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From:	Presidency
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Subject:	Draft European Union handbook of best police practices on overcoming attrition in domestic violence cases

The first draft of the European Union handbook of best police practices on overcoming attrition in domestic violence cases was prepared mostly on the basis of a background study¹, commissioned by the Cyprus Police. This was presented and discussed during the CEPOL Presidency Conference on overcoming attrition in domestic violence through policing, held on 10-12 July 2012 in Limassol (Cyprus) (see doc. 12718/12 ENFOPOL 238).

The input from the conference, and in particular of the four group workshops, was duly taken into consideration by the Presidency and included in the text presented to the Law Enforcement Working Party in September (doc. 12719/12 ENFOPOL 239).

The handbook presented in the current document was agreed by the LEWP on 14 November 2012. It includes all the contributions that delegations sent to the Presidency as regards their best police practices in this field.

¹ Veis, Costas, M. (2012), (Ed.). Overcoming Attrition in Domestic Violence Cases (Provisional Edition). Cyprus Police Headquarters, Cyprus: Nicosia, June 2012.

**Draft European Union handbook of best police practices
on overcoming attrition in domestic violence cases**

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Introduction

During the second half of 2012, combating violence against women constituted one of the main priorities of the Cyprus Presidency of the Council of the EU.

In the field of gender equality, Cyprus chose to take up the critical area "Violence against Women," with a specific focus on victim support in cases of domestic violence, as part of the follow-up to the Beijing Platform for Action. Consequently, a report on the situation in the Member States and the review of the existing EU indicators was prepared in this area by the European Institute for Gender Equality (EIGE). This report is the basis for Council Conclusions to be adopted by the EPSCO in December 2012.

The importance of improving measures to overcome attrition in domestic violence, including through a EU handbook of best police practices, was among the issues discussed during the EU gender equality conference on violence against women aiming at the review of progress at the EU level and the exchange of good practice between the Member States, organised in Nicosia, on 8-9 November 2012. Furthermore, CEPOL Presidency Conference on "overcoming attrition in domestic violence through policing" was held on 10-12 July 2012 in Limassol - Cyprus². In accordance with the agenda of that conference, the first draft of this Handbook was presented, discussed and accordingly edited by the Presidency.

² 12718/12 ENFOPOL 238 (Report on outcomes of this Conference).

In 2010 the Council and the representatives of the governments of the Member States adopted conclusions on improving prevention to tackle violence against women and care to its victims within the scope of law enforcement³. In relation to this initiative of the Spanish Presidency the European Union Handbook of best police practices on tackling violence against women⁴ was agreed by the LEWP (the Police Cooperation Working Party at that time) on 6-7 April 2010, followed by a compilation of Member States' Best Police Practices on tackling violence against women⁵. The aforementioned Handbook addresses violence against women, rather than domestic or spousal abuse specifically, and discusses issues such as prevention, specialisation of services, victim support, welfare and protection, and international cooperation for exchange of information and practices. Although a number of the issues raised in that handbook are linked to attrition, it pursues a broader, more general approach and makes no reference to the issue of attrition.

Nevertheless, the handbook on tackling violence against women lays the groundwork for the current one on attrition in domestic violence cases, by calling on Member States to aim to encourage “victims and witnesses to report (...) crimes to the authorities and to contribute to their investigation and prosecution.” Furthermore, it states that “special attention to the appearance of new circumstances around the victim, such as the complaint’s withdrawal, her decision to live again with the aggressor or the refusal of the granted protective measures, should be taken into account since they may affect considerably the woman’s level of risk.”

This handbook therefore builds on the previous one and seeks to focus attention on the particular issue of attrition in domestic violence (DV) cases. It draws on exchanges of views, experience and knowledge between professionals and experts on the subject, most though not all of whom belong to police services across the EU.

³ 8310/10 ENFOPOL 94 CRIMORG 71

⁴ 7488/2/10 REV2 ENFOPOL 60

⁵ 9309/10 ENFOPOL 119

In line with concerns raised over victim welfare, safety and protection issues, and over the accountability of offenders, attrition, irrespective of the factors that contribute to it and of the extent to which they are victim- and/or system-related, constitutes a major challenge to the criminal justice system (CJS), as it is rendering the system at large incapable of handling a crime and the parties involved in it. Furthermore, the level of attrition is linked to the level of the relatively high financial and human resources of the CJS devoted to handling DV. Hence the need to address and tackle attrition effectively.

Definitions

According to definitions in literature on the subject, **attrition** is used to describe the phenomenon whereby [domestic violence] cases fail to make it through the criminal justice system and do not result in a criminal conviction.

In addition to that definition, the term **attrition** is also being used to describe the lack of progress on to completion of criminal cases and, more specifically, in the stages at which cases drop out of the criminal justice system, that is, from the initial report stage to the final stage of court proceedings.

The major difference between the two approaches is that the latter dissociates the acquittal of the accused from their automatic connection to the challenge assumed by the former. In this respect, attrition may be viewed as either “negative” (e.g. where the victim disengages from the Criminal Justice System (CJS) owing to inefficiencies of the system – support, advocacy, expertise, etc.), or “positive” (e.g. where the victim remains engaged with the system and testifies in court, and the accused is acquitted of charges). Primarily due to the sensitive nature of the issue for the criminal justice system, linked to the definition, the second definition will be adopted here. It is suggested that a similar approach to the definition be taken by police agencies, by CJSs and if possible by academia. It is also suggested that efforts be focused on tackling “**negative attrition**”, which tends to be responsive to interventions.

Domestic violence is defined here as occurring between ex or current spouses and cohabiting couples. Discussions on attrition may also be relevant to abuse between other household or family members, such as minors or older persons, but due to the dynamics of the phenomenon, the focus is on domestic abuse between current or previously intimate partners. Although domestic violence affects both sexes and all communities across the EU, it is acknowledged here that it affects women and certain communities (such as immigrants) disproportionately. Thus, any interventions to tackle attrition in domestic violence, should take the diversification of the victim pool into account.

Best police practice on the issue being discussed here will comprise any individual measure(s) or series of measures that are designed and structured on the basis of informed knowledge, reason and science and are part of a broader strategy or action plan that aims to reduce attrition with due consideration of the needs of victims and is based on the principle of a multi-agency coordinated response.

Risk assessment is defined as a structured method to evaluate the potential for offender recidivism and the risk of escalation of violence and of further violence suffered by the victim, based on the identification of risk factors related to the perpetrator and vulnerability factors of the victim. It helps the police and other agencies to identify the level of risk involved, to take more informed and uniform decisions and to set up efficient risk management strategies. It prevents re-victimisation.

Success in combating DV is ultimately linked to restoring safety for victims. Defining and thus measuring success in tackling attrition in DV is dependent on the specific point at which attrition occurs and on the corresponding outcomes. Measures such as cases investigated, prosecutions, convictions, arrests, and restraining orders are linked to attrition and can conditionally be used as success indicators. It is suggested that they are taken into account not in isolation but in relation to their effectiveness with regard to providing and restoring victim safety.

Objectives

This handbook is intended for use as a reference framework for police services across Member States, with regard to sharing and exchanging of information, knowledge, experience and best practices in overcoming attrition in domestic violence cases. It has the following specific objectives:

1. Promoting increased awareness and visibility of the subject within police agencies and the wider CJS, with a view to taking its parameters into account in training, procedures, policies and interventions.
2. Providing an overview of items and aims linked to the tackling of attrition with a view to incorporating them in strategic plans of action addressing domestic violence or violence against women.
3. Sharing, disseminating and encouraging to adopt experiences and best police practices in tackling attrition, and thus promoting similar effective responses to the common challenge of attrition across the EU.
4. Facilitating the improvement of the effectiveness of police services handling this issue and their responses, with a view to improving assistance and protection of victims, data collection and monitoring.
5. Contributing to optimising police and CJS resources to combat and prevent domestic violence through decreasing the levels of attrition.
6. Promoting collaboration, cooperation, partnerships and joint multi-agency interventions by the various competent stakeholders (police, prosecution services, courts, health and welfare services and nongovernmental organisations).
7. Encouraging the collection of comparable data on attrition with a view to maximising efforts in monitoring its levels, as well as facilitating further research in the field.

Factors that contribute to attrition in domestic violence cases

Attrition often stems from different causes and sources depending on the point at which it occurs, i.e. from the occurrence of an offence up to the final legal adjudication if such is initiated and/or achieved. Many such factors are interrelated and overlapping, and they tend to be contextual, societal, structural, procedural and legal. Although the factors contributing to attrition tend to be interrelated, they can be tackled via the systems in place or centred on the victims (personal factors). There are also abuser-related factors that contribute to attrition such as substance abuse, employment and financial status, previous related conduct, attitudes, etc., but these tend to affect the issue indirectly through the victim and can be considered under victim-related factors. With regard to the systems in place, although there are factors in relation to social welfare or mental health services and to the nongovernmental / advocacy sector, the most important of which is victim support, the emphasis here is on the functions of the CJS and specifically on policing. On the basis of this categorisation, some contributing factors are listed below.

Victim-related (personal) factors:

1. Attitudes toward domestic violence and victim-blaming
 - a. Societal/cultural/personal (e.g. previous childhood experiences)
2. Severity and extent of emotional abuse and its enduring psychological effects
3. Non-recognition of abuse or its escalation and self-blaming
4. Victim's fear of abuser at the junction with systemic safety gaps
5. Material, social and legal factors
 - a. Abuser-dependence
 - b. Economic status
 - c. Legal status and access to legal services
 - d. Child-responsibility status
 - e. Social integration and support
 - f. Language/communication barriers

System-related factors:

1. Negative perceptions of the CJS or of any of its components
2. Availability and accessibility of victim support, legal advocacy and information provision
 - a. Referral system
 - b. Feedback and updates on progress provided by professionals
3. Factors at the interface with system professionals (police, prosecution service, courts)
 - a. Previous experiences with the system
 - i. Specialisation, prioritisation and coordination of services delivered
 - ii. Competencies and commitment/dedication of service providers/professionals
 - b. Level of matching between victim and CJS interests
 - i. Public awareness and acceptance of “criminalisation” approach to DV
 - Media campaigning and management
 - c. Quantity and quality of collected evidence independently of the level of victim engagement with the police
 - i. Video recording of statements, photo documentation, and reception facilities
 - ii. Risk assessment and safety planning/provision protocols
 - d. Victim support provisions in parallel with CJS functions
4. Availability of safety measures
 - a. Restraining orders, arrest/custody, sheltering

The interrelation and overlapping between these factors is evident when considering that many of the factors listed above under one of the two categories (system and person), either as such or if slightly rephrased, could be listed under the other category.

Strategies and approaches to overcome attrition

Below some of the main approaches and strategies that have been applied in order to tackle and overcome attrition are listed:

1. Data collection/monitoring systems
 - a. Data collection on the progression of DV incidents (from reporting to court outcome), broken down at the various specific points of attrition, is being used to monitor the phenomenon, assess the impact of interventions, identify points of major importance, and steer/facilitate further study and research on them
 - b. Analyses may contribute to identifying patterns and characteristics in relation to attrition and thereby channel interventions
 - c. Different points of attrition require different approaches
2. Specialisation of services provided (police, prosecution service, court)
 - a. Victim satisfaction and engagement tends to be increased, and victim vulnerabilities tend to be better addressed through victim friendly approaches
 - b. Effectiveness is maximised if such services are provided by dedicated units committed to DV, or alternatively if a DV coordinator is assigned and the services are provided on the basis of a prioritisation standard
 - c. The issue tends to be more effectively addressed when such services are provided by multi-agency joint structures
3. Pro-arrest, victimless prosecution and no-drop policies
 - a. Minimisation of professional discretion in decision (measure) taking
 - b. Transference of responsibility for decision-making from vulnerable victims to competent professionals
 - c. More robust approaches send stronger messages to parties involved and to the public at large
 - d. There is some debate over victim “free choice” and the level of State intervention
 - i. Need for such policies to be applied in parallel with victim support and advocacy schemes and if possible with offender rehabilitation options

4. Police and prosecution service dialogue
 - a. Cooperation and communication between the two can be very important in
 - i. building strong (substantiated) cases
 - ii. handling intentions and/or requests for retraction of complaints and previous statements
 - iii. promoting effective measures for victim safety and offender accountability
 - b. Early consultation with or involvement of prosecution service in police investigations can contribute to the quantity and quality of collected evidence
 - c. May take different forms depending on the specific legal structures involved
 - d. Maximised if parties (professionals and/or services) are specialised in DV
5. Enhancement of police investigations
 - a. Conducted by personnel with appropriate competencies, skills and attitudes
 - b. Conducted as though they are “victimless”, so that evidence is not limited to the account of the victim
 - i. Sources of additional evidence
 1. Photo documentation of injuries and/or scene of crime
 2. Video/audio/DVD recording of victim statement
 - a. Structured/official statement
 - b. Provisional account recorded on the scene
 3. Medical reports
 - a. Enhanced when prepared by physicians at specialised forensic medical centres/services
 - c. Employment of victim-friendly reception/waiting/interview facilities
 - i. Respect, special care and particular attention paid and displayed
 - ii. Less bureaucratic environment/atmosphere
 - iii. Children's play areas available
 - d. Availability of DV police investigation support
 - i. thorough protocol/manual to guide and assist investigators
 - ii. bullet point card to guide responding officers on the scene
 - iii. checklist in each case file to update investigators

6. Risk assessment procedures
 - a. Required by Article 51 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210)
 - b. When conducted on the basis of multi-agency cooperation, it tends to be more informed, and so are the resulting decisions, with more competent statutory agencies becoming aware of the risk involved
 - c. Can provide informed input for safety measures and planning and for professional decision making
7. Coordinated community responses (CCRs)
 - a. Based on the multi-agency cooperation principle, but goes well beyond it, in trying to reach and involve the community at large
 - b. Tends to be more effective in small communities, rather than big cities
 - c. Multi-agency risk assessment conferences (MARACS) and other police and the CJS structures have been approached via CCR interventions

Elements of success in intervention programmes

There are several common features, or underlying principles, that can be identified amongst the interventions and programmes considered most successful. In general, successful approaches should be based on the multi-agency principle and should balance both victims' needs and criminal justice systems' goals as far as possible. Generally speaking, there seems to be a positive link between the effective and successful functioning of the CJS and victim support, empowerment and assistance.

The most promising and successful interventions, whether integrated legal frameworks, coordinated community responses, training programmes, specialist services, etc., all seem to share the following characteristics:

1. They are based on the crucial underlying principle of multi-agency cooperation.
2. Their approach is centred on victim safety.
3. They provide for a case-by-case individualised approach, rather than applying the “one size fits all” principle.
4. They promote procedural transparency.
5. They engage the victims and respond to their needs to the greatest possible extent.

Recommendations

Subject to National Law and procedures, the competent Authorities when dealing with attrition in domestic violence cases, are invited to take the following recommendations into account:

1. Police agencies should continue and if possible intensify their attempts to increase reporting of DV. These may inadvertently result in increased levels of reported criminality and of attrition in DV. However, reporting is the basic prerequisite for giving CJS authorities the chance to respond to DV, to restore victim safety and to hold offenders accountable.
2. Data on each separate point of attrition should be collected in order to identify areas of concern and in need of interventions, and to assess the impact of any intervention.

3. Police agencies should undertake, promote or facilitate research in the field of attrition, preferably by channelling it at the various points of attrition within the CJS process.
4. The general public and victims of DV, specifically, should be adequately informed about the aspects of the CJS which are relevant to them (e.g. legal provisions, procedures, etc.). This will make them familiar with the system and how it works and more aware of its strengths and possible limitations, so that they develop realistic expectations and know how to pursue them.
5. Police services dealing with DV should be provided by specialised organisational units and/or professionals. As far as possible, such services should be provided by units/professionals dealing exclusively with DV or DV-related fields (e.g. violence against women in general and sexual offences). Irrespective of the level of specialization, all police officers should have basic training, knowledge and skills in the field of DV.
6. The services mentioned in the previous point should be provided by suitably competent professionals, who should have successfully completed mandatory related training. To this end, CEPOL's Common Curriculum on Policing Domestic Violence⁶ may be consulted. CEPOL or other competent EU bodies may review and assess the possibility of establishing minimum standards for such specialised training activities and/or of providing training accreditation for DV police officers.
7. DV multi-agency risk assessment conferences (MARACs), protocols and procedures should be established as best practice and/or targets in this area, since they incorporate multi-disciplinary approaches and safety planning issues. DV and/or spousal abuse risk assessment tools, adapted on the basis of national/local circumstances, should be developed or adopted for use by the police officers and/or other professionals.
8. Victimless investigations and prosecutions, offender pro-arrest, offender pro-prosecution and victim/family pro-protection policies (e.g. temporary restraining/removal/"go" orders issued by the police) should be promoted, wherever possible accompanied by victim support and empowerment services. Victim protection policies and practices should be based on the principle that the accused/offending party should be made to leave the family residence, except in the event of immediate safety reasons, whilst the complainant/victim and/or dependent(s) should be hosted elsewhere (e.g. shelter) only temporarily and as a provisional measure.

⁶ Available for download at <https://www.cepola.europa.eu/index.php?id=domestic-violence> (Login Area, Training & Learning / Common Curricula / Domestic Violence).

9. DV victims should be approached as a diverse group. Special measures should be promoted to address specific needs of particular groups/communities (e.g. immigrants) and to individualise the approach and response to the greatest possible extent.
10. In order to serve DV victims better and increase victim engagement with the CJS, thereby decreasing attrition, police agencies should promote victim assistance, support and empowerment schemes/policies/services provided by the police and/or other stakeholders, either via cooperation protocols/memorandums of coordinated responses, or preferably through joint structures. The operation of offender rehabilitation programmes should also be promoted, either on the basis of voluntary participation, or following referrals from the police, the prosecution service or the courts, depending on the specific legal structures involved.
11. Attrition should be given greater visibility and the issue could become part of police or wider strategic action plans.

With regard to data collection, the legitimate exchange of personal data in the course of police and criminal investigations/procedures should be limited to what is necessary, taking into account the protection of personal data of the concerned individuals, in particular the victims.

Final remarks

This handbook is not meant to provide an exhaustive and thorough report on the issue, but rather a brief account of the situation. For a more detailed report on issues raised in this handbook, interested parties may refer to the study⁷ which provided the background for this document.

