

The ninth part

PROTECTION AGAINST DOMESTIC VIOLENCE

Domestic violence

Article 197

(1) Domestic violence, in the sense of this Law, is behavior by which one family member endangers the physical integrity, mental health or tranquility of another family member.

(2) Domestic violence, in terms of paragraph 1 of this Article, shall be considered in particular:

1. inflicting or attempting to inflict bodily injury;
2. causing fear by threatening to kill or inflict bodily injury on a family member or a person close to him;
3. coercion into sexual intercourse;
4. inducing sexual intercourse or sexual intercourse with a person under the age of 14 or an incapacitated person;
5. restriction of freedom of movement or communication with third parties;
6. insult, as well as any other insolent, reckless and malicious behavior.

(3) The following shall be considered family members in terms of paragraph 1 of this Article:

1. spouses or ex-spouses;
2. children, parents and other blood relatives, and persons in in-laws or adoptive relatives, ie persons bound by foster care;
3. persons who live or have lived in the same family household;
4. extramarital partners or former extramarital partners;
5. persons who have been or are still in an emotional or sexual relationship with each other, ie who have a child together or the child is about to be born, even though they have never lived in the same family household.

Protection measures

Article 198

(1) The court may order one or more measures of protection against domestic violence against a family member who commits violence, which temporarily prohibits or restricts the maintenance of personal relations with another family member.

(2) Measures of protection against domestic violence are:

1. issuing an eviction order from the family apartment or house, regardless of the right of ownership or lease of real estate;
2. issuing an order for moving into a family apartment or house, regardless of the right of ownership or lease of real estate;
3. ban on approaching a family member at a certain distance;
4. ban on access to the area around the place of residence or place of work of a family member;
5. Prohibition of further harassment of a family member.

(3) The measure of protection against domestic violence may last for a maximum of one year.

(4) The time spent in detention as well as any deprivation of liberty in connection with a criminal offense or misdemeanor shall be included in the duration of the measure of protection against domestic violence.

Extension of protection measures

Article 199

The measure of protection against domestic violence may be extended until the reasons for which the measure was imposed cease to exist.

Termination of protection measures

Article 200

The measure of protection against domestic violence may be terminated before the expiry of the duration if the reasons for which the measure was imposed cease to exist.

Particular urgency of the procedure

Article 285

- (1) The procedure in a dispute for protection against domestic violence is particularly urgent.
- (2) The first hearing shall be scheduled to be held within eight days from the day when the lawsuit was received in court.
- (3) The second instance court is obliged to make a decision within 15 days from the day when the appeal was submitted to it.