Which type of crime can I get compensation for?

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. This follows from the Act on Compensation to Victims. Violation of special legislation, including the Road Traffic Act, the Military Penal Code and statutory orders, cannot form the basis for awarding compensation and damages under the Act on Compensation to Victims. The Danish Criminal Injuries Compensation 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 guide for the assessment by the Danish Criminal Injuries Compensation Board. No compensation or damages are granted if the action is not punishable on account of, for example, self-defence, jus necessitatis or consent.

Which type of injury can I get compensation for?

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.

In principle, compensation is only paid to the direct claimant affected by the criminal offence. However, you may have been so close to the event that you can obtain compensation and damages under the Act on Compensation to Victims, even though you cannot really be regarded as having been wronged. There is also the possibility, as a relative, of receiving compensation for funeral expenses, loss of the principal earner, etc., cf. below.

In the event of personal injury, compensation and damages can be granted for:

Recuperation expenses
Lost earnings
Pain and suffering
Permanent injury
Loss of earning capacity
Tort
Compensation for gross violation
Other losses (such as prolongation of training or need for special aids)
Legal expenses

If the claimant dies, there is the possibility of compensation for:

Funeral expenses
Loss of principal earner
Transitional amount for surviving spouse/cohabitant
Allowance for survivors

In situations where there has also been damage to property, compensation is paid for clothing and personal belongings that the victim was wearing or had on them when the personal injury occurred, as well as compensation for property damage caused by certain committed individuals, such as convicts.

There is no compensation for pecuniary loss, as a result of fraud for example. Similarly, no compensation is paid for privation, operating losses, lost profits, and the like.

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. As mentioned above, compensation and damages can be paid in the event of the death of the injured party.

Compensation for funeral expenses is payable to the person who has paid for the funeral, regardless of whether this person is a relative or not.

Compensation for loss of a principal earner is provided to the spouse/cohabiting partner and surviving children, for whom the deceased was the principal earner.

If the deceased does not leave a spouse/cohabitant, a transitional allowance may be awarded to another survivor if supported by special circumstances. This could be a brother or sister who for many years had lived together and shared a household with the deceased.

In addition, an allowance can be granted to survivors to whom the deceased was particularly close. As a starting point, this allowance is granted to a spouse, cohabitant, minors and the parents of the latter.

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?

Parents can be reimbursed for expenses for medical visits in connection with visits to their own injured children.

For children and adolescents, it can be crucial for an improvement to their state of health that their mother or father is present in the hospital or participates in rehabilitation. In such special cases, the mother's or father's loss of income may be covered in whole or in part.

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

Yes. The Act on Compensation to Victims contains no requirement for citizenship or residence to obtain compensation, only that the criminal incident occurred in Denmark. If the conditions of the Act are otherwise fulfilled, it is irrelevant whether the claimant is a foreigner resident in Denmark, is merely a tourist or is briefly resident on Danish territory.

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?

Generally speaking, no. However, there is a limited possibility of obtaining compensation from the Danish Criminal Injuries Compensation Board even if the personal injury has arisen as a result of a criminal offence committed abroad. Compensation is provided only if it is reasonable to provide it. The possibility of granting compensation is intended to be narrow in scope and is only used in special cases when supported by specific circumstances.

In special cases, compensation is paid for injury caused by acts committed outside Denmark if the claimant is domiciled in Denmark, has Danish nationality, or at the time of the offence was posted to represent Denmark overseas. Compensation and damages are paid for injuries that occur when a person of Danish nationality or domiciled in Denmark assaults abroad another person of Danish nationality or domiciled in Denmark. However, only when the injury

occurs within a closed Danish environment, such as in connection with a school trip. If it is coincidence that both victim and perpetrator have connections with Denmark, no compensation is granted.
Compensation may also be granted when such acts have been committed against a claimant resident in Denmark and on business outside Denmark. This includes only short-term professional work abroad in circumstances where it cannot be expected that the claimant or the employer will have taken out private insurance to cover the injury. The injury must have occurred during working hours.
Study and internships abroad are not considered to be occupational activities.
An applicant who is a minor residing abroad due to his or her parents' professional activities can obtain compensation and damages. Here, emphasis will be placed on the parents' circumstances.

