Victims' rights - by country

Německo

You will be considered a **victim of crime** if you have suffered harm, for example you have been injured or your property has been damaged or stolen as a result of an incident which constitutes a crime under German law. As a victim of crime, the law grants you certain individual rights before, during and after court proceedings.

Criminal proceedings in Germany start with investigations that are conducted by the police and the public prosecutor's office; such investigations may also be initiated by a report from the injured party. If there is insufficient evidence against the suspect to press charges, the public prosecutor's office terminates the criminal investigation. If, on the other hand, sufficient evidence is available, the public prosecutor's office takes the suspect to court. It may, however, also terminate proceedings in certain circumstances, for example if the suspect has made reparation for material damage caused to you or has fulfilled certain conditions and instructions.

If the court opens the main proceedings following the indictment, it will examine the evidence against the accused at a hearing in court. If it finds the accused guilty, it will convict them and set a penalty. The court may, in appropriate and less serious cases against the accused, also terminate the proceedings, for example if the accused shows remorse and has participated in victim-offender mediation. If the evidence against the accused is insufficient, the court must acquit them. If a judgment is handed down, the criminal proceedings may be continued in a higher court following an appeal.

You as a victim can take part in criminal proceedings as a witness, or you can take on a more active role by formally becoming a private prosecutor (*Privatkläger*) or private accessory prosecutor (*Nebenkläger*) and thus benefit from a variety of rights available to you. As a private prosecutor you will take the place of the public prosecutor; as a private accessory prosecutor you will take part in the proceedings alongside the public prosecutor.

With just one click on the relevant link, you will reach the following **factsheets** which will take you through the different steps your case will go through, describing your rights as a victim of a crime when you report a crime, during the investigation of the crime, during the trial or after the trial at first instance. Also, you can read more about your entitlement to compensation, and the help and support you can get.

Of course these information sheets are only an introduction to the many, different rules. For example, you would need more specific information for proceedings where the accused is an adolescent or young adult, which are barely touched upon here.

Click on the links below to find the information that you need

1 - My rights as a victim of crime
2 - Reporting a crime and my rights during the investigation or trial
3 - My rights after trial
4 - Compensation
5 - My rights to support and assistance

Last update: 15/10/2021

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1 - My rights as a victim of crime

What information will I get from the authorities after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?

In order to help victims of crime and provide guidance on the issues that concern them, the Federal Ministry of Justice and Consumer Protection (BMJV) has published a **factsheet for victims of crime** and a victims' handbook, and developed the platform http://www.hilfe-info.de.

The factsheet for victims of crime is available in more than 25 languages on the BMJV homepage and via the 'hilfe-info.de' platform. It provides concise information on how to find a victim support organisation, on reporting a crime, on obtaining information about the criminal proceedings, on giving evidence, and on costs, legal representation and compensation.

The victims' handbook (*Opferfibel*) provides a more detailed description of the rights of injured parties in criminal proceedings, including standard letters and contact addresses.

Further information on possible psychosocial assistance can be found in a dedicated leaflet, which is also available online in German and English.

In order to provide online access to key information, the BMJV has developed a nationwide **victim protection platform**. Information on assistance and counselling, compensation and the conduct of criminal proceedings can be found at http://www.hilfe-info.de/. A counselling-centre locator also directs victims to where they can get help quickly in their local area by telephone, online or in person.

'Hilfe-Info.de' provides specific information for victims of, for example, violence in their personal environment and sexual violence, digital crime or terrorist acts. It presents contact persons such as the Federal Government Commissioner for the victims and survivors of terrorist acts in Germany, Edgar Franke.

A help interface enables users to find the right support services directly and quickly. Video and audio interviews, as well as illustrative videos, explain various forms of help.

I do not live in the EU country where the crime was committed (EU citizens and non-EU citizens). How are my rights protected?

You can report the crime to a German police station or public prosecutor. The public prosecutor then examines whether it is possible to bring a prosecution in Germany. If this is not the case or if it is not possible to bring a prosecution in Germany for other reasons, the public prosecutor forwards the case to the competent law enforcement authority of the other EU Member State where the offence was committed.

If I report a crime, what information will I receive?

You will receive a written confirmation of your report, containing a brief summary of your statement concerning the time, place and reported offence.

If you requested this in your report, you will be notified if the investigation has been closed, of the place and time of the trial, of the charges brought against the accused and of the outcome of the judicial proceedings.

In addition, as a victim of the crime you will be informed on request whether the convicted person has been ordered not to contact or approach you.

