

Ni una Menos – Berlin

Sexual Violence

ACTION PROTOCOL:

how to proceed in case of
sexual assault in Berlin

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Introduction: information and findings

In Berlin **two cases of rape or sexual assault are reported** (officially) daily. These are only the official figures, which means that there is a significant and undetermined number of sexual assaults that not only go unreported but also untreated on a medical or psychosocial level.

In response to our need to create an action protocol that brings together existing information and in order to contribute to the work being done by other organizations in Berlin, we conducted an anonymous survey¹ to gather information about access to and functioning of the resources available in Berlin for victims of sexual violence. According to the participants, some of the most common reasons why many cases go unreported and therefore untreated are:

- language limitations
- lack of knowledge about the reporting procedure
- discrimination, ineffectiveness and lack of empathy on the part of the authorities
- lack of knowledge of their rights as victims
- fear of stigmatization
- isolation
- lack of counseling and accompaniment

In cases of sexual assault, we detected a difficulty in accessing the information on procedures to follow and the rights of the victims, as well as a number of administrative, social and cultural inconveniences that, in many cases, dissuade them from taking legal action.

Psychological support is also fundamental in these processes. Therefore, knowledge about how to access these services is also essential. We know that factors such as fear, distrust of the authorities, or lack of knowledge of legal rights and procedures can discourage us from initiating legal procedures or even from seeking psychosocial support.

This protocol aims to address this difficulty and to be a useful tool to clarify the steps to follow after a sexual assault, as well as to provide an updated list of organizations that provide help at each stage of the process.

In the protocol, the information is divided into health, legal and psychological support procedures, including the steps to follow, the rights in these areas and the places where to go in each case.

What constitutes sexual assault?

According to § 177:

(1) Any person who, against the apparent will of another person, performs or causes sexual acts to be performed upon that person, or causes that person to perform or tolerate sexual acts upon or by a third person, shall be punishable by imprisonment for a term of six months to five years.

(2) It shall also be a punishable offence to perform sexual acts upon another person, or to cause such person to perform sexual acts upon another person, or to cause such person to perform or tolerate sexual acts upon or by a third person, if

1. The aggressor takes advantage of the fact that the person is not capable of forming or expressing a contrary will,
2. The aggressor takes advantage of the fact that the person is limited in forming or expressing his or her will because of his or her physical or mental condition.
3. The aggressor takes advantage of the element of surprise,
4. The aggressor takes advantage of a situation in which the victim is threatened with serious harm if he or she resists, or
5. The aggressor has coerced the person into performing or tolerating the sexual act by threatening him or her with serious harm.

It is important to note that the family bond or the relationship of the affected person to the offender is irrelevant to the commission of a crime (husband, friend, relative, acquaintance, or stranger). All sexual acts unwanted by the person concerned are punishable. This means that even a simple "no" from the affected person makes the offender's action a crime. Remember: everyone has the right to say "no" at any time.

INFO-BOX

"No means no!" Since 2016, legislation entered into force in Germany's sexual penal code, determining that a sexual abuse is punishable if it takes place against the manifest will of a person. This will must be explicitly verbally expressed or, for example, by means of defense.

Sexual offenses do not always result in physically visible injuries. The psychological consequences for those affected can be just as serious. Many victims hardly talk about the crime because they are ashamed and fear that they will not be believed or that they will be the ones to blame. Especially in cases where the victims know the perpetrator personally, because they may have had a date with him or invited him to their home, and they partly blame themselves. However, the responsibility lies solely with the offender. The affected person is never to blame.

FIRST STEPS TO FOLLOW IN CASE OF ASSAULT

We know that the moments following a sexual assault can be very difficult, so we recommend you to be with someone you trust to help you through the process that follows.

INFO-BOX

You are not alone! If you do not know who to turn to, you can contact the counselling services of the emergency number for women: 0800-0116-016. The staff of the emergency services for women understand your situation and can help you sort out your thoughts and feelings and advise you on how to proceed.

The first step we recommend is that you see a doctor for a check-up, as the first few hours are very important, both to ensure your physical and emotional well-being and to gather evidence that may be useful if you wish to pursue legal action against the aggressor.

