

FRANET

**Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice**

Germany, 2014

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List of Abbreviations:

ado	<i>Arbeitskreis der Opferhilfen</i>	Working Group of Victim Support Organisations
AufenthG	<i>Aufenthaltsgesetz</i>	Residence Act
BMAS	<i>Bundesministerium für Arbeit und Soziales</i>	Federal Ministry of Labour and Social Affairs
BMFSFJ	<i>Bundesministerium für Familie, Senioren, Frauen, Jugend</i>	Federal Ministry of Family, Senior Citizens, Women, Youth
BMJ	<i>Bundesministerium der Justiz</i>	Federal Ministry of Justice
GG	<i>Grundgesetz</i>	German Basic Law
GVG	<i>Gerichtsverfassungsgesetz</i>	Courts Constitution Act
StGB	<i>Strafgesetzbuch</i>	Criminal Code
StPO	<i>Strafprozessordnung</i>	Code of Criminal Procedure
OEG	<i>Opferentschädigungsgesetz</i>	Victim's Compensation Act

1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

2.1 Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c. of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).

¹ Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon (see http://www.apav.pt/vine/images/report_vine_eng.pdf).

	Scenario	Questions	Yes	No	Description (max 1-3 sentences) ²
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	X		The police routinely inform the victim of victim support organisations specialised in domestic violence/violence against women. In the majority of the federal states, police is obliged to do so by internal regulations.
		b. If yes, please name the service(s)	-	-	There is a great range of different services depending on the location; Ranging from specialised women's counselling services (<i>Fachberatungsstellen</i>), intervention agencies (<i>Interventionsstellen</i>) emergency support centers (<i>Frauennotrufe</i>) to shelters (<i>Frauenhäuser</i>). The individual services cannot be listed. The police have access to an internal, nation-wide data base called VIKTIM which lists victim support services accordingly their specific focus. In addition, states may have local databases.

² The responsibility for victim support as well as the police force lies with the 16 federal states of Germany individually. To obtain an overview, letters have been sent to all states asking the competent authorities for information. Answers given in the following (Scenario 1-6a, 7a, 10a-c) are based on those replies; 12 states have replied (30. April 2013).

In order to answer questions 6b, 7b, 7c, 8, 9 interviews with victim support organisations have been conducted: the Working Group of Victim Support Organisations (*Arbeitskreis der Opferhilfen*, ado) (interview April 2013), the Weisser Ring (interview April 2013 and answer to written inquiry 03 May 2013) and the Association of Women's Shelters (*Frauenhauskoordination e.V.* - FHK e.V.) (Interview March).

		c. Do the police routinely contact this service on behalf of the victim?	X		According to the answers received by the policy authorities of the states, the vast majority contacts the services if the woman wishes so. In particular intervention agencies (<i>Interventionstellen</i>) are contacted by the police on behalf of the women. These services typically come into play after a police operation or a complaint. The counselors work pro-active and contact the victims. Some states additionally mentioned that if there are children affected by the domestic violence, the police may contact the youth welfare office. This will happen without consent being necessary.
		d. Which support service would in the end deal with such a case?	-	-	See 2.1.1b
2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	X		The police routinely inform the victim of victim support organisations specialised in child abuse/sexual violence. In the majority of the federal states, police is obliged to do so by internal regulations.
		b. If yes, please name the service(s)	-	-	The individual services cannot be listed. The police have access to an internal, nation-wide data base called VIKTIM which lists victim support services accordingly their specific focus. In addition, states may have local databases.
		c. Do the police contact this service on behalf of the victim?	X		Most police authorities have answered to contact the victim support services if the child or guardian wishes so; consent is prerequisite here. If the police see the wellbeing of the child endangered they may additionally contact the youth welfare office. This will happen without consent being necessary.
		d. Which support service would in the end deal with such a case?	-	-	See 2.1.2b

3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?	X		Most states routinely inform the victim of victim support organisations. In the majority of the federal states, police is obliged to do so by internal regulations.
		b. If yes, please name the service(s)	-	-	Varies on the services available locally, very often the <i>Weisser Ring</i>
		c. Do the police contact this service on behalf of the victim?		X	The majority of the police authorities have replied that in the case of a burglary the police do not contact the victim support services on behalf of the victim.
		d. Which support service would in the end deal with such a case?	-	-	In most cases the <i>Weisser Ring</i> . Some states explained that the police offer aftercare and information on burglary prevention mechanisms.
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?	X		The police routinely inform the victim of victim support organisations specialised in racist violence if available, otherwise generic victim support services. In the majority of the federal states, police is obliged to do so by internal regulations. Some states have mentioned that they also inform the victim of the state emergency aid fund for victims of extremist attacks. ³
		b. If yes, please name the service(s)	-	-	If available in the state, victim support organisations specialised in racist violence or services for migrants; individual services cannot be listed. The police have access to an internal, nation-wide data base called VIKTIM which lists victim support services accordingly their specific focus. In addition, states may have local databases.
		c. Do the police contact this service on behalf of the victim?		X	Seven of 12 states answered, that the police would not or only in exceptional cases contact the victim support organisation on behalf of the victim.
		d. Which support service would in the end deal with such a case?	-	-	See 2.1.4b

³ See Victim Support Services in the EU, Phase II (2012), 2.1.1.5

5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?	X		The police routinely inform the victim of victim support organisations. In the majority of the federal states, police is obliged to do so by internal regulations.
		b. If yes, please name the service(s)	-	-	In this scenario, most states named the <i>Weisser Ring</i> , as the organisation which is able to provide emergency financial help.
		c. Do the police contact this service on behalf of the victim?			Slightly less than half of the police authorities answered, that they routinely contact the services on behalf of the victim, if the victim wishes so; four do not and three only in exceptional cases.
		d. Which support service would in the end deal with such a case?	-	-	See 2.1.5b
6a	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.				The question cannot be answered with a clear yes or no. Most of the questioned police authorities have answered affirmatively; however, measures are very few and not established comprehensively. The possibility to make emergency calls by fax appears to be fairly common. Other measures mentioned include sign language interpreter services, information sheets in easy language, police officers visiting victims at home, accessible websites and parts of police stations, and instructions for police officers on how to deal with persons with disabilities.
6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.				The question cannot be answered with a clear yes or no. Where possible, victim support services visit victims at home. Occasionally, the services have further special services, such as providing sign language interpreter, accessible places in women's shelters or information brochures in easy language. The National Association of Women's Counselling and Rape Crisis Programs, bff currently runs a campaign to make support services for violence against woman more accessible for women with disabilities. ⁴

⁴ www.frauen-gegen-gewalt.de/projekt-zugang-fuer-alle.html.

7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁵ ? If yes, describe them. If no, please provide a justification/explanation.	X	In Germany public authorities, including the police, are obliged to inform the immigration authorities about a person with illegal residency status. (Article 87 (2) (1) Residence Act (<i>Aufenthaltsgesetz, AufenthG</i>)) In practice this means that a person without legal residence status cannot turn to the police when becoming a victim of a crime without risking repercussions. According to Article 59 (7) Residence Act a person may receive a temporary leave to remain for three month if he/she is suspected being a victim of severe labour exploitation or trafficking.
7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁶ ? If yes, describe them. If no, please provide a justification/explanation.	X	No special measures are in place
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?	X	Not intentionally, however, reaching this group can be difficult due to a number of reasons, including language barriers. ⁷
8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?	X	According to answers of victim support services, support is not dependent on making a formal complaint.
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?	X	According to answers by the victim support services no preferential treatment is afforded to victims who cooperate with the police
10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? ⁸	X Res tricted	An automatic transfer of data only occurs in cases of domestic violence when the police contacts intervention agencies (<i>Interventionsstellen</i>). Some states have cooperation agreements with victim support services and will transfer data in certain cases.

⁵ Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

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⁷ Working Group of Victim Support Organisations (*Arbeitskreis der Opferhilfen, ado*) Phone Interview April 2013.

