Victim Support Act  

Passed 17.12.2003  
RT I 2004, 2, 3  

Date of entry into force pursuant to § 35  

Amended by the following acts

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Chapter 1
GENERAL PROVISION

§ 1. Scope of regulation of Act

(1) This Act provides the bases for state organisation of victim support, organisation of conciliation and women's support centre service, organisation of victim support service to victim of trafficking in human beings and sexually abused minor, compensation for the cost of the psychological care paid within the framework of provision of victim support service and the organisation of payment of state compensation to victims of crimes of violence (hereinafter compensation).

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(2) This Act prescribes the persons who are entitled to victim support service, women's support centre service, compensation for the cost of psychological care and state compensation payable to victims of crimes of violence, and the conditions of and procedure for application for, determination and payment of the specified compensations, as well as the procedure for the provision of conciliation service.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 2. Application of General Part of the Social Code Act

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]
The provisions of the General Part of the Social Code Act apply to the social protection prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

§ 21. Payment of monetary compensation

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]
The monetary compensation paid on the basis of this Act shall be paid monthly for the current month pursuant to the procedure provided for in § 28 of the General Part of the Social Code Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

Chapter 2
VICTIM SUPPORT SERVICES

§ 3. Victim support services

(1) For the purposes of this Act, a victim support service is a public service aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to criminal offence, negligence or mistreatment or physical, mental or sexual abuse.

[RT I, 06.01.2016, 5 - entry into force 16.01.2016]

(11) For the purposes of this Act, a victim of trafficking in human beings is a person in the case of whom criminal proceedings have been initiated with regard to the criminal offence committed against him or her based on the elements of criminal offence provided for in §§ 133 to 1331, 138 to 140 or 175 of the Penal Code or based on the elements of criminal offence provided for in any other similar foreign penal code.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(12) For the purposes of this Act, an alleged victim of trafficking in human beings is a person:
1) who has been preliminarily identified in Estonia by an organisation engaged in helping of victims of trafficking in human beings and filed information with the Estonian National Social Insurance Board about a suspicion that the person may be a victim of trafficking in human beings; or
2) in respect of whom a competent foreign authority has submitted information to the Estonian National Social Insurance Board about falling victim of trafficking in human beings in that state.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(13) For the purposes of this Act, a sexually abused minor is a person under the age of 18 in the case of whom criminal proceedings have been commenced with regard to the criminal offence committed against him or her based on the elements of criminal offence specified in §§ 141 to 1451, 175 or 178 to 179 of the Penal Code.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]
(14) If the age of the person who is a victim of trafficking in human beings or sexual abuse is unknown and there are reasons to believe that the person is under the age of 18, the person is deemed to be a minor until the contrary is proved.
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(2) Provision of victim support services includes:
1) counselling of victims;
2) assisting victims in communicating with state and local government authorities and legal persons.
3) ensuring safe accommodation;
4) ensuring catering;
5) ensuring access to necessary health services;
6) providing necessary material assistance;
7) providing necessary psychological assistance;
8) enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services;
9) providing other services necessary for physical and psycho-social rehabilitation of victims.

(21) Victims of trafficking in human beings and sexually abused minors have the right to receive the services specified in clauses (2) 3) to 9) of this section. The services are provided until the need for the services ceases to exist.

(22) The following persons have the right to receive the services prescribed for victims of trafficking in human beings and sexually abused minors:
1) if the Estonian National Social Insurance Board has doubts that a criminal offence provided for in §§ 133 to 133(3), 138 to 140 or 175 of the Penal Code has been committed against the person and the Estonian National Social Insurance Board has submitted a report on a criminal offence to an investigative body or prosecutor's office for deciding on the commencement of criminal proceedings;
2) if the Estonian National Social Insurance Board has doubts that a criminal offence provided for in §§ 141 to 145(1), 175(1) or 178 to 179 of the Penal Code has been committed against the person and the Estonian National Social Insurance Board has submitted a report on a criminal offence to an investigative body or prosecutor's office for deciding on the commencement of criminal proceedings;
3) the person himself or herself or another person has submitted a report on a criminal offence to an investigative body or prosecutor's office and the content thereof is a criminal offence provided for in the sections specified in clauses 1) and 2) of this section and Border Guard Board has submitted a respective report on the person to the Estonian National Social Insurance Board;
4) an organisation engaged in Estonia in helping victims of trafficking in human beings has submitted information to the Estonian National Social Insurance Board about a suspicion that the person may be an alleged victim of trafficking in human beings, and the Social Insurance has decided to provide the victim support service to the person;
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]
5) a competent foreign authority has submitted information to the Estonian National Social Insurance Board about an Estonian citizen or a permanent resident of Estonia falling victim of trafficking in human beings in that state;
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]
6) if the Estonian National Social Insurance Board has reasonable grounds to believe that a criminal offence provided for in §§ 141 to 145(1), § 175(1) or §§ 178 to 179 of the Penal Code has been committed against a but no report on a criminal offence has been submitted to an investigative body or prosecutor's office;
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(23) In criminal proceedings are not commenced in the cases specified in clauses (22) 1) to 3) of this section, services shall be provided victims of trafficking in human beings and sexually abused minors to the extent of 60 days as of notification of the Estonian National Social Insurance Board of refusal to commence criminal proceedings.
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(24) In the cases specified in clauses (22) 4) to 6) of this section, a person is entitled to receive the services for up to 60 days as of the decision of the Estonian National Social Insurance Board on provision of victim support services.
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(25) If a victim of trafficking in human beings, sexually abused minor or the person specified in subsection (22) of this section is an insured person for the purposes of § 5 of the Health Insurance Act, the costs of the health...
care services provided to the person in the framework of victim support services shall be compensated for to the extent not covered by health insurance.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