You can also be notified if the accused or convicted person(s) have been arrested or detained, or released, or whether their prison regime has been relaxed or they have been granted prison leave for the first time, if you show a legitimate interest or have already made a corresponding statement in the proceedings for your admission as a civil party. You will be notified of any further relaxation of the prison regime or prison leave if you have a legitimate interest and the convicted person has no overriding interest.
You will also be notified if the convicted person has absconded from detention. In this case, you will also be notified of the measures taken for your protection.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

When you report a crime you will receive the help you need to produce your report in a language you understand, at no cost to you. You will receive written confirmation of the report in your language upon request.
If necessary, you will be provided with an interpreter free of charge when being questioned during the investigation and during the trial stage, as you will if you are actively taking part in the proceedings as a civil party.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?

Children will be questioned by experienced interviewers who are specially trained. Proceedings that involve offences committed by adults against a child or a young person (juvenile protection cases) are handled by magistrates and prosecutors from the juvenile system who are trained and experienced in the education and upbringing of young people.
A person who has a hearing or speech disability may opt for communication to be conducted orally, in writing or through a court-appointed facilitator (e.g. a sign language interpreter). The court must provide the appropriate technical means for oral and written communication.
A person who is blind or partially sighted may lodge written submissions and other documents with the court in a form which they can read, in particular in Braille. At their request, their pleadings and other documents relating to judicial proceedings must normally be made accessible and they must also be granted access to the case file without incurring any additional costs.

Victim support services

Who provides victim support?

In criminal proceedings, as a victim of a crime you may receive legal assistance from a lawyer, such as a witness counsel for your testimony or as a civil party entitled to join the proceedings even before you state your wish to join them. You may be represented by a lawyer specialising in counselling injured parties or be accompanied by a person you trust during questioning, unless this would jeopardise the purpose of the investigation.
As well as legal assistance, it is also possible to receive psychosocial assistance before, during and after the trial, which the court accords free of charge to child victims of sexual and violent crimes, as well as to particularly vulnerable adult victims of serious violent and sexual offences. For more information, see the factsheet on psychosocial assistance.
In the Federal Republic of Germany, the federal states (*Länder*) are responsible for providing general victim support. Many *Länder* have already appointed victims' representatives or set up one-stop-shops for victims of violence. They act under their own authority, depending on the defined area of responsibility. More information on victims' commissioners, victim support services or counselling services, as well as available forms of assistance, can be found at http://www.hilfe-info.de/ and in the 'My Right to Support and Assistance' factsheet.

Will the police automatically refer me to victim support?

The police will tell you whether you are entitled to victim support services, ranging from counselling via sheltered accommodation to therapy.
You are free to decide whether or not to take up these services. Referral is not automatic.

How is my privacy protected?

Your personal data and information about you will only be shared with victim support organisations at your request and with your explicit consent.

Do I have to report a crime before I can access victim support?

No, the victim support services provide support regardless of whether you have reported a crime.

Personal protection if I'm in danger

What types of protection are available? Who can offer me protection?

If you are exposed to risks as a result of your testimony in criminal proceedings , there are different ways of protecting you:
In such cases, the Code of Criminal Procedure allows personal details to be kept entirely or partially confidential.
As a general rule, you must provide full details of your identity and address when giving your testimony.
If there are clear and tangible indications that divulging your place of residence could endanger your legal rights or those of other persons, for example because you have cause to worry about stalking or there is reason to believe that you or others might be adversely affected, for example to prevent or influence your truthful statement, you do not have to indicate your place of residence. You can then provide another address at which you can be contacted and to which public authorities can send correspondence (e.g. court summons), for example the address of a lawyer or a victim support organisation. If there is a risk to life and limb or your freedom, you may even be allowed to keep your identity totally secret. The documents relating to your actual home address or identity will be stored separately from the case files by the public prosecutor until the risk has passed.
Police witness protection is also a possibility:
if you are testifying as a witness in the proceedings and;
your statement is essential;
your body, life, health, freedom or important material values are at risk;
you accept the victim protection measures; and
the measures are adapted to your situation,
you and your relatives and close family can, if necessary, be included in a victim protection programme. The programme explicitly includes the possibility of temporarily changing your identity.
If you are a victim of domestic violence, you can ask the competent family court to grant you sole use of the shared family home in the future and for the offender to be forbidden to approach or contact you. The police may, as a first measure prior to a court order, remove the offender from the family home or arrest them. If a child is a victim of family violence, the parent should contact not only the police but also the youth welfare office (*Jugendamt*) as the first point of contact for help and protection measures for the child.

