

CJEU Strengthens Protection of Crime Victims by Requiring Compensation for Non-Material Harm

Anna Pingen

On 2 October 2025, the ECJ held in [Case C-284/24 \(LD\)](#) that EU law precludes national compensation schemes for victims of violent intentional crimes that, as a matter of principle, exclude compensation for pain and suffering. Ruling on a reference from the Irish High Court, the ECJ interpreted Art. 12(2) of [Directive 2004/80](#) as requiring that “fair and appropriate compensation” must be capable of contributing to the reparation of both material and non-material harm, including mental and emotional suffering. While Member States retain discretion and are not obliged to provide full civil-law damages, the judges in Luxembourg clarified that compensation cannot be merely symbolic and must reflect the seriousness of the harm suffered by the victim.

Facts of the case and legal challenge

LD, a Spanish national residing in Ireland, was the victim of a violent assault in Dublin in July 2015, which caused serious physical injuries, including permanent partial loss of vision, as well as psychological harm. He applied for compensation under the Irish criminal injuries compensation scheme.

Although the Irish Criminal Injuries Compensation Tribunal acknowledged his injuries and awarded a small sum covering specific out-of-pocket expenses, it did not grant any compensation for pain and suffering. This exclusion was based on Irish rules introduced in 1986, which removed compensation for non-material harm in order to limit the financial burden on the State.

LD challenged this outcome before the Irish High Court, arguing that a compensation scheme excluding compensation for pain and suffering was incompatible with Art. 12(2) of Directive 2004/80/EC, which requires Member States to ensure “fair and appropriate compensation” for victims of violent intentional crime. The High Court referred several questions to the Court of Justice concerning the scope of that obligation.

The ECJ’s reasoning

The ECJ recalled that Directive 2004/80 establishes a subsidiary compensation scheme, intended to provide support when victims cannot obtain adequate redress from the offender. While Member States enjoy discretion in shaping their schemes and are not required to offer full tort-style compensation, that discretion has limits.

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It stressed that compensation cannot be merely symbolic or manifestly inadequate in light of the seriousness of the harm suffered. “Fair and appropriate compensation” must reflect both material and non-material harm, even if only partially.

Interpreting Art. 12(2) in light of the Directive’s purpose, the Charter of Fundamental Rights, and the Victims’ Rights Directive (Directive 2012/29/EU), the ECJ held that non-material harm forms part of the concept of harm suffered by victims. This includes mental and emotional harm, such as pain and suffering. Excluding such harm, in principle, undermines the requirement that compensation take account of the seriousness of the consequences for the victim.

In conclusion, a national scheme which, as a matter of principle, excludes any compensation for pain and suffering exceeds the discretion allowed under EU law and is incompatible with Art. 12(2) of Directive 2004/80.

Put in focus

The case returns to the Irish High Court, which must apply the ECJ’s interpretation to the dispute before it. In practice, Ireland will need to reassess whether its compensation scheme for crime victims complies with EU law, particularly as regards the exclusion of non-material harm.

More broadly, the judgment reinforces the fact that Member States must ensure that national compensation schemes for victims of violent crime meaningfully reflect the seriousness of both physical and psychological harm, even where budgetary constraints are invoked.

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