



# Domestic Violence Protective Measures



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### Legal information

IST: Intervention Centre against Domestic Violence

Co-Managers Franziska Greber, Cornelia Kranich

Directorate of Justice and the Interior

Neumühlequai 10, Postfach, 8090 Zürich

Mail: [ist@ji.zh.ch](mailto:ist@ji.zh.ch)

**[www.ist.zh.ch](http://www.ist.zh.ch)**

in collaboration with the

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Photos: Franziska Greber

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# Protective measures according to the Violence Prevention Act (VPA)

## Protection

### 1. Who is protected from domestic violence by the law?

The law protects persons who are victims of violence or who are threatened with violence by a person with whom the victim is in a partnership or marriage, regardless of whether the victim is living or has lived with this person in a household or whether the relationship has

ended. The law also protects the person, whose (ex) partner lies in wait for them, stalks or otherwise harasses them. The law also applies if children or young persons are violent or threatening towards their siblings or parents.

## Protective measures

### (Expulsion from home and vicinity and a contact ban)

### 2. How does the law protect a person?

The police can take special measures (restraining order) for the protection of the vulnerable person. The perpetrator can be banned for 14 days from the joint flat or house (expulsion, question 13ff) and/or they can be banned from certain areas (territory ban, question 14) and/or they can be banned from contacting certain persons (contact ban, question 15). Moreover, the perpetrator can be taken into custody by the police for max. 24 hours (custody, question 37).

### 3. What are the objectives of the restraining order?

This should stop an acute situation of violence and protect the victim. Thus the situation is de-escalated and gives the parties the opportunity to consider and scrutinize further action, in peace.

### 4. Where does the law apply?

The law is in force in the Canton of Zurich. It is designed to protect victims of domestic abuse, if they are living or working in the Canton of Zurich or if the incident happened in the

Canton of Zurich. The measures provided for by law can be imposed on all persons who are "potential perpetrators", regardless of their domicile or residence. Similar laws exist in the other Cantons ([www.against-violence.ch](http://www.against-violence.ch)).

#### **5. What can you do if you are affected by domestic violence?**

Contact an advisory office or a women's shelter. In an acute emergency, you can call the police directly for help and protection: (Telephone numbers, Addresses: Page 10)

#### **6. What's the procedure of the police?**

The police assist and investigate the facts. The police can ban the person who has been violent, or has threatened or hassled somebody for 14 days from the flat or house and its immediate surroundings. If it is necessary to protect the vulnerable person, the police can prohibit access to certain neighbourhoods, streets (eg. workplace, school route) or contact via telephone, SMS, correspondence, etc, with the vulnerable person or other close and affected persons, especially dependent children.

#### **7. Who will know that the police have taken protective measures?**

The perpetrator receives a written order from the police in which protective measures are stated. The exposed person and the corresponding advice centres receive a copy of the order. If there are children living in the household, the authority for guardianship will also be informed.

#### **8. What can you do, if you – as a third party – are aware of domestic violence?**

You can either contact an advice centre directly or the police, but you are not obliged to do so. As a nursing or health professional, you have the possibility, even without release from the oath of confidentiality, to inform the police in cases of bodily injury. If violence was perpetrated against children, the authority for guardianship can always be informed. Teachers are obliged to inform the school administration. Upon request, the anonymity of the whistleblower can usually be granted.

#### **9. Is the announcement of protective measures to the perpetrator, dependent on the will of the person at risk?**

No. If the physical, sexual or psychological integrity of a person is impaired or endangered due to threats or acts of violence, the police must take protective measures regardless of the will of the vulnerable person.

#### **10. Does it matter who the owner or the tenant of the flat/house is?**

No. The police can also ban the owner or the sole tenant of the house or flat.

**11. What happens with the keys and official communications of the expelled person?**

The banned person must hand over all the keys from the flat or house. The person concerned must give the police an address to which communications with respect to the restraining order can be delivered. If the banned person does not supply any address, communications will be sent to the police and will be considered as delivered.