BLOCK 1 - MEDICAL

MEDICAL EXAMINATION AFTER THE ASSAULT

First of all, the medical staff must attend to any injuries you may have. Then they should:

- provide you with information about testing for sexually transmitted infections
- initiate HIV (human immunodeficiency virus) PEP (Post-Exposure Prophylaxis) as soon as possible and within 72 hours, if indicated
- provide you with emergency contraception, if there is a risk of conception and if you want so
- inform you about the possibility of documenting the results of the medical examination as well as the evidence, which may be confidential or with a police report (in case you decide to report the assault to the police)



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INFO-BOX

Remember that the medical action always seeks to ensure the well-being of patients. You are under no obligation to notify the treating doctor of the assault. In case you decide to do so, she/he is obliged to keep silent until you decide to make a report (if you wish so.) Medical confidentiality exists as long as you do not decide the opposite and report the assault to the police.

WHERE TO GO TO FOR MEDICAL EXAMINATION

We recommend making an appointment with the **Gewaltschutzambulanz** (Outpatient Violence Protection Service). If you are unable to go there in the first place, the staff of the hospital, medical center or praxis you have attended should help you to make an appointment at the Outpatient Violence Protection Service (Gewaltschutzambulanz).

If you do not yet wish to file a report, you can call the **Gewaltschutzambulanz** to arrange a confidential evidence collection (VSS; Spurensicherung ohne polizeiliche Anzeige) at the Charité Emergency Services. This collection of evidence can be done within 72 hours of the incident. To do so, you must make an appointment by telephone. It is important to mention that the medical staff of the Gewaltschutzambulanz cannot see you if you do not have **identification with name and photo**. If you have one, bring your health insurance card (Krankenkasse) with you.

If you have filed a report with the police, you can then proceed, within 72 hours after the incident, 24 hours a day, to a collection of evidence at the **Charité Emergency Services**.

INFO-BOX

If you report the assault to the police before going to the hospital, the police should provide you with information about the medical care options available and they should also indicate you the appropriate points of contact.

There are several places you can turn to **if you do not have an identification and wish to be treated anonymously**. Below you will find them in the order in which we recommend you to consult.

Firstly, you can turn to any of the **centers for sexual health and family planning** (Zentrum für sexuelle Gesundheit und Familienplanung). There are five of them located in different neighborhoods of Berlin and in these centers an interdisciplinary team of medical specialists, medical assistants, social workers, psychologists and translators will be able to help you. The people working in the centers are obliged to guarantee the patient confidentiality and the data protection.

Secondly, you can contact the **Clearingstelle der Berliner Stadtmission**, which is a Verein that advises people without health insurance and can help you find a doctor to treat you free of charge and confidentially. You must provide a name and date of birth (they do not have to be real data, as they are only used to identify you) and if you go with an appointment, they can get you a translator.

Finally, if they are unable to help you at the sexual health centers or at Clearingstelle, you can contact **Medibüro** Berlin. Medibüro Berlin, Network in favor of the right to medical care for all migrants, is a self-managed, non-governmental project financed through donations. As an anti-racist initiative, the foundation aims to improve medical care for refugees and undocumented migrants in a political and pragmatic way.

Contact information for the above-mentioned institutions:

Campus Charité Mitte / Rudolf-Nissen-Haus.

Phone number: (030) 45053 1000

Address: Philippstraße 10, 10117 Berlin

Campus Virchow-Klinikum.

Phone number: (030) 45055 2000

Address: Augustenburgerplatz 1, 13353, Berlin

Campus Benjamin Franklin / Zentrale Notaufnahme.

Phone number: (030) 45055 2864

Address: Hindenburgdamm 30 (House V, EG), 12203 Berlin

Center for sexual health and family planning Steglitz-Zehlendorf

Phone number: (030) 90299-1701

Address: Vivantes Auguste-Viktoria-Klinikum facility at Rubensstraße 125, 12157 Berlin, House 30, 4th Floor

Days and business hours: Monday to Thursday from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 3:00 p.m.

Fridays from 9:00 a.m. to 12:00 p.m.

Center for Sexual Health and Family Planning Mitte-Wedding

Phone number: (030) 9018 44235

Address: Ruheplatzstraße 13, 13347 Berlin, 4th floor

Days and business hours: Monday from 2:00 p.m. to 6:00 p.m.

Tuesdays and Thursdays from 9:00 a.m. to 12:00 p.m.

Center for Sexual Health and Family Planning Friedrichshain-Kreuzberg

Phone number: (030) 90298-8363

Address: Urbanstrasse 24, 10967 Berlin, first and second floor

Days and business hours: Mondays from 1:00 pm to 4:00 pm

Tuesday and Friday from 9:00 a.m. to 12:00 p.m.

Thursdays from 1:30 p.m. to 5:30 p.m.

