

Empowerment strategies for  
women who have  
experienced sexual assault



After  
“it” has  
happened ...

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## Never

does a girl / a woman hold the responsibility or complicity

The only person responsible is the offender

We aim at providing information, service and support to you, your family members and friends based on our knowledge and expertise. Many years of experience of working with and for women who have been sexually assaulted show that profound knowledge as well emotional support and guidance are helpful. This brochure is to encourage you to seek and get help. You do not have to cope with this traumatic experience on your own.

If you have been sexually assaulted, it is important to distinguish between what you have experienced and how you have experienced it, and the legal definition of the term rape. In this brochure, we will use the general term sexual assault to address what it is that you have experienced.

Women who have difficulties with the German language may find some necessary steps very challenging. For them, it is even more important to seek professional support and counsel as early as possible and additionally ask for an interpreter. On p. 37 ff., you can find contacts that may be useful to you, your family members and friends.



## 2

# What “it” is

After a sexual assault, the victim is often not able to talk about what happened. Many women describe what they have experienced as “it”.

We consider it necessary to find a proper term for “it” and to say what it is: an act of violence.

Next, you find four examples from our counselling service that show what “it” can mean and imply:

#### Example A

**Mrs. M.** and her adult daughter are at a public Carnival street event in Germany, watching the Rose Monday Parade. She leaves to find a toilet in a bar close-by. The toilet is in the cellar. A man follows her, threatens her and rapes her. Mrs. M. is scared to death. Everything happens very quickly. She cannot really see the man – she can only smell his body odour, which she would recognise any time. Her daughter notices that something happened to her. However, Mrs. M. does not want to explain anything. She is terrified and only wants to go home and have a shower. “It” seems completely unreal and she wants to forget everything as quickly as possible. Mrs. M. always thought that something like that could never happen to her. She tries to repress the memories. Four months afterwards, she meets a business partner whose body odour reminds her of the offender. Consequently, she starts suffering from nightmares. Additionally, she feels unable to do her job and faces financial problems.

#### Example B

**Ms. S.** has broken up with her boyfriend because of his violent behaviour. She had been with him for four months, without having sexual intercourse. Her parents did not know about the relationship. Ms. S and her ex-boyfriend want to meet for a last conversation and to hand over her DVDs. They meet in a flat of common friends who are, however, not present when she arrives. Her ex-boyfriend grips her, insults her and pushes her towards the couch. There he rips her shirt and tries to rape her. Ms. S. screams and bites him and can finally escape. Later she tells a friend about “it” and adds that “it” was not that serious as he did not really rape her and that she was lucky because she is still a virgin. The parents of Ms. S. learn about the sexual assault from a friend of the friend. The mother is deeply worried as her daughter did not confide to her. The father is furious and threatens to kill the ex-boyfriend.

### Example C

**Mrs. N.** has so far been able to reject the sexual proposals of her boss. The situation changes when she receives additional tasks and needs to remain alone in the office with him. Despite her pleading to leave her alone, her remark that she has her period and further attempts to convince him to let her go, he rapes her.

### Example D

**Ms. O.** celebrates a wild party with many friends because she has just passed an exam. Due to her diabetes, she drinks very little alcohol. Nevertheless, the next day she cannot remember how she got home. Her clothes are scattered all over the place and she discovers bruises on her lower arms and traces of sperm on her vagina when showering. She can dimly remember snippets of a conversation and light flashes, someone repeatedly tried to grip her. She suspects that someone mixed drugs into her drink. Ms. O. feels anxious and bewildered. She does not know what to do. Moreover, she feels left alone by her girlfriends.

**These examples from our counselling service show that “it” is different for every woman.**

**At the same time, “it” means the same for all women: it implies a massive intrusion into their lives.**

On p. 16, you can learn all about the service and support we offer.



# 2.1 Sexual assault is a crime

... and not just an aggressive expression of sexual desire. It is an extreme form of male power and violence. Sexuality is used to humiliate a woman. It is thus a sexualized act of violence. This applies also if there are no physical injuries.

Trust your feeling. Every woman has the right to say no at every point of an encounter with a person when she feels at unease. There is no point of time that is "too early" or "too late". According to our definition of sexual assault, it is solely decisive that a woman needed to endure a sexualized attack against her consent and will. What matters is what she feels.

German law defines sexual assault as every form of penetration into a woman's body using unlawful force, by threatening the victim causing or likely to cause imminent danger to the physical integrity or using a situation in which the victim is unprotected and at the mercy of the offender.

According to German law, it must be evident and visible for the offender that the victim does not consent to his actions and, furthermore, he must have broken the victim's resistance. Only in these cases will German law consider it a serious case of sexual assault and will consider the penetration - of the vagina, of the anus or oral penetration - particularly humiliating. Sexual assault by the husband is also considered a crime against the woman's sexual autonomy.

You should ponder if a prosecution by civil law or penal law is possible and useful. It is a way to cope with what you have gone through. This brochure - and the staff at Frauenberatungsstelle Hagen - provide information about the process of a criminal complaint as well as other possibilities you have.