⁸ For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

10b	If the answer to 10a above is yes, are the police obliged to obtain the victim's permission/consent for the data transfer?	X		All states have answered that the victim has to consent to the transfer of data unless it is data transferred to public authorities such as the youth welfare office.
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	X		In most states the transfer of data is regulated in the data protection acts or the police acts of the states.

2.2 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category ‘A’ below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
			DE	
			Explanation/justification:	
			<p>Generic victim support services are carried out by a few organisations and vary greatly in their organisational structure and aims. The majority of the organisations offering victim support are non-governmental service providers organised as independent, local charities. The biggest of these, <i>Weisser Ring</i>, receives no public funding and is financed mainly by membership fees, foundations, donations and allocations of fines by the courts.</p> <p>Additionally, professional victim support services (<i>Opferhilfen</i>) maintain offices in eight states. These independent charities work with paid, professional staff and while operating independent of the state governments, they typically receive parts of their funding from the state ministries of justice.</p>	

2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
[Your country]						
DE	X <i>Bundesministerium der Justiz</i>		X <i>Bundesministerium für Arbeit und Soziales</i>		Federal Ministry of Family, Senior Citizens, Women, Youth <i>(Bundesministerium für Familie, Senioren, Frauen, Jugend, BMFSFJ)</i>	<p>No federal ministry has an overall coordinating role in victim support provision. Due to the federal system of Germany, victim support is coordinated by the 16 states individually. The federal government is only partially concerned with the issue, playing the following role:</p> <p>The Federal Ministry of Justice (<i>Bundesministerium der Justiz</i>) publishes information brochures on the rights of victims and makes financial contributions to single projects, such as a one year training course for victim support staff organised by a Berlin College and the victim support umbrella organisation ado.⁹ Additionally the BMJ provides funding for an emergency aid fund for victims of extremist attacks.¹⁰</p> <p>The Federal Ministry of Labour and Social Affairs (<i>Bundesministerium für Arbeit und Soziales</i>, BMAS) only plays a marginal role in victim support. It funds some pilot projects, workshops or research, such as currently a nation-wide stocktaking of all victim support services. Additionally, the BMAS is the central contact point according to Council Directive</p>

⁹ www.ash-berlin.eu/weiterbildung/zertifikatskurse/?&zertkurs=2013&zid=105.

¹⁰ Federal Ministry of Justice (*Bundesministerium der Justiz*, BMJ) answer to a written inquiry 19 April 2013.

					<p>2004/80/EC of 29 April 2004 relating to compensation to crime victims.¹¹</p> <p>The Federal Ministry of Family, Senior Citizens, Women, Youth (<i>Bundesministerium für Familie, Senioren, Frauen, Jugend</i>, BMFSFJ) publishes information brochures for victims of domestic violence, funds pilot projects, research and runs a 24hrs hotline for victims of domestic violence. Additionally, it provides funding for umbrella organisations, such as the KOK (German NGO network against trafficking in women and violence against migrant women) or bff (National Association of Women's Counselling and Rape Crisis Programs). The BMFSFJ has the lead of the joint federal-<i>Länder</i> working groups on domestic violence as well as trafficking.¹²</p> <p>To describe the roles of the ministries on the state level would by far exceed the scope of this report. Generally speaking, it is the equivalent ministries on the state level providing funding for support services.</p>
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.					
[Your country]	DE				
	No ministry has the overall or principal coordinating role organising victims support services at the national/ federal level as victim support is organised by the states. For the area of violence against women the BMFSFJ is cooperating with representatives of the states in joint federal- <i>Länder</i> working group on domestic violence; however, there is no equivalent for generic victim support.				
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)					
	No overall legal basis for victim supports exists on a national level.				

¹¹ Federal Ministry of Labor and Social Affairs (*Bundesministerium für Arbeit und Soziales*, BMAS) answer to written inquiry, 5 April 2013.

¹² Ministry of Family, Senior Citizens, Women, Youth (*Bundesministerium für Familie, Senioren, Frauen, Jugend*, BMFSFJ), answer to a written inquiry, 19 April 2013.

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area.**

Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in EURO)
a Budgeted by the state for compensation	<p>Compensation paid by the state can have several sources. The Victim's Compensation Act (<i>Opferentschädigungsgesetz, OEG</i>) is the main act regarding compensation and regulates reparation payments for medical treatment, pensions for next of kin or rehabilitation measures. It does not cover material damages and compensation for personal damages. Additionally, several funds exist, which pay compensation to certain kinds of victims: e.g. two residential institution funds for victims of abuse (partially funded by the federal and state governments)¹³, one for victims of sexual abuse in the family context (start 1 May 2013)¹⁴, and one for victims of extremist attacks¹⁵.</p> <p>Compensation paid under the OEG is funded partially by the federal government and the states. In 2012 the federal government budgeted €49 million. The amount budgeted by the states could not be determined.¹⁶</p> <p>The Federal Ministry of Justice has budgeted € 1 million for financial support for victims of extremist attacks paid out by the Federal Office for Justice (<i>Bundesamt für Justiz</i>)¹⁷</p> <p>The sexual abuse funds will not be listed here, as funding is only partially contributed by the state, further contributions are made by welfare organisations, churches etc.</p>
b Paid out by the state for compensation	<p>In 2012 the federal government paid out €43.97 million in compensation under the OEG. The total amount paid including the states' contributions is not yet available. For comparison 2011: €41.97 million paid by the federal government; 178.68 million paid by the states; total OEG payments in 2011: € 220.65 million¹⁸</p>

¹³ www.fonds-heimerziehung.de.

¹⁴ www.fonds-missbrauch.de.

¹⁵ www.bundesjustizamt.de/DE/Themen/Buergerdienste/Opferhilfe/extremistisch/Haerteleistung_node.html.

¹⁶ Federal Ministry of Labor and Social Affairs (*Bundesministerium für Arbeit und Soziales, BMAS*) answer to a written inquiry 05. April 2013.

¹⁷ Federal Ministry of Justice (*Bundesministerium der Justiz, BMJ*) answer to a written enquiry 19. April 2013.

	In 2012, the Federal Office for Justice Fund for victims of extremist attacks paid out €712.487 (including to victims of the right-wing terrorist organisation 'National Socialist Underground' (<i>Nationalsozialistischer Untergrund</i> , NSU)). ¹⁹		
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	No funding of generic victim support services by the federal ministries; for the states this information could not be obtained.		
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	The federal ministries do not fund specialised victim support services directly. Organisations, including victim support services can apply through various programs and receive funding this way. Due to the number of states and the number of ministries potentially involved it was not possible to obtain the amount budgeted by the states for specialised victim support services, nor is it possible to name those.		
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	There is no funding of generic victim support services by the federal ministries. For the states this information could not be obtained.		
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	There is no funding of specialised victim support services by the federal ministries. For the states this information could not be obtained.		
Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		X	Counselling is provided free of charge by all victim support services; an exception is accommodation in women's shelters. No single organisation can be named for the area of support for victims of domestic violence, as there is a variety of organisations providing services but the following is generally valid: While counselling is provided free of charge, women's shelters charge money for accommodation; the fees are standard fees and vary between the shelters. There is a reduced fee for children.
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).	X		Financing of women's shelters is insufficiently regulated by law and the amount of founding states and municipalities provide vary greatly and are often based on voluntary agreements, which can be revoked in times of financial difficulties of the public authorities. In cases of women with low income expenses are covered

¹⁸ Federal Ministry of Labor and Social Affairs (*Bundesministerium für Arbeit und Soziales*, BMAS) answer to a written inquiry 05 April 2013.