Center for sexual health and family planning Charlottenburg-Wilmersdorf

Phone number: (030) 9029-16880

Address: Hohenzollerndamm 174-177, 10713 Berlin, 3rd floor, Room 3053

Days and business hours: Monday, Tuesday and Friday from 9:00 a.m. to 12:30 p.m.

Thursdays from 3:00 p.m. to 6:30 p.m.

Center for Sexual Health and Family Planning Marzahn-Hellersdorf

Phone number: (030) 90293-3655

Address: Janusz-Korczak-Str. 32, 12627 Berlin, third floor, room 326

Days and business hours: Monday and Thursday from 9:00 a.m. to 12:00 p.m.

Tuesday from 2:00 p.m. to 6:00 p.m.

Clearingstelle

Phone number: (030) - 69 0335 972 (to make an appointment)

Address: Lehrter Straße 68, 10557 Berlin (at Hauptbahnhof).

Days and business hours: Mondays from 10:00 a.m. to 12:30 p.m.

Wednesdays from 1:00 p.m. to 4:30 p.m.

Thursdays from 5:00 p.m. to 7:30 p.m.

Medibüro Berlin

Phone number: (030) 6946746

Address: Gneisenaustr. 2a, 10691 Berlin, Mehringhof backyard, staircase 3, second floor

Days and business hours: Mondays and Thursdays from 3:30 p.m. to 6:30 p.m.

PRESERVATION OF EVIDENCE

It is recommended **not to wash or shower** before being checked by a doctor. The DNA traces of the aggressor that may be found on internal or external injuries and on clothing are essential evidence for the subsequent investigation. Therefore, we also recommend that you keep clothing, underwear and other objects that may serve as additional evidence in plastic bags. This action may not seem important to you at first or you may not have the strength to go through this process and decide not to press charges, but over time you may change your mind.

After the confidential collection of evidence by the medical staff of the Violence Protection Outpatient Service, the DNA traces will be stored for one year, during which time you can file a report and the police can collect the evidence at the Outpatient Service. The material is handed over exclusively to a criminal investigation department. In that case, you must give your written consent and release the Outpatient Violence Protection Service from its duty of confidentiality. In other words, **a written exemption of confidentiality and the consent to the disclosure of the documents is always required.**

WHERE TO GO TO IF YOU ARE IN THE CITY OF BRANDENBURG OR IN POTSDAM

If you are not in the City of Berlin, you can go to one of the clinics listed below and say "I urgently need to speak to a gynecologist" or "I urgently need to speak to a urologist" and you will be referred immediately to the appropriate doctor.

At the consultation, in addition to carrying out a medical examination and providing the necessary treatment, the physician may collect evidence that will be stored anonymously in



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a secure location. For this purpose, you will be asked to sign a declaration stating that you wish the evidence to be collected confidentially and kept for up to ten years. You will also receive a copy of this declaration. If you wish so, you may ask for an extension before the ten years are up.

If you wish to file a report, you will be able to access the anonymous evidence with the registration code under which it was stored and you must inform the police that the clinic has kept the evidence of the crime confidential.

Contact information for the clinics:

Ernst von Bergmann Klinikum Potsdam

Emergency phone number: 0331 24135051

Address: Charlottenstr. 72, 14467 Potsdam

Universitätsklinikum Brandenburg

Emergency phone number: 03381 412900

Address: Hochstr. 29, 14770 Brandenburg a.d.H.

INFO-BOX

If you are in one of these clinics, you can also ask the staff to put you in contact with victim support organizations. Remember that you can be supported and accompanied at all times.

BLOCK 2 - THERAPEUTIC SUPPORT

THERAPEUTIC SERVICES AVAILABLE FOR SURVIVORS OF SEXUAL VIOLENCE

Legal and medical services recommend therapeutic support as part of the emotional healing process for those affected by sexual violence. However, a serious problem is that in Berlin such services, or information about how to access them, are often not available to those affected.

Emotional recovery after a sexual assault and/or rape, regardless of the context in which it was committed, is not an easy situation to go through, and regaining emotional stability can take time. We all have different ways of processing a highly traumatizing situation, as well as different internal and external resources to do so.

While the sensitive support and companionship of family, friends and partners is very important, it is often necessary, and advisable, to seek professional help in this situation. Try not to let any external opinion, or social or work pressure prevent or dissuade you from seeking professional help in the therapeutic area. If you find this search complex, difficult or too distressing due to bad first experiences with a professional, health insurance offices, language reasons, etc., seek support and help from women's centers, feminist networks and women's groups where you feel comfortable. **It is important to know that you are not alone.**

TREATMENT COSTS

The costs of psychotherapeutic treatment can be covered in different ways:

Compulsory health insurance (gesetzliche Krankenversicherung).

