

**SUPPORT CENTRES
For Women and Children**

GEWALTSCHUTZZENTRUM OÖ

(INTERVENTION CENTRE) Linz 0732/60 77 60

The Intervention Centre is an independent organisation which provides advice and support for people – mostly women – subjected to domestic violence. This leaflet contains all the information you will need regarding the necessary legal steps, counselling and support during the application phase and legal processes.

Our office hours: Monday to Friday: 9.00-13.00;
Tuesday, Thursday: 17.00-20.00; by appointment

(Frauenhaus = Women's Shelter)

FRAUENHAUS LINZ	0732/60 67 00
FRAUENHAUS INNVIERTEL	07752/71 7 33
FRAUENHAUS STEYR	07252/87 7 00
FRAUENHAUS VÖCKLABRUCK	07672/22 7 22
FRAUENHAUS WELS	07242/67 8 51

If you do not feel safe at home, even though the person threatening you has been ordered away by the police, you can find temporary, protected accommodation in one of the above listed Women's Shelters. These shelters can be contacted at any time – 24 hours a day.

AUTONOMES FRAUENZENTRUM	0732/60 22 00
Emergency call for women who have experienced / are experiencing sexual violence	

For the protection of your children you should contact the responsible Child & Youth Welfare Centres or one of the following organisations:

KINDER- U. JUGENDANWALTSCHAFT	0732/	77 97 77
KINDERSCHUTZ-ZENTRUM LINZ	0732/	78 16 66
KINDERSCHUTZ-ZENTRUM TANDEM WELS	07242/	67 1 63
KINDERSCHUTZ-ZENTRUM WIGWAM STEYR	07252/	41 9 19
KINDERSCHUTZ-ZENTRUM BRAUNAU	07722/	85 5 50
KINDERSCHUTZ-ZENTRUM VÖCKLABRUCK (Frauen- und Familienberatung)	07672/	27 7 75

Stand: June 2009

**Federal Law for the Protection
From Domestic Violence**

This law has been in force since 1st June 2009

**Violence has many ugly faces:
degradation, humiliation, insult, abuse, disrespect,
harassment, torment, physical abuse, rape,
murder.**

YOU are legally entitled to protection and safety!!!

GEWALTSCHUTZZENTRUM OÖ

Stockhofstraße 40, 4020 Linz
Eingang: Wachrenergasse 2
Tel.: 0732/60 77 60; Fax: Dw. 10
e-mail: ooe@gewaltsschutzzentrum.at
(financed by the Ministry for Internal Affairs and the
Minister for Women)

EVICTIION AND BARRING ORDERS

As stipulated by § 38a of the Security Police Act

• What can I do if I am subjected to violence?

If you are subjected to violence (physical abuse, threats, ...), it is important - **for your own safety** - that you contact the police (Emergency Number 133) or ask your relatives or neighbours to call the Emergency Number for you! You should also contact a "Help" Centre that can provide support and advice (see last page).

• Who is protected by this law?

This law protects everybody subjected to domestic violence and living under the same roof with the offender (spouses, common-law partners, children, relatives, lodgers, etc.)

• What if the house doesn't belong to me?

If you live in the house then you are legally entitled to protection and safety, i.e. ownership is irrelevant!

• How long am I protected by a Temporary Injunction?

The Temporary Injunction is valid in the house or apartment for 6 months at the most, for contacting and protected areas for 12 months at most. However, it can be prolonged if you are married and have filed for a divorce, if you have applied for a court order for the eviction of the offender or have started proceedings regarding division of common possessions, or have applied for sole-occupancy of the house/apartment. The Temporary Injunction then remains in force as long as the above-mentioned proceedings last. Application for extension must be made before the end of the temporary injunction.

• What can you do if the offender violates the Temporary Injunction?

If the offender returns to the immediate vicinity:
Call the police!

If the offender violates the order forbidding contact or enters any of the "protected" areas defined in the application you can apply for a fine for contempt of court and thereby extend the validity of the temporary injunction.

• What will this cost?

The court costs for an application for a Temporary Injunction are EUR 46,-.

If you have a low income and have no other assets you are entitled to apply for legal aid and do not have to pay any of the costs. Otherwise, you will have to pay the costs primarily and when the Temporary Injunction is granted reimbursement will be requested from the offender.

Foreigners are also entitled to apply for the assistance of an interpreter if their knowledge of German is insufficient. You can also apply for legal aid for this service.