¹⁹ See FRANET Annual Report Germany 2012, 6.2.

			by the municipality according to §36a Social Code II (<i>Sozialgesetzbuch II</i> , SGB II) or § 68 (2) Social Code XII (<i>Sozialgesetzbuch</i> , SGB XII)
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?		X	Unlike German citizens and EU country nationals, third country nationals are not entitled to have the costs of housing covered. For third country nationals covered by the Asylum Seekers Benefit Act (<i>Asylbewerberleistungsgesetz</i> , AsylbLG) no regulation exists.
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.		X	No, see above
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.			The questioned victim support organisations have not named any.

2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	Question cannot be answered, insufficient information has been obtained. The number of applications made is recorded by each state individually. For comparison: According to data collected by the <i>Weisser Ring</i> for 2011, 20,435 applications were made. ²⁰
b Received compensation from state sources.	According to the Federal Ministry of Labour and Social Affairs (<i>Bundesministerium für Arbeit und Soziales</i> , BMAS), by the end of 2012 a total of 20,121 persons received services under the OEG (this also includes on-going payments). It must be noted that the numbers of applications as well as those granted are low. According to data collected by the <i>Weisser Ring</i> , in 2011 only 10.4% of all victims of crimes involving violent acts applied for compensation under the OEG; less than 40% of these applications were granted. ²¹
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	According to the <i>Weisser Ring</i> , the organisations received more than 23,000 requests for material and immaterial support. This does not include the victims who only called once. ²² No numbers are available from the umbrella organisation ado, only some support services record the number of victims approaching the services; additionally, no standard method of

²⁰ Weisser Ring (2012), Staatliche Opferentschädigung in Deutschland im Jahr 2011, available at: www.weisser-ring.de/internet/medien/statistiken-zur-staatlichen-opferentschaedigung/index.html.

²¹ Weisser Ring (2012), Staatliche Opferentschädigung in Deutschland im Jahr 2011, available at: www.weisser-ring.de/internet/medien/statistiken-zur-staatlichen-opferentschaedigung/index.html.

²² Weisser Ring, answer to a written inquiry, 03 May 2013.

	collecting the data exists.
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	The number of victims who approached specialised support services cannot be determined as only some support services record the number of victims; additionally, no standard method of collecting the data exists.

2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under-reporting of crime?			University of Regensburg MiKADO www.mikado-studie.de .	Coordinated by the University of Regensburg, MiKADO (<i>Missbrauch von Kindern: Aetiologie, Dunkelfeld, Opfer</i>) (short for: child abuse: aetiology, underreporting, victim) is carried out by a number of universities in Germany and abroad. It is a collaborative research project on sexual child abuse. One of the project areas focuses on the actual extent of sexual child abuse beyond known cases recorded by the police. The project runs from 2010 until 2014, so far no interim reports have been published.
Other national studies related to victims of crime (specify)			Helming, E. (et al.) (2011) <i>Sexuelle Gewalt gegen Mädchen und Jungen in Institutionen</i> , Munich, Deutsches Jugendinstitut. www.dji.de/cgi-bin/projekte/output.php?projekt=1029 . Schröttle, M. (et al.) (2012) <i>Lebenssituation und Belastungen von Frauen mit Beeinträchtigungen und Behinderungen in Deutschland. Eine representative Studie</i> , Berlin, BMFSFJ.	The study on Sexual violence against girls and boys in institutional settings by the German Youth Institute covered schools, boarding schools and homes. The analysis showed a high number of suspected cases of sexual violence; about 70% of the questioned boarding schools and 80% of the homes had to deal with cases of sexual violence in recent times. The numbers of suspected cases involving staff of the institutions were relatively low compared to persons outside the institutions. The representative prevalence study on the situation of women with disabilities in Germany is based on interviews with more than 1,560 women with disabilities. The results show that women with disabilities are significantly more often subjected to psychological, physical as well as sexual violence than the average female population. This is the case for all ages.

		<p>www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationen,did=186150.html.</p> <p>Antidiscrimination and Anti-violence work area of the Lesbenberatung Berlin, LesMigraS (2012) <i>Diskriminierung und Gewalt gegen lesbische, bisexuelle Frauen und Trans* in Deutschland</i>, Berlin, LesMigraS.</p> <p>www.lesmigras.de/lesmigras-home.html.</p> <p>Stadler, L (et al.) (2012) <i>Repräsentativbefragung Sexueller Missbrauch 2011</i>, KFN-Forschungsbericht; Nr.: 118, Hannover, Kriminologisches Forschungsinstitut Niedersachsen.</p> <p>www.kfn.de/Publikationen/KFN-Forschungsberichte.htm</p> <p>Görge, T. (et al.) (2012) <i>Kriminalitäts- und Gewalterfahrungen im Leben älterer Menschen</i>, Berlin, BMFSFJ.</p>	<p>About 58-75% of adult women with disabilities have been victim of physical violence during their lives, compared to 35% of the average female population. The most vulnerable group are women with learning disabilities living in specialised institutions.</p> <p>The Study on violence and discrimination against lesbian, bisexual and transsexual women in Germany collected data about frequency, form and causes of violence against lesbian, bisexual and transsexual women. The results show that derogatory treatment due to gender non-conformist behaviour is considered normality by the affected persons. Trans* and People of Colour do not only experience discrimination more frequently, they also experience more physical violence than the overall population of the study.</p> <p>The Criminological Research Institute of Lower Saxony published a research report of a representative survey on sexual abuse. The survey is a replication and extension of a study carried out 18 years ago in order to obtain new representative and reliable data on the phenomenon of child sexual abuse. Thus, the study includes the following areas: child sexual abuse, intra-family child abuse and neglect, physical partner violence, sexual violence, parental discipline methods and stalking. This first report focuses on childhood sexual abuse experiences. First analysis of the data showed that sexual child abuse is carried out predominantly by male family members. It also demonstrated the number of sexual child abuse cases is declining compared to data from 1992. Parallel, the willingness to report sexual child abuse has increased considerably.</p> <p>The study on crime and violence experiences of elderly persons aimed at establishing to what extent elderly persons become victims of crimes. Data was gained from police statistics as well as representative interviews of elderly</p>
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			www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationsliste,did=121348.html .	persons and staff/ family members working in care. It focuses on three areas: the general risk of becoming a victim of crime, domestic violence and violence against persons in care. The general risk seemed to be lower for most crimes compared to a control group, with the exceptions of bag-snatching. Similar results were found for the risk of becoming a victim of domestic violence. Compared to the group of 40-59 year old, 60+ year old person have a significantly lower risk. The third area of study remains fragmentary, as elderly persons in care can only be questioned to a limited extent. The study revealed the need to develop interdisciplinary structures in order to prevent and combat violence against elderly persons in care.
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2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

		Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		- Hilfetelefon "Gewalt gegen Frauen" ²³ (Hilfetelefon, HT) 08000 116 016 (launched on 6 March 2013, therefore some information is not yet available)
		X		- Weisser Ring-Opfer-Telefon ²⁴ (WR) 116 006
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').	X		- 24/7 (HT)
			X	- 7 am to 10 pm daily (WR)
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X	both	
4	Is the helpline free of charge?	X		

²³ www.hilfetelefon.de, additional information has been obtained by a phone interview in March 2013 and a written inquiry to the Federal Office for Family and Civil Society Affairs (*Bundesamt für Familie und zivilgesellschaftliche Aufgaben*, BAFZA) answered on 16 April 2013.

