

ANNEX 2

Public

Non-exhaustive list of relevant domestic sources relating to the right of victims to reparation

- **Algeria:** Information Act (No. 90-70) of 3 April 1990, art. 27, allowing any institution with a human rights or child protection mandate to sue for damages in criminal proceedings;
- **Armenia:** Criminal Procedure Code, art. 59(15)-(17) (victim's right to compensation and restitution);
- **Belgium:** *Loi portant des mesures fiscales et autres*, 1985, art. 28 (creation of a special trust fund for victims of wilful violent acts and casual rescuers), art. 31 (eligible victims), art. 31bis(3) (compensation awarded regardless of the conviction of the alleged offender);
- **Bolivia:** Criminal Code, 2003, art. 87, 89, 91, 94 (right of victims to receive restitution from the offender through a trust fund);
- **Cambodia:** Criminal Procedure Code, art. 2 (civil action), 14 (right to reparations), 22 (jurisdiction of criminal court on civil action), 23 (requirement of a conviction prior to granting reparations);
- **Canada:** Criminal Code (R.S., 1985, c. C-46), art. 738; Province of Québec : *Loi sur l'aide aux victimes d'actes criminels* 1988, (L.R.Q., ch-A-13.2), art. 3 (victims' right to reparations), art. 11 (creation of a trust fund for victims of criminal acts) and art. 13 (compensation awarded regardless of a conviction of the alleged offender);
- **Chile:** Criminal Procedure Code, *Ley 19696*, 2000, art. 6 (Measures to facilitate reparation of the harm caused to victims, irrespective of a civil action), art. 59 (civil action during the course of criminal proceedings), art. 109(c) (right of victims to claim damages);

- **China (People's Republic of):** Criminal Law, 1 July 1979, art. 31 (victims' right to reparation of economic losses); art. 87 (victims' right to civil action before criminal courts);
- **Colombia:** Criminal Procedure Code, *Ley 906*, 2004, art. 11 (c) (right of victims to prompt and full reparation of harm suffered) and art. 137 (victims' intervention in the course of criminal proceedings);
- **Costa Rica:** Criminal Code, *Ley 4573*, 1970, art. 103 (jurisdiction of criminal courts over civil claims for reparations);
- **Czech Republic:** Law of 31 July 1997 on Compensation for Victims (209/1997 Sb.) (creation of a State compensation scheme; compensation can be awarded even in the absence of a conviction(sect. 5(2));
- **Democratic Republic of Congo:** Criminal Code, art. 15 (jurisdiction of criminal courts to award damages); Criminal Procedure Code, art. 69-70 (victims right to initiate civil action in the course of criminal proceedings);
- **Estonia:** Code of Criminal Procedure, RT I 2002, 85, 503, art. 41 (right to civil action in the course of criminal proceedings); Victim Support Act, RT I 2004, 2, 3, art. 1 (State compensation to victims of crime) and art. 7 (extent of compensation)
- **Ethiopia:** Criminal Code, Proclamation N. 414/2004, art. 101 (victim's right to restitution), 102 (victim's right to compensation);
- **Finland:** Act on Compensation for Crime Damage (985/1973), sect. 1(1) (compensation from State funds), sect. 2 (victim's right to compensation, without condition of offender's conviction);
- **France:** Code of Criminal Procedure, art. 2 (right of victims to initiate civil action before criminal courts); art. 706-3 (victim's right to full reparation of the

harm suffered as a result of a criminal offence); 706-4 (jurisdiction of a special compensation commission to determine on claims for reparations); 706-7 (allowance of damages by the compensation commission prior to criminal conviction possible); 706-8 (deduction of damages granted by the compensation commission from damages granted by the court); 706-12 (civil action and claims before the compensation commission);

- **Italy:** Criminal Code, art. 185 (restitution); Criminal Procedure Code, art. 74 (victim's right to initiate civil action in the course of criminal proceedings);
- **Kazakhstan:** Criminal Procedure Code, Law 206, art. 12(3) (victim access to justice and compensation of harm caused) and art. 75(4) (victim's right to compensation);
- **Mexico:** *Ley de Atención y Apoyo a las Víctimas del Delito para el Distrito Federal*, 2003, art. 11 (3) (victims' right to reparation) and art. 25 (trust fund for victims);
- **Moldova:** Criminal Procedure Code, No. 122-XV, 2003, art. 61 (victim's right to civil action in the course of criminal proceedings), 219 (victim's right to reparation);
- **Netherlands:** Act of 23 December 1992 supplementing the Criminal code, the Code of Criminal Procedure, the Criminal Injuries Compensation Fund Act and other acts containing provisions on behalf of victims of criminal offences, art. 1 (amending the Court (organization) act providing jurisdiction of criminal courts on victims' claims for compensation), art. 7 (offender's conviction is not a condition for compensation);
- **Nicaragua:** Criminal Procedure Code, art. 110 (7) (right of victims to initiate civil action in the course of criminal proceedings);

