Die Fremdsprachenformulare weichen vom deutsch/- englischsprachigen Formular ab. Sollten Hinweise auf eine Traumabehandlung, die gesetzliche Unfallversicherung, die Unfallkasse oder die Berufsgenossenschaft erforderlich sein, ist das deutsche oder englische Formular ggf. unter Einbindung eines Sprachmittlers zu verwenden.

What rights do I have as the victim of a crime?

If you have been the victim of a crime, you may need specialist support to help you cope with the challenges you face and get your life back on track. Whether it‘s a case of pickpocketing, aggravated assault or another crime, the incident will most likely leave you hurt or distraught and often uncertain about what to do next. This brochure provides information on where you can find help and what rights you have as a victim of crime.

Where can I get help?

Victim support organisations offer support to anyone who has been a victim of crime. Their advice centres are staffed by specially trained women and men who have a lot of experience in dealing with people in your situation. They will listen to your concerns and offer assistance. Depending on the severity of the case, they can also provide you with extra support, e.g. psychological or therapeutic help.

You can find more information about the victim support organisations in Germany here: www.bmj.de.

Otherwise, you can contact any police station or visit www.odabs.org, a website dedicated to victims of crime, for advice.

How can I report a crime and what happens next?

If you want to report a crime, you can contact any police station. Once you have filed a criminal complaint, you can no longer simply withdraw it, as the investigating authorities (police and public prosecutor's office) have an obligation to prosecute every crime reported.

The only exceptions are cases that involve certain misdemeanours (such as slander or property damage), where the victim can decide whether the crime is prosecuted. These offences are called Antragsdelikte (crimes subject to prosecution request), i.e. offences that can only be prosecuted if you, as the victim of a crime, decide to press charges. You must submit a request for prosecution within three months of becoming aware of the crime and the identity of the perpetrator.

What happens if don't understand German or not sufficiently?

Don’t worry. If you need help to file a report a member of the victim support team will assist you. If you are being questioned as a witness, you have the right to have an interpreter present.

What information can I obtain about the criminal proceedings?

If you have been the victim of a crime, you will not always receive information about the criminal proceedings automatically. You must tell the police, ideally straight away, whether and what information you would like to have. Should you make this request, you will be informed of the following:

- You will receive written confirmation of your criminal complaint.
- You will be informed if the public prosecutor has decided not to proceed with the case, i.e. not to bring the case to court for prosecution.
- You will be informed about when and where the court hearing will take place and what the defendant is accused of.
- You will be informed of the outcome of the legal proceedings, i.e. whether there was an acquittal, a conviction or whether the proceedings were discontinued.
- You will receive information about whether the accused or convicted person is in custody.
- You will be informed whether the convicted person is prohibited from contacting you.

For some cases, you can also request to receive information or copies of the files. This could be, for example, an accident sketch that you need in order to claim damages or compensation for pain and suffering after being involved in a traffic accident. If you are not listed as a co-plaintiff (more on joint prosecution below), you must also justify your request, i.e. explain why you need this information from the files.

Exceptions may be granted in certain cases.

Your statement as a witness

If you have been the victim of a crime, your statement as a witness is very important to the proceedings. You are usually asked to give your statement to the police. In many cases you will also have to testify in court at a later date. Only in exceptional cases are you allowed to refuse to testify, e.g. if doing so might incriminate you or if you are married or related to the accused. In such cases, you have the right to remain silent. However, you will still have to provide your personal details.

You must give your name and address during your interview. An exception can be made if this presents a specific risk to your safety. For example, if someone has threatened you with violence because you are willing to testify. In this case, you do not have to give out your private address. You can instead provide another address where you can be reached. This can be, for example, a victim support organisation with which you are in contact.

Giving a witness statement can be very stressful. You are therefore allowed to bring someone with you to the victim interview. This could be a relative or a friend. This person may be present during the interview and may only be excluded in exceptional cases. Of course, you can also have a lawyer accompany you. In special cases, a lawyer may even be assigned to you at state expense for the duration of the interview. If you feel that you need such legal assistance for an interview, whether by the police, the public prosecutor's office or the court, please ask the person responsible for conducting the interview before your interview begins!

Psychosocial support:

If children or teenagers have become victims of a violent or sexual crime, there is the option of professional counselling and support throughout the entire legal proceedings. This process is known as psychosocial support. In some cases, adult victims of serious violent or sexual crimes may also need and receive such support. Psychosocial legal support is free of charge for the victims if it has been approved by the court.

For more information about whether you are eligible for this support, please contact the police or a victim support organisation.

http://www.hilfe-info.de

Can I join the criminal proceedings as a co-plaintiff?