²⁴ www.weisser-ring.de/internet/verwaltung/news/details/article/16417/index.html, additional information has been obtained by a written inquiry to the *Weisser Ring* answered on 03 May 2013.

		both		
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X WR	X HT	Victims of violence against women (HT)
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')	X HT	X WR	Run by the volunteer victim support organisation <i>Weisser Ring</i>
7	Is the helpline funded by the state?	X HT	X WR	<i>Weisser Ring</i> is funded by donations, court allocations
8	Is the international EU victim support telephone number 116-006 available? ²⁵ If no, provide a justification and/or specify whether plans to implement this are underway.	X WR	X HT	When dialling the telephone number 116-006 in Germany, one will be connected with the <i>Weisser Ring</i>
Comments				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.			<ul style="list-style-type: none"> - Hilfetelefon: hotline provides women with confidential support and refers the women if needed to appropriate local support services in their area; - <i>Weisser Ring</i>: The helpline offers emotional support for victims of crime. The service informs about victim's rights, local support services, and local police stations and provides initial information about criminal proceedings and compensation. The <i>Weisser Ring</i> also offers personal support, material assistance etc.
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'			<ul style="list-style-type: none"> - HT: 2013: €5 million - WR: 2012: annual operational budget ca. €84,000.
11	How many people were employed to run the helpline in 2012?			<ul style="list-style-type: none"> - HT: For 2013 60 positions have been created to run the helpline - WR: roughly 60 volunteers per months
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins			<ul style="list-style-type: none"> - HT: chat, phone, email - WR: phone, email
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?			<ul style="list-style-type: none"> - HT: phone calls - WR: phone calls

²⁵ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

14	Who operates the helpline? (e.g. professional staff such as psychologists or lawyers; volunteers etc.)	<ul style="list-style-type: none"> - HT: professionals - WR: trained volunteers
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	<ul style="list-style-type: none"> - HT: in the first 5 weeks of operating, the HT has been contacted around 6000 times. - WR: in 2011 the hotline was contacted around 32,000 times.

2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
				Preliminary remarks: Responsibility to provide information to the victim does not necessarily lie with the police; depending on the stage of the procedure it may be another competent authority, such as the public prosecutor's office or the court; the relevant law does not determine a fixed point of time but requires information to be delivered as early as possible. (Article 406h Code of Criminal Procedure, <i>Strafprozessordnung</i> , StPO)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Article 406h (5) Code of Criminal Procedure (<i>Strafprozessordnung</i> , StPO) obliges the relevant state authority to provide information about the possibility to be supported by victim support services; it does not require specific information about the available services.
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Article 406h (3) StPO requires information to be given on under what circumstances compensation can be claimed. It does not include information on how to claim compensation (e.g. civil/ labour court procedures).
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Article 406h StPO requires victims to be informed of their rights and role in criminal proceedings.

4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)			Free of charge interpretation for persons unable to understand German or those with a disability is provided for at court hearings. For those entitled to join the proceedings as a legal party (<i>Nebenkläger</i>) this includes the preparation of the hearing (Article 187 Courts Constitution Act (<i>Gerichtsverfassungsgesetz</i> , GVG) The provision of free of charge interpretation during police interviews is not regulated in current law. According to the answers received from the competent authorities of the states, interpretations is provided during police interviews and states have lists with accredited interpreters; however, the lack of formal regulations as well as the fact that insufficient quality standards apply has been criticised. ²⁶
5	Are victims notified about their right to receive information about:			
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	X		On request, the victim is to be informed of any decision not to proceed with, to end an investigation or not to prosecute the offender (Article 406d (1) StPO)
	(b) the time and place of the trial, and the nature of the charges.	X		Not all victims have the right to receive this kind of information. Only those entitled to join the criminal proceedings as legal party (<i>Nebenklageberechtigte</i>) will be informed about the time and place of the trial (Article 406 e (1) StPO)
	(c) any final judgment in a trial	X		On request, the victim is to be informed of any final judgement in a trial (Article 406d (1) StPO).

2.5 Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field.

With respect with how to deal with victims of crime, Is <u>systematic</u> training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):				
		Yes	No	Comments (max 2-3 sentences)

²⁶ Special Department Victim Support, Ministry of Justice (*Fachstelle Opferschutz im Justizministerium Niedersachsen*) phone interview May 2013.

1	Police			<p>As mentioned above, the responsibility of the police force and the judiciary lies with the states and so does the police officer training; a general answer valid for all states can therefore not be provided. All but one of the 14 states which replied to the inquiry responded that police officer training does include mandatory seminars on victims support. A few states have answered to have a particular focus on victim protection. Mostly the issue is addressed in general terms as well as particular groups of victims (most frequently named: victims of domestic violence, stalking, and sexual violence). Six states answered to include victim support services in the training, mostly as visiting lecturers. Further training seminars on dealing with victim of crimes are offered in all states. Usually these seminars are voluntary unless an officer is (aiming at) holding a specific position, such as victim support officer. All but one state include various victim support organisations in the further training seminars.²⁷</p>
2	Prosecutors		X	<p>If systematic training is understood as obligatory for every prosecutor this question has to be answered with no. Prosecutors have the voluntary option to attend seminars at the German Judges Academy or state justice academies voluntarily (see 2.5.3). A few states also have introduction seminars for new prosecutors and judges which also includes aspects of victim protection. More generally, some aspects of victim's rights and victim protection are included in the general legal training all legal professions have to run through.²⁸</p>

²⁷ Information to answer questions 2.5.1 has been obtained by written inquiries to all 16 main state police academies. 14 of 16 police academies replied.

²⁸ Information to answer questions 2.5 (2-5) has been obtained by written inquiries to all state ministries of justice. 15 of 16 state ministries replied.

3	Judges		X	According to Article 97 German Constitution (<i>Grundgesetz</i> , GG) judges are independent and only adhere to the law, therefore any training they participate in is voluntary. Training offered by the German Judges Academy includes a few seminars annually on victim's protection and covers both generic victims as well as special groups such as children or victims of sexual violence or trafficking. ²⁹ Most states additionally have state justice academies which sometimes offer training on certain groups of victims and victim protection. (see also 2.5.2)
4	Court staff		X	The majority of states do not offer training of court staff. A few states offer training for certain groups of staff, such as judicial police or members of the social services of the court (<i>Soziale Dienste der Justiz</i>).
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)			Again, this question is difficult to answer for the whole of Germany. Victim Support Organisations are regularly involved in trainings offered at the German Judges Academy by running parts of the lectures. Victim support services are also sometimes involved in trainings offered at the state justice academies. Some states include victim support organisations in the general legal training all legal professions have to run through.
6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,		X	Victim support is provided by a number of different actors; there is no systematic training of all support staff. The <i>Weisser Ring</i> , working with volunteers, makes participation in a foundation seminar and a 2-day further training obligatory. Ado has developed a college course to train victim support staff; however, this training is not obligatory. Some states provide seminars for their Social Services of the Court.
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	NA	NA	N/A

²⁹ www.deutsche-richterakademie.de.

2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	In German law no legal definition of victim exists; the definition has to be derived from the specific context ³⁰
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	N/A
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	Under certain conditions, such as the death of a person his/her children, parents, siblings, spouses and civil partners can have the same rights as a victim and be entitled to join the court proceedings as <i>Nebenkläger</i> (Article 395 (II) StPO).

2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?	X		If the public prosecutor decides to discontinue the case the applicant must be notified upon application of this decision and the reasons (Article 171 StPO). Depending on the reasons of the decision not to prosecute, the victim may have the right to file an appeal in order to have the decision reviewed. However, if the criminal investigations have been discontinued due to, for example, lack of public interest (Article 170 (2) StPO) or insignificance (Article 153 StPO) no appeal can be filed.
Who undertakes this review?			The decision is reviewed by the superior authority of the public prosecutor. If the decision to discontinue the case is upheld, it is possible under certain conditions to bring the case to the Higher Regional Court (<i>Oberlandesgericht</i>) to enforce criminal prosecution by the public prosecutor (<i>Klageerzwingungsverfahren</i>) (Article 172 StPO).

³⁰ Meyer-Goßner, Lutz (2012) *Strafprozessordnung*, Beck'sche Kurz-Kommentare, München, C.H.Beck. p.1517.

Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	X	If the public prosecutor decides to discontinue the case due to, for example, lack of public interest (Article 170 (2) StPO, a victim can bring a private legal action if the offender has reached the age of 18 when committing the crime. This is not possible, if the case has been determined for reasons of insignificance (Article 153 StPO, <i>Geringfügigkeit</i>) or reasons of procedural economy (<i>Opportunitätsprinzip</i>). Crimes which can be prosecuted by means of a private legal action are listed in Article 374 StPO, e.g. trespassing, insult, stalking, corruptibility or damage of property.
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?	X	No hotline or mechanism exists; victims have the right to retain information according to Article 406d ff. ³¹

2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?	X		All victims invited to court to act as witnesses have the duty to give testimony unless exemptions are provided by law (Article 48 StPO). There is no general right to be heard for victims. However, victims of severe crimes can become legal party to the criminal proceedings (<i>Nebenklage</i>). This enhances the possibilities of the victim to participate in the main hearing of the criminal proceedings and provides the opportunity for the victim to be heard, ask question and access records (Article 395 (1) StPO).
Do victims have a right to supply evidence during criminal proceedings?	X		Victims who have joined the action as a legal party to criminal proceedings (<i>Nebenklage</i>) have the right to present evidence during criminal proceedings (Article 395 (1) StPO).

³¹ Written inquiry to all state ministries of justice, see footnote 28.

<p>Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):</p>	X	<p>According to Article 247 StPO it is possible to have the accused removed from the court room while the victim is giving evidence during the main proceedings. Three reasons can justify the removal of the accused: (1) if the victim will not testify in the presence of the accused, (2) if there is a risk that the presence of the accused will cause severe disadvantage for the well-being of the victim (3) and, for the time of investigations into questions of health and rehabilitation, if the presence for the accused may cause severe impact on the health of the victim.</p> <p>Additionally, for the protection of vulnerable witnesses it is admissible for testimonies being recorded on video in certain cases (Article 58a StPO) or being transmitted from a separate room during the proceedings (Article 247a StPO)</p> <p>The court also has the possibility to exclude the public from the hearing for reasons of protection of the right to privacy (Article 171b GVG)</p>
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2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		X	<p>In Germany no such comprehensive and qualified special victims units exist.</p> <p>As mentioned above, the responsibility of the judiciary and victim support lies with the states; a general answer valid for all states can therefore not be provided.</p> <p>Generally speaking, court based support services do exist and are usually allocated with the social services</p>

				of the judiciary (<i>Soziale Dienste der Justiz</i>). These services typically include: probation services, court assistance (<i>Gerichtshilfe</i>) victim-offender mediation and witness support.
2	Is there a separate waiting area for victims at court?	X		Generally speaking, in many states most courts offer special rooms for witnesses. Services connected with the rooms vary greatly and range from simple waiting rooms reserved for witnesses to rooms staffed with volunteers. Some courts even have witness protection rooms staffed with professional employees, who offer psychological support, information on the process of a trial and pre-trial inspections of the court room.
3	Is special seating reserved for victims at trial?		X	Not generally, but victims of severe crimes (<i>Nebenkläger</i>) may apply for the seating to be arranged in a way that they do not have to face the accused.
4	What other services are available?	NA	NA	-
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	Varies, see 2.6.4.2
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	X		It is possible for the prosecutor to be informed about the safety, physical and psychological situation etc. by the court assistance (<i>Gerichtshilfe</i>), which is part of the social services of the judiciary (<i>Soziale Dienste der Justiz</i>) (Article 160 (3) StPO). So far this is used only exceptionally. ³²
7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	X		Similarly it is also possible, but rarely used, for the judges to ask the <i>Gerichtshilfe</i> for an appraisal of the victim's condition. This is more frequently used for the offender.
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?			Mostly the rights and protection provisions are included in the StPO, only the provision on the exclusion of the public can be found in Articles 170-172 Courts Constitution Act, <i>Gerichtsverfassungsgesetz</i> , GVG. Regarding the services provided by the social services of the judiciary the responsibility to regulate lies with the administration of justice of the federal states.
9	Do victims have the right to be accompanied by support persons during the trial?	X		A victim can apply to be accompanied by a support person during the trial as well as questioning by the police (Article 406f (2) StPO).
10	Can victims access & copy trial records	X		Legal representatives of victims have the right to access and copy trial records with some restrictions (Article 406e StPO)

³² Special Department Victim Support, (*Fachstelle Opferschutz im Justizministerium*), phone interview May 2013.

2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column		X	X	
	Comments:		Free legal advice (<i>Beratungshilfe</i>) is available without means-testing for victims of serious crime.	Free legal advice (<i>Beratungshilfe</i>) can be applied for by any person with low income. (Law on Legal Aid, <i>Beratungshilfegesetz</i>) Regularly the local court decides on the application and has to grant free legal advice under the same conditions applying to free legal representation (see below). The court supplies a free legal advice voucher, which can be redeemed when consulting a lawyer; maximal charge the lawyer can request of the client is €10. Lawyers are obliged to advise clients with these vouchers, however remuneration received is low and in practice lawyers have been trying to avoid these mandates Alternatively, the victim support organisation <i>Weisser Ring</i> can hand out	

				<p>legal advice vouchers for victims of crimes. These are funded by the organisation and enumerated higher. Both vouchers can be used for legal advice before court proceedings or out-of-court settlements only.</p> <p>Due to the obligation of public authorities, including courts, to inform the immigration authorities about a person with illegal residency status (Article 87 (2) (1) Residence Act (<i>Aufenthaltsgesetz</i>, <i>AufenthG</i>)) it is not possible for a person without legal residency status to obtain a free legal advice voucher by the local court.</p> <p>For the voucher handed by the <i>Weisser Ring</i>, residency status is irrelevant.</p>	
2. Free legal representation	Place X in appropriate column		X	X	
	Comments:		A victim who has the status of a legal party to criminal proceedings (<i>Nebenkläger</i>) and has been victim of severe crimes or is a close relative/partner of a crime listed under Article 397a (1) StPO can receive free legal representation	A victim who has the status of parties to criminal proceedings (<i>Nebenkläger</i>) but has not been affected by a crime listed under StPO Article 397 a (1) can receive free legal representation (<i>Prozesskostenhilfe</i>) if she/he can show that she/he is unable to safeguard her/his interests and does not have the necessary financial means. The legal proceedings must have some prospects of success. To calculate whether a person is entitled to free legal representation, the income is reduced by a	

				number of expenses, such as rent, taxes, heating, personal allowance for the person, his/her partner and/or children. The personal allowance of an adult currently amounts to €411 per month. If the income after all these deductions is no more than €15 per person/ month free legal representation (<i>Prozesskostenhilfe</i>) will be granted which also includes court fees. If the income does exceed this amount, the applicant may pay the fees for legal representation and court fees by instalments.	
3. Exemption from court fees	Place X in appropriate column	X			
	Comments:	Court fees in criminal proceedings have to be paid for by the offender if convicted. (Article 465 StPO) In the case of an acquittal the treasury bears the costs.(Article 467 StPO)			
4. Exemption from or reimbursement for expenses related to interpretation and/or translation	Place X in appropriate column		X		
	Comments:		A victim who has the status of a legal party to criminal proceedings (<i>Nebenkläger</i>) has a right to free translations of the court proceedings as far as this is necessary for the proceedings (Article 185, 187 (2) GVG).		

5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Place X in appropriate column	X			
	Comments:	According to Articles 19-23 Judicial Remuneration and Compensation Act (<i>Justizvergütungs- und entschädigungsgesetz, JVEG</i>), every witness is reimbursed for loss of earning, travel and accommodation costs.			
		The state	A victim support service	Both	Other (explain)
2. Who provides legal aid? place 'X' in one column only)				X	In most states, courts hand out vouchers to individuals with low income (see 2.6.5.1) Some states, such as Hamburg for example, have public legal advice offices.

