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

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France



France

### Which type of crime can I get compensation for?

Claimants must prove that the injury suffered is the result of an intentional or unintentional act that may constitute an offence against property or persons. Intentional acts and reckless or negligent behaviour may therefore result in an entitlement to compensation, whether the offender has been identified or not.

In the case of an offence against property, the act must be classified as theft, fraud, breach of trust, extortion, or destruction of or damage to property.

Furthermore, specific compensation schemes exist with respect to [damage resulting from acts of terrorism](#), [traffic accidents occurring in the territory of France](#), [hunting accidents](#), exposure to asbestos and the destruction of a vehicle by fire.

### Which type of injury can I get compensation for?

You will receive full compensation for damage resulting from a serious offence against the person if:

- you have been the victim of an offence that resulted in permanent or total incapacity for work equal to or greater than one month, of rape, sexual assault, sexual assault of a minor, human trafficking, enslavement or forced labour;
- or a close family member has died as a result of these offences.

You can receive compensation subject to certain conditions and limited by a ceiling if you have been the victim of a more minor offence against the person or an offence against property:

- physical injury that resulted in total incapacity for work of less than one month;
- material damage resulting from acts classified as theft, fraud, breach of trust, extortion, or destruction of or damage to property.

### 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 be compensated if you are a close family member of a victim and you have suffered a personal injury due to the offence.

Compensation can be awarded to relatives in the ascending line (parents, grandparents), to descendants (children, grandchildren), to a spouse, and also to collateral relatives (brothers, sisters) or any person that can prove a personal relationship with the victim.

## 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, you can be compensated if you are a close family member of a victim and you have suffered a personal injury due to the offence.

Compensation can be awarded to relatives in the ascending line (parents, grandparents), to descendants (children, grandchildren), to a spouse, and also to collateral relatives (brothers, sisters) or any person that can prove a personal relationship with the victim.

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

Yes, you can be compensated if you are not a national of an EU country, provided that the offence took place in the territory of France.

## 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?

Yes, you can be compensated under the usual conditions if you are a French national but the offence was committed abroad.

On the other hand, you cannot be compensated by a French compensation body if you are a foreign national and the offence took place abroad.

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

No, there is no requirement to have first filed a complaint with the police in order to file a compensation claim.

However, the application must contain the information required in order to evaluate the claim. It must be accompanied by supporting documents stating in particular the date, place and circumstances of the offence (a receipt acknowledging that a complaint has been filed, any documents from criminal proceedings, etc.).

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

No, you do not have to await the outcome of police investigations or criminal proceedings in order to file your claim.

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

No, you are not required to first claim compensation from an identified offender in the case of a serious offence against the person (see 1.2).

In the case of a more minor offence against the person or an offence against property (see 1.2), it is necessary to prove that an identified offender is insolvent or cannot make full restitution for the damage. It will be necessary to prove more fully that you are unable to obtain effective and sufficient compensation for your

damage from an insurance company or any other body that might be liable.

## 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?

You can be compensated even if the offender has not been identified or convicted, once an offence has been committed.

However, the request must contain the information required in order to evaluate the claim. It must be accompanied by supporting documents indicating in particular the date, place and circumstances of the offence (a receipt acknowledging that a complaint has been filed, any documents from criminal proceedings, etc.).

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

You have a time limit of three years from the date of the offence. It is extended to one year from the date of the last criminal judgment.

If the offender is ordered to pay damages, the time limit begins when the victim is given notice by the criminal court. If the offender is ordered to pay damages, the time limit begins when notice is given by the court.

Once the time limit has passed, a legitimate reason provided by the victim or those entitled may be taken into consideration.

