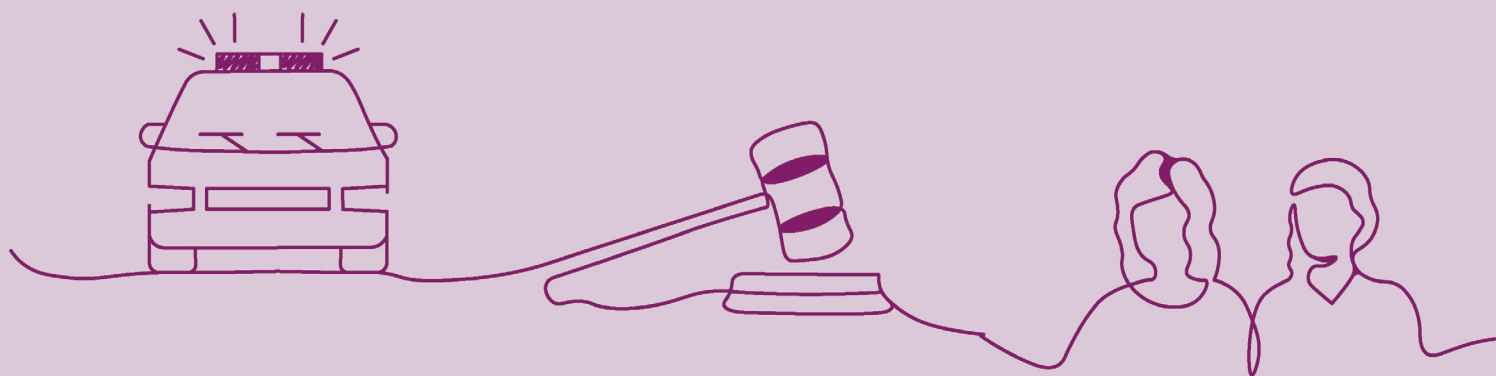


The Nordic compensation schemes for victims of crime



Brottsoffermyndigheten
Swedish Crime Victim Authority



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Introduction

In October of 2023 the five Nordic countries met at a conference in Stockholm to learn more about how the compensation system for victims of crime works in the five Nordic countries.

The five organisations that are responsible for applications for crime victim compensations are The Danish Criminal Injuries Compensation Board, Services for Citizens, The Finnish State Treasury, The District Commissioner of North East Iceland, The Norwegian Criminal Injuries Compensation Authority and the Swedish Crime Victim Authority.

Common to all five countries is that the crime victims must have filed a police report of the incident in order to receive compensation. However, there are differences between the countries in which authorities handle the application, what type of compensation the crime victims can receive and how long it takes to receive the compensation.

In this report, all five of the Nordic countries' compensation systems for victims of crime will be presented individually.

Denmark

General information

Procedure

The Danish Criminal Injuries Compensation Board processes applications for compensation for victims of crime. The board consists of a chair and several deputy chairs as well as several other board members. The chair and deputy chairs are all judges in the High Court; other members are from the Danish Appeals Board under the Ministry of Social Affairs and lawyers appointed by the General Council of the Danish Bar and Law Society. The board's secretariat consist of jurists, administrative employees, students, a head of department and a deputy head of department.

The state provides compensation and damages to the claimant in the event of a violation of The Danish Penal Code or "Act on residence, prohibition of residence and expulsion" which has resulted in personal injury or death. The injury can be both physical and psychological. There are several conditions which have to be met in order for the board to process an application for state compensation.

The main scope of the act is personal injury, as compensation for damage to property is only granted to a limited extent. Personal injury is understood to refer to both physical injuries and psychological injuries.

The secretariat prepares the cases with a recommendation for a decision and a draft of the written decision. The case is subsequently presented to the board either by written circulation of the case or at a board meeting.

All applications for compensation must be submitted through the board's digital self-service solution. If any special conditions, such as physical or mental disability or a lack of IT skills, prevent the applicant from using the digital self-service solution, the board can grant exemption from using the solution. In such cases, the applicant must submit a completed application to the police district where the offence was reported. The police will then send the application to the board, which will decide on the application for exemption.

The average time for processing was 215 days in 2022, and the average age – the length of stay – of cases was 251 days in 2022.

Information about state compensation

The police must draw the victim's attention to the possibility of receiving compensation and to the requirement to file a claim for compensation during any criminal proceedings.

Lack of guidance can be given importance when assessing whether a dispensation can be granted if the 2-year deadline is exceeded.

The Danish Criminal Injuries Compensation Board cannot deal with an application for compensation until the case is closed by the police or by the courts if there is any doubt at all as to whether a criminal offence has been committed, whether there are objective grounds for impunity or whether there may be grounds to reduce compensation due to the fault of the claimant.

The board makes an independent assessment of whether an incident is covered by the Act on Compensation to Victims. However, the police's assessment of the incident usually provides a guideline for the assessment by the Danish Criminal Injuries Compensation Board.

Victims of crimes can in some cases get legal aid to assist the injured party with a possible compensation settlement as well as interrogations by the police and in court.

Number of applications and funding

In 2022, the board received a total of 3 447 cases. A further 2 055 cases were reopened, mainly because of further claims for compensation from the applicant.