A number of good practices on overcoming attrition are listed and briefly presented in the Annex. Given the cultural, legal and other differences across Member States, these practices are meant to serve as food for thought and guidelines rather than to be treated as models for adaption elsewhere in the Union.

⁷ Veis, Costas, M. (2012), (Ed.). *Overcoming Attrition in Domestic Violence Cases: (Provisional Edition)*. Cyprus Police Headquarters, Cyprus: Nicosia, June 2012.

Examples of best police practices on overcoming attrition in domestic violence cases

A number of examples of best practices in relation to overcoming attrition are listed here. These have been collected on the basis of information provided by Member States through the Law Enforcement Working Party in response to two different requests. The first⁸ request was of a general nature, whereas the second⁹ was more detailed and structured according to the themes set out below.

For the most part, information provided in this Annex reflects the original contributions from Member States. Editing was limited to absolutely necessary instances, as for example when a cohesive part touching upon two different themes, was divided in order to be inserted under different themes.

This is not meant to be an exhaustive report on each practice, but rather a brief review of each, so that interested parties are informed and if interested can obtain further and more detailed information. To this end, references and links to additional information on each reported practice are provided where possible. Best practices are presented in a thematic and national structure.

⁸ CM 5492/11 ENFOPOL GENVAL

⁹ 12719/12 ENFOPOL 239

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1. Attrition data collection, monitoring and analysis

CYPRUS

The Domestic Violence and Child Abuse Office of Police Headquarters maintain a registry of all domestic violence incidents reported to the Police, and track them (since 2005) from reporting to final Court outcome, where criminal Court procedures are initiated. Data is collected in the following variables – points of attrition:

1. Incidents reported to the Police
2. Records of Criminal Investigation – Cases investigated by the Police
3. Cases filed in criminal Court
4. Prosecutions discontinued while in Court
 - a. Suspension
 - b. Interruption
 - c. Withdrawn
 - d. Rejected
5. Convictions – Acquittals (innocence)

The following article, which has been submitted for publication in the next issue of (Cyprus) Police Chronicles, contains relevant information (in Greek):

- Βέης Κώστας Μ. (2012). *Η φθορά των υποθέσεων βίας στην οικογένεια στην Κύπρο*. Υποβλήθηκε για έκδοση στο Αστυνομικά Χρονικά. [Veis Costas M. (2012). *Attrition in domestic violence cases in Cyprus*. Submitted for publication in Cyprus Police Chronicles].

Earlier publications (in Greek) on attrition in domestic violence cases in Cyprus are the following:

- Βέης Κώστας Μ. *Η ποινική εξέλιξη περιστατικών βίας στην οικογένεια: Προεκτάσεις και ζητήματα που εγείρονται. Αναλυτική έκθεση*. Επιθεώρηση Κυπριακού και Ευρωπαϊκού Δικαίου, Τεύχος 11, Ιούνιος 2010, Σελ. 102-126. [Veis Costas M. *The criminal progression of domestic violence incidents: effects and issues raised. Analytical report*. Review of Cyprus and European Law, Issue 11, June 2010, p. 102-126.]

- Βέης Κώστας Μ. *Η ποινική εξέλιξη περιστατικών βίας στην οικογένεια: Προεκτάσεις και ζητήματα που εγείρονται*. Αστυνομικά Χρονικά, Φεβρουάριος 2009, Σελ. 52-54. [Veis Costas M. *The criminal progression of domestic violence incidents: effects and issues raised*. Police Chronicles, February 2009, p. 52-54.]

HUNGARY

There is no attrition data collection, monitoring or analysis in Hungary.

PORTUGAL

Please see information on attrition related data listed under item 3(b) below.

SPAIN

In Spain, Law Enforcement Agencies do not have access neither to the data of the evolution of judicial proceedings after the formal complaint nor to the victim's protection ordered by the judicial authority; that monitoring task would be of the competence of the Ministries of Justice, Health and Equality, and Home Affairs, pooling the data provided by the different National and Local Law Enforcement Agencies, the Courts specialized in domestic violence and the relevant Social Services. It is important, in case the victims want to withdraw themselves from the judicial proceedings, that they state the grounds or the reasons.

What does fall within the competences of Law enforcement Agencies is the victims' assistance from the moment that the violent action takes place until they make the report, the investigation performed, and the protection enforced when the judicial authority orders it. Currently, in this sense and due to the relevance of the domestic violence subject and because it is one of the strategic guidelines, established by the Ministry of the Interior, satisfaction polls on efficiency and quality of the police services provided to the women victims of gender based violence are being made.

The survey is aimed to include all the police services engaged in gender-based violence victims' assistance through which they could pass through besides some general data such as:

- Victim's identity data
- Data on the initial assistance provided to the victim
- Data on the formal complaint police service
- Data on the victim's protection service.

The survey is performed taking into consideration the view of a population sample from the battered women granted Protection or Restraining Order.

UNITED KINGDOM

The approach adopted by police forces across England and Wales on managing data collection, monitoring and analysing domestic violence (including attrition) is set out in the ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* – pages 18 – 20.

The Crown Prosecution Service (CPS) has a system where cases falling within the Government definition of domestic violence are identified both on the file jacket (for example, through a readily identifiable sticker, marking it with the letters 'DV' or using a different colour file jacket) and flagged on the CPS computer (CMS) as “domestic violence”.

Performance Management is a key driver within the CPS. There are two Domestic Violence (DV) measures that form part a main suite of measures, which are reviewed quarterly. These are:

- DV attrition (unsuccessful cases) - as a percentage of all DV cases
- DV caseload; - this as a percentage of all caseload.

These are monitored over time and against national performance to gain a perspective on individual Area performance.

In addition, a suite of other performance measures are produced to add context to the headline performance by CPS. This is not monitored or discussed, but is there to assist Areas in understanding reason and remedy for current levels of performance.

2. Specialised domestic violence services provided by the police

2a. Victim-friendly police reception facilities

BULGARIA

Please see information listed under item 21 below.

CYPRUS

Complaints are handled by the local Police Station and serious cases are investigated by the local Divisional Criminal Investigation Department. According to Orders of the Chief of Police, domestic violence cases are investigated by officers who were previously specifically trained on issues of domestic violence.

As of 2003, the Police maintain specially designed, furnished and equipped rooms in Police Divisions and at Headquarters, which are suitable for hosting and handling vulnerable witnesses and for video recording their statements. According to orders of the Chief of Police, which regulate video-recorded statements, such statements may only be taken by officers who have undergone specialised training on the issue. As of 2006, Criminal Courts in all Districts (with the exception of Famagusta) are also equipped with CCTV systems, which allow vulnerable witnesses to testify from a different room outside the Courtroom.

GERMANY

Victim protection rooms have been set up in many police stations. These rooms are provided exclusively for the use of the victims and/or witnesses of criminal acts. They are designed in such a way as to differ from a standard office environment and are aimed at giving victims the feeling that particular attention and respect is being paid to their special situation. The rooms thus also serve to cope with stress reactions. They include play areas for children. The rooms are also open to staff working in victim protection organizations, such as *BIG e.V.*, *Weisser Ring e.V.*, *Opferhilfe Berlin e.V.*, with whom the police cooperates closely. The rooms are used for questioning and hearing victimized witnesses.

The signal this sends already serves to make it clear to victims that the police is willing to pay special care and attention to them, and this can also help to overcome their reluctance to report an offence and/or to make a statement. Creating such a non-bureaucratic atmosphere already helps victims to build trust in the investigating authorities and to adopt a proper, personal way of dealing with the situation.

HUNGARY

There are no specialised offices for the interrogations at most police stations. The management of all police stations aim to create victim-friendly reception rooms. These are not typical offices, there are more convenient for the victims.

IRELAND

Please see information listed under item 3(a) below.

POLAND

Please refer to information listed under item 3(a) below.

SPAIN

Besides the Courts specialised in domestic violence, known as: ”*Juzgados de Violencia sobre la Mujer* (Battered Women Magistrates Courts) and within the police framework, there exist units that provide preferential and specialized attention to the victims.

Those services assist the gender-based violence female victims who have lodged a formal complaint before the police services or directly at a Court and who have been awarded a protection or restraining order regarding their aggressors.

They are staffed by police officers that approve a hard selective process where are taken into account their knowledge and a professional maturity besides their social and communication skills. Therefore, it is important that they have communication, mediation and protection flairs and attitudes regarding commitment, initiative and service willingness, enthusiasm, job satisfaction and time availability.

Among their capacities, decision-making, acceptance of responsibilities or suitability for working alone or in teams aptitudes have to be outstanding.

During the expertise training courses, the psycho-pedagogical teams interview personally all selected officers to establish their adequacy to the necessary profile to perform their task according to their rank.

Another essential issue for this staff is their specific training made by specialization training courses and updating workshops focused in providing the appropriate training for performing their functions. They will include legal and procedural aspects, technical and operational matters in the different areas, techno-professional, aimed at improving both the prevention of that types of crimes suffered by women and on their assistance and welfare resources.

The general targets of the above mentioned services are:

1. *Prevention*: By developing actions aimed at encountering violent acts against women at certain moments and places, but being aware that it is difficult the avoidance of actions that can take place in the private environment. ¿What are those targets?

In the prevention framework THREE LEVELS have to be distinguished:

- a. *Primary prevention or general intervention*: The preventive strategies are directly focused on **all the population**, by rising people awareness on the negative consequences of the violent practices, to educate about equality or even campaigns to lower violence on television.

- b. *Secondary prevention or selective intervention:* that is preventive strategies targeting vulnerable populations (those identified as having a high exposure risk to those well known factors of the violence phenomenon. The intervention will be specifically oriented to those population groups that are more exposed to violence situations.
 - c. *Tertiary prevention or immediate intervention:* The focus of this level is on prevention of the consequences and the reduction of the cases already become apparent in order to prevent future possible recidivism of the same.
2. *Attention or assistance:* Target basically women assistance and support as passive subject of a violent act. At those moments the defenseless victim requires information and advice, her move to a shelter, or to be transferred to a health care or police centre or any other type of services that can be provided by the police officers.
3. *Protection:* Enforcement/ implementation of the police measures legally established, to monitor the judicial measures ordered for her protection, to inform the victims of self-protection measures. And very important, **to create a TRUST AND SECURITY atmosphere with the victims**. The officers have to understand that victims are in a moment of lack of confidence and totally defenseless.

The fact that the victims monitoring is entrusted to a specific police officer working in the victim's residence town is an innovation. In that way the same police officer will responsible of the case management until the judicial proceedings completion.

The police officer put in contact the victims with the social services of their town, accompanying them during the judicial proceedings that could result from their cases, also makes a risk assessment (by the forms known as "Police Assessment of the Risk Evolution") and inform other units the need for protection of that victims (according to the risk level score obtained from the above mentioned assessment. He/ she also gives guidelines to the victims during the police or judicial proceedings concerning their cases.

Due to their task nature and to the need of urgent response at any moment upon request of ill treated victims, the police officers are provided with a mobile phone to keep permanent contact with the women they have assigned who are offered the mobile hand set provided with panic button (fast dialing) starting from those cases where the risk is extreme, high and exceptionally medium risk. It is limited to the three communication levels.

These three communication levels guarantee the protection success and are the following:

- a) First level: It is the police officer who has entrusted the prevention, assistance and protection tasks for the assigned women. That police officer is in permanent contact with the victims by mobile. For this purpose all the women included in the program are provided with a fast dialing mobile phone with access (in case of necessity or for consultation) to the three established levels
- b) Second level: It consists of the police emergency calls room to which could request help the woman in need of an immediate police intervention or when she is not able to contact with the police officer who has entrusted prevention actions for her.
- c) Third level: Is a central toll free phone Nr 91 322.71.90, in permanent service 24 hours a day and from where it is be given response to any request of the victims from any place of the national territory.

UNITED KINGDOM

The ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* – pages 48-50 sets out guidance for police forces across England and Wales on the considerations that the police should address to ensure that the needs of victims and witnesses are taken into account.

2b. Domestic Violence Coordinators

CYPRUS

The Domestic Violence and Child Abuse Office of Police Headquarters coordinate, monitor and promote all issues in relation to domestic violence, provide guidance, advice and support to investigators, act as liaison between the Police and other Agencies, and initiate training activities. Domestic violence criminal files are reviewed by the Office.

GERMANY

Police stations generally have a domestic violence coordinator and/or a victim protection officer on hand. These are responsible for looking after the victimized witness's needs to a special degree, especially where domestic violence has occurred. They are also responsible for raising awareness among their colleagues for this group of people and for the issue of domestic violence.

HUNGARY

There are no domestic violence coordinators at the police stations. We have victim support officers net within the Police. Their task is to handle these kinds of situation as DV, vulnerable victims etc.

POLAND

Under the Law on domestic violence prevention, dated 29 July 2005, the concept of violence in the family means – ‘a single or repeated wrongful act or omission violating the law or the personal interests of family members - should be understood as the nearest person and another person who was living or leading common household, in particular, to put these people on the danger of loss of life, health, affecting their dignity, personal inviolability, including sexual freedom, causing damage to their physical or mental health, as well as causing suffering and moral harm to people affected by violence’.

In terms of reducing and preventing domestic violence Polish police uses a complex solution called a '*Blue Cards*' procedure. This procedure serves, on the one hand the retention of violence and monitoring situation in the family, and the other the support of victims of violence and work with the perpetrator.

Procedure "Blue cards" has been accepted by the Chief of the police to be implemented by organizational units throughout the country. On 10th of November 1998 the Chief of the police has signed Decree No 25 on the way how the intervention should be carried out by the police when domestic violence in the family occurs, which regulates not only the conduct of officers during the intervention but also sets out the further course of action in case of domestic violence. Assistance given to victims especially ad hoc by the police can be performed with the participation of other organs: in particular medical services, fire brigade or social services. Additionally the police gives notice about the situation to other institutions that can provide the necessary assistance. This second action consisting of the transfer of information about the incident to the competent state authorities, local government or social organizations entrusted with the provision of support, requires the consent of the victim. The most important task of the police intervening is to ensure the safety of victims of domestic violence.

From 1st of August, 2011, came into force amendments to the Act on preventing domestic violence, which expanded the list of entities required to implement '*Blue cards*' procedure. For these entities, apart from police and social welfare agencies have joined also municipal committees solving alcohol problems, representatives from education and health care system. The Act imposed a duty on the municipality to take action to prevent domestic violence, particularly in the context of work in the interdisciplinary teams. This team shall be appointed by the mayor or the president of the city. The team consists of representatives from:

- 1) social welfare agencies;
- 2) municipal committees solving alcohol problems;
- 3) Police;
- 4) education;
- 5) health care;
- 6) non-governmental organizations.

The interdisciplinary team compulsory includes the curators of the court (probation officers), and may also include prosecutors and representatives of entities other than those listed above, which work to prevent domestic violence.

Initiation of the procedure follows by filling the form '*Blue Card – A*' by a representative of one of the entities listed above. It occurs in the presence of a person as to whom there is suspicion that she/he is affected by domestic violence. The sample of the form '*Blue Card – A*' is attached to *Ordinance of the Ministers Council on procedure 'Blue Card' and the samples of 'Blue Card' forms*. The police fill out a mentioned form during the intervention undertaken in situations of domestic violence. If the intervention is very intensive, police officers fill it in clearly defined parts. Other parts of the form are then supplemented by a neighbourhood police officer who is caring for the city region in which the victim lives.

After completing the '*Blue Card – A*' victim gets also the form '*Blue Card – B*', which contains information about violence and the possibility of obtaining assistance in the local environment. This card contains information explaining what behaviours are considered to be the violence, who can be a victim of violence, and what are its most common forms. It explains what behaviours associated with violence are penalized in the Polish law and also indicates the duties of a police officer and prosecutor during the criminal proceedings related to violence. This card also describes the possibility of reaction of the victims and how to ask for help. It also contains the lists of the obligations of supporting entities and provides contact details. It also contains information about the fact that the form '*Blue Card - A*' will be passed on to the interdisciplinary team, which will take the concrete support activities connected to her/his case.

After completing the original '*Blue Card – A*' is transmitted by all actors, including the police, to the interdisciplinary team along with the proposal of the assistance plan to the family affected by the violence which is an integral part of the form. Transfer the completed form to the chairman of the interdisciplinary team shall take place immediately, not later than within 7 days from the date of initiation of the procedure. The copy of the form stays with the entity initiating the procedure.

Chairman of the interdisciplinary team upon receipt of this form immediately, no later than within 3 days of its receipt, forward it to members of the *interdisciplinary team* or *working group* set up on a specific case. Members of the team or group familiar with the situation of family and activities have been taken so far in a particular case. Then, in the presence of invited victim, members of the interdisciplinary team or working group during the meeting, analyse the described family situation and fill out the next form - '*Blue Card - C*'. This card is used, inter alia, verify the personal data of the victim and the perpetrator of violence. It serves to the diagnosis of the victim's situation, including family, occupational, economic, health situation, and the situation of children living in the family. This card also establishes the individual plan of assistance with activities for representatives of social welfare agencies, municipal committees solving alcohol problems, education and health care system, other members of the team or group, and also for the police.

One of the members of the interdisciplinary team is a police officer who is the coordinator of the '*Blue cards*' procedure or other officer designated by the head of the police unit. But the part of the working group is neighbourhood police officer. In turn, if the child is a victim of violence, the member of working group is becoming also the police officer who dealing the problems of minors. The tasks, which may be designated for representatives of the police include:

- regular visits to viewing security status of the victims held at a frequency determined by the interdisciplinary team or working group;
- informing the victim that the abuse, physical and mental violence is a crime, and presentation aspects of criminal legal liability;
- informing about the possibility of a medical examination;
- preparing an application for the use of appropriate preventive measures by the prosecutor;
- the initiation of an investigation.

'*Blue card - C*' also describes the obligations assumed for the implementation by the victim. It performs a periodic assessment of the family and victim's situation (with the frequency specified by the team or group: once a week, once a month or once every three months). This card also verifies the tasks performed by individual entities contained in the individual support plan, and also describes another incident of violence occurring during the procedure.

Interdisciplinary team or working group is also required to call perpetrator of domestic violence at the separate meeting. During this meeting they fill form 'Blue card – D'. This card is filled at a meeting of the interdisciplinary team or working group in the presence of the perpetrator of domestic violence. In this form, they describe the type of violent behavior undertaken by the offender, how long he/she takes this kind of behavior, and whether there are witnesses to the described behaviors. Card also includes questions about a possible punishment of perpetrators of a violence crime or threat of violence, as well as questions about the perpetrator's abuse of narcotic drugs, psychotropic substances or drugs. It also describes the issue of drug treatment, the date and type of addiction. During the meeting, the offender is also asked to assess his/her own situation. He/she then presents a proposal for action which may participate, and takes own commitment to take concrete action to reduce or stop violent behaviours.

