

Crime Victim Assistance and Financial Compensation Act

Promulgated, SG No. 105/22.12.2006, effective 1.01.2007, amended, SG No. 32/27.04.2010, effective 28.05.2010, amended and supplemented, SG No. 51/5.07.2016, effective 6.10.2016, amended, SG No. 63/4.08.2017, effective 5.11.2017

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

Chapter One GENERAL PROVISIONS

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

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

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

Article 3. (1) (Supplemented, SG No. 51/2016, effective 6.10.2016) Under the terms and procedure of this Act, assistance may be provided to victims who have suffered pecuniary and non-pecuniary damages as a result of crime of general nature, and financial compensation may be awarded to victims who have suffered pecuniary damages from the crimes referred to in Paragraph 3.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) Where a victim has died as a result of a crime, the victim's rights to assistance and financial compensation shall be transferred to the victim's heirs or the person with whom the victim has been in actual cohabitation.

(3) (Amended, SG No. 51/2016, effective 6.10.2016) Financial compensation may be provided to persons referred to in Paragraphs 1 and 2, who have suffered damages as a result of any of the following crimes:

1. terrorism; intentional murder; attempted murder; intentional grievous bodily harm; sexual abuse; rape; trafficking in people;

2. a crime committed by order or under a decision of an organized criminal group;

3. or another serious premeditated crime resulting in death or grievous bodily harm, as consequences of offence defined by statute.

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

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

Chapter Two INFORMING CRIME VICTIMS OF THEIR RIGHTS

Article 6. (1) (Amended, SG No. 51/2016, effective 6.10.2016) The bodies of the Ministry of Interior, investigators and victim support organisations shall immediately inform the victims or

the persons under Article 3 (2) of:

1. (amended, SG No. 51/2016, effective 6.10.2016) their right to access to medical care, the organisations to which they can refer for free psychological help and support, as well as of any kind of specialised help they are entitled to receive;

2. victims' right to legal aid, the services to which they can turn in order to exercise that right, and the terms and procedures for obtaining legal aid free of charge;

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

4. (new, SG No. 51/2016, effective 6.10.2016) the bodies to which a signal of infringement of their rights by the competent authority acting in the criminal proceedings may be sent;

5. (renumbered from Item 4, SG No. 51/2016, effective 6.10.2016) victims' rights in the criminal process and the options for their participation in it;

6. (renumbered from Item 5, SG No. 51/2016, effective 6.10.2016) the services to which victims can turn for protection for themselves and their relatives, and the terms and procedures for obtaining such protection;

7. (renumbered from Item 6, SG No. 51/2016, effective 6.10.2016) the services to which victims can turn for financial compensation from the State, and the terms and procedures for obtaining such compensation;

8. (renumbered from Item 7, SG No. 51/2016, effective 6.10.2016) possible ways of protecting victims' rights and interests if they are foreign nationals who are victims of crime in the Republic of Bulgaria;

9. (renumbered from Item 8, SG No. 51/2016, effective 6.10.2016) possible ways of protecting victims' rights and interests if they are victims of crime in another country, and the services to which they can turn in such cases.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) The monitoring prosecutor in the course of the pre-trial proceedings shall monitor performance of the duties of investigating authorities for provision of the information referred to in Paragraph 1.

(3) (Repealed, SG No. 51/2016, effective 6.10.2016).

Article 6a. (New, SG No. 51/2016, effective 6.10.2016) (1) Upon notification under Article 6 (1), the competent authorities shall take into account the condition of the victims or the persons under Article 3 (2), including their age.

(2) Notification shall be made orally and in writing by means of a form according to a standard form in a language that the victims or the persons under Article 3 (2) understand.

(3) A protocol shall be drawn up for the notification, in duplicate, which shall be registered in line with the procedure established by the relevant body or organisation under Article 6 (1). One copy of the protocol and the form under Paragraph 2 shall be served on the victim or the persons under Article 3 (2).

Article 6b. (New, SG No. 51/2016, effective 6.10.2016) Overseas representative offices of the Republic of Bulgaria in the Member States of the European Union shall inform in writing the Bulgarian citizens who are there and who have become victims of crimes in the territory of the host State, as well as the persons under Article 3 (2), on request, of the competent authorities in such State to which they may refer on the procedures for receiving support and financial compensation, of the possibility under Article 19 (1), as well as of the conditions and procedures for receiving relevant support under Articles 8 – 11 on the territory of the Republic of Bulgaria.