Psychotherapy is a compulsory health insurance benefit, which means that the compulsory health insurance (Krankenversicherung) finances and covers the costs of psychotherapy. You can go directly to a professional psychotherapist (approved by the Krankenkasse) or to a doctor registered with the Krankenkasse. In the database links (shared below) it is possible to filter the search for professionals who work with **compulsory health insurance**, as well as by the language in which the therapy is carried out. You only need to bring your health insurance card.

During the consultation, the psychotherapist will determine whether you require treatment. If the psychotherapist advises you to have "psychotherapy", you must first have at least two "trial" sessions. After that an application form is submitted to your health insurance company (Krankenkasse). The health insurance company must approve the psychotherapy, before the treatment can begin. As a general rule, the psychotherapist will help you with administrative matters. If your health insurance company approves your application for psychotherapy, it will cover the costs of the psychotherapy in full. No additional payment or co-payment of any kind is necessary.

Sometimes, if a psychotherapist with a degree in psychology or medicine is available, who does not meet this requirement (being registered with the Krankenkasse), there may be a **possibility of reimbursement of costs** by the health insurance (Krankenkasse). It is advisable to ask directly to your Krankenkasse as to what are the specific conditions for this reimbursement procedure, before starting the psychotherapy process. In case your Krankenkasse rejects your application, an objection can be filed. If the appeal is also rejected, a claim can be filed with the Social Court (Sozialgericht). This action is free of charge.

Private health insurance (private Krankenversicherung)

Some private health insurance companies restrict benefits for psychotherapy or mental illness, and others refuse to cover psychotherapeutic treatments at all if the insured person has been diagnosed with a psychological disorder in the five years prior to signing the contract.

Private insurers generally only reimburse the costs of treatment with psychotherapeutic methods recognized by the Federal Joint Committee (Gemeinsamen Bundesausschuss). We advise you to obtain written confirmation that the costs will be covered before starting the treatment.

The social welfare office (Sozialamt)

If you do not have health insurance and are in a financial emergency, you can apply to the social welfare office for funding for psychotherapy.

Self-pay

The type, duration and costs of treatment should be clearly agreed upon, preferably in writing, before the treatment begins

Sexual Abuse Fund

The Complementary Assistance System (EHS) with the Sexual Abuse Fund (SEF) can help when other service providers no longer help.

The decision to apply for the Complementary Assistance System can be associated with many feelings, memories and burdens. You have the possibility to receive support from a specialized counseling center, you can find this information on their website.

These funds can be used for:

- continuing psychotherapy after the end of the funding from the health insurance (Krankenkasse)
- financing the beginning of the psychotherapy which will then be covered by the health insurance
- cover the costs of recognized complementary and specialized therapies (including music, art and animal therapy)
- cover co-payments if you need physiotherapy but cannot afford it.
- in some cases, pay the costs of psychotherapy not covered by insurance.

The therapy professional can help you justify your case to apply for such funds

More information Sexual Abuse Fund:

Phone: 0800 400 10 50

Address: Auguste-Viktoria-Straße 118, 14193 Berlin

Web: www.fonds-missbrauch.de/antragstellung/beratungssuche-antragsformular/berlin/

It is possible to find the corresponding psychotherapists in the following databases:

psych-info.de/#listenansicht

www.bptk.de/service/therapeutensuche.html

www.degpt.de/therapeutinnen-suche

www.gptg.eu

www.therapie.de

[psych-info.de/ bzw](http://psych-info.de/)

www.psychotherapeutenkammer-berlin.de

www.psychotherapiesuche.de/pid/search

traumanetz.signal-intervention.de/therapeutensuche

PLACES THAT CAN PROVIDE ASSISTANCE AND ADVICE:

LARA - Specialized center against sexual violence against women.

Personal and telephone counseling and crisis intervention for raped, sexually assaulted and harassed women. Email counseling, short-term therapy, groups, legal advice, support in the reporting process and in litigation. Services are free and, if desired, anonymous.

Phone: (030) 216 88 88

Address: Fuggerstraße 19, 10777 Berlin-Schöneberg

Web: www.lara-berlin.de

Days and business hours: Monday to Friday, from 9:00 a.m. to 6:00 p.m.

Wildwasser e.V.

Counseling for women and girls affected by sexual violence.

Phone: (030) 48 62 82 30

Address: Wriezener Straße 10-11, 13359 Berlin

Web: www.wildwasser-berlin.de

Traumaambulanz St. Hedwig

The ambulatory trauma clinic offers psychotherapeutic support to adults who have been victims of a violent crime such as assault, rape or beating.

