

Courts with jurisdiction in Hamburg:

(Normally open to the public from 09.00 – 13.00 hours)

Amtsgericht / Familiengericht Hamburg-Mitte

Siebekingplatz 1, 20355 Hamburg

Telefon: 4 28 43-0

4 28 43-33 12 (Familiengericht)

Amtsgericht / Familiengericht Hamburg-Altona

Max-Brauer-Allee 91, 22765 Hamburg

Telefon: 4 28 11 -01

Amtsgericht/Familiengericht Hamburg-Barmbek

Spohrstraße 6, 22083 Hamburg

Telefon: 4 28 63-0

Amtsgericht / Familiengericht Hamburg-Bergedorf

Ernst-Mantius-Straße 8, 21029 Hamburg

Telefon: 4 28 91 -0

4 28 91 -23 85/31 52 (Familiengericht)

Amtsgericht / Familiengericht Hamburg-Blankenese

Dormienstraße 7, 22587 Hamburg

Telefon: 4 28 11 -01

Amtsgericht / Familiengericht Hamburg-Harburg

Buxtehuder Straße 9, 21073 Hamburg

Telefon: 4 28 71 -11

Amtsgericht/Familiengericht Hamburg-St. Georg

Lübeckertordamm 4, Haus der Gerichte,

20099 Hamburg

Telefon: 4 28 43-0

Amtsgericht / Familiengericht Hamburg-Wandsbek

22041 Hamburg

Schädlerstraße 28, Anbau II.Stock (Zivilabteilung)

Telefon: 4 28 81 -0

Familiengericht:

Schloßstraße 12, I. Stock

Telefon: 4 28 81 -25 93

Help and support

In cases of domestic violence and unwelcome advances it is helpful to seek advice from experts. In Hamburg, since 2003, this has meant

Interventionsstelle bei häuslicher Gewalt pro-aktiv.

This body provides free advice to the victims of domestic violence about the protection options provided by the Law on Protection Against Violence and about possible personal safety precautions. It also provides support as regards unwelcome advances and, if required, can refer people to other sources of help and advice in Hamburg.

Telefon: 040 - 41 30 70 80 • Fax: 040 - 41 30 70 81

Altonaer Straße 65, 20357 Hamburg



Other support sources for victims of violence and unwelcome advances are to be found in the services section of the Hamburg Yellow Pages ("Gelbe Seiten") under "Hilfen bei Gewalt" and "Opfer von Straftaten", as well as in the brochure entitled "Anruf genügt ... Rat und Hilfe für Frauen", available from the press office of the Behörde für Soziales, Familie, Gesundheit und Verbraucherschutz telephone number 428 63 – 3935 or from the Internet at: www.bsg.hamburg.de.

Legal advice

Hanseatische Rechtsanwaltskammer

Bleichenbrücke 9, 20354 Hamburg

Telefon: 34 53 98 (Anwalts-Suchdienst; mo. – fr. 9 – 13 Uhr);

Fax: 35 74 41 -41

www.rechtsanwaltskammerhamburg.de

Solicitors versed in the Law on Protection Against Violence can be contacted through the Rechtsanwaltskammer, or "Bar Association".

ÖRA – Öffentliche Rechtsauskunft- und Vergleichsstelle der Freien und Hansestadt Hamburg

Holstenwall 6, 20355 Hamburg

Telefon 4 28 43-30 71, -30 72 • Fax 4 28 43-36 58;

www.oera.hamburg.de.

ÖRA provides legal advice and practical legal help to those on low incomes.

Medical examination

Rechtsmedizinische Untersuchungsstelle für Opfer von Gewalttaten

Butenfeld 34, 22529 Hamburg

Telefon: 4 28 03-21 30 (tagsüber) 4 28 03-21 27 (nachts

+ Wochenende) • Fax 4 28 03-39 34

In court, it is always helpful if injuries have been documented by a doctor. The Rechtsmedizinische Untersuchungsstelle provides victims of violence with free medical care and diagnosis of current injuries.

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Diese Druckschrift wird im Rahmen der Öffentlichkeitsarbeit des Senats der Freien und Hansestadt Hamburg herausgegeben. Sie darf weder von Parteien noch von Wahlbewerbern oder Wahlhelfern zum Zwecke der Wahlwerbung oder in einer Weise verwendet werden, die als Parteinahme der Landesregierung zugunsten einzelner politischer Gruppen verstanden werden könnte.