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

1. publish and distribute a brochure in the Bulgarian, English, German and French

languages, containing the information required under Article 6, Paragraph 1;

2. (amended, SG No. 51/2016, effective 6.10.2016) provide the brochure, for the purpose of its free circulation, to the bodies and organisations referred to in Article 6 (1) and to first aid centres, social assistance directorates and other legal entities which in the course of their operations come into contact with victims of crime.

(2) (Supplemented, SG No. 51/2016, effective 6.10.2016) The information contained in the brochure shall be published on the websites of the National Council, the Ministry of Interior, the victim support organisations and those referred to in Paragraph 1, Item 2.

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

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

Chapter Three

FORMS OF ASSISTANCE AND FINANCIAL COMPENSATION TO VICTIMS OF CRIME

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

1. medical treatment in emergency situations according to the procedures established by the Health Act ;

2. psychological counseling;

3. (supplemented, SG No. 51/2016, effective 6.10.2016) free legal assistance under the Legal Aid Act:

4. practical help.

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

(3) (Amended, SG No. 51/2016, effective 6.10.2016) The forms of support under Paragraph 1, Items 2 and 4 shall be provided in accordance with the principle of confidentiality prior to the initiation of criminal proceedings, at the time of or within a reasonable period of time after the completion of criminal proceedings in accordance with the needs of the victims and the persons under Article 3 (2).

(4) (New, SG No. 51/2016, effective 6.10.2016) Where necessary, free psychological counselling and assistance under Paragraph 1, Item 2 shall be provided after award of the judgment under Article 24.

Article 9. (1) (Supplemented, SG No. 51/2016, effective 6.10.2016) Free psychological counselling and support shall be provided by specialist psychologists from victim support organisations in accordance with the needs of the victim and his/her psychological condition.

(2) (Amended, SG No. 51/2016, effective 6.10.2016) The activity under Paragraph 1 shall be funded by the Ministry of Justice, and the procedure for selection of victim support organisations, the terms and procedure for financing, reporting and control of their activity shall be determined by the regulation for implementation of this Act in compliance with the State aid rules.

(3) (Repealed, SG No. 51/2016, effective 6.10.2016).

Article 10. (Repealed, SG No. 51/2016, effective 6.10.2016).

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

(2) (Supplemented, SG No. 51/2016, effective 6.10.2016) Practical help shall mean displaying information boards and other materials at a visible point about the rights of victims of crimes under this Act, creating relaxed and friendly environment when contacting them, providing information about the risk of secondary and repeated victimisation, of intimidation or revenge, as well as providing advice on preventing the latter.

(3) (New, SG No. 51/2016, effective 6.10.2016) Victim support organisations shall provide shelter or any other suitable temporary accommodation to the victims of crimes for which there is an imminent risk of secondary victimisation, intimidation and revenge.

Article 12. (1) (New, SG No. 51/2016, effective 6.10.2016) The victims of crime shall be entitled to one-off financial compensation under the terms and procedures established by this Act.

(2) (Previous text of Article 12, SG No. 51/2016, effective 6.10.2016) Financial compensation shall be provided upon entry into force of:

1. a guilty verdict, including in cases tried in the defendant's absence;
2. (new, SG No. 51/2016, effective 6.10.2016) the agreement on settling the case in pre-trial proceedings;
3. (amended, SG No. 32/2010, effective 28.05.2010, renumbered from Item 2, SG No. 51/2016, effective 6.10.2016, amended, SG No. 63/2017, effective 5.11.2017) a prosecutorial or court instrument by which criminal proceedings are discontinued, except in cases where the discontinuation is in pursuance of Article 24, Paragraph 1, Items 1, 7, 8a and 9 of the Criminal Procedure Code;
4. (renumbered from Item 3, SG No. 51/2016, effective 6.10.2016) a prosecutorial or court instrument by which criminal proceedings are dismissed on the grounds of failure to identify the perpetrator of the crime.

Article 13. (Amended, SG No. 51/2016, effective 6.10.2016) (1) The financial compensation shall cover the provision of an amount by the State at the maximum level for a person under Article 3 (1) or the persons under Article 3 (2) not exceeding BGN 10 000.

(2) Where the financial compensation is granted for maintenance of persons under Article 3 (2) under the age of 18, the amount per person shall not exceed BGN 10 000.