# German Criminal Code (Strafgesetzbuch - StGB)

The section "crimes against the sexual autonomy" of the German Criminal Code lists sexual assault/rape together with sexual abuse of children, wards and other vulnerable individuals as well as exhibitionism and some forms of pornography. Since 2016 sexual assault, sexual coercion and rape are defined as follows under §177:

- (1) *Whoever, against a person's discernible will, performs sexual acts on that person or has that person perform sexual acts on them, or causes that person to perform or acquiesce to sexual acts being performed on or by a third person incurs a penalty of imprisonment for a term of between six months and five years.*
- (2) *Whoever performs sexual acts on another person or has that person perform sexual acts, or causes that person to perform or acquiesce to sexual acts being performed on or by a third person incurs the same penalty if*
  1. *the offender exploits the fact that the person is not able to form or express a contrary will,*
  2. *the offender exploits the fact that the person is significantly impaired in respect of the ability to form or express a will due to said person's physical or mental condition, unless the offender has obtained the consent of that person,*
  3. *the offender exploits an element of surprise,*
  4. *the offender exploits a situation in which the victim is threatened with serious harm in case of offering resistance or*
  5. *the offender has coerced the person to perform or acquiesce to the sexual acts by threatening serious harm.*
- (3) *The attempt is punishable.*
- (4) *The penalty is imprisonment for a term of at least one year if the inability to form or express a will is due to the victim's illness or disability.*
- (5) *The penalty is imprisonment for a term of at least one year if the offender*
  1. *uses force against the victim,*
  2. *threatens the victim with a present danger to life or limb or*
  3. *exploits a situation in which the victim is unprotected and at the mercy of the offender's influence.*
- (6) *In especially serious cases, the penalty is imprisonment for a term of at least two years. An especially serious case typically occurs where*
  1. *the offender has sexual intercourse with the victim or has the victim have sexual intercourse or commits such similar sexual acts on the victim or has the victim commit them on them which are particularly degrading for the victim, especially if they involve penetration of the body (rape), or*
  2. *the offence is committed jointly by more than one person.*
- (7) *The penalty is imprisonment for a term of at least three years if the offender*
  1. *carries a weapon or other dangerous implement,*
  2. *otherwise carries an instrument or other means for the purpose of preventing or overcoming the resistance of another person by force or threat of force or*
  3. *places the victim at risk of serious damage to health.*
- (8) *The penalty is imprisonment for a term of at least five years if*
  1. *the offender uses a weapon or other dangerous implement during the commission of the offence or*
  2. *the offender*
    - a) *seriously physically abuses the victim during the offence or*
    - b) *by committing the offence places the victim in danger of death.*
- (9) *In less serious cases under subsections (1) and (2), the penalty is imprisonment for a term of between three months and three years, in less serious cases under subsections (4) and (5) imprisonment for a term of between six months and 10 years, and in less serious cases under subsections (7) and (8) imprisonment for a term of between one year and 10 years.*

As the case may be, the offender can be made responsible for other criminal offences such as bodily injury, assault and battery, threat and intimidation, unlawful detention and stalking, apart from sexual assault/rape.

## 2.2 The responsibility lies solely with the offender

Still nowadays, victims of sexual assault are often blamed for what happened to them. Frequently, sexualized acts of violence are belittled or totally denied and the offenders are let off the hook.

You may especially feel guilty if you know the offender, if you had a date with him or if you had invited him to your own flat.

Even if you did not say no, even if you did not defend yourself because you were too scared, this does not mean that you are responsible for the offender's actions.

Regardless of your behaviour, whether you knew the offender or not, no matter how much contact you had or still have: sexual assault is always an act of violence and the responsibility lies solely with the offender.

There are still too many myths and prejudices about victims of sexual assault. Such myths aim at ascribing the victim complicity and clearing the offender of blame. Next, we address some common myths and compare them with real facts.

Such myths aim at ascribing the victim complicity and clearing the offender of blame.

## Common myths

.....  
The number of sexual assaults is that low that it does not mean anything.

.....  
Sexual assault is a crime done by a maniac. The offender is paranoid, mentally ill and / or sexually ill.

.....  
Sexual assaults are committed by strangers and take mostly place in dark streets, subways or deserted parks at night.

.....  
Women cannot be assaulted without their consent. Some ask for it, otherwise, they would fight back by all means.

.....  
The victim will look as if she has been assaulted. She will be distressed and will talk about the sexual assault immediately.

.....  
Women provoke a sexual assault by the way they behave and dress.

.....  
Women who are young, attractive and dress provocatively are especially at risk.

.....  
Most women who report sexual assaults are lying because they seek revenge.

## Facts

It is proven that one in seven women have experienced sexualised violence as defined by criminal law. According to a German national survey, 58 per cent of all women interviewed have experienced sexual harassment, 37 per cent have experienced sexualised violence and 42 per cent have experienced mental violence.\*

Sexual assault is primarily an act of violence, which serves to humiliate and subjugate a woman. Sexuality is a means to an end. There is no proven scientific justification for the assumption that men are controlled by their sexual drives just like animals.