\((2^{6})\) Provision of the services provided for in subsections \((2^{3})\) to \((2^{5})\) of this section does not constitute a legal basis for stay of an alien in Estonia or postpone the performance of the obligation to leave Estonia.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

\((3)\) [Repealed - RT I 2006, 60, 445 - entry into force 01.01.2007]

\((4)\) Victim support services are provided in every county of Estonia. Information concerning the possibilities of using the victim support service shall be available at local government, police, rescue, health care, social welfare and other relevant authorities and their websites.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 3. Provision of victim support service to minor victims of trafficking in human beings and sexually abused minors

\((1)\) If minor victims of trafficking in human beings, sexually abused minors or minors specified in subsection \((2^{2})\) of this Act need safe accommodation, substitute home service or foster care may be provided instead of the service specified in clause \((2^{3})\) of this Act on the terms and conditions of the Social Welfare Act.

\((2)\) If substitute home service or foster care is provided to a person specified in subsection \((1)\) of this section, the Estonian National Social Insurance Board shall prepare a case plan for such person on the terms and conditions and pursuant to the procedure provided for in §§ 9 and 10 of the Social Welfare Act. The case plan is signed by a representative of the Estonian National Social Insurance Board and a legal representative of the minor.

[RT I, 30.12.2015, 5 - entry into force 01.01.2016]

§ 4. Provision of victim support services

\((1)\) The provision of victim support services shall be ensured by the Estonian National Social Insurance Board in accordance with the principle of regionality.

\((2)\) The Estonian National Social Insurance Board shall co-operate with state and local government authorities and legal persons in providing victim support services, involve and supervise victim support volunteers and organise training for such volunteers.

[RT I 2005, 29, 212 - entry into force 05.06.2005]

§ 5. Transfer of duty to provide victim support service

\((1)\) The Estonian National Social Insurance Board may transfer the provision of victim support service to a legal person or local government (hereinafter \(\text{provider of victim support services}\)) in part or in whole by a contract under public law.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

\((2)\) An administration contract specified in subsection \((1)\) of this section is entered into under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsections \((2)\) and \((3)\) of the specified Act.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

\((3)\) A natural person providing the service specified in subsection \((2)\) of this Act through a provider of victim support services must have higher education and the moral character required for victim support work.


\((4)\) The Estonian National Social Insurance Board shall verify the suitability of a natural person specified in subsection \((3)\) of this section for victim support work and grant the relevant consent or refuse to grant consent within three weeks after the person has submitted his or her curriculum vitae to the Estonian National Social Insurance Board. Refusal to grant consent shall be reasoned.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

\((5)\) The Estonian National Social Insurance Board shall exercise administrative supervision over the provider of victim support services.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 6. Victim support volunteers

\((1)\) Victim support volunteers (hereinafter \(\text{volunteers}\)) are persons who participate in the provision of victim support services in their free time without receiving remuneration under the supervision of an official of the Estonian National Social Insurance Board who provides victim support services or a person specified in subsection \((3)\) of this Act.
(2) Persons who meet the following requirements may act as volunteers:
1) he or she is a permanent resident of Estonia of at least 18 years of age;
2) he or she has the personal characteristics required for victim support work;
3) he or she is not a grandparent, parent, brother, sister, child or grandchild, spouse or cohabitee of the official of the Estonian National Social Insurance Board who provides victim support services and supervises him or her, or of a person specified in subsection 5 (3) of this Act, or a parent, brother, sister or child of the spouse or cohabitee;
4) he or she has not been punished for a criminal offence or the information concerning his or her punishment has been expunged from the punishment register;
5) his or her state of health allows performance of the duties of a volunteer.

(3) A volunteer shall confirm his or her compliance with the requirements provided for in section (2) of this Act by his or her signature.

(4) The Estonian National Social Insurance Board shall decide granting of the right to operate as a volunteer on the basis of an application of a person which sets out his or her given name, surname, residence and telecommunications numbers and information concerning previous professional experience.

(5) The Estonian National Social Insurance Board shall declare a decision made on the basis of subsection (4) of this section invalid if a volunteer so wishes or if he or she violates the obligations of volunteers, repeatedly and without good reason refuses to perform the duties assigned to him or her or proves unsuitable for victim support volunteer work in any other way.

(6) Volunteers shall be compensated for travel and telecommunications expenditure incurred in connection with victim support pursuant to the procedure and within the limits established by the minister responsible for the area.

Chapter 2

COMPENSATION FOR COST OF PSYCHOLOGICAL CARE

§ 6. Conditions for payment of compensation for cost of psychological care

(1) Within the framework of provision of victim support services, a victim of an offence which is not a crime of violence within the meaning of § 8 of this Act has the right to receive compensation for the cost of psychological care in an amount equal to up to one minimum monthly wage.

(2) Children, parents and grandparents and other family members specified in subsection 131 (7) of the Social Welfare Act of a victim of any offence are also entitled to the compensation specified in subsection (1) of this section if their ability to cope has decreased due to an offence committed with regard to the victim. Compensation shall be paid in an amount equal to up to one minimum monthly wage per family member however not more than in an amount equal to up to three times the minimum monthly wage per family.

(2 1) Victims of trafficking in human beings, victims of violence against women and sexually abused minors to whom psychological assistance is provided in the framework of victim support services or women's support centre services shall have no right to additional compensation for the costs of psychological assistance based on this section.

