

Measures Against Domestic Violence

Laws and their implementation in Germany



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Constitution of the German state

- Federation
- Bundesland (Province)
- Municipality

Measures against violence are existing on all three levels

Protection against violence act (Federal law)

- In effect since 1.1.2002 (9 years before Convention of Istanbul)
- Principle: The aggressor must go and not the victim
- Courts may pronounce a prohibition order (injunction)
- Courts may pronounce a ban of approach
- Courts may pronounce a ban of telephone calls
- Violations are punishable
- Competent: Family Court (branch of lower Civil court)

The Role of the Police in Victim's Protection

- In urgent cases the police can remand an offender from the family home, even if he is the legal owner without a court order
- The police is psychologically trained in giving advice to the victims
- The police establishes contact with counselling centers and with women's shelters

Purpose of the Protection Against Violence Act

- Protection of women and children (in theory also men) against violence in the private home environment
- Spatial separation allows the victim to reorganize her life and if need be, to prepare the separation from the offender
- The victim can stay in her home and retains her social contacts and resources

Women's shelters

Figures from the report of the Federal Government to women's shelters and counseling centers by 2012 for Germany :

353 Women's shelters

6000 places



15 000 – 17 000 women/year

41 protected refuges

30 000 – 34 000 children/year

(= anonymous abide)

80% of the women in shelters are migrants, ie of non-German background.

Counselling Centers

- 370 counselling centers
- Uniform National telephone number for emergency



Best practice: Round Table against Domestic Violence

Round Table in Essen, town in an industrial area, 600 000 inhabitants

Participants:

police

prosecutors

ambulance service

fire department

women's shelters

hospitals

advocates

doctors association

health office

counseling centers

Project of The Round Table

Proper treatment for victims of violence in health care

- Assessment of injuries as a result of violence
- How to talk with the victims
- Documentation of bodily injuries which can be used in court
- Helping the victim to expert advice

Results of a Consultation among the Round Table

Information gathered from round table participants can be summarized as follows:

- There are already many facilities in place for victims of violence which however are too seldom called into action.
- As yet unclear competences frustrate possible help.

We plan to establish an information and a prewarning system in cases of suspected domestic violence

Education for Doctors and Nurses

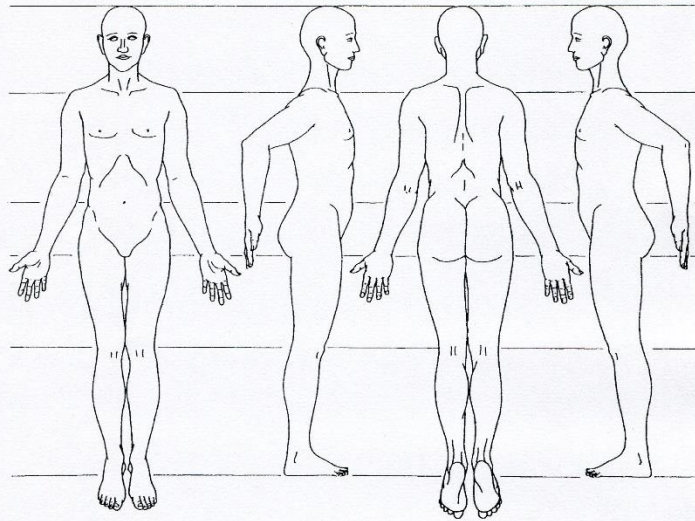
Better treatment for victims of violence in health care by following steps:

- Development of a special curriculum for doctors and nurses
- Request to all hospitals in Essen to carry out these courses during working time
- Implementation of courses in each hospital

Documentation of the Injuries

Körperlicher Befund:

Zeichnen Sie die Verletzungen in das Schaubild ein, kennzeichnen Sie diese mit fortlaufenden Ziffern und beschreiben Sie die Einzelheiten unter Angabe des entsprechenden Buchstabens der Legende in der Tabelle. Notieren Sie Größe, Alter und Charakteristika jeder Verletzung.



Verletzungsarten (bitte in Tabelle eintragen):

A: Schnittwunde / B: Stichwunde / C: Bisswunde / D: Schürfwunde / E: Würgemal
F: Hämatome / G: blutende Wunden / H: Brandwunden / I: Frakturen / J: Sonstiges

Ziffer	Art (s. oben)	Größe	Alter	Charakteristika, Besonderheiten, Schmerz
1				
2				
3				
4				
5				
6				
7				
8				

Convention of Istanbul I

- German Violence Protection Act: Entry into force 1.1.2002
- Convention of Istanbul: 1.1.2012
- Requirements for the ratification according to German law:
All points of the convention must be implemented before a convention can be ratified. There are other European countries in which the convention can be ratified without these prerequisites.

Convention of Istanbul II

Legislative or regulatory requirements:

- Extension of the limitation period in the pursuit of domestic violence
- Definition of “consensus” in the pursuit of rape

Current State (May 2015)

- Currently the Ministry is working working on a new version of the rape paragraphs (§ 117 of the Criminal Code) .
- The definition of consensus is to be extended.
- Once the new version of the law is adopted, the Convention of Istanbul can be ratified.

Thank you for your attention!