Will someone assess my case to see if I am at risk of further harm by the offender?

The protective measures will be maintained for as long as there is a risk. If indications of a new or extended risk become known, the police will take the necessary security measures.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

Throughout the criminal proceedings, the police, the public prosecutor and the court must always take account of the specific vulnerability of witnesses who are at the same time injured parties.

What protection is available for very vulnerable victims?

In particular, the following measures are taken to protect vulnerable victims:
Where there is an urgent risk of serious prejudice to the best interests of the witness during the investigation and at the trial stage, witnesses will be questioned via video and audio links, so that the witness does not have to be in the same room as the accused person.
The public may be excluded from the courtroom if circumstances are addressed that involve the injured party's personal life.
Defamatory questions or questions about a person's private life are only admissible if they are essential.

I am a minor. Do I have special rights?

If you are younger than 18 years of age, the law provides for you to be questioned by a judge and possibly recorded on video or audio tape. If you are a victim of a sexual or violent crime, the recording can be presented at the trial and used as evidence, which may even save you from having to attend court and be questioned again at the trial stage.
The public prosecutor is required to expedite such investigations.
As a witness who is a minor, you are not subject to questioning from all parties to the proceedings at the main hearing. Questioning will be conducted only by the presiding judge. If the public prosecutor or defence has questions for you, normally they must ask these through the court.

A family member has died as a result of a crime. What rights do I have?

Close relatives of people who have died can bring a civil action in criminal proceedings and, in this context, are entitled to legal assistance.
They are also eligible for help in the form of psychosocial assistance.
If a relative dies as a result of a violent crime, compensation is available under the Victims Compensation Act (see also compensation – victim compensation).

A family member has been the victim of a crime. What rights do I have?

Relatives can also avail themselves of the possibility of contacting specialised advisory bodies to obtain information and advice.
Parents can also seek advice free of charge and anonymously from the 0800 1110550 parents hotline.
If a relative of yours has to testify as a witness and you are not yourself a witness in the proceedings, you can accompany and assist them during questioning.

Can I access mediation services? Under what conditions? Will I be safe during mediation?

If you and the accused agree, it is possible in Germany to enact a mediation procedure known as 'restorative justice' (*Täter-Opfer-Ausgleich*). The public prosecutor and the court should examine, at each stage of the proceedings, the possibilities for reaching a settlement between the accused and the victim of the crime and, in appropriate cases, of working towards such a settlement. However, offenders or victims can also contact a restorative justice service directly themselves. The restorative justice procedure itself takes place outside criminal proceedings, often with the participation of specially trained mediators. As a rule, they initially hold separate discussions with the parties on their willingness to cooperate and their ideas regarding compensation. A prerequisite for restorative justice is, in principle, that both sides are willing to cooperate. In the process, the accused must also accept a degree of responsibility for the wrongful act committed. Cash payments or other reparations are often agreed as part of such restorative justice.
Furthermore, in order to be able to bring a private prosecution, a prior mediation procedure carried out at provincial arbitration bodies is a prerequisite for certain offences, such as trespass, defamation, violations of the confidentiality of correspondence and bodily harm.

Where can I find the law setting out my rights?

The (non-exhaustive) list contains the main items of legislation setting out provisions on criminal, civil and procedural law. The links will direct you to the legal texts:
Code of Criminal Procedure* (Strafprozessordnung**– StPO) – in ***German **and** ***English***
Courts Constitution Act* (Gerichtsverfassungsgesetz** – GVG) – in ***German
Criminal Code* (Strafgesetzbuch** – StGB) – in ***German **and** ***English***
Victim Protection Harmonisation Act* (Zeugenschutzharmonisierungsgesetz** – ZSHG) – in ***German
Protection Against Violence Act* (Gewaltschutzgesetz**) – in ***German
Civil Code* (Bürgerliches Gesetzbuch**) – in ***German **and** ***English***
Residence Act* (Aufenthaltsgesetz**) – in ***German
Juvenile Court Act* (Jugendgerichtsgesetz**) – in ***German **and** ***English***
Court Allowances Act* (Justizvergütungs- und -Entschädigungsgesetz**) – in ***German
Code of Civil Procedure* (Zivilprozessordnung**) – in ***German
Victim Compensation Act* (Opferentschädigungsgesetz**) – in ***German **and** ***English***

Last update: 17/12/2020

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2 - Reporting a crime and my rights during the investigation or trial

How do I report a crime?