(3) The persons specified in subsections (1) and (2) of this section may apply for compensation for the costs of psychological assistance within three years as of the commitment of the offence for the use of psychological counselling, psychotherapy or support group services. In the case specified in clause 81 (7) 3) of the Penal Code,
compensation for the costs of psychological care may be applied for within three years after the victim becomes an adult, unless the reason for the criminal proceedings became evident before he or she became an adult.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(4) The cost of psychological care shall be compensated for if the provider of the specified care is a person who is registered as an health care professional with the Health Board or as a clinical psychologist or a school psychologist in the register of professions or a psychotherapist who operates as a sole proprietor or who is in employment or law of obligation relationship with a sole proprietor or legal person holding an activity licence for providing specialised psychiatric care or whose activities as specified in the articles of association include provision of the psychological counselling, psychotherapy or support group services.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 6. Procedure of compensation for cost of psychological care

(1) The decision on compensation for the cost of psychological care shall be made and the compensation shall be paid by the Estonian National Social Insurance Board.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

(2) The decision to compensate for the cost of psychological care shall be based on the following:
1) the relation of the offence committed with regard to the victim and the decline of the ability to cope of the applicant for compensation;
2) the anticipated efficiency of the psychological care;
3) the need of the person for other services.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

(3) Provisions of Chapters 2 and 3 of this Act do not apply upon compensation for the cost of psychological care.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(4) The procedure for compensation of the cost of psychological care and the data of the application for compensation and the list of the required documents shall be established by the minister responsible for the area.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(5) A person who is refused compensation for the cost of psychological care has the right to file a challenge with the Estonian National Social Insurance Board pursuant to the procedure provided for in the General Part of the Social Code Act or an appeal with an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(6) [Repealed - RT I, 04.11.2016, 2 - entry into force 01.01.2017]

Chapter 2
CONCILIATION SERVICE

[RT I 2007, 11, 51 - entry into force 18.02.2007]

§ 6. Conciliation service

(1) For the purposes of this Act, conciliation service is a public service which consists of organisation of the conciliation procedure provided for in § 203 of the Code of Criminal Procedure and monitoring of compliance with the requirements of a written agreement entered into as a result thereof.

(2) Application of a sanction provided for in clause 3 (1) 4) of the Juvenile Sanctions Act is also deemed to be conciliation service.

[RT I 2007, 11, 51 - entry into force 18.02.2007]

§ 6. Provision of conciliation service

(1) The provision of conciliation service shall be ensured by the Estonian National Social Insurance Board in accordance with the principle of regionality.

(2) The procedure for conducting conciliation service shall be established by the Government of the Republic.

[RT I 2007, 11, 51 - entry into force 18.02.2007]

Chapter 3
WOMEN'S SUPPORT CENTRE SERVICE
§ 6. Women's support centre service

(1) For the purposes of this Act, women's support centre (hereafter support centre) service is a compound service which objective is to contribute to rescue from violence of a woman who has fallen victim to violence against women and achievement of independent ability to cope by providing safe environment and counselling and, if necessary, temporary accommodation for the woman and the children accompanying her.

(2) A victim of violence against women is a woman to whom physical, sexual, mental or economic harm or suffering has been caused either in her public or private life by gender violence committed against her or a threat thereof.

(3) Support centre service consists of:
1) provision of safe temporary accommodation, if necessary, to the victim and her children;
2) crisis counselling of the victim and her children;
3) case based counselling of the victim, including sharing of information concerning opportunities to get help outside the support centre;
4) if necessary, psychological counselling or psychotherapy of the victim;
5) if necessary, legal counselling of the victim;
6) assessment of the need for help of the children accompanying the victim and their initial counselling.

(4) The service specified in clause (3) 1) of the section is provided during the term of up to six months.

(5) The need for the provision of the services specified in clauses (3) 1) to 6) of this section and the volume thereof shall be assessed by the staff of the support centre in cooperation with the victim of violence against women.

§ 6a. Requirements for service providers

A provider of support centre service must:
1) ensure safe temporary accommodation to the victim and initial crisis counselling around the clock;
2) cooperate for the purpose of achievement of victim’s independent ability to cope with state and local government authorities and legal persons concerned;
3) ensure that the support centre has the premises and equipment required for daily life;
4) establish internal procedure rules and notify the accommodated victim thereof.

§ 6b. Requirements for persons directly providing services

(1) A person directly providing the service shall comply with the following requirements:
1) the person has the necessary personal characteristics for the work with victims of violence against women and their children;
2) the person has no criminal record for an intentionally committed criminal offence which may endanger the life, health and property of the person entitled to receive the service;
3) the person is not dependent on alcohol and narcotic drugs or psychotropic substances.

(2) The person directly providing the service must have completed in-service training on the subject of violence against women or completed the subject addressing violence against women at a university.

(3) The plan, volume, structure and contents of the in-service training specified in subsection (2) of this section shall be established by a regulation of the minister responsible for the area.

(4) In addition to the requirements specified in subsections (1) to (2) of this section, the person directly providing the service must comply with one of the following requirements:
1) the person providing the service of psychological counselling must have higher education in psychology;
2) the person providing the service of psychotherapy must have higher education and be or she must have completed in training in psychotherapy;
3) the person providing the service of legal counselling must have higher education in law;
4) other workers of a support centre must have at least secondary education.

