



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**  
*Qeveria - Vlada - Government*

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**ADMINISTRATIVE INSTRUCTION (GRK) NO. 08/2023  
ON THE MANNER OF COMPENSATION INCLUDING  
CALCULATION OF COMPENSATION FOR MULTIPLE  
DAMAGES<sup>1</sup>**

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<sup>1</sup> Administrative Instruction (GRK) No. 08/2023 on the manner of compensation including calculation of compensation for multiple damages has been approved in the 172<sup>th</sup> Meeting of the Government of the Republic of Kosovo, with the Decision No. 04/172, dated 08.11.2023.

## **Government of the Republic of Kosovo**

Pursuant to Article 93 (4) of the Constitution of the Republic of Kosovo, in line with the Article 10, par 3 of the Law No. 08/L -109 for Crime Victim Compensation, Article and Article 8, paragraph 4, subparagraph 4.5 of Law No. 08/L-117 for the Government of the Republic of Kosovo, as well as Article 19, paragraph 6, sub-paragraph 6.2 of Regulation No. 09/2011 of Government Work,

Issues:

### **ADMINISTRATIVE INSTRUCTION (GRK) NO. 08/2023 ON THE MANNER OF COMPENSATION INCLUDING CALCULATION OF COMPENSATION FOR MULTIPLE DAMAGES**

#### **Article 1 Purpose and scope**

- 1.The purpose of the present Administrative Instruction is to determine the manner of crime victim compensation, including the procedure for receiving, processing, reviewing applications, calculation and decisionmaking on compensation for crime victims and their dependents.
- 2.The provisions of the present Administrative Instruction are mandatory for all natural and legal persons who participate in the process of crime victim compensation.

#### **Article 2 Victim's Rights**

1. The victim must be fully informed about her/his rights, procedures and the review process, limitations and requirements for applying in the compensation program.
2. In order to inform victims, the Ministry of Justice drafts the guidelines for the process of application and assessment of applications.

#### **Article 3 Entitlement to Compensation**

1. Types of violent offenses that fall under the category of compensable offenses are all offenses resulting in the death of the victim, serious bodily injury, damage to physical and mental health, except for criminal offenses against public traffic safety, as defined in Article 6 of the Law.
2. The formal and material conditions that the victim must fulfill in order to acquire the right

to compensation are defined in the Law. For cross-border situations, applicants should also take into account conditions stipulated by Articles 33, 34 and 35 of the Law as well as Articles 19, 20 and 21 of the present Administrative Instruction.

3. The criminal past of the victim is taken into account only if the victim was involved in criminal offenses so serious that the compensation would be contrary to the sense of justice or public order, or the compensation would consist of undue use of public funds.

4. The Commission will also take into account whether the victim contributed to or exacerbated the harm caused by the criminal offense.

#### **Article 4** **Compensation Beneficiaries**

1. The following have the right to claim compensation from the state, under the law:

1.1. victims of compensable criminal offenses under the Law;

1.2. family members and dependents of the victim;

1.3. random victims if they meet the requirements set forth in the provisions of the Law.

2. Victims may seek compensation for injuries, damages and expenses as follows:

2.1. physical injury or damage to health;

2.2. mental health impairment;

2.3. compensation for mental suffering;

2.4. loss of right to subsistence if there are defendants and contributors to their subsistence;

2.5. damage or destruction of medical equipment;

3. Dependents may seek compensation for expenses as follows:

3.1. compensation for mental suffering due to loss of a family member;

3.2. loss of the right to subsistence in case of death of the victim;

3.3. medical and hospitalization expenses;

3.4. burial expenses;

3.5. compensation in situations manifested according to Article 20, paragraph 2 of the Law.