If you have been the victim of a crime, you can report it at or to:
any police station or police officer;
any public prosecutor;
any district court.
Your report can be submitted in writing or orally. In the case of an oral report, a written record is produced by the authority which receives your report. You will receive a written confirmation of your report upon request. The report can also be submitted by someone else on your behalf. That person does not need special power of attorney.
In most federal states (*Länder*) the police also offer the possibility to report a crime online via an online police station (*Internetwache* or *Onlinewache*).
When you make your report, you should provide your personal and contact details so that you can answer further questions and be called to give evidence later in court. If you have concerns about providing your personal details, for example because you feel threatened, please inform the authority receiving the report as soon as possible. It can then examine whether, if necessary, you can simply be contacted via a different address, such as through a lawyer or a victim support organisation.
It is important for the content of your complaint that you include all the information you have about the suspect(s) and the crime you are reporting so that the police and the public prosecutor can verify your statement and start an initial investigation.
In principle, there is no specific time limit in which to report a crime. However, certain offences, such as defamation and trespass, can only be prosecuted if you have filed a criminal complaint, and the complaint must be made in writing to a local court, the public prosecutor or the police within three months of

when you became aware of the offence and the offender. For recognition purposes, the offender(s) simply need to be individually identifiable. It is not necessary to know their names. When you report the crime, you will be told whether a criminal complaint is necessary. Please also note that offences can be time-barred and may then no longer be prosecuted – but only after several years – and that the time limit for doing so varies depending on the offence.

How do I find out what's happening with the case?

When contacting public authorities to make an inquiry, it is useful to provide a reference number – this makes it easier and quicker to identify the case and means you can receive an answer more quickly.

You will receive a reference number from the body that received your report, usually a police reference number. This reference number allows you to check what is being done by the police and also to provide further information. If the case is referred to the public prosecutor, you can ask the police or public prosecutor for the prosecution reference number, which is different from the police reference number.

If you do not know the reference number, please provide your personal details and, if known, the name of the accused person when you submit your request.

Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

You have a right to free legal assistance or legal aid in the following cases:

If the circumstances show that you may not be able to exercise your rights during the hearing, you may be assisted by a lawyer as a witness counsellor during the hearing at the State's expense.

If you are entitled to join as a civil party, in certain cases, particularly in the case of serious violent and sexual offences, you may be assisted by a lawyer at the State's expense even prior to the public prosecution being brought. If these conditions for the appointment of a lawyer are not met, you are, as a civil party, entitled to legal aid and can apply for it if your financial situation prevents you from covering the costs of the proceedings and you are unable or cannot reasonably be expected to defend your interests yourself.

In the case of private prosecutions, which the public prosecutor only officially monitors when it is in the public interest to do so, you may bring a private prosecution against the accused in order to secure their conviction if the public prosecutor does not bring a prosecution in the public interest and the accused was at least 18 years old when the offence was committed. You will then be acting in place of the public prosecutor. As a claimant, you can apply for legal aid from the court which will also be ruling on your case. Legal aid will be granted if your financial situation means that you are unable to pay for the costs of the proceedings and if these are likely to succeed.

Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

If you make a witness statement to the public prosecutor or court, you will be reimbursed for travel costs, outlay, lost time, financial inconvenience or loss of earnings if you submit a request within three months of the hearing. Anyone summoned by the police may also be entitled to compensation. This is determined by the relevant federal-state law in the relevant federal state.

Can I appeal if my case is closed before going to court?

The public prosecutor may take no further action for various reasons.

You may lodge a written appeal against a decision to take no further action. If you are aware of further facts or evidence, it is important that you specify these in the notice of appeal. If the public prosecutor upholds its decision, the case is reviewed by the prosecutor general. Your appeal will always be dealt with in writing.

In some cases, if the public prosecutor and the prosecutor general refuse to bring a prosecution, you may refer the matter to the competent higher regional court (or chamber court) and initiate proceedings to enforce an action. You will be expressly advised by the public prosecutor in its decision if such proceedings are admissible in your case. However, such a procedure is subject to time limits and strict formal requirements. The application must be signed by a lawyer and you will be liable for costs if you fail.

Can I be involved in the trial?

If you are a **witness** , your involvement in the trial is limited to your testimony. When you have finished testifying, you are free to follow the hearing as an onlooker, but you will take no further part in the trial.

If you joined the proceedings as a **civil party**, you are entitled to attend the trial and to make applications, in particular requests for evidence, questions and statements, just like the public prosecutor. As a civil party, you also have the opportunity to make a closing submission (pleading).

As a **claimant** in criminal proceedings, you can claim compensation or damages for pain and suffering from the offender in criminal proceedings. You are also entitled to take part in the trial as a claimant. However, you do not have the other procedural rights of a civil party.