In addition, more than 600 applications were received by the board at the end of 2022 but not entered as new cases, because they awaited the police's submission of the criminal case files, including the final decision on the criminal case. In 2022, the board made a total of 6 913 decisions (of which 216 related to access to documents).

In 2022, the board awarded compensation of a total of 262 275 446 DKK, excluding interest. In addition, there are fees for submissions from medical consultants (through “Arbejdsmarkedets Erhvervssikring” or ”Patienterstatningen”) and for medical reports et cetera, in total approximately 5 856 623 DKK.¹

The compensation is funded by the state. The board substitutes for the offender in these cases. If the offender has already paid damages or compensation, the applicant cannot obtain the same compensation from the state.

There are no maximum or minimum awards overall that a victim may receive in state compensation, but there may be a maximum for the individual compensation item.

Eligibility requirements

Type of crimes or injuries compensated

Any violation of the Criminal Code that results in personal injury or death is covered by state compensation. This also applies to violations of provisions that criminalise negligent damage. This also means that compensation or damages are not granted if the action is not punishable on account of, for example, self-defence, jus necessitates or consent.

Compensation is granted even if the offender is unknown, cannot be found, under the age of 15 or unaccountable. Compensation is also granted, even if the offender is acquitted during the criminal proceedings, if the conditions of the law otherwise are met.

Reporting the crime

It is a fundamental condition for obtaining compensation from the state that the criminal offence has been reported to the police within 72 hours.

It is possible to disregard the notification deadline in certain circumstances. For example, the Danish Criminal Injuries Compensation Board almost always disregards the requirement for notification to the police within 72 hours if, despite the late notification,

the offender is successfully arrested and prosecuted. According to the law, fear of retaliation is not a valid reason to refrain from making a police report within 72 hours.

The deadline of 72 hours is lifted in relation to cases of rape, incest, serious sexual offences against children and certain sexual offences committed against a person under the age of 18. The amendment to the law concerns only the 72-hour deadline and it is still assumed to be a condition that the criminal offence has been reported to the police.

The police have an obligation to provide guidance to a claimant regarding access to compensation under the Act on Compensation to Victims. If the police have not complied with this obligation, the Danish Criminal Injuries Compensation Board will usually disregard the 2-year deadline for applying for compensation pursuant to the Act on Compensation to Victims.

The victim is expected to contribute to or participate in the police investigation or the criminal proceedings to the best of their abilities. If the victim refuses to contribute to these proceedings or withholds important information, this could affect the entitlement to compensation. Fear of retaliation is not a valid reason to refrain from participating or contributing to the investigation.

The applicant’s claim for compensation must be made during criminal proceedings in the courts. In this case, the judge may choose to examine the merits of the claim or postpone it for examination by the Criminal Injuries Compensation Board or under a civil action. This may depend on whether the perpetrator disputes the claim or not. If the claim has been dealt with by the courts during the criminal proceedings, the applicant may also send the application to the Criminal Injuries Compensation Board. If the victim was not represented by a lawyer during the criminal proceedings, the board will disregard this condition.

Time limit for filing the application

The application must be submitted to the Criminal Injuries Compensation Board within 2 years after the crime was committed. The deadline runs from

¹ Appendix 1

the time when the criminal offence took place. If a judgement has been given in the case, the deadline runs from when the court ruling was final.

If the police have investigated the case and no criminal case has subsequently been pursued, the deadline runs from the time of the police's decision to cease the investigation.

If the board has made a final decision in the case (thus closing the case), the board cannot assess further claims from the same victim originating from the same criminal offence if the new claim is submitted later than 2 years after the board's first final decision.

Exceptions to this is extraordinary circumstances, such as the victim being a minor at the time of the criminal offence or if it is documented that the victim first came to realise the claim after the deadline.

Subsidiary application

If the victim receives compensation from elsewhere, for example the offender or the insurance company, the state will not cover the claim and therefore the victim will not be entitled to state compensation. If only some of the victim's claims are covered from elsewhere, the state will cover the rest.

If the victim has a non-indemnity insurance, where the insurance is a benefit policy in which the payment is predetermined, the victim will be able to receive compensation, since the insurance is not based upon the actual loss, but is more of a standardised amount.

Some people can also have a private health insurance, which offers contributions to some claims – mostly treatment and medicine.

Territorial scope of application

The state provides compensation and damages to the claimant in the event of a violation of The Danish Penal Code or "Act on residence, prohibition of residence and expulsion" which has resulted in personal injury or death, if the violation was committed within the Danish state. This also includes foreign nationals, who are in Denmark on holiday or similar.

In case of injury abroad, the injured party is, as a starting point, referred to seek compensation according to the scheme that may apply in the country concerned.

In special cases compensation can be granted for damages caused by acts committed outside the Danish state, if the injured party resides in Denmark, has Danish citizenship or at the time of the act served with a Danish foreign representation. Compensation can also be granted when such acts have been committed against an injured party resident in Denmark during professional practice outside the Danish state.

Items covered by compensation

Loss of income

Compensation for lost earnings will be payable until the injured person is able to start working again. It is thus a compensation for temporary loss of income, as the right to this compensation ceases if the ability to work is permanently reduced. On the other hand, there is no time limit for the right to compensation, but the obligation to limit losses implies that the injured party must resume work when possible.

