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If my claim is to be considered in this country

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Belgium



Belgium

For victims of terrorism, please refer to the section further down this page by clicking [here](#).

Which type of crime can I get compensation for?

The Commission for financial assistance to victims of intentional acts of violence (*Commission pour l'aide financière aux victimes d'actes intentionnels de violence*) can grant financial assistance to victims (and to close relatives of victims) of an intentional act of violence that has occurred in Belgium.

For victims of terrorism, please refer to the specific information below.

Which type of injury can I get compensation for?

The types of injury considered by the Commission differ depending on the category of victim:

A. Direct victims – people who have suffered a physical and/or mental injury as a direct result of an intentional act of violence in Belgium.

For direct victims, the Commission may consider:

- temporary and permanent disabilities;
- non-material damage;
- loss of earnings;
- disfigurement;
- loss of school years (academic failures);
- medical costs;
- costs of proceedings (including procedural compensation) up to a maximum of €6 000;
- material costs (maximum: €1 250).

B. Indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has died as a result of an intentional act of violence.

For this category of victim, the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- funeral costs (up to a maximum of €6 000/death);
- costs of proceedings;
- loss of maintenance for close relatives who depended financially on the victim before his or her death;
- loss of school years.

C. Indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has been seriously injured as a result of an intentional act of violence.

For this category of victim, the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- costs of proceedings.

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, close relatives (heirs) up to the second degree and relatives by marriage up to the second degree of a victim who has died as a direct result of an intentional act of violence can get financial assistance.

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

Yes, close relatives (heirs) up to the second degree and relatives by marriage up to the second degree of a victim who has not died but has been seriously injured as a direct result of an intentional act of violence can get financial assistance.

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

Yes. The Commission can grant financial assistance regardless of your nationality or legal/illegal status in Belgium.

Can I claim compensation from this country if I live here or am from here (this is 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 Commission can grant financial assistance only for acts that have occurred in Belgium.

However, there is one exception: in the case of acts of terrorism committed abroad where the victims are Belgian nationals or have their habitual residence in Belgium (see 'victims of terrorism' section).

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

Yes, the crime must have been reported to the police. The Law of 1 August 1985, which regulates the Commission, also requires you to have sued for damages in criminal proceedings.

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

The main financial assistance granted by the State can be claimed only at the end of the legal proceedings and based on the final decision made by the courts.

However, emergency assistance can be granted, under certain conditions, before the end of the legal proceedings.

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

Yes. The victim must sue the offender for damages in criminal proceedings, if the offender has been identified, as the Commission's assistance is an alternative form of compensation that is only granted as a last resort.

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?

If the offender has not been identified by the end of the legal proceedings or if the case is closed without further action due to the offenders not having been identified, a victim can request financial assistance from the Commission. In such cases, the victim must have at least formally reported the crime (to the police or the public prosecutor's office).

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

A claim for the main financial assistance must be submitted within three years of the final court decision made in the case or within three years of a decision to close the case without further action due to the offenders not having been identified.

Which losses and expenses are covered by the compensation?

For direct victims, the Commission may consider:

- temporary and permanent disabilities;
- non-material damage;
- loss of earnings;
- disfigurement;
- loss of school years (academic failures);
- medical costs;
- costs of proceedings (including procedural compensation) up to a maximum of €6 000;
- material costs (maximum: €1 250).

For indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has died as a result of an intentional act of violence –

the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- funeral costs (up to a maximum of €6 000/death);
- costs of proceedings;
- loss of maintenance for close relatives who depended financially on the victim before his or her death;
- loss of school years.

For indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has been seriously injured as a result of an intentional act of violence –

- the Commission can consider:
- non-material damage;
- medical costs of close relatives;
- costs of proceedings.

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

The Commission's financial assistance is paid out 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 compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

The Commission can take into account the behaviour of the direct victim of the intentional act of violence at the time of that act and the fact that the victim contributed to his or her injury.

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

Your financial situation is not taken into account.

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

The Commission takes account of compensation paid by the offender and any payments made by mutual benefit organisations or insurance companies (principle of subsidiarity).

How will the compensation be calculated?

The Commission, which is an administrative tribunal, grants the financial assistance on the basis of fairness.

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

Minimum amount: €500

Maximum amount of the main assistance (and full assistance): €125 000

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

This is not required.

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, the Commission's assistance is based on the principle of subsidiarity. Compensation paid by insurance companies (and also by the offender) is therefore taken into account.

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





Emergency assistance can be granted, even where a court decision has not been made in the case. In accordance with its case-law, the Commission can grant emergency assistance solely for medical costs (minimum of €500) that are payable by the victim (after any insurance companies have made or refused to make their contribution).

The emergency assistance is limited to €30 000.

