

ISO: BE

COUNTRY: Belgium

MINISTRY: Ministry of Justice

OFFICE: One-stop shop for victims of terrorist acts within the Financial Aid Commission

NOTES: Following the terrorist attacks in Brussels on 22 March 2016, the Financial Aid Commission has provided a one-stop shop for victims of terrorist acts. A number of conditions have been relaxed or even eliminated when aid is sought for acts of terrorism

PHONE: 00 32 471 2 3134

MAIL: terrorvictims@just.fgov.be

ADDRESS: SPF JUSTICE, Bd de Waterloo 115 1000 Brussels

WEB SITE:

https://justice.belgium.be/fr/commissionaidefinanciere/un_guichet_unique_pour_les_victimes_dactes_de_terrorisme

Name of the law: Arrêté royal portant reconnaissance d'actes en tant qu'actes de terrorisme (15 mars 2017)

link to the law http://www.ejustice.just.fgov.be/mopdf/2017/03/17_3.pdf

Specific Law: YES

FOLLOW UP:

This information has been provided by the « Commission pour l'aide financière aux victimes d'actes intentionnels de violence – chambre des victimes du terrorisme » after a questionnaire prepared by EPAVT.

1. The Name of the Office that in your country will be responsible for providing support services for victims of terrorism.

a) For financial support / state Compensation Scheme and contact point for victims of terrorism : THE COMMISSION FOR FINANCIAL AID FOR VICTIMS OF INTENTIONAL ACTS OF VIOLENCE.

Tel 0032 471 123 124

Email terrorvictims@just.fgov.be

b) Support services (social assistance, psychological assistance) depend from the different Communities & Regions of Belgium. They all have their specific services.

For Flanders:

www.caw.be

www.justitiehuisen.be (new website currently under construction)

For Wallonia and French Community / German Community:

www.victim.es.be

www.maisonsdejustice.be (new website currently under construction)

Information regarding the criminal proceedings of a terrorist attack

The Criminal proceedings depend from the 'Parquet federal' (Prosecution Office) in Brussels.

Address : Rue aux Laines 66, 1000 Brussels

Tel : 0032 2 557 77 11

2. What kind of information will this service provide?

The Belgian Commission for Financial Aid For Victims of Intentional acts of violence is a government funded commission established in 1985 whose aim is to financially assist victims of violent crimes. The Commission is an administrative jurisdiction.

The scheme which is based upon the idea of the public solidarity is intended to be a financial support and not to provide a full compensation.

The Scheme is based upon the subsidiary character and is intended to be one of last resort. It means that the victims must first seek their compensation through the perpetrators of the crime and/or through insurance(s).

The application forms and the decisions of the Commission are only in the national languages (French, Dutch & German). For the cross-borders cases, English is accepted to apply in front of the Commission but the whole procedure will be in one of the national languages.

Proceedings before the commission are free.

After the terrorist attacks of 22 March 2016 the Commission has established a special division within the Commission to secure assistance of the victims of the terrorist attacks.

There are some particularities for the financial support scheme for the victims of terrorism :

The victims of the terrorist attacks may apply for:

- Emergency support is available for those who were hospitalized after the terrorist attacks and the family relatives of a deceased victim of the attacks (regardless of the final decision from the insurances);
- And principal support for all elements of the damage including moral damage, loss of incomes, medical costs, the loss of a schooling year,....but for the principal support we do take into account the intervention of the insurances.

The victims (and their families) from the terrorist attacks should not provide any information about the state of the legal procedure (so the Proceedings part of the application form should not be fulfilled). These legal elements are not required for the application in front of the Commission for those victims.

Even if the official decisions remain in French or Dutch, victims of terrorism may apply in English and the legal documents of the procedure will be translated in English (including the decisions).

CATEGORIES OF VICTIMS WHO CAN APPLY FOR A FINANCIAL SUPPORT:

- DIRECT VICTIM (The victim who suffered a severe physical or psychological damage)
- INDIRECT VICTIMS (1) : the family relatives entitled to inherit up to the second degree of a person who died following an intentional act of violence as well as the in-laws up to the second degree of kinship of a person who died following an intentional act of violence;
- INDIRECT VICTIMS (2) : the family relatives entitled to inherit up to the second degree of kinship of a not deceased person who suffered a severe physical or psychological damage following an intentional act of violence as well as to the in-laws up to the second degree of kinship of a not deceased person who suffered a severe physical or psychological damage following an intentional act of violence
- OCCASIONAL HEROES : people who are not professional rescuers but who did intervene to save someone and were also injured

THE FINANCIAL SUPPORT is not limited to people of a certain nationality or to people resident in a certain country. It also applies to the case of illegal residence.

AMOUNTS

The Emergency support can be awarded to a maximum of € 30.000.

The Principal Support can be awarded to a maximum of € 125.000.

But the maximum the Commission may award to a victim is : € 125.000 (so if the victim has received an emergency support of € 10.000, the maximum she could be awarded for the Principal Support is € 115.000).

WHICH LOSSES CAN BE COMPENSATED?

FOR DIRECT VICTIMS / OCCASIONAL HEROES

The commission rules exclusively on the following elements of the damage suffered

- o moral damage;
- o temporary or permanent disability;
- o medical and hospitalization expenses, including prosthesis expenses;
- o loss or reduction of earnings resulting from temporary or permanent inability to work;
- o cosmetic damage;
- o legal costs up to 4,000 euros (proceedings costs);
- o material expenses up to 1,250 euros;
- o damage arising from the loss of one or more years of schooling.

FOR INDIRECT VICTIMS

For the granting of a financial support to the close relatives of a deceased victim, the commission rules exclusively on the following elements of the damage suffered

- o moral damage;
- o medical and hospitalization expenses;
- o the loss of allowances for individuals who, at the time when the victim died, were dependent on him/her;
- o funeral expenses up to 2,000 euros;
- o legal costs up to 4,000 euros;
- o damage arising from the loss of one or more years of schooling.

For the granting of a financial support to the family relatives of not deceased victim, the commission rules exclusively on the following elements of the damage suffered:

- o moral damage;
- o medical and hospitalization expenses;
- o legal costs up to 4,000 euros.

3. Will this office assist victims of terrorism in obtaining information from the country in which the terrorist attack took place if they are residents in your country and not in the Member State where the terrorist offence was committed?

The Commission for financial aid might assist residents in Belgium' if they were victims of an act of terrorism in another country. Since February 2017, new Royal Decrees have also established the possibility for victims of acts of terrorism abroad to get a financial support from the Belgium State but under certain circumstances:

- they must be Belgian nationals or permanent residents on Belgian soil;
- the 'event' that occurred must be officially recognized by the Belgian Federal State as an act of terrorism (through a Royal Decree)
- the principle of 'subsidiarity' still applies.

4. Do you foresee a specific law for victims of terrorism or do you foresee a modification of an already existing law?

Belgium has passed an Arrêt Royal 15 MARS 2017.—Arrêté royal portant reconnaissance d'actes en tant qu'actes de terrorisme and a law Amendments of the existing Law for the State Compensation/financial aid Scheme are in discussion. The new amended Law is expected before the end of the year 2017.

5. What information must a victim of an attack provide to your national authorities to obtain attention and support?

- Identity data;
- Medical reports with description of the physical and/or psychological injuries/ damage
- Copy of the medical / funeral / Expenses (bills , ...)
- Evidence of the loss of income should they require financial compensation for that element of their damage;
- Elements / information regarding the intervention of the insurances.