

I am the victim of a crime. What are my rights?

Nobody expects to become a victim of crime.

Whether you have been pickpocketed, suffered serious injury or have been the victim of another offence, one thing is for sure: You may have been injured or are simply upset, and you are probably confused about what to do next.

This publication will tell you where to find help and what rights you have.

Who can help me?

There are a number of victim support organisations that can offer you advice and assistance. These organisations are run by specially trained individuals who have a lot of experience in assisting people in your situation. They are there to listen and to help you. Depending on your specific needs, these organisations can help you get additional support like counselling or therapy.

You can find an overview of who to turn to at www.hilfe-info.de

Of course, you can also contact your nearest police station.

How can I report a crime and file a request for criminal prosecution? And what happens next?

If you want to report a crime, you should contact your nearest police station. Crimes may also be reported to the public prosecution office. Once you have officially reported a crime, the process cannot be reversed. This is because police and prosecutors in Germany are legally obliged to investigate almost all types of crime reported to them.

There is only a small number of less serious crimes that the victim can choose to prosecute or not (for example: insult or property damage). In Germany, these crimes are prosecuted "upon application." This means that the authorities prosecute the offence only if you, the victim, specifically tell them to do so. In these cases you have a deadline of three months to tell the authorities to prosecute the offence once you have become aware of the crime and know who the offender is.

What happens if I do not understand or have difficulty understanding German?

That doesn't matter. If you want to report a crime, someone will help you! If you are interviewed as a witness, you will have the right to an interpreter. If you need specific information and do not have sufficient command of German, you can ask to receive information in a language you can understand.

What information can I receive about how my case is progressing?

If you are a victim of crime, you can find out how your case is progressing and get information from the case file. If you want to receive information, the best thing to do is to tell the police this when you report the crime to them. You should also tell them what information you want to get. Once you have asked for this information:

- You will receive a short document confirming that you have reported the crime to the authorities.
- You will be told if the public prosecutor's office decides to terminate the case, i.e. not to take it to court.

- If the case is taken to court, you will be told when and where the trial will take place and what the defendant is accused of.
- You will be told about the outcome of the trial. This means you will be told whether the defendant was found innocent or guilty, or whether the trial was terminated without a verdict.
- You will be told whether the person concerned person is in custody. You will also be informed if they are granted leave or escape from custody.
- If the person is found guilty, you will be told whether they have been banned from contacting you.

Under certain circumstances you can also ask to receive information or copies from the case files. For example, if you have been involved in a road traffic accident, you might need drawings of how the accident happened in order to receive compensation for the damage and/or for pain and suffering. You can ask for a copy of these drawings from the case files. If you are not involved in the trial as a so-called "private accessory prosecutor" (this term is explained on page 3!) you must explain why you need this information. Exceptions may be possible in individual cases.

Your statement as a witness

As a victim of crime you have a very important part to play in criminal proceedings: you are a witness. The witness's most important task is to provide complete and truthful testimony. It is of considerable help to the investigating authorities if you take to the hearing any documents you may have (e.g. a medical certificate or photos). In most cases you will give your witness statement to the police. In many cases you will also need to testify later on in court. Only in exceptional cases will you not be required to testify. This applies, for example, if you are married or closely related to the person accused of committing the crime. In these cases you do not have to say anything.

You must give your name and address when asked to do so during the hearing. You may not have to provide these details if you are in danger, e.g. if somebody has threatened to hurt you if you go to the authorities. In this case, you will not need to give your home address; you can provide another address for the authorities to reach you. For example, you can give the details of a victim support organisation that you are in contact with. If you do testify in court and the person accused of committing the crime is present, you will not be asked for your full address, but only for your place of residence. If you are in danger (as described above), you will not have to provide your place of residence either.

Being a witness is a situation that most people are not familiar with, and can be very difficult. To make things easier, you are allowed to bring somebody along with you when you testify. This can be a relative or a friend. You can have them with you while you are being questioned as a witness. This person will be asked to leave the room only in exceptional cases. You are also allowed to have a lawyer present. In special cases the state will even pay for a lawyer to assist you during questioning. If you believe that you require such assistance during questioning, whether it is with the police, the public prosecution office or the court, you should ask the person conducting the hearing at the earliest possible opportunity, i.e. before they begin asking you questions.