- **What can the police do?**

- **When can an Eviction and Barring Order be implemented?**

When it is evident that a dangerous attack on your life has taken place, or your health or your freedom has been threatened (particularly if violence has previously occurred), then the police can order the offender out of the house / apartment and out of the immediate vicinity and forbid him to return or enter the house. The immediate vicinity can also include driveway, basement garage, stairways, garden, children's recreation areas, etc.

The police will notify the offender accordingly and will take away his keys to the house/apartment. He will be allowed to take only those items necessary for his personal requirements. He will be allowed to enter the residence during the period of barring **only** when accompanied by an officer of the law. The offender must give the police a new postal address to which the court can send any official correspondence.

- **How long will I be protected by the Eviction and Barring Order?**

A Eviction and Barring Order is valid for 14 days. You cannot influence the duration of this order in any way. During the first 3 days compliance with this order will be checked by local law enforcement authorities, i.e. even if **you** allow the offender to enter the home then this is considered violation of the order and as such is an offence under the Administrative Law punishable with a fine.

Within these 14 days you can apply to the local court for an extension of the Eviction and Barring Order. This application is called "Antrag auf Erlassung einer Einstweiligen Verfügung nach § 382b EO. (Application for Issuance of a Temporary Injunction acc. to § 382b EO).

If you make the application during the first 14 days, the Eviction and Barring Order will be prolonged for a total of 28 days.

- **What if the offender violates the Eviction and Barring Order?**

- **Contact the police immediately!!**

The police will order the offender away. They can also fine him up to EUR 360.- or place him under arrest if he repeatedly and deliberately violates this order.

- **Who will know about the Eviction and Barring Order?**

The police must keep accurate records of every case of domestic violence. This information is submitted to the "Gewaltschutzzentrum OÖ"; if children are involved then the Child Welfare Centre will also be informed.

- **What are the consequences of the Eviction and Barring Order?**

We are dealing here with a police order which will not necessarily result in the offender being given a criminal record. **However, if he has injured or threatened you, (e.g. physical abuse, dangerous threats, force, etc)** then such actions can be considered criminal acts. You can then make a formal complaint against him and the offender must then reckon with criminal charges.

**Long-term Protection for YOU and YOUR CHILDREN
by means of a legal**

EINSTWEILIGE VERFÜGUNG (E.V.)
nach § 382b and e EO
(Temporary Injunction acc. to § 382b EO)

- **What is a Temporary Injunction?**

It is an order issued by the court against an offender ordering him to leave the house and forbidding re-entry for a fixed period of time. The offender can also be banned from the immediate vicinity which could also include areas defined by you, (e.g. the route to your place of work, schools, day nurseries, etc.). Contact in any form can also be forbidden.

Please describe the places where you need protection as accurately as possible!

- **When can I apply for a Temporary Injunction?**

A Temporary Injunction can be applied for if physical abuse or threats make life with a violent person intolerable. It can also be issued in the event of psychological terror if this seriously impairs the victim's mental health. A previously issued Eviction and Barring Order is not necessary.

- **Where and how can I apply for a Temporary Injunction?**

Applications must be made to the local court (Bezirksgericht) for your area. The application can be made in writing or verbally. Verbal applications can only be made during an office day (Amtstag) or after a date previously agreed with the responsible judge. It is important that you describe all the violent events and not only the most recent ones!

You do not necessarily need a lawyer. However, legal counselling beforehand is advisable. The staff at an Intervention Centre, Women's Shelter or Women's Counselling Centre can help with the submission of your application. Moreover, you have the right to be accompanied by a person you trust when you are questioned by the Court.

- **What if the house doesn't belong to me?**

Ownership is irrelevant! A Temporary Injunction can be issued if you live there, are being threatened and have no where else to live!

- **What evidence must I produce to prove violence?**

The court requires evidence (Bescheinigungsmittel) of acts of violence. Such evidence might include: your testimony, the testimony of eye-witnesses, police reports, doctors' or hospital results, reports provided by therapists, photos, etc. Information relating to previous violent attacks is also important. This evidence should be handed in to the court together with your application.

- **How soon after my application will I be protected by the Temporary Injunction?**

The court is required to reach a decision on an application for protection as quickly as possible! The court can issue a Temporary Injunction without questioning the offender. You should request that the measures applied for take immediate effect and that you are notified when the injunction comes into effect. The court can also instruct the police to act immediately and repeatedly in the removal of the offender from your home.