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©Ministry of Justice

Act on Compensation for Crime Damage

(935/1973)

General provisions

Section 1 (63/1984)

- (1) Compensation shall be paid from State funds for injury or damage caused by a criminal offence, as provided in this Act.
- (2) No compensation shall be paid under this Act for damage sustained by a corporation or a foundation, except in situations referred to in sections 5a and 8(3). (273/1992)
- (3) This Act does not apply to traffic accidents, as referred to in the Traffic Insurance Act (279/1959).

Section 1a (63/1984)

Compensation for personal injury and property damage is due to the person sustaining it. Discretionary compensation may be paid to the same in accordance with section 8a.

Section 2 (63/1984)

Compensation shall be paid for injury or damage caused by an offence committed in Finland. However, no compensation shall be paid in the absence of a special reason,

- (1) if the offence has been committed aboard a foreign vessel on Finnish territorial waters, aboard a foreign aircraft over Finnish territory, or

outside of Finland so that only the consequence is apparent in Finland, except where the compensation is due under section 2a;

- (2) if both the offender and the victim were staying in Finland temporarily and briefly at the time of the offence; or
- (3) if the connection of the injury or damage to Finland is tenuous for a reason other than those referred to in subparagraph (1) or (2).

Section 2a

- (1) If the offence has been committed outside of Finland, compensation shall be paid for personal injury only. It is a prerequisite for the payment of the compensation that the crime victim was a permanent resident of Finland at the time of the offence and that his/her stay abroad was because of work, study or a comparable reason. Moreover, it is a prerequisite for the payment of compensation for the loss of a provider that also the person entitled to the maintenance was a permanent resident of Finland at the time of the offence.
- (2) Discretionary compensation may be paid for personal injury caused by an offence committed outside of Finland also in situations other than those referred to in paragraph (1), if the payment of the compensation is to be deemed justified, especially in view of the close connection of the offence to Finland, the closeness of the relationship between the offender and the victim, the nature of the injury, and the access of the victim to compensation from other sources.
- (3) If the person sustaining the injury or damage moves his/her permanent residence to abroad after the commission of the offence referred to in paragraph (1) or (2), the compensation may be denied or its payment terminated.

Section 3 (973/1981)

- (1) Sums paid to or evidently due to the applicant on the basis of the same injury or damage, in accordance to other legislation, shall be deducted from the compensation payable under this Act. (1110/1990)

- (2) Compensation paid for disability, invalidity, medical costs or other costs on the basis of a voluntary insurance policy shall be deducted from compensation payable under this Act for the same injury or damage. Any insurance compensation shall be deducted in the full from the compensation payable for property damage (63/1984)
- (3) Damages payable by the offender shall be deducted only to the amount that has actually been paid.

Section 4

- (1) No compensation shall be paid, if the amount of the compensation would evidently be less than EUR 34.
- (2) The provision in paragraph (1) does not apply to the compensation for personal injury caused by a person referred to in section 8(1) in an institution, a facility in which he/she has been placed or in their vicinity. (63/1984)

Section 4a (63/1984)

No interest shall be paid on the compensation.

Compensation for personal injury

Section 5 (63/1984)

- (1) A person who has sustained personal injury shall be compensated for:
 - (1) medical costs and other costs arising from the injury, pain and suffering, invalidity and other permanent handicap; (1110/1990)
 - (2) loss of income and maintenance, in which event the compensation shall not exceed EUR 115 per day, deducted by the income or maintenance that may accrue, over the same period, to the person sustaining the injury or damage; and (194/1997)
 - (3) clothes and other everyday items, eyeglasses and dental prostheses that have been damaged in connection with the personal injury.

- (2) In addition, anguish caused by an offence against personal liberty or an offence referred to in chapter 20¹ of the Penal Code shall be compensated for as personal injury.

Section 5a (194/1997)

An employer shall be compensated for the salary or comparable remuneration paid by the employer during the disability of a person who has sustained personal injury caused by a criminal offence. However, this compensation shall not exceed EUR 115 per day. No compensation shall be paid if the personal injury has been caused by an offence whose prosecution requires measures by the victim, and the victim has not reported the offence to the police, requested that charges be brought or brought charges himself/herself.

