

APPLICATION FOR STATE COMPENSATION TO VICTIMS OF CRIME

The State awards compensation for **personal injury** inflicted by violation of the **Criminal Code** (*straffeloven*) or The Act on Restraining, Exclusion Orders and Expulsion (*lov om tilhold, opholdsforbud og bortvisning*).

The State does **not** pay compensation for any injury inflicted by violation of the Road Traffic Act (*færdselsloven*), police regulations or other special acts.

Some of the conditions for being eligible for compensation are:

- that the crime was reported to the police within 72 hours,
- that you have claimed compensation from the offender if the case has been to court, and
- that an application for compensation was sent to the Criminal Injuries Compensation Board within two years of the offence (the time limit is counted from the date the sentence became final or the date of the decision by the police to discontinue the investigation).

You may get compensation, *inter alia*, for:

- treatment expenses
- pain and suffering (days of sickness)
- loss of earnings
- permanent injury
- loss of earning capacity
- clothing, other personal belongings and small amounts of cash that you were carrying when the injury was inflicted
- compensation for loss of dependency and similar loss
- compensation for injury to feelings or reputation (usually only for sexual offences)
- infringement compensation (usually requires, *inter alia*, that the offence carries a sentence of one year or more)

No compensation is awarded where the injury or damage is compensated by the offender or covered by insurance benefits or other benefits in the nature of genuine damages.

Compensation for pain and suffering may be awarded for each day of *sickness* suffered by the victim as a result of the injury. Thus, you may also be awarded compensation for pain and suffering even if you are, for example, unemployed, a pensioner or a student.

Compensation for loss of earnings is the difference between your normal pay and sick pay/sickness benefits. You can ease the processing of your application by enclosing the following with your application form: 1) a statement from your employer, confirming the amount claimed and the calculation of your claim; 2) copies of your payslips the last three months prior to the injury; 3) provide information on the date of your employment; and 4) provide documentation of the amounts received in sick pay/sickness benefits from your employer and/or your local authority. If you are not eligible for sickness benefits from your local authority, please enclose the rejection of your claim for sickness benefits from your local authority. Please note that self-employed persons are also eligible for sickness benefits from their local authority.

Read more about the Criminal Injuries Compensation Board and the Board's work at www.erstatningsnaevnet.dk

On the last page is an excerpt from the State Compensation to Victims of Crime Act.

1. Applicant's name, address and other details and information about legal representative

Family name:	First name(s):	Civil Reg. No. (CPR):
Address:	Postcode:	Town:
Occupation:	Tel.:	Email address:
Are you represented by a legal representative during the Criminal Injuries Compensation Board's consideration of your case? Yes <input type="checkbox"/> No <input type="checkbox"/>		
The name and address of the legal representative:		

1.a. Guardian/receiver, if relevant

Family name:	First name(s):	Civil Reg. No. (CPR):
Address:	Postcode:	Town:
	Tel.:	Email address:

2. Offender

Family name:	First name(s):
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3. When was the offence committed? 3.a. Was the offence committed at work?

Date:	Time:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
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4. Has the offence been reported to the police?

Yes <input type="checkbox"/>	Where?	Date:	Time:
	Police case no:		
No <input type="checkbox"/>	Why not?		

5. Claim for compensation as a result of the offence:

Days of sickness? No <input type="checkbox"/> Yes <input type="checkbox"/>	From (date):	To (date):
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Please see instructions on the front page.

Loss of earnings? No <input type="checkbox"/> Yes <input type="checkbox"/>	From (date):	To (date):	Total	DKK
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Please see instructions on the front page.

Sick pay/sickness benefits from your employer? Yes <input type="checkbox"/>	Total	DKK
No <input type="checkbox"/>	Why not?	

Sickness benefits from your local authority? Yes <input type="checkbox"/>	Total	DKK
No <input type="checkbox"/>	Why not?	