The compensation is calculated on the basis of the applicant's salary prior to the criminal offence. From the compensation must be deducted any pay during sickness, sickness benefits from the employer or the municipal council et cetera.

Full compensation is provided for all the income (regardless of its size) that the injured party can document that they would have had during the period of incapacity and which is lost due to the consequences of the injury.

If the personal injury has caused a permanent reduction of the injured person's capacity to earn an income, the injured person will be entitled to compensation for loss of earning capacity. The assessment of the loss of earning capacity must consider the injured person's prospects of earning an income from any work that the injured person may reasonably be expected to carry out based on their

abilities, education or training, age and vocational retraining and rehabilitation opportunities or the like.

The injured person's loss of earning capacity is calculated as a percentage. No compensation will be payable if the loss of earning capacity is less than 15 %.

The compensation is fixed as a lump sum amounting to the injured person's annual pay, multiplied by the percentage loss of earning capacity, and then multiplied by 10.

If the injured party had reached the age of 30 when the injury occurred, the compensation will be reduced by 1 % for each year by which the injured person was older than 29 years when the injury occurred. If the injured person had reached the age of 55, the compensation will be reduced by an additional 2 % for each year by which the injured person was older than 54 years when the injury occurred. However, the compensation will not be reduced any further if the injured person had reached the age of 69.

Damage to property and pecuniary losses

Compensation is provided for damage to clothing and other usual personal belongings, including small amounts of cash that the injured party was carrying when the personal injury was caused. Furthermore, compensation is provided for property damage caused by certain forcibly placed persons.

Permanent disability

Compensation for permanent impairment is fixed as a lump sum, considering in the calculation the medical nature and seriousness of the injury and its negative effects on the injured person's day-to-day activities.

Where the permanent impairment percentage is 100 %, the amount of compensation will be 979 000 DKK in 2022. The amount is adjusted every year. The compensation is measured according to the amount that was in force at the time when the compensation can be claimed. Where the permanent impairment percentage is less than 5 %, no compensation will be payable.

If the injured person had reached the age of 40 when the injury occurred, the compensation will be reduced by 1 % for each year by which the injured person was older than 39 years when the injury occurred.

If the injured person had reached the age of 60, the compensation will be reduced by an additional 1 % for each year by which the injured person was older than 59 years when the injury occurred. The compensation will not be reduced any further if the injured person had reached the age of 69.

Scars and disfigurements

Scars and disfigurements are included in the compensation for permanent impairment.

Non-material damages such as pain and suffering, violation of personal integrity and moral damage

If the violence had caused an unlawful injury to another person's freedom, peace, honour or person, the injured person can apply for compensation for such injury.

It may be considered in the assessment of compensation that the injury has been caused by a criminal offence involving a violation of Part 23 or 24 of the Criminal Code, including that the injury has been caused to a person under the age of 18. The same applies if the injury has been caused by a criminal offence involving a violation of Part 25 of the Criminal Code. However, this does not apply to the criminal offences set out in sections 266 – 266b of the Criminal Code. It may also be considered in the assessment of compensation that the injury is a digital sexual offence.

In the assessment of compensation, all digital sexual offences committed independently of each other must be assessed individually.

Even if the person's reputation et cetera has not been injured, the person who has been exposed to an unlawful injury can apply for compensation, where such injury has been caused by a criminal offence

involving a particularly serious attack on the other person's person or freedom. The same applies to particularly serious injuries to another person's peace or honour.

Fatal cases

If the crime leads to the death of the victim, the person who covered expenses in connection with the deceased's funeral can apply for compensation for reasonable funeral expenses. According to the board's practice, an amount of 55 000 DKK is considered as reasonable funeral expenses. Furthermore, it is possible to apply for compensation if a person has lost a provider as a result of the deceased's death. Provision also includes the value of the deceased's work in the home.

Compensation to spouse or cohabitant for loss of provider amounts to 30 % of the compensation to which the deceased may be assumed to have been entitled in the case of a complete loss of earning capacity.

Compensation to surviving children for loss of provider is fixed at an amount equalling the total child

maintenance payments that the deceased could have been required to make under the Maintenance of Children Act at the time of the injury, if the deceased had been under a duty to pay for such maintenance. Where the deceased was a sole provider, the compensation will be increased by 100 %.

The surviving spouse or cohabitant is entitled to an additional amount of 108 000 DKK. Where the deceased leaves no spouse or cohabitant, the additional amount may be awarded to another survivor if warranted by special circumstances. Where an additional amount is paid out, the person in question cannot also claim compensation for funeral expenses.

Furthermore, the applicant can also apply for other compensation claims such as *treatment expenses or pain and suffering*. *Compensation for pain and suffering (days of sickness)* amounts in 2022 to 220 DKK for each day the injured person is sick. In special cases, compensation for pain and suffering may be payable even though the injured person is not sick. Such compensation cannot exceed 85 500 DKK. The amount is adjusted every year.

Appendix 1:

Overview of compensation awarded in 2022 by compensation item.