(5) A person who voluntarily participates in the provision of support centre service and who provides the service of legal counselling, psychological counselling or psychotherapy and who does not have higher education in law or psychology or who has not completed training in psychotherapy may provide the service only under the supervision of the person specified in clauses (4) 1) to 3) of this section.
(6) Compliance of a profession acquired in a foreign state with the requirements of this Act shall be assessed and certified by a competent authority on the basis of Recognition of Foreign Professional Qualifications Act, taking account of the specifications arising from this Act. The competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act is the Ministry of Social Affairs.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 6 Provision of support centre service and performance of duties

(1) Availability of support centre service in counties shall be ensured by the Estonian National Social Insurance Board.

(2) Provision of support centre service shall be financed from the state budget through the budget of the Estonian National Social Insurance Board.

(3) The Estonian National Social Insurance Board may transfer the provision of support centre service on the basis of a contract under public law provided for in the Administrative Co-operation Act to a legal person or local government authority.

(4) If a contract under public law specified in subsection (3) of this section is terminated unilaterally or other circumstances arise which prevents the person who provides the support centre service from continuing with the performance of the administrative duties, the Estonian National Social Insurance Board shall organise further performance of the administrative duties.

(5) The Estonian National Social Insurance Board and the person who provides the support centre service shall communicate information concerning the support centre service on its website and inform the local government, police, rescue, healthcare, social welfare and other authorities concerned of the support centre service. The place of provision of the service and the contact details of the workers thereof are not subject to disclosure.

(6) The Estonian National Social Insurance Board shall exercise supervision over the provider of the support centre service.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

Chapter 3
PAYMENT OF STATE COMPENSATION TO VICTIMS OF CRIME

Division 1
Right to and Amount of Compensation

§ 7. Extent of compensation

(1) Compensation shall be paid to victims of crimes of violence committed in the territory of the Republic of Estonia and to their dependants and to persons specified in subsection 9 (4) of this Act.

(2) Compensation shall be paid to the victim of a crime of violence committed abroad if the victim is a permanent resident of Estonia or an Estonian citizen who does not reside permanently in Estonia and was abroad for reasons related to studies, employment or service duties or for other good reasons and if the victim is not entitled to similar compensation under the law of the country where the crime was committed. If the victim dies, compensation shall be paid to a dependant who was permanently residing in the Republic of Estonia at the time when the crime of violence was committed.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 8. Crime of violence

(1) For the purposes of this Act, a crime of violence is an act committed against the life or health of a person which is punishable pursuant to criminal procedure and as a result of which the injured person:
  1) dies;
  2) sustains serious damage to his or her health;
  3) sustains a health disorder lasting for at least four months.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(2) Action which is taken by an injured person or a third party to prevent a criminal offence, apprehend a criminal offender or assist a victim of crime and which results in one of the consequences specified in subsection (1) of this section is also deemed to be a crime of violence.

(3) Acts specified in subsection (1) or (2) of this section are deemed to be crimes of violence even if:
  1) the offender is incapable of guilt;
2) the offender has not been identified or apprehended or if the offender cannot be convicted for other reasons but the evidence collected with regard to the criminal matter suggests that a crime of violence has been committed.

§ 9. Recipient of compensation

(1) Estonian citizens who have suffered damage as a result of an act specified in subsection 8 (1) of this Act are entitled to receive compensation.

(2) An alien is entitled to receive compensation under the conditions provided for in subsection (1) of this section if he or she:
   1) resides in Estonia on the basis of a residence permit or right of residence of a long-term resident or a temporary residence permit or right of residence;
   2) is a citizen of the European Union;
   3) is a citizen of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes;
   4) is a person enjoying international protection staying in Estonia;
   5) is a victim of trafficking in human beings or sexually abused minor, regardless of whether he or she has a legal basis for stay in the Republic of Estonia.

(3) If a person specified in subsection (1) or (2) of this section (hereinafter victim) dies as a result of a crime of violence, his or her dependants are entitled to compensation. For the purposes of this Act, a dependant is a person:
   1) specified in section 20 of the State Pension Insurance Act;
   2) who has been conceived by the time the criminal offence is committed but who is born after the death of the victim.

(4) A natural person who bears the expenses incurred due to damage caused to victim’s health and funeral expenses has the right to be compensated for these expenses.

§ 10. Bases for determining amount of compensation

(1) The amount of compensation shall be determined on the basis of the following material damage caused by a crime of violence:
   1) damage arising from incapacity for work or work decrement;
   2) expenses incurred due to damage caused to victim’s health;
   3) damage arising from the death of the victim;
   4) damage caused to spectacles, dentures, contact lenses and other appliances substituting for bodily functions and to clothes;
   5) the victim’s funeral expenses.

(2) Any amounts which an injured person (hereinafter applicant for compensation) receives or is entitled to receive as compensation for damage resulting from a crime of violence from a source other than the person liable for the damage caused by the crime shall be deducted from the damage serving as the basis for determining the amount of compensation, including the work ability allowance paid to the victim. In determining the amount of the compensation, the compensation paid to the applicant by the person liable for the damage caused by the crime shall be taken into account to the extent of the amount paid before the determination of compensation on the basis of this Act.

(3) The amount of compensation shall be 80 per cent of the material damage specified in clauses (1) 1) to 4) of this section. The amount of compensation shall be rounded to the accuracy of one cent.

(4) The procedure for calculating the amount of compensation shall be established by a regulation of the minister responsible for the area.

