

# COMPENSATION BOOKLET

# Infractions

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FONDS DE  
GARANTIE  
DES VICTIMES

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## CONDITIONS FOR COMPENSATING VICTIMS OF CRIME

The victim or, in the event of death, their beneficiaries may be compensated under certain conditions concerning :

- the time limit for referral,
- the events that caused the damages,
- the place of the offence and the nationality of the injured party,
- the fault of the victim,
- the nature and seriousness of the injury.

### TIME LIMIT FOR REFERRAL

It is 3 years from the date of the offence. It shall be extended by one year from the date of the final criminal ruling. Where there is legitimate cause, the victim or their beneficiaries may be released from the time limit. If the perpetrator is ordered to pay damages, the time limit shall run from the notice given by the court.

### EVENTS THAT CAUSED THE DAMAGES

The applicant must prove that the damages suffered are the result of events, whether intentional or not, with the material nature of an offence.

The law therefore applies to intentional acts as well as to reckless or negligent behaviour on the part of the offender.

In the case of damage to property, the act must be qualified as theft, fraud, breach of trust, extortion, or the destruction, damage, or deterioration of property.

Furthermore, damages resulting from acts of terrorism, traffic accidents occurring on French territory, hunting, and asbestos-related diseases are excluded.

### PLACE OF THE OFFENCE

If the offence was committed on national territory (metropolitan France, overseas departments or territories), compensation may be paid to :

- persons of French nationality,
- nationals of a Member State of the European Community,
- persons of foreign nationality who are legal residents on the day of the events or of submission of the claim to the Commission. If the offence took place abroad, only persons of French nationality may receive compensation.

### FAULT OF THE VICTIM

The fault of the victim may exclude or reduce compensation.

For example, a finding of fault may be made in the case of recklessness, insults made, participation in a fight, or criminal activity.

Fault is enforceable against beneficiaries of the deceased victim.

## NATURE AND SERIOUSNESS OF THE INJURY

There are two completely different situations :

### ► **SERIOUS PERSONAL INJURY**

- The injured party may obtain full compensation for damages resulting from personal injury if: the events resulted in death, a permanent disability or total personal inability to work for one month or more, or if they constitute an offence of rape or sexual assault.
- The CIVI takes into account benefits paid by welfare agencies, mutual insurance companies, insurance companies, etc.
- No compensation shall be paid for clothing or material damage.

### ► **MINOR PERSONAL INJURY AND MATERIAL DAMAGE RESULTING FROM THEFT, FRAUD, BREACH OF TRUST, EXTORTION, OR THE DESTRUCTION, DAMAGE, OR DETERIORATION OF PROPERTY :**

If the victim suffered personal injury resulting in total inability to work for less than one month or material damage resulting from one of the seven offences referred to above, compensation remains subject to strict conditions and is limited by a ceiling.

As such, in order to be compensated, the following additional conditions must be met:

- have a monthly income of less than €1,328 (as of 1 January 2008) plus €159 per month for the first two dependants and €101 per month for other dependants (spouse, descendant, ascendant),
- prove that the offender is unknown or insolvent,
- be unable to obtain effective and adequate compensation for one's loss from an insurance company, a welfare agency, or any other debtor,
- be in a serious material or psychological situation as a result of the offence.

The victim may then receive compensation up to a maximum of €3984.

## COMPENSATION PROCEDURE FOR VICTIMS OF CRIME

### **The procedure for compensating victims of crime is settled out of court**

- The injured party must submit a compensation claim to the CIVI (Crime Victims Compensation Board). There is a CIVI at each county court.

- The Commission shall send the claim and supporting documents to the Guarantee Fund without delay.
- Within 2 months of receipt of the complete claim, the Guarantee Fund for Victims is required to make an offer of compensation to the victim.

**If the offer of compensation is accepted :**

- The Guarantee Fund for Victims shall forward the record of agreement to the Chair of the CIVI for approval,
- The applicant and the Guarantee Fund for Victims shall be notified of the decision without delay,
- The Guarantee Fund for Victims shall pay the compensation upon receipt of the approval decision.

**The procedure for compensating crimes becomes legal :**

- The victim's silence after a period of 2 months from the presentation of the offer is considered as a disagreement,
- The refusal of compensation by the Guarantee Fund for Victims must be justified.