What is my official role in the justice system? For example, am I or can I choose to be defined as: a victim, witness, civil party or private prosecutor?

Before the investigation is concluded, as the victim of a crime in criminal proceedings your status is primarily that of a witness. You can contact the public authorities at any time to provide them with further evidence and information. Victims of crimes, referred to as 'injured parties' in the Code of Criminal Procedure, have powers extending beyond general witness rights, such as the right to request information on whether the suspect is in custody and, under certain conditions, the right to access the case file or information from it (see also below), and the right to seek assistance from a lawyer or to be represented by one.

If you are entitled to join as a civil party, you will decide for yourself whether you want to join the proceedings. It is also for you to decide whether or not you wish to press a claim for compensation or damages in the course of the criminal proceedings as a civil party.

What are my rights and obligations in this role?

As a witness, you have the following rights during your examination:

You can refuse to testify if you are married to the accused or engaged to them (this also applies to registered same-sex partnerships) or are a close relation of them.

You may refuse to answer certain questions if this could lead to criminal proceedings against you or your close relatives.

Questions that might affect your honour or concern your private life are only admissible where they are essential.

You may be accompanied by a trusted person, unless their presence would jeopardise the purpose of the investigation.

You may be accompanied by a lawyer.

If you are unable to exercise your rights yourself, you may, under certain conditions, be assisted at the State's expense by a lawyer's witness counsellor for the examination.

If you do not have a sufficient command of German, an interpreter will be enlisted for your examination.

You have a right to reimbursement (see 'Can I claim expenses?' above).

Your main obligations as a witness:

You must tell the truth. This also implies that you do not omit anything that might be relevant to the case. Deliberately giving false testimony in court is a criminal offence and generally results in a custodial sentence. False accusations or obstruction of justice are also criminal offences that may be committed by a witness who gives a false testimony.

You must report for examination if you are summoned by the public prosecutor, by the police on behalf of the public prosecutor, or by a court.

Can I make a statement during the trial or give evidence? Under what conditions?

If you are invited to attend the trial as a witness, you are obliged to testify unless the case is one where you may refuse to do so (see earlier regarding a witness's rights and obligations).

As a civil party, you can make a statement in the proceedings (see also 'Can I be involved in the trial?' earlier)

What information will I receive during the trial?

As an injured party in a criminal case, at your request you will be informed of the outcome of the judicial proceedings.

Will I be able to access court files?

If your rights have been violated in a criminal case, a lawyer can consult the case file and inspect evidence for you if they demonstrate a legitimate interest in doing so. In this event, you may also be provided with information and copies of the case file in order to brief yourself on the state of the proceedings. If you are entitled to join the proceedings as a civil party, there is no need for you or your lawyer to demonstrate a legitimate interest in accessing or providing information.

If you are not represented by a lawyer as an injured party in a criminal case, you have a personal right of access to the case file and may inspect the case files under supervision.

The right of access to the case file or to information from it may be refused under certain conditions, for example if it jeopardises the purpose of the investigation. It should be refused if the overriding interests of the accused or other persons warrant protection. Until the charges are brought and after the final conclusion of the proceedings, the public prosecutor, or failing that the court dealing with the case, decides whether to grant access to the case file.

Last update: 17/12/2020

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3 - My rights after trial

Can I appeal against the ruling?

As the victim, you can act as a **private accessory prosecutor** (*Nebenkläger*) and can in principle appeal against a ruling but only if the ruling touches upon facts relevant to a private accessory prosecution (*Nebenklage*). However, you cannot launch an appeal simply because you do not agree with the level of the penalty.

The deadline for appealing against a ruling is one week. If you or your lawyer were present at the trial after your examination as a witness, the deadline begins on the date when the ruling is notified. Otherwise, the deadline begins on the date the ruling was sent to you.

As a **private prosecutor** (*Privatkläger*), you have the same right to appeal as the public prosecutor that launched the public proceedings.

What are my rights after sentencing?

You will be notified of the outcome of the court proceedings if you requested this information in advance. As a private accessory prosecutor, you will also receive a copy of the ruling.

Moreover, as the victim of a crime and at your request, you will also be notified whether the person sentenced was instructed not to contact you or try to see you.

If you can demonstrate a legitimate interest, or already demonstrated a legitimate interest when your accessory private prosecution was admitted, you will also be notified whether the person sentenced will face detention or custodial measures, whether such measures have been lifted, whether detention conditions have been relaxed for the first time or whether leave has been granted. You will be notified of any further relaxation of detention conditions or leave if you can show a legitimate interest and if there is no overriding interest meriting protection of the person sentenced.