UNITED KINGDOM

The ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* – page 78-79 sets out clear guidance adopted by police forces across England and Wales on the roles and responsibilities of both the DV Co-ordinator and Domestic Abuse Officer.

Within the Crown Prosecution Service, each area has a person who specifically coordinates domestic violence work. They may be a Domestic Violence Coordinator (DVC) or may have other Violence Against Women strands within their portfolio. As well as ensuring that their area is correctly applying the Policy and Guidance the coordinator may also be involved in community engagement activities and other strategic work.

3. Police investigation

3a. Specialised procedures

CYPRUS

The complex and difficult task of police officers when called to respond and handle cases involving domestic violence and/or child abuse is regulated and controlled by the relevant Legislation, Police Standing Orders, Circulars of the Chief of Police as well as other official documentation, which codify policing procedures and define obligations and responsibilities. Such documentation acts as an important tool, providing guidance for police officers who handle incidents of domestic violence or child abuse.

FRANCE

In some police stations, responsibility for all domestic disputes has been concentrated in one single department and assigned to one section with responsibility for minors and family matters, within the framework of stand-by provision, in order to encourage a more holistic approach to various family problems and to ensure greater consistency in the processing of these procedures by paying greater attention to the situation of a couple's children, the indirect victims of such acts.

The department is thus responsible for the criminal justice handling of all forms of domestic violence, as well as for criminal cases involving minors.

1: Investigative measures

In order to improve the classification of such offences, investigations into the couple's environment (neighbours, family environment) have been developed, as well as psychological or psychiatric reports on the victim and on the accused person.

Some public prosecutor's offices even allow for a video recording of the hearing of the victim to be made, in order to strengthen this evidence.

Any useful testimony may be gathered by investigators in order to help establish the truth. Furthermore, when a criminal procedure is instituted following police intervention in response to a request from a complainant of known identity, he or she must be heard by the investigators.

For a couple's children, having to testify may be traumatic both for them and for the parents, since the children can feel obliged to take sides with one parent or the other.

Thus, statements may only be taken from the children if, after careful evaluation of the procedure, it would seem that they wish to be heard without any pressure being applied by either parent, and if such a hearing is not likely to add to the trauma already suffered.

The investigation concerning neighbours can turn out to be helpful in assessing the degree and frequency of violence where there are discrepancies between the statements made by the accused and those of the victim.

Investigators may consider arranging a face-to-face meeting between the accused and the victim where there are conflicting statements as to the course of events and it is not possible to resolve these discrepancies by obtaining testimony from a neutral person, on the basis of a medical certificate or by means of any other evidence.

2: Permissible material evidence

If the victim has visible injuries, colour photographs of them should be attached to the complaint as a matter of course, since photographic material gives a very clear visual picture of the physical consequences of the violence.

Although submission of a medical certificate is not a necessary legal condition for filing a complaint, victims do sometimes bring a medical certificate confirming their injuries and traumas when they come to the investigative department. In this case, the original copy must be submitted as part of the procedure (it also makes sense to give a copy to the victim for his or her records).

If the complainant has not had his or her injuries confirmed by medical certificate prior to initiating the procedure, the investigators should request that he or she be examined by a medical practitioner of the medico-legal unit, where such a unit exists; if not, and depending on the local structures in terms of provision of such medical services, by a medical practitioner at a hospital emergency department or at a medical practice. Once the medical certificate has been issued it must be submitted as part of the procedure, and a copy given to the victim.

3: Restrictive measures

Where required for reasons relating to the investigations and to the victim's safety, the accused is placed in police custody.

It is recommended that, right from the beginning of custody, there is systematic testing of blood alcohol levels and for drug consumption.

At the investigation stage it is not possible under criminal law to compel the accused to refrain from contact with the victim or to leave the family home.

It is important, when the accused is not placed in custody, to guarantee the victim's safety in the family home. In order to avoid causing further trauma by requiring the victim (and possibly the couple's children) to leave home for the duration of the procedure, the possibilities for excluding the violent spouse or partner must be looked into as a matter of priority: for example, staying with a relative or friend, or temporary accommodation at a hotel.

Maximum attention must also be focused on the arrangements for the recovery of the accused's personal effects from the family home so that the victim does not have to face the attacker. This task can therefore be delegated to a third party or carried out when the victim is absent from the family home, or the defendant may be accompanied by law enforcement officials.

Lastly, before leaving the police station or the gendarmerie unit, the defendant must be given a strict reminder, to the effect that should further acts of violence occur while the case is ongoing, secondary proceedings will be brought and passed to the judicial authority. The defendant is also strongly advised to refrain from any contact with the victim.

After lodging a complaint, victims in some jurisdictions are referred to a social worker responsible for providing social and psychological care to help them and their children deal with their situation. They are then referred to the victim support agency for long-term legal counselling.

GREECE

From 2002 till 2007, the Project Management Team that was engaged in the Counter-Crime Policy Planning (O.D.E.S.A.P.), had been in operation within our Ministry. In the context of its mission, O.D.E.S.A.P. has elaborated an information handbook meant for assisting and guiding the work of the competent Police Services that get in contact with victims of criminal activity. The handbook in question contains a detailed analysis of the obligations and the potential actions of police officers that handle cases related to domestic violence crimes.

More specifically, the handbook includes the following instructions meant for examining officials/police officers regarding cases related to domestic violence victims:

- The cases that have to do with domestic violence crimes require special handling and, more specifically, the police officer must avoid the role of a psychologist or a social worker. On the contrary, he has to refer the victim to the competent Services according to each case.
- For the proper and safer conduct of the victim's examination, the following process has to be followed:
 - a. The victim must be taken to a private office in order to lodge a complaint against the offender/s or to be examined in connection with the problem,
 - b. In the office where the examination is carried out, only the police officers that are engaged in the specific case are allowed to be present,
 - c. The examination of the victim (the interview with the victim) is carried out, as far as possible, by police officers of the same gender as the victim.

- The police officer, who receives the complaint about a domestic violence incident, has to listen to the victim very carefully and avoid making comments or expressing views and / or criticizing the abused person.

Moreover, the handbook in question includes an appendix with useful information regarding the offering of further guidance to and the handling of the victims by the competent bodies (NGOs included) in order that they might get the protection and assistance provided for by Law.

- Even before the passing of the relevant Law (3500/06), the Hellenic Police Headquarters had elaborated and forwarded to Police Services all over Greece, a handbook on “Dealing with domestic violence”, which aimed at defending human rights, mainly those of women and children within the family. It also aimed at the updating and sensitization of police officers and at the more systematic and exhaustive handling of cases by means of guidance and instructions meant for Police Services personnel. The handbook includes an appendix with useful information for the further guidance and handling of victims by the competent Bodies in order that they might get the protection and assistance provided for by Law.

HUNGARY

There is a special inner regulation for the domestic violence cases in Hungary. It consists the procedure to the investigations.

IRELAND

An Garda Siochana are proactive in working towards reducing non-reporting and attrition. An Garda Siochana have developed a number of policies which are designed to improve the Police response to incidents of domestic & sexual violence. These policies, the *Investigation of Sexual Crime*, *Crimes against Children & Child Welfare* and the policy on *Domestic Violence Intervention* are important documents in ensuring a uniformed and cohesive police response to incidents of domestic violence.

The Garda policy on the *Investigation of Sexual Crime, Crimes against Children & Child Welfare* provides detailed practical guidance to members of An Garda Síochána. The policy deals with matters such as the ‘initial action to be taken on receipt of a complaint’, and on the manner in which complaints should be dealt with. One of the core functions of the policy is to create awareness among members of An Garda Síochána of the investigative and welfare responsibilities associated with sexual crimes. The policy document further endorses that the victims of sexual crime be dealt with in a sensitive and compassionate manner ensuring that cases are given special care and attention owing to the vulnerable circumstances surrounding the victims.

The Garda Síochána policy on *Domestic Violence Intervention* outlines the measures to be taken by members in relation to domestic violence incidents. This document contains very clear instructions on the procedures to be adopted in investigating reports of domestic violence. Instructions have also been circulated in relation to the recording of Domestic Violence incidents on PULSE. In addition, the domestic violence policy document succinctly sets out the complex issues which need to be taken into account in responding to reports of domestic violence, the types of legal and service information to be provided to the victim etc. Both the above policy documents are currently being reviewed and updated.

In tandem with the aforementioned policy documents a number of practical measures are also undertaken, measures which are designed to provide confidence in the criminal justice system and to ease the burden victims face following reporting of such matters. A brief synopsis of those measures is provided hereunder.

Informing victims: Research has shown that one of the reoccurring complaints from victims who have discontinued domestic violence cases relates to failures to provide them with regular feedback on case progress. It is the policy of An Garda Síochána to ensure that all victims are provided with regular updates on the status of their complaint. In all cases of domestic violence, the investigating officer will call back to the complainant/victim within one month to provide further information on any developments in the investigation, and reassurance in cases where there is no on-going investigation.

Avoiding Delays: Delays in bringing domestic violence cases to conclusion is problematic for victims and undermines victim confidence in the judicial process. While delays are sometimes unavoidable, great care should be taken to avoid unnecessary delays. Best practice would suggest that proper case management and case supervision is the most effective way to ensure that delays in the investigation of such cases are avoided.

Photographic evidence: The use of photographic evidence in cases of domestic violence cannot be overstated and is encouraged in cases where violence is evident.

Victim Support Services: Research has shown that victims who engage the services of a victim support group are more likely to stay involved in the criminal process. It is policy within An Garda Siochana to provide victims with the contact details of support services. The Garda website provides links to the web pages of major service providers.

Victim Interview Suites: A number of dedicated interview suites have been secured at strategic locations throughout the country designed to provide appropriate facilities for interviewing victims of serious crime including victims of sexual & domestic violence. The interview suites are independently located away from Garda Stations and are designed to afford victims a comfortable and private setting for interview.

POLAND

Friendly interview rooms

One of the very important elements of Polish police actions, that are taken to strengthen the protection of victims of crime through prevention of secondary victimization, is the creation of police units in the so-called "friendly interview rooms", sometimes also referred to as "blue rooms". At present in Poland are 344 such rooms, whereof 59 are in the police units. These premises can be used not only by the police but also by judges, prosecutors and psychologists. It is possible to perform trial proceedings there, hold talks with those, who were harmed, especially if they are minors or adult victims of particularly sensitive crimes (also domestic violence).

An extremely important element of "blue rooms" is their equipment, which aims at building friendly atmosphere to prevent re-experience of trauma crime victims had already been through, especially when the victim is a child. Therefore, improving standards and awarding certificates to the premises, where minors are witnesses of crime are interrogated, is part of the system supporting young witnesses. On the one hand, such premises should be child-friendly, and on the other hand, it has to be adapted to the requirements of the Ministry of Justice, as it is connected with the collection of reliable evidence. Therefore, in 2007, the Ministry of Justice and the Nobody's Children Foundation, together with the aforementioned Coalition for Child Friendly Interview specified requirements of the premises used for interrogation of children. Those standards should be met by the "Child friendly interview rooms". Consequently, based on developed standards, the main entities, namely the Ministry and the Foundation have implemented the procedure for certifying facilities that meet strict requirements. The list of such premises has been placed on both the Ministry and Foundation websites; it also reaches courts and prosecutor's offices throughout the country.

In accordance with those standards, certified friendly room has to meet the following requirements:

1. In the organizational capacity of the area - the room is run by a unit with a legal personality, which is capable of its administration;
2. This unit must have a convenient room, providing sense of privacy, which is equipped in accordance with child's needs, in order to provide physical and mental safety and security to all children during an interrogation.

In particular, the room:

- ✓ ensures that a child's interrogation is only carried out by a judge with the participation of a psychologist, and at the same time allows, due to Venetian window placed between the rooms, participation of other people, e.g. prosecutor, counsel for the defence or an auxiliary prosecutor, who are present in a separate room;

- ✓ ensures that the child can wait for the operations connected with the interrogation in a friendly environment, since the waiting room is equipped with items enabling to actively spend time, e.g. toys, books, mascots;
 - ✓ provides intimacy to a child, by muting the door between the interrogation room and any other rooms;
 - ✓ is decorated in warm, subtle and pastel colors;
 - ✓ is furnished in a manner adapted to the age of younger and older children, by placing the furniture in two sizes (such as chairs and sofas), and the soft carpet on which children can play freely;
 - ✓ is also equipped with materials and equipment, which are helpful in obtaining information from children, like crayons, paper, dolls and other toys.
3. Room must also allow to carry out an interrogation in accordance with the needs of the justice system, so it must be possible to record the interrogation, which can be played back during the main hearing in court. It must also be possible to communicate with all the people involved in activities i.e. directly present in the interrogation room and behind the Venetian window, in order to enable the transmission of questions that a child should be asked. Due to the aforementioned matter, the room should be equipped with:
- ✓ camera or cameras registering the interrogation and covering the whole room and all reactions of the child;
 - ✓ microphone or sound registering microphones;
 - ✓ audiovisual equipment to enable registration of the interrogation on two components;
 - ✓ microphone in a room adjacent to the friendly room;
 - ✓ handset for the judge and the psychologist.
4. Moreover, the institution leading child friendly interviews must ensure that the child's carer can obtain comprehensive information on what forms of assistance may be obtained from the specialized institutions, in terms of psychological, therapeutic, medical and legal counselling. The carer of the interrogated child receives a written statement concerning the proposed offer.

A significant part of those premises are designed to carry out activities also with the adult victims of particularly sensitive crimes (e.g. of sexual nature, domestic violence) and they are located within the premises of the Police. Police premises known as "blue rooms" are generally not equipped as professionally as aforementioned premises holding the certificated granted by the Ministry of Justice, however, they are always furnished in a friendly manner, painted in subtle colors and equipped with items to be used by children. They often also have equipment for sound and image registration, and are used to carry out appropriate procedures with the victims, not only by the police, but also by the representatives of court and prosecutor's offices. It is also worth adding that very often they are used to conduct interviews with female victims of domestic violence.

The list of "blue rooms" located within the police units, is annually updated and placed on the website of the General Police Headquarters. The list includes current data with addresses containing the location of such rooms, types of activities which can be performed there, as well as data of persons who can be contacted in case of need to use such facilities. The list is further broken down for each province (regions) of Poland, in order to make it possible to use, depending on the place of crime occurrence and place of residence of the victim. The list of friendly rooms within the Police units is also forwarded to the Nobody's Children Foundation and the Ministry of Justice, from where it also goes to the courts and prosecutor's offices throughout the country.

SPAIN

Please see information listed under item 21 below.

SWEDEN

Well functioning investigative work and victim support are the prerequisites if the overall aims of the Police, i.e. to increase safety and reduce crime, are to be achieved. One of our greatest challenges is to investigate and prevent criminal acts in close relationships. To succeed, we must both use and develop our investigative methods and provide the victim with support and protection.

Investigative Methods

Measures to prevent the victim's consent from becoming an impediment to bringing to justice perpetrators of violence against women.

The Swedish Police, in collaboration with the National Council for Crime Prevention, have identified four parameters determining the degree of success of investigations regarding criminal acts in close relationships, in relation to avoiding making the investigation dependent on the cooperation of the victim. These are:

- when a witness in some way corroborates the account of the woman [injured party]
- when the injured party participates in the investigation
- when an injury has been documented
- when the suspect admits to the crime, at least to some degree.

These four parameters also form the basis of specific measures taken to address the problem. The Swedish Police tries to collect evidence and witness accounts at an early stage. Further, an interview with the victim is made as soon as possible, preferably by filming a spontaneously told story. If the victim amends or withdraws information at a later stage, the police can use the initial story in order to pursue the matter for prosecution.

Information listed under item 6 below is also relevant.

UNITED KINGDOM

Section 3 to 6 of the ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* sets out the Fast-Track procedure for police officers first-attending a domestic violence incident together with particular issues to consider when investigating the incident.

Strathclyde Police

Strathclyde Police is committed to continual improvement and to providing a professional, sensitive and more efficient service to victims of Domestic Abuse.

Police Officers have a unique opportunity to gain an insight into the living conditions and circumstances of victims, perpetrators and children/young people when attending domestic incidents. Limited intervention and prevention opportunities provided in these situations are successfully augmented by efficient and effective partnership working such as the Domestic Abuse Multi Agency Tasking and Coordinating process, which targets high risk offenders and has integral support for victims embedded.

Strathclyde Police Domestic Abuse Task Force

Scotland's first Domestic Abuse Task Force (DATF) was established in December 2008, and became operational in February 2009.

The DATF was established in recognition that Domestic Abuse is a serious crime issue that is often difficult to investigate and requires a dedicated and specialist response. Crimes happen behind closed doors, there are rarely independent witnesses and forensic opportunities are limited.

The DATF have all undergone specialist training in forensic awareness, crime scene management, surveillance techniques, investigation of serious sexual crime, family liaison, joint interviewing of children, interviewing of suspects under tape recorded conditions and intelligence gathering. The DATF collectively possesses all the specialist skills normally associated with homicide and other serious crime investigations.

The DATF high-level objective is to reduce the overall harm of Domestic Abuse by pursuing perpetrators who present the most serious risk of harm to victims and their families. By using all available methods, including the proactive use of intelligence and the skills of other specialist teams within Strathclyde Police, perpetrators are targeted for all aspects of their criminality, with the aim of ultimately reducing the levels of domestic homicide.

The DATF focuses on the situations that are traditionally difficult to police such as Repeat and Serial Perpetrators and Stalking and Harassment. It allows a transition from individual incident based investigations to an intelligence-led perpetrator focused approach.

3b. Manuals/guides

CYPRUS

In order to facilitate training as well as to assist Police Officers in the handling of domestic violence and child abuse cases, the Domestic Violence and Child Abuse Office incorporated all relevant material and documents into a Police Manual, which was first published in 2005 and revised in 2006 with funding provided by the National Machinery for the Rights of Women, Ministry of Justice and Public Order.

GREECE

Please see information listed under item 3(a) above.

HUNGARY

There is a manual for the police officers to handle these kinds of cases. It was made in 2011 in an EC supported project. We involved our partners (prosecutors, judges, social and health care institutes and victim supporters) and made a Legal and Methodological Handbook.

