

## Home>Your rights>Victims of crime>Compensation>If my claim is to be considered in this country

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

Austria

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

Under the Victims of Crime Act (*Verbrechensopfergesetz*, VOG), BGBl. No 288/1972, compensation is awarded to individuals when it is likely that they suffered injury to their body or damage to their health as a result of an unlawful and intentional act carrying a sentence of more than six months' imprisonment on the date on which the decision is taken.

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

For an unlawful and intentional act carrying a sentence of more than six months' imprisonment which resulted in injury to the body or damage to health.

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

Yes. Family members who were dependants of the deceased under civil law (children, spouse) are eligible for compensation.

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

Yes, if the victim was seriously injured. The crime must also have caused the family member (child, parent, spouse, sibling) to suffer a shock resulting in psychological difficulties of clinical significance.

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

Yes. The offence must have been committed in Austria after 30 June 2005. Claimants must usually have been a legal resident at the time of the offence.

#### 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?

According to the Victims of Crime Act, citizens of Austria and the EU (if their usual place of residence was in Austria prior to the offence) are also in principle entitled to compensation for injuries that occur abroad.

According to Article 2 of Council Directive 2004/80/EC, compensation shall be paid by the competent authority of the Member State on whose territory the crime was committed.

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

The victim and the surviving dependants must assist with the investigation into the offence and the search for the perpetrator, otherwise any claims for compensation may be rejected.

#### 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?

The offender does not have to have been identified or convicted. It is enough if it is likely that an offence took place.

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

Most claims must be made within three years of the offence in order to receive retroactive assistance. If the claim is submitted later than this, assistance is paid from the month following the claim.

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

The following assistance is possible:

1. Compensation for loss of earnings or maintenance;
2. Therapeutic care
  - (a) medical assistance,
  - (b) medication,
  - (c) medical aids,
  - (d) institutional care,
  - (e) dental treatment,
  - (f) measures to strengthen health (Section 155 of the General Social Security Act (*Allgemeines Sozialversicherungsgesetz*), BGBl. No 189/1955);
- 2a. Coverage of the cost of crisis interventions by clinical and health psychologists and psychotherapists;
3. Orthopaedic care
  - (a) fitting of prostheses, orthopaedic and other devices, their repair and replacement,
  - (b) reimbursement for the costs of modifying everyday objects and the installation of disabled bathrooms,
  - (c) grants to cover the cost of modifying multi-track vehicles for a disabled driver,
  - (d) aid for the procurement of multi-track vehicles,
  - (e) any travel and transport costs incurred;
4. Medical rehabilitation
  - (a) accommodation in medical institutions which primarily focus on rehabilitation,
  - (b) medical assistance, medication and medical aids if these are required in direct relation to or in connection with (a),
  - (c) any travel and transport costs incurred;
5. Occupational rehabilitation
  - (a) occupational training to regain or improve fitness to work,
  - (b) training for a new occupation,
  - (c) grants or loans (Section 198(3) of the General Social Insurance Act, (*Allgemeines Sozialversicherungsgesetz*, ASVG 1955));
6. Social rehabilitation
  - (a) grant to cover the cost of obtaining a driving licence if the person's disability means that it is not reasonable to expect him/her to use public transport,
  - (b) transitional allowance (Section 306, ASVG 1955);

7. Care allowances, allowances for blind people;
8. Reimbursement of funeral expenses;
9. Means-tested additional benefits;
10. Lump-sum compensation for pain and suffering.

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

It varies.

There are monthly payments (compensation for loss of earnings/maintenance; means-tested additional benefits; care allowance and blind person's allowance) and single payments (such as reimbursement of funeral expenses, lump-sum compensation for pain and suffering).

**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 Victims of Crime Act outlines the grounds on which compensation may be refused (e.g. grossly negligent conduct, involvement in a brawl).

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

For most assistance, your financial situation is irrelevant. Loss of earnings and maintenance are measured according to civil-law criteria and are not means-tested.

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

No

**How will the compensation be calculated?**

On a case-by-case basis. Ongoing compensation for loss of earnings and maintenance is calculated based on civil law criteria.

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

There is no minimum amount for compensation.

There are income limits or fixed amounts for specific types of assistance.

**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. It is up to the authority in question to determine the amount; however, the victim must cooperate in the proceedings and provide the requisite information.

**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?**

State benefits (such as unemployment benefit) and social security benefits (disability pensions, etc.) will be taken into account and will reduce the compensation for loss of earnings in accordance with the Victims of Crime Act.

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

Yes. If there is an urgent need for financial assistance. It must be likely that the claim is well-founded.

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

Yes

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

The following documents usually need to be provided with claims for assistance:

- power of attorney/proof of authority or relationship with the victim
  - death certificate of the victim
  - copy of the police report
  - copy of the judgment/court decision
  - medical reports and certificates
  - hospital bills
  - bills for other expenses (care, funeral)
  - income (salary, social welfare/assistance payments, allowances)
  - confirmation of contribution (or not) from other sources (social security, private insurance)
  - recent extract from the claimant's judicial record
- Documents will also be requested by the authority itself.

**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 Federal Office for Social Affairs and People with Disabilities, Ministry for Social Affairs (Bundesamt für Soziales und Behindertenwesen – Sozialministeriumservice).

Babenbergerstraße 5, A-1010 Vienna

Tel.: 0043 158831

FAX: 0043(0)10599882516

email: [post.wien@sozialministeriumservice.at](mailto:post.wien@sozialministeriumservice.at)

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

To the Federal Office for Social Affairs and People with Disabilities, Ministry for Social Affairs (Bundesamt für Soziales und Behindertenwesen – Sozialministeriumservice).

Babenbergerstraße 5, A-1010 Vienna

Tel.: 0043 158831

FAX: 0043(0)10599882516

email: [post.wien@sozialministeriumservice.at](mailto:post.wien@sozialministeriumservice.at)

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

You may be required to be involved in the procedure (for assessment by an expert, to answer questions, etc.) but otherwise you do not generally need to be present.

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

It depends on the type of compensation claimed. The decision is usually made within a few months.

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

An appeal may be lodged with the Federal Administrative Court (*Bundesverwaltungsgericht*) against the Ministry for Social Affairs' decision (appeals may also be lodged with the Constitutional Court (*Verfassungsgerichtshof*) and the Supreme Administrative Court (*Verwaltungsgerichtshof*)).

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

You do not need to complete an application form in order to submit a claim. Information is provided by the Ministry for Social Affairs and can be found on their website (together with the relevant forms).

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

[Sozial Ministerium - Sozialentschädigung](#) (Ministry for Social Affairs – Social Compensation)

[Sozial Ministerium - Verbrechensoffer](#) (Ministry for Social Affairs – Victims of crime)

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

The Ministry for Social Affairs provides legal information. They are not able to provide or pay for a lawyer.

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

Yes. e.g. Weisser Ring.

Last update: 18/08/2020

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.