

Psychosocial Support in Criminal Trials

We are here to help

If you or your child has been the victim of a violent or sexual offence, or if a loved one has been murdered or killed by another person, this brochure is designed to point you in the right direction for getting help and support at this difficult time. Apart from coming to terms with this traumatic experience, you might also need to go to court. Germany has a system in place to help you cope with this: it is called *psychosocial support in criminal trials* and can help you navigate the daunting task of being involved in criminal proceedings.

What is psychosocial support in criminal trials?

Psychosocial support in criminal trials is a form of support for the victims of serious crimes, and for the victims' relatives. Going through a criminal trial can cause serious hardship and distress. To make this process as smooth as possible for victims and their families, a dedicated helper can offer advice and support in all manner of questions and at all stages of the proceedings.

How does psychosocial support in criminal trials work?

Psychosocial support takes many different forms. Your helper is there to assist you as your case progresses.

Before the trial:

Your helper is your main point of contact for all questions on how criminal trials work, and can explain who does what during the proceedings. They can accompany you to police interviews or examinations by the public prosecutor's office. They will also be able to show you the court building or courtroom before the trial begins. Additionally, your helper can put you in touch with other bodies or agencies offering support and assistance.

During the trial itself:

Your helper will offer to remain by your side in court for the whole duration of the hearing. You can spend time with your helper during breaks and other waiting periods, and discuss any questions you may have on how the trial works.

After the trial:

Once the trial is over, you will be able to talk to your helper about how you feel and ask them any questions you may have about the outcome of the proceedings.

After the trial your helper can assist you in arranging other services such as therapy or counselling.

Who is entitled to psychosocial support in criminal trials? Who covers the costs?

- Children and young people who have been victims of violent or sexual offences are always entitled to psychosocial support in criminal trials.
- Adults may also be entitled to psychosocial support in criminal trials if they have been the victim of a particularly serious violent or sexual offence. The same applies to the children, parents, siblings, spouse or civil partner of somebody who has lost their life as the result of a crime.

Those wishing to obtain psychosocial support must formally ask the court to provide it. If all the necessary requirements are met, the court will agree to the request. In this case, psychosocial support is free of charge. If you do not meet the requirements to receive this service for free, you can still ask for a helper – but you will have to cover the costs yourself.

Do I also have the right to legal advice and representation?

Yes, if you are given psychosocial support in a criminal trial for free, you will also qualify for a **free lawyer**.

What is my helper not allowed to do?

There are a number of rules that helpers providing psychosocial support in criminal trials must follow:

- They are not allowed to **talk to you about the offence** or about **what you will say when you testify**.
- They are **not a replacement for therapy or counselling**. They may, however, help you find therapy and other types of support.
- They are **not allowed to provide legal advice** or **legally represent you in or out of court**.

Further information and contact

The German states (*Länder*) are responsible for providing psychosocial support in criminal trials. You will therefore find more information on the website of the relevant state:

http://www.bmju.de/DE/Themen/OpferschutzUndGewaltpraevention/Prozessbegleitung/Prozessbegleitung_node.html

You can ask for psychosocial support at any stage of the proceedings, even if they have already started. You can ask at any police station or victim support organisation if you want to find out more. For more information you can also talk to your lawyer.