

## Uz sākumlapu&gt;Jūsu tiesības&gt;Noziedzīgos nodarījumos cietušie&gt;Cietušo tiesības (katrā valstī)

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## Victims' rights - by country

Vācija

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

**Criminal proceedings in Germany** start with investigations that are conducted by the police and the public prosecution office. If there is insufficient evidence against the suspect to press charges, the public prosecution office terminates the proceedings. If, on the other hand, sufficient evidence is available, the public prosecution office will prefer public charges against the suspect before a court. It may, however, also terminate proceedings by way of exception, for example if the suspect has made reparations 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 him and set a penalty. The court may, however, also terminate the proceedings against the accused, 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 him. 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 have a more active role by formally becoming a **private prosecutor** or **private accessory prosecutor** 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.

The following fact sheets will take you through the different stages in the proceedings, describing your rights [during the investigation of the crime](#), [during the court proceedings](#) and [after the first court proceedings](#). You can also find out more about the [help and support you can get](#).

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**1 - My rights during the investigation of a crime****How and where can I report a crime?****How can I follow up on what the authorities do after I report a crime?****How can I be involved in the investigation of the crime?****What are my rights as a witness?****I am a minor. Do I have additional rights?****What information can I obtain from the police or victim support organisations during the investigation of the crime?****Can I receive financial support to exercise my rights or legal aid?****How can I get protection if I am in danger?****What services and assistance can I be given during the investigation of the crime?****Are there opportunities to reach a settlement/for conciliation or to start mediation between the offender and myself?****How will my case continue after the end of the investigations?****Can I appeal if my case is closed without reaching the court?****I am a foreigner. How are my rights and interests protected?****Further information****How and where can I report a crime?**

If you become a victim of a crime, you can report an offence to:

any police station or police officer;

any public prosecution office;

any local court.

You can do so in writing or orally. In the latter case, written minutes will be produced by the authority accepting the report. The report (referred to as 'filing information of a criminal offence' in Germany) should be made in German if possible in order to avoid a delay in processing and can also be submitted by another person and you do not need to authorise him/her specifically.

The information of a criminal offence should include your name, your address and your telephone number, in case there are any questions. It is important that you quote all the details you have about the suspect and the offence when reporting the crime in order to make it easier for the police and the public prosecution office to check your details and institute initial investigations.

There is no specific time-limit for the filing of information of a criminal offence. However, certain offences can only be prosecuted if you have filed an application for criminal prosecution. An application for criminal prosecution must be filed within three months after you get to know about the offence and the perpetrator with a court or the public prosecution office or orally for the records with the police. The institution where you file information of a criminal offence

will inform you about what types of crimes will require you to file an application for criminal prosecution. The public prosecution office will, however, only officially pursue certain crimes if it is in the public interest. If that is not the case, you can prefer private charges against the accused in order to have him brought to account. You will then take the place of the public prosecutor.

#### **How can I follow up on what the authorities do after I report a crime?**

You will be given a reference number by the authority accepting your report. You can follow up on what the police do and submit further information using the number you received from them. At a later stage, you can also ask the police or the public prosecution office for the public prosecutor's file number for your case, which will be different from the number quoted by the police. It is preferable to cite reference numbers and file numbers when contacting the authorities, unless you actually do not know them.

#### **How can I be involved in the investigation of the crime?**

Before the investigation is closed, you will have the status of a witness. You can contact the authorities at any time and give them additional evidence or information. The victims of crime - who are known as the 'aggrieved person' in the Code of Criminal Procedure - have more comprehensive rights, such as the right to apply for information regarding whether the suspect is in custody, under certain circumstances the right to inspect the files or to obtain information from the files, the right to avail yourself of the services of a lawyer or to be represented in court by a lawyer. If you are a victim of a crime and you are entitled to act as a private accessory prosecutor, a lawyer may already be assigned to you at public expense during the investigation proceedings. You can be heard by the police, the prosecutor or a judge, and you always need to answer their questions truthfully. If you are invited by the police for questioning, you are not obliged to appear. You are obliged to appear if you receive a summons from the public prosecutor or a judge.

If you are summoned for questioning, you have the following rights:

- to be informed about your rights in the summons, including the possibility of getting assistance;
- to refuse to testify if you are or were married or engaged to the suspect (the same applies to registered same-sex partnerships) or he/she is your close relative;
- to refuse to answer specific questions if they might lead to you or your relatives being prosecuted; questions that might dishonour you or belong to your private life may be asked only if absolutely essential;
- to be accompanied by a person you trust, unless his/her presence would endanger the purpose of the investigations;
- to be accompanied by a lawyer, who might be excluded if he/she would make the hearing of evidence difficult;
- to be supported during questioning by a lawyer at public expense if you are unable to exercise your rights yourself;
- to have your following expenses reimbursed if you apply within three months of your questioning to the authority questioning you: travel costs, expenses incurred, loss of time, disadvantages in housekeeping or loss of earning (up to certain limits); however, you cannot usually get reimbursement for ordinary police questioning.