Pain and suffering (days of sickness)	12 333 491 DKK
Treatment expenses	339 872 DKK
Dental treatment	499 235 DKK
Personal belongings	385 600 DKK
Lost cash	31 470 DKK
Property damage	0 DKK
Extension of education or loss of school year	365 000 DKK
Transport expenses	54 739 DKK
Loss of earnings	48 391 919 DKK
Funeral expenses	977 745 DKK
Compensation for additional expenses relating to death of spouse or co-habitant	525 000 DKK
Compensation for injury to feelings or reputation (usually only for sexual offences)	18 328 500 DKK
Infringement compensation	505 000 DKK
Loss of provider	3 840 000 DKK
Medical reports (paid by applicant or lawyer)	44 607 DKK
Permanent impairment	24 684 248 DKK
Loss of earning capacity	138 792 073 DKK
Permanent treatment expenses	48 936 DKK
Compensation to spouse or cohabitant	2 059 800 DKK
Compensation to children for loss of provider	4 022 259 DKK
Expenses for lawyer	6 020 468 DKK

Finland

General information

Procedure

The organisation that is responsible for handling applications for state compensation is the State Treasury. The applications are handled by 17,6 full time equivalents.

Applications are made with an online application filled in the State Treasury e-service (requires identification) or by a pdf application form. The form may be sent by mail or by using secure mail. The average time for processing is 4,6 months.

Information about state compensation

The police have a legal responsibility to inform the victims about their right to state compensation. Information may also be found on the State Treasury and Ministry of Justice websites; also many organisations provide advice and guidance for crime victims. Regarding how the victims are informed about the state compensation, there are no rules on the method of informing the victims.

Number of applications and funding

In 2022 the State Treasury received 4 837 applications and 4 438 decisions were made. The state compensation is funded through the state budget, and in 2022, the total amount of compensation paid was 13,6 million euros.

As of 1 January 2024, the maximum amount of lump sum compensation is 74 000 euros. Continuous payments for loss of income or loss of maintenance are not included in the maximum sum. There are no minimum awards that a victim may receive in state compensation, but a basic deduction of 260 euros is made from the total amount of compensation paid for non-material damages.

Eligibility requirements

Type of crimes or injuries compensated

A victim may be compensated for personal injury and suffering. Property damage and financial loss are compensated only in exceptional cases. Unintentional crimes may be compensated as well.

Reporting the crime

It is mandatory to report the crime to the police to receive state compensation. If this is not made, compensation can be paid only if there is a special reason. Although, there is no time limit when the reporting to the police must be done.

Time limit for filing the application

The compensation must be applied for within three years of a legally valid judgement by a court of law or, if the matter has not been considered in a court of law, within 10 years of the crime being committed. Later applications for compensation may also be admitted on the basis of special reasons.

Subsidiary application

The victim has to seek compensation from another source before applying for state compensation. From the payable compensation is deducted what the victim receives or has a right to receive on the basis of the same damage in accordance with other legislation or voluntary insurance.

The same applies to compensation the applicant has received or, according to a reasonably obtainable account, is entitled to receive, under the legislation of a foreign state.

Territorial scope of application

Compensation is paid for damage caused by a crime committed in Finland. However, no compensation is paid if the victim was not, at the time of the crime or at the time of applying for compensation, a resident of Finland or another European Union Member State and if the connection of the injury or damage to Finland is otherwise minor.

If the crime has taken place in another country, it is a precondition for the payment of the compensation that the victim was a resident of Finland at the time of the crime and that their stay abroad was due to work, study or a comparable reason.

In addition, compensation may be paid for damage caused by a crime committed outside Finland on a discretionary basis, if the payment of the compensation is considered justified, especially taking into account the connection of the crime to Finland, the connection between the offender and the victim, the nature of the injury or damage and the access of the victim to compensation from other sources.

Items covered by compensation

Loss of income

The maximum amount to receive in state compensation due to loss of income as of 1 January 2024 is 180 euros per day. Compensation can be paid until the victim reaches retirement age. At that time, the amount of the compensation will be adjusted to the amount of the victim's retirement pension.

Compensation for loss of income is determined by taking as a starting point an estimate of the earned income that the victim would have received without the crime. The earned income which the victim has received or has had a right to receive (including the compensation paid from other sources) will be deducted from the estimated amount.

Damage to property and pecuniary losses

Compensation for property damage and financial loss can only be paid under certain circumstances. Property damage can be compensated if the damage was caused by a person detained because of a criminal offence, a person involuntarily institutionalised or taken into custody or a child taken into care and placed in institutional care and the crime is caused while in an institution or during a placement outside the institution or on leave or having escaped from an institution.

In addition, property damage caused by a person sentenced to home detention, community service or juvenile punishment will be compensated if the damage was caused by such a person while performing unpaid work or an unpaid task forming part of such a sentence.

Property damage as well as financial loss can also be compensated for if the value of the damage is significant (at least 2 000 euros) and the helplessness of the victim (age, sickness, disability) was a contributing factor to the damage. In this case, the financial and other conditions of the victim are also considered when deciding on the compensation.

Permanent disability

Compensation for permanent disability may be awarded. There are a total of 20 disability categories, which are listed in the Government decree on disability categories. Disability categories describe the degree of functional limitation caused by the injury. The amount paid is based on the recommendations of the Traffic Accident and Patient Injury Board. For example, in 2023 the basic amount for an injured 18-year-old for category 1 is 4 400 euros and for category 20 132 000 euros (over the maximum amount of state compensation).

