

The Victim Compensation Act
We can advice you!
We can help you!



Who is entitled to benefit under the Victims Compensation Act?

Anyone can claim benefit under the Opferentschädigungsgesetz (known for short als “OEG”) who has suffered damage to his or her health as a result of an act of violence in Germany, or on a German ship or aircraft outside German sovereign territory.

Dependent survivors (widows, widowers, survivor of civil partnership, orphans or parents) are also entitled to benefit if the act of violence has led immediately or later to the death of a victim.

The widows, widowers, survivor of civil partnership or orphans can under certain circumstances be entitled to welfare support even if the victim’s death was not the physical consequence of the act of violence.

The compensation regulations also cover foreign nationals living permanently in Germany, and even tourists or visitors; but in the case of these groups of people certain special requirements must be met and separate conditions apply concerning the nature and amount of the individual benefit.

The Regional Offices of the Zentrum Bayern Familie und Soziales (see page 6) can provide more detailed information on request.

What kind of act of violence justifies a claim under the Act?

The damage to health must result from:

- a deliberate, unlawful, violent attack (e.g. bodily injury or sexual abuse) upon him or her or another person, or the legitimate defense against it,
or
- the deliberate administration of poison,
or
- the creation of danger, through negligence if not intent, to the body and life of others through the committing of a crime involving general danger – e.g. arson or a bomb attack

Exception

The Act is not applicable to injuries resulting from a violent attack carried out by the assailant using a motor vehicle or a trailer. In such cases, however, the victim can file an application with the compensation fund for injuries by motor accidents.

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Wilhelmstr. 43 / 43 G
10117 Berlin

www.verkehrsoferhilfe.de

To what benefits are victims entitled under the Act?

Benefits are paid by application of the relevant regulations of the Bundesversorgungsgesetz (known for short as "BVG") and cover the following:

- Medical treatment
- Injured person's pension, depend on the degree of injured consequences (Grad der Schädigungsfolgen - GdS)
- death benefit and funeral allowance
- dependent relatives' welfare assistance (for widows, widowers, survivors of civil partnership, orphans and/or parents)
- other welfare benefits (see page 5)

Compensation for pain and suffering is not paid, nor any compensation of material or monetary damage. Special regulations apply in the case of damage to aids carried on the body: spectacles, contact lenses, or dentures.

Only on this condition benefits can be paid in response to an application. It is advisable to make this application as soon as possible, and certainly within a year of the damage of the victim's health having been caused. Only on this condition benefits can be paid from the date of the damage onwards. The application can be made to

the Zentrum Bayern Familie und Soziales (ZBFS) or any other social-security organization such as statutory health insurance or statutory pension organization, or to the local municipal administration.

Attention

If the ZBFS pays benefits on statutory account of the damage to the victim's health, the statutory rights of the injured party to claim damages against the assailant are transferred by law to the Free-State of Bavaria or the Federal Government. The injured party therefore cannot claim this right except with the prior consent of the competent Regional Offices of the ZBFS. The injured party can, however, make full use of his or her right to sue for compensation for pain or suffering.

Under what circumstances is it not possible to claim benefit under the Act?

Benefits will not be paid, if

- the injured party has himself or herself caused the injury;
- it would be unjust to grant compensation for any other reasons, particularly those relating to the victim's own behaviour;
- the victim or applicant is or was involved in political or warlike dispute in his or her home country and the injuries are connected with this fact;
- the victim or applicant is or was involved in organized crime, or belongs or belonged to an organization that commits violence, and the injuries are connected with this fact.

Benefits can also be refused if the victim has failed to do everything he or she could be expected to do in order to help clarify the facts of the case and assist in the prosecution of the assailant, and in particular if he or she fails to raise charges without delay with the appropriate authorities (the public prosecutor or the police).

Criminal charges or an application for criminal investigation should therefore be raised at once so that the victim's rights are not put in jeopardy.

Competent authorities and their addresses

The **Zentrum Bayern Familie und Soziales (ZBFS)** is primarily responsible for the implementation of the act in Bavaria. The Regional Offices also have specially trained staff who can provide the necessary advisory service, and give victims of violence and their relatives information on all aspects of the help available to them in their individual case. A telephone-answering machine is available for contacting these special advisors (see Sonderbetreuung - page 6) outside office hours.

Welfare benefits are granted by the Hauptfürsorgestelle (incorporate into the ZBFS), if the act of violence not only damaged the victim's health but also led to a worsening of his or her financial position. The following forms of assistance can be considered, depending on the facts of the individual case:

- assistance regarding the participation in working life and supplementary benefits
- education assistance (for the claimant's children if they are still undergoing education)
- supplementary assistance to meet cost of living
- recuperation assistance
- rent assistance
- assistance related to the victim's specific stage of life (depending on the severity of the harm to the victim's health, there is a wide range of benefits that could be paid)
- medical assistance
- nursing assistance
- assistance in continuing to run the household
- assistance to elderly persons.

The nature and extent of the welfare benefits that can be granted to the victims of violence depend on the specific features of each individual case, and for this reason it is advisable to obtain the advice of the Hauptfürsorgestelle before submitting an application.

You will find further details on the Regional Offices of the ZBFS which are responsible for Bavaria on our Internet page: www.zbfs.bayern.de

Adresses

Zentrum Bayern Familie und Soziales _Region Schwaben

Morellstr. 30, 86159 Augsburg
Tel. 08 21/57 09-01, Fax 08 21/57 09-50 00
Sonderbetreuung 08 21/57 09-22 03 oder -11 14
E-Mail: poststelle.schw@zbfs.bayern.de

_Region Oberfranken

Hegelstr. 2, 95447 Bayreuth
Tel. 09 21/6 05-1, Fax 09 21/6 05-29 00
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E-Mail: poststelle.ofr@zbfs.bayern.de

_Region Niederbayern

Friedhofstr. 7, 84028 Landshut
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First letter
of surname
A -K

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First letter
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- Region Oberpfalz

Landshuter Str. 55, 93053 Regensburg
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_Region Unterfranken

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