

Domestic violence?

Your protection and rights
according to the Act on
Protection against Violence



My favourite lamp.

Until he hit me over
the head with it.



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Dear Readers,



Those who experience violence in the home often feel helpless and isolated. Yet violence is never a private matter – neither in a partnership nor in the family. Every person has the right to live their life free of violence.

We are increasing protection for victims with the Act on Protection against Violence. Restraining orders show that there are clear limits. For the offenders, there is a rule that consistently applies: if you strike someone, you must leave the home.

This flyer provides you with an overview of the law and informs you about other sources of help. If you are affected by domestic violence, do not simply accept the situation, but instead take advantage of every option the law offers you!

A handwritten signature in blue ink that reads "Carolina Trautner". The signature is fluid and cursive.

Carolina Trautner
State Minister

You can find help and advice here

Places that offer advice and practical support include women's refuges, specialist counselling centres, emergency numbers, victim support officers within the police force, marriage and family counselling centres, general social services, youth welfare services, educational welfare centres, the child protection agency (DKSB) and Weiße Ring e.V.

You can find the contact details for these sources of support (nationwide and locally) and lots of important information about violence here:

bayern-gegen-gewalt.de
gewaltschutz.bayern.de



HELP IN AN EMERGENCY

Are you in danger? Or is somebody else in danger?
Dial the **emergency number 110** (24 hours a day, no dialling code and free of charge from all networks).

The Act on Protection against Violence

At a glance

Are you experiencing violence in the home? Or is somebody you know the victim of violence? The Act on Protection against Violence gives additional protection to those affected – while also holding the offenders accountable.

If you are affected by violence, you can do the following:

- ▶ **Go to the police** and make a complaint. The public prosecutor can then press charges. Besides instigating criminal proceedings, you can also launch civil action in accordance with the Act on Protection against Violence.
- ▶ **Go to the district court** (family court) and request that measures be taken to protect you from violence and stalking and/or apply for the shared home to be ceded to you.

Who does the act protect?

The Act on Protection against Violence protects women, men, transgender and intersex persons from domestic violence of a physical and emotional nature. It makes no difference whether you are married, cohabiting or in some other kind of domestic arrangement.

Children are often also affected by domestic violence, whether directly or indirectly – when they experience violence between parents, for example. For them there is legislation governing the rights of the child. In line with this legislation, all orders of the family court are made for the benefit of the child.



My meeting place with my mates.

**Until she checked my phone
and blocked every contact.**



How can I request protection against violence?

- ▶ **Directly.** You must then complete an application form. The court office at the district court will help you to do this. Tip: Contact your district court and ask which documents you need to produce. (Find your district court: Simply enter 'Amtsgericht' (district court) in your search engine along with the place where you live or go to www.gewaltschutz.bayern.de)
- ▶ **Via a lawyer.** In this case, you may be able to get assistance with the costs of the proceedings in certain circumstances.

Legal measures

Protection against violence and stalking

In the event of (the threat of) domestic violence or stalking, the district court can ban the offender from

- ▶ entering your home,
- ▶ being within a certain radius of your home,
- ▶ coming to certain places where you regularly go (e.g. workplace, day nursery or school),
- ▶ contacting you by phone or online (e.g. by email), and
- ▶ meeting with you.

Urgent rulings from the court are possible. Anyone who violates a protection order (or a commitment that has been negotiated in a judicially certified arrangement) is liable to prosecution.

Tip: Is the offender violating a court order or commitment? Report the violation to the police immediately and to the relevant court!

Ceding the home

According to the Act on Protection against Violence, victims of domestic violence can be assigned the shared home in its entirety, which means that only you are allowed to still use the shared home. It makes no difference whether the offender is your spouse or partner, whether you are unmarried or live together in a house sharing arrangement, for example.

The home can even be assigned to you by the court, for a certain period of time, if

- ▶ you are not named in the rental contract of a rented property, or
- ▶ the home is owned by the offender.

Police measures

If you are in danger, the police can take measures to protect you and

- ▶ ban the offender from entering your shared home for a certain period of time (= temporary expulsion), and
- ▶ in serious cases, take the offender into custody (that means imprison them for a certain length of time), or, for example,
- ▶ impose a temporary ban on them contacting you.

These measures buy you time to seek advice and take the next step. You can, for example, make a request for legal action to be taken for your safety. The police must investigate any crimes committed. They conduct interrogations and secure evidence.

FURTHER INFORMATION...

on police intervention can be found in the booklet 'Häusliche Gewalt – Die Bayerische Polizei informiert' ('Domestic violence – information from the Bavarian Police'). You can download it in PDF format from the ordering portal of the Bavarian State Government: **bestellen.bayern.de**

www.bayern-gegen-gewalt.de



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