You will also be informed if the person sentenced has escaped from custody. In such cases, you will also be informed of the measures taken to protect you.

If, for example, after the trial is over you wish to launch a civil action against the person sentenced, you have the right to access the information contained in the files from the criminal trial to prepare your civil action. The person sentenced will be given a prior hearing to determine whether there is an overriding interest meriting their protection that would prevent you from accessing these files.

If the criminal judgment grants an adhesion procedure (*Adhäsionsantrag*) for damages or payment for pain and suffering to you as the civil party, with a copy of that final judgment, you are entitled to apply to the Court of enforcement or a judicial enforcement officer for enforcement measures.

Am I entitled to support or protection after the trial? For how long?

You are entitled to psychosocial support during and after the court proceedings.

Moreover, as already mentioned, you will continue to receive protection during the proceedings if the threat to you persists.

What information will I be given if the offender is sentenced?

As explained above (see 'What are my rights after sentencing?'), at your request, you will be informed of the outcome of the proceedings.

However, you will not be informed where the person sentenced will be held during detention or custodial measures.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?

You will be informed of this if you requested it (see also 'What are my rights after sentencing?' above).

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?

You will not be involved in release or parole decisions, neither can you appeal against them. When making release or parole decisions, the Court can impose measures to protect you (for example, a restraining order) or to grant you compensation and reparation (e.g. payment of damages). If social and judicial supervision (*Führungsaufsicht*) is required after the person sentenced is released from custody, the Court can also issue a restraining order in such cases. If the person sentenced goes against the restraining order, they can be sentenced again.

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4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure [*Adhäsionsverfahren*])

If you have suffered harm as the victim of a crime, you are entitled to claim damages or payment for pain and suffering, irrespective of the criminal proceedings, by launching a civil action. However, you are also entitled to claim damages by applying for an adhesion procedure (*Adhäsionsverfahren*) to the criminal proceedings. If, as the result of a criminal ruling, property was seized that belongs to you (*Tatbeute*), and is equivalent to the property damages owed to you, you can recover this property or an equivalent amount of money from the public prosecutor's office.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

Adhesion rulings and settlements reached in adhesion procedures, as well as rulings and settlements reached in civil proceedings, can be enforced in accordance with the general rules for execution. Enforcement is carried out on the basis of an enforceable copy of the ruling or of the settlement reached, which are issued by the clerk of the criminal court.

If the offender does not pay, can the State pay me an advance? Under what conditions?

The law does not provide for an advance payment from the State for any compensation payable by the person sentenced.

Am I entitled to compensation from the State?

General considerations

If you are the victim of a violent crime in Germany and have an injury leading to disability, you can claim victim compensation.

You can also claim compensation if you are a survivor of a victim who died as a result of a violent crime.

Since 1 July 2018, victims who are non-German nationals can also retroactively claim the same compensation payments as German nationals.

Since 2009, victims with a fixed residence in Germany can also claim compensation under the Victim Compensation Act (*Opferentschädigungsgesetz*, OEG) even if the violent crime occurred abroad.

Which type of crime can I get compensation for?

For a violent crime, which is an intentional and unlawful attack on a person (e.g. physical assault, sexual assault, terrorist attack, murder, poisoning, arson).

What compensation payments can I get?

Compensation is paid not just for any disabilities (physical and psychological), but also for the economic consequences of any such disabilities.

The amount and duration of the compensation payments is regulated by the Federal Assistance Act (*Bundesversorgungsgesetz*). They shall cover in particular:

Medical/hospital treatment

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

Compensation for injured parties and survivors

Funeral costs and death grants

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

However, compensation is not paid for damage to property and financial losses. There is no payment for pain and suffering under the Victim Compensation Act. Victims with a fixed residence in Germany can also receive compensation payments for a violent crime that occurred abroad, but the amount will be less.

How and where can I apply for compensation?

You can claim State compensation informally or by sending a formal application. There is no deadline for applications. However, you will generally receive benefits only from the date on which you applied for them.

You can send your application to the welfare authority in the federal State where you have a fixed residence.

If you do not have a fixed residence in Germany but were victim of a violent crime in Germany, you can send an application to the welfare authority in the federal State where the crime took place.

In general, if you have applied for State benefits, you are obliged to take part in the compensation procedure. This means providing an account of all the circumstances which could help clarify the facts of the case. This includes reporting the crime to the police. In certain cases, it may not be necessary to report the crime.

