

REPUBLIC  OF CYPRUS

51(I) of 1997
126 (I) of 2006.

**THE COMPENSATION OF VICTIMS OF VIOLENT CRIMES LAWS OF
1997 AND 2006**
(English translation and consolidation)

**Office of the Law Commissioner
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NOTE FOR THE READER

The publication at hand by the Office of the Law Commissioner is an English translation and consolidation of the Compensation of victims of violent crimes Laws of 1997 and 2006 [i.e. 51(I)/1997 and 126 (I)/2006].

However useful the English translation of the consolidated Laws is in practice, it does not replace the original text of the Laws since only the Greek text of the Laws published in the Official Gazette of the Republic is authentic.

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THE COMPENSATION OF VICTIMS OF VIOLENT CRIMES LAWS OF 1997 AND 2006

Whereas the Republic has signed the European Convention on the Compensation of Victims of Violent Crimes, by which the states parties to the Convention undertake the obligation to secure a minimum threshold of compensation for the victims of violent crimes committed in their territory, in case full compensation is not available from other sources. Preamble.

And whereas the obligation under the Convention exists for the benefit of the victims, whether they are nationals of the states parties to the Convention or nationals of any member state of the Council of Europe and permanent nationals of the state in whose territory the crime was committed.

Therefore, the House of Representatives enacts this Law in order to extend the provision of social protection to cover all victims of violence entitled thereto under the Convention.

1. This Law may be cited as the Compensation of Victims of Violent Crimes Laws of 1997 and 2006. Short Title.
126(I) of 2006.

2. In this Law unless the context otherwise requires- Interpretation.

“child” includes step-child, child born out of wedlock and legally adopted child;

“Convention” means the European Convention on the Compensation of Victims of Violent Crimes which was ratified by the Republic of Cyprus by the European Convention on the Compensation of Victims of Violent Crimes (Ratification) Law of 1997; 2(III) of 1997.

“dependants” means-

(a) the husband or wife with whom the victim was living or was exclusively or mainly supporting at the time of commitment of the violent crime;

(b) a child who has not attained the age of 15;

(c) a single male child between 15 and 25 years of age, who receives education on a regular basis or is serving in the National Guard, under the National Guard Laws of 1964 to 1995;

20 of 1964
49 of 1964
68 of 1964
26 of 1965
27 of 1965
44 of 1965
5 of 1966
14 of 1966
41 of 1966
76 of 1966
38 of 1967
70 of 1967
66 of 1968
95 of 1968
24 of 1975
56 of 1975
33 of 1976
16 of 1977
22 of 1978
88 of 1979
81 of 1981
52 of 1984
89 of 1986
31 of 1989
2 of 1992
55(I) of 1995.

(d) a single female child between 15 and 23 years of age, who receives education on a regular basis; and

(e) a single child regardless of age who is permanently incapable of supporting itself;

“Director” means the Director of the Social Insurance Services;

“member state” means a member state of the European Union; 126(I) of 2006.

“serious bodily injury or impairment of health” means bodily injury or health impairment which according to a medical opinion entails hospitalization and abstention from work for a period not shorter than 8 days;

“victim” means a person who has suffered serious bodily injury or impairment of his health, which is attributed directly to a violent crime, or who has died as a result of such crime;

“violent crime” has the meaning ascribed to such term in section 3.

3.-(1) For the purposes of this Law violent crime means every offence which is committed intentionally within the Republic of Cyprus and contains the element of violence and which is the direct cause of death, serious bodily injury or impairment of health and includes any of the offences referred to in the Table which is the direct cause of death, serious bodily injury or impairment of health. Meaning of violent crime.
Table.

(2) The Council of Ministers may amend the offences included in the Table of this Law by adding or replacing any offence within the meaning of subsection (1) with regulations laid before the House of Representatives in accordance with section 8. Table.

4.-(1) Subject to the provisions of this Law, compensation shall be paid by the State as prescribed by section 6 to the victims of violent crimes or their dependants, in the cases where: - Cases of payment of compensation.

(a) the victim or his dependants cannot, for any reason, obtain compensation from the offender; and

(b) compensation is not available from other sources, or the compensation offered is less than the compensation provided in section 6:

Provided that compensation under this Law is paid even in case where the offender cannot be prosecuted or punished:

Provided further that, if the compensation provided from other sources is less than the compensation prescribed by section 6 of this Law, the State shall supplement the difference.

(2) No compensation shall be payable under this Law where: -

(a) A person becomes a victim within the meaning of this Law due to his own criminal action; or

(b) the victim is involved in organized crime, including drug trafficking, or in any other offence provided by the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime Law, or is a member of an organization involved in crimes of violence, even if the violent crime of which he became a victim is irrelevant with the aforementioned criminal acts or the victim had no involvement; 61(I) of 1996.

(c) the violent crime was not reported to the Police within five days from the day it was committed or, if it was not

reasonably possible to report it within this period, within five days from the time it was reasonably possible to report it;

- (d) the victim or the applicant in the opinion of the Attorney- General of the Republic omitted or refused to cooperate fully with the Police or any other Competent Authority.

5. Under this Law the persons entitled to compensation shall be-

- (a) The nationals of the Republic of Cyprus; Right to compensation. 126(I) of 2006.
- (b) the nationals of the member states of the European Union;
- (c) The nationals of the states parties to the Convention;
- (d) The nationals of all the member states of the Council of Europe who are permanent residents of the Republic of Cyprus.