Most sexual assaults are committed by a member of the family, of the circle of friends or at the workplace - at those places where women usually feel safest. Frequently, the offender is the father, brother, husband or partner, a friend, a colleague or a neighbour. Thus, they know the victim and are usually close to her. Sexual assaults can happen at any time and any place.

Sexual assault always happens against the consent of the victim who experiences it as life threatening. Frequently, women freeze due to the shock and cannot or can just barely defend themselves. Most women show their defence, though: they cry, they turn away the head, they plead, etc.

Victims of sexual assault react differently. Some are extremely upset and desperate; others seem very calm and relaxed. Many do not talk about the harm done to them. Many remain silent because they are ashamed and fear that no one will believe or even blame them for what happened.

Women become victims of sexualized acts of violence regardless of the way they dress, their looks, their age, their socio-economic status. There is no specific behaviour that protects a woman from sexual assault. Only in rare cases would a woman invent such an incident. Out of anxiety or shame most women do not report the crime at all. The better they know the offender, the less frequently they report him.

\*According to the 2004 survey „Life situation, security and health of women in Germany“ by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.



# 3

## After “it” has happened ...

Everyone reacts differently to a traumatic experience. However, sexualised violence always implies a massive harm to the mental health of the woman who might be traumatised for a very long time. It will seriously affect the victim’s general quality of life and her daily life is turned completely upside down.

## After “it” has happened, it is possible that you

... do not find any words for what was done to you or maybe you do not dare to talk about it.

... feel like you want to forget everything that happened and continue with your life as usual.

... try to find back to a normal life as quickly as possible and seem calm and relaxed on the outside. You might also be completely upset and feel disconnected from your body.

... have trouble concentrating, eating, sleeping and doing other everyday things. You might be easy to irritate and easy to scare.

... have no visible physical injuries or you are physically injured and/or suffer from pain.

... are overwhelmed by a mass of intense and contradictory emotions: disgust, shame, anger, (mortal) fear, hate, mistrust, powerlessness, self-blame, sadness, guilt. You might feel hurt, dirty or contaminated and have self-doubts.

... are irritated with yourself, your emotions and reactions. Such feelings of self-anger are made worse if people, who are close to you, like friends and family, expect a certain behaviour from you or react with defence, disbelief or even blame you.

... isolate yourself from your family and friends, feel lonely and not supported and need to give up your job.

... are confronted with flashbacks, which are sudden memories that make you feel as if you are back in the dangerous situation repeatedly. There are various possible triggers: sexual contacts, medical examinations, strangers who resemble the offender, films, porn-rap songs, objects, sounds, smells, the so-called anniversary of the sexual assault etc.

... you might also remember the sexual assault months or years after it, although you thought you had processed it completely.


**Do not put yourself under pressure and try to be patient with yourself. No one has the right to tell you how good, bad you should feel, or how long it should take for you to recover from the experience and feel good and “normal” again. It is normal to react to something abnormal in an “abnormal” way!**

## 3.1 Support from our staff at Frauenberatung Hagen

Sometimes it can be difficult to seek and get professional support. Our counsellors will try to meet your needs and address possible insecurities, feelings of shame and anxieties. We will take your feelings serious and support you with the confrontation of the violent experience according to your own pace. Nothing will happen without your consent and against your will!

For more than 25 years, we have been dedicated to working with and for women who have experienced sexual assault and violence. Our organisation is politically and religiously independent. Our service is free of charge and, on your request, anonymous. All counsellors have a formal training and are bound to confidentiality. You may bring a female person of trust with you to the appointments. Our service is only directed at women. We help you coping with your emotions and processing the experience. You can rely on our professional support that is based on many years of experience.





In an initial appointment, we will clarify some of these questions:

- When did it happen?
- Do you have any physical injuries?  
What kind of medical treatment do you need?
- Do you know the offender?  
Can you avoid seeing him?
- Whom can you trust?
- What do you need to feel safe?
- Do you want to report the offender to the police?

Additionally, these questions might come up:

- Why does this happen to me?
- How can I take good care of myself now?
- How can I deal with the reactions of family and friends?
- Do I put myself in danger if I report the offender to the police?

Our service includes short-term psychological care and crisis intervention as well as further long-term counsel or therapy (particularly trauma therapy). Crisis intervention means that you receive immediate support, such as practical advice as well as therapeutic methods that aim at stabilizing. You can learn relaxation techniques to reduce emotional pain and enable feelings of autonomy and control.

Together we discuss frequency and duration of the support. We can also recommend highly skilled lawyers, doctors and specialised clinics. If you wish, we go to appointments with you at public offices, at the police station and at court. We also provide advice on preparations for legal proceedings.