POLAND

Guidelines concerning dealing with victims of domestic violence and sexual crimes

Very interesting initiative carried out by the General Prosecutor's Office is the guidelines concerning dealing with victims of domestic violence and sexual crimes predicted for the accomplishment by the prosecutor's offices on the area of the entire country.

In the Polish Code of criminal proceedings the one of main purposes of criminal proceedings is taking into account legally protected businesses of the victims of crimes¹⁰. Moreover, according to regulations of the Act of the prosecutor's office one of the most important purposes of this entity is shaping the awareness of citizens connected with observance of legal rules and respect for law¹¹. Therefore extremely important became a need to ensure that rights of victims are obeyed.

On the basis of Penal Code, the Code of criminal proceedings and other acts were being scribbled appropriate rules of conduct:

- firstly, the need to distinguish in the structure of regional prosecutor's offices posts specializing in conducting preparatory proceedings in cases of crimes associated with applying the violence in the family and the sexual violence;
- secondly, rules of conduct were assigned to every stage of dealing with the victim of violence in the family or the sexual crime which must be followed by representatives of law enforcement agencies.

¹⁰ Art. 2 § 1 pt 3 of *Code of criminal proceedings from 6th of June 1997* (OJ of 1997, No. 89 pos. 555, as amended).

¹¹ Art. 2 of *Act from 20th of June 1985 about the prosecutor's office* (D. U. of 2008, No. 7 pos. 39, as amended).

The most important issues described in individual stages of dealing with the victim of domestic violence or sexual crime:

1. At the stage of the *committal (checking) proceedings* attention was directed to such essential scope as:
 - the need to conduct the activity with the participation of victims of rapes by appropriately trained police officers or public prosecutors (by persons the same sex as the victim),
 - the need to provide all information concerning the prosecuting mode of sexual crime, way of conducting the essential medical examination, way of conducting the inspection of the body, information about medical effects of this crime and ways of preventing them,
 - the ways of collecting, keeping and securing the evidence in the form of biological material,
 - the need to inform the victim about possibilities of getting the help of all kinds: legal, psychological, financial from the institution and organizations supporting the victim of crimes, and enabling the victim of the contact with entities granting such a help.

2. At the stage of the *preparatory proceedings* attention was directed to:
 - the need to give the caution about victim's right and duties arising from the Code of criminal proceedings (among others: demanding keeping secret details about a place of residence, folding the motion for appointing an attorney, filing for examining up to absence of the accused, etc.),
 - the way and conditions of interrogating the victim which will enable to respect the dignity, intimacies and privacies,
 - the need to reserve data concerning a place of residence to the exclusive knowledge of the public prosecutor or the court,
 - the way conducted activities of identification of the perpetrator,

- activities which should be carried out towards the perpetrator (for example the perpetrator of crime against the sexual freedom should be stopped, and the public prosecutor has to take legal action with the application for applying the detention. If the sexual violence is an element of the violence in the family should be applied the police supervision with the simultaneous order of vacating premises occupied together with the victim, as well as the ban on approaching to the victim, place of her/his stay, work, house or with the ban on any other contacts),
- and in justified cases also to the issue of embracing the threatened person with the protection (for example through the detention of the perpetrator).

3. At the stage of the *judicial proceedings* attention was directed to:

- the need of enable victim to make a statement in casual atmosphere and protections of victim's rights through, among others, avoiding repeated interrogation to the same circumstances, care of respecting the victim's personal dignity, avoiding of unnecessary questions concerning the intimate sphere of life, etc.),
- the need to conclude for repealing the openness of the trial and for examining victims without the presence of the accused, if there are indications showing that this presence could has an embarrassing influence on a victim,
- while waiting for the trial necessity of safeguarding the avoidance of the smallest contact with the perpetrator,
- possibility of participating of the same public prosecutor in all court trials.

4. At the stage the *executory proceedings* attention was directed to:

- the need to inform the victim that it depends on her/his decision, if she/he will be informed of repealing, the non continuation or the change of the perpetrator detention for other preventive measures, as well as about every leaving the penitentiary by the convicted.

In guidelines is separately normalised also other actions in the protection of businesses of the crime victim, amongst which special attention was paid to:

- the possibility of folding by the victim the application for repairing the damage in the whole or in part or compensations for sustained harm, if a civil proceedings was not commenced,
- the possibility of commence a civil proceedings or supporting it for purpose of pursuing property claims resulting directly from the crime in criminal proceedings,
- the possibility of folding the motion for the compensation,
- as well as need to inform the victim about the right to the protection of the image.

PORTUGAL

The Directorate-General of Internal Affairs (DGAI), in cooperation with law enforcement (National Republican Guard – GNR and Public Security Police - PSP) is currently developing a Handbook for policing domestic violence. This tool will provide detailed guidance, including checklists of procedures, to orientate the police staff, from the front office through back office, in order to disseminate namely the minimal standards that must be accomplished in every moment of the intervention of law enforcement dealing with cases of domestic violence. It is estimated that at the end of the current year this handbook will be available and prepared to support the training on domestic violence in GNR and PSP.

This tool has taken into account the European Handbook on best police practices on tackling violence against women, prepared under the Spanish Presidency and for which the Portuguese delegation gave their contributions (DGAI, GNR, PSP and the Commission for Citizenship and Equality).

The handbook that is being prepared will include a chapter/topics to orientate the police intervention regarding the reluctance of the victims namely in reporting the crime and contributing to investigations.

The contributions for this chapter/topics will be provided according specially with the results and proposals of the study “*Domestic violence: from the participation of the occurrence to the criminal investigation*” that was developed by Carina Quaresma that works as superior technician in the Strategic Planning Department of the DGAI. This study was concluded in 2010 and was developed in the context of a master degree in Management and Public Policies. In the first quarter of 2012 this study will be published by the DGAI. This study addressed questions such as the expectations of victims on police intervention, motivation of the victims for promoting their safety, cooperation within the investigation and the attrition rate.

The following text is the abstract of such investigation:

Domestic violence is the third most registered crime in Portugal, but still little is known about what happens to these cases. On the other hand there are few studies in Portugal that address the process of change in these victims regarding the promotion of their safety and their cooperation in the criminal investigation process. This study focused on the process that starts on the report of the occurrences to law enforcement leading to the criminal investigation, concentrating on: victims' motivation to promote their safety, through five different strategies, using the transtheoretical model of change (Prochaska & DiClemente, 1982, 1992, their cooperation; and the results in terms of prosecution. This investigation was conducted in Lisbon. It was based on 362 cases of domestic violence and involved 259 police staff members. The results demonstrated that the higher the level of motivation to promote safety is, the higher is the level of cooperation, and that the high levels of cooperation are associated with a prosecution result. From 117 of the cases included in the study, 5% were prosecuted; the absence of prosecution, in the majority of cases, was due to the lack of evidence. Implications for public policy in the domain of prevention and fighting of domestic violence are discussed.

SLOVAKIA

In 2003, Presidium of the Police Force has issued the methodological guide book “Investigation of criminal deeds related to the domestic violence” which contains criminal and tactical procedures in investigation of criminal deeds related to the domestic violence. Part of this publication focuses upon the advance of the investigator of the Police Force during the interrogation of the injured party. Particular attention is devoted to psychological approach of the investigator of the Police Force towards the injured party, as the injured party in many cases is psychologically exhausted, stressed and scared of the perpetrator. Emphasis is laid upon raising the contact with the injured party by means if individual approach from the investigator of the Police Force due to its psychical stage and behavior, further upon the consistent instruction of the injured party about its rights and duties in criminal proceedings, informing the injured party on organizations which provide assistance to victims of domestic violence, patient and comprehensive attitude of the investigator of the Police Force towards the injured party, spontaneous testimony of the injured party and following putting forward clear and matter-of-fact questions from the side of the investigator of the Police Force. This methodological tool is at the disposal to the units of the Police Force which deal with cases of domestic violence.

Within the project “Alterna” of the crisis center Touch, Presidium of the Police Force worked out the methodological guide book “Domestic violence – Police methodology in cases of domestic violence” which was published by the Slovak crisis center Touch in august 2006 and which is available also on the web site of the Ministry of Interior of the Slovak Republic. The guide book is in particular designed for those police officers who meet the perpetrator and the victim in the first instance when solving cases of domestic violence.

Apart from other, the methodological tool adjusts also the principles of communication of the police officer with the victim when performing the intervention, keeping of which may contribute to overrunning the resistance of the victim to lodge the indictment. Should the conditions allow it to happen, important is to select the suitable location for communication with the victim, thus protecting its privacy, as well as to select the suitable partner for communication (e.g. if the victim is a female being harassed by a male, she will more easily communicate with the female police officer). Motivation of the victim to cooperate can be fostered also by inducing the feeling of trust by means of introducing the police officer himself, providing the victim with the phone contact to the nearest unit of the Police Force, assuring the victim about unreserved confidence it may possess towards the Police Force, instructing the victim on its rights, offering the victim information on possible protection from the side of the police and organizations which provide assistance to victims of domestic violence, as well as by encouraging the victim to search for help and assistance.

Whether lodging of the indictment by the victim occurred or not, the police officer is obliged to secure its safety in the first instance.

SWEDEN

Handbook

In 2007 the Government enjoined the National Police Board to intensify the efforts to eliminate domestic violence. Within the scope of this assignment and with the purpose of improving police skills and capacity when it comes to such violence, the Prosecution Development Centre in Gothenburg has recently assisted the National Police Board with creating a manual for the investigations of such crimes and educational material for the police.

To ensure that all criminal acts in close relationships are investigated and handled in a uniform manner, a handbook has been prepared and distributed within the police force. The handbook provides Swedish police staff with guidance. It i.a. addresses:

- reception and reporting;
- preliminary investigative measures;
- the subsequent investigation;
- support, safety and security measures;
- crimes against children.

Information listed under item 11 (below) is also relevant.

UNITED KINGDOM

The comprehensive approach for policing domestic abuse incidents is set out in the ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)*. This document also cross-refers to other applicable criminal justice guides and/or codes of practice, such as *Working with Intimidated Witnesses: A manual for police and practitioners responsible for identifying and supporting intimidated witnesses*, Criminal Justice System, November 2006, which is available at <http://www.ndvf.org.uk>.

3c. Checklists/cards

HUNGARY

The Handbook involved a checklist.

SWEDEN

The Swedish Police has printed cards with information on what to do when these types of crimes are discovered. These action cards have been disseminated to all police officers in the field and to staff receiving complaints at the police stations.

UNITED KINGDOM

The ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* references 27 checklists that police officers should follow to ensure incidences of domestic violence are investigated effectively.

4. Victim protection measures/orders

4a. On the basis of police or court or “other” powers

CYPRUS

The Law on Domestic Violence allows for 2 types of protection Court Orders:

- (a) Restraining (of the accused) order: It prohibits the accused from entering the family home.
- (b) Removal of the victim (minor): it grants the Department of Social Welfare Services the right of care and supervision of a minor victim, and it authorises the Department to remove the minor from the family residency and place him/her in a State shelter or in a foster family.

Such orders are issued by Criminal Courts upon application of the Police, the Department of Social Welfare Services, the Attorney General, or the victim or his/her representative. Both restraining orders may be issued for an extended period of time following a Court hearing process during which both parties have a choice to present their case. This option (permanent Order) in practice is avoided by the Authorities. Alternatively, these Orders may be issued on a temporary basis in an ex parte hearing. A temporary Order may be granted for up to 8 days and it may be renewed to a maximum of 24 days in total.

Upon filing the case in Court, such temporary Orders may be extended up to the adjudication of the case. Restraining Orders may be imposed if (a) it is proved to the satisfaction of the Court that the accused has a history of repeated acts of violence against members of his family or that he has two convictions in the last two years for similar offences, or (b) the violence used has caused such actual bodily, sexual or mental harm, as to endanger the life, integrity or sexual or mental health of the victims, or (c) the accused refuses to be submitted to self-control treatment imposed as a condition for the purposes of applying section 33 of Criminal Code or otherwise. The violation of such Orders constitutes an offence carrying a maximum penalty for up to two years in prison. The Police may arrest such offenders on the basis of a Court warrant of arrest, or without a warrant if the offence is committed in the presence of a police officer.

CZECH REPUBLIC

In 2007 the Act on Domestic Violence came into force in the Czech Republic. This one amended certain acts on protection from domestic violence. The Act constitutes a comprehensive system of legal and social measures that are reflected in some existing legal regulations (especially Act on the Police of the Czech Republic; Code of Civil Procedure), and creates a fundamental legal framework for solving of domestic violence, namely:

- by prevention of dangerous attacks against life and health by force of the police expulsion (i.e. a temporary separation of a violent person from an endangered person). It is a measure of a non-criminal character, which shall stop an actual violence in a joint home and prevent other attacks against the victim from the violent person,
- by adjustment of conditions for providing immediate psychological and social-legal assistance to the endangered persons in intervention centres and through an interdisciplinary cooperation among government, municipal and non-government organisations, which participate in the prevention of domestic violence and help to the endangered persons and their under-age children,
- there was also a novelty – a ban of a communication and any contact between the violent and the endangered persons.

The implementation of the institute of the expulsion is without doubt one of factors influencing a victim's willingness to report domestic violence cases. The victim already does not need to solve the endangering situation purely by personal way and in its own costs, but the responsibility is shifted to the violent person, who has to face the consequences of his/her behaviour. It is proved that with the constitution of this institute in our legal order the number of reported cases of domestic violence increased.

According to the opinion of WHO, the Police of the Czech Republic already more than 1 year has thought of children (witnesses of domestic violence) as the endangered persons. So there is a possibility, as a part of the expulsion, to put the violent person under an obligation to refrain from the communication or the contact also with the endangered person – child. Namely the children are often used by the violent person as a „hostage“ in an effort to terrorize the victim and to discourage her/him from decision to appeal to the police or the court, to testify against the violent person etc. The mentioned measure provides a room for the victim to solve her/his situation, without any compulsion from the violent person.

Since 20.7.2009 the amendment of the Code of Civil Procedure has been in force. This one extends a demonstrative listing of obligations they are possible to lay to the violent persons as a precaution.

The police, by solving domestic violence, obey especially the Act on the Police of the Czech Republic, the Act on Minor Offences and the Penal Code.

The Penal Code contains provisions on domestic violence as follows:

- abuse of a person living in a joint home,
- dangerous pursuit, i.e. stalking. *Domestic violence often continues by stalking after leaving the endangered person from the violent person,*
- homicide. *This institute enables to take into account special circumstances of a murder of the violent person by the abused person after a long-persisting domestic violence. It is possible to impose a lighter sentence in this case.*

DENMARK

The Danish law on restraining orders deals with both restraining orders and expulsion. The law on restraining orders was changed in 2011 with the purpose of strengthening the protection of victims of invasion of privacy and harassment. The change improved the possibilities to enforce the rules. At the same time the rules were made more transparent as to the fact that the rules on restraining orders and expulsion are now united in the same law. The new law on restraining orders provides an easier access to obtain a restraining order for persons who have been victims of serious violent crimes.

FINLAND

Temporary restraining order

According to Act on Restraining orders the police may, ”*ex officio*”, impose a temporary restraining order, if the apparent need to protect a person by means of a restraining order requires that the restraining order is imposed with immediate effect and if the circumstances of the matter indicate that the person in need of protection due to his or her fear or some other reason is unable to apply for a restraining order himself or herself”.

The purpose of this is that the victim does not have to act herself which could lead more difficulties, especially in the cases which the perpetrator and the victim are living together. This is useful when the victim is reluctant to have any protection, but the police see the imminent danger for the victim.

FRANCE

1. Order protecting victims of domestic violence

This order, which was introduced by the law of 9 July 2010, may be issued by a family court judge as a matter of urgency in cases of violence by a spouse or where a person is threatened with forced marriage. The judge may also be seised by the victim, assisted if necessary by a lawyer, or, with the victim's agreement, by the public prosecutor's office.

After hearing the parties, the family court judge issues the order if, after hearing the case put before the court by both parties, he or she thinks that there are serious grounds for suspecting that the alleged acts of violence have been committed and that the victim is in danger.

This order enables emergency measures to be put in place without waiting for the victim to lodge a complaint. Such measures may include:

- eviction of the violent spouse (this applies to cohabiting partners and persons in a civil partnership, as well as married couples);
- the adoption of temporary emergency measures concerning the exercise of parental authority and the granting of possession of the family home, etc., in order to address the situation of the children exposed to this violence.

This protection order applies for four months, with the possibility of extension if the victim files for divorce.

2. Educational assistance

In civil matters, Article 375 of the Civil Code lays down that: *"If the health, safety or the morals of a minor not declared of full age and capacity are endangered, or if the conditions of his or her education and physical, emotional, intellectual and social development are seriously compromised, educational assistance measures may be ordered by the court at the request of the father and mother jointly, or one of them, or of the person or service to whom the child has been entrusted or the guardian, the child itself or the public prosecutor. In cases where the public prosecutor has been notified by the chairman of the General Council, he shall ensure that the situation of the minor falls within the scope of Article L. 226-4 of the Code on Social Action and Families. In exceptional cases the court may itself intervene. Such measures may be ordered simultaneously for several children subject to the same parental authority.*

The decision establishes the duration of the measure which, if performed by a service or institution, may not exceed two years. The measure may be renewed by a reasoned decision.

However, where the parents exhibit grave, severe and chronic problems in their relationship and the upbringing of their children, assessed on the basis of current expertise, which affect their ability to exercise their parental responsibilities, a measure putting a child in the care of a service or institution may be ordered for a longer period in order to enable that child to benefit from relational, emotional and geographical continuity in the place where he or she lives, if it is appropriate for his or her immediate and future needs."

3. Ad hoc administrator in civil and criminal matters

The ad hoc administrator is a natural or legal person designated by court order in civil or criminal proceedings who replaces the legal representatives in order to exercise their rights on behalf of the minor and provide suitable and effective support throughout the proceedings. He or she is the minor's temporary representative where the legal representatives are unable to perform that task.

Legal tasks: the ad hoc administrator **exercises civil party rights**, notably by bringing civil proceedings. He or she appoints a lawyer and applies for legal aid. He or she may enter an appeal and request action. By way of example, Article 706-53 of the Criminal Code stipulates that the ad hoc administrator may under certain circumstances be present during the hearing or confrontation of a minor against whom sexual offences have been committed. These rights are exercised in consultation with the appointed lawyer.