You do not need to wait for the outcome of police investigations or criminal proceedings.

You can find all other important information on State compensation here:

BMAS - Opferentschädigung (German)

BMAS - Opferentschädigung (English) [Federal Ministry of Labour and Social Affairs - victim compensation]

Am I entitled to compensation if the offender is not convicted?

State compensation is available regardless of whether the offender has been identified or convicted. As a rule, you do not need to wait for criminal proceedings to be concluded to receive State compensation. The competent authorities for compensation will make an independent decision on any applications for State compensation.

If the offender is not convicted in the criminal proceedings, compensation can only be paid as long as the offender is not acquitted and the proceedings are not discontinued due to lack of evidence; compensation is only paid for less series offences where the proceedings are suspended but obligations or instructions are imposed on the offender. In such cases, the public prosecutor's office or the Court can order compensation, i.e. damages or payment for pain and suffering to you as the victim, once the proceedings are finally closed after the compensation is paid in full. However, as the victim, you do not have a right to such compensation.

A civil action will not be affected by the outcome of the criminal proceedings, including an acquittal. The civil Court will check independently whether there are grounds for the damages claimed or the payment for suffering and pain

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

No, you are not entitled to an 'advance payment' before the final decision in criminal or civil proceedings.

With regard to State compensation, you are not entitled to an advance payment in cash. However, as a result of your application for State compensation, you may be able to receive payment for medical/hospital treatment or as a trauma outpatient before the competent authority makes its final decision.

Last update: 17/12/2020

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5 - My rights to support and assistance

I am a victim of crime. Who can I contact for support and assistance?

You can find detailed information on support and assistance if you are the victim of a crime on the BMJV's (Federal Ministry of Justice and Consumer Protection) central victim protection platform at http://www.hilfe-info.de, or you can download the BMJV's *Opferfibel* (guidelines for victims) booklet (own publication, in German) on their homepage. This national victim protection platform also includes an advisory centre 'finder', which victims can use to quickly find centres in their area offering help via telephone, online or in person. The relevant information is made available by ODABS, an online database for victims of crimes, at www.odabs.org, which is in turn supported by the Federal Ministry of Labour and Social Affairs.

You will find below a list of the different sources of help available.

Victim support hotlines

A list of the most important hotlines available free of charge (you cannot call these numbers from abroad). In Germany, you can find the following numbers at www.hilfe-info.de:
Hilfetelefon Sexueller Missbrauch (helpline for sexual abuse): 0800 22 55 530
Hilfetelefon Gewalt gegen Frauen (helpline for violence against women): 08000 116 016
Hilfetelefon Gewalt an Männer (helpline for violence against men): 0800 1239900
berta – Beratung und telefonische Anlaufstelle (helpline for general advice): 0800 30 50 750
Elterntelefon (helpline for parents): 0800 11 10 550
Hilfetelefon Schwangere in Not (helpline for pregnant women at risk): 0800 40 40 020
Medizinische Kinderschutzhotline (medical helpline for child protection): 0800 19 21 000
Victims throughout Europe can get help and support by calling the 24-hour helpline set up by Weisser Ring e.V. on 116006.

Is victim support free of charge?

Yes.

What kind of support can I receive from the State services or from the authorities?

In Germany, each federal State is responsible for providing general assistance to victims. Each federal State has set up various different measures to improve the situation of victims of crime and to provide them with the right sort of assistance. Measures include appointing victim protection representatives to police stations, setting up witness care units, temporary accommodation for battered women and young girls, providing information for victims of crime and financial aid. Many federal States have set up special regional associations which run advisory centres and victim units. You can find a list of what each federal State offers at https://www.hilfe-info.de/WebS/hilfeinfo/DE/HilfeUndBeratung/AnsprechpartnerUndBeratungsstellen/EinrichtungenOpferhilfe/EinrichtungenDerOpferhilfe.html.
There are also central contact points at federal and at regional level. For example, at national level, Dr Franke was appointed as the Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences committed on National Territory. Dr Felix Klein was appointed as the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, and Dr Rörig is the Independent Commissioner for Child Sexual Abuse Issues. Thirteen federal States have also appointed a representative for victims. However, their responsibilities do vary. You can find a list of individual contacts at www-hilfe-info.de.
As a victim of a crime, you can obtain the assistance of a lawyer during criminal proceedings, for example, to support you with your witness statement. You also have the right to support as a private accessory prosecutor even before announcing your participation in the proceedings. You have the right to legal representation as the injured party, or you may be accompanied to your hearing by a person you trust, as long as this does not compromise the objective of the investigation.
As well as legal assistance, you are entitled to psychosocial support before, during and after criminal proceedings. Such support is available for free not only to victims of sexual and violent crimes who are minors, but also to particularly vulnerable adults who are injured as a result of a very violent crime or sexual assault.

