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## If my claim is to be considered in this country

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Netherlands



Netherlands

### For which types of crime can I get compensation for my loss from the Violent Offences Compensation Fund (*Schadefonds Geweldsmisdrijven*)?

All intentional violent crimes, i.e. assault, threats of violence and/or threats made with a weapon, murder, manslaughter, violent robbery and violent sex crimes (indecent assault and rape). Compensation can also be awarded to surviving relatives of a victim of involuntary manslaughter.

### Which type of injury can I get compensation for from the Fund?

The payment is compensation for your pain and suffering (non-material damage) and any financial losses suffered as a result, such as medical expenses you incur for treatment of the injury sustained during the crime or for any loss of earnings due to resultant incapacity for work. The payment is not intended to cover all losses, but is a fixed, one-off, undifferentiated amount paid out as a contribution towards the cost of the damage you have suffered.

### Can I get compensation if I'm a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

Yes, you can get compensation if you are the spouse, partner, (registered) partner or a parent, child, brother or sister of the victim who has died. You may be eligible for compensation for the distress you have experienced as a surviving relative, for the funeral costs you incur and for loss of maintenance due to the loss of the deceased person's income.

### Can I get compensation if I'm a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation?

Yes, the Fund can award compensation to the relatives of victims who have suffered serious and permanent injuries resulting from a violent crime. A deceased person's spouse, (registered) partner, parent, child, brother or sister are all considered to be relatives.

### Can I get compensation if I have witnessed a crime?

Yes, the Fund can award compensation if a person suffers psychological damage due to witnessing an intentional violent crime or being directly confronted with the consequences of an intentional violent crime (this does not apply to involuntary manslaughter). To be eligible for compensation, it is necessary to demonstrate that serious psychological damage has been suffered as a result of the crime. This requires a diagnosis made by a qualified

practitioner.

## Can I get compensation if I'm not a national of an EU country?

Yes, provided that the crime of which you are a victim was committed on Dutch territory. The nationality of the victim is not relevant.

## Can I claim compensation from this country if I live here or am from here (this is the country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so, under what conditions?

No, the Fund can award compensation only as a result of a violent crime committed on Dutch territory.

## Do I have to have reported the crime to the police first, to be able to claim compensation?

No, you do not need to have reported the crime to the police for your application to be processed by the Fund. In practice, however, the reporting of the crime and the subsequent criminal investigation play an important part in substantiating an application. If the crime has not been reported, it must be possible to establish the plausibility of the claim on the basis of other objective statements. 'Objective' here refers to information obtained from reliable, unbiased sources.

## Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

No. In certain cases, however, the Fund may consider it necessary to await the outcome of a police investigation or criminal proceedings to establish the plausibility of your claim.

## Do I have to first seek compensation from the offender - if they have been identified?

No.

## If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

Yes. When it comes to substantiating plausibility, such applications are subject to the same conditions as those in cases where the offender is known.

## Is there a time limit within which I have to claim compensation?

Yes. You must submit your application to the Fund within 10 years of the date on which the crime was committed. In the case of a surviving relative this period commences from the date of the victim's death.

## Which losses and expenses are covered by the compensation?

The payment from the Fund is not linked to specific losses. It is a fixed, one-off, undifferentiated amount intended to compensate you for your pain and suffering (non-material damage) and any financial losses suffered as a result, such as medical expenses you incur for treatment of the injury sustained during the crime or for any

loss of earnings due to resultant incapacity for work.

In the case of surviving relatives the payment is also intended as compensation for pain and suffering (the distress resulting from the death of a relative), for medical expenses incurred, e.g. for the treatment of psychological problems caused by the death of a relative, and/or for any loss of earnings due to resultant incapacity for work. A separate payment can also be made as compensation for funeral costs and for loss of maintenance due to the loss of the deceased person's income.

## Is the compensation paid out in a single payment or monthly instalments?

In a single payment.

## In what way could my own behaviour in relation to the crime, my criminal record or failure to cooperate during the application process affect my chance of receiving compensation, and/or the amount I receive?

To be eligible for a payment from the Fund, it is important that you should not yourself be guilty of the crime. In other words, you must not have been the perpetrator or have played a part in the crime yourself. If you were involved in the crime, the Fund may reject your application or reduce the amount of compensation paid out.

## In what way could my financial situation affect my chance of receiving compensation and/or the amount?

Your financial situation does not affect your eligibility for compensation for the damage you have suffered.

## Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

- You must have suffered serious harm as a result of the crime. Serious harm is regarded as a physical injury and/or psychological damage that has severe long-term or permanent medical consequences.
- The Fund will award compensation only if the damage you have suffered has not been or will not be compensated in another way, e.g. compensation that is paid by the offender or an insurance company. However, you do not have to first try to recover the damage from the offender or the insurance company before applying to the Fund. The different procedures can run at the same time.
- It is also not possible to submit an application relating to crimes committed before 1 January 1973.

## How will the compensation be determined?

The level of the payment is based on the severity of the harm you have suffered or the circumstances of the crime.

## Is there a minimum/maximum amount that can be awarded?

The Fund has defined six categories of harm, each with a fixed compensation amount. Category 1 entitles victims to a payment of €1 000 and category 6 to a payment of €35 000.

## Am I expected to quote the amount in the application form? If so, do I get any instructions on how to calculate it or on other aspects?

No.

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body ?

Yes, if this compensation relates to non-material damage, medical expenses and loss of earnings.

Can I get an advance on the compensation? If so, under what conditions?

Yes, the Fund can pay you an advance on the compensation in the form of a provisional payment. This is on condition that the application satisfies the legal requirements (i.e. it has been established with certainty that you are entitled to a payment) and the Fund is unable to make a definitive decision in the short term. A request for an advance will be processed only if you apply in writing and explain why an advance payment is necessary and urgent, e.g. if you have insufficient funds to undergo treatment for the injury you have sustained. The mere fact that you are in a difficult financial situation does not constitute sufficient grounds to award an advance payment.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

You can submit an additional application if, following receipt of a decision awarding you compensation, your injury proves to be significantly more serious than that on which the decision on your first application was based. A surviving relative can also submit an additional application for funeral costs and loss of maintenance.

What supporting documents do I need to include with my claim?

- A completed application form
- Copy of identity document
- If available: police report, judgment
- Any medical information relating to the injury
- If applicable: other documents requested in the form.

Are there administrative or other charges to be paid when the claim is received and processed?

No.

Which authority decides on compensation claims (in national cases)?

The Violent Offences Compensation Fund

Where do I send the claim (in national cases)?

The Violent Offences Compensation Fund

Do I need to be present during the procedure and/or when my claim is being decided?

No.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

A maximum of 26 weeks, but usually sooner.

## If I'm not satisfied with the authority's decision, how can I challenge it?

You can [lodge a written objection](#) with the Fund within 6 weeks. If you disagree with the decision on your objection, you can lodge an appeal with the Dutch administrative court.

## Where can I get the necessary forms and other information on how to claim?

All forms and other information can be found on the Fund's [website](#).

## Is there a special helpline or website I can use?

You can visit the [Violent Offences Compensation Fund](#) website.

The Fund's telephone number is: 070-4142000

## Can I get legal aid (help from a lawyer) when preparing the claim?

Legal aid is not available to victims for assistance from a lawyer with submitting an application to the Fund. However, support is available free of charge from Victim Support Netherlands (*Slachtofferhulp Nederland*) if you require help submitting an application.

## Are there any victim support organisations that can help me claim compensation?

Victim Support Netherlands can provide support free of charge if you require help submitting your application for compensation.

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