- **Norway:** Criminal Procedure Act, Sect. 3 (civil claims pursued in connection with criminal cases);
- **Oman:** Report to the UN Committee on the Rights of Child, May 2006, p. 9, para. 24 (referring to victims' right to claim compensation in Omani Penal Code);
- **Peru:** Criminal Procedure Code, No. 957, art. 98 (civil action in the course of criminal proceedings);
- **Philippines:** Anti-violence against Women and their Children Act, No. 9262, 2004, Sect. 36 (right of victims to actual, compensatory, moral and exemplary damages);
- **Portugal:** Criminal Procedure Code, Law 324/2003, art. 74 (order of civil compensation); Law on Compensation of Victims of Crimes, 31/2006;
- **Qatar:** Criminal Procedure Code, art. 19-26 (right of victims of criminal offences to civil action before criminal courts);
- **Rwanda:** Code of Criminal Procedure, Law N. 13/2004, art. 130 (civil action for damages arising from criminal offences) and art. 131-137 (civil claims before criminal courts); Organic Law N. 16/2004 Establishing the Organization, Competence and Functioning of Gacaca Courts Charged with Prosecuting and Trying the Perpetrators of the Crime of Genocide and Other Crimes against Humanity Committed between 1st October 1990 and 31 December 1994, art. 94-96 (compensation for damaged property and other forms); Organic Law N. 51/2008 Determining the Organisation, Functioning and Jurisdiction of Courts, art. 160-165 (civil action for damages arising from criminal offences);
- **Russian Federation:** Criminal Procedure Code, No. 174-FZ, 2001, art. 42(3) (victim's right to compensation for property damage), 42(4) (victim's right to

compensation of the moral damage), 44 (victim's right to civil action in the course of criminal proceedings);

- **Salvador:** Criminal Procedure Code, art. 13(9) (rights of victims to reparations);
- **South Africa :** Criminal Procedure Act 51 of 1977, Chapter 29, ss 300-301 (jurisdiction of the criminal court to award compensation to victims for damage to or loss of property after conviction);
- **Switzerland:** Loi fédérale sur l'aide aux victimes d'infractions, RS 312.5, 1991, art. 11 (right of victims to claim reparation before criminal courts);
- **United Kingdom:** Criminal Injury Compensation Scheme, 2008, Sect. 6-12 (right of victims of criminal injury to compensation, irrespective of the offender's conviction (sect. 10));
- **United States:** US Code Collection, art. 3525 – Victims' Compensation Fund and art. 3771 – Crime Victims' Rights, sect. (a)(6) (crime victims' right to full and timely restitution); Alabama: Code of Alabama, 1975, Title 15, art. 1, sect. 15-23-40 (creation of a crime victim compensation commission) and art. 3, sect. 15-23-77 (right to have property returned); Alaska: Alaska Constitution to all Crime Victims, Art. I, sect. 24 (restitution by the accused person); California: Victims' Bill of Rights, Art. I, sect. 25 (victims' right to seek restitution) and 28(b) (restitution by offender) Idaho: Constitution, sect. 22 – Rights of Crime Victims, par. 7 (right of victims to restitution); Illinois: Constitution, sect. 8.1 – Crime Victim's Rights, par. (a)(10)(right of victims to restitution); Louisiana: Constitutional Amendment for Victims' Rights, art. I, sect. 25 (right of victims to restitution); Michigan: Constitution, Sect. 24 – Rights of Crime Victim, par. 1 (right of victims to restitution); Missouri: Constitution, art. 1, sect. 32(1)(4) (right to restitution); South-Carolina: Constitution, sect. 24(A)(9)(right to restitution); Texas: Constitution, sect. 30(a)(4)(right to restitution); Virginia:

Constitution, art. I, sect. 8(a)(5)(right to restitution); Wisconsin: Constitution, art. I, sect. 9m (right to restitution);

- **Venezuela:** Organic Law for the Protection of Children and Adolescents, N. 5.266, 1998, art. 662(d)-(e) (right to join the Prosecution or to initiate civil action before criminal courts);
- **Zambia:** Criminal Procedure Code, Sect. 175, para. 30 (convicted person adjudged to make compensation to victims of offence).