**► IN CASE OF DEATH**

The compensation to the victim or, in the event of death, their beneficiaries, is subject to certain conditions determined by the law, concerning :

- The time limit for referral to the Commission,
- Elements relating to the merits of the case (events that caused the damages, place of the offence and nationality of the injured party, possible fault of the victim, nature and seriousness of the damage suffered),
- The application submitted to the CIVI must contain a certain amount of information and be accompanied by the corresponding supporting documents.

## PREPARING A COMPENSATION CLAIM

**► STEPS TO FOLLOW**

The procedure to be followed is the same regardless of the type of compensation claimed. It consists of applying to the Crime Victims Compensation Board (CIVI) by submitting a written claim.

## **Who should you contact ?**

A CIVI exists at each court of law. The competent Commission is :

- that of the claimant's domicile, or
- that of the place of the criminal court to which the offence was referred.

As regards offences committed abroad against French nationals residing abroad, the competent Commission is that of the Tribunal Judiciaire de Paris.

## **How do you prepare the claim ?**

The procedure is initiated by an application signed by the injured party, their legal representative, or their lawyer. The request is filed or sent by registered letter to the secretariat of the Commission, which shall issue a receipt. The assistance of a lawyer is not mandatory. The request must contain a certain amount of information and be accompanied by supporting documents.

## **How does the procedure work ?**

Compensation is an out-of-court procedure. The application is forwarded without delay by the clerk's office to the Guarantee Fund for Victims. The Guarantee Fund must make an offer to the victim within 2 months of receipt of the complete claim forwarded by the CIVI clerk's office.

If the victim accepts the offer, the record of agreement is sent to the Chair of the CIVI for approval. If approved, this record is binding. The victim is notified of the decision, as is the Guarantee Fund, which shall make the payment.

The compensation procedure becomes legal if :

- there is reasoned refusal by the Guarantee Fund for Victims,
- the victim rejects the offer,
- there is no response from the victim to the Guarantee Fund for Victims' offer after a period of 2 months.

A magistrate then investigates the application and verifies the statements and the documents produced.

The Public Prosecutor and the Guarantee Fund for Victims shall submit their arguments no later than 15 days before the hearing. The applicant and the Guarantee Fund must be summoned at least 2 months in advance.

After debates in a non-public hearing, the claimant and the Guarantee Fund for Victims are notified of the CIVI's decision to compensate or reject the claim, and the Guarantee Fund shall pay the compensation awarded within one month of such notification.

A right of appeal is open to the applicant and the Guarantee Fund for Victims. This appeal must be lodged through a lawyer within one month of notification of the decision. The claim is then re-examined by the Court of Appeal, on which the CIVI depends.

### ► SUPPORTING DOCUMENTS TO PROVIDE

The claimant's application, addressed to the CIVI clerk's office, must contain information needed to investigate the claim. It must be accompanied by supporting documents indicating, in particular :

- the last name, first names, date and place of birth, occupation, nationality, and address of the applicant (attach a copy of the national identity card, resident card or residency permit, passport, etc.),
- The degree of kinship with the victim (attach a copy of the family record book, notarial act. etc.),
- The date, place, and circumstances of the crime (attach the acknowledgement of receipt of the complaint, any documents relating to the criminal procedure, etc.),
- The court which may have tried the offender (attach a copy of the verdict),
- The nature of the injuries, the duration of the medical leave, and any after-effects (attach medical certificates, sick notes, medical examination),
- The public or private welfare agencies responsible for the applicant and which are liable to be involved (attach a copy of the social security card),
- Amicable claims submitted and legal proceedings already initiated as well as the sums already paid to the claimant (attach proof of daily allowances, pensions, annuities, payments from the perpetrator and insurer, etc.),
- The amount of compensation claimed before the CIVI.

Where the compensation claim concerns compensation for minor personal injury or damage to property resulting from theft, fraud, breach of trust, extortion, or the destruction, damage, or deterioration of property, the claim shall also contain :

- An indication of the amount of the applicant's resources (attach the tax statement for the year preceding the offence and the year preceding the year in which the claim was filed),
- Elements establishing the impossibility of obtaining compensation elsewhere (from the perpetrator, from an insurance company, etc.),
- The description of the serious material or psychological situation resulting from the offence.

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