



**International
Lawyers
Project**

GERMANY

**VICTIMS OF CORRUPTION:
DAMAGE REPARATION
AND LEGAL STANDING**

**INTERNATIONAL
DATABASE**

2022

**SOURCE: INTERNATIONAL LAWYERS
PROJECT**

VICTIMS OF CORRUPTION WORKING GROUP

UNCA CIVIL **Coalition**
SOCIETY

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¹ Note, we are only qualified to advise on US and UK law, and as such are not qualified in this jurisdiction.

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1. Legal Standing

1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases

There is no standing for civil society organisations or individuals in corruption-related cases..

1.2 Type of Cases

N/A

1.3 Legal basis under which citizens have legal standing

Under Germany's traditional civil law system, an individual has standing (*Klagebefugnis*) to sue for an alleged violation of their subjective right (*Subjektives Recht*). This has not been extended to corruption-related cases.

1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)

There is no possibility for citizens and/or civil society to intervene in corruption cases in other capacities.

1.5 State's entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens

Corruption cases are solely prosecuted by German prosecutors under the German Criminal Code.

1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country's citizens

Foreign governments or foreign-based non-governmental institutions have legal standing to bring corruption cases on behalf of this country's citizens

To seek asset recovery, foreign state officials must submit requests under the [procedures for Mutual Legal Assistance](#), which then are considered for criminal prosecution by German local or regional courts. While this creates that theoretical possibility that corrupt assets may be seized under a statute such as the German Anti-Money Laundering Act, this has not been documented to date.

2. Cases

2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists, or citizens.

There are no corruption-related cases brought to Court by civil society organisations, journalists, or citizens.

3. Collective Damage

3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (environmental damages, human rights, corruption, among others)

Class actions have historically not existed in German legal practice. Despite the mechanisms discussed below, the country has had limited success with establishing representative action procedures due in part to the [lack of a formal means for staying parallel proceedings](#). That said, the [Environmental Damage Act allows for associations](#), without a showing that their rights are directly impaired, to challenge environmental regulations, including licensing or funding of specific projects.

3.2 Procedures for advancing class-actions

The [German Capital Markets Model Case Act \(KapMuG\)](#), enacted in 2005, is designed to provide investors with the right to seek damages based on false, misleading, or omitted market information. However, the success of the model

proceedings framework, a [functional equivalent](#) to conventional securities class action claims, [remains unclear](#). See also the rarely utilized [Representative Actions under the Injunctive Relief Act](#) for violations of consumer rights, in effect as of 2018.

4. The Role of the victims of corruption

4.1 Definition of victims of corruption or common definition used by the courts in this country

There is no definition of victims of corruption.

4.2 Cases that recognize the role of victims

There are no cases that recognize the role of victims.

4.3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense

There are no corruption-related cases that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense.

4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

There are no innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases.

5. Available Information

5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions

There is no information published by enforcement authorities.

5.2 Feasible access to information on ongoing or concluded cases

Cases are not published by the German government. Direct requests to local clerks are required to obtain records of concluded cases.

5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed.

Transparency International maintains a page [on its work in Germany](#). Individuals also possess an unconditional right to official federal information under the [2005 Federal Act Governing Access to Information held by the Federal Government](#).

6. Supplementary information

6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases.

German courts take a narrow view of standing, which precludes non-prosecutorial intervention in corruption-related matters. Additionally, [Germany does not have a high degree of transparency regarding its corruption-related enforcement efforts](#) in general.

6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption.

Despite ongoing legislative reform related to foreign money laundering, Germany remains without a high-profile case of successful asset recovery related to illicit assets from developing countries. See [Civil Forum for Asset Recovery Report](#).