**12. What can the banned person take with them?**

The banned person is allowed to take important everyday necessities with them (e.g. personal documents, clothes, ID cards, medicine, mobile phone, etc.). For the duration of the restraining order, the needs of the family must be guaranteed. Therefore, the person responsible to maintain the family must leave cash or bank cards behind. If this person fails to do so, legal action must be filed at the competent civil court to determine the upkeep of dependents.

**13. Which territory applies to the ban?**

These measures apply to the flat/house and its immediate surroundings. The measure includes, for example, corridors, staircases, basements, washroom, courtyard, garden, garage and driveway or access..

**14. Which territory applies to the restraining order?**

Should the police order a prohibition to enter or drive long a zone, it will be defined on a map attached to the protective measures. The prohibition may cover whole streets and/or districts if for example, the place of work or the school route is involved.

**15. What is a contact ban?**

A ban on contact means that the perpetrator is not allowed to communicate with the person at risk in any way. This measure comprises direct talking, phone calls, SMS, emails, letters, Facebook etc. In case it is necessary to ensure protection, the measure can be broadened to include other persons (e.g. children and close persons).

**16. What happens with violent children or young people?**

Contact and territory bans can be ordered, in cases of violence and stalking, especially cyber stalking too. Expulsion of minors living in the same household, are only possible with the consent of parents or criminal measures for adolescents.

**17. What can be done if the protective measures don't provide enough security?**

A woman at risk can take temporary refuge with her children in a shelter for women - after prior arrangement by telephone. For children and young people there are special protective institutions (Telephone numbers, addresses: Page 10). If necessary, the police can assist.

**18. Can a person at risk only be protected with police security measures?**

In an acutely dangerous situation, the police and the criminal authorities can enforce compulsory measures against an endangering person. If the danger is not acute, other legal, social and/or therapeutic interventions are open. Consult a specialised victim advice centre or a lawyer.

**19. Does a person whose resident status in Switzerland depends on the marriage or on the registered partnership, lose their right to stay in Switzerland, if protective measures are taken?**

Protection measures alone have no effect on the right of residence. If, after a short duration of the marriage or registered partnership it results in a separation, divorce or dissolution, people who have a derivative right to stay and do not originate from the EU lose their right of residence, unless they can legally prove violence of such intensity, that the continuation of a joint life would be unreasonable.

**20. Can protective measures also be applied, if the police is only informed after the fact, about the domestic violence?**

Yes. A safeguard measure can also be arranged if the endangered person applies to the police, only later, if they are still afraid of further violence, threats or harassment.

**21. How much do the protective measures cost?**

The arrangement of protective measures by the police is free of charge.

**22. Has the expelled person the right to return home if the situation has calmed down?**

No. Not even with the consent of the vulnerable person. The protective measures also serve to calm down and should ensure time for counselling.

During the 14-day police ban (and also during the judicial eviction prolongation) the banned person is not permitted to return home. The banned person makes themselves liable to prosecution even if the victim allows entry into the flat/house. If the banned person urgently needs items in the flat/house, they are only allowed to do so with police consent, or if escorted by the police if necessary.

**23. Do the protective measures apply, even if the endangering person is in custody?**

Yes. If the endangering person is released from custody, during the period of protective measures, they must still adhere to the restraining order. That means, that the banned person is not allowed to return home or violate the prohibitions before the period of the restraining order has ended (Question 41).

**24. Can an appeal against the restraining order be filed?**

After receipt of the restraining order the perpetrator has a 5-day time limit to file an appeal.

The relevant magistrate decides within 4 working days whether conditions were given for the restraining order. The restraining order applies until the magistrate's decision is made known. Within five days of receipt/declaration of the judicial decision, an appeal can be filed at the Zurich Administrative Court. The complaint has no suspensory effect, i.e. the court ruling remains in force until the decision of the Administrative Court. If the restraining order remains in place, the perpetrator must pay the costs of the proceedings. The expelled person will be duly informed about the judge's decision.

**25. What can the person at risk do if the protective measures are not respected?**

They can call the police (Telephone numbers on Page 10). The person who does not adhere to a restraining order is liable to prosecution and the police can take them into custody for 24 hours (question 37). The person at risk may also file a criminal complaint for trespassing.. Contempt of the restraining order may be one factor in extending protective measures (question 31).