§ 11. Damage arising from incapacity for work and work decrement
(1) Damage arising from incapacity for work or work decrement to a victim between the age of 16 and the 
pensionable age is that part of income subject to social tax which is not received due to temporary incapacity for 
work or partial or no work ability arising as a result of a crime of violence. 
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(1^1) If a person of working age applies for compensation for damage arising from his or her partial or no work 
ability, his or her work ability must have been assessed after a crime of violence on the basis of the Work Ability 
Allowance Act. 
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(1^2) If a person of working age has been established to have partial or no work ability before a crime of 
violence, the information of the decision concerning the assessment of partial or no work ability made both 
before as well as after a crime of violence shall be taken into consideration for grant and payment of allowance 
and the expert opinion provided upon assessment of work ability. 
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(1^3) Damage arising from incapacity for work or work decrement to a victim in the retirement age who worked 
at the time when the crime of violence was committed against him or her, is that part of income subject to social 
tax which is not received due to temporary incapacity for work or abnormality in a function arising as a result of 
a crime of violence. 
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(1^4) Damage arising from incapacity for work to a person who provides basic nursing care to a victim based 
on a certificate for care leave is that part of income subject to social tax which is not received due to temporary 
incapacity for work arising as a result of a crime of violence. 
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(2) Damage arising from incapacity for work or work decrement shall be compensated for on the basis of 
average income per calendar day. The average income per calendar day shall be calculated by adding together 
the income subject to social tax calculated for the insured person during the six calendar months preceding the 
calendar month of the day on which the person is initially released from the performance of his or her duties 
according to his or her certificate of incapacity for work and dividing the result by the number of calendar 
days during the period (six months). The number of days for which the insured person is released from the 
performance of his or her duties according to a certificate of incapacity for work shall be deducted from the 
number of calendar days during the period (six months). 
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(3) Compensation shall be calculated based on income subject to social tax received during the six months 
preceding the commission of the crime of violence for the following persons: 
1) employees, on the basis of an employment contract or a contract of service; 
2) persons specified in § 2 of the Public Service Act; 
3) members of the management and supervisory boards and other management bodies of legal persons; 
4) natural persons employed under a contract for services, an authorisation agreement or any other civil law 
contract. 

(4) For a person specified in clause (3) 1) or 2) of this section who did not receive any income subject to social 
tax during the six months preceding the commission of the crime of violence because his or her employment 
relationship was suspended or due to temporary incapacity for work, compensation shall be calculated based 
on income subject to social tax received by the person for the last month prior to the suspension of his or her 
employment relationship or arise of temporary incapacity for work. 
[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(5) For sole proprietors, compensation shall be calculated based on the net income received during the calendar 
year (1 January to 31 December) preceding the commission of the crime of violence. 

(6) If income per calendar day is lower than the total of the minimum monthly wage established by the 
Government of the Republic divided by 30, the average income per calendar day is deemed to be equal to the 
minimum monthly wage divided by 30. 

(7) Compensation shall be paid to persons between the age of 16 and the age of retirement who are not working 
or are unemployed at the time of falling victim to a crime of violence only in the case of partial or no work 
ability. Compensation shall be calculated on the basis of average income per calendar day calculated by dividing 
the minimum monthly wage established by the Government of the Republic by 30. 
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(8) Compensation shall be paid on the basis of this section to persons in the age of retirement who worked at 
the time of falling victim to a crime of violence if the Estonian National Social Insurance Board has ascertained 
that, due to the act of violence, he or she has an abnormality in a function for the duration of four months to five 
years or for an unspecified term. 
[RT I, 04.11.2016, 2 - entry into force 01.01.2017]
§ 11. Ascertaining damage to health resulting from crime of violence

(1) Damage to health resulting from a crime of violence shall be ascertained by the Estonian National Social Insurance Board involving persons who have completed medical training.

(2) A person who has completed medical training and is involved by the Estonian National Social Insurance Board shall ascertain:
1) connection between a crime of violence and health damage;
2) in the case of a working person in retirement age, abnormality in a function resulting from a crime of violence and the duration thereof.

(3) In order to ascertain the connection specified in clause (2) 1) of this section and the abnormality in a function specified in clause 2) and the duration thereof, the Estonian National Social Insurance Board shall have, with the consent of the person, access to the given name and surname of the doctor who submitted information to the health information system.

(4) In order to ascertain the connection specified in clause (2) 1) of this section and the abnormality in a function specified in clause 2) and the duration thereof, a person who has completed medical training shall have, with the consent of the person, the right to obtain information from the health information system about:
1) the person who submitted the information;
2) out-patient visits and hospitalisations;
3) medicinal products.

(5) The minister responsible for the area shall establish by a regulation the list of the information and the time periods for inquiries required for ascertaining the connection specified in clause (2) 1) of this section and the abnormality in a function specified in clause 2) and the duration thereof.

(6) If the information provided for in subsection (4) of this section is missing in the health information system or this information is insufficient, the family physician or medical specialist of the person shall forward the missing information to the health information system and notify the Estonian National Social Insurance Board thereof or forward the information describing the state of health to the Estonian National Social Insurance Board within 15 days as of the receipt of the relevant request from the Estonian National Social Insurance Board.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 12. Expenses incurred due to damage caused to victim’s health

Expenses incurred due to damage caused to victim’s health are the essential expenses related to the victim’s medical treatment, medical rehabilitation, acquisition of medicinal products and appliances substituting for bodily functions, alleviation of post-traumatic physical and mental complications and teaching him or her a new speciality suitable for his or her state of health, and essential travel expenses related to the circumstances specified above.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 13. Funeral expenses

Compensation in the amount of 448 euros shall be paid to the person who bears the expenses relating to the funeral of a victim of a crime of violence.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 14. Damage arising from death of victim

The dependants of a victim who dies as a result of a crime of violence shall receive compensation based on the victim’s previous income calculated pursuant to § 11 of this Act as follows:
1) 75 per cent of the income in the case of one dependant;
2) 85 per cent in the case of two dependants;
3) a total of 100 per cent in the case of three or more dependants.