Scars and disfigurements

It is possible to receive state compensation for scars and disfigurements. The amount paid is based on the guidelines of the personal injury commission.

For example, a clearly discernible facial scar:

2 500 – 6 000 euros, a conspicuous facial scar:

6 000 – 15 000 euros. A body scar or disfigurement would also be compensated.

Non-material damages such as pain and suffering, violation of personal integrity and moral damage

Compensation for non-material damages such as pain and suffering, violation of personal integrity and moral damage may be awarded. The compensation paid for temporary harm is based on the guidelines of the personal injury commission. The maximum amount of compensation as of 1 January 2024 is 14 500 euros.

The compensation paid for suffering (violation of personal integrity) is also based on the guidelines of the personal injury commission. However, the amount cannot exceed (as of 1 January 2024):

- offences against the liberty of a person, attempted manslaughter, murder or killing, aggravated assault or its attempt 4 300 euros.
- sexual offences 11 400 euros, or 19 500 euros if the victim was under 18 years of age at the time of the crime.

Fatal cases

If the crime has led to death, compensation can be paid for funeral and associated expenses and for loss of maintenance.

A person especially close to the deceased person may be compensated for necessary medical costs and other necessary costs and loss of earnings caused by personal injury arising from the death.

Costs of medical rehabilitation directly connected to medical treatment may be compensated as medical expenses. Compensation for loss of earnings cannot exceed 180 euros per day (as of 1 January 2024), less the income accrued over the same period by the person entitled to the compensation. Compensation paid to an especially close person cannot exceed 7 200 euros.

Iceland

General information

Procedure

The Icelandic Criminal Injuries Compensation Board processes applications for compensation for victims of crime. The board consists of three persons who are appointed by the Minister of Justice every four years. Members of the board must meet the same qualification as to be appointed a district judge. The board has a secretary and just recently one other employee.

The secretary of the board drafts a decision in each case and the board reviews it and makes a final decision. All decisions must be signed by all three members of the board.

About 98 % of all applications come through lawyers on behalf of the applicant. All applications for compensation must be submitted through a special service portal for all public services in Iceland: www.island.is. Information about how to apply and the conditions for payment of compensation are widely available online.

The average time for processing is about 120 days after the case has been concluded by the police or the courts.

Information about state compensation

The police must draw the victim's attention to the possibility of receiving compensation and to the requirement to file a claim for compensation during criminal proceedings. This is done both orally and in writing. Lack of guidance can be given importance when assessing whether a dispensation can be granted if the 2-year deadline is exceeded.

If the victim is a minor, legal assistance is provided by the state and this is also the case if a serious crime has been committed or if the victim has a low mental capacity. The board cannot process an application for compensation until the case is closed by the police or by the courts.

Number of applications and funding

Because of the two-year rule and the rather long investigation time for criminal cases, as well as a sometimes excessive amount of time for court proceedings, most applications are received by the board long before the criminal case is concluded by the police and courts. Because of this, the board is usually handling cases that had initially been received two or three years before. In 2022, the Board received a total of 484 cases. A further 103 cases were reopened, mainly because of further claims for compensation from the applicant.

In 2022 the board made 422 decisions and awarded compensation of a total of 203 644 000 ISK including interest. Many of the cases were due to crimes committed in 2019 – 2021.

The compensation is funded by the state. Offenders get a claim for reimbursement, but a very small portion is actually refunded, about 4 – 6 %.

The minimum amount that a victim may receive in state compensation is 400 000 ISK. The maximum amount for personal belongings, such as clothes and other personal items is 250 000 ISK. The maximum amount for tort is 3 000 000 ISK. The maximum amount for disability is 5 000 000 ISK. In case of fatality, a person can be compensated to meet funeral costs and the loss of a provider.

Eligibility requirements

Type of crimes or injuries compensated

Any violation of the Criminal Code that results in personal injury or death is covered by state compensation. This also applies to violations of provisions that criminalise negligent damage. This also means that compensation or damages are not granted if the action is not punishable on account of, for example, self-defence, *jus necessitates* or consent.

Compensation is granted even if the offender is unknown or cannot be found, under the age of 15 or unaccountable. Compensation is also granted, even if the offender is acquitted during the criminal proceedings, if the conditions of the law otherwise are met.

Reporting the crime

It is a fundamental condition for obtaining compensation from the state that the criminal offence has been reported to the police without undue delay. The term “undue delay” is estimated in each case, but as a general rule, a period exceeding six months is considered to be undue delay.

It is fundamental that crimes must have been reported; although it is possible legally to deviate from this, it has never been done.

Time limit for filing the application

The application must be submitted to the Criminal Injuries Compensation Board within 2 years after the crime was committed. The deadline runs from the time when the criminal offence took place. It is

possible to deviate from this rule if the victim was a minor, but not longer than two years from the time that the crime was reported. This means that if the victim was a minor at the time of the crime and does not report it until a few years later, the victim has two years from the time of reporting the crime to apply to the board.

Subsidiary application

There is no requirement that the victim has to seek compensation from another source before applying for state compensation.