Phone: (030) 23 11 18 80

Web: www.alexianer-berlin-hedwigkliniken.de/sthedwig-krankenhaus/leistungen/ambulante-behandlung/traumaambulanz-berlin

Anti-Stalker

Offers counseling for womxn* affected by (cyber)stalking, local support for those affected by (cyber)stalking* in Berlin and for family and friends of people affected by (cyber)stalking.

Phone: (030) 2966 4691

Web: www.frieda-frauenzentrum.de/en/anti-stalking-project

Studierendenwerk

They offer psychological care in current crisis situations. E.g. experiences of sexual or violent assault.

Phone: (030) 93939 8401

Address: Charlottenburg, Hardenbergstraße 35

Phone: (030) 93939 8438

Address: Friedrichshain, Franz-Mehring-Platz 2-3

Web: www.stw.berlin/en/counselling/psychologic-counselling.html

Days and business hours: Monday to Thursday from 9:00 a.m. to 3:00 p.m. /

Friday from 9:00 a.m. to 1:00 p.m.

TARA

Individual counseling sessions. Legal and financial advice and guidance, including legal actions available in the context of the Domestic Violence Act. Legal advice from a lawyer.

Phone: (030) 78718340

Web: www.frauenberatung-tara.de

Xochicuicatl e.V.

Offers different types of counseling, including psychosocial counseling.

Phone: (030) 278 63 29

Address: Winsstraße 58, 10405 Berlin

Web: www.xochicuicatl.de/language/es/asesorias/asesoria-psicosocial

Days and business hours: Monday to Friday from 10:00 a.m. to 4:00 p.m.

(except Wednesdays)

Lesbenberatung

Free and confidential counseling for lesbians, bisexual womxn, trans*, inter*, non-binary and queer people.

Phone: (030) 215 2000

Web: www.lesbenberatung-berlin.de

Days and business hours: Mondays from 11:00 a.m. to 2:00 p.m.

Tuesday from 10:00 a.m. to 4:00 p.m.

Wednesday from 2:00 p.m. to 5:00 p.m.

Thursday from 3:00 p.m. to 6:00 p.m.

Netzwerk behinderter Frauen Berlin e. V.

Office for the improvement of the living situation of disabled women and girls.

Offers psychosocial counseling.

Phone: (030) 617 09 168

Address: Leinestr. 51, 12049 Berlin

Web: www.netzwerk-behinderter-frauen-berlin.de

Days and business hours: Tuesday from 3:00 p.m. to 5:00 p.m.

Thursday from 3:00 p.m. to 6:00 p.m. Friday from 11:00 a.m. to 2:00 p.m.

Counseling for refugee women - KuB Berlin

KuB is for refugee women who need special help: pregnant women, single mothers, women affected by domestic violence, women affected by sexual violence.

Phone: (030) 6149400

Address: Oranienstr. 159, 10969 Berlin

Web: www.kub-berlin.org/es

Feministische psychotherapie Berlin

Areas of treatment: Consequences of sexual, physical and/or psychological violence, psychosis and psychiatric experience, depression, anxiety.

Telephone numbers: (030) 34081164 y (0176) 62899419

Address: Nansenstr. 2, 12047 Berlin

Web: en.feministische-psychotherapie-berlin.de

Nota general:

Muchos de los lugares que se mencionan fueron proporcionados por personas afectadas que participaron del cuestionario. No nos hacemos directamente responsables de ninguna de estas ofertas, contenidos y enlaces. Nos esforzamos por mantener actualizada toda la información, pero es posible que los enlaces y la información proporcionada queden obsoletos o no funcionen con el correr del tiempo. Agradecemos tu comprensión.

BLOCK 3 - LEGAL

FIRST STEPS

In case of imminent threat, or in case of assault, dial 110. The police staff have an obligation to protect you and initiate an investigation.

If you have not yet been medically examined before filing a report, the police should take you to a hospital or a doctor's office. There, a specialist will examine you gynecologically or physically and must provide medical care (including initial treatment of physical injuries, pregnancy and STI testing). In the process, traces that can later be used as evidence are secured.

For many of those affected, it is difficult to make the decision to file a police report right after the crime. In any case, you have time to think about it. o.

INFO-BOX

If you suspect that you were under the influence of any of the so-called "date-rape drugs" it is important to act immediately. These drugs are only detectable for a short period of time in blood and urine - go to the hospital or the police immediately!

