[DE] Legislation on Compensation for Victims Adopted

IRIS 1998-4:1/15

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On 4 March 1998 the German Federal Parliament (Bundestag) adopted the Victims Compensation Act (Opferanspruchssicherungsgesetz - OASG) in order to provide civil-law compensation for victims of crime (for report on Bill, see IRIS 1997-3: 12).

The Act gives legal entitlement to receive damages from a perpetrator of or participant in a crime in respect of sums received from third parties for portrayal in the media. The purpose of the Act is to prevent perpetrators of crimes deriving immoral profits from the commercialisation of their crime in the media, for example in the form of income from film treatment, appearances on chat shows and portrayal in the press. Entitlement is open to anyone with a claim to damages from the perpetrator of or participant in a crime. This civil-law entitlement on the part of the injured party also obtains where the person of perpetrators or their personal circumstances or particular conduct are portrayed in public and where the crime is the determining factor for portrayal in the media.

Previously there was no systematic compensation for victims, although publicising the crime could be held to constitute an invasion of privacy in respect of the individual.

The Act makes it compulsory to inform perpetrators, participants, third parties involved in publication and other beneficiaries of the existence and scope of entitlement.

The media's freedom to report is not restricted by this new measure (see comments on this in IRIS 1997-3: 12)

Opferanspruchssicherungesetz -- OASG vom 4. März 1998

Victims Compensation Act (OASG) of 4 March 1998

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