2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		The so-called adhesion procedure (<i>Adhäsionsverfahren</i>) (Articles 403 – 406d StPO) allows for making claims for compensation during the criminal procedure.
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?			In the case of confiscations, the victim has a right to priority satisfaction of his/her claims (Article 111g StPO). A victim has the right to the return of personal property once it is no longer needed for the purpose of the criminal proceedings (Article 111k StPO). Article 73 Criminal Code (<i>Strafgesetzbuch</i> , StGB) provides the forfeiture of anything the offender has gained from an illegal action.
3	Is compensation paid by the offender?	X		Compensation claimed during the criminal procedure (<i>Adhäsionsverfahren</i>) or civil law procedure is to be paid by the offender.
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	There is neither a 'victims of crime fund' on the national nor on the state level. ³³ It is in the judge's discretion whether the fine is to be paid to the state or a welfare organisation; if a case is discontinued due to Articles 153/153a StPO (insignificance/ discontinuation of the case under conditions and instructions) judges are requested to allocate the fine according to Section 93 Guidelines for criminal proceedings and monetary fine proceedings (<i>Richtlinien für das Strafverfahren und das Bußgeldverfahren</i> , RiStBV). This section lists a number of types of organisations, including victims support organisation, as preferential beneficiary.
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?			N/A
6	Is compensation paid by the state?	X		If the Victims Compensation Act (<i>Opferentschädigungsgesetz</i> , OEG) applies compensation is paid by the state. In some exceptional cases, as for example, victims of extremist or terrorist attacks, victims may receive compensation from dedicated state funds.

³³ Written inquiry to all state ministries of justice.

				In some states, victim support foundations exist, which have typically been financed by the state ministry of justice. These can provide financial payments for material damages and in some cases compensation for immaterial injuries. ³⁴
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		X	Generally no. In some states victim support foundations exist, which will pay compensation to victims if the offender is unable to pay, unknown or fugitive or the case has been discontinued.
8	Does a compensation order exist?		X	
9	Do prosecutors have the power to mediate between the offender and the victim?	X		According to Article 155a stop, judges as well as prosecutors are required to examine possibilities of reaching a settlement between the victim and the offender at any stage of the proceedings. In suitable cases they shall work towards such a settlement. The prosecutor can abstain from a public prosecution in suitable cases if the offender is willing to seriously attempt to reach an agreement with the victim and make up for the damages caused (Article 153a StPO)
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	X		In Germany prosecutors have the duty to work towards obtaining compensation for the victim from the offender. ³⁵
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	X		Payment of compensation to repair the damage may be a condition not to prosecute (Article 153a (1) StPO)
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	X		If the offender is participating in victim-offender mediation and willing to pay compensation as part of this process it may be taken as a mitigating factor in sentencing Article 46 (2) Criminal Law Act (<i>Strafgesetzbuch</i> , StGB)
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		In principle, civil law compensation claims against the offender have to be made within three years (Article 199 Civil Code, <i>Bürgerliches Gesetzbuch</i> , BGB). Compensation claims resulting from serious injuries of life, body, health or liberty have to be made within 30 years after the deed. Recently the Act strengthening the rights of victims of sexual abuse (<i>Gesetz zur Stärkung der Rechte von Opfern sexuellen Missbrauchs</i> , StORMG) entered into force. It provides that cases of sexual abuse are included in Article 197 Civil Law Code (<i>Bürgerliches Gesetzbuch</i> , BGB).The

³⁴ For example: Landesstiftung Opferschutz Baden-Württemberg: www.landesstiftung-opferschutz.de/ Stiftung Opferhilfe Niedersachsen: www.opferhilfe.niedersachsen.de.

³⁵ According to a statement made by the Special Department Victim Support, Ministry of Justice (*Fachstelle Opferschutz im Justizministerium*), phone interview May 2013.

				time limit for civil law compensation claims in these cases is now also 30 years. Claims under the OEG do not have a time limit.
14	Do third country nationals have the right to apply for compensation?	X		In regards to claiming compensation from the offender third country nationals have the same rights as citizens or EU- country nationals. For applications made under the OEG, specific rules apply depending on the length of the stay in Germany (Article 1 OEG).
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X		In theory, crime victims can claim compensation from the offender, in practice, however, this is prevented by the duty of public authorities, including courts, to inform the immigration authorities about the person (Article 87 (2) (1) Residence Act (<i>Aufenthaltsgesetz</i> , <i>AufenthG</i>)) In regards to compensation under the OEG, Article 1 (5) provides the possibility to apply for compensation for persons with an exceptional leave to remain permit (<i>Duldung</i>) Persons with irregular status are not entitled to payments under the OEG.
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?			No exceptions could be identified

2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		X	No formal system of cross-border referrals exists. Some specialised support services have contacts to support services in other states and may pass on the contact details. The KOK (German NGO network against trafficking in women and violence against migrant women), for example, maintains a data base of support services abroad all its member organisations can access.
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		If the German state prosecution obtains information about a criminal act abroad to which Article 4 ff. Criminal Code (<i>Strafgesetzbuch</i> , <i>StGB</i>) is applicable, it is obliged to investigate and prosecute the crime.

3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X	Counselling services are available to all victims, regardless of legal status, country of origin or nationality, accommodation in shelters is theoretically available, but fees will not be paid for by the state (see 2.2.3.i).
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		No special mechanism other than information available on websites could be identified
5	Is information made available to victims in different languages by the police? If yes, which languages?	X	There is a leaflet on victim's right which has been developed by the BMJ in cooperation with the state ministries of justice. Besides the nation-wide valid leaflet, each state has slightly adapted versions. The leaflet is available in following languages: Vietnamese, Arabic, Persian (Farsi), French, Italian, English, Spanish, Albanian, Serbian/Serbo-Croatian, Turkish, Russian, Greek, Portuguese, Croatian, Polish, Bulgarian and Rumanian. North-Rhine Westphalia has even translated it in 23 languages. ³⁶
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X	Yes. Second question cannot be answered, as there are many different victim support services that make information available in various languages.
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	X	Yes. Second question cannot be answered, as there are many different victim support services who offer translation services in various languages.
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	X	Ado as well as <i>Weisser Ring</i> is a member of the Victim Support Europe network
Description (max 2-3 sentences per question)			
9	What is the mechanism for victims to apply for compensation once they are back in their own country?		OEG: victims from EU member states can apply to the central contact point in their country, which will then forward the application. For third country nationals no such mechanism is in place. Civil law suit to obtain compensation from the offender from abroad are possible, however no special mechanism to facilitate or simplify are in place.
10	What is the number of victims accessing victim support services who are non-		Cannot be answered, as most victim support services do

³⁶ www.justiz.nrw.de/BS/opferschutz/allgemeine_informationen/opferschutz_strafverfahren/avr_32/index.php.

	nationals of the state?	not record these numbers, see: 2.2.4 c/d
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	See question 2.8.4
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	No measures could be identified.

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. **With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?**

In Germany, volunteers play a crucial role of the generic victim support system in Germany. A number of generic victim support organisations work with professional staff, but the bulk of this victim support is delivered by volunteers. The *Weisser Ring* is the largest generic volunteer organisation, which has around 3000 volunteers working in 420 local contact points. From the beginning as private citizen's initiative, the *Weisser Ring* was built on the commitment of volunteers. About 10 years after its foundation, the *Weisser Ring* had approximately 400 volunteers and 215 local contact points. Since then it has continuously grown. Looking at the volunteers more closely it is notable that more than 60% of the volunteers are women, but only 34% of the local contact points are managed by women. This structure has been similar for a number of years. Also the average age of the volunteers is well above 40 years; only about 1/5 is aged less than 40 years. Looking at the profession of the volunteers of the *Weisser Ring* a significant difference between women and men can be noticed. The largest group of male volunteers (= 1/4 of all male volunteers) belong to the police force; whereas the largest group of female volunteers (just under a 1/4 of all female volunteers) has professional background in the social sector.³⁷

- b. **If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.**

N/A

³⁷ *Weisser Ring* (2013) Jahresbericht 2011/2012, available at: www.weisser-ring.de/internet/weisser-ring/finanzbereich/jahresbericht-20112012/index.html.