FILING A REPORT

If you did not file a report immediately, in the Gewaltschutzambulanz you can report by contacting the police by calling 110. The police will take the first necessary clues about the crime. Later, in a more comprehensive statement, you will give more details to the criminal investigation department.

As a victim, you will be questioned as a witness.

If you prefer to give a statement to a woman rather than a man (or vice versa), the police should make this possible.

INFO-BOX

*Translation services exist, both in the police and in the courts. They are a right and are free of charge. However, sometimes this slows down the procedure, especially during police interrogation. **It is very important never to testify without a professional translation.** This leads to too many mistakes and is ultimately detrimental to subsequent proceedings.*

In the case of sex crimes, it is important for the criminal investigation department to get a general idea of you and your living situation. This may include questions about your intimate life, which the officers will ask objectively. However, these questions should be limited to what is absolutely necessary. It is often the case that those affected by sexual violence find police questioning extremely stressful. **It is important to know that you can be accompanied by someone you trust.**

You can file a written complaint (also through a lawyer) directly with the prosecutor's office or the police. If additional information is needed, the criminal police can invite you to an additional witness hearing.

EVIDENCE

Legally valid evidence is the evidence contained in health records.

In order for the police to secure the evidence, it is important not to disturb the crime scene and not to destroy any evidence. Keep clothing, underwear and other objects with which the perpetrator came into contact and do not clean the clothes you were wearing at the time of the crime. (It is not recommended that you shower or bathe).

In order to preserve all traces, it is best to pack the clothes individually in plastic bags.

It is advisable to document everything, as thoroughly as possible: first of all, with a medical certificate, anonymous forensic evidence, etc. But keep in mind that other types of evidence (messages, photos, audios, etc.), as long as they have not been obtained illegally (such as a secret recording), can also be of great help. Keep and provide this type of evidence as well. The police will also search cell phones for chats, messages, etc. that are relevant to the crime.

INFO BOX

The process can be lengthy. Create a memory log for possible future statements (write down or record your account of what happened). If you have them, make sure to keep photos, videos or messages from your cell phone that are related to the offender as possible evidence.



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RIGHTS

You **have the right to have a person you trust present**, and you may request that he or she attend the recording of the report and the police examination as a witness. This person may be excluded from the examination of the witness **only in exceptional cases**.

You are also entitled to **legal assistance**. As a witness, aggrieved or injured party, it makes sense to seek advice from a lawyer who will represent your interests in court and be present during your cross-examination by the court or the prosecution. However, the first counseling session is usually paid for.

As a general rule, you have to bear the costs of legal assistance. If it can be proven **that you cannot bear the costs yourself**, you may be assigned a legal advisor who will have to be paid by the State.

As a victim of sexual assault, you can request that the court appoint you as your own "victim advocate" (see section on "joint plaintiff"). The advocate will then represent your interests in the criminal proceedings and in court. If the court grants your request, the advocate's work is free of charge to you

Right to an attorney paid by the State - how does it work?

In the case of certain serious crimes, it is possible for the court to appoint an attorney, and then the court fund pays for the service. This is possible for all serious sexual assaults (i.e. rape, etc.), but also for serious cases of stalking, human trafficking, sexual abuse, attempted murder or for relatives of murderers (this is contained in § 397a). Lawyers are supposed to point this out to those seeking advice, but they don't always do so, so if you find yourself in any of these situations, ask specifically about it

In the case of other offenses, such as dangerous bodily injury, harassment, etc., the affected people can receive legal aid only in certain circumstances. All of this can be explained by a specialized lawyer during the initial consultation.

If you are in an irregular situation or lack documentation, this can be an obstacle to official appointments. However, in some procedures it is possible to legalize residency status through witness status. Again, check this at the first legal advice appointment.

ASSOCIATIONS OFFERING SUPPORT

The **Weisser Ring** association offers people affected by violence **advice checks** for the first consultation with a lawyer. If not, please read the information on the possible coverage of costs.

JOINT-PLAINTIFF

If you request it, you can appear as a "joint plaintiff" in criminal proceedings. This expands your rights, since it means that you can have an active legal position of your own in the cri-

minal proceedings. In this way, the victim of a serious crime is not only the subject of the proceedings, but can also look after his, her or their own interests. The joint-plaintiffs can, for example, file their own motions, make statements, file pleadings and receive a legal hearing on all important issues in the proceedings. This is the only way for those affected to have the opportunity to actively contribute their own perspective of the facts in the proceedings. This also **includes the right to use the services of an attorney at the state expense** in the case of felonies upon request.