Next, we refer once more to the illustrated cases from our counselling service (p. 7) to provide examples of our support and information service:

#### Example A

**Mrs. M.** One of the first techniques that Mrs. M. learns from our counsellors is to install a night light next to her bed so that there is a point of orientation when she wakes up from a nightmare. Afterwards she learns other methods to cope with the recurring nightmares. Mrs. M. does not want to report the incident to the police. She feels too ashamed and, first of all, needs time to cope with it on her own. In addition, she needs encouragement to be able to tell her daughter about the sexual assault. Her self-image as a successful professional woman who can deal with everything is destroyed. At our service centre, Mrs. M. has space to rediscover and reinvent herself. Meanwhile, she has successfully managed to reintegrate into her job.

#### Example B

**Ms. S.** Ms. S. is given time and space to think about what she wants herself. Moreover, she learns about the (legal) possibilities to protect herself from possible further assaults. At her request, her parents are invited to an appointment with our counsellors. They are relieved to hear that their own feelings are normal. They also learn that most young women do not confide to their parents, as they fear their reactions. Ms. S herself is wary and suspicious of everyone at first because she feels betrayed. During the counselling, her self-confidence is built up so that her ability to judge others and to decide whom she can trust is fortified again.

### Example C

**Mrs. N.** Our counsellors provide Mrs. N. with all necessary information about where to go for a medical examination so that evidence of the crime can be collected and securely stored in case of a later trial. She also receives the contact details of a lawyer specialized in violence against women. One month after the sexual assault Mrs. N. feels like her life is still turned upside down. Her husband, however, thinks that she should be ok again by now. Her marriage is in a crisis. At our service centre, Mrs. N. learns how other women successfully cope with the emotions and problems that can still occur after some time has passed. She feels afraid, angry and sometimes her feelings overwhelm her. Repeatedly, images of the experience appear in her mind. Mrs. N. learns relaxation techniques to stop the recurrent images of the sexual assault. They begin to appear less frequently. Mrs. N. reports the crime to the police. Afterwards, she does not want to think about the whole incident anymore. Shortly before the legal proceedings start, she gets into contact with our counsellors to prepare for it. All of her questions are addressed, such as: How can I cope with the meeting with the offender? What happens if I am not able to speak? Mrs. N. also receives a customised self-help emergency plan. She is very relieved about the possibility to have someone at her side during the trial. This time, she does not need to face the offender on her own.

### Example D

**Ms. O.** Two weeks after the incident, the girlfriends of Ms. O. search the internet and find the address of our service centre. Together with Ms. O., they go to an initial appointment. Her friends feel guilty because they did not pay that much attention to Ms. O. at the party and only noticed her disappearance at a very late point of time. Their conflict can be settled in a conversation with our counsellors. Ms. O. needs all the support from her friends now as she faces an unwanted pregnancy as a result of the rape. Our counsellors provide her with all relevant information. While time is running, Ms. O. is relieved to have the support of a "stranger" for this difficult decision, besides the support from her friends. After she has decided about the pregnancy, she wants to come to terms with the experience itself.

## 3.2 Women with disabilities

We consider it necessary to point out the special difficulties for women who are disabled.

For them it is even more likely to remain silent after sexual assault because they feel ashamed or guilty and / or fear they will not be believed. Several surveys indicate that they are much more frequently victims of sexualized violence than non-disabled women.

At the same time, they face the stigma of being asexual. Mostly, they are denied sexual desires as well as the right to sexual autonomy. Frequently, they are not taken serious at all when reporting or telling others about a sexualized assault.

80 % of the offenders know the woman they assault. Disabled women often need support from caregivers or personal assistants (such as care and household assistance) which implies that they have a lot of physical contact. Consequently, the women often depend on those people, which makes it possible and easier for the offender to keep secret and repeat the crime. In addition, the victim can be easily put under pressure. Also in institutions, such as homes and hospitals, disabled women are exposed to sexual assault.

Moreover, already at a young age, many disabled women make the experience that everyone has the right to touch them, as, for instance, they need to undergo a lot of medical and therapeutic treatment. Frequently, they are denigrated ("You are not normal") and controlled by others. This puts them more at risk of being sexually violated and assaulted.

The offender is less at risk of being uncovered and reported because of the social stigmata put on disabled women, such as asexuality.

Despite all the barriers and difficulties, more and more courageous women with disabilities break the silence. We want to support them. For them, the healing process often takes longer and is more difficult. Public awareness for their situation as well as support services only increase slowly.

**In case of sexual contact that feels inconvenient or transgressive, disabled women should contact a person of trust or our counsel service. We provide help and support tailored to their needs.**

## 3.3 Information for family members, friends and partners

It is not easy to react and respond in a helpful way if a loved one tells you about a sexual assault. Such an experience mostly leaves the victim distressed and in emotional turmoil that can last for a longer time. As there is no typical behaviour of the victim, there can also be no single "correct" reaction of family members, friends and partners.

Our long-term experience shows that the victims often do not confide to those people closest to them. When you learn about a sexual assault of a loved person, you may feel helpless, angry, desperate or shocked as well.

Some people also react with doubts, defence and / or might try to belittle the crime. Some directly report the offender without the consent of the victim. Even though you might be supportive and sensitive, you might feel unable to cope with the situation from time to time. Partners and husbands/wives, in particular, are confronted with challenges that they might not be able to cope with.