**26. Do vulnerable people receive advice?**

Yes. Victim advice centre contacts the vulnerable person as soon as possible, no later than three days after protective measures are issued. If a consultation is desired, this can be discussed together with a professional, as to what further steps are necessary. The consultation will be carried out if possible in the native language, possibly with the help of a translator. The consultation is free.

**27. Is contact also taken up with the perpetrator?**

Yes. The perpetrator will also be contacted. It is clarified, together with an expert, what therapies or measures can be taken to avoid future violent behavior. Nonviolent conflict behavior can be learned.. This advice is free of charge.

**28. What can a perpetrator do to prevent violence in the future?**

They can make use of voluntary advice assistance offices for men. This office clarifies which procedures in the specific situation makes sense and can contribute to reducing violence. The probation and prison services have developed a learning program "Partnership without violence" (POG), in which men have the opportunity to discuss in groups, violence-causing factors and learn strategies for a non-violent coexistence and conflict resolution. This "male" office in Zurich also provides individual counselling as well as a group training.

**29. What can victims do if they have no budget for house-keeping due to the ban?**

The banned person must guarantee to provide necessary financial funds for the family for

the duration of the restraining order. Otherwise, interim social welfare assistance must be provided. Generally, a claim to determine provision of maintenance is filed at the competent civil court at a later date. In any case, it is advisable to contact the relevant victim advice centre (Telephone numbers, address: Page 10)

### **30. What happens if children are living in the same household?**

If they are directly at risk or there is an escalation of violence when handing over vulnerable children, the contact ban will be extended to the children. The police forward a protective measures writ to the authority for guardianship. This authority verifies whether special child protection measures are necessary, such as guardianship for the children. If the children are in immediate danger or the care of the children is not guaranteed, the police will provide short-term emergency accommodation and at the same time will forward a report to the authority for guardianship, who will take the necessary measures to protect the children.

## **Application to prolong the protective measures**

### **31. Can a restraining order be prolonged?**

If the person at risk needs protection for more than 14 days, they must be active themselves.

Within 8 days from receipt of the order for protective measures, they can request the order to be prolonged for up to three months, at the court for constraining measures.

### **32. How and where to apply for the extension of the protection measures?**

The person at risk can submit an application to the court responsible for constraining measures, which is indicated on the restraining order, enclosing a copy of the police order

The application should be justified by a credible account in writing, as to why the danger still exists. The victim advice office can assist in this.

### **33. How can the continued existence of the threat be explained credibly?**

If it is necessary to protect the vulnerable person, an extension of the protective measures can be imposed. Medical or therapy reports serve to prove the mental or physical impairment and to underline the necessity to prolong the measures.

If a civil process has been initiated with the request for provisional measures in the context of marriage protection, separation or divorce proceedings, or proceedings to protect the personality, it can be assumed that the danger still exists. Moreover, should the perpetrator not respect the protective measures, it can also be assumed that the danger still exists.



### **34. How does the process of prolongation proceed in court?**

The perpetrator will be heard by the court for constraining measures. Then it is decided definitely whether and for how long the protective measures be extended.

If the perpetrator fails to appear in court, the court makes a provisional verdict, based on the information on file and communicates the decision to both parties. Without an appeal, the judgement becomes final within five days. Objections to the verdict can be filed to the Zurich Administrative Court within five days from receipt/opening of the verdict.

### **35. What if the circumstances change?**

Judicial measures may be modified by the court for constraining measures upon request, for example, if it is necessary for the expulsion to impose a contact ban.

### **36. How much do the court proceedings cost?**

The costs for an appeal process or a prolongation process in the court for constraining measures are about CHF 300.00 to CHF 600.00 for the unsuccessful party. The unsuccessful party generally pays around CHF 1'200.00 in the administrative courts. If an appeal procedure should be merged with an extension procedure, it is more expensive. In addition, compensation costs for expenses can be incurred by the other party, which may account for several hundred francs in particular, if legal representation has been consulted. If a person or family already lives on the subsistence level, they will not be charged for the time being, upon request. Those costs will be charged as soon as the person has the economic means.