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

Yes, it is a fundamental condition for obtaining compensation from the State that the criminal offence have been reported to the police within 72 hours.
Notification means a request to the police to investigate a case. In more serious cases, it will rarely be necessary to make an explicit request for investigation, but in less serious cases it will generally be necessary. The fact that the police have been present and perhaps have also spoken to the injured party will therefore not always suffice for the crime to be considered to have been reported.
It is possible to dispense with the notification deadline in certain circumstances. For example, the Danish Criminal Injuries Compensation Board almost always dispenses with 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 be reported to the police. The deadline has been abolished with effect for injuries caused by criminal offences committed after 1 April 2016.

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

Administrative processing

The application for compensation must be submitted to the police in the police district where notification of the offence has taken place. The application shall be forwarded by the police to the Danish Criminal Injuries Compensation Board.
If the case is still being processed by the police, the prosecutor or the courts, the police will only submit the application to the Danish Criminal Injuries Compensation Board at the end of the case. However, the case can be dealt with by the Danish Criminal Injuries Compensation Board before it has been finalised by the police, the public prosecutor's office or the courts in certain circumstances.
The latter only occurs in very rare cases and usually only in connection with very serious offences, typically homicides, where for the sake of the survivors there may be a special need to decide on the claim for compensation or part of it, even if the case has not yet been completed by the police or by the courts.
No matter how serious a case is, the Danish Criminal Injuries Compensation Board cannot deal with it 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.

Court proceedings

The applicant's claim for compensation must be made during criminal proceedings at the courts. In this case, the judge may choose to examine the merits of the claim or postpone it for examination by the Danish Criminal Injuries Complaints 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 Danish Criminal Injuries Compensation Board.

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

Compensation is not awarded by the Danish Criminal Injuries Compensation Board if the applicant's damages are reimbursed by the perpetrator or covered by an insurance policy or other benefits that are in the nature of compensation for damages. The Danish Criminal Injuries Compensation Board does not make a decision until it is established whether the damages are covered from elsewhere.
It is not a condition that an attempt first be made to recover the damages from the perpetrator or that the perpetrator have been identified.

If the offender has not been identified or convicted, can I still qualify for compensation?

Yes. Even if a criminal case cannot be pursued because the perpetrator is unknown or cannot be found, compensation can be provided by the State. However, it is still a condition that the other statutory conditions be fulfilled.
In these cases, the Danish Criminal Injuries Compensation Board shall make an independent assessment as to whether a personal injury has been caused by a criminal offence.

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

The Danish Criminal Compensation Board cannot process an application filed more than 2 years after the offence was committed, unless there are special reasons for this. If a judgement has been given in the case, the deadline runs from when the criminal conviction has been completed. 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.
The Danish Criminal Injuries Compensation Board may also not process an application if the latter has previously dealt with claims for damages from the same applicant for the same offence, and the new claim is made more than 2 years after the applicant realised or should have realised the existence of this claim, unless there are special reasons for doing so.
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.
If the applicant was a minor when the offence was committed, the Danish Criminal Injuries Compensation Board will be more likely to disregard the deadline.

Which losses and expenses are covered by the compensation?

(a) For the victim of the offence:
Material (non-psychological) damage:
medical costs of injury (medical treatment - ambulant and hospital treatment, recovery). **YES**
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**
permanent injury (e.g. invalidity and other permanent handicaps) **YES**
loss of earnings during medical treatment and after (including lost earnings and loss of ability to earn or diminished maintenance, etc.). **YES**
loss of opportunity **NO**

expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs. **YES in some cases** In special cases, the Danish Criminal Injuries Compensation Board may decide that the claimant must, in whole or in part, have paid the expenses which he or she has incurred in connection with the Board's handling of the case. The claimant will never have to pay any legal costs in connection with the criminal case itself, as it is brought by the police.
compensation for stolen or damaged personal property **YES** Compensation is paid for clothing and personal belongings that the victim was wearing or had on them when the personal injury occurred.
Psychological (moral) damage:
pain and suffering of the victim **YES** See above for other items for which compensation or damages can be received.
(b) For entitled people or relatives of a victim:
Material (non-psychological) damage:
funeral costs **YES**
medical costs (e.g. therapy for a family member, ambulant and hospital treatment, rehabilitation) NO
loss of maintenance or of opportunity **YES/NO** Compensation is paid for loss of the principal earner. See details above.
Psychological damage:
pain and suffering of relatives or entitled people/compensation to survivors if the victim died. **NO/YES** No compensation if granted for pain and suffering for relatives and others. However, a transitional amount can be granted. See above for a more detailed description.

