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Germany

German law on compensation of victims

[Law on the compensation of victims of violent crime](#)

[Law on the compensation of victims of violent crime in English](#)

Which type of crime can I get compensation for?

In principle, you can get compensation for any intentional unlawful attack (e.g. physical assault, sexual assault, terrorist attack, murder) under the OEG. Compensation may be paid to victims or their surviving relatives.

Which type of injury can I get compensation for?

Compensation is paid not just for damage to health but also for the economic consequences of such damage to health. Negative psychological effects are also recognised as damage to health. However, the damage to health must be long-term in nature (i.e. must last for longer than six months). Compensation is not paid for damage to property and financial losses. Compensation is not paid either for pain and suffering under the OEG.

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?

Compensation is also paid to the surviving relatives of a victim. Surviving relatives are the victim's spouse, registered partner and children and, in exceptional cases, his/her parents. 'Children' includes adopted, foster and step-children.

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?

The relatives of a victim who has survived may, under certain circumstances, obtain medical treatment and maintenance payments.

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

All nationals of non-EU countries who fall victim to a violent crime in Germany receive (retroactively from 1 July 2018) the same compensation as victims who are German nationals.

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?

According to Section 3a of the OEG, victims of a violent crime committed abroad who are resident in Germany may also be granted compensation by the German State. This is in the form of a one-off payment. Any compensation from the country in which the crime occurred will be offset against this compensation.

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

Applicants under the OEG have a duty to cooperate in the compensation procedure. This means providing an account of all the circumstances which could help clarify the facts of the case. This generally means that the offender must be reported to the police. In certain cases, the requirement to report an offence may be waived (e.g. when it cannot be reasonably expected of the victim).

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

No, the competent authorities generally decide independently on claims made under the OEG. However, in some cases it may be necessary to await the outcome of police investigations or criminal proceedings.

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

None

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, compensation is available regardless of whether the offender has been identified or convicted. To support your claim, you should present all documents that could help clarify the facts of the case and determine the extent of damage caused.

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

No, there is no time limit according to the OEG. However, compensation payments can only be made retroactively for a period of one year prior to the claim being made.

Which losses and expenses are covered by the compensation?

Material and psychological damage to health resulting from a violent crime are covered by the compensation. Victim compensation includes monthly pension benefits. There are also benefits to compensate for economic consequences.

The amount and duration of benefits is regulated by the Federal Assistance Act (*Bundesversorgungsgesetz*).

They shall cover in particular:

Medical costs, care services

Medical aids (e.g. prostheses, dental prostheses, wheelchair)

Monthly pension benefits, which may be income-related or not, for injured parties and survivors.

Funeral costs

Additional welfare benefits for the economically deprived (e.g. care assistance, additional subsistence assistance).

Compensation for pain and suffering (*Schmerzensgeld*) is not paid. In principle, compensation is not paid for damage to property and financial losses.

Exceptions are made for aids that are worn, such as glasses, contact lenses and dentures.

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

Pension payments to victims and surviving relatives to compensate for the economic and health-related consequences of damage to health are paid on a monthly basis as long as all the requisite conditions are met. Other benefits are paid if and when there is a need for them (e.g. for funeral costs, prostheses).

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?

If the injured party caused the injury himself/herself or if it would be unfair to pay compensation for other reasons, particularly because of the victim's own behaviour, then compensation will be denied. However, the mere existence of a criminal record is not enough to warrant such a decision. Claimants have an obligation to help as much as possible to clarify the facts of the case. If they do not fulfil this obligation, compensation may be denied, either in full or partially.

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

According to the OEG, compensation is paid regardless of the injured party's income or wealth. The financial situation of the injured party may only have an impact on the amount of compensation granted in order to compensate for economic damage, or in the case of care benefits.

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

None

How will the compensation be calculated?

The amount of the pension benefits to compensate for the consequences of health-related damage are calculated according to the extent of these consequences.

The amount of the benefits to compensate for the consequences of economic damage are based on the economic disadvantages incurred.

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

None

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?

None It is not necessary to quote an amount on the form yourself. The amount is based on the health-related and economic damage incurred and is set by the deciding authority.

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?

Pension payments to compensate for the consequences of health-related damage are made regardless of whether you receive payments from other private or public bodies. However, these payments may be taken into account when calculating payments to compensate for the consequences of economic damage.

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

Advance payments are not possible under the OEG. Payments to cover medical treatment may, however, be made before a decision has been taken on the compensation claim.

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

In the case of worsening health, an 'aggravation claim' (*Verschlimmerungsantrag*) can always be made in order to request the recalculation of the compensation amount. Changes in income can always be taken into account in the calculation of compensation for the consequences of economic damage.

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

You should include all documents which will help to clarify the facts of the case and determine the damage caused.

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

None

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

The deciding authorities are the welfare authorities in each federal state. Competence lies with the federal state in which the victim resides.

If the victim of a violent crime in Germany does not reside in Germany, the victim may submit a claim to the welfare authority in the federal state in which the crime occurred.

To save foreign claimants having to look for the responsible body, they can contact the Central Contact Point at the Federal Ministry of Labour and Social Affairs (*Zentrale Kontaktstelle, Bundesministerium für Arbeit und Soziales*), which will forward the compensation claim to the correct authority.

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

The claim should be sent to the competent welfare authority.

To save foreign claimants having to look for the responsible body, they can contact the Central Contact Point at the Federal Ministry of Labour and Social Affairs (*Zentrale Kontaktstelle, Bundesministerium für Arbeit und Soziales*).

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

None

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

There is no definitive answer to this question. The duration of the procedure depends, in particular, on how easy or difficult it is to clarify the facts of the case and whether it is necessary to obtain medical reports.

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

An appeal may be lodged against the decision. If the competent authority does not reach a different decision as a result of the appeal procedure, a complaint may be filed with the Social Court (*Sozialgericht*).

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

Application forms and other information can be found at:

<http://www.bmas.de/opferentschaedigung>

<http://www.bmas.de/victimscompensation>

Is there a special helpline or website I can use?

Information on this can be found at:

<http://www.bmas.de/opferentschaedigung>

<http://www.bmas.de/victimscompensation>

You can find information on victim support organisations in Germany at <https://www.odabs.org/>

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

None Legal expenses are not regarded as compensation and therefore cannot be refunded under the OEG.

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

Yes, there are a number of regional and national victim support organisations. The biggest nationwide organisation is 'der WEISSE RING'.

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