If you feel overwhelmed by your feelings, please contact us. We can provide a lot of information for you and your loved one and we offer emotional support for you. Our counsellors are bound to confidentiality.

**Next, we show what you can do to help and support your loved one. Based on our experience, we also list some reactions that the victim will not find helpful or even additionally stressful.**



## What you can do

- Respect the decisions, needs and wishes of the victim, even though you might not understand them. She knows herself best what she needs.
- Try to be as supportive and non-judgemental as possible, even if it is difficult. Try not to blame the victim, this will make her feel even worse (avoid questions such as "Why did you accept his invitation?", "Why did you allow him to come into your flat?"). Frequently, victims of sexual assault blame themselves for what happened, so emphasize that the only person responsible is the offender!
- Many victims find it helpful if they are offered to stay at a place of a close person for a certain period. Additionally, it helps them to know that they can call at any time.
- Every woman responds to such a traumatic event differently. She will deal with her feelings and memories in her own way and recovery can take a long time. Give her as much time as she needs, do not tell her to forget about the assault and do not force her to lead a "normal" life again.
- Frequently, persons close to the victim feel like they want to do something to overcome their own feelings of helplessness. Whatever you want to do - always ask for the consent of the victim. Legal action, in particular, should only be taken if the victim agrees to it. She is the one who needs to deal with all the consequences, so she alone decides whether she wants to report him.



4

# The criminal justice process



# 4.1 Reporting the crime: Pro and contra

Crimes against women's sexual autonomy, such as sexual assault or rape (in the legal sense) are so-called "Offizialdelikte" (criminal offenses liable to public prosecution) in German jurisdiction. This means that as soon as the police or any other public authority learns about the crime, the process of criminal prosecution starts automatically.

Others can also inform the police, such as witnesses or your insurance company, disregarding your consent. Once it has been reported, there is no possibility to withdraw the report and from then on, everything will happen according to the rules and regulations of criminal prosecution. The process is in the hands of the public prosecution office and the judgment will eventually be decided by the court.

If possible, you should ponder as soon as possible if it makes sense for you to report the crime. The more time passes, the more difficult it will be to collect and store evidence to clear up the crime. This will have an impact on the judgment and the punishment of the offender.

Our counsellors provide all relevant information. We will support you with the difficult decision and - on our request - we will go with you to the appointments at the police department and at the court.

You can consult a lawyer already before reporting the crime. If you have little or no regular income, you can apply for financial support at the local court at the legal application office (“Rechtsantragsstelle”). If accepted, you only need to pay 10.00 €.

**Even if you have not yet decided whether you want to report the crime, there are some general recommendations:**

Do not accidentally destroy any evidence and keep the evidence safe from damage.

Recommendations:

- do not clean up the crime scene, take photos, if possible,
- do not wash used underwear, (torn) clothes, bedlinen etc. and store it in separate paper bags,
- do not bathe or shower before a medical examination. You can make an appointment for the examination anonymously (see p. 35 f.).

Memorise the experience

If possible (maybe with the support of a close person), try to memorise the experience as detailed as possible by writing it down or recording it. Think about possible witnesses.

We recommend you get professional help after you have reported the crime at the latest.



## 4.2 Reporting and interrogation

If you decide to report the crime, you should consult a lawyer to have professional legal support. As a victim of sexual assault, you have the right to receive a lawyer paid for by the state. Your lawyer will consult you in this regard. If you do not find a lawyer who you consider qualified and trustworthy, you can contact us.

We advise you to report the crime to “Kriminalkommissariat 11” at the police headquarters. The department is specialized in sexualised violence against women. Naturally, you can report the crime to any police station, to single police patrollers or directly to the public prosecution office.

If you report the crime directly after it has happened, the police can ask you to do a medical examination. You can ask to be examined by a female doctor.

If you have reported the crime and the offender has been clearly identified, he will not be taken into custody immediately. This is only possible under specific conditions.



## The psychological assessment

One often hears a sexual assault called a “he said, she said” case. This implies that the statements of the victim and the offender are contradictive. In this case, the court can request a psychological assessment. If you agree, a psychologist who is appointed by the court can interview you. The psychologist has the task to find out if your statements are credible. Everything that you tell the psychologist can be published in the file. That is why you should only talk about things that have to do with the sexual assault. Moreover, you should make sure that your private address does not appear in the file, if you want to avoid the defendant knowing it. You are not obliged to give statements for a psychological assessment and we recommend you consult your lawyer in this regard.

## The interrogation

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It is the task of the police to investigate the reported crime in-depth.

They need to demonstrate if a crime liable to legal prosecution has taken place and how it happened. Therefore, they need a lot of information and details about you and especially about the circumstances of the assault.

Possibly, you will be interrogated several times throughout the investigation proceedings.

For many women the interrogation process is very stressful, even though the officers try to make it as easy as possible.