Division 2

Procedure of Compensation

§ 15. Maximum amount of compensation

The amount of compensation payable per one victim on the basis of this Act shall not exceed 9590 euros.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]
§ 16. Circumstances precluding payment of compensation

(1) Compensation shall not be paid if:
1) the victim caused or facilitated the commission of the crime or the occurrence of the damage by his or her intentional or reckless behaviour;
2) the victim fails to give notice of the crime within 15 days, although he or she would have been capable of doing so, and the police have not become aware of the crime in any other way;
3) the victim has been convicted of the commission of a crime of violence or on the basis of subsection 255 (1) or 256 (1) of the Penal Code and information concerning his or her punishment has not been deleted from the punishment register pursuant to the Punishment Register Act;
4) payment of compensation would be unfair or unjustified for other reasons.

(2) Compensation shall not be paid to a dependant if circumstances specified in clauses (1) 1) to 4) of this section were present in his or her behaviour.

(3) Regardless of the circumstances specified in subsection (1) of this section, compensation may be paid to a dependant whose monthly income is below the subsistence level established by the Government of the Republic on the basis of the minimum consumption expenditure.

(4) Payment of compensation may be refused if the applicant for compensation has refused to co-operate with the law enforcement authorities in ascertaining the facts relating to the criminal offence, identifying or apprehending the criminal offender or proving the damages.

§ 17. Method of compensation for damage

(1) In the event of damage arising from incapacity for work, work decrement and loss of maintenance provider, amounts which were not received until the making of the decision to grant compensation shall be paid as a single payment and, as of the month following the making of the decision to grant compensation, periodically:

1) until the victim’s capacity for work is restored, the victim acquires a new speciality by way of re-training, or the victim dies;
2) until the dependant meets the conditions to be granted compensation as prescribed in § 20 of the State Pension Insurance Act.

(2) In the case of compensation paid periodically, payments shall be made on a monthly basis unless otherwise prescribed by the decision to grant compensation.

(3) Generally, dependants shall be determined joint compensation. A dependant’s portion of compensation may be separated from the joint compensation on the basis of a written application submitted by him or her.

(4) The expenses for the medical treatment or funeral of a victim shall be compensated for by a single payment.

(5) On the basis of a reasoned request from an applicant for compensation, compensation specified in subsection (1) of this section may be paid in instalments or as a single payment.

(6) Compensation for expenses relating to the services specified in § 12 of this Act may, by a decision of the Estonian National Social Insurance Board, be paid to the body which provided the services to the applicant for compensation.

Division 3
Determination of Compensation

§ 18. Determination of Compensation

The director of the Estonian National Social Insurance Board shall determine compensation.

§ 19. Applying for compensation

(1) An application for compensation (hereinafter application) shall be submitted to the Estonian National Social Insurance Board within three years as of the commission of the crime or the date of death of the victim, except in the cases provided for in subsection (2) of this section.

(2) An application submitted later shall be reviewed if:
1) the dependant became aware of the death of the victim more than one year after the date of death and the application is submitted within three years as of the date of becoming aware of the death of the victim;
2) the applicant for compensation sustained a health disorder which lasted longer than one year and timely submission of the application was not possible due to his or her state of health and if the application is submitted within three years as of his or her state of health improving;
3) the basis for applying for compensation is a sexual offence and the application was submitted within three years after the victim became an adult unless the reason for the criminal proceedings became evident before he or she became an adult.


(3) An application shall set out information on the applicant for compensation, on the criminal offence and the damage caused and on whether compensation for the damage is received from other sources.

(4) The data of an application for compensation and a list of required documents shall be established by a regulation of the minister responsible for the area.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(5) The format of the document setting out the information which is necessary for applying for compensation and which is to be submitted by a preliminary investigation authority shall be established by a regulation of the Minister of Internal Affairs.

(6) In the application, the applicant for compensation shall indicate the amount of compensation applied for on the basis of medical documents, documents certifying income, documents certifying direct expenses incurred as a result of the crime of violence and documents certifying compensation received or to be received from other sources in connection with the same damage, and all such documents shall be appended to the application. The Estonian National Social Insurance Board has the right to verify the information submitted by the applicant.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

(7) The director of the Estonian National Social Insurance Board has the right to refer the victim for a supplementary medical examination, the cost of which shall be included in the medical treatment expenses upon payment of compensation.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 20. Review of applications

(1) Within 30 days as of the receipt of an application and the documents appended thereto, the director of the Estonian National Social Insurance Board shall review the application and make a decision concerning the determination of or refusal to grant compensation.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

(2) If a person fails to submit the required information or documents together with his or her application or if the application contains any other deficiencies, the Estonian National Social Insurance Board shall notify the applicant for compensation of the deficiencies by post or by electronic means, grant a term of three months for elimination of the deficiencies and explain that, in the event of failure to eliminate the deficiencies within the term, the Estonian National Social Insurance Board may make a decision based on the existing information.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 21. Postponement of making of decision

(1) The Estonian National Social Insurance Board may postpone the making of a decision concerning the determination of compensation until a judgment is made by the county court if:

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

1) the applicant’s right to receive compensation from the person liable for the damage caused by the criminal offence is uncertain, or
2) it is obvious that the person liable for the damage caused by the criminal offence agrees and is able to compensate for the damage caused by the criminal offence.

(2) If an applicant’s right to receive compensation from a source other than the person liable for the damage caused by the criminal offence or the amount of the compensation is uncertain or disputable, the decision concerning payment of the compensation may be postponed until the right or amount has been conclusively established.

