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COMPENSATION



Treaty Series No. 10 (1991)

European Convention on the Compensation of Victims of Violent Crimes

Strasbourg, 24 November 1983

[The United Kingdom instrument of ratification was deposited on 7 February 1990 and the Convention entered into force for the United Kingdom on 1 June 1990]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1991*

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EUROPEAN CONVENTION ON THE COMPENSATION OF VICTIMS OF VIOLENT CRIMES

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that for reasons of equity and social solidarity it is necessary to deal with the situation of victims of intentional crimes of violence who have suffered bodily injury or impairment of health and of dependants of persons who have died as a result of such crimes;

Considering that it is necessary to introduce or develop schemes for the compensation of these victims by the State in whose territory such crimes were committed, in particular when the offender has not been identified or is without resources;

Considering that it is necessary to establish minimum provisions in this field;

Having regard to Resolution (77)27 of the Committee of Ministers of the Council of Europe on the compensation of victims of crime.

Have agreed as follows:

PART I

Basic Principles

ARTICLE 1

The Parties undertake to take the necessary steps to give effect to the principles set out in Part I of this Convention.

ARTICLE 2

1. When compensation is not fully available from other sources the State shall contribute to compensate:
 - (a) those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence;
 - (b) the dependants of persons who have died as a result of such crime.
2. Compensation shall be awarded in the above cases even if the offender cannot be prosecuted or punished.

ARTICLE 3

Compensation shall be paid by the State on whose territory the crime was committed:

- (a) to nationals of the States party to this Convention;
- (b) to nationals of all member States of the Council of Europe who are permanent residents in the State on whose territory the crime was committed.

ARTICLE 4

Compensation shall cover, according to the case under consideration, at least the following items: loss of earnings, medical and hospitalisation expenses and funeral expenses, and, as regards dependants, loss of maintenance.

ARTICLE 5

The compensation scheme may, if necessary, set for any or all elements of compensation an upper limit above which and a minimum threshold below which such compensation shall not be granted.

ARTICLE 6

The compensation scheme may specify a period within which any application for compensation must be made.

ARTICLE 7

Compensation may be reduced or refused on account of the applicant's financial situation.

ARTICLE 8

1. Compensation may be reduced or refused on account of the victim's or the applicant's conduct before, during or after the crime, or in relation to the injury or death.
2. Compensation may also be reduced or refused on account of the victim's or the applicant's involvement in organised crime or his membership of an organisation which engages in crimes of violence.
3. Compensation may also be reduced or refused if an award or a full award would be contrary to a sense of justice or to public policy ("ordre public").

ARTICLE 9

With a view to avoiding double compensation, the State or the competent authority may deduct from the compensation awarded or reclaim from the person compensated any amount of money received, in consequence of the injury or death, from the offender, social security or insurance, or coming from any other source.

ARTICLE 10

The State or the competent authority may be subrogated to the rights of the person compensated for the amount of the compensation paid.

ARTICLE 11

Each Party shall take appropriate steps to ensure that information about the scheme is available to potential applicants.

PART II

International Co-operation

ARTICLE 12

Subject to the application of bilateral or multilateral agreements on mutual assistance concluded between Contracting States, the competent authorities of each Party shall, at the request of the appropriate authorities of any other Party, give the maximum possible assistance in connection with the matters covered by this Convention. To this end, each Contracting State shall designate a central authority to receive, and to take action on, requests for such assistance, and shall inform thereof the Secretary General of the Council of Europe when depositing its instrument of ratification, acceptance, approval or accession.

ARTICLE 13

1. The European Committee on Crime Problems (CDPC) of the Council of Europe shall be kept informed regarding the application of the Convention.
2. To this end, each Party shall transmit to the Secretary General of the Council of Europe any relevant information about its legislative or regulatory provisions concerning the matters covered by the Convention.

PART III

Final Clauses

ARTICLE 14

This Convention shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

ARTICLE 15

1. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 14¹.

2. In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

ARTICLE 16

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Convention by a decision taken by the majority provided for in Article 20(d) of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

ARTICLE 17

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

ARTICLE 18

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of one or more reservations.

2. Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

¹The Convention entered into force on 1 February 1988.

3. A Party which has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

ARTICLE 19

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such a denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

ARTICLE 20

The Secretary General of the Council of Europe shall notify the member States of the Council and any other State which has acceded to this Convention, of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) any date of entry into force of this Convention in accordance with Articles 15, 16 and 17;
- (d) any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 24th day of November 1983, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Convention.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of ratification, acceptance (AC) or approval (AP)</i>
Denmark*	24 Nov. 1983	9 Oct. 1987
Finland	11 Sept. 1990	15 Nov. 1990(AC)
France†	24 Nov. 1983	1 Feb. 1990(AP)
Germany, Federal Republic of†	24 Nov. 1983	
Greece	24 Nov. 1983	
Luxembourg	24 Nov. 1983	21 Apr. 1985
Netherlands†	24 Nov. 1983	17 July 1984(AC)
Norway	24 Nov. 1983	
Sweden	24 Nov. 1983	30 Sept. 1988
Switzerland	15 May 1989	
Turkey	24 Apr. 1985	
United Kingdom	24 Nov. 1983	7 Feb. 1990

* Shall not apply to Faroe Islands or Greenland.

† For declarations and reservations see page 8.

DECLARATIONS AND RESERVATIONS

FEDERAL REPUBLIC OF GERMANY

On signing the Convention the Government of the Federal Republic of Germany made the following reservation:

when depositing its instrument of ratification, it will make a reservation of reciprocity in respect of Article 3 of the Convention.

FRANCE

On approving the Convention the Government of France made the following declarations:

For the purpose of the application of Article 3, the Government of the Republic of France declare:

—concerning nationals of the member States of the European Communities, that they shall be regarded as French nationals;

—concerning nationals of non-member States of the European Communities, that they shall be considered as permanently resident in France, according to paragraph b, when they hold a Resident's permit.

NETHERLANDS

On accepting the Convention the Government made the following declarations:

Article 17, paragraph 1:

(Declaration contained in the instrument of acceptance)

The Convention is accepted for the Kingdom in Europe.