You are not obliged to provide evidence that a crime has been committed. Finding evidence against the accused is the sole task of the police and the public prosecution office.

You have no right to an interpreter free of charge during your examination as witness, but the relevant institutions will normally ensure that your testimony is translated.

If your rights have been violated on account of an offence, a lawyer may inspect the files on your behalf and examine exhibits if he/she can show legitimate interest in doing so. If you do show such an interest, then you may also receive information from or copies of the files so that you may know what stage the proceedings have reached. If you are entitled to join the proceedings as a private accessory prosecutor after the indictment, you or your lawyer no longer need to show a legitimate interest in order to be able to inspect the files or receive information.

The right to inspect the files or receive information from the files may, under certain conditions, be denied during the preliminary investigations, for example if the purpose of the investigations would be endangered. Until charges are preferred and after the proceedings have been concluded by final decision the public prosecution office, otherwise the court dealing with the matter, will decide whether your lawyer will be permitted to inspect the files or whether you can be given information from or copies of the files. If the public prosecution office is responsible, it may authorise the police to do so.

#### **What are my rights as a witness?**

When you are called by the public prosecutor as **witness** the public prosecution office is obligated to inform you not only about your duties but also about your rights as the aggrieved person of a criminal offence. It may also sometimes be possible for your children to be looked after while you are being questioned.

Questions that can bring dishonour to you or belong to your private life may only be asked if they are absolutely essential. The same applies to your relatives. You have the right to be accompanied during your examination as witness by a person you trust, unless their presence would endanger the purpose of the investigation. That decision is taken by the person conducting the examination.

You likewise have the right to avail yourself of legal counsel during your examination as witness. A witness who does not have legal counsel and is in need of protection may be assigned legal counsel at public expense for the duration of the examination.

#### **I am a minor. Do I have additional rights?**

If you are **under 18 years of age**, your hearing can be video- and audio-taped, which may possibly even relieve you from appearing at another hearing or even in court.

The public prosecution office is required to conduct the investigations particularly quickly.

#### **What information can I obtain from the police or victim support organisations during the investigation of the crime?**

At the police level, you will usually get information on whether the proceedings are still ongoing or already closed. The police must be authorised by the public prosecution office to provide you with any information beyond that. Moreover, the police or the public prosecutor has to give you the following information as soon as possible:

- information about your rights to take part in the criminal procedure as the aggrieved person;
- the possibility that, under certain circumstances, you can join the proceedings as a private accessory prosecutor and that a so-called victims' lawyer can be assigned to you if need be;
- the possibility of getting help and support from a victim support organisation;
- the possibility of asserting a claim for compensation against the accused during the criminal proceedings;
- the possibility of asserting a claim for compensation in accordance with the Crime Victims Compensation Act;
- the possibility of applying for orders to be issued against the accused in accordance with the Protection Against Violence Act.

#### **Can I receive financial support to exercise my rights or legal aid?**

If circumstances show that you are unable to exercise your rights yourself during your examination as witness, you may be assigned a lawyer at public expense for the duration of your examination

If you are entitled to join the proceedings as a private accessory prosecutor, you may, in certain cases, even be assigned a victims' lawyer even before public charges are preferred. If you do not fulfil the relevant criteria, you have the right, since you are entitled to join the proceedings as a private accessory

prosecutor, to legal aid and can apply for this if your financial situation does not allow you to pay for the costs of the proceedings yourself and you cannot sufficiently safeguard your interests yourself or it is unreasonable for you to be expected to do so.

As a [private prosecutor](#) (1), you can apply for legal aid to the court which will rule on your case. Legal aid will be given to you if your financial situation will not allow you to pay for the proceedings yourself and their success is likely.

#### **How can I get protection if I am in danger?**

When reporting a crime or testifying as a witness, if you or others will be endangered if you give your actual address of residence, you can give another address to which authorities can send you correspondence (e.g. summons to a hearing in court). You can even be allowed to remain completely anonymous. If you are a victim of domestic violence, you can apply to a civil court for a protection order to have the accused ejected from your joint home and to ban him from approaching you. In the interests of protecting children, the person(s) having custody (generally the parents) may be denied those custody rights entirely or in part. The same applies to access rights (including contact). The police can also send the offender away from the family home or arrest him/her before the court order is issued.