Article 14. (1) (Previous text of Article 14, SG No. 51/2016, effective 6.10.2016) Financial compensation shall cover, jointly or separately, pecuniary damages directly caused by a crime and consisting in:

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

(2) (New, SG No. 51/2016, effective 6.10.2016) The procedure for establishing damages under Paragraph 1 and payment of the financial compensation shall be determined by the regulation for implementation of the Act.

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

1. the victim has been sentenced for a crime referred to in Article 3, Paragraph 3 within the last 5 years prior to applying for financial compensation;
2. the crime was committed in a state of high agitation, provoked by the victim with

unlawful action, due to which grave consequences occurred or could have occurred for the culprit or the culprit's next-of-kin;

3. the crime was committed by exceeding the limits of reasonable self-defence;

4. the victim has received compensation by other means;

5. the victim has not reported the crime to the competent authorities, except if the victim has valid reasons for failing to do so.

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

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

Chapter Four

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

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

(2) Such an application shall contain:

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

2. date, place and circumstances of the crime;

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

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

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

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

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

(2) A financial compensation application shall contain:

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

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

3. reasons justifying the financial compensation application.

(3) (Amended, SG No. 51/2016, effective 6.10.2016) The application for financial compensation shall be submitted to the National Council within one year of the entry into force of the act under Article 12 (2). The application may also be submitted through a victim support organisation or through the regional governor at the current address of the victim.

(4) (Amended, SG No. 51/2016, effective 6.10.2016) Where the application is submitted through the regional governor, it shall be forwarded to the National Council within 7 days of receipt thereof, along with the file opened on the case.

(5) (New, SG No. 51/2016, effective 6.10.2016) (7) Where the application is submitted through a victim support organisation, it shall be forwarded to the National Council within 7 days of receipt thereof.

(6) (Renumbered from Paragraph 5, amended, SG No. 51/2016, effective 6.10.2016) Where the application for financial compensation was not submitted within the time limit referred to in Paragraph 3, the victim or the persons under Article 3 (2) shall submit a written statement of the reasons and circumstances of non-compliance with the time limit. The National Council shall admit or refuse to admit the application, which shall be reasonably justified.

(7) (Renumbered from Paragraph 6, amended, SG No. 51/2016, effective 6.10.2016) Enclosed to the application shall be certified copies of the documents certifying the data included therein, including a declaration according to standard form by the victim or by the persons under Article 3 (2) of the circumstance under Item 4 of Article 15 (1).

(8) (New, SG No. 51/2016, effective 6.10.2016) Where the victim is a national of another European Union Member State, to verify the grounds under Article 15, Paragraph 1, Item 1, the National Council may ask for cooperation from the competent authorities in the Member State of the victim's nationality.

(9) (Renumbered from Paragraph 7, amended, SG No. 51/2016, effective 6.10.2016) The National Council shall provide to the victim, and where the application was received through the regional governor, also to the regional governor, information about a contact person at the Ministry of Justice, a confirmation of application receipt and the time limit for issuing a decision on it.

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

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

Chapter Five

ORGANIZATION AND PROCEDURE OF THE NATIONAL COUNCIL FOR ASSISTANCE AND COMPENSATION TO VICTIMS OF CRIME

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

(2) (Supplemented, SG No. 51/2016, effective 6.10.2016) The National Council shall consist of the following permanent members: a judge from the Supreme Court of Cassation, as designated by the chairperson thereof; a prosecutor from the Supreme Cassation Prosecution Office, as designated by the Prosecutor General; one official each from the Ministry of Interior, the Ministry of Health, the Ministry of Labour and Social Policy, the Ministry of Finance, the Ministry of Justice and the Ministry of Foreign Affairs, as designated by the respective ministers; and one representative each of the State Agency for Child Protection, the National Commission for Combating Trafficking in Human Beings, the Supreme Bar Council and the Association of Crime Victim Support Organisations. The Association representative shall be elected at a general meeting of the member organisations.

(3) (New, SG No. 51/2016, effective 6.10.2016) In accordance with Paragraph 2 deputy members shall be designated to substitute permanent members in their absence.

(4) (Renumbered from Paragraph 3, SG No. 51/2016, effective 6.10.2016) The National Council shall be chaired by the Minister of Justice or a deputy minister authorized by the Minister of Justice.

(5) (Renumbered from Paragraph 4, SG No. 51/2016, effective 6.10.2016) The National

Council shall operate with technical support from members of the administration of the Ministry of Justice.