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

Additional (financial) assistance can be requested if the injury worsens in the 10 years after the main assistance was granted, except where the victim has already received the maximum amount of assistance from the Belgian State (€125 000). The victim must prove (through detailed medical documents) that his or her injury has worsened.

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

- claim form (fr  (39 Kb) , nl  (35 Kb) 
- copy of the police report + detailed description of the act;
- copy of the claim for damages in the criminal proceedings;
- copy of all judgments made in the case;
- copy of the medical reports describing the physical and/or mental consequences of the act; copy of the evidence of medical costs/material costs/costs of proceedings not covered by insurance;
- evidence of the loss of earnings;
- in the event of death, copy of the death certificate;
- for the close relatives of a victim, an official certificate of household composition issued by the Registry Office (*Etat civil*);
- evidence of funeral costs (in the case of the direct victim's death);
- evidence of academic failure;
- evidence of compensation paid by the offender or the offender's insolvency;
- evidence of payments made by insurance companies.

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 Commission for financial assistance to victims of intentional acts of violence and voluntary rescuers (*COMMISSION POUR L'AIDE FINANCIERE AUX VICTIMES D'ACTES INTENTIONNELS DE VIOLENCE ET AUX SAUVETEURS OCCASIONNELS*), which is part of the Federal Public Service for Justice (*SPF JUSTICE*).

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

Claims (consisting of claim forms and supporting documents) must be posted in duplicate to (postal address):

Commission pour l'aide financière aux victimes d'actes intentionnels de violence
SPF Justice
Boulevard de Waterloo 115
1000 BRUXELLES

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

No. You do not need to be present during Commission hearings when your claim is being decided.

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

Around 18 months for the main assistance.

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

The Commission's decision is not open to appeal. Only an action for annulment can be brought before the Belgian Council of State (*Conseil d'Etat*).

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

From the [Commission's website](#) or by telephone.

Is there a special helpline or website I can use?

[Commission pour l'aide financière aux victimes d'actes intentionnels de violence et aux sauveteurs occasionnels](#)

Tel.: +32 2 542 72 07, +32 2 542 72 08, +32 2 542 72 44

Email address: commission.victimes@just.fgov.be

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

Not through the Commission.

Legal aid can be requested (under certain conditions) from the bar association in the judicial district where the act occurred or where the victim is resident.

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

There are victim support services that can help victims to claim financial assistance from the Commission.

Victim support is provided by the communities and regions of Belgium.

For more information (in particular on the various services authorised to provide assistance):

Wallonia-Brussels Federation: <http://www.victimes.cfwb.be/>

Flanders: <https://www.slachtofferzorg.be/>

For victims of terrorism:

Which type of crime can I get compensation for?

The Commission for financial assistance to victims of intentional acts of violence (*Commission pour l'aide financière aux victimes d'actes intentionnels de violence*) can grant financial assistance to victims (and to close relatives of victims) of an act of terrorism. The cases of victims of terrorism are managed by the Commission's Terrorism Division.

Which type of injury can I get compensation for?

The types of injury considered by the Commission differ depending on the category of victim:

A. Direct victims – people who have suffered a physical and/or mental injury as a direct result of an intentional act of violence in Belgium.

For direct victims, the Commission may consider:

- temporary and permanent disabilities;
- non-material damage;
- loss of earnings;
- disfigurement;
- loss of school years (academic failures);
- medical costs;
- costs of proceedings (including procedural compensation) up to a maximum of €6 000;
- material costs (maximum: €1 250).

B. Indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has died as a result of an intentional act of violence.

For this category of victim, the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- funeral costs (up to a maximum of €6 000/death);
- costs of proceedings;
- loss of maintenance for close relatives who depended financially on the victim before his or her death;
- loss of school years.

C. Indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has been seriously injured as a result of an intentional act of violence.

For this category of victim, the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- costs of proceedings.

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, close relatives (heirs) up to the second degree and relatives by marriage up to the second degree of a victim who has died as a direct result of an act of terrorism can get financial assistance.

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

Yes, close relatives (heirs) up to the second degree and relatives by marriage up to the second degree of a victim who has not died but has been seriously injured as a direct result of an act of terrorism can get financial assistance.

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

Yes. The Commission can grant financial assistance regardless of your nationality or legal/illegal status in Belgium.

Can I claim compensation from this country if I live here or am from here (this is 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?

The Commission's Terrorism Division can grant financial assistance in the case of acts of terrorism committed abroad where the victims are Belgian nationals or have their habitual residence in Belgium. However, such acts must be recognised as acts of terrorism by the Belgian Federal Government through a Royal Decree.

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

No, but it is in the interests of the victim or his or her close relatives to register as a victim (of the act of terrorism) with the police or federal public prosecutor's office.

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

No.

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. The financial assistance granted by the Commission to victims of acts of terrorism is independent of any legal proceedings.