If you are testifying in the proceedings and your testimony is essential,

your body, life, health, freedom or important material goods are endangered,

you agree to the proposed victim protection measures, and

the measures are appropriate to your situation,

you and your relatives or other close relatives, if necessary, may be included in a **witness protection programme**. The programme includes the explicit possibility of temporarily assuming another identity.

#### **What services and assistance can I be given during the investigation of the crime?**

There are numerous non-governmental organisations offering assistance. You must be informed about the possibility of contacting such an organisation in your area and must be given contact details. You can also consult a special [booklet](#) in German which provides additional information on assistance to victims and witnesses. The booklet is available on the website of the Federal Ministry of Justice. It is entitled "*Opferfibel - Rechtswegweiser für Opfer einer Straftat*" (Primer for Victims - A Guide to the Law for Victims of Crime).

You can also receive medical assistance, but you may be asked to pay for it unless you have valid health insurance. Citizens of the 27 EU Member States, of Iceland, Liechtenstein, Norway and Switzerland can benefit from the [European Health Insurance Card](#).

#### **Are there opportunities to reach a settlement/for conciliation or to start mediation between the offender and myself?**

If you and the accused agree to it, you have the option of conducting mediation proceedings, known as 'victim-offender mediation' in Germany. The public prosecution office and the court must examine at each stage of the proceedings whether there is a possibility of reaching a settlement between the accused and the victim of a crime and, in suitable cases, they must work towards such a settlement being reached. The victim-offender mediation itself does not normally take place in the context of the criminal proceedings, and often involves a specially trained mediator. Victim-offender mediation can only begin if both parties are willing to participate. The accused must therefore to a certain extent admit to by his responsibility for the wrong he/she has committed. Often payments or other forms of compensation are agreed during victim-offender mediation.

Also, in the case of certain offences such as trespass, defamation, violation of privacy of correspondence and bodily injury, you will only be able to act as a private prosecutor after an attempt at conciliation, which is conducted on the premises of the special conciliation board of the federal *Länder*.

#### **How will my case continue after the end of the investigation?**

Once the investigations have been completed, the public prosecution office will decide whether there are sufficient grounds for indicting the suspect. If that is the case, it will prefer public charges before a court. In the case of certain criminal offences, for example bodily injury, you may join the proceedings as a private accessory prosecutor. To do so, you must make a written declaration before that court where the charges are preferred. A declaration regarding your joining the proceedings as a private accessory prosecutor which the court receives before charges are preferred will not take effect until the public charges have actually been preferred.

The public prosecution office may, however, also terminate proceedings, for example if the suspect's guilt was to be regarded as of a minor nature and there is no public interest in the prosecution. That is, for instance, the case if the suspect has no previous convictions, compensates the damage arising or has fulfilled other conditions and instructions. Generally, the court will be required to agree to the proceedings being terminated in this way. If the public prosecution office terminates proceedings - regardless of why - you will be informed of that fact.

#### **Can I appeal if my case is closed without reaching the court?**

You as the aggrieved person can appeal the public prosecutor's decision to terminate proceedings on account of the lack of sufficient suspicion of an offence within two weeks. If the chief public prosecutor upholds the decision, you, through a lawyer, can file an application for a court decision or conduct the proceedings as a private prosecutor within one month of being notified of the chief public prosecutor's decision.

You only have the option of filing a request for administrative review against decisions by the public prosecution office to terminate proceedings based on their discretionary powers, for instance on account of the minor nature of the suspect's guilt.

You cannot in principle terminate ongoing proceedings which the public prosecution office is officially conducting against the suspect. The opposite is the case if you have filed an application for criminal prosecution and subsequently withdraw it. That can, for instance, be possible in the case of certain crimes, for instance trespass or defamation. In the case of other crimes for which an application can be filed there may be a special public interest in the offences being prosecuted. That applies, for instance, to criminal offences such as theft and misappropriation. Further, in the case of certain crimes you can take the place of the public prosecution office and file a private prosecution against the suspect, and you may withdraw it at any point during the proceedings.

#### **I am a foreigner. How are my rights and interests protected?**

If you file information of a criminal offence that was committed elsewhere in Europe, the criminal prosecution authorities must as a matter of principle pass on your information to the relevant criminal prosecution authority in the other Member State if criminal prosecution is not possible in Germany for certain reasons. If you are entitled to join the proceedings as a private accessory prosecutor, the court will, upon application, assign you an interpreter free of charge if this is necessary for you to exercise your rights in the criminal proceedings.

