

# **Right to Compensation**

**How does it work in practice**

## State compensation I

- **Compensation for victims of violence are defined by the Crime Victims' Compensation Act (OEG)**
  - ↳ **Who will get compensation?**
    - **Only when the victim is attacked physically**
  - ↳ **What are the requirements?**
    - **No victims' participation in the crime**
    - **Victims should (not obligatory in every case) report the offence to the authorities**
- **The benefits are defined in the social compensation law BVG (Bundesversorgungsgesetz)**
  - ↳ **It was developed after the WW II**
  - ↳ **Victims get compensation like soldiers**

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## State compensation II

- **Victims have to apply for compensation**
- **The special office will clarify the circumstances of the crime and the physical and psychological injuries**
- **Compensation will be granted as long as the physical or psychological injury will persist**
- **Compensation for pain and personal suffering will not be paid**

## State Compensation III

- **In many cases: long procedures**
  - ↳ **Difficulties in evidence**
  - ↳ **Difficult matters**
- **Land of Bavaria**
  - ↳ **Two special offices dealing with serious acts of crime**
    - **fully qualified lawyers decide**
    - **they have a lot of experience**
  - ↳ **Supervisors – visiting the victim**

## Medical Treatment

- **Medical Treatment is given by healthy insurance, but**
  - ↳ **there is no additional payment after acceptance of the case, as**
    - **for stay in hospital**
    - **for medication**
    - **Travel expenses to psychological therapy**
  - ↳ **Therapy is not limited to the rules of the public insurance (such as psychological therapy)**
- **Psychological help in „Trauma Ambulances“**

## Trauma Ambulances

- Initiative of the federal state of North Rhine-Westphalia (NRW) – Ministry for Social Affairs
- Accompanied by the Institute für Clinical Psychology University Köln
  - ↳ Meanwhile in the whole of NRW
- Bayern, Berlin, Bremen, Hamburg, Niedersachsen, Mecklenburg-Vorpommern, Rheinland-Pfalz, Saarland

## Trauma Ambulances II

- **Settlement:**
  - ↳ Agreement of supply management and trauma clinics
  - ↳ 5-10 therapy sessions
  - ↳ Exceptional case possible up to 15 sessions
  - ↳ OEG Application with help by trauma clinic
- **Bavaria:**
  - ↳ Possibility of assistance to law enforcement department or process
    - (prior information/permission of the office - ZBFS required)

## Trauma Ambulances III

- **Awareness of the German Institute for Psychotraumatology Cologne**
- **Assistance within 3 months after the crime**
  - **92 clients, 27 % under 5 hours**
  - **48 % up to 5 hours**
  - **5 % under 10 hours**
  - **9 % up to 10 hours and no need of further therapy sessions**

## Disability Pension

- Degree of injury consequences (Grad der Schädigungsfolgen) as a result of the crime is at least 25 for more than 6 months
  - ↳ Monthly pension, depending on the degree
    - GdS 30 = 127 €
    - GdS 50 = 233 €
  - ↳ It isn't allowed, to take this pension into account to other benefits of the state
- If there is loss of earnings, there are pensions, depending on the income
- Payments for widows, orphans and parents

## Compensation for Foreigners

- **Eu-inhabitants and some other groups of foreigners get the same compensation as German inhabitants**
- **For others special eligibility criteria are valid like**
  - ↳ **Duration of the planned abidance: if more than 6 months planned, they can get medical treatment and some kinds of pension**
  - ↳ **Relationship to the person they visit**
  - ↳ **Settlement of hardship cases**

## Act of violence abroad

- **Since 1. Juli 2009, victims have the right to state compensation (OEG), when the act of violence happened abroad, but**
  - ↳ **only medical treatment**
  - ↳ **no pension, but only a singular payment, depending on the Degree of injury consequences, at least GdS 10**
  - ↳ **a single payment for widows, orphans and parents**

## Regress

- **If the victim has applied for state compensation (pursuant Crime Victims' Compensation Act - OEG), the state will reclaim it from the perpetrator - but**
- **the state is allowed to waive a claim, if there is a danger for the victim**
- **the Federal Ministry of Labour and Social Affairs confirmed this in a ministerial circular**

## Adhesive procedure

- **Victims are able to claim for compensation within the criminal trial**
  - ↳ **The judge has to decide, when victim applies for Compensation for pain and suffering**
  - ↳ **He is free not to decide, when victim applies for compensation for damages**

## Compensation of victims of extremist attacks

- **Voluntary payment – act of solidarity**
  - ↳ **One-off capital payments**
  - ↳ **Hardship compensation for physical injuries or for pain and suffering**
  - ↳ **Maintenance payment damages and for disadvantages in career progress**
  - ↳ **No compensation for material damages**
  - ↳ **Victims includes close relatives and so-called helpers in need**

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## Compensation of victims of extremist attacks II

- **There has to be a high probability for an extremist attack**
- **Information:**
  - ↳ [https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Opferhilfe/Opferhilfe\\_node.html](https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Opferhilfe/Opferhilfe_node.html)
  - ↳ **Information sheet in english**

## Compensation of victims of terrorist attacks

- **One-off capital payments**
- **Compensation for victims**
  - ↳ **of terrorist attacks in Germany**
  - ↳ **abroad: German nationality or resident status**
  - ↳ **material and nonmaterial damages**
- **Information:**
  - ↳ [https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Opferhilfe/Opferhilfe\\_node.html](https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Opferhilfe/Opferhilfe_node.html)

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**Thank you for your attention!**

**Any further questions?**

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