Information leaflet
on hardship payments made to victims of terrorist and extremist acts

Background and aims

It is the duty of democratic states which are governed by the rule of law and of pluralistic societies to condemn and prevent acts committed in the name of terrorism and extremist causes. By their nature, such acts are not committed purely against any one individual, but against the state and society as a whole, and the state must take responsibility towards victims. It is for this reason that the German Bundestag (Federal Parliament) makes funds available as part of its budget, which are paid out to those affected by acts of terrorism and extremism. The hardship payments are made as a sign of solidarity with those affected, ensuring that they are given assistance in as quick and uncomplicated a manner as possible.

What is a hardship payment?

A hardship payment is a form of assistance offered on a voluntary basis by the state. Such payments are made to victims of terrorist and extremist acts as an expression of solidarity and humanity on behalf of the public, offering support in a swift and unbureaucratic manner to those entitled.

Who can receive a hardship payment?

Hardship payments can be granted for victims of terrorist and extremist acts in Germany. They can also be granted to victims of terrorist offences committed in other countries, who are either German nationals or nationals of other countries whose residence is legally and permanently established in the Federal Republic of Germany.

Family members of individuals who have died as a result of terrorist and extremist acts can also receive a hardship payment. Spouses, parents, children and siblings of the deceased are counted as family members for these purposes. Individuals acting to provide emergency assistance as per Sec. 32 Criminal Code (Strafgesetzbuch) can receive a hardship payment.
Individuals who have been injured in the fulfilment of their duties under public law or employment law when being deployed in response to a terrorist or extremist act are not generally entitled to receive hardship payments.

**What preconditions need to be met for a hardship payment to be granted?**

A hardship payment can only be granted under the precondition that you have lost a close relative or have been seriously injured, either physically or mentally. Beyond this, victims of extremist acts may receive a hardship payment if they have been the target of grave insults or substantial threats. A hardship payment can be granted when there is a high probability of the preconditions having been met.

**How much money is awarded in the event of the loss of a close relative?**

Those who have lost a spouse, a parent or a child receive a lump-sum payment of EUR 30,000.00, those who have lost a sibling receive a lump-sum payment of EUR 15,000.00.

Those who have lost a spouse receive a payment of an additional EUR 25,000.00 to help cope with the loss of their spouse’s earnings. Children who have lost a parent receive a lump-sum payment to help cope with the loss of financial support, which is adjusted depending on the age of the child.

A further lump-sum payment of EUR 2,000.00 can be awarded towards the costs of a grave-stone or other form of memorial.

**How much money is awarded to individuals who sustain injuries?**

Victims may be awarded hardship payments as compensation for non-material damage caused by health-related impairments or physical injuries suffered. The amount paid out in monetary terms derives from principles as developed in case law and such principles which generally apply when funds are made available from the public purse. In the event of health-related impairments, a lump-sum hardship payment may also be approved in order to compensate for the loss of potential future earnings because of the disadvantages suffered in terms of career progression. The lump-sum is EUR 20,000.00 in the event of proven permanent incapacity to work, and is reduced accordingly if the incapacity is more temporary in nature.

**Hardship payments for travel costs and attending court**

When close relatives of injured or deceased individuals have to travel to the place of the incident immediately or shortly after the incident to visit the person in hospital because they are seriously injured, or, in the event of their death, to attend the deceased's funeral, or to assist with repatriation of the victim's body, a one-off lump-sum hardship payment can be made.
In certain circumstances, victims who join criminal proceedings as a joint plaintiff and thus take part in the main hearing can also be granted a one-off lump-sum hardship payment. The amount awarded as a lump-sum payment depends on the distance between the place the victim is travelling from and the location of the incident or the court at which the hearing is taking place.

**Can a hardship payment be refused, and if so on what grounds?**

It is generally impossible for a hardship payment to be granted if there is no particular need for the protection of the individual applying for it and it would not be reasonable to award such a payment. This is to be assumed to be the case in the event that the victim was carrying out an attack against another extremist group in a spirit of mutual antagonism, or in the event that applications are made by persons who are involved in political activities actively opposing the democratic constitutional order or if their actions were actively directed against the basic values of a pluralistic society.

**Is there a specific time period to which the “Directive on the payment of hardship payments for victims of terrorist and extremist acts” applies?**

The Directive came into effect the day after it was signed into law on 25 August 2021 and applies to acts committed after this date. Acts committed before then are covered by the directives in force at the time.

**What effect does it have if a victim has already received compensation (especially damages for pain and suffering) or other payments from the perpetrator(s) or another body?**

Hardship payments are subordinate to other forms of compensation, that is to say that any other payments made take priority. For this reason, it is important that you include on the application form information on any and all compensation payments you have applied for or received from the perpetrator, or from another body or any other similar system of assistance for victims, especially damages for pain and suffering. You will also need to report such payments even if you apply for them or receive them after you have made your application for the hardship payment.

In applying for a hardship payment, you agree, in the event that one is awarded and the funds paid, to transfer any entitlement to damages, especially those from the person(s) who caused the injuries, to the Federal Office of Justice. This transfer of entitlements is a requirement as the hardship payment cannot be paid out on top of any other compensation, damages or other payments for losses suffered.
One of the aims of the hardship payment is to ensure that persons affected receive some form of financial recompense even if the person(s) who caused the injuries lack(s) the means to pay. The state thus covers the risk of the person(s) who caused the injuries being unable to pay and takes on the task of recovering the hardship payment from the perpetrator(s). Please note that you will therefore no longer be allowed to claim damages for pain and suffering from perpetrator(s) or to receive such damages in respect of the amount of hardship payment as awarded and paid out.

You must send any funds you receive from the perpetrator as compensation after the granting of a hardship payment to the Federal Office of Justice. The transfer of entitlement also applies to payments made to you as part of criminal proceedings on the basis of an order for a suspended sentence or an order ending proceedings on payment of a particular sum of money, or as part of “ancillary proceedings”, which enable victims to claim for damages during the criminal proceedings without having to initiate separate civil proceedings.

However, the transfer of entitlements does not apply to any amount which goes beyond the hardship payment made. In the event that you are awarded an amount going beyond that of the hardship payment, for example as the result of a judgment made due to “ancillary proceedings” for damages, you are entitled to keep the difference between the amounts. Nor does the transfer of entitlements apply in the event that another party takes financial responsibility for the injuries sustained and a statutory transfer of monies owed has taken place.

How and where do I apply for a hardship payment?

You will find an application form on the website of the Federal Office of Justice [www.bundesjustizamt.de](http://www.bundesjustizamt.de) by navigating to “Hardship Payments”. We will be glad to send you an application form if you request this on the phone or by e-mail. By filling in the form as completely and carefully as possible, you will make it easier for us to process your application. It is helpful if you add to your application any medical documents you may have which demonstrate the extent of the injuries sustained. It may also speed up the process if you can include a copy of any judgment handed down against the perpetrator(s).

Please send your application, signed and dated to

**Bundesamt für Justiz**
**Härteleistungen**
**53094 Bonn, Germany**
If you have any questions or are unsure whether or not you may be entitled to a hardship payment, please do not hesitate to contact the Federal Office of Justice:

Phone: + 49 228 99 410 5288
Fax: + 49 228 410 5050
E-Mail address: opferhilfe@bfj.bund.de