If the victim receives compensation from elsewhere, for example the offender or the insurance company, the state will not cover the claim and therefore the victim will not be entitled to state compensation. If only some of the victim’s claims are covered from elsewhere, the state will cover the rest.

Territorial scope of application

The state provides compensation and damages to the claimant in the event of a violation of the Icelandic Penal Code. The nationality or residence of the victim does not generally affect the victim’s right to compensation. Nor does the nationality or residence of the perpetrator affect the victim’s right to compensation, unless both the victim and the perpetrator are in the country temporarily, for example as tourists or working here for a short time.

Compensation is generally not paid to Icelandic citizens or residents if they are subject to a crime in a foreign country unless both the perpetrator and the victim are Icelandic citizens or Icelandic residents and are only in the foreign country for a short time.

Items covered by compensation

Loss of income

Compensation for lost earnings will be payable until the injured person can start working again. It is thus compensation for temporary loss of income, as the right to this compensation ceases if the ability to work is permanently reduced. On the other hand, there is no time limit for the right to compensation, but the obligation to limit losses means that the injured party must resume work when possible.

The compensation is calculated based on the applicant's salary prior to the criminal offence. From the compensation must be deducted any pay during sickness, sickness benefits from the employer or the municipal council et cetera. Most of these are covered by social security, so compensation for loss of income is not commonly paid.

Damage to property and pecuniary losses

Compensation is provided for damage to clothing and other usual personal belongings, including small amounts of cash that the injured party was carrying when the personal injury was caused. Furthermore, compensation is provided for property damage caused by certain forcibly placed persons.

Permanent disability

If the personal injury has caused a permanent reduction of the injured person's capacity to earn an income, the injured person will be entitled to compensation for loss of earning capacity. The assessment of the loss of earning capacity must consider the injured person's prospects of earning an income from any work that the injured person may reasonably be expected to carry out based on their abilities, education or training, age and vocational retraining and rehabilitation opportunities or the like. The injured person's loss of earning capacity is calculated as a percentage. No compensation will be payable if the loss of earning capacity is less than 15 %.

The amount of the compensation is calculated from provisions to be found in the Damages Act and is

based on the victim's age at the time of the crime and the victim's income annually for the three years before the incident. If the income is sparse, a certain minimum amount of income should be used.

The impairment has to be verified by a certified doctor.

Scars and disfigurements

Scars and disfigurements are included in the compensation for permanent impairment.

Non-material damages such as pain and suffering, violation of personal integrity and moral damage

If the violence had caused an unlawful injury to another person's freedom, peace, honour or person, the injured person can apply for compensation for such injury. The amount of compensation is based on an evaluation in each case taking into account the age of the victim, the method used, whether the offence lasted for a longer period and how the offence is likely to affect the victim's wellbeing.

Even if the person's reputation has not been injured, the person who has been exposed to an unlawful injury can apply for compensation, where such injury has been caused by a criminal offence involving a particularly serious attack on the other person's person or freedom. The same applies to particularly serious injuries to another person's peace or honour.

Fatal cases

If the crime leads to the death of the victim, the person who covered the expenses in connection with the deceased's funeral can apply for compensation for reasonable funeral expenses. The maximum amount to cover funeral costs is 1 500 000 ISK. Furthermore, it is possible to apply for compensation if a person has lost a provider as a result of the crime. The maximum amount is 2 500 000 ISK. For the weight of shock and grief, an estimated amount is paid, usually 3 000 000 ISK.

Norway

General information

Procedure

The Criminal Injuries Compensation Authority in Norway is responsible for handling applications for state compensation, where 18 employees handle the applications.

A victim can either apply by an electronic application form on the website www.voldsoffererstatning.no or by an application form in a print-friendly version.

In dropped or dismissed cases, average processing time is about five months, while in cases with a court decision, average processing time is about four weeks.

Information about state compensation

The police are responsible for informing victims about their rights to compensation.

Victims are informed about their rights to compensation orally when giving their statement to the police and are also given a letter from the police – a confirmation that the criminal act has been reported to the police – which contains information about the Norwegian compensation scheme.

Victims can also find information about the Norwegian compensation scheme on The Criminal Injuries Compensation Authority in Norway's website and there is also a helpline with opening hours from 12.00 to 14.00 Monday to Friday.

Number of applications and funding

The Criminal Injuries Compensation Authority in Norway received 5 803 applications and made 3 612 decisions in 2022. The state compensation is funded by the Norwegian government through the national budget, and the total amount of compensation paid in 2022 was 194 214 304 NOK.

There is no lower limit for what a victim can receive in state compensation. Maximum state compensation is 60 times the national insurance basic amount, which at the time of writing is 7 117 200 NOK. Exceptions

from the maximum compensation can be made, but special reasons are required. It takes a lot to be considered for exceptions.

Eligibility requirements

Type of crimes or injuries compensated

The Norwegian compensation scheme compensates for (intentional) acts of terror, grievous violence, grievous threats or grievous damage against a public officer, coercion, forced marriage, severe deprivation of liberty, human trafficking, slavery, grievous threats, grievous bodily harm, bodily injury, homicide, abuse in close relationships, genital mutilation, rape, sexual intercourse through abuse of position, sexual intercourse with inmates at an institution, sexual activity without consent, sexual intercourse with children under the age of 14, sexual intercourse with children between the ages of 14 and 16, sexual activity with children under the age of 16, sexually offensive behaviour towards children under the age of 16, incest and aggravated robbery.