Article 21. The National Council shall:

1. be in charge of paying financial compensation;
2. (supplemented, SG No. 51/2016, effective 6.10.2016) compile a standard form of the financial compensation application in Bulgarian, English, French and German, a list of the documents required to support the application, and the standard forms of the form and protocol referred to in Article 6a (2) and (3), of the declaration under Article 18 (7), and the forms under Article 19 (2) and Article 24 (8) and shall submit them for approval to the Minister of Justice;
3. devise a policy and a planning and proposal process for legislative and practical initiatives in the field of crime victim assistance;
4. coordinate the activities of the services and organizations referred to in Article 6, Paragraph 1 for the purposes of implementing this Act;
5. assist Bulgarian nationals who are victims of crime in other European Union Member States in completing their financial compensation applications, and forward such applications to the competent authorities in the other Member States;
6. commission victimological research and coordinate other research programmes in the field of crime victim assistance;
7. conduct and coordinate the information activities referred to in Articles 6 and 7;
8. organize and conduct the instruction and training of crime victim assistance personnel;
9. carry out international cooperation in the field of crime victim assistance;
10. submit annual reports to the Minister of Justice on the actions taken to provide assistance and financial compensation to victims of crime;
11. report at least once quarterly to the Minister of Justice on moneys spent on assistance and financial compensation to victims of crime.

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

(2) (Amended, SG No. 51/2016, effective 6.10.2016) The powers and activities of the Expert Commission shall be governed by the regulation for implementation of this Act.

Article 23. (1) (Amended, SG No. 51/2016, effective 6.10.2016) The National Council shall meet once a month.

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

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

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

Article 24. (1) (Amended, SG No. 51/2016, effective 6.10.2016) Financial compensation applications shall be examined within one month of the date of receipt thereof. If necessary, this period may be extended up to three months.

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

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

1. the first, middle and last name, personal identification number, citizenship, permanent

address and current address of the person awarded financial compensation;

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

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

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

(5) Decisions shall not be subject to appeal.

(6) (Amended, SG No. 51/2016, effective 6.10.2016) A transcript of the decision shall be sent immediately to the victim, and to the regional governor or the victim support organisation, where the financial compensation application was submitted through the regional governor or through a victim support organisation.

(7) (Amended, SG No. 51/2016, effective 6.10.2016) In the cases referred to in Item 4 of Article 12 (2), a copy of the National Council decision shall be forwarded to the authority which ordered the suspension of the criminal proceedings, along with an indication that the decision should be enclosed with the case file.

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

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

(2) (Amended, SG No. 51/2016, effective 6.10.2016) Any proceeds arising from recourse under Article 16 shall be credited to the budget of the Ministry of Justice.

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

Chapter Six INTERNATIONAL COOPERATION

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

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

Chapter Seven ADMINISTRATIVE PENALTY PROVISIONS

Article 28. (1) (Supplemented, SG No. 51/2016, effective 6.10.2016) Failure to perform an obligation under Article 6 (1), Article 9 or Article 11 (1) and (3), and Article 18 (5) shall carry a fine ranging from 100 to 500 leva or a pecuniary penalty of 1,000 to 2,000 leva.

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

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

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

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

ADDITIONAL PROVISIONS **(Title amended, SG No. 51/2016, effective 6.10.2016)**

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

§ 1a. (New, SG No. 51/2016, effective 6.10.2016) This Act transposes the requirements of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315/57 of 14 November 2012).

TRANSITIONAL AND FINAL PROVISIONS

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

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

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

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

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

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

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

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

TRANSITIONAL AND FINAL PROVISIONS
to the Crime Victim Assistance and Financial Compensation Act

(SG No. 51/2016, effective 6.10.2016)

§ 21. (Effective 5.07.2016 - SG No. 51/2016) Within three months of the promulgation of this Act in the State Gazette the Council of Ministers shall adopt the regulation for implementation thereof.

§ 22. The applications for financial compensation submitted before entry into force of this Act shall be examined under the existing terms and procedure.

§ 23. (Effective 5.07.2016 - SG No. 51/2016) Within two months of promulgation of this Act in the State Gazette the National Council shall prepare and submit for approval to the Minister of Justice standard forms of the form and the protocol under Article 6a (2) and (3) and of the declaration under Article 18 (7).

§ 24. This Act shall enter into force three months after its promulgation in the State Gazette, with the exception of § 21 and § 23, which shall be effective from the day of promulgation.