Have you incurred expenses for:	Medicine,	DKK	
Medical certificate,	DKK	Dental treatment,	DKK
Physiotherapy,	DKK	Other expenses for treatment	DKK
		Psychologist,	DKK

Have you incurred **other expenses or losses** (e.g. ruined clothing, other personal belongings, small amounts of cash, transport etc). Documentation for all expenses/losses must be enclosed (receipts, vouchers etc):

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INSURANCE AT THE TIME OF YOUR INJURY

6. Were you covered by one or more of the following types of insurance at the time of the incident?

a. Household or contents insurance No <input type="checkbox"/> Yes <input type="checkbox"/>		Insurer's name, policy and claim no.:
Payment:	DKK	Compensation for:

b. Accident insurance No <input type="checkbox"/> Yes <input type="checkbox"/>		Insurer's name, policy and claim no.:
Payment:	DKK	Compensation for:

c. Group accident insurance No <input type="checkbox"/> Yes <input type="checkbox"/>		Insurer's name, policy and claim no.:
Payment:	DKK	Compensation for:

d. Health insurance "danmark" No <input type="checkbox"/> Yes <input type="checkbox"/>		
Payment:	DKK	Compensation for:

7. Have you received compensation from:

Offender	No <input type="checkbox"/>	Yes <input type="checkbox"/>	DKK	Compensation for:
Local authority	No <input type="checkbox"/>	Yes <input type="checkbox"/>	DKK	Compensation for:

8. Do you have any other comments?

Under section 163 of the Criminal Code, misrepresentation will make you liable for a fine or imprisonment for up to four months.

Date	Signature
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The form must be sent to the police in the district in which the offence was committed.

The police will forward the form to the Criminal Injuries Compensation Board, but only when the police investigation and any court proceedings have been completed.

The Criminal Injuries Compensation Board will notify you upon receipt of your application.

Excerpts from the State Compensation to Victims of Crime Act (lov om erstatning fra staten til ofre for forbrydelser)

Part 1

Personal injury

1.-(1) The State awards compensation and damages for personal injury inflicted by violation of the Criminal Code (*straffeloven*) or The Act on Restraining, Exclusion Orders and Expulsion (*lov om tilhold, opholdsforbud og bortvisning*) where such violation is committed within territory. The same applies to personal injury that occurs in connection with assistance to the police during arrest or in connection with acts done for the purpose of lawful arrest by a civil citizen or prevention of criminal offences.

(2) Compensation is further awarded for damage to clothing and other usual personal belongings, including minor amounts in cash that the victim was carrying when the personal injury was inflicted.

(3) In special situations, compensation may be awarded for injury inflicted by acts committed outside Danish territory if the victim is a Danish resident or a Danish national or at the time of the offence was in the service of a Danish foreign mission abroad. Compensation may also be awarded where such acts are committed against a victim residing in Denmark, while pursuing his trade or profession outside Danish territory.

2. If the victim dies, compensation is awarded under sections 12 to 14 a and 26 a of the Liability in Damages Act (*erstatningsansvarsloven*).

Part 2

Property damage

3.-(1) The State awards compensation for property damage caused by violation of the Civil Criminal Code within Danish territory where such violation is committed by persons:

- (i) in preventive detention in an institution of the Prison and Probation Service;
- (ii) arrested for the purpose of being imprisoned or in custody;
- (iii) transferred to an institution outside the Prison and Probation Service pursuant to section 49(2) of the Criminal Code;
- (iv) admitted to a residential institution for children and young people under the Act on Social Services (*lov om social service*);
- (v) admitted to a prolonged stay at an accommodation facility suitable for long-term accommodation of persons with substantial and permanent impairment of their physical or mental function due to mental retardation, see section 92 of the Act on Social Services; or
- (vi) hospitalised or detained against their will at a hospital or another institution referred to in section 1 of the Act on Hospitalisation of Mentally Ill Persons (*lov om sindssyge personers hospitalsophold*).

(2) Compensation is awarded for damage caused within the bounds of the institution or during authorised stays outside the bounds, or in case a person fails to return from leave or escapes.

(3) ...

(4) ...

Part 3

Common provisions etc.

6.-(1) Compensation is awarded even if the offender is:

- (i) unknown or nowhere to be found;
- (ii) under 15 years old; or
- (iii) of unsound mind.

(2) Compensation is awarded even if the defendant is acquitted in the criminal proceedings provided that the conditions of the Act are otherwise met.

6 a.-(1) Decisions on compensation under this Act are subject to the general rules of Danish law on the liability of offenders, including the rules on reduction or lapse of compensation due to the victim's or the deceased's contribution to the injury or damage or acceptance of the risk of injury or damage.