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

*For example, will the compensation cover:*

*a) For the victim of the offence:*

*- Material (non-psychological) damage:*

- *medical costs of injury (medical treatment — ambulant and hospital treatment, recovery)*  
A direct victim of physical injury can be compensated for all hospital, medical, paramedical and pharmaceutical costs (nurses, physiotherapy, orthoptics, speech therapy, etc.), since the majority of these expenses are usually covered by the social welfare bodies.  
Account can also be taken of future medically foreseeable health care expenses made necessary by the victim's medical condition after it has stabilised.
- *additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, prolonged education physiotherapy, adaptation of housing, special aids, etc.)*  
Housing and vehicle adaptation costs and expenses relating to permanent assistance from a third person may be compensated.  
Miscellaneous costs relating to the consequences of physical injury may also be covered: costs of childcare, housekeeping, transport, etc.
- *permanent injury (e.g. invalidity and other permanent handicaps)*  
Permanent functional impairment can be compensated for the consequences of injury that remain after the condition has stabilised: impairment of physiological functions, permanent pain, loss of quality of life, loss of autonomy, etc. When it is identified, it can be graded on a scale of functional impairment.
  - *loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.)*  
Compensation can be awarded for the ascertained loss of occupational earnings, the loss of future occupational earnings, and the impact on the person's career: diminished employment prospects, loss of occupational opportunity, increased arduousness of work, need to change jobs, etc. An adverse impact on school or university studies or training can also be assessed.
  - *loss of opportunity*
  - *expenses linked to legal proceedings related to the incident having caused the damage, such as*

*legal fees, and court costs*

- *compensation for stolen or damaged personal property*
- *other*

Loss of occupational opportunity can be compensated in the context of career impact (see previous point).

Expenses incurred in the proceedings relating to the offence are not covered by the compensation itself. For people with limited means, however, legal aid may be granted, so that the legal fees and court costs incurred during the trial are paid in part or in full by the state. For the most serious crimes legal aid is granted without means testing (see the list in [Article 9-2 of Law No° 91-647 of 10 July 1991 on legal aid \(Loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique\)](#)).

In principle, material damage is not compensated in the case of offences against the person. In the case of the offences referred to above (see 1.2), compensation for material damage is limited to EUR 4 575 (ceiling applying from 16 January 2018) under certain conditions.

- *Psychological (moral) damage:*

- *pain and suffering of the victim*

The suffering experienced includes all physical and psychological suffering and the associated problems from the date of the offence to that of stabilisation of the condition. After the condition has stabilised, suffering that persists is treated as permanent functional impairment for the purpose of compensation.

Loss of opportunity in personal terms can be taken into account under the heading of loss of personal life prospects (*perte d'établissement*), which concerns the loss of the hope or opportunity of realising a plan for family life.

Disfigurement takes into account the personal consequences of an alteration of physical appearance.

Loss of enjoyment (*préjudice d'agrément*), intended to compensate the victim's inability to resume a sporting or leisure activity, can also be assessed.

*b) For entitled people or relatives of a victim:*

- *Material (non-psychological) damage:*

- *funeral costs*

Funeral and burial costs are covered.

- *medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation)*

The majority of medical expenses, including for close family members, are usually covered by the social welfare bodies. The pathological impact will otherwise be dealt with under the heading of emotional distress to close family members (see above).

- *loss of maintenance or of opportunity*

Compensation can be awarded for loss of or reduction in income affecting the close family members of the victim, due to the death or disability of the latter, in particular when they are required to be with the victim at all times and temporarily to give up their jobs.

- *Psychological damage:*

- *pain and suffering of relatives or entitled people/compensation to survivors if the victim died*

Compensation for emotional distress (*préjudice d'affection*) can be awarded for the moral damage suffered by close family members following the death of the victim or in view of the suffering of a direct victim who is severely disabled.

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

The amount can be paid in one instalment or in the form of an annuity. Provisional payments can also be made during the proceedings prior to the final compensation.

## 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?

Fault on the part of the victim may be a ground for excluding or reducing any compensation, for example where insults are uttered or there is participation in a brawl or in criminal activity. The fault can be relied upon against the dependants of a deceased victim.

However, the fact that the victim has a criminal record is irrelevant.

