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Sweden

There are generally three different ways of obtaining compensation for injuries caused by crime. They are:

- damages that the offender is required to pay;
- compensation under private, collective or public insurance policies;
- State compensation for criminal damage.

There are differences between the rules that apply to the different types of compensation. The following information only applies to State compensation for criminal damage.

Which type of crime can I get compensation for?

In principle, compensation for criminal damage can be awarded for all types of crime, but the compensation options vary depending on the type of damage or injury.

Compensation for personal injury can be awarded for all kinds of crime, if the injury is a natural consequence of the crime.

Compensation can also be awarded for an injury that means someone seriously hurts another person through a crime involving an attack on the victim's person (e.g. assault or rape), freedom (e.g. unlawful deprivation of liberty) or peace (e.g. unlawful threat).

Compensation for material damage (e.g. through theft or damage to property) or purely financial damage (e.g. through fraud) is only awarded in certain cases.

Children who have witnessed a crime intended to harm the safety and confidence of the child in relation to a close relative may also be awarded compensation for damages.

Which type of injury can I get compensation for?

Compensation can be awarded for personal injury and harm, and to children who have witnessed crimes committed between close relatives. In some exceptional cases, compensation can be awarded for material damage or purely financial damage.

In the case of personal injury, compensation may be awarded for:

- medical costs and other costs for the injured person and, to a reasonable extent, to a close relative of the injured person;
- damage to clothes, spectacles and similar items worn by the injured person at the time when the injury was sustained;
- loss of earnings;
- temporary physical and mental suffering (pain and suffering);
- permanent physical and mental suffering (deformity or other permanent injury).

If a personal injury has resulted in death, compensation may be awarded for:

- burial costs and also, to a reasonable extent, other costs resulting from the death;
- loss of maintenance (under certain conditions);
- personal injury affecting a close relative of the deceased as a result of the death.

Other benefits to which the injured person is entitled (e.g. welfare benefits, pension, or compensation from their employer) are deducted when determining compensation for loss of earnings and maintenance.

In the case of a crime targeting the victim's person, freedom or peace involving a serious violation of personal integrity, compensation may be awarded for the violation.

Compensation for material damage, e.g. stolen or damaged property, is only awarded in exceptional cases. Such compensation may be awarded if the crime was committed by someone who was in enforced societal custody, e.g. as an inmate of a prison, detention centre or institution (known as fugitive cases).

Compensation may also be awarded in particularly distressing cases where the opportunities for the injured party to earn a living have been seriously worsened by the injury or where compensation appears to be particularly important for other reasons.

Compensation is awarded very rarely for purely financial damage, e.g. in relation to fraud or embezzlement. Compensation may only be relevant for fugitive cases if there are special reasons, or in particularly distressing cases where the opportunities for the injured party to earn a living have been seriously worsened by the injury or where compensation seems to be particularly important for other reasons.

Compensation for children who have witnessed a crime intended to harm the safety and confidence of the child in relation to a close relative is usually awarded where the child in question has seen or heard violence or threats between parents or other close relatives with whom the child has a close, trusting relationship.

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, compensation can be awarded as explained above. In the event of injury to a close relative of the deceased, standardised compensation is usually paid out for pain and suffering.

The people who can obtain compensation for injury are usually the partner, parents and children of the deceased, as well as siblings who lived with the deceased. Adult siblings who did not live with the deceased are not usually entitled to compensation.

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?

Where an injury has not resulted in death, compensation may be awarded in certain special cases for indirect injury to a person in a particularly close relationship to the injured party. Cases where such compensation may be relevant are where the injured party has sustained serious injuries and been in a life-threatening condition for a considerable period of time, or where the relative in question witnessed the incident in which the injury was sustained and this caused mental injury to the relative.

The people who may be entitled to compensation are the same as when the injured party dies as a result of a crime.

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

If the crime was committed in Sweden, compensation may be awarded regardless of the injured party's nationality or country of residence. If, however, the crime and the injured party have such a weak link to Sweden that it is not reasonable for the Swedish State to compensate for the injury, no compensation will be paid. This exception is applied in a restrictive way. The exception is also not applicable to a citizen of another EU country who is exposed to wilful, violent crime in Sweden.

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; if you live in Sweden you can apply for compensation in Sweden, even if the crime was committed in another country, either within or outside the EU. The principle is that criminal damage must firstly be compensated for in the country where the crime was committed. If the damage cannot be compensated for at all or in full in that country, an injured party living in Sweden can instead have the right to compensation for criminal damage from the Swedish State. If the crime is committed in another EU country and compensation can be awarded for the crime in question in that country, the Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*) can help a person applying for compensation in Sweden in addressing the country where the crime was committed. Under certain conditions, Swedish compensation may be paid out before the right to compensation has been assessed in the other EU country.

If compensation for damage cannot be paid out in the other EU country, the right to compensation will instead be assessed under the Swedish rules.

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

Yes; the crime must be reported to the police, and the injured party is also required to have assisted the police with their enquiries.