7.-(1) No compensation is awarded where the injury or damage is compensated by the offender or covered by insurance benefits or other benefits in the nature of genuine damages.

(2) No compensation is awarded to cover any claims for indemnity against the offender.

10.-(1) It is a condition for payment of compensation that the offence was reported to the police within 72 hours and that the victim raises a claim for compensation during any criminal proceedings against the offender.

(2) The provisions of subsection (1) hereof may be deviated from if circumstances make it appropriate.

(3) The police counsel the victim about the right to compensation under this Act.

11.-(1) Any decision on compensation is made by a Criminal Injuries Compensation Board to be set up by the Minister of Justice.

(2) The Criminal Injuries Compensation Board consists of a chairman and one or several deputy chairmen that jointly constitute the chairmanship, and a number of additional members. The chairman and the deputy chairmen of the Criminal Injuries Compensation Board must be High Court judges. The other members of the Board are appointed upon nomination by the Minister for Social Affairs and Integration and the Council of the Danish Bar and Law Society.

(3) The Minister of Justice determines the number of deputy chairmen and other members.

(4) The chairman of the Criminal Injuries Compensation Board, the deputy chairmen and other members are appointed for a term of four years and are eligible for reappointment.

(5) A substitute is appointed for each member of the Board. Subsections (2)-(4) hereof also apply to the appointment of substitutes.

(6) The Minister of Justice will lay down the rules of procedure for the Board and the rules on submission of applications.

11 a.-(1) If the victim's claim for compensation and damages from the offender has been decided judicially, the compensation to be paid under this Act is the amount specified in the conviction, but see sections 7 to 10.

(2) Subsection (1) hereof does not apply in the event that the offender is deemed to have accepted the claim or the amount claimed during the trial.

(3) Notwithstanding subsection (1) hereof, the Board may award a larger compensation or higher damages than the amount specified in the conviction if particular circumstances make it appropriate.

13.-(1) The Board may not consider any applications submitted more than two years after the offence, except in exceptional circumstances.

(2) If a sentence has been passed in the case, the time limit of subsection (1) hereof is counted from the date the sentence became final. If the police have investigated the case without subsequently instituting criminal proceedings, the time limit is counted from the date of the decision by the police to discontinue the investigation.

(3) The Board may not consider an application if the Board has previously considered claims for compensation from the same applicant concerning the same offence and the new claim is submitted more than two years after the applicant realised, or should have realised, the existence of such claim, except in exceptional circumstances.

14.-(1) The Board may invite the applicant to provide further evidence, including to appear before the Board in person, to submit to medical examination in case of personal injury, and, if required, to submit to observation and treatment, possibly by hospitalisation. The Board may also request details deemed essential from other persons with knowledge of such details. To this end, the Board may procure medical records or transcripts of medical records from hospitals.

(2) The Board may demand an examination in court.

(3) If the applicant fails to provide the evidence requested by the Board within a fixed deadline, the Board may decide on the application on the basis of the information available.

15.-(1) Costs pertaining to Board proceedings, including costs pertaining to the examinations referred to in section 14(1), are payable by the State.

(2) In special cases, the Board may decide that costs incurred by the applicant in connection with the case must be reimbursed in full or in part.

16.-(1) The Board makes the final administrative decision on cases referred to the Board.

17.-(1) The State will be subrogated to the victim's claim against the offender to the extent that it pays compensation.

(2) To the extent that the State's recourse claim against the offender can be enforced under section 478 of the Administration of Justice Act (*retsplejeloven*), the claim may be collected under the provisions of the Act on the Procedure for the Collection of Taxes and Duties etc. (*lov om fremgangsmåden ved inddrivelse af skatter og afgifter m.v.*) and by the withholding of the respective offender's income under the provisions for collection of personal taxes set out in the Withholding Tax Act (*kildeskatteloven*). Income withholding orders are issued by the arrears collection authority.

18.-(1) If the applicant has given incorrect information or failed to disclose particulars of relevance to the compensation, repayment of any amount wrongfully received may be claimed.

(2) Repayment may also be claimed if the offender subsequently compensates the injury or damage, or the injury or damage is covered by insurance benefits or other benefits in the nature of genuine damages.