If you are a victim of human trafficking, you can, under certain circumstances, get a temporary residence permit to stay in Germany until the end of the criminal proceedings if you have declared that you will give testimony.

#### **Further information:**

German Code of Criminal Procedure (*Strafprozessordnung*) – in [German](#) and [English](#)

Courts Constitution Act (*Gerichtsverfassungsgesetz*) – in [German](#)

German Criminal Code (*Strafgesetzbuch*) – in [German](#) and [English](#)

Act to Harmonise Protection for Witnesses (*Zeugenschutzharmonisierungsgesetz*) – in [German](#)

Protection Against Violence Act (*Gewaltschutzgesetz*) – in [German](#)

German Civil Code (*Bürgerliches Gesetzbuch*) – in [German](#) and [English](#)

Residence Act (*Aufenthaltsgesetz*) – in [German](#)

Youth Courts Law (*Jugendgerichtsgesetz*) – in [German](#) and [English](#)

Judicial Remuneration and Compensation Act (*Justizvergütungs- und -entschädigungsgesetz*) – in [German](#)

Code of Civil Procedure (*Zivilprozessordnung*) – in [German](#)

Crime Victims Compensation Act (*Opferentschädigungsgesetz*) – in [German](#) and [English](#)

Note:

1. Private prosecutor

The right of a private prosecutor to institute criminal proceedings is restricted to a few rather minor criminal offences against a person. You can benefit from this right if no public charges are preferred as a result of you having filed information of a criminal offence. To be able to do that you must pay a fee and will then take the place of the public prosecutor in the proceedings, i.e. you will be involved in the proceedings and heard as the public prosecutor normally would be. You may also be represented by a lawyer, whereby the court may also require you to appear in court in person.

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## 2 - My rights during the trial

**How can I be involved in the court proceedings?**

**What are my rights as a witness?**

**I am a minor. Do I have additional rights?**

**Can I receive financial support to exercise my rights or legal aid?**

**How can I get protection if I am in danger?**

**How can I claim damages from the offender or receive compensation from the state?**

**Are there opportunities to reach a settlement/for conciliation or to start mediation between the offender and myself?**

**I am a foreigner. How are my rights and interests protected?**

**Further information**

**How can I be involved in the court proceedings?**

As a **witness**, you will be informed of the day of the hearing. After giving testimony, you are allowed to be present at the proceedings even if they are not public (e.g. proceedings against juvenile offenders).

You have the right to be accompanied and to be represented by a lawyer. You can also have your following expenses reimbursed if you apply **within three months** of your questioning: travel costs, expenses incurred, loss of time, disadvantages in housekeeping or loss of earnings.

For your protection the accused may, under certain conditions, be excluded from taking part in the hearing in court. In addition, most courts have separate waiting areas for witnesses and witness liaison and support.

As a **private accessory prosecutor** (1), you have the right to be summoned to participate in the proceedings. You have the right to be present even if you are to be examined as a witness afterwards, but you are only obliged to be present if you are giving testimony. Your right to be present also applies to proceedings which are not public.

As a private accessory prosecutor you also have the following special rights:

to ask questions;

to give statements;

to file a motion to hear evidence;

to ask the court to replace judges or experts because of suspected bias;

to object against questions or orders of the presiding judge.

As a private accessory prosecutor you are also entitled to be assigned an interpreter free of charge by the court if this is necessary for you to exercise your rights in the criminal proceedings. You are in particular entitled to an interpreter free of charge during the hearing in court and when preparing your own actions during the proceedings, also during any subsequent appeal proceedings. To be assigned an interpreter you must file an application with the court. Likewise, as a private accessory prosecutor you will, in certain cases, have the right to be assigned what is known as a 'victims' lawyer' free of charge. This is particularly relevant if you are the victim of certain serious crimes of aggression and are suffering serious consequences.

As a private prosecutor your rights to information and to participate in the proceedings are comparable to those of a public prosecutor in normal proceedings. If your rights have been violated on account of a criminal offence, a lawyer may inspect the files on your behalf and examine exhibits if he/she shows a legitimate interest in doing so. If you show such a legitimate interest, you may also be given information from or copies of the files so that you may know what stage the proceedings have reached. If you are entitled to join the proceedings as a private accessory prosecutor, neither you or your lawyer must show a legitimate interest in order to be able to inspect the files or receive information.

**What are my rights as a witness?**

As a **witness**, you will be informed of the day of the hearing. After giving testimony as a witness you are generally allowed to be present at the proceedings.

