

Compensation to crime victims

Abstract

This diploma thesis deals with the issue of compensation to crime victims, specifically compensation provided by the state, whether under the name of financial assistance or compensation. One of the aims of the thesis was to subject the current legislation to a critical analysis and point out its possible imperfections. I also addressed the question of whether effective legislation succeeds in achieving the objectives set, namely the protection of the victim, the determination of clear conditions for the provision of compensation by the state and facilitating the victim's position in obtaining information and applying for financial assistance. Finally, the sub-objective was also to formulate *de lege ferenda* proposals that would help resolve the ambiguities and inaccuracies of the current legislation.

The whole work is divided into five parts, including the introduction and conclusion. The first chapter is devoted to the theoretical definition of the key institutes necessary to understand the issue. Here I elaborate on the concepts of victimology and related victim facilitation, victimization and provide an overview of the most common typologies of victims.

The second chapter introduces the reader to the key concept of crime victims, both from a victimological point of view and from the point of view of international, European and Czech law. It provides an overview of the most important international and European documents that have fundamentally influenced the development of the rights of victims of crime in the field of compensation. Special attention is paid to the distinction between direct and indirect victims in the context of Act No. 45/2013 Coll., On Victims of Crime. Likewise, the difference between the terms injured party and victim of crime will not go unnoticed.

In the third chapter I provide an overview of the issue of compensation. It introduces the reader to a possible understanding of the meaning of the term compensation, introduces various compensation theories and outlines how international and European organizations deal with compensation. It also presents a view of the development of the Czech legislation on the provision of financial assistance. In a substantial part of the chapter, I analyze the current legislation on the provision of financial assistance with attention to its possible imperfections. Finally, the chapter will also acquaint the reader with the legislation on compensation to crime victims in South Australia, which has a number of features in common with the Czech Victims of Crime Act.

At the end of the thesis I evaluate the functionality of the Czech legal regulation of financial assistance with regard to the protection and rights of victims and I bring possible solutions *de lege ferenda* in the interest of understandability and clarity of the functioning of compensation from state funds.

Key words: victim of a crime, compensation, financial assistance