

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

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

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?**

The payment is intended to compensate you for your pain and suffering and for any 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. It is not intended to compensate you fully, but is a fixed, one-off 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 or 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 in this case?**

Yes, the Violent Offences Compensation Fund (*Schadefonds Geweldsmisdrijven*) can award compensation if a person suffers psychological damage due to witnessing a violent crime or being directly confronted with the consequences of a violent crime committed against a relative.

#### **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.

#### **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 Violent Offences Compensation 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 Violent Offences Compensation 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 Violent Offences Compensation 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 Violent Offences Compensation 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?**

*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)*
- *additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent treatment, long-term physiotherapy, adaptation of housing, special aids, etc.)*
- *permanent injury (e.g. invalidity and other permanent handicaps)*
  - *loss of earnings during and after medical treatment (including lost earnings and loss of ability to earn or diminished maintenance etc.)*
  - *loss of opportunity*
  - *expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs*
  - *compensation for stolen or damaged personal property*
  - *other*

The payment from the Violent Offences Compensation Fund is not linked to specific losses. It is a fixed, one-off amount intended to compensate you for your pain and suffering and for any 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.

**- Psychological (moral) damage:**

- *pain and suffering of the victim*

Yes.

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

**- Material (non-psychological) damage:**

- *funeral costs*
- *medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation)*
- *loss of maintenance or of opportunity*

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.

**- Psychological damage:**

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

Yes.

**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 compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?**

To be eligible for a payment from the Violent Offences Compensation 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 had a hand in the crime yourself. If you were involved in the crime, the Violent Offences Compensation 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 Violent Offences Compensation Fund will award compensation only if the damage you have suffered has not been or will not be compensated in another way, e.g. by the offender or an insurance company.
- It is also not possible to submit an application relating to crimes committed before 1973.

**How will the compensation be calculated?**

The level of the payment is usually 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 Violent Offences Compensation Fund has defined six categories of harm, each with a fixed compensation amount. Category 1 carries entitlement to a payment of

€1 000.00 and category 6 to a payment of €35 000.00.

**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?**

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 pain and suffering, medical expenses and loss of earnings.

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

Yes, the Violent Offences Compensation 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 submit an additional application only for funeral costs and loss of maintenance.

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

- 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 (*Schadefonds Geweldsmisdrijven*)  
Postbus 71  
NL-2501 CB The Hague

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

The Violent Offences Compensation Fund (*Schadefonds Geweldsmisdrijven*)  
Postbus 71  
NL-2501 CB The Hague

**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?**

No more than 26 weeks.

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

You can lodge a written objection with the Violent Offences Compensation Fund Committee (*Commissie Schadefonds Geweldsmisdrijven*) within 6 weeks. In your objection you must indicate which points you disagree with in the decision and why. You can send your objection to:

Schadefonds Geweldsmisdrijven  
Afdeling Bezwaar

Postbus 71  
NL-2501 CB The Hague

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

<https://www.schadefonds.nl/english-information/>

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

<https://www.schadefonds.nl/english-information/>

Telephone: 070-4142000

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

No subsidised legal aid is available. However, you can get advice and support from Victim Support Netherlands (*Slachtofferhulp Nederland*) by visiting <https://www.slachtofferhulp.nl/english/>. Telephone: 0900-0101.

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

Victim Support Netherlands: <https://www.slachtofferhulp.nl/english/>. Telephone: 0900-0101.

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