Section 6 (63/1984)

- (1) If a person liable in maintenance has been killed, the person entitled to the maintenance or child support shall be compensated by an amount that he/she would probably have received from the deceased as maintenance.
- (2) If the amount of child support has been determined by a written agreement confirmed by the municipal social welfare board or by a court judgment, the compensation shall correspond to this amount in the absence of evidence to the contrary. If, at the death of the person liable in maintenance, the child has been receiving a support subsidy on the basis of section 6(4) of the Act on the Security of Child Maintenance, or if the child would have been entitled to a subsidy on this basis, the compensation shall correspond to the amount of the support subsidy laid down in section 8 of the Act in question.
- (3) The amount of the compensation, its terms of payment and duration shall otherwise be governed, in so far as appropriate, by the provisions in the Act on Child Maintenance (704/1975) and the Marriage Act (234/1929).
- (4) Reasonable compensation shall be paid for funeral expenses.

¹ "Sex offences"

Section 6a (62/1999)

- (1) The persons especially close to a person who has died shall be compensated for the anguish caused by the death, subject to the criteria laid down in chapter 5, section 4a of the Tort Liability Act (412/1974).
- (2) Compensation paid to a person entitled to the same under this section shall not exceed EUR 3,364.

Section 7 (1110/1990)

The one-off compensation paid to a person for personal injury arising from one event, with deductions as provided in section 3, shall not exceed EUR 47,934.

Compensation for property damage

Section 8

- (1) Compensation shall be paid in accordance with this Act for property damage caused by a person who has been institutionalised or otherwise deprived of liberty owing to a criminal offence, abuse of intoxicants, mental illness, mental handicap, intoxication or another similar reason, while in the institution, during a placement in a facility outside the institution, on furlough or after having escaped from the institution or from the custody of the authorities. The same provision applies to property damage caused by a child taken into care on the basis of the Child Welfare Act (683/1983). (273/1992)
- (2) Compensation shall also be paid for property damage caused by a person who has been institutionalised in Iceland, Norway, Sweden or Denmark for a reason referred to in paragraph (1), while in Finland on furlough, after having escaped or for another similar reason. (63/1984)
- (3) Moreover, compensation shall be paid in accordance with this Act for property damage caused by a person sentenced to community service or juvenile punishment to the provider of the service opportunity or to a third party while performing work or a task forming a part of the community service or juvenile

punishment. In addition, the provider of the service opportunity shall be compensated for the payments made to a third party under chapter 3, section 1(3) of the Tort Liability Act for damage caused by a person sentenced to community service or juvenile punishment while performing work or a task forming a part of the service or punishment. (1062/1996)

Section 8a (63/1984)

- (1) In addition to what has been provided in section 8, property damage may be compensated for on a discretionary basis, in full or in part, if the chances of the person sustaining the damage to pursue a livelihood have diminished for good because of the damage. Moreover, property damage may be compensated for also if the damage has arisen from the helplessness of the victim due to his/her age, illness, handicap or other similar reason, and the payment of the compensation is in view of the circumstances of the victim to be deemed justified.
- (2) Subject to the conditions laid down in paragraph (1), compensation may be paid for economic loss that is not linked to personal injury or property damage.
- (3) If the person sustaining the damage has without an acceptable reason failed to take normal precautions or failed to insure the property, the compensation referred to in paragraphs (1) and (2) shall not be paid, unless there is a special reason for the same.

Section 9

Where the offender and the person sustaining the damage have lived together in the same household at the time of the offence, compensation shall be paid for property damage only if there is a special reason for the same.

Section 9a (63/1984)

Where, in addition to a person referred to in section 8, also another person has participated in the commission of the act causing property damage, the

compensation payable under this Act shall be calculated by dividing the damage equally among those causing it, unless there is a reason to divide it into other proportions owing to the degree of guilt in the persons causing the damage or to other circumstances.