Support tasks: the ad hoc administrator is the victim's point of contact and provides him or her with support throughout the proceedings. The administrator informs the minor about the conduct of the proceedings (explaining the part played by each of the parties to the proceedings: the examining magistrate, the juvenile court magistrate, the lawyer, the ad hoc administrator, child care workers, etc.) and remains by the minor's side to listen and respond to all his or her enquiries, questions and concerns, in a language appropriate to the minor's age and degree of maturity, and to lend moral support. The ad hoc administrator forms a relationship of trust with the child by giving proper consideration to the child's rights and what he or she says. The child must be able to contact or meet the ad hoc administrator whenever he or she wishes. As the minor's representative, the ad hoc administrator provides guidance in connection with all the procedural documents and hearings concerning him or her, as well as in interviews with the child's lawyer. The ad hoc administrator prepares the child for the course of the proceedings, which are often misunderstood.

4. Other criminal procedure provisions intended to protect victims of domestic violence

Instead of bringing criminal proceedings against the offender, and if justified by the circumstances of the offence and the offender's personality, the public prosecutor may offer the latter an **alternative to prosecution or conditional suspension by obliging the offender to live away from the family home or to keep away from it and the immediate vicinity.**

Thus Article 41-1 of the Code of Criminal Procedure provides that: "*where it appears that such a measure is likely to secure reparation for the damage suffered by the victim, or to put an end to the disturbance resulting from the offence or contribute to the rehabilitation of the offender, the prosecutor may, before deciding on criminal proceedings, directly or through an officer of the criminal police, a representative or mediator appointed by him: (...)*

(6) in the case of an offence committed either against a spouse, unmarried partner or partner in a civil solidarity pact, or against his children or the children of a spouse, partner or partner in a civil solidarity pact, require the offender to reside away from the domicile or residence of the couple and, where appropriate, require him to refrain from appearing in this domicile or residence or in its immediate vicinity, as well as, if necessary, to subject himself to health, social or psychological care; the provisions of the present paragraph 6 are also applicable when the offence is committed by the ex-spouse or unmarried partner of the victim, or by the person formerly joined in a civil solidarity pact, the domicile referred to being the victim's domicile."

Similar provisions exist in relation to conditional suspension of prosecution, under Article 41-2 of the Code of Criminal Procedure.

In the context of a judicial investigation, a person under investigation for domestic violence offences, or family violence offences if the children are also victims, may be subjected to **judicial supervision** and have to comply with certain requirements including those described in Article 138(17) of the Code of Criminal Procedure, which provides that:

"(17) in the case of an offence committed either against a spouse, unmarried partner or partner in a civil solidarity pact, or against his children or the children of a spouse, partner or partner in a civil solidarity pact, [the offender may be required] to reside away from the domicile or residence of the couple and, where appropriate, require him to refrain from appearing in this domicile or residence or in its immediate vicinity, as well as, if necessary, to subject himself to health, social or psychological care; the provisions of the present paragraph 17 are also applicable when the offence is committed by the ex-spouse or unmarried partner of the victim, or by the person formerly joined in a civil solidarity pact, the domicile referred to being the victim's domicile."

At the criminal sentencing stage, a perpetrator of family violence offences may be given a custodial sentence, partly or entirely suspended subject to probation conditions including the prohibition mentioned above (Article 132-45 19 of the Criminal Code).

B. Experimental arrangements

The law of 9 July 2010 concerning violence against women establishes a number of victim protection arrangements. They are being applied experimentally until 2013 (in Amiens, Aix-en-Provence, Bas Rhin and Seine-Saint-Denis), but given their success, they are expected to be extended to cover the whole of France.

The electronic anti-approach protection device DEPAR

This defines a dynamic protection area around the protected person, using a portable device carried by the victim. If the suspect enters the protection area, an alarm is triggered at the prison administration, which can alert the enforcement authorities so that they can intervene.

Tele-protection

The victim is provided with a mobile alert telephone, with which she can swiftly contact the tele-operator. The latter holds all the relevant information on the person equipped with the phone (name, address and other details, habitual locations, etc.). In the event of danger, after confirmation of the circumstances, the tele-operator contacts the police or gendarmerie using a dedicated number, which enables them to act very quickly.

At the same time as these legislation-based arrangements, experiments are being carried out by the French public prosecution service pursuant to the provisions of D32-29 of the Code of Criminal Procedure:

The arrangements for women "in very serious danger" (VSD)

The arrangement is established by the **public prosecutor** at any stage of the proceedings and is designed to protect the women most exposed to violence from their partners.

This emergency arrangement allows for women to be issued with telephones fitted with a preprogrammed call button directly linked to a tele-operator. The victim can be allocated a mobile alert phone on the condition that she has filed a complaint of violence and no longer cohabits with the accused person and that a **ban on contact with the victim has been imposed on the perpetrator of the violence** in the context of judicial supervision, a protection order, a measure implementing penalties, an alternative to prosecution or a conditional suspension of prosecution.

GREECE

For the facilitation of Police Service's task and for the more systematic and exhaustive handling / management of domestic violence cases and the familiarization and sensitization of police officers, instructions are constantly given to the Police Services' personnel all over the Country.

The following orders and instructions have been forwarded to all the Country's Police Services:

- ✓ a summary note on the operation of the National Social Solidarity Center (E.K.K.A.), its objectives and the services it provides. Operational Services are accordingly informed and may use those services for the benefit of the victim.
- ✓ An information manual issued by the Ministry of Health and Social Solidarity, that lists Child Care Centers all over the Country with information related to their address, telephone and fax numbers, number of beds, kind of provided care, gender and age of children, etc.
- ✓ Two (2) information manuals on social – welfare Bodies of the Ministry of Health and Social Solidarity, that include a series of Bodies and Services, which may contribute to the dealing with social problems faced by the citizens all over the Country,
- ✓ A relevant circular order issued by the Chief of the Hellenic Police regarding Law 3500/06 on “the dealing with domestic violence”, aiming at informing police personnel of the provisions of this Law in order that they might enforce them properly.

As regards the legislative framework on domestic violence, which is in force in our Country, we would like to inform you of the following:

Domestic violence is provided for by Greek Law as an independent crime. The relevant Law 3500/06 that was put into effect on 24/01/2007 aims mainly at protecting the human rights of family members.

More specifically, the Law deals with punishable behavior manifested within a family, which infringes upon the human rights of family members affecting their physical integrity, their health, their personal and sexual freedom, their dignity, etc. The a/m Law is in full compliance with constitutional requisitions (rendering of increased protection to the family) and in harmony with European Union relevant standards.

Law 3500/06 constitutes a specialized unified statute since its provisions include amendments of provisions of more codes. For this reason, it is divided into six (6) chapters with the view of facilitating its practical enforcement by the competent authorities. That is:

- Chapter A' (Articles 1 & 2): Article 1 includes the definitions of domestic violence, family, family members, domestic violence victim. It is to be noted that a minor is deemed as a domestic violence victim even when the violent incident took place in his presence. Article 2 stipulates that: “the use/the exercise of every form of violence among family members is forbidden” acknowledging in this way that domestic violence is not a private matter but, on the contrary, it violates personal freedoms.

- Chapter B' (Articles 3 to 5): It includes new and amended civil code provisions, e.g.:
 - Domestic violence is a marriage disruption presumption,
 - Actions related to domestic violence may entail the removal of a minor’s parental care / diligence completely or partially.
 - A minimum money restitution because of moral detriment is specified.

- Chapter C' (Articles 6 to 10): It includes criminal provisions:
 - ✓ Article 6: {Bodily harm due to domestic violence}, deals with more serious forms of domestic violence that result to bodily harm. The provisions of the Article in question constitute distinct variations of the acts provided for in the Criminal Code provisions on “Simple Bodily Harm”, “Dangerous Bodily Harm”, and “Heavy Bodily Harm”.
 - ✓ Article 7: {“Domestic illegal violence and threat”} deals with more serious insults to personal freedom of a domestic violence victim. In this case also, those are distinct variations of the acts provided for in the Criminal Code provisions on “Illegal Violence” and “Threat”.
 - ✓ Article 8: {”Rape and indecent assault”} replaces the provisions of Paragraphs 1 of Criminal Code Articles 336 and 338 and now the rape and the indecent assault are also regarded as domestic violence crimes.

- ✓ Article 9: {“Domestic insult to sexual dignity”} deals with domestic insults to sexual dignity.
- ✓ Article 10: {“Obstruction of Justice”}, deals with every act aiming at the intimidation or the allurement of witnesses, who are called to testify in the context of a civil or criminal trial related to a domestic violence case.

- Chapter D’ {Articles 11 to 14}: Its provisions include the presuppositions, the procedure, the penal and civil consequences of penal intermediation, which is a new institution in the penal system of our Country. It is a new procedure that may be initiated by the Public Prosecutor who is competent for the pressing of charges, as long as the committed domestic violence crimes have a misdemeaning character.

The presupposition for initiating penal intermediation procedure is the submission by the alleged offender of an unconditional statement in which he/she states that he/she is willing to observe the terms laid down in the provisions of Article 11 of the Law in question. If the domestic violence victim is a minor, the penal intermediation is carried out for his/her benefit.

In the event that the alleged offender as regards a certain domestic violence act is the minor’s guardian, judicial attendant and/or foster parent, the penal intermediation provisions do not apply.

In case there is an ongoing preliminary examination against the alleged offender, the competent Public Prosecutor may order a medical expert’s report with respect to the victim and the examination of witnesses for investigating the tenability of the complaint. If the alleged offender does not submit a statement for a penal intermediation, he is summoned by the competent Public Prosecutor to make his/her defence and he may get a three days time-limit for filing a defence brief.

If there is going to be a penal intermediation, the Public Prosecutor issues an order which is entered in a special part of the criminal record file and the penal claim of the State regarding this crime becomes extinct if the offender conforms to its terms for a three (3) year time-period. During the penal intermediation procedure the criminal act is pending in litigation and the barring of the penal offence is suspended till the penal intermediation is brought to completion.

It is to be noted that if the competent Public Prosecutor ascertains that the penal intermediation was not brought to completion because of malicious behaviour, then he discontinues the relevant procedure, the legal file is retracted from the archives and penal proceedings are carried on. In this case, a new request submission for penal intermediation is not allowed.

With the a/m provisions of Chapter D', the Greek Law covers the obligation of our Country to comply with the European Union Council's Framework Decision, dated March 15, 2001, with respect to the status of victims in the context of criminal proceedings. The a/m Decision's Article 10 imposes on EU MS the promotion of intermediation as regards criminal cases till 22/03/2006 the latest.

- Chapter E' (Articles 15 to 20): This Chapter comprises procedural provisions:
 - By virtue of Article 15 {"Temporary settlement of the situation"} a paragraph is added to Civil Proceedings Code Article 735, by means of which the Court may order the physical removal of the offender from the victim and the other members of the family.
 - Article 16 {"Time barring"}, the commencement of the time bar period with respect to domestic violence acts committed against minors, is suspended till the minor's majority, since the eventual inability of a minor to promptly denounce acts committed against them is acknowledged by the Law.
 - Article 17 {"Criminal Proceedings"}, establishes the prosecution by force of law (ex relatione) of domestic violence crimes, such as bodily harm, illegal violence and threat, insult to sexual dignity and obstruction of conferring of justice. Moreover, in case of domestic violence misdemeanours, the same procedure enforceable to arrestable crimes is applied as well.
 - Article 18, provides the infliction of the restrictive term of the defendant's removal from the place of residence, sojourn, work or education/training of the victim for as long as it is deemed necessary by the competent magistrate, for the victim's physical and mental health. However, the infliction of this specific restrictive term may be revoked by means of the procedure that is specifically provided for in paragraph 2 of the same Article. Furthermore, in order to form an exhaustive and proper picture of what is going on in the family, the competent magistrate may seek advice from specialists on family and domestic violence issues.

- Article 19 {“The examination of Witnesses”}, provides that in domestic violence cases the members of the family are examined as witnesses unsworn, whilst under-age witnesses are not summoned to Court, unless their examination is deemed necessary by the Court.
 - Article 20 {“Obligation of Secrecy”}, establishes the obligation of police organs engaged in examination tasks as regards domestic violence cases to observe secrecy with respect to official inquiry as for the identity of those involved.
- Chapter F’ (Articles 21 to 27): It includes the rendering of assistance to domestic violence victims:
- In conformity with Article 21 {“Social assistance”} domestic violence victims are entitled to moral support and material assistance rendered by Bodies that operate especially for fulfilling those purposes under the supervision of the Ministry of Health and Social Solidarity and by Local Government Organizations that provide psychological and social support services.

The informing of the victims and of the competent support Bodies is entrusted to police authorities that are charged with domestic violence cases as long as the victim asks for it, so that the necessary aid may be rendered immediately.

- By virtue of Article 22, the benefit of indigence is conferred to the victim, in conformity with Civil Proceedings Code Article 194.
- Article 23 {“Obligations of educators”}, underlines the role of educators in the context of their wider educational work, in disclosing and dealing with domestic violence cases.

More specifically, it is provided that educators, directors of private schools and officials who are responsible for every kind of Pre-school Education Units, when they are informed or when they establish that a domestic violence crime has been committed against a pupil, they must inform the director of the school unit, who must notify the competent Public Prosecutor or the nearest police authority immediately.

HUNGARY

There is the Victim Protection Act which has defined the victims, the services (legal help, health care, immediate financial assistance, fostering advocacy), state compensation, proceeding, victim's right enforcement, stakeholders. There is a state victim support service in Hungary. There is an internal regulation within the police about victim support: the general and special tasks of the police, stakeholders and forces, victim support police officer net, special tasks concerning vulnerable victims, proceeding.

LITHUANIA

On 15 December 2011, the Law on Protection against Domestic Violence of the Republic of Lithuania came into force aiming to protect persons against domestic violence, respond to arising threats, undertake prevention measures and apply them, as well as provide appropriate assistance to victims.

On the basis of the provisions of this legislative act, protection against domestic violence is implemented in compliance with the principles of co-operation, comprehensiveness, quality, solidarity, co-ordination, protection of human rights and freedoms, humanity, justice, impartiality and efficiency.

Main novelty introduced by the Law is the measures ensuring the protection of victims of violence where the fact of an incident of domestic violence is established:

- The obligation for the perpetrator of violence to temporarily move out of the place of residence, if he / she resides together with the victim of violence.
- The obligation for the perpetrator of violence not to approach the victim of violence, not to communicate and not to seek contact with the victim.

In practice, this means that when an incident of domestic violence is reported to the police, a police officer immediately takes measures to protect a victim of violence by ensuring an immediate move out of the perpetrator. Worthy to note that a victim of violence does not have to file a complaint in order for the police to take measures, i.e. the police may apply the measures based on the report or witnessing the incident. This way, victims' reluctance, related to the fear of a perpetrator, is significantly diminished.

LUXEMBOURG

Every case of domestic violence is reported to the prosecutor who decides if the perpetrator is expelled or not. This report to the prosecutor is done automatically i.e. even if the victim is against such a report. A withdrawal of the complaint doesn't change the procedure; the Police are always reporting the domestic violence.

The victim in case of the expulsion of the perpetrator is automatically contacted by the domestic violence victim support ONG which is providing immediate help and even support in court.

NETHERLANDS

The Domestic Exclusion Act and Safety Houses

The assistance chain and the criminal justice chain work together increasingly to tackle domestic violence. This occurs for example within the context of the Domestic Exclusion Act. This act offers mayors (under administrative law) the option of imposing a temporary domestic exclusion order on those who commit domestic violence. This is often accompanied by a criminal-law intervention. An intensive assistance process is started during the term of the domestic exclusion order.

A Safety House is a partnership that is aimed at reducing nuisance and crime. A national system of Safety Houses has been in place since 2009. In a Safety House, agencies such as the municipality, the police, welfare organisation and SHGs, work together in one location on the investigation, prosecution, adjudication and assistance. The aim of the partnership is to reduce nuisance, domestic violence and crime. The chain partners identify problems, think of solutions and implement them jointly. Work processes are coordinated, so that criminal law and care complement one another.

SLOVAKIA

Due to the fact that not all the victims are aware of the existence of non-governmental organizations providing assistance to the victims of domestic violence and in some remote areas such services are inaccessible, as well as taking into account foreign experiences, the legal order of the Slovak Republic has been complemented with the institute of banishment from the joint dwelling. By the Act No. 491/2008 Coll., effective as of 15.12.2008 and amending and complementing the Act on the Police Force, the powers of police officers have been widened for the authorization to ban a person from the joint dwelling. In compliance with the provision of § 27a of the Act No. 171/1993 Coll. on the Police Force as amended, the police officer is authorized to ban a person which can, based on the findings and considering the previous similar attacks, be expected to perform an attack upon the life, health, freedom or especially serious attack upon the human dignity of an endangered person, from the flat or house or other premises jointly shared with the assaulted person or from the closest surroundings. Integral part of the ban is also the prohibition of the banned person to enter the joint residence during 48 hours from the banishment. Police officer is authorized to ban such a person from the joint dwelling even in its absence.

With respect to assessment of the mentioned authorization in policing, the National Council of the Slovak Republic adopted an Act No. 495/2009 Coll. on 28.10.2009, which amends Act No. 99/1963 Coll. Civil Judiciary Law as amended and on amending some other acts, which adjusted the flux of period of banishment from the joint dwelling as of 01.01.2010 in a way that on Saturdays, Sundays and public holidays the period of 48 hours is interrupted. Flux of the banishment continues on the next working day.

The core of the institute of banishment from the joint dwelling in compliance with § 27a of the Act No. 171/1993 Coll. on the Police Force is providing the security to endangered persons from violent behavior of the person living with them in a household. Implementation of this institute enabled the police to intervene in particular cases of domestic violence in its initial stages.

SPAIN

In Spain, when a gender based violence victim (even a domestic violence victim) lodges a formal complaint, she can apply for a Protection Order pursuant the 27/2003 Act dated 31st July that regulates the Protection Order for domestic violence victims.

This Protection Order/warrant grant the victims a comprehensive protection scheme that concentrates and coordinates precautionary, penal, civil and social actions targeting to provide the attacked persons and their families security, stability and legal protection without necessity of formalizing the corresponding separation /divorce proceedings.

