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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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