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

Compensation and reimbursement awarded by the Board will be paid approximately 14 days after the Board's decision. The payout is processed by the police in the police district where the crime was reported.
The payment is made in one amount for the claims that have been approved by the individual decision.

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?

General compensation regulations under Danish law apply correspondingly to applications for compensation and reimbursement for victims in the event of crime, including the regulations regarding reduction and cancellation of the compensation due to the claimant's participation in the harm or acceptance of the risk of injury. Acceptance of risk can, for example, apply to injuries caused in relation to biker/gang conflicts.
If an injured party does not sufficiently contribute to the investigation of the case, the right to compensation may lapse. This applies, for example, if the injured party refuses to give an explanation to the police or to the court.
The compensation can also be reduced or cancelled if the applicant fails to meet his/her standard loss limitation obligations. This means that the person who has suffered injury as a result of someone else's wrongful conduct has an obligation, as far as possible, to limit his or her loss as a result of the injury.
No emphasis is ever placed on the applicant's criminal record when the application is processed. The Danish Criminal Injuries Compensation Board is not in the habit of obtaining criminal records.
If an applicant does not respond to the Danish Criminal Injuries Compensation Board's request for submission of documentation for the requested claim, this may affect the compensation awarded. It is the applicant's duty to document his or her claims satisfactorily.

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

An application can be given priority if you have, for example, been summoned to appear before the bailiff's court, if there is information available regarding a foreclosure, or if you have received letters from the bank about non-payment of regular expenses.
For applications for lost earnings, the Danish Criminal Injuries Compensation Board is aware that the applicant's source of income has decreased, so there is a focus on these cases.
Other than the above, priority is not given to a case solely on the basis of the applicant's financial situation.
The applicant's financial situation does not otherwise have any bearing on the possibility of obtaining compensation or the amount of compensation.

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

Compensation or damages are not granted if the applicant's damages are paid by the perpetrator or are covered by insurance benefits or other benefits that are in the nature of actual compensation.
The applicant must have contributed, as best as he or she could and to the extent necessary, to the police's investigation of the case. Deliberate concealment of information or a similar reluctance to assist in the investigation of the case usually results in no compensation being awarded.
It is also a condition for obtaining compensation from the State that the applicant, during a possible criminal case against the offender, have applied for compensation or has taken a position on it in court.
In accordance with the general regulations of tort law, there must be a causal connection between the criminal offence committed and the harm.

How will the compensation be calculated?

Compensation is calculated in accordance with the individual claim and on the basis of the amount applied for. If you, as the applicant, have documented your claim sufficiently, the damages will be calculated in accordance with the loss suffered. The Danish Criminal Injuries Compensation Board calculates the loss for each compensation claim based on applicable rules (for example, lost earnings are calculated as the difference between the expected income and the actual income during the period applied for). If you have only provided documentation for parts of your claim, compensation will only be paid for the documented amount. In some cases, the Danish Criminal Injuries Compensation Board's calculation of the claim will be an estimated amount. This can happen in cases where you have not been able to calculate your claim yourself.
Compensation is calculated on a tariff basis. Several of these rates are adjusted once a year on 1 January. Amongst other things, compensation for pain and suffering is paid at a rate of DKK 200 (2018) per sick day. Permanent injury is calculated in degrees of injury, and compensation is paid per degree of injury, which is DKK 8,790 (2018) per degree. Compensation for tort and gross violation is calculated on the basis of the gravity and the nature of the assault that the victim has been exposed to, including which criminal offence is involved.

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

There is no overall limit on how much can be paid in compensation and damages. At present, Denmark does not have a minimum limit for amounts that can be awarded in compensation and damages. However, there is a maximum amount for some items for which compensation can be paid. See the list below in this respect:
Pain and suffering DKK 76 500 (2018)
Permanent injury DKK 879 000 (2018)
Loss of earning capacity DKK 9 227 500 (2018)
Transitional amount DKK 165 500 (2018)
Damage to property DKK 132 000 (2018)

Damages for permanent injury can, in exceptional cases, be assessed at 120 per cent, in accordance with which the maximum amount is DKK 1 054 000 (2018).

