

No. 26456

MULTILATERAL

European Convention on the compensation of victims of violent crimes. Concluded at Strasbourg on 24 November 1983

Authentic texts: English and French.

Registered by the Secretary-General of the Council of Europe, acting on behalf of the Parties, on 6 March 1989.

MULTILATÉRAL

Convention européenne relative au dédommagement des victimes d'infractions violentes. Conclue à Strasbourg le 24 novembre 1983

Textes authentiques : anglais et français.

Enregistrée par le Secrétaire général du Conseil de l'Europe, agissant au nom des Parties, le 6 mars 1989.

EUROPEAN CONVENTION ¹ ON THE COMPENSATION OF VICTIMS OF VIOLENT CRIMES

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

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

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

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

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

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

Have agreed as follows:

PART I. BASIC PRINCIPLES

Article 1

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

Article 2

1. When compensation is not fully available from other sources the State shall contribute to compensate:

¹ Came into force on 1 February 1988, i.e., the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe had deposited an instrument of ratification, acceptance or approval with the Secretary-General of the Council of Europe, in accordance with article 15 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
Denmark	9 October 1987
(With a declaration of non-application to the Faeroe Islands and Greenland.)	
Luxembourg	21 May 1985
Netherlands	16 July 1984 A
(For the Kingdom in Europe.)	

Subsequently, the Convention came into force for the following state on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval with the Secretary-General of the Council of Europe, in accordance with article 15 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Sweden	30 September 1988
(With effect from 1 January 1989.)	

a. Those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence;

b. The dependants of persons who have died as a result of such crime.

2. Compensation shall be awarded in the above cases even if the offender cannot be prosecuted or punished.

Article 3

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

a. To nationals of the States party to this Convention;

b. To nationals of all member States of the Council of Europe who are permanent residents in the State on whose territory the crime was committed.

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

1. Compensation may be reduced or refused on account of the victim's or the applicant's conduct before, during or after the crime, or in relation to the injury or death.

2. Compensation may also be reduced or refused on account of the victim's or the applicant's involvement in organised crime or his membership of an organisation which engages in crimes of violence.

3. Compensation may also be reduced or refused if an award or a full award would be contrary to a sense of justice or to public policy ("ordre public").

Article 9

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

Article 10

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

Article 11

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

PART II. INTERNATIONAL CO-OPERATION

Article 12

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

Article 13

1. The European Committee on Crime Problems (CDPC) of the Council of Europe shall be kept informed regarding the application of the Convention.

2. To this end, each Party shall transmit to the Secretary-General of the Council of Europe any relevant information about its legislative or regulatory provisions concerning the matters covered by the Convention.

PART III. FINAL CLAUSES

Article 14

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

Article 15

1. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 14.

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

Article 16

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe¹ and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

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

Article 17

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

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

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

Article 18

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

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

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

Article 19

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

¹ United Nations, *Treaty Series*, vol. 87, p. 103.

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

Article 20

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

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

[For the testimonium and signatures, see p. 48 of this volume.]

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Convention.

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

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Strasbourg, le 24 novembre 1983, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des Etats membres du Conseil de l'Europe et à tout Etat invité à adhérer à la présente Convention.

For the Government
of the Republic of Austria:

Pour le Gouvernement
de la République d'Autriche :

For the Government
of the Kingdom of Belgium:

Pour le Gouvernement
du Royaume de Belgique :

For the Government
of the Republic of Cyprus:

Pour le Gouvernement
de la République de Chypre :

For the Government
of the Kingdom of Denmark:

Pour le Gouvernement
du Royaume de Danemark :

U. ELLEMANN-JENSEN

For the Government
of the French Republic:

Pour le Gouvernement
de la République française :

CHANDERNAGOR

For the Government
of the Federal Republic
of Germany:

Pour le Gouvernement
de la République Fédérale
d'Allemagne :

JÜRGEN MOLLEMANN

For the Government
of the Hellenic Republic:

Pour le Gouvernement
de la République hellénique :

K. PAPOULIAS

For the Government
of the Icelandic Republic:

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland:

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic:

Pour le Gouvernement
de la République italienne :

For the Government
of the Principality of Liechtenstein:

Pour le Gouvernement
de la Principauté de Liechtenstein:

For the Government
of the Grand Duchy of Luxembourg:

Pour le Gouvernement
du Grand-Duché de Luxembourg :

FLESCH

For the Government
of Malta:

Pour le Gouvernement
de Malte :

For the Government
of the Kingdom of Netherlands:

Pour le Gouvernement
du Royaume des Pays-Bas :

H. VAN DEN BROEK

For the Government
of the Kingdom of Norway:

Pour le Gouvernement
du Royaume de Norvège :

SVENN STRAY

For the Government
of the Portuguese Republic:

Pour le Gouvernement
de la République portugaise :

For the Government
of the Kingdom of Spain:

Pour le Gouvernement
du Royaume de l'Espagne :

For the Government
of the Kingdom of Sweden:

Pour le Gouvernement
du Royaume de Suède :

PIERRE SCHORI

For the Government
of the Swiss Confederation:

Pour le Gouvernement
de la Confédération suisse :

For the Government
of the Turkish Republic:

Pour le Gouvernement
de la République turque :

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

Pour le Gouvernement
du Royaume-Uni de Grande-Bretagne
et d'Irlande du Nord :

YOUNG