Psychosocial support in court proceedings

Since 2017, professional assistance (so-called psychosocial support services in court proceedings) has been available nationwide throughout criminal proceedings in certain cases. In particular, children and young people who have become the victims of violent or sexual offences have a right to such assistance. But adult victims of serious violent or sexual offences may also need and be given such assistance.

Psychosocial assistance is free of charge for victims if the court has approved it. In all other cases, you will have to cover the costs for psychosocial assistance yourself. For further details, do not hesitate to contact your nearest police office or a victim support organisation.

You can also find extensive information on psychosocial assistance in court proceedings online at → www.hilfe-info.de

Can I join the prosecution?

If you have been the victim of certain crimes, you can join the prosecution in your case as a so-called "private accessory prosecutor." You can become a private accessory prosecutor if you are the victim of a crime like rape, sexual abuse or attempted murder, or if the crime resulted in the death of a close relative. As a private accessory prosecutor, you are granted special rights. For example, your lawyer can inspect the criminal files on your behalf without providing any special justification, and they can also make applications at any point in the proceedings. Moreover, you can participate in all parts of the trial, which is not the case for other witnesses.

Who pays for my lawyer?

Hiring a lawyer can be costly. If the defendant is found guilty, he or she must pay your lawyer's fees. However, not everybody who is found guilty of a crime is able to cover these costs. You might have to pay some of the fees yourself.

Under certain exceptional circumstances you can ask the court to appoint you a lawyer paid for by the state. You can do this, for example, if you are the victim of a violent or sexual offence, or a crime has led to the death of a close relative, e.g. your child, mother, father, husband or wife. In this case, the state will pay for your lawyer even if you have the money to do so yourself.

You can also ask the court to help you pay for legal advice in other cases. This may apply if you do not earn a lot of money and you have the right to act as a private accessory prosecutor.

Compensation and damages for pain and suffering

Have you suffered injury because of a crime, or would you like to receive damages for pain and suffering? Do you want to make these claims during the criminal trial? This is usually possible. In order to "add" your compensation claims to the trial, however, you must first submit a specific application. If you want to make a claim, you should make this clear at an early stage – ideally when you report the crime to the authorities.

You can also claim compensation outside of the trial. In this case you must turn to a civil court.

In both cases, you can ask the court for financial assistance to obtain legal advice if your income is too low.

What other rights do I have?

Have you suffered damage to your health as a result of a violent crime? If so, the law allows you to receive state benefits. For example, you can receive help to pay for medical treatment or counselling, or to buy equipment such as a cane, walker or wheelchair. You can also receive support in the form of a pension (for example to compensate for loss of earnings). You can ask the police about this when you first report the crime. They can refer you to the competent authority.

An outpatient trauma centre is also available for quick and straightforward psychotherapeutic assistance in urgent cases. There is no need to register for this in advance.

If you have become a victim of a terrorist attack or extremist offence, you can apply for financial assistance from the Federal Office of Justice (BfJ). You can find out more about whether you are entitled to this and how you can claim it: → www.bundesjustizamt.de (search for: Bürgerdienste → Härteleistungen)

If you have become a victim of domestic violence, German law states that you may be entitled to additional protection. For example, you can ask the local court (family court) to prevent the person who hurt you from making any contact with you. Also, if you share your home with a person who was violent towards you, the court might give you the right to live there alone. You can submit applications to the court in writing, or you can speak to staff at the court itself and they will file your application immediately. You do not have to be represented by a lawyer.

You may also be entitled to benefits under the statutory accident insurance scheme. This may be the case if you were injured while acting in a professional capacity, travelling with a school class or university seminar group, or trying to help other people in an accident or emergency. An overview of the accident insurance funds and employers' liability insurance associations can be found on the website of the association Deutsche Gesetzliche Unfallversicherung (DGUV) at → www.dguv.de → (Organisation and structure → Tasks).

What is victim-offender mediation?