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

The tradition of social work in Germany is long and complex. A long time scholars have described the beginnings of social work as a reaction to the industrialisation in Europe and the social problems and changes accompanying this process. Others go even further back and find the origins of social work in the voluntary care for orphans and the poor in the Middle Ages and earlier. All these early versions of social work were carried out by volunteers or members of other professions. Social work as a profession as we know it began to develop in Germany at the end of the 19th century and was originally a typical women's profession. During the German Empire (1871-1918) and Weimarer Republic (1918-1933) the traditional care for the poor developed into a system of social security and experienced great developments and innovations. One of Germany's most influential persons of this time is Alice Salomon, who is still seen as the founder of social work as a profession in Germany.

The development of social work was brought to an abrupt end and even reversed during the regime of the Third Reich. The division of Germany after the 2nd World War led to the development of two separate schools of social work with different educational systems. With the 1970s a more academic approach to the profession prevailed and universities established academic research and teaching in the field of social work. Today social workers in Germany have to obtain a university or college of applied science/education degree.³⁸

2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under '16' – 'Other promising practices'.

	Promising practice	Does a similar practice exist in your country?		Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.	X		Saarland is part of the Inter-Regional Crime Prevention working group of the <i>Grande Région</i>
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.		X	
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU			Some states have victim foundations which can support

³⁸ Amthor, Ralph-Christian (2012) *Einführung in die Geschichte der sozialen Arbeit*, Beltz Juventa, Weinheim.

	Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).		X	victims financially. However, these are not funded in the way described here.
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.		X	A victim can apply to be accompanied by a support person during the trial as well as questioning by the police (Article 406f StPO). This can be a staff of victim support services.
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	X with limitations		For free legal assistance, see 2.6.5; psychosocial assistance is currently developed and a few model projects exist, as for example in Mecklenburg-Western Pomerania ³⁹
7	Some countries have legal clinics that provide free legal assistance to victims of crime.	X limited		Some cities, e.g. Hamburg ⁴⁰ and some cities in Schleswig-Holstein ⁴¹ offer free legal advice for residents with low income
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide victims to support organisations.		X	.
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).	X		The Federal Ministry of Justice has published a booklet called Victims Guide (<i>Opferfibel</i>) ⁴² with information on the criminal procedure and the rights and obligation of the victim.
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is			In Lower Saxony, locations in which a prosecutor's office is situated also host bureaus of the

³⁹ [http://www.regierung-](http://www.regierung-mv.de/cms2/Regierungsportal_prod/Regierungsportal/de/jm/Themen/Informationen_zum_Opferschutz/Opferprojekte_der_Justiz_in_Mecklenburg-Vorpommern/Modellprojekt_der_Justiz_zur_Psychosozialen_Prozessbegleitung/index.jsp)

[mv.de/cms2/Regierungsportal_prod/Regierungsportal/de/jm/Themen/Informationen_zum_Opferschutz/Opferprojekte_der_Justiz_in_Mecklenburg-Vorpommern/Modellprojekt_der_Justiz_zur_Psychosozialen_Prozessbegleitung/index.jsp](http://www.regierung-mv.de/cms2/Regierungsportal_prod/Regierungsportal/de/jm/Themen/Informationen_zum_Opferschutz/Opferprojekte_der_Justiz_in_Mecklenburg-Vorpommern/Modellprojekt_der_Justiz_zur_Psychosozialen_Prozessbegleitung/index.jsp)

⁴⁰ www.hamburg.de/oera.

⁴¹ www.kiel.de/rathaus/service/_leistung.php?id=9741600.

⁴² www.bmj.de/OpferFibel.

	seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.	X		foundation Victims support Lower Saxony ⁴³
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.	X		No national referral system exists; however, most states have cooperation agreements for victims of trafficking in place which have been repeatedly referred to as promising practice.
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.		X	
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy: 1. Rationale 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime. 1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative. 1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...]. ⁴⁴			Insufficient information has been obtained to determine whether similar policies have been drafted by the police.
14	Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises	X		It is possible to have the accused removed from the court room while the victim is giving evidence during the main proceedings or for testimonies being recorded on video in certain cases or transmitted from a separate room during the

⁴³ State office of criminal investigation Lower Saxony: Answer to a written inquiry, 29 April 2013.

⁴⁴ <http://www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf>

	and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).			proceedings The court also has the possibility to exclude the public from the hearing for reasons of protection of the right to privacy.
15	In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)		X	
16	Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.	NA	NA	A recently handed down judgement in a severe sexual offence court case shall be mentioned as a promising practice example: The civil law chamber of the regional court Wuppertal awarded the victim an exceptionally high compensation of €100,000. Until this decision, the highest compensation sum awarded for sexual offences was €50,000. The court held that inappropriate low compensations payments have been awarded so far considering the impact these experiences may have on the rest of the life of the victim. (Civil law Chamber of the Regional Court (<i>Landgericht</i>), Wuppertal/16 0 95/12, 05 February 2013)

2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim		

	compensation within the framework of criminal proceedings.			
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.			
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.	X with strong limitations with regard to participation and compensation		<p>The National Focal Point cannot comment on the most common view of legal practitioners (judges, prosecutors, lawyers) as this would require fieldwork research; the answer given here refers to the legal order rather than the legal practice.</p> <p>In regards to the legal order significant improvements have been made to strengthen the rights and protection of victims in criminal proceedings. The adhesion procedure (<i>Adhäsionsverfahren</i>) which allows making compensation claims during the criminal procedure rather than in a separate civil law suit has been expanded. The rights to information and participation for victims of crimes and the right to join the proceedings as a legal party (<i>Nebenkläger</i>) have been strengthened substantially. Nevertheless, further improvements are needed in various areas, for example: If an adhesion procedure would prolong the criminal proceedings, the court only has to decide on whether or not compensation has to be paid, the amount then has to be decided upon by a civil court in a separate law suit.</p> <p>Another example: the legal representative of the <i>Nebenkläger</i> does not have the same rights as the representative of the accused. He/she does not have a right to be involved in or veto against negotiations terminating the proceedings nor does he/she necessarily have to be present at the main hearing; Victims are not regularly involved in the decision making when proceedings are terminated due to reasons of procedural economy (<i>Opportunitätsprinzip</i>).</p>
<p>In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria.⁴⁵ With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.</p>				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;	X		In Germany victims of severe crimes can become legal party to the criminal proceedings (<i>Nebenklage</i>).

⁴⁵ See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

				See: 2.6.3
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X		All victims who have been invited to court to act as witnesses have the duty to give testimony unless exemptions are provided by law (Article 48 StPO).
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so where the national system does not provide for a legal status as a party to the criminal proceedings.			Unable to respond to question

IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

2 Part B:

3.1 Establishment of generic victim support organisations*⁴⁶

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

Max 250 words

In Germany, few generic victim support services exist; a large number of organisations are specialised on a particular group of victims. Early specific victim support services were mainly concerned with the ill-treatment and abuse of children. The first support service for children initially began as a university project and resulted in the foundation of the first child protection centre (*Kinderschutz-Zentrum Berlin e.V.*)⁴⁷ in 1975 in Berlin.

Around the same time violence against women gained more public attention. The first women's shelters were founded in 1976 in Berlin and Cologne by autonomous women's associations.⁴⁸

The foundation of the first volunteer generic victim support organisation the *Weisser Ring* was initiated by non-state actors in 1976. The initiative was instigated by a journalist; other cofounders included lawyers and legal scholars as well as the heads of police and the Federal Criminal Police Office.⁴⁹ From the beginnings it was based on volunteer work.