(3) The Estonian National Social Insurance Board shall immediately notify an applicant of the postponement of the making of a decision pursuant to the procedure provided for in § 27 of the General Part of the Social Code Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(4) If a decision concerning payment of compensation is postponed on the grounds specified in subsections (1) and (2) of this section, the Estonian National Social Insurance Board shall decide to grant or to refuse to grant...
compensation within 10 days as of the date on which he or she learns that the circumstances which caused the postponement of the decision have ceased to exist.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 22. Compensation paid in advance

(1) If a decision concerning payment of compensation is postponed in the cases provided for in subsections 21 (1) and (2) of this Act, the Estonian National Social Insurance Board has the right to make an advance payment on the basis of a request from the applicant for compensation if the applicant’s right to receive compensation is clear and if he or she is in a difficult economic situation.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

(2) The amount of an advance payment shall not exceed 640 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) If an advance payment exceeds the amount of compensation determined, the overpaid amount shall be recovered in accordance with § 27 of this Act.

(4) If compensation is refused, an advance payment may be recovered only if the payment was made as a result of corrupt practices by the applicant.

§ 23. Communication of decisions

A decision of the Estonian National Social Insurance Board to grant or to refuse to grant compensation shall be communicated to the applicant for compensation by post or by electronic means within five working days as of the date on which the decision is made.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 24. Contestation of decisions

(1) If an applicant for compensation does not agree with the decision of the Estonian National Social Insurance Board, the applicant has the right to file a challenge with the Estonian National Social Insurance Board pursuant to the procedure provided for in the General Part of the Social Code Act or an appeal with an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(2) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

§ 25. Entry of data in register

[Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

§ 26. Change in amount of compensation and termination of payment of compensation

(1) A recipient of compensation is required to notify the Estonian National Social Insurance Board of any grounds for reducing the amount of the compensation or terminating the payment of the compensation immediately after such grounds arise. A submitted notice shall be reviewed within 10 days as of the receipt thereof.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(2) In the event of a change in the amount of a state benefit or any other payments, the Estonian National Social Insurance Board shall make recalculations on its own initiative within 10 days as of the date of entry into force of the change.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(3) The amount of compensation shall be reduced or payment of compensation shall be terminated as of the month following the month in which the grounds for the reduction or termination arise.

(4) The amount of compensation shall be increased as of the first day of the month following the submission of documents certifying the grounds for the increase.

(5) At least once a year, the Estonian National Social Insurance Board is required to review the amounts of compensation paid periodically.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(6) In the case of compensation paid periodically, changes in prices and in the cost of living shall be taken into consideration pursuant to the procedure established by the Government of the Republic.

§ 27. Recovery of overpaid amounts

Overpaid amounts of compensation shall be recovered from the recipient of compensation pursuant to the procedure provided for in the General Part of the Social Code Act.
§ 28. Claims for payment against compensation, cession and set-off of claims

No claim for payment shall be made against the compensation or a claim for compensation specified in this Act and claims shall not be ceded or set off.

§ 29. Exemption from income tax

Compensation paid on the basis of this Act is not subject to income tax.

§ 30. Right to file civil action

(1) Application for or determination of compensation on the basis of this Act shall not restrict the right of the recipient to claim compensation, pursuant to general principles, for damage caused by the crime of violence.

(2) If a recipient of compensation files an action with a county court for compensation for damage caused by the crime of violence, he or she is required to notify the Estonian National Social Insurance Board of the action immediately in writing.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 31. State’s right of recourse

(1) After compensation has been paid on the basis of this Act, the recipient’s right to claim compensation for damage caused by the criminal offence from the person liable for the damage transfers to the state to the extent of the amount of the compensation paid. The recoverable amount shall not exceed the amount granted upon satisfaction of the civil action.

(2) In recourse actions, the state shall be represented by the minister responsible for the area. The minister responsible for the area has the right to delegate authorisation.

(3) If, after compensation has been granted on the basis of this Act, the recipient receives compensation for the same damage from the person liable for the damage caused by the criminal offence or from any other source and such compensation was not deducted from the damage serving as the basis for determining the amount of compensation pursuant to subsection 10 (2) of this Act, the recipient is required to notify the Estonian National Social Insurance Board immediately and repay the compensation in the amount calculated when the amount of compensation was determined.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

(4) Pursuant to subsection (3) of this section, the provisions of § 27 of this Act apply to the reclamation of a compensation.

Division 4

Payment of compensation in cross-border situations in European Union

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 31¹. Payment of compensation to victims residing in other Member States of European Union

(1) The Estonian National Social Insurance Board shall determine a compensation, under the conditions and pursuant to the procedure established in this Act, to the victim of a crime of violence committed in Estonia and, if the victim dies, to his or her dependant (hereinafter applicant), whose permanent residence is in another Member State of the European Union.

(2) An applicant shall submit an application and the necessary additional documents to the Estonian National Social Insurance Board or a competent authority of the state of his or her residence.

(3) Concerning an application received from another Member State of the European Union, the Estonian National Social Insurance Board shall immediately forward a confirmation which sets out the person who processes the application and the term for the making of a decision concerning the application to the applicant and the authority which forwarded the application.

(4) The Estonian National Social Insurance Board shall make a decision to grant compensation or refuse to grant compensation to the applicant within three months as of receipt of the application and the necessary
additional documents. The decision shall be sent to the applicant by post or by electronic means within ten working days as of the date on which the decision is made.