#### **Article 5** **Compensation for physical injury or damage to health**

- 1.The application by applicants for compensation for physical injury or damage to health is made in accordance with Article 11 of the Law.
2. The Commission determines the degree of suffering and levels of compensation based on the documentation submitted by the applicant for compensation in accordance with Article 11 paragraph 3 of the Law.
3. The injury or damage according to Article 11 of the Law must be of a serious nature in accordance with Article 6, paragraph 1.2 and 1.3 of the Law.
- 4.In order to meet compensation requirements from Article 11, paragraph 3.1 of the Law, the consequence caused must be in accordance with the definition provided for in Article 186, paragraph 1, sub-paragraphs 1.1, 1.2 and 1.3. of the Criminal Code of Kosovo, provided that the injuries, damage or illness have a duration of more than 6 weeks.
- 5.In order to meet the compensation requirements from Article 11, paragraph 3.2 of the Law, the consequence caused must be in accordance with the definition provided in Article 186, paragraph 2, sub-paragraphs 2.1, 2.2, 2.3, 2.4 and 2.5 of the Criminal Code of Kosovo, provided that the injuries, harm or illness have long-term or permanent consequences.
- 6.The Commission also determines the amount of compensation for expenses incurred for hospitalization, medication and other follow-up services necessary for treatment of victims for injuries according to this Article. The compensation will only cover expenses documented with a fiscal coupon by the applicant, which were not provided free of charge by a health-care institution.
7. Compensation under this Article does not include rehabilitation therapies in thermal baths.
- 8.All services must be recommended and provided by licensed medical specialists in the relevant field.
- 9.Dependents of the victims who have covered the costs of hospitalization, medications and other services for treatment of victims, have the right to compensation based on the presented documentation pursuant to the above requirements.
- 10.The Commission, in accordance with Article 11 paragraph 5 of the Law, shall by unanimous vote, have the discretion to go beyond the maximum amount of compensation according to Article 11 paragraph 4 of the Law, if it reasonably considers that expenses incurred for the treatment of the severe injury or damage to physical health were necessary.
- 11.Compensation for physical injury or damage to health can be realized through the request for immediate and regular compensation. Within the framework of immediate compensation, the victim can only be compensated for the costs of hospitalization, medications and other follow-up services for treatment of such injury or health damage.

## **Article 6**

### **Compensation for mental health impairment**

- 1.Compensation for mental health impairment according to Article 12 refers to mental health impairment from Article 6, paragraph 1.4 of the Law.

2. To be compensable, mental health impairment must:

2.1. be in such a degree that it affects the victim's ordinary activities;

2.2. affect the psychological state for an extended period of time;

2.3. the victim needs ongoing treatment;

2.4. it should not be a prior disability, injury or disorder which is not a direct consequence of the violent act.

3. The compensation, pursuant to Article 12 par 3.1 and 3.3, will only be awarded for expenses documented with a fiscal coupon by the applicant, which were not provided free of charge by a health-care institution.

4. The compensation based on Article 12, paragraph 3.2, shall be awarded for projected expenses for services provided for treatment of the created condition, if it is determined by field specialists that the victim needs further treatment based on protocols. At the request of the victim, the Commission, based on an assessment of all circumstances, may also review an application for projected expenses under Article 12 paragraph 5 of the Law.

5. In cases of compensation of projected expenses, the Commission may consider the amount of expenses awarded pursuant to Article 12 paragraph 3.1 of the Law.

6. The Commission may request from the relevant institutions to outsource mental health treatment services. In such case, the projected expenses pursuant to paragraph 3.2 of Article 12 of the Law, are paid directly to the outsourced institution.

7. Compensation under Article 11 of the Law does not preclude the victim from seeking compensation based on Article 12 of the Law.

8. To submit an application under the Law, the applicant must:

8.1. present the diagnosis and recommendation of the licensed specialist doctor and the corresponding invoices for the medical treatment and medications necessary to remedy the condition.

8.2. all services must be recommended and provided by licensed medical specialists in the relevant field.

9. Compensation of expenses for mental health impairment can be realized through an application for immediate compensation or an application for regular compensation. In both cases, documentation of expenses is required in accordance with the provisions of the present Article.

## **Article 7**

### **Compensation for psychological suffering**

1. Pursuant to provisions of Article 13 of the Law, victims of the previous categories are

considered to have met the criteria to be qualified for compensation without having to present evidence.

2. For compensation of victims from this category, it is necessary that:

2.1. the case be handled in criminal proceedings and

2.2. it is not necessary for the victim to have suffered an injury or serious damage to physical health.

3. Compensation for psychological suffering can only be realized through an application for regular compensation.

### **Article 8** **Compensation for mental suffering due to loss of a family member**

1. Compensation for this category derives from provisions of Article 14 of the Law.

2. Family members who are eligible to receive compensation under this category are:

2.1. parent, adoptive parent;

2.2. child, adopted child;

2.3. brother or sister;

2.4. husband or wife;

2.5. blood relative living in the same house;

2.6. the person with whom the victim lived in an extramarital union.

3. To prove the relationship from paragraph 2, the applicant must present a family union certificate or any other document that proves such relationship.

4. Compensation for this category is made pursuant to Article 6 of the present Instruction. The total amount of compensation cannot exceed the amount of 3 (three) thousand Euros in total for all family members.