Section 10 (1110/1990)

The one-off compensation paid to a person for property damage or other damage referred to in section 8a arising from one event, with deductions as provided in section 3, shall not exceed EUR 24,050.

Compensation for legal costs

Section 10a (1110/1990)

- (1) If the matter has been considered in a court of law, the person entitled to the compensation shall also be compensated, in so far as is deemed reasonable, for the costs of the necessary measures undertaken for the purpose of having the right to the compensation determined by the court.
- (2) However, no compensation for legal costs shall be paid in so far as they are compensated for by virtue of another Act or a voluntary insurance policy, or in so far as the losing party has paid compensation for them.

General provisions on compensation

Section 11

If there has been a contribution to the injury or damage from the side of the person sustaining it or if a circumstance external to the act giving rise to the injury or damage has also been involved, the compensation may be adjusted as is reasonable. However, there shall be no adjustment in cases referred to in section 6.

Section 12

- (1) If the person sustaining the injury or damage has not reported the offence to the police and if the police has also otherwise not become aware of the

offence, compensation shall be paid only if there is a special reason for the same. However, the payment of the compensation shall not be prevented by the victim not requesting that charges be brought or by the victim withdrawing the request, unless otherwise follows from section 5a. (916/1985)

- (2) If the matter has been considered in a court of law, no compensation shall be paid to a person sustaining the injury or damage who has failed to undertake reasonable measures for the purpose of having the right to the compensation determined by the court.

Section 13

If, in a case referred to in section 5, the offender cannot be determined, the compensation may for a special reason be decreased by one fourth.

Procedural provisions

Section 14 (133/1987)

- (1) Compensation shall be granted and paid by the State Treasury. When granting the compensation, the Treasury shall not be bound by the decision of the court in a matter pertaining to the compensation. (62/1999)
- (2) In order to provide assistance to the Treasury, the Ministry of Justice shall appoint a Board to deal with questions of principle relating to the granting of compensation. More detailed provisions on the Board shall be issued by Decree.

Section 15 (931/1995)

Compensation shall be applied for in writing from the Treasury within ten years of the commission of the offence. For a special reason, the Treasury shall admit also later applications into consideration.

Section 16

- (1) Appended to the application for compensation there shall be the records of the court proceedings in the case or, if the matter has not been considered by a court of law, the records of the pre-trial investigation or, if there are no such records, other reliable accounts of the event, as well as an account of the injury or damage and the necessary evidence. If the applicant has already received, or is evidently entitled to receive, compensation for the same injury or damage from elsewhere, he/she shall notify the Treasury of the same. Where necessary, the Treasury may demand that the applicant undergo a medical examination before the matter of compensation is decided. The costs of a medical examination demanded by the Treasury or of obtaining other evidence shall be borne by the State. (133/1987)
- (2) Appended to an application by an employer for compensation there shall be accounts of:
 - (1) the disability of the person sustaining a personal injury;
 - (2) the offence by which the personal injury has been caused; and
 - (3) the salary paid during the period of disability,unless the provision of such accounts is unnecessary owing to an application for compensation filed by the person sustaining the personal injury. (916/1985)
- (3) Notwithstanding any provisions or official instructions on secrecy, a court of law shall grant the Treasury access to documents in the possession of the court and needed for the clarification and decision of a matter of compensation. (62/1999)

Section 17

- (1) If the right of the applicant to compensation referred to in section 3, other than damages from the offender, or the amount of such compensation, is disputed or unclear, the decision of the matter of compensation may be

suspended until the right to the compensation has been resolved by a final decision.

- (2) A matter of compensation cannot be decided before the right of the applicant to receive damages from the person responsible for the injury or damage has been decided in the first instance or the decision not to prosecute the offender has been made. If the offender has not been charged or a decision not to prosecute made within six months of the police becoming aware of the offence, the Treasury may nevertheless decide the matter of compensation. (133/1987)
- (3) When the decision of a matter of compensation is delayed, the applicant shall be paid an advance compensation, if he/she is evidently entitled thereto. (1110/1990)

Section 18

Compensation for loss of income or maintenance or for the loss of a provider shall be paid in instalments, unless there is a special reason for paying it as a lump sum. Other compensation shall be paid as a lump sum, unless there is a special reason for the contrary.

