

July 30th 2013 Amendment to the Domestic Violence Act

Recently launched by the Ministry for Equal Opportunities, the campaign “**Domestic violence hurts the whole family**” was designed to draw attention to the consequences of domestic violence to victims and perpetrators, as well as those around them: in particular children, who often witness the violence and become victims themselves. Domestic violence affects many homes and families in Luxembourg: it crosses all age groups, nationalities and social classes.

The Domestic Violence Act 2003's monitoring has given some insight into the scale of the problem; we have seen detailed statistics on evictions and police interventions, which have continued to rise since the law was first introduced.

Ten years after it came into force, I am happy to say that on the whole, I believe the act has proven its worth and brought about a real awareness of the problem in our country. It was reformed in 2013 to provide substantial improvements both to victim protection and to the psychological support offered to perpetrators.

This guide provides information about these developments, as well as advice on what to do if you are a victim or a perpetrator of domestic violence.

If you are experiencing domestic violence, please act rather than suffer, and don't forget to think about your children!

Lydia Mutsch
The Minister for Equal Opportunities

Who should I contact?

SAVVD | Femmes en Détresse asbl
The Domestic Violence
Victim Support Service

B.P. 1024 | L-1010 Luxembourg
T. 26 48 18 62 | F. 26 48 18 63 | contact@savvd.lu
www.fed.lu

S-PSYea | Femmes en Détresse asbl
The Psychological Service for Child
and Teenage Victims of Domestic Violence

B.P. 1024 | L-1010 Luxembourg
T. 26 48 20 50 | F. 26 48 18 63 | contact@psyea.lu
www.fed.lu

Riicht Eras | Croix-Rouge
The Service Responsible for Supporting
Perpetrators of Domestic Violence

73, rue Adolphe Fischer | L-1520 Luxembourg
T. 27 55 58 00 | F. 27 55 58 01 | riichteraus@croix-rouge.lu
www.croix-rouge.lu/riichteraus

For more information, please visit:
violence.lu

www.violence.lu gives you more information about the support available to victims and perpetrators of domestic violence. In fact, the State has an agreement with partner organisations to help curb the problem of domestic violence as well as to provide quality psychosocial support.

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Domestic violence
hurts the whole family.



www.violence.lu



MINISTÈRE DE L'ÉGALITÉ
DES CHANCES



DONNONS UNE CHANCE À L'ÉGALITÉ
DES FEMMES ET DES HOMMES!

If you are a victim...

Alleged victims may benefit from an **eviction order** against the alleged perpetrator. A victim could include anyone who lives with the accused in the **context of a family**. This, of course, does not just include **family in the traditional sense of the word** (partners and spouses, parents, children or siblings), but also **other types of family**: namely partners of parents, children and siblings who live together as a family.

Based on the evidence available, **the police, with permission from the State Prosecutor, can evict** the accused from the family home.

This eviction order lasts for **14 days**. The police will take possession of any keys which allow access to the house itself or to any other buildings on the property.

In addition to receiving a **ban to return home**, evictees will also be restricted in **two further ways**: namely that they **are prohibited from approaching the victim and from making any form of contact; either orally, in writing, or through any third party (parents, children, neighbours or other), for 14 days**. The police will check that the bans are being respected.

The police will issue a report (procès-verbal), of which you will be provided a copy.

They will inform the **Domestic Violence Victim Support Service** of the eviction order. This service was created within the framework of the law on domestic violence. Its aim is to support, guide and advise victims of domestic violence by actively seeking contact with them. **Children who have witnessed domestic violence** can also be taken care of, supported, guided or advised by the Domestic Violence Victim Support Service.

As soon as the eviction order has been given, the Domestic Violence Victim Support Service will contact you by telephone and/or in writing. The service will tell you about your rights and the possible actions you can take.

You have 14 days to seek an extension of the eviction order and the bans which may have been granted alongside it. This can be applied **up to a maximum of three months**.

Even without eviction, if the person you are living with is threatening, assaulting or behaving in a way which seriously threatens your mental health, you can seek to have the person:

- leave the family home for up to a maximum of three months, since their behaviour means that you are no longer able to live together;
- banned from taking certain actions (since any meeting would be intolerable), for example:
 - making contact with you
 - sending messages
 - approaching you
 - approaching the housing service, its divisions, any child-care providers or school
 - living in the same area as you
 - visiting certain places

If you wish, you can get help and legal representation from, amongst others, **the Domestic Violence Victim Support Service**.

Have you been threatened and/or abused by someone close to you, with whom you live together as a family? Yes? Then don't wait any longer!

**Call the police
on 113**



If you are an offender...

When the eviction order comes into effect, you will be required to surrender any keys or other items used to gain access to the family home. Once you have handed these over to the police, you must leave the property (both the family home and any other buildings which comprise it), with ban to return to it, to contact and approach the person who is under protection for 14 days.

The police will also inform the **Service Responsible for Supporting Perpetrators of Domestic Violence** of the eviction order, in much the same way that they do with **the Domestic Violence Victim Support Service**.

The police will inform you of your rights and obligations. Not adhering to the prohibitions is punishable by law.

The police will give you the opportunity to collect your belongings and will set out your choices in terms of accommodation. They will issue a statement of eviction (procès-verbal), of which you will be provided a copy.

As someone who has been evicted, you must register with the **Service Responsible for Supporting Perpetrators of Domestic Violence** within seven days of the initial eviction order. If you do not visit the service within this time frame, the service will contact you and summon you for an interview. They will then send a report to the State Prosecutor.

As someone who has been evicted, you have the right to formally appeal against your eviction order during the 14 days which your eviction lasts.

Any appeal will not suspend the eviction order, which will remain in force; nor will it lengthen the eviction order past 14 days.

If you wish, you can get help and legal assistance from the Service Responsible for Supporting Perpetrators of Domestic Violence.