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

Yes; compensation can very rarely be awarded before a police investigation and a judicial review is finished.

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

In principle, if the offender is known, the offender needs to have been convicted of the crime in order for State compensation to be payable. It is also the person who caused the damage who must provide compensation for it in the first place, and in principle this means that a claim must first be lodged against the offender. If, on the other hand, investigation clearly shows that the offender is not able to pay the damages, compensation may be paid out without the injured party first having to request it from the offender.

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; if the offender has not been identified and the police investigation has therefore been closed, you may be entitled to compensation. In cases like this, the assessment of the crime and the right to compensation will largely be based on the content of the police report. In addition to this, the injured party is also required to produce evidence showing the damage or injury that occurred as a result of the crime.

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

Yes; there is an application deadline of three years, which is calculated as follows:

If there is a judgment in relation to the crime, the application must be lodged within three years of the date when the judgment took legal effect (could no longer be appealed against).

If the police investigation has been closed, the application must be lodged within three years of the date on which the decision was made to close the investigation.

If no police investigation was launched, the application must be lodged within three years of the date of the crime.

Children who were exposed to crime before the age of 18 have the right to apply for compensation up until their 21st birthday.

Which losses and expenses are covered by the compensation?

For example, the compensation covers:

a) For the victim of the offence:

- Material (non-psychological) damage:

medical costs of injury (medical treatment – ambulant and hospital treatment, recovery)

Yes, in so far as compensation is not awarded from other sources.

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.)

Yes, in so far as compensation is not awarded from other sources.

permanent injury (e.g. invalidity and other permanent handicaps)

loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.)

Yes, in so far as compensation is not awarded from other sources.

loss of opportunity

No, nothing other than compensation for loss of earnings or future loss of earnings (annuity).

expenses linked to legal proceedings related to the incident causing the damage (such as legal fees, court costs)

No

compensation for stolen or damaged personal property

Compensation may be awarded for damaged or destroyed clothes, spectacles and similar items worn by the injured person at the time of sustaining the injury.

In other cases, the options for compensation for damage to property are very limited; please see section 1.2 above.

Other.

- Psychological (moral) damage:

pain and suffering of the victim.

Yes. In addition to compensation for pain and suffering, compensation may also be awarded for a violation where a crime targeting the victim's person, freedom or peace may have involved a serious violation of the injured party's personal integrity.

b) For entitled people or relatives of a victim:

- Material (non-psychological) damage:

funeral costs

Yes, in so far as compensation is not awarded from other sources.

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

Yes; if the crime resulted in death and involved personal injury to someone particularly close to the deceased, compensation may be awarded if it is not obtained from other sources. Please also see sections 1.3 and 1.4.

loss of maintenance or of opportunity

Loss of maintenance may be compensated for under certain conditions.

- Psychological damage:

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

Yes; please see section 1.3 above.

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

Compensation is usually paid out in a single payment. Compensation for any permanent injuries must often be adjusted at a later date when it becomes clear that the injuries are permanent. Long-term loss of earnings is usually adjusted once a year in arrears. If, the injury has caused the injured party a disability that has permanently reduced their ability to work, they may, under certain conditions, be entitled to compensation for future loss of earnings in the form of an annuity, in which case monthly payments are made.

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 compensation may be reduced or refused completely if the injured party's behaviour has increased the risk of injury, whether in connection with the crime or otherwise intentionally or negligently. The compensation is usually adjusted in this way if the crime was caused by the injured party's own criminal activity or is linked to drugs, or if the injured party behaved provocatively in connection with the crime.

The injured party is also required to have cooperated with the police investigation to a reasonable extent. The injured party must also contribute to the compensation procedure of the Swedish Crime Victim Compensation and Support Authority by providing information and submitting the documents required for the assessment. No compensation may be awarded if the claimant has not cooperated with the police investigation. The same applies if the claimant has not contributed to the compensation case.

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

With regard to compensation for personal injury and violations, the injured party's financial situation does not affect the right to compensation or the amount of compensation awarded. In the case of damage to property and purely financial damage, the financial situation of the injured party may affect the right to compensation and the amount of compensation awarded for criminal damage in some cases.

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

State compensation for criminal damage is subsidiary to any other compensation to which the injured party may be entitled as a result of the damage or injury caused. This means that any other compensation must be deducted from the compensation for criminal damage. For example, this applies to damages that are paid out or considered to be payable and any insurance compensation to which the injured party is entitled.

How will the compensation be calculated?

The compensation will be calculated in accordance with the rules laid down in the Criminal Injuries Compensation Act (*brottskadslag*) and the Tort Liability Act (*skadeståndslag*). Entitlement to compensation for criminal damage is more restricted than entitlement to tort damages in certain respects. The principle is that the compensation must constitute a form of reparation and, as far as possible, place the injured party in the same financial situation as if the damage or injury had not occurred.

All of the essential, reasonable costs are covered, as well as any loss of earnings resulting from the damage or injury. There is an upper limit for the compensation; please see section 1.18.

