

Frequently asked questions:

Can I get legal protection without filing an official complaint at the police?

> **YES.**

Is physical abuse a mandatory requirement to seek legal protection?

> **NO.** It suffices if you have been unacceptably harassed or threatened. Psychological and economical abuses are among the areas protected by the Protection against Violence Act.

Does it make sense to get legal assistance?

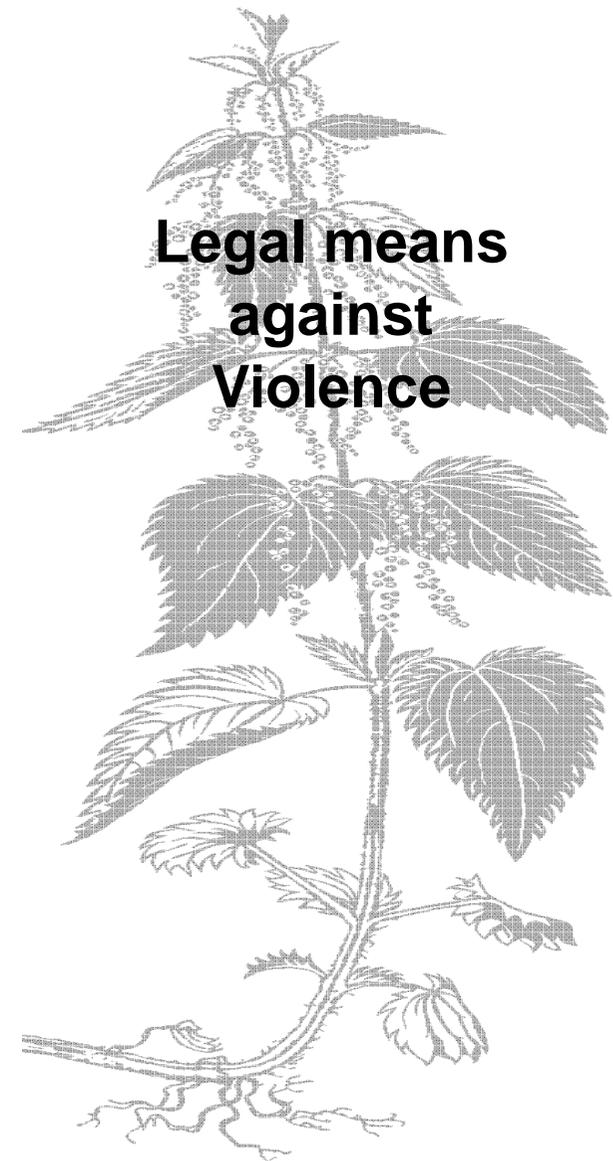
- > In case of the leaving of a shared flat, yes.
- > Not necessarily in the case of interim legal protection, except the case is exceptionally complex.
- > Even if you don't use legal assistance during court proceedings, you should still seek out a legal aid office. This will help you formulate a short – and long term strategy for your own protection.

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The Protection against Violence

Act (German: Gewaltschutzgesetz (GewSchG)) is in force since January 2002. It offers means for, among others, members of the lesbian, gay and transsexual communities to protect themselves against violence in a partnership, a shared flat or among neighbours.

The law has two main areas of focus:

1. Legal protection from violence and stalking, especially: restraining orders
2. Leaving of the (shared) flat

Members of the lesbian, gay and transsexual communities can get interim legal protection if they are unacceptably harassed. The court can forbid the perpetrator to have contact with you, be it via email, text, fax or phone etc.. Similarly, the person can be forbidden to enter your flat or to even its vicinity.

The petition for interim legal protection can be handed in to the applicable (family –, or district-) court.

The applicant should bring along evidence, for example a protocol of when the perpetrator has called, a voice message, printed-out emails or information about prior police proceedings.

In case of a leaving of a shared flat, couples in a civil union will be treated equal to married couples and couples without a civil union will be treated as unmarried. The relinquishment of the flat for couples in a civil union can be solved after §1361, paragraph 1,2 German Civil Code (“relinquishment of the marital flat”).

In case of a shared household with the perpetrator, the court can implement an expulsion for a duration of between 6 to 12 months upon application.

In case of physical abuse, attacks and threats, the police can expel the perpetrator from the flat and implement a prohibition order against entering the flat or a communication ban. This measure will, at first, last a maximum of 10 days.

This time can then be used to officially start the proceedings following the Protection against Violence Act.