The Protection Order can be requested by the following persons

- The victim
- The victim family
- The Judge or Prosecutor (ex-officio)

That Protection order can be requested at any of the bellow listed places, even without being lodged a complaint before the police:

- Magistrates Court or Public Prosecutor
- Police Station
- Domestic Violence Victims' Attention Offices
- Welfare Services
- Social Assistance Institutions

Once requested, the Order has to be immediately submitted to the relevant Judge, who will summon to a hearing in a maximum delay of 72 hours: the victim or her legal counselor, the requesting party (if different to the victim), the aggressor (assisted by his/her lawyer) and the Prosecutor.

After the hearing the judge will decide on issuing a writ on the Protection Order, determining its body of rules and validity period and gives notice to the parties:

The body of rules of the Protection Order could include the following measures:

- Penal precautionary measures that can be any of the measures foreseen under the criminal procedure legislation, according to the victim's protection needs.
- Measures adopted under the Civil Law: they are requested when children under age or handicapped exist, whenever they were not already adopted before hand under civilian regulatios. They may be: quiet enjoyment of the family home, custody and visits of the children, alimony or allowances for necessaries considered appropriated to protect minors.

Measures adopted under Civil Law are provisional provided that they must be ratified, modified or considered without effectiveness by the relevant Civil Law Judge.

Likewise, women granted Protection Order enjoy also of labour rights (job relocation, reduction working hours...) and in cases of foreign women irregularly staying in Spain, they are granted residence permit.

Once the Protection Order has been granted, the victim has to be kept permanently informed on the procedural situation of the defendant. Besides, the Protection Order will be recorded on the computer file known as "Central Records for the Protection of Domestic Violence Victims" that is frameworked in the system known by the Spanish acronym SIRAJ (*Sistema de Registros Administrativos de Apoyo a la Administración de Justicia*). System of Administrative Records for the Support of Justice Administration)

SWEDEN

Restraining order

A restraining order means that a person may not visit or in any other way make contact with the person under protection. The main aim with the restraining order is to prevent crime and create security for individuals who are being stalked or harassed, especially women who are the victims of assault and other types of ill-treatment by men in their close proximity. But other groups may have a need for a restraining order as well, e.g. persons who are being stalked.

The National Police Board recommends the competent police authority to assign a contact point for the person who has been granted a restraining order. The contact point shall give information about applicable rules and which demands there are for the person under protection and which measures that the protectee him-/herself can take. The conversations shall help to enhance the security consciousness of the protected person. The contact point shall contact the protectee a while after the start of the restraining order, to find out how it has been working out and thereafter have a continued contact with the person under protection.

Since October 2011, Swedish legislation allows for a restraining order to be combined with electronic monitoring. The National Police Board works on introducing electronic monitoring of orders within the Police. The work includes the procurement of a technical system for electronic monitoring, the establishment of an organisation, nationally, as well as locally, and the production of information material, regulations and routines.

Alarm telephones

The National Police Board has worked out a new modern technical equipment for the protection of crime victims; alarm telephones with a direct connection to the communications centres of the Police. If an alarm goes off, the GPS positions are visible on the maps of the communications centre.

To facilitate the protective work, further support has been produced for the police authorities, i.a. in ways of a manual. This means that when it comes to the support and protection of crime victims, there is a joint national working process. This is a good prerequisite for the Police being able to give threatened and stalked persons the protection they need.

UNITED KINGDOM

Following a charge for an offence, the Bail Act 1976 allows the police to place prohibitions on the perpetrator if the perpetrator is to be released on police bail. In instances where the offence is connected to domestic violence, such prohibitions may prevent the perpetrator from making contact with the victim, not living at the same address as the victim etc.

The Home Office is currently evaluating the outcome of a one-year pilot to test Domestic Violence Protection Orders (DVPOs). Modelled on a similar initiative in Germany and Austria, DVPOs allow the police and courts to provide protection to the victim (by banning the perpetrator from making contact with the victim) in the event that a decision is made not to charge the perpetrator with a domestic-violence related offence.

Restraining orders are routinely asked in Domestic Violence cases upon conviction and in some instances upon acquittal.

Section 5A of the Protection of Harassment Act 1997 allows the court to make a restraining order after acquitting a defendant of any offence if the court considers it necessary to do so to protect a person from harassment from the defendant. It cannot be applied where proceedings have been withdrawn or discontinued.

4b. Pre- or post-trial protection

HUNGARY

There is no special policy for these parts.

UNITED KINGDOM

Prosecutors are fully aware of the importance of working with the police, WCU and any specialist support organisations to prioritise the *safety* of domestic violence victims. Providing support and protection for victims and witnesses of domestic violence is one of the most crucial aspects of domestic violence cases.

CPS data shows that the greatest proportion of unsuccessful outcomes in domestic violence cases are due to victim issues (including victim retractions, witness intimidation, non-attendance at court and victims not supporting the prosecution case). But support for victims and witnesses should not necessarily start or stop at court. Instead, domestic violence victims need to be supported throughout the criminal justice process, from the point of charge, through the prosecution and after the case has been finalised. In that way, victims are encouraged to participate in and support prosecutions, the likelihood of repeat victimisation will be minimised, and confidence in the criminal justice system will be increased.

Risk assessments conducted by the police can provide invaluable background information for prosecutors. The CPS therefore encourages prosecutors to routinely request risk assessments from the police, and should consider these in every domestic violence case.

4c. Pro-protection policies

GERMANY

Excluding the accused from the trial pursuant to section 247 of the Code of Criminal Procedure

Pursuant to section 247 of the Code of Criminal Procedure, the court may order that the accused be excluded from the court room during the hearing if it is to be feared that a witness will not tell the truth in the accused's presence. The precondition for ordering the accused's exclusion is that there is a concrete danger that the truth will otherwise not be established. It is sufficient for the witness to announce that he will avail himself of his right to refuse to testify in the accused's presence or for him to invoke his right to refuse to answer questions pursuant to section 55 of the Code of Criminal Procedure. The latter is of particular relevance in the case of female victims of domestic violence who are married or engaged to the perpetrator. In practice, such witnesses often invoke their right to refuse to answer questions at the trial pursuant to section 55 of the Code of Criminal Procedure, because they are afraid of the perpetrator and his reaction to their statements. Many find it easier to make statements when the perpetrator is not in the room.

PORTUGAL

The development of safety plans with the victims, suitable for each case and each stage of motivation of the victims are being implemented and will be reinforced. DGAI, in cooperation with GNR and PSP, developed a technological tool that is available for use by the police staff that allows the designing of safety plans suitable for each victim and that is always available.

SWEDEN

Increased assault protection

The National Police Board has been mandated to develop an assault protection kit in order to prevent women living under threat become victims of violence. In 2011 the Restraining order-act was amended with the possibility for the police services, after decision of a prosecutor, to use electronic monitoring of offenders as a protective measure.

UNITED KINGDOM

The Home Office is currently piloting the Domestic Violence Disclosure Scheme in four police areas (Greater Manchester, Gwent, Nottinghamshire, and Wiltshire). The pilot will test a process for enabling the police to disclose to the public information about previous violent offending by a new or existing partner where this may help protect them from further violent offending. The pilot will end in September 2013, and an assessment to ascertain its effectiveness is currently being planned.

5. Pro-arrest policies

CYPRUS

Pro-arrest policy is not in place. According to a Circular of the Chief of Police (2 February 2007), Police arrest powers are not differentiated in domestic violence cases. The same Circular notes victim protection procedures and stresses that a domestic violence arrest may indirectly contribute to victim protection, but in and of itself it does not automatically constitute a victim protection measure.

HUNGARY

If the Hungarian Criminal Code allows, the police make a proposal for the prosecutor office to arrest the abuser in criminal cases.

UNITED KINGDOM

The Home Office does not consider a “pro-arrest” policy to be compatible with the European Convention on Human Rights (ECHR). However, page 26 of the ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* clearly explains the duty of “positive action” to safeguard victims and children which is compliant with:

- Right to Life (Article 2, ECHR)
- Right not to be subjected to torture or to inhuman or degrading treatment (Article 3, ECHR)
- Right to and respect for private and family life (Article 8, ECHR)

6. Victimless investigation/prosecution policies

BULGARIA

Please see information listed under item 21 below.

CYPRUS

With regard to investigating or prosecuting domestic violence cases (as it also happens with almost all other crimes), the Police and/or the Attorney General act in principle on the basis of ex officio powers. In practice, these powers are compromised by the availability and quality of evidence, which is in turn dependent to attributes in relation to the parties involved.

CZECH REPUBLIC

Presently, consent of the victim to prosecution of the violent person is not required, if he/she is so called a close person, for the crime - abuse of person living in a joint home. This one markedly improves a position of the victim in the prosecution. In the past, some of the victims did not give the consent to prosecution for a fear for her/his own life, for a life of under-age children, or by reason of her/his financial dependence on the violent person.

A preventive approach to domestic violence is a priority. It means that the aim is to help the victims to stop violent incidents by effective intervention from outside, instead of prime prosecution and sentencing the violent persons. The victim usually does not take interest in the sentencing of the offender but she/he wants him/her to change his/her behaviour. As a part of this approach, there is an enlightenment via media and public education programmes, including a campaign on zero tolerance, aimed at removing cultural and social stereotypes on domestic violence. Also there are preventive programmes of single regional police directorates or wide-republic media campaigns against domestic violence.

HUNGARY

There is no practice in this field.

LUXEMBOURG

Please see information listed under item 4(a) above.

NETHERLANDS

The police

If the police are notified of an incident of domestic violence, they will encourage the victim to report the incident as much as possible. If a victim indicates at a later stage his or her intention to withdraw the report, the police will explain that this is not legally possible, but that the victim can write a letter to the Public Prosecutor expressing their opinion on the desirability of prosecution. The Public Prosecutor assesses to what extent the wishes of the victim should be taken into account. Even if the victim qualifies the report in such a letter or indicates that he or she does not want the offender to be punished, prosecution will remain in principle indicated.

If the victim explicitly indicates that he or she does not wish to report the incident, the police will collect as much evidence as possible for the purpose of a possible ex officio prosecution. The starting point in cases involving domestic violence is that ex officio takes place in principle. In such cases, the victim will be heard as a witness as much as possible. If the victim does not wish to cooperate at all, the police will lay down the findings of the interview in an official record.

See: Instructions for Domestic and Honour-related Violence of the Board of Procurators General and related instructions. Link:

<http://www.huiselijkgeweld.nl/dossiers/eerqerelateerdgeweld/interventies/aanpak/openbaarministerie/aanwijzingom>

SLOVAKIA

The acting, under certain circumstances in individual cases classified as domestic violence, is normally contained in the merits of the criminal deeds where the qualification feature is the subject of the attack, the so-called protected person, being also a child, close person and dependent person in compliance with § 139 of the Criminal Code.

Should the police officer get the knowledge of a criminal deed committed, he is obliged to act even in the case when the injured party (victim) does not lodge an indictment. This fact is obvious from the principle *ex officio* which is handled by § 2, paragraph 6 of the Code of Criminal Procedure unless this Act provides otherwise.

This principle can be broken by several exceptions, among others the disposition of the injured party to agree with the criminal proceedings of the perpetrator under the conditions mentioned in § 211 of the Code of Criminal Procedure. According to the valid legal adjustment of the criminal proceedings, the criminal deeds related to domestic violence do not require the consent of the injured party for criminal proceedings of the perpetrator.

In the Code of Criminal Procedure, the term “victim” is substituted by the term “injured”. In compliance with § 46 par. 1 of the Code of Criminal Procedure, the injured person is a person which has been caused the bodily harm, property, moral or other damage or its other protected rights or freedoms have been breached or jeopardized. In the criminal proceedings, the injured party has the status of the party to the criminal proceedings. (§ 10 paragraph 11 of the Code of Criminal Procedure).

Domestic violence predominantly occurs “behind the closed doors” and within the close group of persons. At the same time, the injured party is the victim and its interrogation represents significant evidence in the criminal proceedings. There is a close relationship between the perpetrator and the injured party in case of criminal deeds related to the domestic violence. In such cases, the right of the witness to refuse to testify in compliance with § 130 of the Code of Criminal Procedure is applicable. In other words, should the witness use this right, he cannot be forced to testify.

SWEDEN

Information listed under item 3a above is also relevant.

UNITED KINGDOM

In circumstances where the court decides to issue witness summons of its own violation, the CPS guidance advises prosecutors to consider the following:

- make enquiries with the police with regard to the safety of the victim and any children, whether the victim has been made aware of available specialist support, whether specialist support services have carried out their assessment of the victim and any children's safety and if any information in higher risk cases is available. All these enquiries must be completed before the first hearing.
- if the defendant is in custody and it is not possible to complete the above enquiries, inform the court and reiterate that an automatic witness summons is against our policy.
- where information of a victim's reluctance is received just before the trial date hearing, apply for an adjournment and robustly defend any resistance from the court or defence.
- a witness summons should only be served after all the enquiries and necessary steps in accordance with the CPS's Domestic Violence policy and Legal Guidance have been carried out.

7. Pro-prosecution policies

CYPRUS

Police investigations may proceed and cases may be filed in Court, without the consent of the complainant/victim or against his/her will. The Attorney General of the Republic is vested with Constitutional rights to initiate, interrupt or end prosecution.

HUNGARY

There is no practice in this field.

UNITED KINGDOM

The Crown Prosecution Service applies its Domestic Violence policy when reviewing domestic violence cases and applies the Code for Crown prosecutors.

8. Risk assessment structures and functions

FINLAND

Please see information listed under item 19 below.

SPAIN

In Spain, to coordinate all the actions with the victims, was created the “Integral Monitoring System of gender-based violence cases”, a computer system where are recorded all the domestic violence cases that are known by the police and/or the Court.

The above mentioned system can be consulted by Law Enforcement Agencies, courts, prosecution services, penitentiary institutions, welfare service and State, Autonomic or Municipal bodies entrusted with the fight against gender based violence.

In the same, there are recorded: every, action performed with the victims, with the aggressor and even with the family or neighbors of the victim (information received, visits, telephone calls...). In such a way if the victim moves from her residence town, and another police officer has to be responsible of her follow up he/she will have available all the necessary information just by making a consultation of the System.

In the above mentioned system are included de “Police Risk Assessment Forms”, established under the regulations of the State Secretariat for the Interior numbered as “Instructions”10/12007, 14/2007 and 5/2008.

They will be completed whenever an episode of gender based violence is known and serve to establish:

- The factors regarding the violent action suffered by the victim
- The relations maintained with the aggressor
- The criminal/background records of the aggressor and his environment.
- Both the victim's and aggressor's familial, social, economic and labour circumstances.
- The withdrawal of the aggression complaints, the resumption of cohabitation, and the victim's renunciation of the granted protection status.

The Police Risk Assessments already mentioned are of two types:

The (VPR) Spanish acronym of (Police Risk Assessment) and its evolution VPER Spanish Acronym of Police Assessment of the Evolution of Risk). The assessment will be performed using the standardized tools and form approved to this aim by the State Security Secretariat; they are available in the "System of Comprehensive Monitory System for the cases of Gender based Violence".

The first (VPR) assessment is performed by the police officer instituting the police proceedings and who is performing the inquiry, when he/ she has collected enough and contrasted information.

The system, taking into the account the received answers, assigns a risk level i.e.: "negligible", "low", "medium", "high", and "extreme".

The result is recorded in a notice within the police report, stating also the protection measures granted to the victim taking into consideration the risk level. The victim is informed when the risk levels are: "medium", "high" or "extreme".

The VPER (i.e.: risk evolution) are performed following the bellow pattern:

- Periodically according to the risk level
 - Extreme: every 72 hours
 - High: every 7 days
 - Medium: every 30 days
 - Low: every 60 days
- Upon Judicial Authority Request
- Upon Public Prosecutor Request
- When significant changes have taken place in the circumstances and/or behavior of both the victim and/or aggressor, for instance the abuser imprisonment release.

This “Evolution” will be submitted both to the Judicial Authority and Public Prosecutor whenever it means a modification on former risk level.

Depending on the risk level detected during the police assessment there are implemented the police protection measures that must be applied to the victims. Those measures are of two types: compulsory and complementary ones and they guarantee more effectiveness in the protection of the same

- a) *Negligible risk*: the operational and assistance measures granted to any other citizen that lodges a complaint. Especially they are informed on their rights and on the resources at their disposal.
- b) *Low risk*
 - Compulsory
 - The victim has to be given telephone numbers for permanent contact
 - Telephone contacts with the victim at random.
 - To inform the aggressor that the victim has a police protection service
 - Advices on self-protection and ways of avoiding incidents.
 - Detailed information on the telematics assistance service

- Complementary
 - To keep with the victim personal, sporadic and discreet contacts.
 - To make an index card with the most relevant data of the victim and attacker, to be carried out by the patrol officers.
 - To accompany the defendant to collect personal belongings from his domicile, if the judicial Authority orders his departure from the same.

c) *Medium risk*

- Compulsory
 - Occasional and at random surveillance of the victims' domicile and job address, as well as at the entrance/ exit of her children schools
 - To accompany the victim during the judicial proceedings actions or during the assistance of administrative ones, whenever is considered that any type of risk may exists for the victim
 - Make arrangements to get a mobile handset for the victim.
 - Personal interview of the victim with the person responsible of her protection.
- Complimentary
 - To check periodically that the aggressor fulfills the judicial protection measures.
 - Interview the Welfare Services that assist the victim for identifying another effective protection ways.
 - Drive the victim to a shelter centre to be accommodated there.

d) *High risk*

- Compulsory
 - Frequent and at random surveillance of the victim's domicile and working place, as well as the entrance/ exit of her children schools.
 - If she has not already done her moving to a shelter centre or to the domicile of a next of kin to insist on it, especially if the perpetrator has not yet been arrested.
 - At random, aggressor's movements control.
- Complimentary
 - Sporadic contact with persons of both the aggressor and victim environment: neighbors, family, job colleagues, leisure spots.
 - Make arrangements to get a tracking electronic device for the aggressor surveillance.

e) *Extreme Risk*

- Compulsory
 - Victim permanent surveillance, until the assailant's circumstances are no more an imminent threat.
 - Intensive control of the aggressor's movements, until he is no more an imminent threat.
 - If it is the case, surveillance of her children schools centers during their arrival/departure time.