## By the police

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### **Listed below you find some tips for the interrogation process:**

- You have the right to be interrogated by a female officer.
- It is allowed to bring a person of trust, your lawyer or one of our counsellors to the appointments.
- Take your time during the interrogation and ask for a break, if necessary. Mention every detail and do not leave out anything, even though it might be difficult for you to talk about it.
- If you do not want the offender to know your address, you can write down the address of another contact person (a close person or your lawyer) on the interrogation sheet. This can be very helpful, as the entire investigation file will be provided to the defence attorney and thus also the defendant.
- Read the record of interrogation thoroughly and only sign it if all details are correct. If this is not the case, insist that it be revised.
- Write down your officer's details because you might remember something after the interrogation and can contact the officer again.
- As it can take up to two years until the court proceedings begin, you should get a copy of the record of interrogation. If this is not possible, we recommend you write down your statements for yourself to memorise them.
- You can be asked to identify the offender. However, the police will make sure that there is no direct contact between you and him.

## 4.3 The court hearing

A court hearing can commence within a period up to two years from the date of a criminal complaint. Before the trial takes place, you will receive a written invitation to testify as a witness. You should contact an experienced lawyer at that point at the latest to discuss the next steps.

To prepare for the trial you can also get professional help from our counsellors. Together, we can discuss all your questions concerning the court hearing. Common insecurities are related to the clothes you should wear in court and close people you want or do not want to be present.

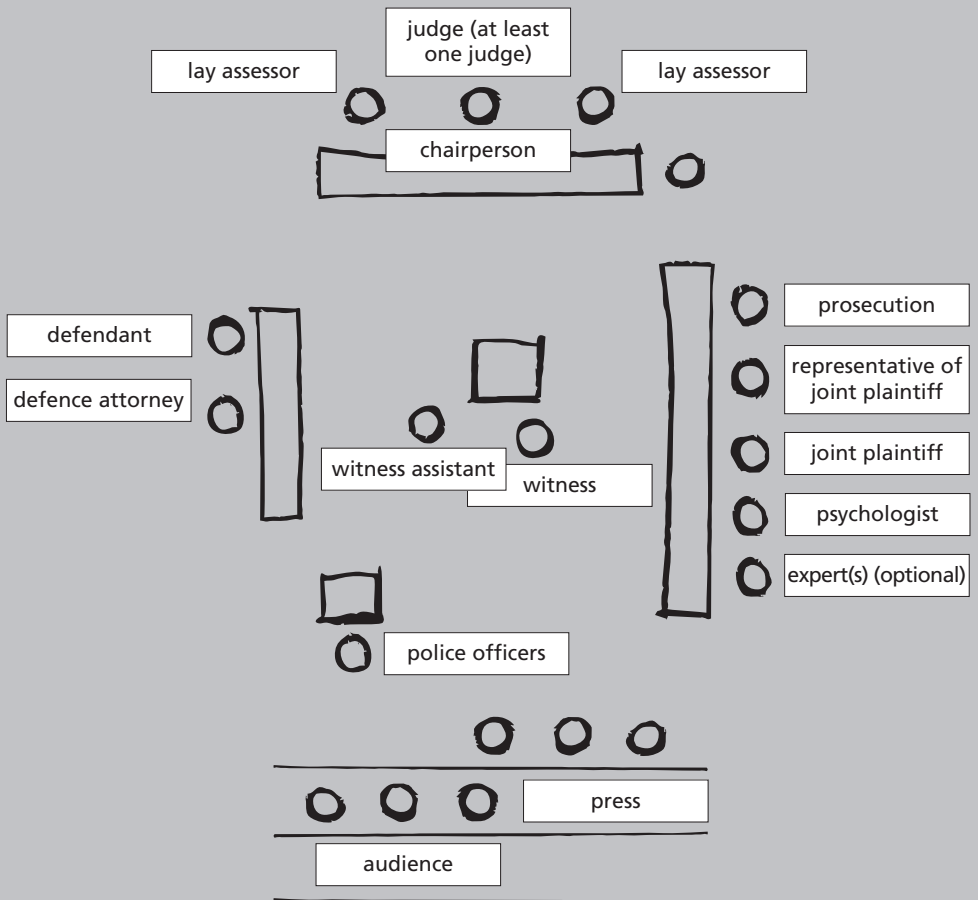
Another typical question is “What if I do not feel able to talk in front of the judge?” We consider it especially important to support you emotionally so that you feel stable and strong enough to deal with the difficult situation of a court hearing.

At both the local and regional court in Hagen it is possible to spend the time waiting in a special waiting room for witnesses before and during the trial.

A person of trust is allowed to stay with you, unless the judge disagrees.

According to our experience, it is helpful to have a look at the waiting room and at the courtroom beforehand.

# Example of a court of lay assessors



During the trial, the prosecution will press charges and the defendant needs to be proven guilty. Therefore, your entire testimony is necessary during the main trial. You are considered a witness and obliged to testify. You only have the right to refuse to testify if you are the defendant's (ex-) wife, fiancé or a relative.