Depending on your financial situation, you may not have to pay the costs of a lawyer, or only partially or in installments. You must apply for free legal aid to the court handling the case before the end of the litigation. Your legal advisor can also do this for you. You can obtain information about legal aid from the court office. If you have pleaded joint-plaintiff, the court can order the offender to **reimburse you for expenses** in the context of a possible conviction. This means that the convicted person pays the costs of the proceedings and has to reimburse the costs already passed on to the plaintiff.

If victims have suffered **damage to their health** as a result of an act of violence, they can receive care under the **Victim Compensation Act (OEG)** (e.g. curative and medical treatment, vocational rehabilitation assistance, disability pension.) Care is only granted upon application. The application must be submitted to the pension office (Versorgungsamt) responsible for the place of residence of the injured party. This form of compensation should not be confused with compensation for damages or for pain and suffering. Support institutions for affected persons are at your side during the entire (criminal) proceedings and beyond and should support you in all areas.

LEGAL AID ACT

The **Advisory Assistance Act** guarantees low-income persons legal advice (not legal representation.)

Apply for free legal aid orally or in writing to the competent district court, stating the facts of the case. You can prove your personal and financial situation, i.e., by providing proof of income or expenses. If you have already consulted a lawyer, the application can also be made at a later date.

You can also receive help and assistance from institutions or organizations that support affected persons. Some of the ways in which they can help you include:

- providing counseling
- providing or arranging accommodation in a protective institution (i.e., a women's shelter)
- arranging therapeutic services such as medical or psychological help

Information and contact details of support services for those affected in your area can be obtained from any police station or from the official website of the **Database for Victims of Criminal Offences** (www.odabs.org).

PSYCHOSOCIAL SUPPORT

Psychosocial support during the trial is a special form of support. Psychosocial support at trial consists of the **provision of information, care and qualified support by professional specialists throughout the criminal proceedings**. This includes accompaniment to all hearings, support in filing applications, preparation for the court hearing, accompaniment to the court hearing and pronouncement of sentence, monitoring of the criminal proceedings, as well as mediation of therapeutic support.

Psychosocial support is provided upon request and if certain conditions are met (i.e., the seriousness of the crime, the age of the person concerned and the consequences and burdens caused by the crime.) An application must be made to the court, which will order accompaniment during the proceedings if the requirements are met. This application can also be made at the time of filing the charges. The police must inform you about this.

You can find a qualified therapeutic companion at counseling centers, i.e., at LARA or through the public prosecutor's office.

If the court assigns a counselor to the person affected, the counseling is free of charge for them. In cases where the requirements for a court order are not met, any injured person can also obtain psychosocial support at his or her own expense.

Please note that training and resources are very limited, so it is not always possible to obtain it. However, do not hesitate to request this type of support.

LENGTH OF PROCEEDINGS

In lengthy proceedings, where multiple questionings of the victims can lead to pressure and emotional exhaustion, it is preferable that the charges are not brought before the local court, but before a regional court (Landgericht) from the outset. This avoids that the affected people, especially in cases of sexual offenses, have to be questioned again in a possible second instances.

The first instance proceedings are usually concluded within one to two years, but in the case of convictions, there is usually a new hearing on appeal, which means that the rape proceedings are not concluded for three to four years and that there are numerous examinations in the various instances. Keep in mind that these interrogations on appeal can be hostile and harassing to the affected person, so stay calm and keep your testimony.

Other important information

There are no specific services for **translation of legal correspondence**. If you do not have someone you trust to help you with your correspondence, ask at counseling or support associations.

If you have defended yourself during the aggression, even causing harm to the aggressor, do not let this discourage you from reporting. **Self-defense against an aggression is considered a right**. Discuss this with your lawyer..

Useful Resources

Hilfetelefon Gewalt gegen Frauen

Emergency phone number for women
08000116016

Victim Aid Berlin eV

Phone numbers: Counseling Center 030/395 28 67 – Witness care 030/90 14 34 98
Address: Oldenburger Strasse 38, 10551 Berlin-Moabit

Weisser Ring

State office in Berlin with 14 branches in the city.
Phone number: 030/8337060
Web: www.berlin.weisser-ring.de

Berlin Police

State Criminal Investigation Office LKA 13
Phone number: (030) 4664-0
Address: Keithstrasse 30, 10787 Berlin
Web: www.berlin.de/polizei/dienststellen/landeskriminalamt/lka-1/artikel.148804.php