Englische Ausgabe



Information about the Law on Protection Against Violence

Hotline für Opfer häuslicher Gewalt und Stalking

040 - 226 226 27 täglich von 10 bis 22 Uhr*

Telephone helpline for victims of domestic abuse and stalking:
Crisis intervention, information and assistance.

*(Jeder Anruf kostet 0,06 € aus dem Festnetz der Deutschen Telekom AG)



Hamburg

Behörde für Soziales,
Familie, Gesundheit
und Verbraucherschutz



People of Hamburg,

The Law on Protection Against Violence has been in force since 01 January 2002, extending protection for the victims of domestic violence and unwelcome advances. However, the actual rights of victims and the protection available are not widely known. This is why we have produced this pamphlet, hoping to point out the most important aspects of victim protection the Law on Protection Against Violence affords you, and to let you know who to approach if you need help and support.

Bir. Schnieber-Jastram

Birgit Schnieber-Jastram

Deputy Mayor of the
Free and Hanseatic City of Hamburg

Emergency response: lash out – move out!

It is the right of victims of domestic violence to inform the police, day or night, on **110** (telephone and fax). The police can oblige the perpetrator of the violence to leave the home at once and can impose an exclusion order that initially applies for 10 days. The victim can extend the exclusion order by applying for allocation of the home for sole use, under the **Law on Protection Against Violence**, within these 10 days. The exclusion order remains in force until the court has made a decision about the application, but max. 20 days.

However, an application under the Law on Protection Against Violence can also be made even without any police involvement.

Who does the Law on Protection Against Violence protect?

The Law on Protection Against Violence protects, in particular:

- married victims
- unmarried victims (including those in same-sex partnerships)
- victims of repeated unwelcome advances and nuisance (stalking, e. g. malicious calls)
- parents injured or threatened by their children

Children injured or threatened by their parents or by others having care and custody are covered by the legal provisions of the Family Law and the Children and Young People Help Act.

What is violence?

The Law on Protection Against Violence defines violence as:

- intentional and illegal physical force used to inflict physical injury, to impair health or to restrict an individual's freedom
- the threat of such physical force as well as threats to kill

So psychical violence falls under the Law on Protection Against Violence when it causes damage to health.

What can the victim do?

The victim can go to court

- to apply for legal protection from violence and unwelcome advances and/or
- to apply for allocation of the home for sole use

When the victim and the perpetrator run a joint household, the victim must submit an application to the Familiengericht (Family Court), otherwise to the Amtsgericht (Local Court). Which court has jurisdiction depends on where the victim lives (please see back for court addresses).

The application can be submitted in person at the court office of the court concerned. Application forms are also available at:

www.opferschutz.hamburg.de under „Wer schlägt, muss gehen!“

In **urgent cases** it is possible to apply for fast track provisional protection and allocation of the shared home for sole use. In such cases, the victim must convince the court that there is considerable likelihood of the ill-treatment, threatening behavior or nuisance having occurred. Normally, it is sufficient to provide details of the injuries or impairments sustained, precisely stating the place and time in the form of an affidavit. Medical certificates and police reports are also helpful.

What are measures for protection from violence and unwelcome advances?

Upon application, the court can order the perpetrator

- not to enter the victim's home
- not to set foot within a certain radius of the victim's home
- not to visit specific places regularly frequented by the victim (e.g. place of work, leisure facilities, kindergarten, school attended by children)
- not to contact the victim, including via telephone, e-mail, fax, SMS etc.

In **individual cases** other protective measures can be ordered.

To breach a court order is a punishable offence (custodial sentence or fine).

What does allocation of the shared home for sole use mean?

If the victim is a sole tenant or owner of the home, the court can immediately allocate it, long-term. In all other cases allocation for sole use is limited to six months. It is possible to extend this for a further six months if the victim is unable to find a new home during this time.

Allocation of the shared home for sole use depends on:

- further injury from the perpetrator being anticipated
- the victim having asserted claim against the perpetrator, in writing, within three months of the offence

How are the court decisions implemented?

If the perpetrator breaches the court order, the victim can call the police, because breaching a court order is a punishable offence.

The allocation of the home for sole use can be enforced by a bailiff. The bailiff can call on the police for help.

In Hamburg, the civil courts are obliged to immediately inform the police of decisions applied for under the Law on Protection Against Violence and of the decisions made.



Information also available on the Internet, at:

www.opferschutz.hamburg.de