If you have been a victim of certain crimes, you can appear as a co-plaintiff in the proceedings. These include rape, sexual abuse, attempted murder or an act that resulted in the killing of a close relative. In such cases you have special rights. For example, unlike the other witnesses, you can always attend the court hearing.

Who pays my legal fees?

If you seek legal advice, you may incur costs. If the defendant is convicted, he or she must pay your legal fees. However, not all those convicted are able to actually pay the costs. It may therefore happen that you have to bear the costs yourself.

In exceptional cases, you can apply to the court to obtain a lawyer at state expense. For example, in the case of serious violent or sexual crimes or if a close relative such as a child, parent or spouse dies as a result of a crime. In this case, whether you have assets or not is irrelevant.

You can also apply to the court for legal aid under other circumstances. For example, if you are on a relatively low income and are entitled to join the proceedings as a co-plaintiff.

Compensation for damages and pain and suffering

Have you suffered damages as a result of a crime and would like to receive compensation? Would you like to assert this claim in the criminal proceedings? This is usually possible through a joinder (process that joins two or more legal issues together). However, you must submit a formal application for this. You can do this when you report the crime.

Of course, you also have the option of claiming damages or compensation for pain and suffering through separate proceedings, i.e. not in the criminal court, but in the civil court. Here, too, you can apply to the court for legal aid if you are on a relatively low income.

What other rights do I have?

Have you suffered damage to your health as a result of an act of violence? Then you can receive state benefits through the Victim Compensation Act. This will allow you to get medical or psychotherapeutic treatment, mobility aids (e.g. walking frames, wheelchairs) or income benefits (e.g. to compensate for loss of income). You can submit an application to the police.

In acute cases, you can contact a trauma clinic to receive swift psychotherapeutic support without first submitting an application: https://projekt-hilft.de/

If you are a victim of an extremist attack or terrorist crime, you can apply for financial aid from the Federal Office of Justice. You will find al information about the requirements and procedure on the BMJ http://www.bundesjustizamt.de/ (Search: Bürgerdienste/Härteleistungen)

If you are a victim of domestic violence, you may be entitled to additional rights under the Violence Protection Act. For example, you can apply to the family court to prohibit the perpetrator from contacting you. Under special circumstances, the court can rule that the house or flat that you previously shared with the perpetrator can now only be

used by you alone. You can either submit the necessary applications in writing to the district court or have your applications recorded there on site. You do not have to be represented by a lawyer.

In some cases, you may also be entitled to make a claim against the German Statutory Accident Insurance. This will apply if, for example, you were on your way to work, travelling with a school class or university seminar group or were attempting to help another person involved in an accident or emergency situation and were injured in the process You can find more information about accident insurance cover for employees on the German Statutory Accident Insurance website: www.dguv.de (→Versicherung/Insurance → Zuständigkeit/Responsibility).

What is victim-perpetrator mediation?

This is a procedure that is primarily intended to help the victim of a crime come to terms with the injustice they have suffered. In contrast to normal criminal proceedings, the perpetrator has a face-to-face meeting with the victim, where the victim has the opportunity to discuss the damage and hurt caused by the perpetrator's actions. This can relate to material damage suffered by a victim as a result of a crime, or emotional distress and fears caused by their actions. However, victim-perpetrator mediation is never carried out against the will of the victim and will only be arranged if the perpetrator is seriously willing to take responsibility for the crime. In cases where this is deemed appropriate, victim-perpetrator mediation can help the victim to resolve conflicts independently and restore justice. This procedure is often initiated by the public prosecutor or the police. However, it is not part of the actual criminal proceedings and is conducted outside of the conventional legal system. Mediation is usually conducted by a dedicated agency that use trained mediators for this purpose.

You can find more information about victim-perpetrator mediation and agencies in your area at:

www.toa-servicebuero.de/service/fachstellen/konfliktschlichter www.bag-toa.de/

Brochures and other links

Information about victim protection can be found on the Federal Ministry of Justice (BMJ) website. There you will also find links to the respective websites of each federal state (with information on local victim support organisations) and links to the online database for those affected by crime (ODABS): www.bmj.de (search: Opferschutz/victim protection)

Further information can be found in the following brochures:

- Handbook for Victims (Opferfibel)

- I Have Rights (Ich habe Rechte)

- More Protection for Domestic Violence (Mehr Schutz bei häuslicher Gewalt)

- Legal Advice and Legal Aid (Beratungs- oder Prozesskostenhilfe)

(www.bmj.de/publikationen)

- Help for Victims of Violent Crimes (Hilfe für Opfer von Gewalttaten)

www.bmas.de/ (Search: Hilfe für Opfer von Gewalttaten)

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