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

It is not expected that a total amount should be calculated for all the claims applied for. It is expected that, besides the individual items for which compensation can be paid, you will enter the amount for which you are seeking compensation. However, it is not a condition for receiving compensation that all claims are calculated.

See the front page of the application form for how lost earnings are calculated. As an applicant or potential applicant, you are always welcome to contact the Board for information on how to calculate and document your claims for damages. You can also obtain guidance regarding which factors are emphasised in relation to the individual items for which compensation can be paid.

There is no expectation that compensation for psychological harm will be calculated, as the damages will be calculated on a tariff basis in relation to the extent of the harm.

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?

The Danish Criminal Injuries Compensation Board does not pay compensation if the applicant's damages are reimbursed by the perpetrator or are covered by an insurance policy or other benefits that are in the nature of actual damages. As a matter of principle therefore, it is not a question of whether, for example, the insurance payment is deducted when the Danish Criminal Injuries Compensation Board processes the claim, but more a question of who should pay the compensation. If it is found that the insurance company has refused to pay compensation, the case can be taken into consideration by the Danish Criminal Injuries Compensation Board.

If the applicant has taken out a private accident insurance policy and has received invalidity compensation or compensation for permanent injury, this will not result in a reduction or cancellation of compensation for permanent injury or compensation for loss of earning capacity. Nor, if the claimant has received social benefits from the public on account of the harm (such as a pension, wage subsidy or the like), will the compensation will be reduced.

If the claimant has taken out insurance with a health insurance company, the treatment expenses will not be reimbursed to the extent that the expenses are reimbursed by the insurance policy. Furthermore, no compensation is granted to the extent that the treatment can be performed free of charge via public health insurance or via other public services.

In connection with work injuries, the Danish Criminal Injuries Compensation Board can only pay compensation for pain and suffering, compensation for lost earnings and differential claims, as well as compensation for tort and gross violation, since all other items, including compensation for recuperation expenses, etc., are covered through the employer's statutory work injury insurance.

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

The fundamental position is that compensation and damages are not paid in advance, but only upon final processing of the claim.

The Danish Criminal Injuries Compensation Board has a policy in some cases of paying out compensation on account for permanent injury. The fundamental position is that the Danish Criminal Injuries Compensation Board will wait for Labour Market Insurance (*Erhvervssikring*) to make a pronouncement on the degree of compensation, but if it is considered probable that the applicant has incurred a substantial permanent injury solely as a result of the injury, the Danish Criminal Injuries Compensation Board may award damages on account.

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

Yes. If it is found, following a decision by the Danish Criminal Injuries Compensation Board, that the injury becomes worse and this results in further losses, these losses can be processed by the Danish Criminal Injuries Compensation Board. It should be mentioned in this respect that there is a deadline of 2 years for submitting the claim to the Danish Criminal Injuries Compensation Board. The 2-year deadline is calculated from the time when the claimant knew or should have known that the harm had caused further losses.

Compensation for future recuperation costs and other future losses as a result of harm is set at a capital amount. If the applicant has therefore already received compensation for future recuperation expenses, etc., the applicant cannot at a later date be allowed to have the case taken up again solely for the purpose of receiving additional compensation for recuperation expenses and other losses.

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

There are no requirements for the applicant to submit supporting documents together with the application. The application is submitted to the Danish Criminal Injuries Compensation Board via the police, which sends the documents from the criminal case files.

If the Danish Criminal Injuries Compensation Board finds that the application is covered by the Victim Compensation Act, the Board will continue to consider the claims submitted. When processing these, the Board often needs different documentation depending on the claims for which the applicant has applied for compensation. It can expedite case processing if the applicant submits, together with the application form, documentation for the claims submitted. It would also be beneficial for the applicant to submit, along with the application, any refusal from his/her insurance company to pay compensation for the damages. For example, documentation can consist of receipts for expenses incurred in connection with breach of the Danish Penal Code. In addition, medical records and medical certificates are often used in relation to determining the extent of the injury. Regarding lost earnings and loss of earning capacity, the applicant should submit documentation in relation to his/her earnings both before and after the injury in the form of payslips, annual statements and, if applicable, a salary declaration from his/her employer. In some cases, the municipal files are also used.

