

## 4 - Compensation

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

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

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

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

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

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

### Am I entitled to compensation from the State?

#### General considerations

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

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

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

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

#### Which type of crime can I get compensation for?

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

#### What compensation payments can I get?

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

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

- Medical/hospital treatment
- Medical aids (e.g. prostheses, dental prostheses, wheelchair)
- Compensation for injured parties and survivors
- Funeral costs and death grants
- Additional welfare benefits for the economically deprived (e.g. care assistance, additional subsistence assistance).

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

How and where can I apply for compensation?

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

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

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

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

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

You can find all other important information on State compensation [here](#):

[BMAS - Opferentschädigung \(German\)](#)

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

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

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

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

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

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

## compensation claim?

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

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

■ Last update: 17/06/2025

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.