

This leaflet provides information about your rights to protection from domestic violence and ways you can protect yourself from domestic violence in the future. It describes how the police and the judicial system are required to protect you and prosecute criminal offences.

The Violence Protection Act provides a legal framework to better protect victims of violence and stalking under civil law and allocate joint households to victims based on the **“Lash out – Move out!” policy**. The result has been a drastic improvement in efforts to combat and protect against domestic violence. Such protective measures under civil law are setting clear social and political standards. Acts of domestic violence can no longer be trivialized as household disputes.

Domestic violence

Domestic violence refers to violent crime between adult family members, spouses or unmarried partners, including those in the process of a separation or who have already been separated for a long time. Children are very often affected by domestic violence, both directly and indirectly.

Domestic violence may include the following:

Name-calling, threats, persecution, simple or aggravated assault, coercion, forcible or unlawful entry, destruction of property, arson, sexual assault, marital rape and abduction.

The first step out of the cycle of violence, which often lasts for years, is to seek outside support and assistance.

Violence Protection Act

Cases can also be pursued under civil law in local or domestic relations court independently of criminal proceedings following police involvement.

Victims can submit applications for protective orders with the civil court, which may allocate the joint household to the victim or prohibit the perpetrator from contacting or approaching the victim, for example.

You are entitled to a protective order if:

- a) You have already been the victim of violence (bodily harm or other violations of health or freedom)
- b) You have been harassed or threatened with violence (bodily harm or other violations of health or freedom)
- c) You are the victim of stalking.

Fast-track applications for provisional protective orders can be submitted if violence is imminent and victims are likely to suffer considerable disadvantages. Unlike the standard court

procedure, the fast-track process only requires the victim to convince the court that the abuse, threats and harassment have occurred or are likely to occur. Perpetrators bear sole responsibility for their violent behavior. The influence of alcohol does not constitute grounds for mitigation.

What the police can do

If you are in immediate danger, the police can protect you by:

- Prohibiting the perpetrator from entering the joint household and immediate vicinity, and returning for a maximum period of 10 days (expulsion from the home)
- Taking the perpetrator into custody in severe cases or if the ban from a premise is not upheld by the perpetrator
- Taking further measures to protect you (e.g., prohibiting the perpetrator from contacting you)

Police protection

You or another person (such as neighbors or passers-by) can call the police. **You can reach the police by dialing 110 at any time of the day or night.** When the police arrive, you can explain the situation to them in private. You and your children can leave the crime scene and travel to a safe place (such as a women's shelter) under police protection or seek medical treatment and assistance.

If you are in serious danger or are already the victim of a crime, describe the incident to the police in great detail so they can take appropriate measures to protect you and prosecute the perpetrator. Also tell police about any invisible or past injuries, name witnesses and give them the crime weapon, if possible. File charges against the perpetrator with the police. The police are obligated to record your charges and document the case.

Medical treatment

Always have a doctor document your injuries. Release the doctor from his or her duty to treat medical records confidentially. The police will provide you with the appropriate form. A medical certificate is required as evidence during the preliminary investigation.

Protection services and women's shelters

If you need to leave your home alone or with your children, you can seek refuge in a women's shelter any time day or night. Women's shelters provide a protected home for all female victims and their children, regardless of nationality. You can call the women's shelter 24 hours a day. The addresses of women's shelters are not published. You will receive full assistance and guidance at the shelter. The

shelter also provides legal and social counseling and helps you look for a new home. The counseling centers employ multilingual staff. Other protected accommodation can be arranged (such as shelters for men). Staying in a women's shelter does not automatically imply divorce, and immigration officials are not notified. In a women's shelter, you take care of and provide for yourself and your children. Men are not allowed to enter women's shelters.

From your shelter address, you can submit an application for the right to determine your child's place of residence (or an application for child custody) to the domestic relations court.

Make sure you can always be reached at a postal address.

When you leave home, you should take your personal belongings with you. If you need to return home later to collect personal belongings, the police can accompany you if you are still in danger.