In cases where the Danish Criminal Injuries Compensation Board considers that additional documentation is necessary for processing the case, the Board will draw the applicant's attention to this and request submission of such documentation.

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

No. The Danish Criminal Injuries Compensation Board’s handling of the case is free for the applicant.

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

In Denmark, a decision is made on compensation and damages for victims of crime by a board set up by the Minister of Justice. This authority is called the Danish Criminal Injuries Compensation Board.

Decisions can also be made by the Danish courts either during a criminal case or in a later civil case, for example if the Danish Criminal Injuries Compensation Board's decision is brought before the courts.

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

The application must be sent to the police responsible for where the criminal offence was reported. The police then send the case to the Danish Criminal Injuries Compensation Board together with the criminal case files.

If you already have a case being considered by the Board, you must submit a hard copy of the application to the Danish Criminal Injuries Compensation Board at the following address: Toldboden 2, 2. sal, DK-8800 Viborg, or digitally to erstatningsnaevnet@erstatningsnaevnet.dk.

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

Administrative processing

The Danish Criminal Injuries Compensation Board deals with the applications on a written basis. The decision is made in writing and either a hard copy is sent to the applicant or a copy is sent digitally. The applicant need not therefore be present during the proceedings.

Court proceedings

If the claim is dealt with by the courts during the criminal proceedings or later by an action against the Danish Criminal Injuries Compensation Board, the applicant has the opportunity to be present during the main hearing. Here, it is not a requirement that the applicant be present if the applicant is represented by a lawyer and is not summoned to testify in court.

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

The case processing time for the Danish Criminal Injuries Compensation Board can vary considerably from case to case. This is due amongst other things - depending on the specific circumstances of the case - to the possible need to obtain additional information from agencies such as the police, doctors or other authorities; likewise, in cases involving permanent injury or loss of earning capacity, there may be a need to submit the case to Labour Market Insurance, a step that may extend the processing time.

More than 50% of the new cases received by the Danish Criminal Injuries Compensation Board are processed within 50 days in accordance with a particularly rapid procedure used in uncomplicated cases. These include cases where a final judgement has been made regarding both the question of guilt and the amount of compensation.

If the case cannot be settled in accordance with this especially rapid procedure, the ordinary case processing time for the Danish Criminal Injuries Compensation Board is currently up to 18 months from when the Board receives a new application for compensation.

You can expedite the handling of your case by submitting evidence of your claims to the Board. The documentation may consist of, for example, receipts for the purchase of medication, a medical certificate for the period of illness or a declaration from your employer regarding lost income as a result of the injury.

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

The Danish Criminal Injuries Compensation Board's decision cannot be appealed to other administrative authorities. If you want to change the decision, you must first contact the Danish Criminal Injuries Compensation Board and explain why you disagree with the decision. The Board will then assess whether there is a basis for reopening the examination of the case. The criterion is usually that the applicant has presented new and relevant information that is important for the outcome of the case.

If the Danish Criminal Injuries Compensation Board upholds its decision, you can have the Danish Criminal Injuries Compensation Board's decision reviewed by the courts.

There is also the option of appealing to the Parliamentary Ombudsman.

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

Forms and information on how to apply for compensation and damages can be found on the Danish Criminal Injuries Compensation Board's website.

Is there a special helpline or website I can use?

Claimants who have questions regarding compensation for victims of crime can contact the Danish Criminal Injuries Compensation Board on telephone number: + 45 33 92 33 34 during the hours of 10.00 am – 03.00 pm Monday to Thursday, and 10.00 am – 02.00 pm on Fridays.

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

Yes. As the wronged party during a criminal case, you may under certain conditions have the right to have a lawyer ad litem appointed. It is the lawyer ad litem's task to assist with making claims for damages in both criminal proceedings and to the Danish Criminal Injuries Compensation Board.

The Danish Criminal Injuries Compensation Board cannot appoint a lawyer for the applicant. The appointment is made by the court in the court district where the criminal offence has been committed.

In addition, various legal aid organisations exist in Denmark.

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

Hjælp Voldsofre (Rådhusstræde 7, 1. sal, DK-8900 Randers C, mail: voldsofre@voldsofre.dk)

Offerrådgivningen (Vesterballevej 5, DK-7000 Fredericia, mail: info@offerraadgivning.dk)

Last update: 04/05/2022

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.