In the compensation proceedings, your claim must contain the information required in order to evaluate it, and the necessary supporting documents must be supplied. Bear in mind that further documents may be called for subsequently, and that it may be necessary to cooperate in the preparation of reports by independent experts.

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

- Serious offences against the person (see 1.2)

Your financial situation is not taken into account and you may receive full compensation for injuries that result from offences against your person.

However, benefits paid by social welfare bodies, mutual health insurance societies and insurance companies will be taken into account.

- More minor offences or offences against property (see 1.2)

Your financial situation will be considered, on the basis of three criteria: you must:

- have an annual income of less than EUR 18 300 (figure for 2017), with additional sums allowed for dependants (descendants, relatives in the ascending line);
- be unable to obtain effective and sufficient compensation for your damage from an insurance company or any other body that might be liable;
- prove that you are in a serious material or psychological situation as a result of the offence.

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

No.

## How will the compensation be calculated?

For serious offences against the person, the principle is that there should be full compensation. Compensation will be calculated taking into account each of the heads of claim.

The calculation is made on a case-by-case basis based on the personal situation of the particular victim and the supporting documents produced; for certain heads of claim indicative scales are used.

The calculation of the compensation for permanent functional impairment may, for example, use an indicative scale based on the impairment determined by the doctor and the age of the victim.

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

There is no minimum.

There is no maximum for serious offences against the person (see 1.2).

Regarding more minor crimes or crimes against property (see 1.2), the compensation is subject to a ceiling set at EUR 4 575 (ceiling applying from 16 January 2018).

## 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?

Yes, the compensation claim form includes the amount claimed. However, this is the total amount. A lawyer or a victim support association can be helpful in assisting you to determine it.

## 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?

Benefits paid by social welfare bodies, mutual health insurance societies, insurance companies, etc. will be taken into account.

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

Yes, you may request an advance on compensation (a *provision*) at any time in the proceedings.

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

Yes, you may submit another compensation claim if your damage worsens or for any other legitimate reason that you can substantiate.

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

The claimant's application, to be sent to the registry of the Crime Victims Compensation Board (*Commission d'indemnisation des victimes d'infractions* — CIVI) at the relevant regional court (*tribunal de grande instance*), must contain the information required in order to evaluate the claim. It must be accompanied by supporting documents stating in particular:

- the surname, first names, date and place of birth, profession, nationality and address of the claimant (enclose a copy of national identity card, residence permit, passport, etc.);
- the family relationship with the victim (enclose a copy of the family record book (*livret de famille*), a document certified by a notary, etc.);
- the date, place and circumstances of the offence (enclose a receipt acknowledging that a complaint has been filed, any documents from criminal proceedings, etc.);
- the court that has tried the offender, if any (enclose a copy of the judgment);
- the nature of the injuries, the duration of any absence from work and any consequences (enclose medical certificates, absences from work, medical examination);
- the public or private social welfare bodies to which the claimant is affiliated and which are likely to be involved (enclose a copy of the social security card);
- out-of-court requests presented and legal actions already initiated, and sums already paid to the claimant (enclose supporting documents relating to daily allowances, pensions, annuities and payments from the offender, the insurer, etc.);

- the amount of compensation claimed from the CIVI;
- a bank account identification document for the claimant;
- other supporting documents relating to the particular kind of claim.

If the claim is for compensation for more minor offences against the person or for material damage resulting from theft, fraud, breach of trust, or destruction of or damage to property, the application must also contain:

- a statement of the claimant's income (enclose the tax assessment notice (*avis d'imposition*) for the year preceding the offence and for the year preceding that of submission of the application);
- evidence of inability to obtain effective and otherwise sufficient compensation;
- a description of the serious material or psychological situation resulting from the offence.

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

There are no costs. Assistance or representation by a lawyer is not mandatory. Lawyers' fees are your responsibility, unless you receive legal aid automatically or subject to certain conditions. Costs incurred during the proceedings brought before the CIVI are treated as court costs and are borne by the state.