You have the right to be accompanied by a lawyer. You can also have your following expenses reimbursed if you apply within three months of your questioning: travel costs, expenses incurred, loss of time, disadvantages in housekeeping or loss of earning (up to a certain limit).

Questions that can bring dishonour to you or belong to your private life may only be asked if absolutely essential. The same applies to your relatives.

For your protection the accused may, under certain conditions, be excluded from taking part in the hearing in court. In addition, most courts have separate waiting areas for witnesses and witness liaison and support..

**I am a minor. Do I have additional rights?**

If you are **under 18 years of age**, in cases of certain serious offences, your questioning in court may be substituted by a judicial hearing in advance, which is video- and audio-taped. The accused and his/her lawyer need to have been given the opportunity to take part in this examination, which is also possible via live audio-visual transmission. Additional questions to you during the trial are still possible.

Only the presiding judge at the court may examine you as witness, i.e. you will not be asked any questions directly by the accused or his/her defence counsel.

Conditions under which the public may be excluded from your examination as a witness and under which the accused may not be present in the court room are less strict. If you are entitled to join the proceedings as a [private accessory prosecutor](#) (1), conditions regarding your being supported by a lawyer at public expense are also less strict.

#### **Can I receive financial support to exercise my rights or legal aid?**

As a [private accessory prosecutor](#) (1) or if you are entitled to join the proceedings as a private accessory prosecutor, you can, in certain cases, be supported by a lawyer at public expense in cases of certain serious offences, like attempted murder or manslaughter, rape, robbery with serious damages, etc.

In other cases, you can, as a private accessory prosecutor or if you are entitled to join the proceedings as a private accessory prosecutor, still apply to the court for legal aid if you are unable to safeguard your own interests or this cannot be expected of you.

You must on request be granted legal aid as soon as the claim has been made if your personal and financial circumstances mean that you are unable to afford the costs of conducting the proceedings, or if you can only afford to pay part of them or only to pay them in instalments.

As a witness you may be assigned a lawyer for the duration of your examination as witness if you cannot exercise your rights yourself during your examination.

#### **How can I get protection if I am in danger?**

It is possible to obtain a protection order against the offender, who would be prohibited from approaching you.

As a **witness**, if your confrontation with the offender or your questioning in the presence of him/her or his/her lawyer would cause imminent risk of serious harm to you, your questioning can take place in a different room and can be broadcast into the courtroom. You can also be examined in the courtroom without the accused being present, but the examination will generally be broadcast to him/her and he/she can ask you questions via telephone or computer.

If you are testifying in the proceedings and

your testimony is essential,

your body, life, health, freedom or important material goods are endangered,

you agree to the proposed victim protection measures, and

the measures are appropriate to your situation,

you and your relatives or others in a close relationship with you, if necessary, may be included in a **witness protection programme**. The programme includes the explicit possibility of temporarily assuming another identity.

#### **How can I claim damages from the offender or receive compensation from the State?**

You can bring a civil claim for compensation for the damage you have sustained against the accused within the criminal proceedings. This is possible only if you have not claimed damages from the offender before another court. Within the criminal proceedings, the court will decide on your claim as part of the judgment on the accused's guilt.

You may also be entitled to compensation from the state. Please consult the fact sheet on compensation to crime victims in Germany (available in [German](#), [English](#) and other languages) of the European Judicial Network or the brochure published by the Federal Ministry of Labour and Social Affairs entitled ' *Hilfe für Opfer von Gewalttaten*' (Help for Victims of Violent Crime). You will also find detailed information about the law on the compensation of victims of violent crime on the website of the Federal Ministry of Labour and Social Affairs (in [German](#) and in [English](#)).

#### **Key aspects of the law on the compensation of victims of violent crime in brief:**

Compensation has been paid to victims of violent crimes in Germany on the basis of the Crime Victims Compensation Act since 1976. There are few other countries in the world that offer such wide-ranging assistance to those affected. What is special about the Crime Victims Compensation Act? It entitles victims of violent crimes to receive compensation regardless of other social systems. That was important in 1976 and is still important today, because the victims of crime often not only suffer physical consequences. They often also suffer quite considerable economic damage. That is, however, not always entirely compensated by means of pensions paid by the statutory pension scheme, by private insurance schemes or income support.

At the same time, civil-law claims for compensation against the perpetrator very rarely compensate for the actual damage incurred. In those cases the Crime Victims Compensation Act is intended to guarantee people who have suffered damage to health on account of a violent crime appropriate economic support. The idea on which the compensation is based is to guarantee support for the people who have suffered damage to their health and to compensate the economic consequences of this damage. That is why, under the Crime Victims Compensation Act, victims of violent crime receive the same compensation as war victims, e.g. treatment and - in the case of permanent damage - a pension.