Victim-offender mediation is a process that is designed, among other things, to help victims of crime overcome the wrongdoing they have suffered. Unlike a criminal trial, offenders must make direct and specific efforts to repair the damage and injury they have caused to the victim in a face-to-face meeting. The victim may have suffered financial damage, psychological harm or physical injury, or may be suffering from anxiety caused by the offence. Mediation aims to solve these problems. The discussion usually takes place with the help of a trained mediation counsellor, but it can also take place without a face-to-face meeting and only via the mediator if you so wish.

Victim-offender mediation is never carried out against the victim's will. Also, it can be offered only if the offender is seriously willing to accept responsibility for what he or she has done. In suitable cases, victim-offender mediation can empower victims to manage the conflict themselves, and to restore peaceful relations under the law. Police and prosecutors will often recommend this option. However, it is not part of the criminal proceedings, and takes place separately. Victim-offender mediation is offered by specialist organisations that hire trained mediators.

Further information on victim-offender mediation and on organisations that offer it in your area can be found online, e.g. at → www.toa-servicebuero.de/konfliktschlichter or at → www.bag-toa.de

Brochures and other links

You can find more information about victim protection at www.hilfe-info.de

You will also find helpful information in the following brochures:

- Guide for victims
- Ich habe Rechte (“I have rights”) (in German)
- Mehr Schutz bei häuslicher Gewalt (“Greater protection in cases of domestic violence”) (in German)
- Advisory assistance and assistance with court costs all available at www.bmj.de/Publikationen
- Hilfe für Opfer von Gewalttaten (“Assistance for victims of violent crime”) (in German) at www.bmas.de/opferentschaedigung

Ordering publications:
www.bmj.de

Federal Government Publication Office:

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Fax: (030) 18 10 272 272 1

In Lower Saxony several information centres and advisory offices offer their services to the victims of criminal offences:

This support is offered to all victims of criminal offences as well as to their relatives; these services are offered free of charge. Professionally trained and skilled experts work at the information centres and advisory offices stated in the following. The professionals are experienced in advising people facing a similar situation. Their job is to listen to you and to offer you the appropriate assistance and support. Depending on your requirements they will refer you to further service options and offer you information for example on the following topics:

- Psychotherapeutic help at short notice provided at trauma centres/departments for outpatients,
- Applications pursuant to the German Protection Against Violence Act [Gewaltschutzgesetz],
- Documentation of evidence in the event of domestic and/or sexualised violence irrespective of whether such an incidence is reported to the police (Network ProBeweis) or not,
- Criminal charges [Strafanzeige] and criminal complaints [Strafantrag],
- Information on criminal proceedings [Strafverfahren],
- Witness statement/testimony,
- Witness support,
- Private ancillary prosecution [Nebenklage],
- Damages or compensation for personal suffering (summary proceedings [Adhäsionsverfahren]),
- Possibilities to obtain financial support,
- Victim-offender-mediation/agreement [Täter-Opfer-Ausgleich] and
- Support in connection with language barriers (also sign-language interpreter services etc.).

Stiftung Opferhilfe Niedersachsen [foundation offering help for victims] with 11 Help-for-Victims offices

For information on the services offered and contact details of the offices, see under:

www.opferhilfe.niedersachsen.de

Phone: 0441/220-1111.



Psychosocial process support and counselling

Process support is a particularly intensive support offered to victims of criminal offences in judicial proceedings. For information see under:

www.justizportal.niedersachsen.de/Prozessbegleitung

Phone: 0511/120-8728.



For further information and support see under the following centres:

Business office of the state representative of Lower Saxony for the protection of victims [Niedersächsischer Landesbeauftragte für Opferschutz]

For information on the central counselling and mediation services offered and details to contact the business office of the state representative, see under:

www.mj.niedersachsen.de/opferschutzbeauftragter

Phone: 0511/120-8737.



WEISSER RING e.V. [support for victims] with 41 branch offices in Lower Saxony

For information on the services offered by WEISSER RING e. V. and on the branch offices located in Lower Saxony, see under:

www.niedersachsen.weisser-ring.de

Hotline for victims: 116 006 (toll-free hotline).



For an overview, as well as general information on your rights and for support, as well as an overview of the information centres and advisory offices in Lower Saxony, see under

www.opferschutz-niedersachsen.de.