State's right of recovery

Section 19

- (1) The right of the applicant to damages from the person responsible for the injury or damage shall revert to the State as of the date when the Treasury has decided on the payment of the compensation, at most to the amount of the compensation payable by the State. The right of the applicant to compensation from the opposing party for the costs referred to in section 10a shall likewise revert to the State. (1110/1990)
- (2) A receivable based on the State's right of recovery shall be collected in accordance with the procedure provided in the Act on the Enforcement of Fines (318/1963). The collection shall not be commenced before the court order by which the person responsible for the injury or damage has been

rendered liable in damages has become final. In addition, the provisions of the Act on Payment Relief (529/1980) apply to full or partial relief from the recovery of the compensation by the State under this section.

- (3) The Treasury shall represent the State in matters relating to the exercise of the right of recovery. (133/1987)

Section 20 [repealed by 973/1981]

Section 21 [repealed by 973/1981]

Miscellaneous provisions

Section 22

- (1) The amount of instalment compensation paid for loss of income or maintenance or the loss of a provider may be altered or the payment of the compensation terminated, if the amounts of the compensation referred to in section 3 change for a reason other than inflation or the need of the recipient for maintenance has essentially changed.
- (2) Separate provisions apply to the binding of the compensation referred to in paragraph (1) to the cost-of-living index.

Section 23 (973/1981)

- (1) If compensation has been paid without a due basis or to an excessive amount, the Treasury shall hear the recipient and oblige him/her to repay the compensation. The recovery may be waived, if it would be unreasonable or if the amount to be recovered is insignificant and if the granting or payment of the compensation has not been the result of deceit by the recipient or his/her representative. (133/1987)
- (2) The decision on recovery shall be made within three years of the payment of the compensation. The decision may be made also later, if it is noted that the recipient or his/her representative has acted deceitfully in the matter.

- (3) A final decision of the Treasury on recovery is enforceable in the same manner as a final judgment of a court of law. (133/1987)
- (4) Compensation paid without a due basis may be recovered also by deducting it from future instalments. However, any one instalment shall not be decreased by more than one sixth without the consent of the recipient.

Section 24

An applicant who, when the matter has been considered in a court of law, has been granted a trial free of charge may be compensated for his/her application costs under this Act, upon request and in so far as deemed reasonable. The same provision applies, if the matter has not been considered in a court of law, but the applicant meets the criteria for a trial free of charge.

Section 25

A contract for the assignment of a right under this Act to a third party or for raising a lien on it shall be void.

Section 26

- (1) A decision of the Treasury under this Act shall be subject to appeal in the Insurance Court, said appeal to be lodged with the Court within 30 days of service of notice of the decision. A decision of the Treasury under section 17(3) or section 24 shall not be subject to appeal. (306/1999)
- (2) A decision of the Insurance Court shall not be subject to appeal.

Section 27 (973/1981)

- (1) If a final decision issued under this Act is based on erroneous or insufficient data or is obviously unlawful, the Insurance Court may, upon the proposition of the Treasury and after having heard the party in question, or upon the application of the party in question, to cancel the decision and reopen the matter for a new consideration either in the Insurance Court or the Treasury. After having made the proposition referred to above, the Treasury

may suspend the payment of the compensation or pay instalments as stated in the proposition, until such time that the matter has been decided anew. (133/1987)

- (2) Notwithstanding an earlier decision, also the Treasury may reopen a matter for a new consideration, if it concerns the granting of a denied compensation or the increase of a granted compensation. (133/1987)
- (3) In addition, the provisions in chapter 31 of the Code of Judicial Procedure apply to extraordinary appeal.

Section 27a (62/1999)

The amounts referred to above in section 5(1), 5a, 6a(2), 7 and 10 shall be revised by Decree at three-year intervals, to take inflation into account.

Section 28

More detailed provisions on the implementation of this Act shall be issued by Decree.

Section 29

This Act enters into force on 1 March 1974. It shall not apply to injury or damage arising from offences committed before that date.