#### **Who is entitled to compensation according to the Crime Victims Compensation Act?**

Compensation is not only paid for all damage to health resulting from a wilful, unlawful physical assault (e.g. manslaughter, bodily injury, sexual coercion), but also for the economic consequences of that damage to health. Psychological consequences are likewise recognised as damage to health. By contrast, no compensation is paid for damage to property or assets. Nor can damages be paid on the basis of the Crime Victims Compensation Act.

#### **Who is entitled to receive compensation?**

The Crime Victims Compensation Act not only applies to Germans. EU citizens, for example, receive the same compensation. Other foreigners who are regularly resident in Germany and have become victim of a wilful act of violence in Germany also have the right to compensation, the extent of which will be geared to the length of their stay in Germany. In order to avoid unjust legal consequences, in the case of the victims of trafficking in women and human trafficking, the time of the filing of an application is decisive in regard to the legality of their residence under the Crime Victims Compensation Act, in which the residency should generally be legal on the grounds of public interest or for humanitarian reasons. The precondition is that the victims are needed as witnesses in criminal proceedings against the operators or organisers of trafficking rings.

Tourists who fall victim to a violent crime in Germany can, under special circumstances, receive a one-off hardship payment.

In the case of death resulting from a violent crime, compensation may also be paid to family members (surviving dependants, life partners, children and, under certain circumstances, to parents).

#### **What forms of compensation are available according to the Crime Victims Compensation Act?**

The extent and amount of compensation to which victims of violent crime are entitled is always based on the regulations of social compensation law that are also applicable to war victims and surviving dependants of war victims. Various different forms of compensation are possible:

Curative treatment, which will continue indefinitely if the damage to health as a result of the offence continues;

Medicines and aids (medication, prosthetics, dentures, glasses, etc.);

Rehabilitation measures (e.g. treatment at a health resort);

Non-means-tested and means-tested monthly pension payments;

Additional assistance, e.g. home help, care assistance if needed.

#### **Does the Crime Victims Compensation Act also apply to violent crimes committed before its entry into force?**

Often the consequences of a violent crime only manifest themselves years after the event. It is, for instance, possible that the offence was committed before 18 May 1976, i.e. before the entry into force of the Crime Victims Compensation Act, but its consequences do not manifest until now. That is why the Act



contains a hardship clause for violent crimes that occurred in the period between 23 May 1949 and 15 May 1976. Accordingly, victims who are suffering serious consequences and their surviving dependants can receive compensation if their other income does not exceed certain income thresholds which are dependant on the extent of the damage incurred.

**In principle, however, the Crime Victims Compensation Act only applies to violent crimes that were committed after its entry into force.**

**Does the Crime Victims Compensation Act also apply to violent crimes committed outside of Germany?**

In summer 2009 the scope of application of the Crime Victims Compensation Act was extended to include violent crimes committed abroad. Thus, Germans, EU citizens and foreigners living legally in Germany with a secure residence status who became victim of a violent crime abroad after 1 July 2009 now also have a right to claim compensation. Since, however, these are pure welfare benefits; they are subject to stricter rules regarding allowances and disqualification than compensation granted to those who suffer violent crimes in Germany.

**Under what formal conditions is compensation provided?**

Anyone claiming compensation under the Crime Victims Compensation Act must submit an application.

**N.B.: There is no deadline for applications.**

The relevant administration in that federal *Land* in which the violent crime occurred is responsible for taking a decision on the application. In the case of violent crimes committed abroad, that administration of the federal *Land* in which the applicant is resident shall decide on the application.

**Are there opportunities to reach a settlement/for conciliation or to start mediation between the offender and myself?**

If you and the accused agree to it, you have the option of conducting mediation proceedings, known as 'victim-offender mediation' in Germany. The public prosecution office and the court must examine at each stage of the proceedings whether there is a possibility of reaching a settlement between the accused and the victim of a crime and, in suitable cases, they must work towards such a settlement being reached. The victim-offender mediation itself does not take place in the context of the criminal proceedings, and often involves a specially trained mediator. Victim-offender mediation can only begin if both parties are willing to participate. The accused must therefore to a certain extent admit to by his responsibility for the wrong he/she has committed. Often payments or other forms of compensation are agreed during victim-offender mediation..