Professionals providing psychosocial accompaniment

Henrike Krüsmann and Stefanie Overmann

Web: www.begleitung-im-strafverfahren.info



ILUSTRATION @XUEHKA

MEDICAL BLOCK SOURCES:

https://msgiv.brandenburg.de/sixcms/media.php/9/faltblatt_medsoforthilfe_v2021_SPA.pdf

https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Analyse_Studie/Analyse_Akutversorgung_nach_sexualisierter_Gewalt.pdf

https://gewaltschutzambulanz.charite.de/fileadmin/user_upload/microsites/ohne_AZ/sonstige/gewaltschutzambulanz/flaggen/2016_Webseite_GSA_Spanisch.pdf

https://staerker-als-gewalt.de/fileadmin/user_upload/handeln/artikel/Spurensicherung_Artikel/Spurensicherung_Vergewaltigung_Checkliste_Betroffene_A4.pdf

<https://www.frauenaerzte-im-netz.de/frauengesundheit/gewalt-gegen-frauen/was-kann-ich-nach-einer-vergewaltigung-tun/>

<https://www.frauenaerzte-im-netz.de/frauengesundheit/gewalt-gegen-frauen/medizinische-massnahmen-nach-vergewaltigung/>

<https://lara-berlin.de/es/pagina-de-inicio>

<https://www.berliner-stadtmission.de/es/clearingstelle/como-encontrarnos>

<https://medibuero.de/enfermo-y-sin-papeles/>

https://www.charite.de/en/clinical_center/information_for_patients_and_families/emergency_medicine_central_emergency_rooms/

<https://www.hilfetelefon.de/gewalt-gegen-frauen/sexualisierte-gewalt.html>

<https://service.berlin.de/dienstleistung/325457/>

<https://www.berlin.de/ba-steglitz-zehlendorf/politik-und-verwaltung/aemter/gesundheitsamt/zentrum-fuer-familienplanung/artikel.29766.php>

<https://www.berlin.de/ba-mitte/politik-und-verwaltung/aemter/gesundheitsamt/zentren/artikel.106172.php>

<https://www.berlin.de/ba-friedrichshain-kreuzberg/politik-und-verwaltung/aemter/gesundheitsamt/zentrum-fuer-sexuelle-gesundheit-und-familienplanung/>

<https://service.berlin.de/standort/325047/>

<https://www.berlin.de/ba-charlottenburg-wilmersdorf/verwaltung/aemter/gesundheit/zentrum-fuer-sexuelle-gesundheit-und-familienplanung/>

<https://www.berlin.de/ba-marzahn-hellersdorf/politik-und-verwaltung/aemter/gesundheitsamt/sexualitaet-und-familienplanung/>

THERAPEUTIC BLOCK SOURCES:

<https://www.fonds-missbrauch.de/antragstellung/beratungssuche-antragsformular/berlin/>

https://www.bptk.de/wp-content/uploads/2021/08/bptk_patientenbroschuere_2021.pdf

<http://www.lara-berlin.de>

https://lara-berlin.de/fileadmin/Downloads/Therapeutinnen_Suche_Handreichung_final.pdf

<https://www.alexianer-berlin-hedwigkliniken.de/sthedwig-krankenhaus/leistungen/ambulante-behandlung/traumaambulanz-berlin>

<https://www.frieda-frauenzentrum.de/en/anti-stalking-project/>

<https://www.stw.berlin/en/counselling/psychologic-counselling.html>

<https://www.frauenberatung-tara.de/>

<http://www.xochicuicatl.de/language/es/asesorias/asesoria-psicosocial/>

<https://netzwerk-behinderter-frauen-berlin.de/>

<https://www.kub-berlin.org/es/>

<https://en.feministische-psychotherapie-berlin.de/>

<https://www.vielfalt-info.de/index.php/info-material/kliniken>

LEGAL BLOCK SOURCES:

https://lara-berlin.de/fileadmin/Downloads/Lara_PSBB-Flyer_Download.pdf

https://lara-berlin.de/fileadmin/Downloads/LARA_Flyer_WasTun_ESP_20170110.pdf

<https://www.polizei-beratung.de/opferinformationen/sexualstraftaten/>

<https://www.polizei-beratung.de/opferinformationen/opferrechte/recht-auf-unterstuetzung/#c18725>

<https://www.polizei-beratung.de/fileadmin/Medien/278-SF-Handzettel-Opferschutz-Sexuelle-Gewalt.pdf>

<https://www.odabs.org/es/resultados.html>

https://www.signal-intervention.de/sites/default/files/2019-02/Infothek_Empfehlungen_Doku_2018.pdf

<https://staerker-als-gewalt.de/handeln/betroffene/anonyme-spurensicherung>