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

A claim for financial assistance due to acts of terrorism must be submitted to the Commission within three years of the entry into force of the Royal Decree recognising those acts as acts of terrorism.

Which losses and expenses are covered by the compensation?

For direct victims, the Commission may consider:

- temporary and permanent disabilities;
- non-material damage;
- loss of earnings;
- disfigurement;
- loss of school years (academic failures);
- medical costs;
- costs of proceedings (including procedural compensation) up to a maximum of €6 000;
- material costs (maximum: €1 250).

For indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has died as a result of an intentional act of violence –

the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- funeral costs (up to a maximum of €6 000/death);
- costs of proceedings;
- loss of maintenance for close relatives who depended financially on the victim before his or her death;
- loss of school years.

For indirect victims – heirs up to the second degree and relatives by marriage up to the second degree of a victim who has been seriously injured as a result of an intentional act of violence –

the Commission may consider:

- non-material damage;
- medical costs of close relatives;
- costs of proceedings.

It should be noted that the financial assistance procedure for victims of terrorism will be changed during 2018.

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

The Commission's financial assistance is paid out in a single payment, although the victim may receive an advance as well as the main financial assistance.

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

The Commission can take into account the behaviour of the direct victim of the intentional act of violence at the time of that act and the fact that the victim contributed to his or her injury.

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

Your financial situation is not taken into account.

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

The Commission takes account of compensation paid by the offender and any payments made by mutual benefit organisations or insurance companies (principle of subsidiarity).

How will the compensation be calculated?

The Commission, which is an administrative tribunal, grants the financial assistance on the basis of fairness.

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

Minimum amount: €500

Maximum amount of the advance: €30 000

Maximum amount of the main assistance (and full assistance): €125 000

Am I expected to quote the amount in the claim form? If so, do I get any

instructions on how to calculate it or on other aspects?

This is not required.

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

Yes, the Commission's assistance is based on the principle of subsidiarity. Compensation paid by insurance companies (and also by the offender) is therefore taken into account.

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







An advance can be paid to victims of terrorism. Emergency assistance can be granted to victims of terrorism who have been hospitalised and to the close relatives of a victim who has died as a result of the act of terrorism.

Emergency assistance is limited to €30 000.

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

Additional (financial) assistance can be requested if the injury worsens in the 10 years after the main assistance was granted, except where the victim has already received the maximum amount of assistance from the Belgian State (€125 000). The victim must prove (through detailed medical documents) that his or her injury has worsened.

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

- specific claim form for victims of terrorism ([fr](#)  (73 Kb) , [nl](#)  (66 Kb)  or [en](#)  (67 Kb) 
- copy of the police report + detailed description of the act;
- copy of the medical reports describing the physical and/or mental consequences of the acts;
- copy of the evidence of medical costs/material costs/costs of proceedings not covered by insurance;
- evidence of the loss of earnings;
- in the event of death, copy of the death certificate;
- for the close relatives of a victim, an official certificate of household composition issued by the Registry Office (*Etat civil*);
- evidence of funeral costs (in the case of the direct victim's death);
- evidence of academic failure;
- evidence of payments made by insurance companies.

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 Commission for financial assistance to victims of intentional acts of violence and voluntary rescuers – Terrorism Division (*COMMISSION POUR L'AIDE FINANCIERE AUX VICTIMES D'ACTES INTENTIONNELS DE VIOLENCE ET AUX SAUVETEURS OCCASIONNELS – DIVISION TERRORISME*).

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

Claims (consisting of claim forms and supporting documents) can be emailed or posted to:

Postal Address:

Commission pour l'aide financière aux victimes d'actes intentionnels de violence – Division Terrorisme
SPF Justice
Boulevard de Waterloo 115
1000 BRUXELLES
Email Address: terrorvictims@just.fgov.be

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

No. You do not need to be present during Commission hearings when your claim is being decided.

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

For the advance, the decision is made within four to six weeks of the claim being submitted, if this is complete.

For the main assistance, the Commission will examine the claim only after any insurance companies have made their payments, based on the long-term consequences for victims.

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

The Commission's decision is not open to appeal. Only an action for annulment can be brought before the Belgian Council of State (*Conseil d'Etat*).

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

[Commission pour l'aide financière aux victimes d'actes intentionnels de violence – Division Terrorisme](#)
Email Address: terrorvictims@just.fgov.be

Is there a special helpline or website I can use?

[Commission pour l'aide financière aux victimes d'actes intentionnels de violence – Division Terrorisme](#)
Email Address: terrorvictims@just.fgov.be
Tel.: +32 471 123 124

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

No.

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

There are victim support services that can help victims to claim financial assistance from the Commission.

Victim support is provided by the communities and regions of Belgium.

For more information (in particular on the various services approved to provide assistance):

Wallonia-Brussels Federation: <http://www.victim.es.cfwb.be/>

Flanders: <https://www.slachtofferzorg.be/>

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