SWEDEN

Risk assessment of violence at the individual's level

The police carry out risk assessment to analyse the risk of a person being exposed to threats or violence. The risk assessment describes and minimizes the risk for further vulnerability. There are national guidelines describing how the work shall be carried out. According to the guidelines, the risk assessment of the police can be divided into three levels:

- 1) initial assessments
- 2) structured assessments
- 3) in-depth assessments

The initial assessment is a first screening process. In many cases, the employee at the police authority only needs to tell the crime victim, seek help at e.g. the municipality or a support organisation, according to his/her identified needs. In some cases, the initial assessment needs to be complemented and a more in-depth, structured assessment carried out. At these assessments the Police uses check-lists: SARA:SV (Spousal Assault Risk Assessment) used with regards to domestic violence, SAM (Stalking Assessment and Management) used with regards to stalking and Patriark which is a check-list to evaluate the risk of honour related crimes and assess the risk of future violence. In especially complicated matters, as e.g. serious organized crime or honour related crimes, there may also be a need for carrying out a in-depth assessment.

When it comes to the need for follow up measures there are different time perspectives for the the three levels. At the initial assessment the need for information, support and protection that the threatened person shall receive in the emergency situation, is assessed. The structured and in-depth assessments are aimed at finding supporting documents for long-term measures.

The skills and training necessary for the person carrying out the risk analysis, varies according to the different levels.

UNITED KINGDOM

Risk assessments are carried out according to the “Domestic Abuse, Stalking and Harassment and Honour Based Violence” (DASH) tool, which was adopted by the Association of Chief Police Officers in 2009 for use across all police forces in England and Wales. The DASH tool is available at <http://www.dashriskchecklist.co.uk/>.

9. Procedures for handling retractions of filed complaints

HUNGARY

According to the procedural rules of domestic violence, these are public prosecuted cases. If the process is started, continues at officially regardless of the retractions. Except if the victim withdraws the testimony and there is no other evidence in the criminal proceeding the trial will be unsuccessful.

UNITED KINGDOM

A domestic abuse officer should, where possible, take a statement which states and describes any reasons for the victim withdrawing their support for the prosecution process. If withdrawal statements are taken with care, they might still be used as evidence in current or future criminal proceedings or as evidence within the family court system. Any withdrawal of support for a prosecution should prompt a revised risk assessment process and safety planning. A senior lawyer in the Crown Prosecution Service (CPS), experienced in domestic abuse issues, should be consulted whenever the victim indicates a wish to withdraw support for the prosecution.

Withdrawal statements should be forwarded to the CPS and accompanied by a background report by the officer in the case. This report should include:

- The officer's views on the case, including any suspicions of witness intimidation or pressure, if not already included in the withdrawal statement;
- Details of any identified risks to the safety of the victim, children or any other person;
- Details of the support available to the victim (eg, access to an IDVA);
- How the victim might respond to being compelled to attend court;
- The likely impact on the victim and any children, of proceeding or not proceeding with the case.

A withdrawal statement should contain the following information:

- Confirmation of whether the original statement given to the police was true. (If the account given in the original statement has to be amended, an explanation for this should be included.)
- Whether the victim has been put under pressure to withdraw.
- Nature of the original allegation (if not fully covered in a previous statement).
- Victim's reasons for withdrawing the allegation.
- With whom they have discussed the case – particularly anyone who has advised them (a solicitor, for example).
- Whether any civil proceedings have been, or are likely to be, instigated.
- Impact on the victim's life and that of any children if the case is continued.

The Crown Prosecution Service view domestic violence seriously and takes a robust approach when pursuing such cases even when a victim retracts her evidence. We consider domestic violence, supporting victims through special measures and offering victim and witness care as essential in ensuring a successful outcome is achieved. Prosecutors with experience in domestic violence issues, review the case when a victim indicates a wish to withdraw support for the prosecution.

A number of factors are taken into consideration by the prosecutor in order to assess the strength of such a case and the following is assessed:

- whether it is possible to proceed without using the victim's evidence, for example, using evidence other than that of the victim or by making an application under section 116 of the Criminal Justice Act 2003, the 999 (police) tape, admissions in interview, CCTV and police officers' statements;
- whether any support to the victim will assist the victim. This would be through offering special measures or other forms of support (for example, from an Independent Domestic Violence Adviser (specialist voluntary sector worker)) could be provided;
- in certain circumstances we would consider issuing a witness summons and compelling the victim to give evidence but this would be a last resort and once all venues have been exhausted.

Prosecutors would only consider discontinuing the case if the above have been considered and the case cannot proceed. Prosecutors ensure that the police take a detailed withdrawal statement from the victim, as there cannot be an informed decision about the next steps without it. Withdrawal statements are accompanied by a background report by the officer in the case so that the prosecutor has a broader picture before a final decision is made.

The ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* pages 51-52 sets out clear guidance on how "withdrawal statements" from victims should be handled.

The Crown Prosecution Service also has clear guidance on dealing with retractions, which are set out in its Domestic Violence Policy and Legal Guidance. The CPS guidance makes clear that applying for a witness summons is a last resort and all the required steps in its Legal Guidance must be referred before an application is made. A witness summons should only be considered once it has been determined that:

- (a) the victim will not give evidence, even with the help of special measures and other support; and
- (b) the case cannot proceed without the participation of the victim; and
- (c) the safety of the victim and any children will not be jeopardised by the case continuing.

Further information on our policy on Domestic Violence, Special Measures and Victim and Witness can be found on the following links:

- [CPS: CPS Policy for Prosecuting Cases of Domestic Violence](#)
- [Special Measures: Legal Guidance: The Crown Prosecution Service](#)
- [Care and Treatment of Victims and Witnesses: Legal Guidance: The Crown Prosecution Service](#)

10. Police – prosecution service cooperation

10a. Investigation, risk assessment and victim safety

UNITED KINGDOM

Both the ACPO/NPIA document *Guidance on Investigating Domestic Abuse (2008)* and Crown Prosecution Service’s Domestic Violence Policy sets out in detail how the police and prosecution service should work together.

11. Specialised victim support services and advocacy initiatives

DENMARK

The Danish Government stresses the importance of an ongoing evaluation of the legal position of victims. Therefore, in 2009 the Ministry of Justice set up a working party, for the purpose of considering the needs and opportunities to strengthen the efforts in relation to victims. The considerations of the working party led to a legislative change in 2011 according to which victims, if requested, can be informed when the perpetrator is released.

Recently in 2012 the Danish Government launched a set of new initiatives on this subject. One of the initiatives is a so called “victim fund”. The purpose of this will be to collect money from the perpetrators which can be used for initiatives that will help the victims move on.

Another initiative is an extension of the above mentioned duty to provide the victim with information.

Victims of violence also have a right to a court appointed attorney if they request so. Moreover, victims of rape will have an attorney appointed unless they decline. In 2007 a new provision was adopted into the Danish Administration of Justice Act (Section 741 e) with the purpose of improving and extending the information and guidance made available to victims by the police and prosecution in regard to a criminal case. In accordance with Section 741 e, the police and prosecution shall, in so far as it is necessary inform the victim of his/her legal position, the expected proceedings of the case and later on the actual proceedings of the case.

ESTONIA

Please see information listed under item 21 below.

FRANCE

Generalist and specialist victim support associations

Women who have suffered intra-family violence are entitled, like all victims of criminal offences, to benefit from the multidisciplinary, cost-free and confidential support arrangements provided by local generalist victim support associations, subsidised by the Ministry of Justice.

Such aid provides priority access, information on rights, psychological support, social support and if necessary guidance in the direction of more specialised victim support associations dealing with care for women victims of violence, including some that work within the context of couples and families.

These associations may be represented at police stations and gendarmerie stations to enhance the psychological and legal support provided to the victim.

In addition, some public prosecutor's offices have approved local associations to enable them to carry out a judicial supervision role (including drawing up an end-of-assignment report). In several jurisdictions they contribute to making feasible the eviction of violent spouses (through ongoing provision of apartments, emergency searches for accommodation in households or families and funding of new accommodation by the association tasked by the public prosecutor's office). The associations also in some cases ensure that the violent spouse takes part in a care measure (support group, medical and psychological monitoring and so on).

A phone service for victims and a call number for women who have been victims of violence

Women who have been victims of intra-family violence can call the O8VICTIMES service (on 08 842 846 37), which is designed for all victims of offences, irrespective of the type of aggression or harm suffered. This telephone service is a number charged at local-call rates, fully subsidised by the Ministry of Justice and available 7 days a week. Professional listeners, from the national victim support and mediation institute (federation of victim support associations) give initial support to victims, reassure them, provide information and guide them towards the appropriate services. Given the specific character of the problems faced by women who are victims of intra-family violence, there is a specific telephone number to supplement this ordinary-law service: the national Violences Conjugales Info (spouse violence information) number 3919, operated by the national women's solidarity federation. One aim of this anonymous telephone call-in service is to inform victims about social organisations who could help them and steps they can take.

Victim support offices

In January 2009, an experiment led to the setting up of victim support offices in three jurisdictions.

Conceived as a real one-stop shop for victims, this agency is devoted to victim support and its organisational procedures include the signing of agreements between the public prosecutor's office and the president of the court of first instance, the delegated victims' judge (JUDEVI) and the local victim support association. Other partners too may sign such agreements (the bar association, police, gendarmerie, judicial officers, etc.) In addition, the court may provide premises for the association in the court, and the equipment the association needs to operate. The victim support association undertakes in turn to provide a regular presence at those premises.

The victim support offices receive the victims and give them information on not just the general operation of the court system, but also and especially on the ongoing proceedings, in particular the progress of their files, dates of hearings and the practicalities of collecting damages payments after court decisions have been delivered. The victims are also directed if necessary towards other agencies.

Following that experiment, Planning Act No 2012 409 of 27 March 2012 on application of penalties provides that the victim support offices are to be extended to all courts of first instance to ensure equal access for all victims to this system throughout France.

While they are not specifically devoted to victims of violence within the family, these offices do help such victims and thus supplement the existing arrangements providing information and support for victims.

GERMANY

There are legal possibilities for addressing the specific situation of victims in general and thus also the victims of domestic violence in criminal proceedings.

a) Assignment of legal counsel pursuant to section 68b(2) of the Code of Criminal Procedure (*Strafprozessordnung, StPO*)

The court can assign legal counsel to a witness at the state's expense. This regulation likewise not only applies to victimized witnesses under the age of 18, but also to witnesses who are hindered or inhibited in their willingness and ability to testify out of fear or incapacity or because they are at risk on account of the reprisals that are to be feared.

Assigning legal counsel suggests itself when the witness is faced with a situation that is factually or legally difficult and there is thus the danger that he will not be able to properly exercise his procedural rights during a hearing. In the case of victims of domestic violence, this is generally to be expected in especially serious cases if, for example, serious bodily injury or crimes against sexual self-determination have been committed over a number of years.

The assignment may be made in regard to judicial hearings during or outside of the trial, as well as to questioning by the police and public prosecutor.

b) Joining a public prosecution as private accessory prosecutor pursuant to section 395 of the Code of Criminal Procedure

According to section 395 of the Code of Criminal Procedure, anyone may join a public prosecution who has, for example, been injured through the infliction of bodily harm or other types of aggressive offences listed in the provision. Even where a domestic violence protection order was not complied with, which is a punishable offence according to section 4 of the Protection against Violence Act (*Gewaltschutzgesetz, GewSchG*), a victim of domestic violence may join a public prosecution as a private accessory prosecutor. Joining a public prosecution as private accessory prosecutor enables injured parties to take an active role in the criminal proceedings. They can themselves, or through a lawyer representing them, file motions, ask those involved in the proceedings questions or make statements, for instance. Where applicable, they can also file appeals against a judgment. Victims who do not have sufficient means at their disposal can apply for legal aid to cover the costs of calling in a lawyer to represent them in their capacity as private accessory prosecutor.

c) Psychosocial care and support during the proceedings

Traumatized victims have the possibility of receiving advice, psychosocial care and support throughout the proceedings. Reference should here in particular be made to the numerous victim support organizations that help the victims of violence deal with the consequences of the violence they have suffered, especially the resulting psychological stress, through diverse offers of help that are tailored to victims' individual needs. Networking and interdisciplinary cooperation enable the victim support organizations, if need be, to pass victims on to other, specialized professionals, such as therapists, doctors or lawyers.

In order to ensure that those affected are in fact aware of what help is available in the victim support organizations, a duty of information was introduced in the Code of Criminal Procedure so that victims of a criminal offence can receive support and help from victim support institutions, for instance in the form of counselling or psychosocial support during proceedings (section 406h of the Code of Criminal Proceedings). This can specifically help traumatized victims of violence, since they can then receive psychosocial care and support during the criminal proceedings. Professional support of this nature can help to stabilize the victim as well as to improve their capability of making a statement. The objective of providing psychosocial support during the proceedings is to take the pressure off victims.

d) Protecting and supporting women affected by violence

However, as well as all the legal instruments, what is decisive for those affected by domestic violence is that an adequate infrastructure providing protection, advisory services and support is available. Some 360 women's refuges and around 500 women's advisory centres in Germany ensure that women in need of protection and support do not have to face the situation alone. The new type of facility that intervenes in the context of a police operation against domestic violence thus complements this system by providing a new advisory service.

The Federation promotes the nation-wide networking of women's refuges and women's advisory facilities and emergency hotlines in order to facilitate exchange and interdisciplinary cooperation.

In addition to the existing range of offers available, preparations are currently underway to set up a national helpline called "Violence against Women". The hotline will be operated by the Federation. From late 2012/early 2013 it will offer free advisory services, 24 hours a day, seven days a week. The main objective is to reach out to all those women who so far do not find their way into the system of help available. The helpline can thus also be a guide to finding the right advisory centre that can answer questions arising in regard to (criminal) legal proceedings.

GREECE

The Hellenic Police in the context of their actions for dealing with crimes committed against women and minors in the domestic environment have been cooperating with the National Social Solidarity Center (E.K.K.A.), which is the main competent Body for administering social policy and for rendering social care and social solidarity services.

As per Law 3106/2003, E.K.K.A. is, at a national level, the main coordination Body of the Network that renders services related to social solidarity and information on welfare issues meant for vulnerable population groups, such as abused women and children, neglected children and teenagers, women who are human trafficking victims, domestic violence victims, etc.

- ✓ It is in operation around the clock, seven (7) days a week and it has the three digital telephone line “197”.
- ✓ It provides consultative and psychological support and information.
- ✓ It activates the mechanisms of immediate social intervention. It immediately intervenes in crisis situations faced by individual persons, families and/or population groups in order to prevent the development of the crisis and deal with it in the offing.
- ✓ It relegates the victims to the other Services of the E.K.K.A. Network and to other social Services and Bodies for the rendering of further help.

HUNGARY

Mentioned in chapter no. 4.

LUXEMBOURG

Please see information listed under item 4(a) above.

NETHERLANDS

Domestic Violence Support Centre

A temporary incentive scheme created a national system of Domestic Violence Support Centres (SHGs) from 2004. The SHGs have a central role in the prevention of and low-threshold assistance in the event of domestic violence. It concerns recognisable organisations that have to be accessible to all citizens and which have a pivotal position in local/regional partnerships. These support centres play a key role in an integral approach to domestic violence and manage implementation. An SHG is available to every citizen and a front office that can easily be reached (by telephone). Victims, offenders and witnesses of domestic and sexual violence, as well as professional groups, can apply to the support centres for information, advice, reporting and referrals. The support centres speak with victims, offenders and children in order to map out the problems and clarify the care needs. In doing so, the support centre examines what type of assistance is already being offered, or could be offered, by which institution. Where necessary, support centre staff members motivate those who deny the problems or refuse assistance, or who find it difficult to report incidents to the police. The support centre works with other institutions and agencies in local and regional partnerships. The partnerships have been regulated by municipalities and laid down in covenants containing agreements on the functions and duties of the support centres, such as the front office function, process management and registration. There are also clear cooperating agreements concerning the abuse of children and the elderly. In the case of child abuse, the SHG refers people on to the Child Abuse Counselling and Reporting Centre (AMK). The supporting centres are staffed by professionals with demonstrable expertise in dealing with domestic violence.

The legislative proposal on a mandatory reporting code for domestic violence and child abuse is intended to lay down in law the main duties of the SHGs in addition to creating a mandatory reporting code for organisations and professionals. In addition, SHGs will become a reporting centre for all forms of domestic violence. This means that SHGs will become authorised to register and exchange personal data, making it possible to register reports of domestic violence and, on the basis thereof, organise assistance for the victims and the offender. The SHG communicates what has been done with the report, so that professional or citizen who reported the incident is aware of what has been done for the victim as regards assistance.

Each year, a major publicity campaign encourages victims of domestic violence (but also offenders and bystanders) to seek help.

See: www.steunpunthuiselijkgeweld.nl

Victim Support Netherlands

Victim Support Netherlands helps victims of domestic violence in a legal and practical sense.

Victims can call with questions about reporting incidents, recovering damage or for support during the criminal proceedings. Victim Support Netherlands staff members can provide information on reporting incidents and give victims emotional and practical support.

See: <http://www.slachtofferhulp.nl/aeweld/Delicten/Huiselijk-geweld/>

SWEDEN

Barnahus or Children's Advocacy Centres

At Children's Advocacy Centres (CAC), all agencies collaborating to investigate cases concerning children exposed to crime should be represented. The aim is to avoid forcing the child to visit several different locations and authorities and in addition to that having to tell his/her story to many different people.

The interior of the CAC shall be designed specifically to make children and young persons feel safe and comfortable. The environment should be well suited to their needs. The authority or agency representatives work together as a team but each representative remains in the employ of the respective authority, have their own secrecy and are responsible for their exercise of authority. The Children's Advocacy Centres have permanent staff (co-ordinators) who are responsible for the co-ordination and invites to co-ordination meetings, co-operation meetings and joint training.

Working together at the Children's Advocacy Centres are:

- i. Prosecutors
- ii. Police
- iii. Social welfare authorities
- iv. Medical examiners
- v. Paediatricians
- vi. Child psychiatrists
- vii. Permanent staff at the Children's Advocacy Centres

Victim support

Central to the crime victim support of the Police is to, when needed, give relevant information, support and protection, to persons affected by a crime. All police authorities have a so called crime victim co-ordination unit, which will ensure that there are routines for victims of crime to receive information, support and protection.

Information

All members of staff, who come in contact with crime victims, receive a manual with information for victims of crime. The manual provides guidance for how, when and by whom the information shall be given to a crime victim. A review of the information and decisions that are sent out to the injured party, and that are found on the police web page (www.polisen.se), has been conducted. The aim is to make the information easily accessible and to ensure the quality of the Police's information to victims of crime.