Medical treatment

In addition, trauma outpatient centres offer short-term psychological support for victims of violent crimes. Such centres can be found all over Germany. Victims of violent crimes can receive immediate psychological support in a trauma outpatient centre. Many victims of crime show a marked improvement after just a few advice and psychotherapy sessions. If necessary, treatment may be offered and provided over a longer period, e.g. outpatient psychotherapy or inpatient care at a psychiatric or psychosomatic clinic. Many trauma centres are attached to a psychiatric clinic or hospital so that, in most cases, they can provide care by a psychiatric doctor.
You can find a list of trauma centres in Germany at Hilfe-Info.de.
Victims of a sexual or physical assault can have the visible injuries documented. You can generally get a doctor's certificate for any injuries suffered after being examined by a general practitioner at your local practice or a doctor at your local hospital. Some cities also have a special outpatient centre for protection against violence that can document the injuries of victims of crime.
In these centres, you can have your injuries or other any physical evidence examined and documented by a forensic doctor.

Financial support

In addition, the State provides various types of financial support: Anyone who suffers damage to health from a violent crime can obtain compensation payments under the Crime Victims Compensation Act (*Opferentschädigungsgesetz*). They must make an official application to their federal State's Pensions and Benefits Office (*Landesversorgungsamt*). You can also find a list of all the Pensions and Benefits Offices on the victim protection platform at Hilfe-Info.de. Trauma centre treatment is also included in these benefits.
After attacks by extremists or terrorists, victims can obtain compensation when facing hardship (*Härteleistungen*). Your contact point for these benefits is the Bundesamt für Justiz (Federal Office of Justice).
If you are injured in a violent crime at work, during a trip with your school class or university seminar group, or on your way to or from your work or such a trip, under certain circumstances, you may be able to claim statutory accident insurance. Your contact point for these cases is your Unfallkasse or Berufsgenossenschaft (accident insurance fund or occupational accident insurance fund).
Verkehrsopferhilfe e.V. (association for victims of traffic accidents) is the appropriate insurance fund for a violent crime involving a vehicle. It covers, for example, cases in which a vehicle was not insured, hit and run accidents or when a driver intentionally acted illegally.

What types of support can I receive from non-governmental organisations?

Professional and voluntary non-governmental organisations for victim support have various different measures to improve the situation of victims of crime and to provide them with the right sort of assistance.
Experts working for these organisations can help you by discussing the consequences of a crime, providing psychosocial support, and informing you of possible criminal proceedings and any financial compensation. They can also provide further assistance, such as the services of a lawyer or therapist.
For example, Weisser Ring e. V. provides support to victims at national level. In addition to centres throughout Germany, this association also provides the above-mentioned helpline for victims (116006) through which victims of crime can obtain professional help immediately. Weisser Ring e. V. offers, in particular, general advice, help when dealing with government authorities and the courts, an initial session with a lawyer free of charge, initial medical /psychological support free of charge when dealing with stress caused by a crime, accompaniment to court hearings and financial support. Weisser Ring e. V. also has schemes for victim compensation and victim-offender mediation.
Arbeitskreis der Opferhilfen in Deutschland e.V. (ADO, working group for victim support in Germany) acts as an umbrella organisation for various professionally active victim support centres at regional level. Their goals are, amongst others, to encourage regular information exchanges between victim support centres in Germany, set standards for professional victim support, found further professional victim support centres and foster cooperation between all the support centres. At ADO, you can also get advice and help when dealing with government authorities, as well as emergency psychological support,

medical treatment and therapy, legal advice, accompaniment to appointments with the police, government authorities and the courts, and support with victim-offender mediation.

Various support centres have specialised in providing advice and assistance for victims of specific crimes, in particular, sexual, racist, anti-Semitic, homophobic and transphobic crimes. These are also organised under various umbrella organisations, for example:

VBRG – Verband der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt (association of advice centres for victims of right-wing, racist and anti-Semitic violence)

BFF – Bundesverband der Frauenberatungsstellen und Frauennotrufe in Deutschland (federal association of advice centres and hotlines for women in Germany)

In addition to national victim support initiatives, many help centres are active at a regional and local level and very committed. You can find a list of advisory centres at regional and local level at http://www.hilfe-info.de.

Last update: 17/12/2020

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