Compensation for pain and suffering is paid out according to tables – the normal amount during sick leave is approximately SEK 2 400 per month (2017), but a higher level of compensation may be awarded, for example in the case of treatment in an intensive-care unit. For certain crimes – where the injury has resulted in death (compensation to relatives) and in the case of rape – there is also a presumption of personal injury, which means that this does not need to be proven. In these cases, certain templates are applied to compensation for pain and suffering; they are SEK 50 000 in the event of wilfully causing death, SEK 25 000 in the event of inadvertently causing death, and SEK 15 000 in the event of rape.

Compensation for permanently disabling injuries is determined using tables and based on a doctor's assessment of the extent of disability and the age of the applicant.

Compensation for permanent disfigurement is determined using tables and based on how visible the disfigurement in question is, where it is located, and the age of the injured party.

Compensation for a violation is determined based on the objective circumstances of the crime and irrespective of the subjective experience of the injured party. In practice, for example, the compensation may be SEK 5 000 – 20 000 for an unlawful threat, SEK 5 000 – 100 000 for assault, SEK 100 000 for rape, and SEK 100 000 – 150 000 for attempted murder.

A basic deduction of SEK 1 500 (in 2017 prices) is then made from the total amount of compensation.

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

The lowest amount of compensation that can be awarded is SEK 100 (following the basic deduction).

The maximum amount of compensation that can be awarded for personal injury, including pain and suffering, is SEK 896 000 (data for 2017). Compensation for an annuity may also be awarded under certain conditions.

The maximum amount of compensation that can be awarded for material damage and purely financial damage is SEK 448 000 (in 2017 prices).

There is no upper limit for compensation relating to a violation.

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 – with regard to financial losses such as medical costs or loss of earnings, the injured party is required to specify the amount or send evidence clearly showing the extent of the damages.

No amount needs to be specified for moral compensation (pain and suffering, violation, permanent injury, and compensation to children who have witnessed a crime).

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

Yes – the State compensation for criminal damage is only awarded to the extent that the damage has not been covered by other types of compensation to which the injured party is entitled.

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

No; there is no possibility of having compensation paid out in advance.

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

Yes, provided that the claim is not time-barred, which usually happens ten years after the decision has been made.

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

An original power of attorney must be submitted if the applicant is represented by a legal representative. The costs must usually be supported with the original invoices. It is also an advantage if the applicant in general submits the material listed above which is relevant to the damage or injury in question.

The Swedish Crime Victim Compensation and Support Authority will obtain the documentation required for assessing the right to compensation and the amount of any such compensation in so far as the necessary documents are not enclosed. This will be done by virtue of the mandate given to the authority by the applicant when submitting the claim. If the authority cannot itself obtain the information and documents required, the applicant will instead be given an opportunity to provide them.

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 Swedish Crime Victim Compensation and Support Authority

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

The Swedish Crime Victim Compensation and Support Authority, P.O. Box 470, 901 09 UMEÅ, Sweden.

Please note that the claim must be submitted using a special form. Forms are available on the website of the Swedish Crime Victim Compensation and Support Authority at www.brottsoffermyndigheten.se.

A claim may also be submitted electronically if the claimant has a Swedish electronic banking ID. A claim may be submitted in this way via the www.brottsoffermyndigheten.se website.

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?

The processing time varies depending on the authority's current workload. The time may also vary depending on how complicated a case is. The average processing time is currently around three months (in 2017).

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

Decisions by the Swedish Crime Victim Compensation and Support Authority cannot be challenged, but the authority can change its decision upon request or on its own initiative if new circumstances come to light or if there are other grounds for doing so. A decision cannot be changed to the detriment of the claimant.

A claimant who is dissatisfied with the decision can send a written request to the authority for the case to be re-assessed. The desired change and the reasons for it should be specified in the request. Any supplementary material should be submitted together with the request.

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

Information and application forms can be found on the website of the Swedish Crime Victim Compensation and Support Authority at <https://www.brottsoffermyndigheten.se/>. Information about compensation and how to submit a claim is available in several languages, and application forms are available in English.

You can also call the Swedish Crime Victim Compensation and Support Authority helpline on +46 90 70 82 00, which is open 09:00-15:00 on weekdays. The helpline can offer advice in Swedish and English.

Is there a special helpline or website I can use?

In addition to the above, information on legal proceedings can be found at <http://www.rattgangsskolan.se/>, and in English at <http://www.courtintroduction.se/>. Age-appropriate information aimed at children up to the age of 18 can be found at <https://www.jagvillveta.se/>. You can also find information in several languages there.

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

The claim application is easy to fill out, and you can contact the Swedish Crime Victim Compensation and Support Authority for help if you have any problems. Compensation for a legal representative's costs will only be awarded if there are particular grounds for doing so.

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

The local victim-support centre can offer you help with your claim application. You can find your local victim-support centre via the Victim Support Sweden (*Brottsofferjouren*) website at <http://www.brottsofferjouren.se/> or call +46 (0)200-21 20 19 for help.

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