## **Custody**

### **37. Can the police also take a dangerous person into custody?**

Yes. The police can detain a person for 24 hours where the person at risk of serious and immediate danger and vulnerability in other ways cannot be averted, or when detention is necessary to secure the enforcement of protective measures.

If requested by the police, the court for constraining measures can extend the custody to a maximum of four days.

An appeal can be filed at the Zurich administrative court, against the verdict of the court for constraining measures within five days of receipt/opening of the verdict. This appeal has no suspending effect, ie the court decision remains in force until the decision of the administrative court.

### **38. Can the police order custody and protective measures also?**

Yes. The expulsion, the contact ban and/or ban on a district is always a period of 14 days from the time it is ordered. It also applies after release from custody, a possible remand, a clinic or a hospital.

## **II. Protection measures in the criminal investigation**

### **39. When is detention is ordered?**

Should circumstances suggest that the person at risk could be under pressure from the perpetrator when making their statement, where there was physical injury or threats, pre-trial detention will be ordered. This may be for a few days and for some serious offences, a few weeks or months. Victims should be informed in good time about the release. If simultaneous legal protection measures were ordered, the perpetrator must comply with these if they are still valid at the time of release from prison.

### **40. Can pre-trial detention be ordered in the case of death threats?**

Basically, where verifiable death threats occurred, pre-trial detention is ordered, the duration of which depends on the particular circumstances.

### **41. What happens upon dismissal from custody?**

The court for constraining measures have the option to arrange alternative measures instead of ordering detention, These may include such things as the ban on contact or approaching the immediate vicinity of the victim, as in the violence protective law. They can include visits to the doctor, etc., in order to prevent the threatened offence.

## **III. Protective measures in marriage and partnership litigation**

### **42. Is it possible to arrange protective measures during separation or divorce proceedings?**

Yes, if threats and harassment are proven. These protective measures may include a restraining order or a ban on a certain area. Whoever wants such private legal protection, must specifically apply for this during the separation or divorce proceedings.

### **43. Can unmarried couples also apply for private legal protection?**

Yes. A conciliation procedure at the justice of the peace following a civil case in a simplified procedure, which is under the investigation maxim. Whoever wants such protection, must apply for it. The court must help, to a limited extent, in gathering the necessary evidence. The procedure is relatively expensive.

Payments (up to CH 3'000 .00) must be paid in advance. It is advisable to seek support from a lawyer.

#### IV. Telephone numbers and addresses

Police emergency number: 117

Police specialist units (during office hours)

- . Zurich Cantonal Police  
Tel. 044 247 30 61 E-Mail: [fachstelle.hg@kapo.zh.ch](mailto:fachstelle.hg@kapo.zh.ch)
  - .. Zurich City Police  
Tel. 044 411 64 12 E-Mail: [fachstelle.hg@stp.stzh.ch](mailto:fachstelle.hg@stp.stzh.ch)
  - . Winterthur City Police  
Tel. 052 267 64 69 E-Mail: [fachstelle.hg@win.ch](mailto:fachstelle.hg@win.ch)
- 

- . Emergency advice numbers for adults  
Tel. 143 [www.143.ch](http://www.143.ch)
  - . Emergency advice numbers for children and young people  
Tel. 147 [www.147.ch](http://www.147.ch) Advice also via Chat, SMS (free), Facebook
- 

VPA-Victim Advice Centres

- . "bif" Zurich Advice and information centre for women, for violence in marriage and partnership  
Tel. 044 278 99 99 [www.bif-frauenberatung.ch](http://www.bif-frauenberatung.ch)
  - Helpline for women in Winterthur, for women affected by violence  
Tel. 052 213 61 61 [www.frauennottelefon.ch](http://www.frauennottelefon.ch)
  - Helpline for Advice Centre Zurich, for women who are particularly affected by sexual violence by their partners  
Tel. 044 291 46 46 [www.frauenberatung.ch](http://www.frauenberatung.ch)
- 