The Norwegian compensation scheme also compensates for negligent homicide and negligent rape. The negligence must, however, be serious.

Reporting the crime

It is mandatory that the criminal act is reported to the police. There is however no requirement that the victims themselves report the criminal act to the police. The condition that the action must be reported to the police implies that the applicant must give a statement to the police, including the criminal act, name of the culprit and other information that is relevant for the police.

Also, if the applicant is summoned for questioning at the police station several times but does not show up, The Criminal Injuries Compensation Authority in Norway do not consider that the criminal act has been reported to the police and will therefore not award state compensation. There are no time limits regarding when the reporting to the police must be done.

Time limit for filing the application

If the criminal case ends with a court decision, the application for state compensation must be filed within six months from when the court decision was final. If the criminal case is dismissed or dropped, the application must be filed within one year from the time of the dismissal. There are no exceptions.

Subsidiary application

The victim has to seek compensation from social security benefits before applying for state compensation. If the victim receives compensation from elsewhere, the amount is deducted from the state compensation.

Territorial scope of application

The Norwegian compensation scheme compensates for acts that happened while both the applicant and the perpetrator were located in Norway at the time of the criminal act. The Norwegian scheme also applies to criminal acts committed abroad if the applicant had their place of residence in Norway and the criminal case has been processed by a Norwegian court.

Items covered by compensation

Loss of income

The Norwegian compensation scheme covers loss of income. When calculating loss of income, the Criminal Injuries Compensation Authority in Norway compare the applicant's income before and after the criminal act and the personal injury and cover the difference. If the applicant receives social security benefits, this amount is deducted.

Damage to property and pecuniary losses

The Norwegian compensation scheme does not cover compensation for damage to property.

The Norwegian compensation scheme covers pecuniary losses. The compensation is calculated based on the kind of loss that is probable, for example if the applicant sends in receipts.

Permanent disability, scars and disfigurements

The Norwegian compensation scheme does cover permanent disability, scars and disfigurements. The Criminal Injuries Compensation Authority in Norway then obtain a statement from a specialist that determines a permanent medical disability. This permanent medical disability is determined as a percentage. A standardised compensation is then calculated in a calculation programme, based on when the injury occurred, the age of the applicant and the size of the medical disability.

Non-material damages such as pain and suffering, violation of personal integrity and moral damage

The Norwegian compensation scheme does cover non-material damages. Some criminal acts, such as intentional rape, have standardised compensation. Intentional rape gives a compensation of twice the national insurance basic amount at the time of the authority's decision. Other criminal acts have individual compensation, where Criminal Injuries Compensation Authority in Norway refer to court decisions in similar cases based on what the court awarded as compensation for non-material damages.

Fatal cases

If the crime leads to the death of the victim, relatives have the right to be compensated for pecuniary losses caused by the criminal act, compensation for loss of a provider and non-material damages. Loss of a provider is calculated based on the extent of the support from the provider and the survivor's ability to contribute to their own support. When calculating compensation for loss of a provider, Criminal Injuries Compensation Authority in Norway refer to court decisions in similar cases. Compensation for non-material damages is two and a half times the national insurance basic amount at the time of the authority's decision.

Sweden

General information

Procedure

State compensation is handled by the Swedish Crime Victim Authority. The Criminal Injuries Compensation Department is responsible for handling the applications and for making the decisions on compensation.

The Criminal Injuries Compensation Department has 24 employees – drafting assistants, drafting law clerks, decision-making officers and a head of the unit.

To apply for state compensation, the victim has to use the form provided by the authority. The victim can submit an application online or fill out a form and send it by post. In most cases, the victim doesn't need to enclose any documents with the application, since the authority will order the documents that may be needed. The average processing time is about 60 days.

Information about state compensation

When a victim reports a crime, the police and the prosecutor are obliged to provide information about, among other things, opportunities to obtain damages and state compensation.

If the victim has the right to a counsel for the injured party or a special legal representative for children, this person's obligation is, among other things, to help with questions concerning damages.

The victims are also offered help from Victim Support Sweden. There are approx 100 local victim support centres in the country where non-profit volunteers work. They can provide support, advice and help to a victim of crime.

The Swedish Crime Victim Authority assists in oral form, via a service telephone, advising on

compensation levels and informing about the various possibilities for compensation.

The victims are informed about state compensation in both written and oral form by the police, the prosecutor and courts. When a preliminary investigation has been closed and when judgment has been made, the information is mainly given in written form.

If the offender cannot pay the damages, the Enforcement Authority informs about the possibility of state compensation. Insurance companies also do this.

The victim can also get information through websites and leaflets.

Number of applications and funding

The Swedish Crime Victim Authority received almost 10 300 (10 285) applications and made almost 10 400 (10 383) decisions in 2022. The state compensation is financed by the state with tax money, and the total amount of compensation paid in 2022 was almost 118 000 000 SEK.

State compensation is not paid if the total compensation is less than 100 SEK.