5. To submit an application, the applicant must:

5.1. present the diagnosis and recommendation of the licensed specialist doctor and

5.2. relevant invoices for medical treatment and medications needed to remedy the condition.

6. All services must be recommended and provided by licensed medical specialists in the relevant field.

7. The compensation under the present Article only covers expenses documented with a fiscal

coupon by the applicant, which were not provided free of charge by a health-care institution.

8. Compensation for psychological suffering for the loss of a family member, can only be realized through an application for regular compensation.

### **Article 9** **Compensation for loss of the right to subsistence**

1. Compensation for the loss of the right to subsistence can be granted in cases where the deceased was a contributor to the subsistence of the applicant/s requesting compensation under this Article. Compensation under this paragraph shall not exceed the maximum amount of three thousand (3000) euros.

2. The victim who has dependents and contributes to the support of dependents, has the right to submit a request for compensation on behalf of dependents, according to Article 15, paragraph 2, provided that the victim has not received compensation under Article 11, paragraph 3 of the Law. If the victim submitted the request for compensation under Article 11 paragraph 3 of the Law and simultaneously also under Article 15 paragraph 2 of the Law, the Commission shall assess the most reasonable basis for compensation. Compensation under this paragraph shall not exceed the maximum amount of three thousand (3000) euros.

3. In order to realize the right to compensation under this Article, the victim, respectively the dependents must document employment or any other financial contribution to support dependents, as well as the financial situation of dependents.

4. If more than one dependent has been financially dependent on the victim, the amount of cumulative compensation for dependents will not exceed the total provided by the Law.

5. Compensation for loss of right to subsistence can only be realized through an application for regular compensation.

### **Article 10** **Compensation for funeral expenses**

1. Compensation for funeral expenses is paid in the fixed amount of one thousand (1,000) euros without the need to document the expenses. The applicant must have the authorization of other family members, for submitting the application under Article 28, paragraph 4.2 of the Law and for accepting such compensation under Article 16, paragraph 2 of the Law. The authorization must specify whether it only covers the submission of the application or the acceptance of compensation as well.

2. Expenses for transportation of the corpse from another country to the Republic of Kosovo are payable expenses that can be claimed beyond the amount provided for in Article 16, paragraph 1 of the Law. Such compensation covers situations where the victim, due to injury as a result of a compensable criminal offense, was sent for treatment abroad.

3. Compensation under paragraph 2 of this Article does not cover the costs of transporting the victim for treatment to another country or the costs of the victim's escorts. The applicant must document with reliable evidence that the expenses from this Article have been covered by himself/herself. Family members of the deceased victim, Republic of Kosovo national, have

the right to compensation.

4. Compensation of funeral expenses can be realized through an application for immediate compensation or an application for regular compensation.

### **Article 11** **Compensation for damages or destruction of medical equipment**

1. Compensation from this Article can only be granted in case of damage to equipment necessary for health or quality of life of the victim.

2. For the purposes of this Article, the expression "quality of life" shall mean the standard of health and well-being of an individual.

3. Equipment from paragraph 1 of this Article include but are not limited to:

3.1. hearing aids ;

3.2. wheelchairs ;

3.3. dioptric glasses ;

3.4. orthopedic prosthesis;

3.5. dental prosthesis;

3.6. other equipment that the Commission considers necessary.

4. The applicant must provide a fiscal coupon for payment of expenses for the repair or purchase of the new equipment damaged as a result of the criminal offense. Compensation for equipment will be based on the reasonable price for the damaged equipment.

5. Compensation of expenses for this type of compensation can be realized through an application for immediate compensation or an application for regular compensation.

### **Article 12** **Compensation of victim from other sources and its relation with the compensation under the Law**

1. Victims and their dependents cannot receive double compensation for the same damage.

2. When compensating the victim, other compensations in accordance with Article 19 of the Law will be taken into account.

3. Where the Commission takes a decision on compensation, the competent court will be notified of the Commission's decision and the transfer of the application pursuant to provisions of Article 40 of the Law.

4. The notification of the Commission addressed to the Court when assessing the amount of compensation, requires to ensure that the part of restitution ordered on the defendant is



separated from the part that will be compensated to the victim, and that those funds be transferred to the Kosovo Budget, notifying the Commission thereof.

5. In any case when the beneficiary of compensation realizes compensation from any source for the same damage compensated by the state, the beneficiary has the obligation

to act based on provisions of Article 41 paragraph 2 of the Law.