In 1984 the first professional general support service was established. The charity 'Hanauer Hilfe' was initiated by the Department of Justice of Hesse (*Hessisches Ministerium für Justiz*). Modeled after this pilot project several more victim support services were founded in Hesse.⁵⁰ Similar approaches have been taken in other states, including Berlin, Brandenburg, Hamburg, Lower Saxony, Mecklenburg-Western Pomerania.

⁴⁶ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

⁴⁷ www.kinderschutz-zentrum-berlin.de.

⁴⁸ www.frauenhauskoordination.de/index.php?id=20.

⁴⁹ www.weisser-ring.de/internet/weisser-ring-e-v/chronik/index.html.

⁵⁰ www.kasseler-hilfe.de/04unsere_arbeit/jahresberichte.htm#02.

3.1.2 Where did the money come from to support this first attempt?

Max 150 words

The first women's shelters were mostly funded by the ministries of family affairs, the professional generic support services by the ministries of justice. The volunteer organisations, such as the *Weisser Ring* depended from the beginning on donations.

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

Max 200 words

In the 1970s domestic violence received increasingly more public attention and women's organisations started lobbying against violence against women and children. The earliest specific victim support organisation focused on children and was founded in 1976 in Berlin. The same year, the first women's shelters were founded in Berlin and Cologne (see above).

Parallel, the focus on the offender during the criminal procedure began to shift somewhat and the needs of victims began to be considered progressively. In 1976 the victim compensation act was introduced and ensured payments by the state to victims of physical attacks.

In 1984 the first professional general support service was established. (see above)

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.		X	<p>The umbrella organisation ado has developed quality standards (also available in English). These quality standards for professional support for victims of crimes include a list of obligatory requirements and recommendations for good practice. They also specify that professional staff has to be employed and summarize the core principles according to which the organisations are required to work.⁵¹</p> <p>The <i>Weisser Ring</i> has developed quality standards which are listed in a manual. Additionally the organisation makes participation in a foundation seminar and a 2-day further training obligatory for all volunteers.</p>

3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

⁵¹ www.opferhilfen.de/aufgaben.html.

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
DE	<i>Weisser Ring</i> ⁵²	87	Adding up the 87 (partially) part time-positions the total hours sum up to about 2,565 hrs/week	3096	No fixed working hours for volunteers	Cannot be determined due to the fact that volunteers do not have fixed working hours

⁵² Weisser Ring, answer to a written inquiry, 03 May 2013.

3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all**.

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance	X		Some cities, such as Hamburg for example, offer free legal advice on labour or civil law issues for persons with low income living or working in the city. ⁵³ Generally, legal advice is provided for by lawyers; individuals with a low income can apply to have the costs covered by the state upon application (<i>Beratungshilfe/Prozesskostenhilfe</i>)
b Free health/psychological assistance (e.g. crisis intervention centres)		X	Health/psychological assistance is carried out by NGOs, however, funding for these services is regularly provided for by the state
c Emergency financial assistance	X limited		Persons who receive unemployment benefits under Social Code II can apply for additional financial assistance if they can show evidence for the need. Having additional expenses after having been the victim of a crime and having insufficient funds to cover those may entitle a person to emergency financial assistance provided by Article 24 Social Code II (<i>Sozialgesetzbuch SGB II</i>) In states where victim's foundations exist, this can be another option for emergency financial assistance by the state.
d Court accompaniment/support services	X		Whether social services of the judiciary are provided directly by the state varies between the 16 German states. Some states give funding to NGOs and welfare organisations in order to provide these services.
e Other (specify)			N/A

3.4 (Failed) Attempts to establish national generic victim support service provider**⁵⁴

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of

⁵³ www.hamburg.de/oera/

⁵⁴ **This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

N/A

Annex 1 - Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.

	Name/short description of organisation(s)
AT	In every of Austria’s nine provinces (<i>Bundesländer</i>), branches of national organisations and local victim support organisations are operative. Weisser Ring (NGO) is currently the largest general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.
BE	Bureaux d’assistance aux victimes; Victim’s reception service in each of the 27 judicial districts and at the community level, assistance to victims is organized through Centres for Victims of Crime;
BG	
CY	The Social Welfare Services which is the only umbrella service providing support to various victim “groups”, the rest of the initiatives are targeted on specific victim “groups” and are under the non-governmental sector. However, the services provided by the SWS are targeted mainly towards victims of domestic violence and victims of trafficking.
CZ	The Probation and Mediation Service (“PMS”); the White Circle of Justice
DE	In Berlin, Brandenburg, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent professional generic victim support charities (Opferhilfe e.V) run local offices. A nationwide coverage of professional victim support services does not exist; in many states (Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia) generic professional victim support services as described above do not maintain offices. Here volunteer support services fill this gap. The largest volunteer victim support service (operating nationwide) is the Weisser Ring e.V.
DK	The Victim Support in Denmark (VID) (Offerrådgivningen, OID). The general victim support service in Denmark consists of 33 different general local entities with VID as their umbrella organisation.
EE	The citizen-initiated Union of Support to Victims of Crime “Victim Support” (Kuriteohvrite Toetamise Uhing “Ohvriabi”), founded in 1994. It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group.
EL	
ES	The management of the Offices for Support to Victims of Crimes (Oficinas de Asistencia a las Víctimas de Delitos, OAV) is the responsibility of regional governments having the Spanish government used the ability to “set up management agreements entrusted with the Autonomous Communities and local Corporations”. In Spain, these are the only victim support services that can be considered to have a generic character because of dealing with many sorts of victims particularly since this very year.

FI	In 1994, Victim Support Finland (Rikosuhripäivystys / Brottsofferjouren) began its activities. It was the first organisation to offer victim support services and still is the only organisation providing services to victims of various different types of crimes, as most other third sector actors specialise in providing assistance to certain specific victim groups.
FR	The National Institute for Victims and Mediation (L'Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations (www.inavem.org). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and legal support to victims.
HR	County Court level: There are special departments for victim and witness support (Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama), established at the following seven county courts as part of the court administration: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak. Special departments provide victim and witness support in trials for all criminal offences.
HU	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
IE	Various non-governmental victim support organisations – e.g. the Federation for Victim Assistance (10 branches); Support After Crime Services; ITAS.
IT	
LT	
LU	In Luxembourg there are few generic victim support organisations, as typically, each organisation is tasked with clear missions and has clear responsibilities. They are two; Waisse rank Service d'aide aux victimes du parquet general. Other organisations offer assistance to victims of a particular type of violence.
LV	
MT	Victim Support Malta (VSM).
NL	Victim Support Netherlands (VSN) (<i>Slachtofferhulp Nederland</i> , SHN).
PL	Support Network for Victims of Crimes (consisting of 16 regional support centres); social welfare centres (<i>ośrodki pomocy społecznej</i>), crisis intervention centres (<i>ośrodki interwencji kryzysowej</i>) or the support centres (<i>ośrodki wsparcia</i>), which offer support for people in various crisis situations.
PT	Portuguese Association for Victim Support (<i>Associação Portuguesa de Apoio à Vítima</i> , APAV) - 15 victim support offices located throughout the country.
RO	
SE	The Swedish Association for Victim Support (<i>Brottsofferjouernas Riksförbund</i> , BOJ) is the national umbrella organisation for victim support services with about 100 local victim service centres in Sweden.
SI	
SK	Non-governmental organizations are virtually the only active players in the field of victim support services. <i>Pomoc obetiam násilia</i> is the leading victim support service provider.
UK	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)

**Annex 3 –list of specialised areas of victim support chosen in phase 2
(for countries with no generic victim support organisations)**

BG	Domestic violence and stalking and trafficking in human beings.
EL	Domestic violence and stalking and trafficking in human beings.
IT	Trafficking in human beings and sexual abuse of children
LT	Domestic violence and stalking and trafficking in human beings.
LV	Sexual abuse of children and stalking and trafficking in human beings.
RO	Sexual abuse of children and stalking and trafficking in human beings.
SI	Domestic violence and stalking and trafficking in human beings.