

Germany - General legal definition

Legal provisions on protection orders

Civil Protection Orders: Violence Protection Act:

Protection orders do not require or depend on any specified relationship, but can be taken out to provide safety from any person who has intentionally and tortiously injured the body, the health or the liberty of another. This provision explicitly also applies to stalking and threats of bodily harm or illegal restraint. (§ 1 *Gewaltschutzgesetz*)

Eviction orders are also in this cases (i.e. intentionally and tortiously injuring the body, the health or the liberty of another; also in cases of threats of bodily harm or illegal restraint) are possible, if the victim and the perpetrator are living together in a household. The duration of the eviction depends on the ownership of the apartment or the lease contract (leased together, one partner alone); generally duration 6 month. (§ 2 *Gewaltschutzgesetz*)

Both orders could be issued as a temporary order in expedited proceedings

Protection order by the police

The Police laws of the Länder allows the police to remove perpetrators for 7 - 14 days in cases of physical violence, threats of violence and stalking and can cover the victims dwelling and the surrounding area. These orders are issued to prevent further violence.

Protection order in criminal cases

Criminal law protection orders are available. Generally these are issued in cases of a suspension of the sentence on probation.

Metadata

GENERAL LEGAL DEFINITION: Yes