### **Article 13 Compensation Application**

1. Compensation application forms are drafted by the Ministry of Justice and published on the official website of the Ministry of Justice together with other necessary guidelines for all local and cross-border situations.

2. Forms and supporting documents submitted to the Ministry of Justice are confidential and must be handled in line with the relevant applicable legislation.

### **Article 14 Immediate Compensation Application**

1. The Immediate Compensation Application can only be filed by applicants listed in Article 8, paragraph 1 of the Law and only provided that conditions from paragraph 3 of the same Article of the Law are met.

2. Immediate compensation may be granted for:

2.1. Funeral expenses;

2.2. In case of injury or serious physical damage, the expenses paid for hospitalization, medications and other follow-up services necessary for the treatment of the victim in accordance with Article 11, paragraph 4 of the Law.

3. In case of mental health impairment:

3.1. expenses paid for the treatment of the victim based on Article 12 paragraph 3.1 of the Law;

3.2. expenses of hospitalisation, medication or other follow-up services based on Article 12, paragraph 3.3 of the Law;

3.3. expenses paid for the purchase or repair of medical equipment necessary for the victim's health, based on Article 17 of the Law.

4. Other reasonable expenses that can be compensated based on Immediate Compensation Application pursuant to Article 8, paragraph 2.2.2 of the Law can be as follows:

4.1. expenses for moving to another place of residence;

4.2. temporary housing expenses immediately after the crime;

4.3. expenses for basic needs;

4.4. other compensations which the Commission deems necessary and reasonable.

5. With the exception of funeral expenses, all other Immediate Compensation Applications expenses must be documented with a fiscal coupon.

6. The Commission shall determine the amount of compensation depending on the type of compensation requested under this Article. Immediate compensation may not exceed the total amount of three thousand (3,000) euro. For the outstanding compensation, the victim may submit an application for regular compensation according to the Law.

7. The Commission has discretion regarding the amount and reasonableness of compensation for reasonable expenses from paragraph 3 of the present Article.

### **Article 15** **Regular Compensation Application**

1. For a Regular Compensation Application, a final Decision of the Court that adjudicated the criminal matter and any other applicable documentation provided by Law and this Administrative Instruction must be attached.

2. For applications that were initially accepted as part of the immediate compensation, compensation shall be awarded for the remaining uncompensated part and for other categories for which the victim has not been compensated.

3. The request for regular compensation can be submitted for the types of violent crimes that fall into the category of compensable crimes that result in the death of the victim, serious bodily injury, damage to physical and mental health, as defined under Article 6 of Law.

4. In accordance with Article 28, paragraph 3 of the Law, the final decision or any other official document to prove situations mentioned in that paragraph, shall be attached to the application submitted for situations from Article 9 paragraph 5 of the Law.

### **Article 16** **Completion and submission of Compensation Application**

1. The applicant must complete a form in order to submit a compensation application.

2. For the submission of the compensation application, applicants must take into account deadlines provided for in Article 29 of the Law.

3. The completed application together with the relevant documentation shall be submitted to the address of the Ministry of Justice addressed to the Division supporting the Crime Victim Compensation Commission in one of the following ways:

3.1. in person;

3.2. by mail;

3.2. by e-mail to the Commission's account.

4. The victim, respectively dependents can authorize another person in writing to complete and submit the application to the Ministry of Justice. A copy of the authorization shall be attached to the application. The authorization must specify whether it covers only the submission of the application or also for the acceptance of compensation.

5. The application submitted in any form under the present Article must be signed by the applicant.

6. The applicant, through his signature, guarantees the authenticity of the data and evidence presented in the application.

7. The applicant consents to the processing of personal data in accordance with the applicable legislation.

8. The applicant consents to the clause for the transfer of application addressed to the perpetrator, to the Government of the Republic of Kosovo up to the amount of awarded compensation.

### **Article 17**

#### **Documents to be attached to compensation application**

1. According to Article 28 of the Law, the applicant has the obligation to attach additional documents depending on the type and category of compensation.

2. In the event of the inability to produce official documents, the Commission, based on Article 32 of the Law, may request from the relevant authorities' access to data on the circumstances and facts relevant for decision-making.

3. In addition to the form and documents required by the Law, the applicant may attach any document he/she considers relevant in support of the application.

### **Article 18**

#### **Assessment Standard**

The Commission shall assess the request using the standard of reasonable assessment. The information presented should convince an objective observer of the authenticity of requested information or facts. The Commission assesses reasonableness depending on the circumstances of the case.