**In Germany, you can present yourself as “Nebenklägerin” (joint plaintiff) in court and your lawyer can represent you in this function. The so-called “Nebenklage” offers many advantages:**

Your lawyer has access to the files, can call for the admission of evidence and ask questions, disqualify judges on the grounds of bias, name witnesses, object to questions and claims of the other party and refuse subjective questions. On your request, your lawyer can get access to files and assessments and can ask for breaks during the trial. In addition, you have the right to be present during the whole trial.



## Main stages of a trial

1. The court opens the trial.
2. The court verifies personal information about the defendant.
3. The prosecution reads the charges.
4. The defendant can enter a plea.
5. The evidence is presented (testimony of witnesses and experts, presentation of other kinds of evidence).
6. Speeches given by the prosecution, your lawyer and the defence attorney.
7. The defendant can enter a final plea.
8. The court withdraws for its final deliberations.
9. The court delivers the judgement.



Court proceedings can be of different length depending on the case. It is possible that the trial is finished after one day but it can also take several weeks.

Trials at German courts are open to the public - and to the press - unless the defendant is juvenile and under the legal age of 18. As a joint plaintiff, you can request that the public be excluded during your testimony.

If the presence of the defendant is extremely difficult for you, you can request him to be excluded from the courtroom for the period of your testimony.

The judgment becomes final after one week, unless there are legal remedies (e.g. an appeal). In this case, there can be a new trial.

Even if you do not present yourself as a joint plaintiff, you can request to be informed about the outcome of the trial. On request, you can also receive information about the degree of penalty.

Besides the criminal prosecution of the offender, you might also have the possibility to demand compensation and/or indemnity. You should contact your lawyer to discuss if and how you can claim damages.



# 5

## Further important information

### ASS - Anonymous securing of evidence after a sexual assault

For victims of sexual assault, it is often difficult to decide whether to report the crime. After such a traumatic event, you might not feel able to make a decision. It is therefore primarily important to collect and secure evidence, such as semen and possible injuries. You have the possibility to do an anonymous securing of evidence ("Anonyme Spurensicherung - ASS") in the hospitals Helios Klinik Schwelm in the city of Schwelm and Gemeinschaftskrankenhaus Herdecke in the city of Herdecke (see p. 37 ff.).

#### **The procedure**

At the beginning of the examination in the emergency unit, you can ask the doctors for an anonymous securing of evidence. The hospital has a special toolkit for this purpose. The examination report remains in the hospital and the collected evidence, such as semen and clothes, is stored anonymously under a box number in the Institute of Forensic Medicine in the city of Essen. There it can be stored up to ten years, after this time the evidence is destroyed. If you decide to report the crime at a later point of time, tell the police that the evidence is stored anonymously in the Institute of Forensic Medicine in Essen. The evidence can be traced back to your case by the box number. The police is then responsible for the further process.

# 5.1 The medical examination

After a sexual assault, a medical and gynaecological examination is highly important as it serves to treat possible injuries but also to secure evidence. You can go to Universitätsklinikum Essen in the city of Essen, Helios Klinikum (women's clinic) in the city of Schwelm and Gemeinschafts-krankenhaus Herdecke in the city of Herdecke. For the gynaecological examination, you can go to a gynaecologist or gynaecological emergency unit and you can also bring a person of trust.

If you suspect that the offender put drugs into your drink, you should contact a doctor as quickly as possible to make a blood test and, furthermore, a urine sample. The samples need to be secured quickly as the drugs are mostly not verifiable anymore after a few hours. The samples can be stored in the Institute of Forensic Medicine in the city of Essen for a later investigation.

**If you would like to avoid the offender knowing your address, ask your doctor not to mention it in the examination file.**

If your doctor is asked to testify as a witness during the investigation proceedings or the trial, release her/him only from confidentiality from those pieces of evidence that are directly connected to the sexual assault. Then your doctor is not obliged to give information about your medical history and other health issues.

If you need information about what to do in case of an unwanted pregnancy, you can consult a professional pregnancy counselling service. A pregnancy test can only be done as early as 14 to 16 days after the sexual assault. You might consider taking an emergency contraception, called "Pille danach" in German. It is obtainable without a prescription and you can get in every pharmacy and on the weekend in every emergency unit of a hospital. For women up to the age of 20 the costs are covered by the hospitals. It should be taken as early as possible - some pills are only effective 48 to 72 hours after the sexual assault.

Another possibility is the coil, called "Spirale danach" in German, which can be taken up to 5 days after the crime. If you only learn about the pregnancy later, you have the possibility to have an abortion (also according to criminological indication). It must be performed within the first 12 weeks of the pregnancy. You should also consult your doctor with

regard to possible sexually transmitted diseases, such as mycosis, hepatitis and HIV. Some infections can only be detected after a certain period (such as HIV). You can be tested for free and anonymously at the local HIV support and service centre and will receive information about HIV and other sexually transmitted diseases there.

## 5.2 The Victims Compensation Act (OEG)

As a victim of a crime, you can claim certain benefits (e.g. reimbursement of co-payments of medical treatments). Under certain conditions, you can also apply for pension benefits.