Women's shelters	
Location	Telephone number
Altenburg	(03447) 594530 o 81793 0151-16259884
Apolda	(03644) 518643
Arnstadt	(03677) 657216
Bad Langensalza	(03603) 894466
Eisenach	(03691) 75175 o 0151-2704876
Erfurt (Diak.)	(0361) 7462145
Erfurt (SvgH)	(0361) 6431714
Gera	(0365) 200549
Gotha	(03621) 403209
Greiz	(03661) 3168
Jena	(03641) 449872 o 0177-4787052
Leinefelde	(036074) 96430 o (03605) 518798
Meiningen	(03693) 502026
Rudolstadt	(03672) 422479
Schleiz	(0174) 5647019
Sondershausen	(03632) 603300
Sonneberg	(03675) 806646
Weimar	(03643) 8711 70 o 71 o 72 o 73

Domestic abuse intervention centers

You can also find help and support at one of the intervention centers in Thuringia. If you contact the police when you are in a dangerous situation, after intervening in the domestic abuse incident, they can pass on your personal data to the relevant intervention center with your consent. The employees at the intervention center will get in touch with you right away. You can of course contact the intervention center yourself directly. The services offered free of charge at the intervention center are of an immediate nature (initial consultation) with emphasis on your emotional stability and providing legal information in a crisis. You will be informed of the legal options for protecting yourself, and your immediate, individual options. In some cases you will be referred to another facility and counselling center, and accompanied there.

Telephone Access to Intervention Centers
Erfurt Intervention Center: (0361) 5416868
Nordhausen Intervention Center: (03631) 467 155 - 157
Meiningen Intervention Center: (03693) 505211
Gera Intervention Center: (0365) 5519027

Immigration law

In certain cases, foreigners are granted the right to reside in Germany solely in order to continue marital cohabitation with a spouse already living in Germany. If the marital cohabitation is terminated, the foreign spouse may lose his or her residence permit. A foreign spouse can only receive independent right of residence if marital cohabitation has existed in the Federal territory for at least two years. If a separation is unavoidable within this period, further right of residence in Germany is permitted only "if it is necessary to enable the spouse to continue his or her residence to avoid particular hardship" (see § 31, para.2 of the Residence Act). As the Residence Act does not specify what is meant by "particular hardship", each legal case will be examined separately. In the event of a separation, you should present the domestic relations court's decision to the immigration authorities. "Particular hardship" also applies if the continuation of the marital cohabitation would subject the foreign spouse or his or her children to violence by a spouse. This means that the foreign spouse cannot lose his or her residence permit as a result of separation from a violent spouse within the first two years in Germany following protective orders or household allocation under the Violence Protection Act. § 31, para. 1 of the Residence Act is in effect in this case.

Special outreach centers

Good Shepherd Sisters of Germany (*Deutsche Provinz der Schwestern vom Guten Hirten*), Erfurt branch
 a project to combat forced prostitution and trafficking in women
 Mainzerhofstrasse 11, 99084 Erfurt
 Phone: (0361) 6431714

Imprint

Edited by: Thuringian Ministry for Health, Family and Social Affairs 2009



State Center for
Violence
Prevention



Representative
for the Equal
Treatment of Men
and Women

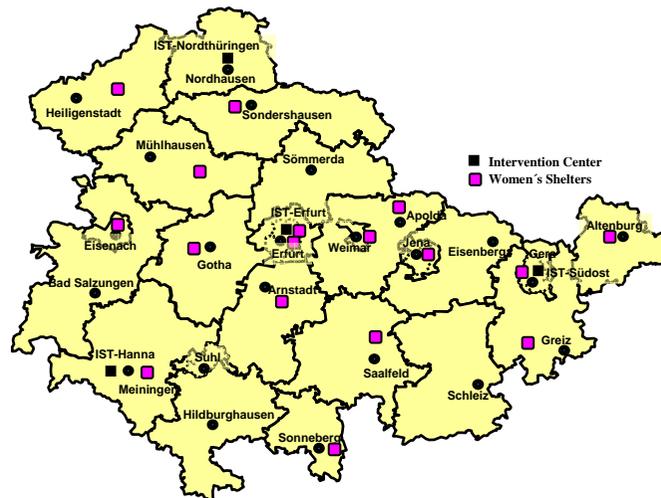


Integration
Representative

Acknowledgement

Parts of this text are based on materials supplied with the kind permission of the following organizations:

- BIG (Domestic Violence Intervention Center Berlin)
- SUANA (Hannover support center for foreign victims of male violence)
- District office for Ilm-Kreis, center for equal opportunity, and the Arnstadt-Ilmenau Police Department



"Lash out – Move out!"



Assistance for Victims of Domestic Violence