### **Article 19**

#### **Compensation of foreign expenses**

1. Foreign nationals who are victims of violent crimes compensable under the Law, can submit a compensation application through their national authorities.

2. Exceptions to the above paragraph are cases where the conditions for immediate access to compensation are met according to the provisions of Article 9 of the Law, whereby the application from the foreign victim, that continues to be present in Kosovo, can be submitted based on the same procedure as that for local victims.

## **Article 20**

### **Communication between authorities in local cross-border situations**

1. In cases where the request for compensation is submitted by the victim or a foreign authority, the Ministry of Justice shall forward the request to the Commission for review within 7 days.

2. Communication between the authorities will be done through the standard form for international communication approved by the Ministry of Justice based on the provisions of Article 34 paragraph 2 of the Law.

3. In addition to the official form for communication between authorities according to the above paragraph, foreign authorities must also attach the application form pursuant to provisions of Article 27 paragraph 7 of the Law as well as all other necessary documentation in support of the application pursuant to Article 28 of the Law.

4. Documents submitted by foreign authorities submitted in English will, as necessary, be translated into the official languages of Kosovo for the members of the Commission. Translation costs are covered by the Ministry of Justice.

5. In case there is a need for a hearing based on the provisions of Article 34 paragraph 7 of the Law, the Ministry of Justice will facilitate this hearing as soon as possible and coordinate with the foreign authority to provide, as necessary, translation for the member/s of the Commission.

6. After receiving the decision from the Commission, the Ministry of Justice will ensure that the decision is translated, as necessary, into the relevant language acceptable under the laws of that country.

7. The decision must be sent to the foreign authority no later than 60 days after being rendered by the Commission.

## **Article 21**

### **Communication between authorities in foreign cross-border situations**

1. In cases where a citizen of the Republic of Kosovo has fallen victim to any compensable criminal offense according to the laws of that country, and he/she has not had the opportunity to submit an application for compensation directly in that country, the victim can submit a compensation application through the Ministry of Justice, requesting support in submitting the application from the relevant authorities of that country.

2. The Ministry of Justice will provide the necessary information within 60 days if the compensation of the national of the Republic of Kosovo is possible and acceptable under the laws of the country where the crime was committed.

3. If compensation is not possible under that country's law, the applicant will be notified within 30 days of the receipt of such information. The victim shall also be informed that pursuant to

Article 7 paragraph 1.2 of the Law, he/she has the right to submit an application directly to the Compensation Program Commission.

4. In the event the submission of the compensation application in the country where the criminal offense was committed is possible, the Ministry of Justice will contact the relevant foreign authorities as soon as possible.

5. The Ministry of Justice, shall maintain communication with foreign authorities through the relevant office for international legal cooperation.

6. The Ministry of Justice will ensure that the application is submitted in the form and language acceptable under the laws of the foreign country.

7. The office of the Ministry of Justice responsible for communication, based on paragraph 5 of the present Article, will keep the Commission informed continuously about any inquiry and communication with foreign authorities.

8. The Ministry of Justice will bear the costs of translating the documents into the relevant language.

9. In case of a request for a hearing by foreign authorities according to Article 35 paragraph 6 of the Law, the Ministry of Justice will take care of the arrangements for the hearing and translation.

10. The Ministry of Justice will notify the victim as soon as possible of any decision taken by the foreign authorities communicated to the Ministry of Justice.

11. The Ministry of Justice will ensure to contact authorities of that country on a periodic basis, depending on the deadlines provided in the laws and regulations of the respective country, to request information on the status of the submitted application.

## **Article 22**

### **Confidentiality and Personal Data Protection**

1. The registration, maintenance and use of personal data of these persons shall be done in accordance with the relevant provisions of the applicable legislation.

2. The unit will create a database for all submitted applications and related decisions.

3. The data included in the compensation application can only be used for the purpose of exercising the right to financial compensation based on the Law and cannot be used for other purposes.

## **Article 23**

### **Repeal**

Upon entry into force of this Administrative Instruction, Administrative Instruction (GRK) no 01/2017 on the manner of compensation including the calculation of the compensation for multiple damages.

**Article 24**  
**Entry into force**

This Administrative Instruction shall enter into force seven (7) days after its publication in the Official Gazette of the Government of the Republic of Kosovo.

**Albin Kurti**

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**Prime Minister of the Republic of Kosovo**

Date: 30 November 2023