- Compensation for property damages: maximum of ten price base amounts (525 000 SEK). The price base amount is updated and increased annually and adjusted according to the inflation rate in Sweden.
- Compensation for personal injury determined as a lump sum: maximum of twenty price base amounts (1 050 000 SEK).
- Compensation for violation of personal integrity: no upper limit.

Eligibility requirements

Type of crimes or injuries compensated

All type of crimes can be compensated. Compensation for violation of personal integrity is however mainly paid for intentional offences and cannot be paid for crimes against reputation of another, if this is not aggravated slander or defamation.

Reporting the crime

In order for state compensation to be paid out, the crime must always have been reported to the police. There can be an exception if the victim was subject to a crime abroad and was on their way home and did not have time to report, or has another reasonable and reliable explanation as to why a report could not be made directly where the crime occurred. Regardless, it is required that the police report has been made in Sweden after the victim has returned home. There are no exceptions to a report to the police if the crime was committed in Sweden.

There are no time limits for when the reporting to the police must be done but a late report can make it more difficult for the victim to receive compensation because it becomes more difficult to prove that the person was the victim of a crime.

Time limit for filing the application

An application for state compensation must be submitted to the Swedish Crime Victim Authority no later than three years after the legal proceedings have been concluded. This means within three years of the crime being committed, the preliminary investigation being discontinued, or when it is no longer possible to appeal the judgement. Although there are some exceptions:

- When the victim is a child: child victims can always apply for compensation until their 21st birthday.
- The victim has not, due to illness, been able to submit an application in a timely manner.

If the victim has submitted a timely application, they always have 10 years to return from the authority's last decision.

Subsidiary application

If the case goes to trial and the court will determine how much the perpetrator has to pay in damages, the victim can turn to the Enforcement Authority for help in collecting damages. It is also possible to receive compensation via the victims insurances (for example from the householder's insurance). If the victim is unable to get full compensation from the perpetrator or via insurance, they may be entitled to state compensation. The state compensation is subsidiary to all other compensation; it only comes into play when the victim cannot get compensation for the whole damage from any other source.

If the victim receives compensation from elsewhere the amount is deducted from the state compensation.

Territorial scope of application

State compensation is paid for crimes committed in Sweden. The victim may be entitled to compensation regardless of whether he or she lives in Sweden or is here temporarily, for example as a tourist or a student.

Although there are some exceptions, state compensation is not paid if the crime and the victim have such a small connection to Sweden that it is not reasonable for the damage to be compensated by the state. This applies if the victim, at the time of the offence, was not a national or habitual resident of another Member State of the European Union.

If the victim lives in Sweden they may be entitled to state compensation even if the crime in question was committed abroad.

Items covered by compensation

Loss of income

It is possible to receive state compensation due to loss of income. The difference between what the victim would have received as uninjured and injured after deduction of compensation from the Social Insurance Agency and insurance compensation. The victim is taxed on the compensation.

Damage to property and pecuniary losses

As a general rule, property damage is not compensated. It is only in exceptional cases that state compensation is paid for ruined or stolen belongings, or for money if the victim was defrauded, for example.

Property damages are only compensated if the damage has been caused by an escapee from institutions such as prison or certain treatment homes run by the state for young or persons with drug addiction. The state must have had responsibility over the offender when the damage has been caused.

Permanent disability

It is possible to receive state compensation due to permanent disability. A medical advisor assesses the degree of disability, after which the Swedish Crime Victim Authority uses the Traffic Accident Board's tables to determine the compensation.

Scars and disfigurements

It is possible to receive state compensation due to scars and disfigurements. Based on photographs of the scars and disfigurements, the Swedish Crime Victim Authority determines the scale of the defect. A "Scar service" is used that the Traffic Accident Board provides and also their tables to determine the compensation.

Non-material damages such as pain and suffering, violation of personal integrity and moral damage

It is possible to receive state compensation due to non-material damages such as pain and suffering, violation of personal integrity and moral damage.

Physical or mental problems during the acute period of illness. The compensation is 2 800 SEK per month (year 2023) if the person is on full sick leave.

Compensation may be paid for serious violations of personal integrity, if the victim for example was subjected to assault, unlawful threat, harassment, sexual offence or robbery. But also in cases of less serious crimes – for example molestation – the state may provide compensation for violation (beyond compensation for personal injury).

This type of compensation is decided on objective grounds depending, among other things, on the type of crime and the relationship between victim and offender. The object is to compensate feelings caused by the crime.

The minimum level for violation is 8 000 SEK, and there is no upper limit for compensation of violation.

The Swedish Crime Victim Authority with the Compensation Board for Criminal injuries, together with the Supreme Court, have become the practice provider regarding compensation levels for violation of personal integrity due to crime. The Swedish Crime Victim Authority therefore has a digital collection of summaries that is regularly updated.

Fatal cases

If, due to a crime, someone have lost a person who was especially close to them or the deceased, they may be entitled to compensation both for pain and suffering and for a special compensation for family members:

- Compensation for pain and suffering to relatives for intentional killing (such as murder) is 60 000 SEK, and for negligent killing (causing the death of another person without intent) 30 000 SEK.
- A person who intentionally or through gross negligence causes the death of another person by a criminal offence shall also pay special compensation to a person who was particularly close to the deceased. The special compensation is 50 000 SEK.



Brottsoffermyndigheten

Swedish Crime Victim Authority

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