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

The CIVIs are responsible for deciding on compensation for victims. The compensation determined by the CIVI is actually paid by the Guarantee Fund for Victims of Terrorism and Other Offences (*Fonds de garantie des actes de terrorisme et d'autres infractions* — FGTI).

[In respect of terrorism](#), the FGTI directly compensates victims who apply, under the supervision of the regional court, to which any disputes can be referred.

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

At each regional court, a CIVI decides on compensation claims filed by victims of crimes or their dependants.

The competent CIVI is that of the place where you live or of the location of the criminal court hearing the case, if any ([Directory](#)). Otherwise, the CIVI at the Paris Regional Court has jurisdiction if you are a French national residing abroad and the offence took place abroad:

Tribunal de Grande Instance de Paris  
4 Boulevard du Palais  
75055 PARIS CEDEX 01 — France

[In respect of terrorism](#), applications are to be sent directly to the FGTI:

64, Rue Defrance  
94682 Vincennes Cedex — France

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

You are not required to be present during proceedings or at the hearing.

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

The application is forwarded by the registry of the CIVI to the FGTI without delay.

The FGTI must submit an offer to the victim within two months of receipt of the complete file forwarded by the registry of the CIVI.

If the victim accepts the offer, a record of agreement is forwarded to the Chair of the CIVI for approval. Once approved, the agreement can be enforced. The decision is notified to the victim and the FGTI, which will make payment.

If the FGTI refuses, giving reasons, or if the victim refuses the offer, or if the victim does not reply to the FGTI's offer within two months, the CIVI considers the case, in accordance with a judicial procedure: in that event, a judge hears the application and verifies the statements and documents provided.

The public prosecutor and the FGTI present their observations no later than 15 days before the hearing. The claimant and the FGTI must be summoned at least two months in advance.

Following proceedings in a closed hearing, the decision of the CIVI to award or refuse compensation is notified to the claimant and to the FGTI, which pays any compensation awarded within the month following that notification.

[In respect of terrorism](#), a sum is paid as an advance by the FGTI within the month following receipt of the complete file, if it is eligible. The FGTI submits an offer of compensation to the victim (when their condition has stabilised) or to the close family members of deceased victims within three months.

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

If you are not satisfied with the decision of the CIVI, you may request re-examination by the court of appeal (*Cour d'appel*) within whose jurisdiction the CIVI falls.

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

The information and forms are available on the following websites:

- [Service-Public.fr](#) (non-terrorism claim [form](#) and [explanations](#), non-terrorism [information](#), [terrorism information](#))
- [FGTI](#) (for [terrorism](#), victim claim form [FR](#) or [EN](#))
- [Guide for Victims](#) of terrorism.

[Victim support associations](#) can help you through the process and provide the necessary information.

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

The 116006 telephone service offers free psychological support, information about your rights and general support through the process, seven days a week, from 09:00 to 21:00, for the cost of a local call, on:

01 41 83 42 08

within France, or

+33 1 41 83 42 08 from abroad

Email: [08victimes@france-victimes.fr](mailto:08victimes@france-victimes.fr)

The following websites are available:

- [Service-Public.fr](#) ([form](#), non-terrorism [information](#), [terrorism information](#))
- [FGTI](#)
- [Guide for Victims](#) of terrorism

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

For people with limited means legal aid may be granted, so that the legal fees and court costs incurred during the trial are paid in part or in full by the state. For the most serious crimes legal aid is granted without means

testing (see the list in [Article 9-2 of Law No 91-647 of 10 July 1991 on legal aid \(loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique\)](#)).

Certain bodies for access to legal services, such as law centres (*maisons de la justice et du droit*) or legal information desks (*points d'accès au droit*), provide free consultations on legal matters and can help you, irrespective of your nationality, in completing any formalities with a view to the exercise of your rights and assist you in non-judicial procedures.

The same applies to [victim support associations](#), which among other things provide free legal support.

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

[Victim support associations](#) who can be contacted in the [victim support offices](#) at the courts or at their own premises can provide you with free assistance in the preparation of your compensation claim.

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