**I am a foreigner. How are my rights and interests protected?**

As a private accessory prosecutor you have the right to be assigned an interpreter free of charge by the court if it is necessary so that you can exercise your rights in the criminal proceedings. You are in particular entitled to an interpreter free of charge during the hearing in court or when preparing your actions in the proceedings, and in addition during possible subsequent appeal proceedings. You must apply to the court to be assigned an interpreter.

If you are a victim of human trafficking, you can, under certain circumstances, get a temporary residence permit to stay in Germany until the end of the criminal proceedings if you have declared that you will give testimony.

**Further information**

German Code of Criminal Procedure (*Strafprozessordnung*) – in [German](#) and in [English](#)

German Criminal Code (*Strafgesetzbuch*) – in [German](#) and in [English](#)

Act to Harmonise Protection for Witnesses (*Zeugenschutzharmonisierungsgesetz*) – in [German](#)

Protection Against Violence Act (*Gewaltschutzgesetz*) – in [German](#)

German Civil Code (*Bürgerliches Gesetzbuch*) – in [German](#) and in [English](#)

Residence Act (*Aufenthaltsgesetz*) – in [German](#)

Youth Courts Law (*Jugendgerichtsgesetz*) – in [German](#) and in [English](#)

Judicial Remuneration and Compensation Act (*Justizvergütungs- und -entschädigungsgesetz*) – in [German](#)

Code of Civil Procedure (*Zivilprozessordnung*) – in [German](#)

Crime Victims Compensation Act (*Opferentschädigungsgesetz*) – in [German](#) and [English](#)

Note:

1. Private accessory prosecutor

As soon as the public prosecutor has sent the indictment to the court, you can then join the proceedings as a private accessory prosecutor in order to be actively involved in the proceedings and to complement the work of the public prosecutor. You can already declare that you will be joining the proceedings during the preliminary investigations and you can, under certain circumstances, already be assigned a lawyer. Those who are authorised to join the proceedings as private accessory prosecutors are firstly the victims of certain criminal offences against a person, such as sexual violence, bodily injury, trafficking in humans, stalking and attempted homicide, and secondly the victims of all types of criminal offences as a result of which they suffer serious consequences. If the accused is a juvenile, you can become a private accessory prosecutor only by way of exception.

There is no time-limit for joining proceedings as a private accessory prosecutor. You can do so even after the judgment if you want to appeal it. You may be supported and represented by a lawyer.

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### **3 - My rights after the (first) trial**

**Can I appeal against the court's judgment or decision?**

**Is further appeal possible?**

**What rights do I have after the judgment becomes final?**

**Further information**

**Can I appeal against the court's judgment or decision ?**

As a [private accessory prosecutor](#) or if you are entitled to join the proceedings as a private accessory prosecutor, you can in principle appeal a judgment. However, an appeal is not possible, for example, if you are merely not satisfied with the sentence. If you or your lawyer are present at the hearing, the time-limit for your appeal starts with the pronouncement of the judgment. Otherwise it starts after the judgment is sent to you. The deadline is usually **one week**. As a private prosecutor you have rights that are comparable to those of a public prosecutor in normal proceedings.

**Is further appeal possible?**

You may file further appeals in line with the provisions applicable to the relevant instance.

**What rights do I have after the judgment becomes final?**

If you apply for it, you have the right to be informed whether proceedings have been terminated, how the trial has ended, including whether the accused has been instructed not to contact you or communicate with you. You can also be informed whether a custodial measure has been ordered against the accused or has ended or - in the event of a legitimate interest - whether a relaxation of the conditions of detention or leave has been granted for the first time. You can only get a copy of the judgment if you are a [private accessory prosecutor](#).

If you apply in writing, you may receive information about where the accused is living after he/she is released from prison and about his/her financial situation if you are intending to make a claim related to the crime.

You can continue to be covered by protection measures if the threat against you persists.

#### Further information:

German Code of Criminal Procedure (*Strafprozessordnung*) – in [German](#) and [English](#)

German Criminal Code (*Strafgesetzbuch*) – in [German](#) and in [English](#).

Note:

#### 1. Private accessory prosecutor

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Lūdzu, ņemiet vērā, ka šai lapai nesen tika atjaunināta oriģinālvalodas [de](#) versija. Mūsu tulkotāji pašlaik gatavo versiju valodā, kuru esat izvēlējies.

## 4 - Help and support for victims of crime

### Federal Ministry of Justice

### Federal Ministry of Labour and Social Affairs

### Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

### Weißer Ring (White Ring)

### Working Group of Victim Support in Germany

### Federal Ministry of Justice

The Federal Ministry of Justice provides victims of crime with different kinds of information and its other activities contribute to the better protection of their rights.

