

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](#)

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