Victim Advice Centres

- Victim Advice Zurich, Centre of the Foundation for Victims' Assistance, Zurich for men and boys who are affected by violent partners, as well as for all other female and male victims of domestic violence, such as siblings, parents and relatives etc (excluding violence in partnership).  
Tel. 044 299 40 50 [www.obzh.ch](http://www.obzh.ch)
- 

Victim Advice Centre for Children and Young People

- OKEY Winterthur  
Tel. 052 266 90 09, Weekends: On call telephone : 079 780 50 50  
[www.okey-winterthur.ch](http://www.okey-winterthur.ch)
- Child Protection groups & Victim Advice Centre of the Children's Hospital Zurich  
Tel. 044 266 76 46 [www.kinderschutzgruppe.ch](http://www.kinderschutzgruppe.ch)
- Castagna – Advice Centre for sexually exploited children, adolescent girls and women exploited in childhood  
Tel. 044 360 90 40 [www.castagna-zh.ch](http://www.castagna-zh.ch)

- Girls' Shelter Zurich  
Tel. 044 341 49 45  
E-Mail: [info@maedchenhaus.ch](mailto:info@maedchenhaus.ch) [www.maedchenhaus.ch](http://www.maedchenhaus.ch)
  - Shelter Home  
Helpline Tel. 043 268 22 68. Advice Tel. 043 266 22 66.  
E-Mail: [info@schlupfhuus.ch](mailto:info@schlupfhuus.ch) [www.schlupfhuus.ch](http://www.schlupfhuus.ch)
- 

Pilot projects for modern speech for children

- KidsPunkt Winterthur  
Tel. 052 266 90 48 or 079 780 50 00 or write an SMS
  - KidsCare Zürich, c/o Pinocchio Advice Centre  
Tel. 044 240 41 08  
E-Mail: [kidscare@pinocchio-zh.ch](mailto:kidscare@pinocchio-zh.ch)
- 

Advice Centre for endangering men

- Office for men, Zurich  
Tel. 044 242 08 88 [www.mannebuero.ch](http://www.mannebuero.ch)
- 

Advice Centre for endangering women

- Probation and prison services/tutorials  
Tel. 043 259 83 12 [www.justizvollzug.zh.ch](http://www.justizvollzug.zh.ch)
- 

Addition Advice Centres

- Advice Centre Women's Shelter, Zürich Oberland  
Tel. 044 994 40 94  
Consultations by E-Mail: [info@frauenhaus-zo.ch](mailto:info@frauenhaus-zo.ch)
  - Helpline for Children  
Tel. 043 268 22 68
  - Emergency number for parents  
Tel. 0848 35 45 55 (Landline - local rates)  
E-Mail: [24h@elternnotruf.ch](mailto:24h@elternnotruf.ch) [www.elternnotruf.ch](http://www.elternnotruf.ch)
  - FIZ Women's Information Centre for women from Africa, Asia, Latin America and Eastern Europe  
Tel. 044 240 44 22 [www.fiz-info.ch](http://www.fiz-info.ch)
  - Infodona – Advice Centre for Migrants  
Tel. 044 271 35 00 [www.stadt-zuerich.ch/infodona](http://www.stadt-zuerich.ch/infodona)
-

Women's Refuges (shelters for women at risk)

- Women's Shelter Zurich  
Tel. 044 350 04 04 [www.frauenhaus-zuerich.ch](http://www.frauenhaus-zuerich.ch)
- Women's Shelter Winterthur  
Tel. 052 213 08 78 [www.frauenhaus-schweiz.ch](http://www.frauenhaus-schweiz.ch)
- Women's Shelter Zürich Oberland  
Tel. 044 994 40 94 [www.frauenhaus-zo.ch](http://www.frauenhaus-zo.ch)
- Women's Shelter Violetta for Mothers with Children  
Tel. 044 291 08 70 [www.frauenhaus-violetta.ch](http://www.frauenhaus-violetta.ch)

You can find further information at [www.ist.zh.ch](http://www.ist.zh.ch)