The Federal Ministry of Justice is primarily responsible for drafting legislation. Within that framework it, for instance, elaborates draft laws that protect the rights of victims in the context of criminal proceedings.

The Directorate-General R 'Judicial System' is responsible for the protection of victims' rights and the interests of victims in criminal proceedings.

The Directorate-General II 'Criminal Law' includes the Juvenile Criminal Law, the Crime Prevention and the Victim-Offender Mediation Departments.

The Directorate-General I 'Civil Law' drafts laws in the field of civil law and is, among other things, responsible for the Protection Against Violence Act.

The Federal Ministry of Justice also provides information, for example the leaflet [Opferfibel](#) ("*Opferfibel - Rechtswegweiser für Opfer einer Straftat*"; Primer for Victims - A Guide to the Law for Victims of Crime), which is written in simple language and explains the legal situation of victims of crime and gives advice, the brochure entitled "Ich habe Rechte" (I have Rights), which is aimed at young people who have become victims of crime, and by disseminating brochures on victim-offender mediation and the Protection Against Violence Act. These brochures are all available for download on the Federal Ministry of Justice's website.

CONTACT:

Website: [https://www.bmju.de/EN/Home/home\\_node.html](https://www.bmju.de/EN/Home/home_node.html)

### Federal Ministry of Labour and Social Affairs

The Federal Ministry of Labour and Social Affairs is responsible for legislation in the field of the law of social compensation, which includes the law on compensation for the victims of violent crime.

The Federal Ministry of Labour and Social Affairs is responsible for legislation in regard to the law of victim compensation, among other things. It has published a brochure entitled "[Hilfe für Opfer von Gewalttaten](#)" (Help for Victims of Violent Crime), which is available for download and can also be ordered from the following address: [info@bmas.bund.de](mailto:info@bmas.bund.de)

### Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is responsible for the protection of women and children against violence.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is active in the field of the protection of children and women.

Directorate-General 4 (Gender Equality, Equal Opportunities) deals with general and specific issues regarding the combating of violence against women, and cooperates with the Federation, the *Länder*, local authorities and non-governmental organisations on the implementation of the German Government's Action Plan II on Combating Violence Against Women. In addition, it chairs the two Federal-*Länder* Working Groups "Trafficking in Women" and "Domestic Violence". The Action Plan II, diverse information and studies on the issue of violence are available for download on the website of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Directorate-General 5 (Children and Youth) is responsible for the protection of children and youth. It is thus responsible for the Child and Youth Services Act (Social Code Book VIII), which contains regulations governing the promotion and development of children and youth and for the protection of their best interests by means of a wide range of services.

In particular, this Directorate-General is also active in boosting prevention and victim protection of children and youth.

Help is available on a [website](#) set up as part of a prevention campaign launched by the Ministry (in German). The page has a link to a database of advice centres across the whole of Germany.

The guide "*Mutig fragen - besonnen handeln*" (Daring Questions - Prudent Action) contains advice and information on sexual violence against girls and boys specifically for parents. It is available for download on the [Ministry's website](#) (in German)

Information on child and youth protection is available on the [Ministry's website](#) (in German).

CONTACT:

<https://www.bmfsfj.de/>

#### **Weißer Ring (White Ring)**

The White Ring is a non-profit organisation providing services to victims in and outside of courts that is active not only on a local level, but also all over Germany. It has 420 branches with around 3000 people working on a voluntary, unpaid basis.

The White Ring

offers advice to victims

provides help in dealing with authorities and courts

facilitates access to free first consultations with a lawyer of the victim's own choice

facilitates access to free first medical/psychological consultations if the victim is suffering from stress following a crime

accompanies victims to court

offers financial support

works in lobbying and crime prevention

implements projects for victim compensation and victim-offender mediation

CONTACT:

Website: <https://weisser-ring.de/>

#### **Working Group of Victim Support in Germany**

The Working Group of Victim Support in Germany is a non-profit organisation founded in 1988 as a union of various victim support organisations in Germany working with social workers.

The Working Group of Victim Support in Germany

focuses on providing the following advice and support to the victims of crime through its regional member organisations:

advisory services for victims

help in dealing with authorities

psychological crisis intervention and arranging for medical treatment and therapies

legal advice or arranging for legal advice

accompanying victims to the police, authorities and courts

carrying out or arranging victim-offender mediation

contributes to an exchange of information and experience as well as cooperation with other German and international (especially European) organisations

active in the field of victim support

CONTACT:

Website: <https://www.opferhilfen.de/>

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