6. The compensation awarded shall include, as the case may be- Compensation Awarded.

- (i) free medical treatment by the Public Medical Institutions and Services up to the amount of €1708*;
- (ii) a sickness allowance, in case of temporary disability to work, which is equal to the full basic sickness allowance paid on the basis of the Social Insurance Law, for a period of up to six months; 41 of 1980
48 of 1982
11 of 1983
7 of 1984
10 of 1985
116 of 1985
4 of 1987
199 of 1987
214 of 1987
68 of 1988

* P.I. 312/2007 issued pursuant to section 9(1) of the Adoption of the Euro Law, 2007 L.33(I) of 2007 as amended.

96 of 1989
136 of 1989
17 of 1990
218 of 1991
98(I) of 1992
64(I) of 1993
18(I) of 1995
55(I) of 1996.

(iii) a disability pension, in the case of temporary diminution of the capacity to work of a degree justifying a right to disability pension on the basis of in the Social Insurance Law. The disability pension shall be equal, according to the degree of diminution of the capacity to work, to the corresponding percentage of the full basic pension paid on the basis of the Social Insurance Law;

(iv) a pension to the dependants in the case of death of the victim, the rate of which will be equal, as the case may be, to the rate of the full basic widow's pension or orphan's allowance which is provide in the Social Insurance Law;

(v) funeral expenses up to the amount of the funeral allowance paid on the basis of the Social Insurance Law.

7.-(1) The application for compensation under this Law shall be submitted to the Director within a reasonable period of time and in any case not after the expiration of a two-year period since the bodily injury or the impairment of health or the death occurred, as the case may be.

Application for compensation.

(2) The application shall be accompanied by a police report and a medical certificate and any other relevant documents which will facilitate its examination. The Director may request, in his judgment, any other additional evidence with the purpose, among others thing, of making sure that

compensation has not been awarded or will not be awarded from any other source, including an affidavit by the applicant and may call the applicant to be medically examined or re-examined.

8.-(1) The Council of Ministers may make regulations for the better application of the provisions of this Law and for prescribing or regulating any matter which requires to be prescribed or regulated or which may be prescribed or regulated. Regulations.

(2) Regulations made under this section are laid before the House of Representatives. If within sixty days therefrom the House of Representatives does not amend or repeal them, either wholly or partly, then these Regulations immediately after the expiration of the aforementioned period are published in the Official Gazette of the Republic and enter into force as from such publication. In case of amendment either wholly or partly by the House of Representatives, they are published in the Official Gazette of the Republic as amended and enter into force as from such publication.

9.-(1)(a) For the purposes of this section:

“Assisting Authority” means the authority who shall receive and transmit to the competent authority of another member state, the application for compensation for a violent crime committed in the said member state, which shall be submitted by a person who is habitually resident in the Republic;

“Cross-Border situation” means a situation where the violent crime for which the application for compensation is submitted under this Law, was

Access to a right to compensation in a case of a cross-border situation.
126(I) of 2006.

committed in a member state other than the one for which the application is submitted;

“Decision Authority” means the service who shall decide, under this Law, on the application for compensation for a violent crime committed in the Republic, which shall be transmitted by the competent authority of another member state, where the applicant is habitually resident;

(b) For purposes of application of this section, the Director shall be appointed as the Decision Authority and as the Assisting Authority.

(2) A person who is habitually resident in the Republic, seeking compensation for a violent intentional crime committed in another member state, shall have the right to submit an application to the Assisting Authority.

(3) The Decision Authority and the Assisting Authority, in a cross border situation, shall cooperate with the competent authorities of other member states, as the case may be, for the transmission and receipt of applications, for the notification of the decision, as well as for any other information or assistance in relation to the review of the application.

(4) Matters relating to the procedure, the information and facilitation of the cooperation in a cross-border situation shall be defined by Regulations.

TABLE
(Section 3 of the Law)
(Offences in contravention of the following sections of the Criminal Code, Cap.154)

Murder	(Sections 203 and 204)
Attempt to murder	(Section 214)
Rape	(Section 144)
Attempt to commit rape	(Section 146)
Abduction	(Section 148)
Abduction of girls under sixteen	(Section 149)
Acts intended to cause grievous harm	(Section 228)
Grievous harm	(Section 231)
Attempting to injure by explosive substances	(Section 232)
Maliciously administering poison with intent to harm	(Section 233)
Wounding	(Section 234)
Assault causing actual bodily harm	(Section 243)
Other assaults	(Section 244)
Offences against liberty	(Section 245-254)
Arson	(Section 315)

NOTE

The following observations do not form part of the principal law and they cannot be included in the consolidated text of the Law as part thereof. However, in view of the fact that they affect the application of the Law, it was considered expedient to include them in this Note:

1. The Compensation of Victims of Violent Crimes (Amendment) Law of 2006 (L. 126(I)/ 2006) published in the Official Gazette of the Republic, Supplement (I), dated 28.7.2006, contains the following provision:

5.-(1) Subject to the provisions of subsection (2), Law 126(I)/ 2006 shall be deemed to have come into force on 1st January, 2006.

'Entry into force of this Law and transitional provision.'

126(I) of 2006.

(2) In the case of a cross-border situation, the application to the Decision Authority for compensation for a violent crime which was committed after the 1st January 2006 and before the date of publication in the Official Gazette of the Republic of the Compensation of Victims of Violent Crimes (Amendment) Law of 2006, may be submitted within two years from the said publication.