If you apply for a compensation according to the Victims Compensation Act within one year after the crime, the benefits will be paid retroactively. If you apply at a later point of time, you will receive the benefits only from the day of application on.

As the offender is liable to recourse, any benefits that you receive will be claimed back from him. This means, that he will also be informed about your application for compensation according to the Victims Compensation Act. We can support you by the decision whether to make an application. In case you decide for it, we can also help you with the application procedure.

## 5.3 Useful contacts

### **Emergency hotlines and women support centres**

The German „Bundesverband Frauenberatungsstellen und Frauennotrufe/Frauen gegen Gewalt e.V.“ provides further useful contacts for victims of sexual assault:

#### **Frauen gegen Gewalt e.V.**

Petersburger Str. 94,  
10247 Berlin  
Tel. 0049 30 / 32 29 95 00  
[www.frauen-gegen-gewalt.de](http://www.frauen-gegen-gewalt.de)

**Nationwide free emergency hotline:** 0049 8000-116-016 \$\$\$

#### **Medical examination (anonymous)**

Gemeinschaftskrankenhaus Herdecke  
Gerhard-Kienle-Weg 4  
58313 Herdecke  
Gynecological Outpatient Centre: Tel. 0049 2330-624444

HELIOS Klinikum Schwelm (women's clinic)  
Dr-Möller-Str. 15, 58332 Schwelm  
Tel. 0049 2336-48/13670 (secretariat women's clinic)  
Tel. 0049 2336-48/6500 (doctors at the women's clinic)

**Institute of Forensic Medicine**

Universitätsklinikum Essen

Hufelandstr. 55, 45147 Essen

Telefon 0201-723-0

**HIV support centre**

AIDS-Hilfe Hagen e.V

Körnerstr. 82c, 58095 Hagen

Tel 0049 2331-338833

[www.aidshilfenhagen.de](http://www.aidshilfenhagen.de)

**Criminal complaint**

Police headquarters Hagen

Kriminalkommissariat 11

Hoheleye 3, 58093 Hagen

Tel 0049 2331-986/2700

**Police victim protection service**

Hoheleye 3, 58093 Hagen

Tel 0049 2331- 986-1520

Tel 0049 2331- 986-1527

Tel 0049 2331- 986-1521

**Legal aid****Legal application office at the**

local/regional court

Heinitzstr. 42-44, 58095 Hagen

Tel 0049 2331-985/317/224/513/441

**Pregnancy counselling****service SichtWeise**

Protestant pregnancy counselling service

Dödterstr. 10, 58095 Hagen

Tel 0049 2331-9058-329

[www.beratungsstelle-sichtweise.de](http://www.beratungsstelle-sichtweise.de)

**AWO family and pregnancy counselling service**

Dödterstr. 1, 58095 Hagen

Tel 0049 2331-67565

**Pregnancy counselling service****Donum vitae**

Badstr. 6, 58095 Hagen

Tel 0049 2331-788441

**Application according to the Victims Compensation Act**

Landschaftsverband Westfalen-Lippe

LWL-Versorgungsamt Westfalen

48133 Münster

Tel 0049 800-654-654-6 (free of charge)

**Victim support organisation****Weißer Ring e.V.**

Local state office

Nationwide hotline

0049 180-3343434

[www.weisser-ring.de](http://www.weisser-ring.de)

**Trauma outpatient centres****LWL-Universitätsklinik Bochum****Trauma Outpatient Centre**

Alexandrinenstr. 1-3, 44971 Bochum

Tel 0049 234-5077-872862

**LWL Klinik Dortmund**

Department of General Psychiatry

Marsbruchstr. 179, 44287 Dortmund

Tel 0049 231-45032599

**Frauen helfen Frauen Hagen e.V.**

Frauenberatungsstelle  
Bahnhofstr. 41, 58095 Hagen

Tel. 0049 2331 / 15 88 8  
Fax 0049 2331 / 13 94 1

info@frauenberatung-hagen.de  
www.frauenberatung-hagen.de

**Opening hours:**

Mon/Tue/Thu 9-12am  
Thu 3-6pm

**Office hours for girls and young women aged under 25**

Mon 2-4pm and by arrangement

**Services:**

Crisis intervention and counsel  
Stabilisation  
Psychotherapy / traumatherapy  
Support with appointments during the investigation process and criminal proceedings

Counsel and support for family, partners and friends

Our service is free of charge and anonymous if requested. All counselors are bound to confidentiality

2 minutes walking distance from Hagen central station

**You can support our work by donating:**

**Frauen helfen Frauen**  
**IBAN DE81 4505 0001 0100 0105 55**



This information brochure is primarily dedicated to female victims of sexual assault. We want to encourage you to get help and support when coping with the forms of violence and humiliation you have experienced.

Furthermore, we aim at addressing family members, friends, partners as well as professionals who are in contact with victims of sexual assault. We would like to support you also in dealing with the situation and understanding the needs of women who have become victims of sexual assault.