(5) The Estonian National Social Insurance Board shall pay the compensation granted to the applicant within the calendar month following the making of the decision concerning the grant thereof.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 31. Specifications for payment of compensation to victims residing in other Member States of the European Union

(1) Compensation for damage arising from incapacity for work or work decrement to a victim residing in another Member State of the European Union and compensation for damage arising from the death of a victim to a dependant of the victim residing in other Member States of the European Union is calculated on the basis of income from employment of the victim of the six months preceding the commission of criminal offence.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(2) In the case of compensation for damage specified in subsection (1) of this section, compensation shall be paid in one sum for the whole period of time during which the applicant is incapacitated for work, has partial or no work ability or meets the requirements for receiving a survivor’s pension.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(3) Funeral expenses are compensated for in the amount of 448 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 31. Payment of compensation to victim of crime of violence committed in another Member State of the European Union

(1) Compensation shall be determined and it shall be paid to victims of crime of violence committed in another Member State of the European Union (hereinafter Member State) and other persons who are entitled to compensation on the basis of the legislation of the Member State who reside permanently in Estonia by a competent authority of the Member State on the basis of the legislation of the Member State.

(2) The person specified in subsection (1) of this section shall address the Estonian National Social Insurance Board who shall assist him or her, as necessary, in the preparation of the application. The Estonian National Social Insurance Board shall forward the application together with additional documents to the competent authority of the Member State in which the crime of violence has been committed within 30 days as of the date on which the person specified in subsection (1) of this section addresses the Estonian National Social Insurance Board.

(3) If the competent authority of the Member State wishes to hear a person, expert or witness specified in subsection (1) of this section in accordance with the legislation of a Member State during the processing of the application, the competent authority of the Member State shall address the Estonian National Social Insurance Board who shall organise the following:

1) the hearing of the specified persons by a representative of the competent authority of the Member State by telephone or video conference;
2) the hearing of the specified persons and taking of minutes thereof, translation of the minutes if necessary and forwarding of the minutes to the competent authority of the Member State.

[RT I 2006, 60, 445 - entry into force 01.01.2007]

Division 5
Payment of compensation to citizens of state which is party to the European Convention on Compensation of Victims of Violent Crimes

[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 31. Payment of compensation to citizens of state which is party to the European Convention on Compensation of Victims of Violent Crimes

(1) The Estonian National Social Insurance Board shall determine a compensation, under the conditions and pursuant to the procedure established in this Act, to the victim of a crime of violence committed in Estonia and, if the victim dies, to his or her dependant who is a citizen of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes.

(2) The amount of compensation to be paid to persons specified in subsection (1) of this section is calculated pursuant to the procedure provided for in § 31 of this Act.
(3) The Estonian National Social Insurance Board shall pay the compensation granted to the persons specified in subsection (1) of this section pursuant to the procedure provided for in subsection 31(5).
[RT I 2006, 60, 445 - entry into force 01.01.2007]

Chapter 4
FINANCING

§ 32. Financing

(1) Compensation payable on the basis of this Act is financed and state victim support services and conciliation services are financed from allocations from the state budget to the budget of the Estonian National Social Insurance Board according to the state budget for the corresponding year.
[RT I 2007, 11, 51 - entry into force 18.02.2007]

(2) The sources for covering compensation paid on the basis of this Act and the expenses relating to the provision of state victim support services are:
1) compensation levies paid upon a judgment of conviction;
2) amounts recovered by way of recourse on the basis of this Act;
3) allocations from the reserves for the previous year;
4) other funds allocated from the state budget.

Chapter 5
IMPLEMENTING PROVISIONS

§ 33. Notification obligation

Investigative bodies are required to provide information regarding the content of this Act to victims and dependants who are entitled to receive compensation or victim support services on the basis of this Act.

§ 34. [Repealed - RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 34\(^1\). Rates of compensation

(1) Compensations provided for in this Act shall be paid on the basis of the rate applicable on the date of the making of the decision to grant compensation.

(2) Periodically paid compensation which was determined before 1 January 2007 and continues to be paid after the specified date has passed shall be recalculated in accordance with the rates in force on 1 January 2007.
[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 34\(^2\). Application for compensation in cross-border situations

The procedure provided for in Division 4 of Chapter 3 of this Act applies to applicants who fell victim to a crime after 30 June 2005. The applicants who fell victim to a crime during the period from 1 July 2005 to 1 January 2006 may submit an application during the year 2007.
[RT I 2006, 60, 445 - entry into force 01.01.2007]

§ 34\(^3\). Payment of earlier granted compensation

The compensation determined before 1 February 2009 shall be paid pursuant to the procedure provided for in § 2\(^1\) of this Act as of 1 February 2009.
[RT I 2008, 48, 264 - entry into force 01.02.2009]

§ 34\(^4\). Person with permanent incapacity for work

The condition of partial or no work ability provided for in this Act is deemed to be complied with in the case of a person who has been established to have permanent incapacity for work on the basis of the State Pension Insurance Act.
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]
§ 34. Application of Act

The version of this Act in force before 1 July 2016 shall apply to persons under 16 years of age and old-age pensioners until 1 January 2017.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

§ 34a. Specifications of requirement of in-service training for person directly providing the service

The in-service training requirement shall not apply to a person who has undergone training discussing violence against women to the extent of at least 40 hours as at 1 January 2017.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

§ 35. Entry into force of Act

(1) This Act enters into force on 1 February 2004.

(2) Chapter 2 of this Act enters into force on 1 January 2005.

(3) Clause 9 (2) of this Act enters into force as of Estonia's accession to the European Union.

(4) Clause 9 (2) of this Act enters into force as of the entry into force of the Act Ratifying the European Convention on Compensation of Victims of Violent Crimes.

§ 36. Revocation of State Compensation of Victims of Crime Act

[Omitted from this text.]