, according to the procedures prescribed by the Administrative Violations and Sanctions Act .

ADDITIONAL PROVISION

§ 1. For the purposes of this Act, "victim support organization" shall denote a non-profit legal entity established under the conditions of Bulgarian law and registered to operate for the public benefit, whose support to victims of crime is provided free of charge and, conducted under appropriate conditions, complements the action of the State in this area.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The National Council shall be set up within two months after this Act enters into force. Within the same time limit, the leaders referred to in Article 20, Paragraph 2 shall designate their representatives.



§ 3. (1) Within a month after its establishment, the National Council shall compile and submit for approval by the Minister of Justice financial compensation application samples and a list of the documents required to support such applications.

(2) Within the time limit specified in Paragraph 1, the National Council shall compile the forms referred to in Article 19, Paragraph 2 and Article 24, Paragraph 8 in accordance with Commission Decision 2006/337/EC establishing standard forms for the transmission of applications and decisions pursuant to Council Directive 2004/80/EC relating to compensation to crime victims, and shall submit them for approval by the Minister of Justice.

§ 4. (1) This Act shall apply to crimes under Article 3, Paragraph 3, committed after June 30, 2005.

(2) In case of a crime for which a legal instrument referred to in Article 12 entered into force before expiry of the time limit under § 2, the time limit for submitting a financial compensation application shall be one month after expiry of the time limit under § 3, Paragraph 1.

§ 5. The implementation of this Act shall be assigned to the Minister of Justice.

§ 6. This Act shall enter into force on January 1, 2007.

This Act was approved by the 40th National Assembly on December 18, 2006 and sealed with the official seal of the National Assembly.