

## **1. Who is eligible for State compensation?**

As a main rule, the conditions for being eligible for compensation are:

(1) that you have suffered harm as a consequence of a violation of the Criminal Code or the Act on restraining orders and occupation orders in Danish territory.

(2) that you have suffered personal injury.

(3) that you reported the crime to the police within 72 hours of the incident.

Late reporting of the crime may be disregarded if, for example, you were unable to report the crime due to serious injury.

(4) that you have made a claim for compensation against the offender if the case has been tried by the court.

(5) that you have claimed compensation from the Board within two years after the offence was committed or after the judgment became final or after the date of the decision by the police to discontinue the investigation.

(6) that the injury is not compensated by the offender or covered by insurance moneys or any other payment in the nature of genuine damages.

You may obtain compensation even though the offender is unknown or cannot be found.

You may also obtain compensation even though the offender cannot be punished because he or she is under 15 years of age or of unsound mind.

Basically, the Board only pays compensation to applicants who are the immediate victims of a criminal offence committed in Denmark.

## **2. What does the compensation cover?**

The Board pays the following forms of compensation and damages:

(1) Compensation for personal property:

- You may get compensation for clothing, minor amounts in cash and other usual personal property that you were carrying when the personal injury was inflicted.

(2) Other losses:

- You may get compensation for temporary and permanent treatment expenses, for example for drugs and treatment ordered by a doctor, prolonged education, special aids, etc.

(3) Lost earnings:

- You may get compensation for lost earnings for the period from the injury was inflicted until you can start work again. The compensation for lost earnings is the difference between your normal pay and sickness pay/sickness benefits.

(4) Pain and suffering (days of sickness):

- You may get financial compensation for every day of absence from your work as a consequence of the injury.

(5) Permanent injury:

- You may get financial compensation for permanent personal injury as a consequence of the incident.

(6) Loss of earning capacity:

- You may get compensation for permanent reduction of your capacity to earn a living by work as a consequence of the injury. The compensation will be fixed on the basis of your income for the year before the injury and will be paid as a lump sum.

(7) Compensation for loss of earning capacity for children and young persons and persons without any personal income:

- Compensation for loss of earning capacity will be fixed as a lump sum on the basis of a standard annual salary.

(8) Fatal injuries:

A: Compensation to survivors in case of the victim's death:

In certain cases, compensation may be awarded to the close relatives of a deceased victim if the death was caused by intent or gross negligence.

B: Funeral expenses:

Compensation may be awarded for reasonable funeral expenses, such as expenses to the undertaker, a funeral reception and layout of the cemetery plot. The person who has paid for the funeral will receive any compensation awarded.

C: Transitional amount:

A surviving spouse or partner may be awarded a transitional amount to cover any small and large expenses arising in connection with the death. In that case, no compensation for funeral expenses will be awarded.

D: Loss of dependency:

Compensation for loss of dependency may be awarded to a surviving spouse or partner and any surviving children who were dependent on the deceased.

(9) Compensation for injury to feelings and reputation (non-pecuniary damage):

You may get compensation for non-pecuniary damage if you have been deprived of your liberty, raped or subjected to incest, indecent exposure or other sexual offence that has violated your feelings, reputation or self-esteem.

(10) Compensation for gross violation:

You may get compensation for gross violation if you have been subjected to a particularly aggravated assault which has resulted in serious injury and may attract a sentence of about one year's imprisonment.

(11) Legal fees:

If you have retained an attorney, the Board may decide in special cases to award compensation for the legal fees, either in full or in part.

### **3. How to apply for compensation?**

The police have a duty to counsel victims of an intentional criminal offence on their right to compensation.

You can collect an application form for compensation from the police. You can also download the application form from the homepage.

You must hand in your application to the police of the police district in which the offence was committed. You should not send your application to the Board. If you are an EU citizen, you may also hand in your application for compensation to the assisting authority in the Member State where you reside.

The police or the assisting authority will forward your application to the Board, but only when the police in Denmark have completed their investigation, and a judgment has been passed, if relevant.

The Board will notify you when it has received the application.

### **4. Notice of the decision**

If you submitted your application for compensation in the Member State where you reside, the Board will send its decision on compensation to you and the assisting authority in that Member State as soon as possible after the decision has been made.

## **5. Payment of compensation and damages**

The compensation and damages will be paid to you or your attorney by the Danish police. If you are under 18 years of age, the compensation/damages will be paid to the person having custody of you.

When the Board has decided the application, a copy of the decision will be forwarded to the police together with a request for payment of the amount awarded to you or your attorney.

The compensation will usually be paid within two weeks after the decision has been made.

Inquiries about payment must be made to the police district in Denmark where the office was committed.

## **6. Complaints**

The Board makes the final administrative decision on the applications.

This means that you cannot complain to any other authority about Board decisions. If you want the Board to review its decision, you first have to contact the Board and describe why you do not agree with the decision. If the Board then upholds its decision, you may bring an action against the Board before the Copenhagen City Court in Denmark.

## **7. Length of proceedings**

In very simple cases where both the question of guilt and the compensation have been determined by judgment, the Board will process the applications within one month of receiving them from the police or the assisting authority.

In the other cases, applicants must expect an average length of proceedings up to 8-9 months after the Board has received the case documents from the police.

If you may have suffered permanent injury and loss of earning capacity as a result of the injury, the Board will submit the case to the National Board of Industrial Injuries (Arbejdsskadestyrelsen) in Denmark. In that case, you have to reckon on longer proceedings of up to about one year from the Board has received the application.

You can help shorten the length of the proceedings by submitting documentation of your claim for compensation to the police in Denmark or to the assisting authority.

The documentation may be a medical certificate from your doctor, receipts for the purchase of drugs and the like, a declaration from your employer, etc