

SEPARATION AND DIVORCE

De facto separation (without legal action)

In the event of a serious threat, you have the right to leave home with your children without prior authorization from a judge. You can decide later whether to continue living together or apart from your spouse.

Legal measures to preserve the conjugal union (Mesures protectrices de l'union conjugale – MPUC)

These measures are designed to formalize the separation by a judge, without dissolving the marriage. The case must be referred to the Court of First Instance. It will pronounce the separation of marital property, take measures concerning the marital home and minor children, and set the maintenance contributions to be paid to the children and to the spouse.

Divorce

It puts an end to the marriage. It may be requested jointly or, without mutual consent, unilaterally. The judge takes the necessary measures concerning the liquidation of the matrimonial property regime, the settlement of other financial aspects according to this regime, the allocation of the family home, the setting of a possible maintenance contribution to one of the ex-spouses, and so on. In order to take the most appropriate steps according to your situation, we recommend that you contact a lawyer or a legal advice association.

For unmarried couples

There is no legal separation procedure for unmarried couples. Protection measures under article 28b of the Civil Code may be requested from the Court of First Instance. If there are joint children, the Court for the Protection of Adults and Children (Tribunal de protection de l'adulte et de l'enfant - TP AE) may be called upon to settle questions of parental authority, custody and visiting rights. If the partner also wishes to sue the other parent for child support, the case must be referred to the Court of First Instance. In this case, the Court of First Instance will also deal with questions of parental authority, custody and visiting rights. If you have been living in Switzerland without a valid residency permit, you may hesitate to contact the relevant authorities for fear of being punished and expelled from the country. The LAVI Centre and other associations specializing in supporting victims of domestic violence can help you to assess this risk and work out possible solutions. They would never report your lack of status to the authorities.

To find out more, consult the brochure "Violence conjugale, le choix des possibles", published in collaboration with the AVVEC association, on our website:
www.centrelavi-ge.ch/documentation



More information here

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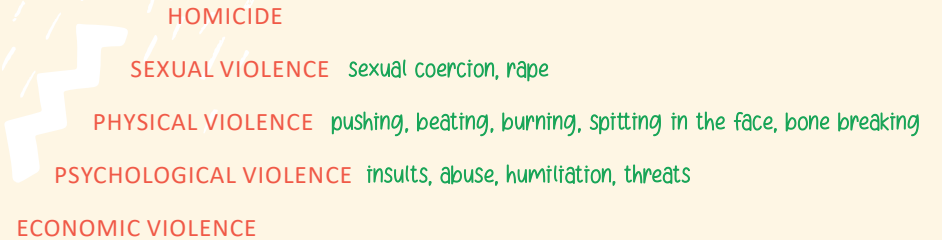
CENTRE GENEVOIS DE CONSULTATION POUR VICTIMES D'INFRACTIONS



DOMESTIC VIOLENCE

MY MINI LOGBOOK

Violence by an (ex-)intimate partner can take many forms, and can increase over time.



Domestic violence is not the same as marital strife. The perpetrator acts with the intention of dominating his or her partner, lowering his or her self-esteem and controlling him or her. **Violence is often repeated and cyclical.**



Do not stay alone and isolated. Contact a professional. The LAVI Centre, your psychotherapist or your doctor can help.

Find an association that will help you!



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Protect yourself and your children

Protecting yourself does not necessarily mean filing a complaint against your partner. **If you are in imminent danger, call the police on 117.** If there has been physical or sexual violence, we recommend that you have a medical report drawn up as soon as possible, so that the evidence will not disappear and your memories will not fade. The Emergency Service of the Cantonal Hospital can provide the care you need and write up a medical report (www.hug.ch/urgences).

What about the children?

Children are also affected by domestic violence. Even if they are not direct witnesses of violent acts, they are aware of what is going on. They feel the fear and anger felt by the adults, while being confronted with their own helplessness. It is vital to preserve their psychological and physical well-being. **As a parent, you have a duty to protect your children.** Talk about it with people you trust, and also to professionals who look after your children, such as their pediatrician. **In case of danger, you are entitled to go to a safe place and take your children with you.**

Leaving the marital home

You have the right to leave the marital home at any time to seek shelter (with family or friends, in a shelter, a hotel, etc.). It is best to take the children with you immediately, and to contact the Minors' Protection Service (Service de protection des mineurs – SPMi) afterwards. If you had to leave in a hurry and you had no time to take your personal effects or your children's belongings, you may request police accompaniment in order to recover them later. If necessary, you can go to an emergency shelter. Accommodation is not free but, under certain conditions and for some time, the LAVI Centre can cover these costs. Contact us for more information.

The shelter Foyer du Pertuis can be reached 24/7:
educateurs.pertuis@foj.ch or +41 22 309 57 28

If you have left your marital home, but you are not in an emergency shelter, you may be staying in a hotel or another type of accommodation; in this case you can also receive help from the External Support Service (Service Externe de Soutien - SES), which will provide you with emergency material assistance (food, medical care, attentive listening, guidance, and so on). Their services are free and confidential. To contact them, fill in the online form: www.foyerabelle.ch/ses/

Taking legal action

On the one hand, the courts can punish the perpetrator of violence, but they can also put in place protection measures. You should know your rights and be well advised. Contact the LAVI Centre to find out more. We can provide information and, according to your needs, bear the costs of the first few hours of consultation with a specialized lawyer. Our assistance may be extended according to the situation. In all cases, we strongly recommend that you act through a lawyer. This will allow you to register your residence at your lawyer's address, so that all correspondence relating to the proceedings will be sent there.

Legal proceedings

Filing a complaint against your partner is a difficult decision to take. Victims can experience fear, shame or guilt. Take your time to think about it. Acts of serious domestic violence are "prosecuted ex officio", i.e. without formal complaint. However, the courts cannot bring perpetrators to justice without being aware of the offence: you can report the facts orally to the police, or by writing to the Public Prosecutor's Office. The prosecutor in charge of the complaint will take a decision that depends essentially on the evidence provided (testimonies, medical certificates and so on) and on the seriousness of the offence. He or she may close the case, issue a sentencing order, or refer the matter to a court of law.

How do I file
a complaint?



Removal measures

Sometimes it is necessary to keep at safe distance from the perpetrator. The law allows for immediate (short-term) restraining order when the perpetrator has committed acts of domestic violence. Longer-term protection measures can also be requested. The duration of such measures is determined by the competent judicial authorities. **In the event of a restraining order, do contact the LAVI Centre, your lawyer or a legal advice association without delay.**

There are several possible procedures:

- **Administrative restraining order requested by the police** – The restraining order against the alleged perpetrator of violence comes into effect immediately. It can compel the perpetrator to leave the marital home and hand over the keys, regardless of who signed the lease. The perpetrator may also be forbidden to enter certain premises (home, school, workplace), or to contact or approach his or her partner and/or children. Restraining orders are issued for a minimum of 10 days and a maximum of 30 days. An extension may be requested from the Administrative Court of First Instance. Restraining orders may not exceed 90 days in total.
- **Protection measures ordered by the Civil Court (Court of First Instance) in application of article 28b of the Civil Code** – For a certain duration, which is set by the judge, the perpetrator may be:
 - expelled from the home
 - forbidden to approach you and/or your children, or to access a defined area
 - forbidden to go to certain places
 - forbidden to contact you by telephone, in writing or electronically.

A restraining order can also be requested in the event of a separation, even as a matter of urgency. This must be requested in writing to the Court of First Instance.