Effective legal assistance available to all female victims of violence

The Police Service and the public prosecutor in Sweden have a far-reaching obligation to provide information to victims of crime. Victims are to receive information about how their own case is progressing and, if need be, information about the possibility of obtaining a restraining order, their right to damages and injured party counsel. Injured party counsel is a legal adviser, often a lawyer, who provides support and help during the preliminary investigation and the trial. Victims of sexual crimes and certain other crimes violating the victim's integrity, such as assault, may be provided with injured party counsel free of charge. The injured party counsel will help the victim with legal issues, such as damages, and speak on behalf of the victim during the trial. An inquiry proposing more extensive use of injured party counsel is currently under preparation at the Government Offices.

Social services help and support

In July 2007, the Social Services Act (chapter 5, Section 11) was amended to clarify the obligation of the social welfare committee to provide help and support to victims of crime. The amendments include a requirement that the social welfare committee shall consider in particular that women subjected to violence and children who have witnessed violence may need assistance.

UNITED KINGDOM

Specialised victim support services and advocacy initiatives exist within England and Wales. The Government champions the use of Multi-agency risk assessment conferences (MARAC) and Independent Domestic Violence Advisers (IDVAs) to provide specialised victim support services to victims and, in addition to funding provided by local government funds towards 54 MARAC posts and 144 IDVAs.

Multi-agency risk assessment conferences (MARAC)

The role of the MARAC is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety. By sharing information, agencies can establish a better picture of victims' situations and can develop responses that are tailored to the needs and goals of individual victims and their children. Safe information sharing also allows agencies to manage the perpetrator in ways that reduce risk.

Independent Domestic Violence Advisers (IDVAs)

Working with criminal justice agencies and Witness Care Units, the IDVA can also ensure that the victim stays informed throughout the criminal justice process (in accordance with local arrangements). They can also coordinate the protection of the civil and criminal courts to avoid a victim being left with no protection (for example, by ensuring a solicitor has been briefed so that a civil law order can be sought immediately after bail conditions cease to apply). They are trained to understand the value and legal requirement of information sharing and, as such, are integral to the Multi-Agency Risk Assessment Conference (MARAC) system.

ASSIST

Advocacy Support Safety Information Services Together (ASSIST) is a specialist independent domestic abuse advocacy project using the principles of Duluth's Coordinated Community Response¹² and Johnson's Typology of Abuse¹³ to provide an early intervention, murder prevention model for victims of domestic abuse who have come to the notice of the police. ASSIST uses risk assessment, risk management and individualised safety planning to increase the engagement and reduce attrition of victims of domestic abuse in the criminal justice system.

¹² Coordinating Community Responses to Domestic Violence: Shepard M & Pence, E 1999

¹³ A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence: Johnson, Michael P 2008

Procedures have been established to enable ASSIST staff to submit intelligence to the Police Scottish Intelligence Database (SID) to ensure information is shared swiftly and appropriately.

Most ASSIST clients do not identify themselves as victims of Domestic Abuse, and the ASSIST model is particularly useful in these circumstances.

The ASSIST approach employs a cultural ethos that places the victim at the centre of the process, whilst at the same time challenging assumptions that minimises the abuse experienced.

12. Specialised forensic medical services

HUNGARY

There is no specialised forensic medical service.

UNITED KINGDOM

There are no specific specialised forensic medical services as such for domestic violence; however, Sexual Assault Referral Centres (SARCs) exist provide help and support to victims of sexual violence. The SARC model is a multi-agency initiative based on a partnership between the police, health services and close links with statutory and voluntary agencies. SARCs aim to provide assistance and support to victims of sexual violence, regardless of gender or age and they provide medical care and counselling. They also offer victims the opportunity to assist a police investigation, including undergoing a forensic medical examination, if they so choose. Additional information is available at:

<http://www.nhs.uk/ServiceDirectories/Pages/ServiceSearchAdditional.aspx?ServiceType=RapeAndSexualAssaultSupport>

13. Training/competencies of professionals

CYPRUS

The Police consider the issue of professional training in the area of domestic violence and child abuse of paramount importance and the investment in such Police training is significant, as explained below:

The Domestic Violence and Child Abuse Office in cooperation with the Cyprus Police Academy organise seminars and lectures for training and sensitization purposes. Such training is divided into four different levels as follows:

I. Basic Level.

New recruits completing basic training at the Cyprus Police Academy are given three four-hour sessions covering a) legal, procedural, and other formalized or structured aspects of policing, b) general awareness and sensitization (Social Sciences perspective), and c) Child Sexual Abuse.

II. Advanced Level.

A five day (40 hour) course attended by police officers working either at police stations or at Criminal Investigation Departments is offered on a continued basis depending on training needs analysis.

III. Specialized Level.

Further training of police officers on subject matters such as investigation of child sexual abuse cases or on interviewing vulnerable witnesses and on obtaining video recorded statements are organised periodically depending on training needs analysis.

IV. Refresher Courses.

Short-Span training sessions are conducted to update and refresh the knowledge of in service personnel. Such refresher courses may also be organised by any police division and can be conducted at the peripheral or central level.

In addition to domestic police training, specialised educational programs, training seminars and courses are attended by police personnel which take place overseas or at the national level by other agencies.

Furthermore, lectures on domestic violence and child abuse are delivered during specialised police trainings on specific issues such as Human Trafficking/Exploitation, Community Policing, Sergeant Courses, CID courses, Inspector and Chief Inspector Courses.

CZECH REPUBLIC

The victim's willingness to cooperate with the police (above all to report a case of domestic violence) is influenced by first contact experience with the police. Therefore the police officers of the Police of the Czech Republic (the Public Police Order Service, the Criminal Police and Investigation Service) are repeatedly trained in dealing with the victims of domestic violence, whereas a communication with under-age victims, seniors and handicapped persons is stressed. The police officers keep at their disposition a system of recommendations for the communication with the victims that shall lead to obtaining information for probative purposes, a handover of contacts to other assisting subjects and also it shall lead to a victim's motivation to solve the situation. If the victim wishes to communicate with a person of the same gender, the police will grant her/his suit. By a failure of evidence, the accent on victim's veracity and her/his statement is insisted. There is stressed a need to ensure primarily a victim's security immediately after the report on domestic violence but also anytime later, if the victim is endangered by a dangerous attack from the violent person.

DENMARK

At the Danish Police College the police officers are trained to handle situations in which they meet witnesses, victims and perpetrators in cases of violence and especially domestic violence. During the education focus is at the assignment of guidance, support and counseling of for example the injured person, children and other victims of violence. The Danish Police College cooperates with a crisis centre and all the student get to visit a crisis centre and the Center of Sexual Abuses.

As to public prosecutors and judges, the Director of Public Prosecutors and the National Court Administration host courses on domestic violence with a focus at the psychological aspects and the special needs of the victim.

GERMANY

The issue of how to deal with domestic violence is also addressed in police training and continuing training. Police cadets are sensitized to this issue and its victims as a separate part of their training. The awareness-raising and training police officers undergo in regard to this issue and thus also the specific situation of the victims of domestic violence enables them to address the particular needs, concerns and worries of this group of victims and thus builds trust among victims.

GREECE

The training of police personnel is considered extremely important; for this reason the Police Academy has already included in its curriculum the subject of domestic violence. Greek police officers participate in training seminars and meetings organized by co-competent State Bodies and NGOs on issues related to the special handling of domestic violence cases and to the development of constructive cooperation among the competent Bodies for the protection of the victims.

HUNGARY

As it was mentioned in chapter no. 3/b.: “Training in the field of victim protection and domestic violence” project was supported by the European Commission and implemented by the Hungarian Police and our partners. 60 colleagues were educated in the train-the-trainers part. 24 police chiefs (national and county level) were trained as well. At local level 600 police officers have participated on the training together with prosecutors, judges, social and health care institutes and victim supporters and they have shared their information, practice and knowledge.

LUXEMBOURG

Every policeman got or gets a 2 days training in issues of domestic violence.

POLAND

Special trainings for police officers

The realization of tasks which require direct contact with victims of crimes (also of domestic violence) and bringing them different kinds of help is not easy for policemen who in fact are not psychologists, educators, therapists or lawyers. A contact with a suffering victim, who very often is crying at that moment, and is completely shattered and helpless constitutes a great burden for a policemen who in many cases seems to be the only hope and the only one who can come up with a solution after a traumatic experience. This is a reason why special attention should be paid while planning and coordinating the police training regarding the ways of dealing with crime victims. It is important to ensure that as many policemen as possible are participating in such courses and trainings.

In Polish police educational and vocational training system topics connected with domestic violence phenomenon are included in compulsory special trainings programmes:

- Specialist course for constables, which in part dedicated to police interventions includes classes about the phenomenon of domestic violence. Among many other things participants learn about bringing help to domestic violence victims, developing a skill of establishing an interpersonal contact with crime victim and following and filling correctly the domestic violence procedure called „Blue Cards”. One of the key elements of this procedure is in fact giving the victim full and fair information about the possibility of seeking support in local environment. Policemen inform victims about up to date contact data of institutions which bring help to crime victims in professional way. He also establishes contact with such institutions in order to cooperate and participate in the process of bring help to this crime victim;

- Specialist course for duty officers from different organizational police entities which includes issues connected with the quality of servicing a person reporting a crime and respecting the dignity and privacy of citizens coming to the police with their cases, the skills needed in order to bring help in a professional way, including giving an information about the possibility of seeking help in other institutions or organizations. The programme of the training also includes the subjects of victims in the legal context, psychological matters, preventing repeated victimization and issues regarding the rights and obligations of a victim. Additionally, programme includes matters connected with interpersonal communication, psychological and emotional state of mind of a victim and the reasons why being extra careful during a contact with such person is so important. During this course special attention is paid to the categories of persons who are crime victims and require extraordinary care such as victims of rape or human trafficking, children, elderly persons or persons physically or psychically disabled;
- Specialist course for policemen dealing with the matters related to the underage persons is based on the original programme especially designed by non-governmental organization called “Nobody’s Children”. This organization deals in a broad way with the matters related with prevention of risks which endanger children and young people. The contents of this programme include among others: issues regarding child abuse and analysing it as a social problem, different forms of abuse, the scale of this phenomenon, psychological picture of an abused child, factors that influence child abuse, different attitudes of society towards child abuse. Furthermore, it should be stressed that topics included in the programme also concentrate on sexual child abuse describing the phenomenon, analysing psychological picture of a child abused sexually in the context of stereotypes and myths, characteristic and mechanisms of functioning of an incestuous family, ways of interrogating children and treating them as especially sensitive crime victims, ways of conducting an intervention in cases of child abuse, rules of interdisciplinary approach when it comes to bringing help, cooperation of different actors as an indispensable and effective tool in child abuse cases. Also during the course some time is dedicated to the problem of child abuse for commercial purposes and child trafficking;

- Some aspects of the prevention of domestic violence including elements of bringing the right kind of help to the victims, are mentioned during the so called “basic” professional training, which is compulsory for all policemen who start their service and also during so called “officers’ training”;
- specialists course for policemen who coordinate the realization of the domestic violence procedure called “Blue Cards”.

SWEDEN

To be successful in our work against criminal acts in close relationships, it is important that those who come in contact and work with these crimes have the adequate training. The government has tasked the Crime Victim Compensation and Support Authority to develop and implement an educational programme to improve the treatment of victims of sexual crime associated with the report to the police and proceedings of pre-trial and trial. The assignment runs for the period of 2011-2014. The following training structures are in place:

Basic Training

Police trainees have to attend a mandatory 10-week-course on the subject of criminal acts in close relationships.

Further Training

A university course focused on the training and education of officers involved in investigations concerning children and interviews with children, developed in close cooperation with the Police, is provided. Step 1, 15 Higher Education Credits, investigative methodology. Step 2, 15 Higher Education Credits, interview methodology.

A special course, 7,5 Higher Education Credits, has been designed for officials investigating crimes against women and close relations.

Interactive Training

Interactive training is also provided via the Police Intranet. Both individuals and units, e.g. shift-working units, may attend this interactive course. So far, around 10,000 police officials have attended.

Training of crime victim co-ordinators

A central further training of crime victim co-ordinators "Qualified skills for crime victim support" has also been carried out. The training courses for the inquiry leaders and investigative methods for senior patrol officers have focused on the perspective of the crime victim.

UNITED KINGDOM

The third sector provides accreditation services to ensure that agencies providing support to victims of domestic violence conform to recognised standards. Specific examples are:

- the Co-ordinated Action against Domestic Abuse (CAADA) provides the Leading Lights programme which is an accreditation programme that recognises and rewards good and safe practice in IDVA services across the UK. The programme offers IDVA services, partner agencies and commissioners a set of standards for supporting high risk victims. The Leading Lights status is the mark of quality for IDVA services and is increasingly being recognised by commissioners and funders across the England and Wales. For more information, see: <http://www.caada.org.uk/dvservices/accreditation-for-IDVA-services-leading-lights.html>

CAADA also provides support and training for Multi-agency Risk Assessment Conferences – see: http://www.caada.org.uk/marac/About_MDP.html

- Respect provide accreditation services for programmes seeking to manage perpetrators of domestic violence. The Respect Accreditation Standard applies to all organisations providing domestic violence prevention programmes working with men who use intimate partner violence, and also providing integrated safety services for partners and ex-partners of these perpetrators. For more information, see: <http://www.respect.uk.net/pages/applying-for-accreditation.html>

14. Coordinated community responses (CCRs)

UNITED KINGDOM

“Specialist Domestic Violence Courts” (SDVCs) exist to promote a combined approach to tackling domestic violence by the police, Crown Prosecution Service, magistrates, courts, probation service together with specialist support services for victims. SDVCs situate the court and criminal justice system as part a community-wide response to domestic violence.

The Home Office has also worked with a third sector provided “Against Violence and Abuse” to develop a Coordinated Community Response toolkit, which local services can use to map their provision for domestic violence services in order to assess their current response and identify any gaps.

Designed for strategic planners, the toolkit provides with guidance, research and examples of projects and initiatives to assist in creating a more comprehensive and stronger interagency response. For more information, see: <http://www.ccrm.org.uk/>

15. Referrals to and info sharing with statutory partners

15a. With victim consent/authorisation or not

CYPRUS

The Department of Social Welfare Services and the Attorney General are informed of all the incidents reported to the Police, irrespective of whether a written complaint has been filed or not. By orders of the Attorney General, all public servants are mandatory reporters of domestic violence.

ESTONIA

Please see information listed under item 21 below.

NETHERLANDS

Please see information listed under item 11 above.

PORTUGAL

The referral for other institutions that support victims is a very important tool to contribute to overcoming attrition. The Portuguese police staff has also available for use a guide on possible resources for referral, and such practice will be reinforced.

SLOVAKIA

Cases of domestic violence are being reported to the police even by physicians and personnel of medical institutions in compliance with § 79 paragraph 2 of the Act No. 578/2004 Coll. on healthcare providers, health workers and professional organizations in the health service, and amending and supplementing certain laws. According to mentioned provision, the healthcare provider is obliged immediately to inform the prosecutor, investigator or police authority on:

- a) committed suicides, attempts for suicide and cases with the reasonable suspicion on the presence of other person in the harm of health or death,
- b) suspicion on malpractice, battering or abusing a juvenile or other person incapable of legal acts or whose capability for legal acts has been restricted,
- c) acceptance of a person into the healthcare institution whose identity cannot be established or who is wounded by a firearm or other weapon.

Domestic violence is often reported to the police also by educational institutions or departments of social-administrative protection and social nursing of Offices of Labor, Social Affairs and Family, especially in cases where the victim of domestic violence is a child.

UNITED KINGDOM

Frameworks exist within local areas across England and Wales for managing offenders according to the risk they pose to the community. These frameworks are:

- a. Multi-Agency Public Protection Arrangements (MAPPA), and
- b. Integrated Offender Management (IOM) schemes.

Both frameworks have clear guidance on the types of offender (including violent offenders) they manage, the risk assessments to be conducted and how statutory partners should manage the offender according to their risk profile.

16. Domestic homicide reviews

GREECE

Our Division, which is responsible to gather, record and analyze statistical data related to domestic violence cases, keeps relevant statistical data (number of cases, offenders and victims and the relationship between them) on homicides committed as a result of domestic violence, as specified in our Country's legal framework.

UNITED KINGDOM

Section 9 of the Domestic Violence, Crime and Victims Act 2004 implemented Domestic Homicide Reviews across England and Wales. This means that local areas and agencies are expected to undertake a multi-agency review following a domestic violence homicide to assist all those involved in the review process in identifying the lessons that can be learned from domestic homicides with a view to preventing future homicides and violence. The provision also allows the Home Secretary in particular cases (e.g. when a local area fails to initiate a review itself) to direct that a specified person or body establishes or participates in a review. Section 9 also introduces a duty for every person or body establishing or participating in the review to have regard to statutory guidance.

The Home Office has established an expert panel (Quality Assurance Panel) which includes representation from all relevant statutory agencies as well as voluntary sector experts on domestic violence. This group has responsibility for quality-assuring the overview reports. If the group finds that amendments need to be made to a report, they will liaise directly with the team responsible for the review to explain the rationale behind this. The group meets on a quarterly basis and also has responsibility for examining all decisions not to undertake a review.

17. Specialised prosecutors to be consulted

CYPRUS

With regard to domestic violence, a specialization scheme is practiced at the Office of the Attorney General. According to the scheme, especially designated personnel review domestic violence cases and may be consulted on related issues.

GERMANY

Most of the public prosecution offices of the *Länder* have set up special departments responsible for dealing with cases of domestic violence.

Judges and public prosecutors are taught social and so-called soft skills, such as gentle questioning techniques, as part of their continuing training. The German Academy of Judges (*Deutsche Richterakademie*), a training institution for German judges and public prosecutors, and facilities in the *Länder* regularly offer a variety of courses dealing with “the victims of domestic violence” (e.g. “Violence in the family – Family and criminal law aspects, stalking and child abuse”, “Elements of mediation in judicial practice”, “The judicial hearing of children and parents in custody rights and access proceedings”). Experts in the field of parent and child matters (esp. child psychologists and child psychiatrists) are appointed by the courts on a case-by-case basis. The key factor when selecting these experts is that they have the necessary specialist knowledge. That is why those included in the pool of experts are, in their own interests, constantly engaged in continuing training to maintain and expand their specialist know-how. That includes looking at the issue of domestic violence. The same applies to guardians ad litem and other persons rendering assistance in proceedings, who, in practice, are often lawyers. They too must maintain their level of specialist knowledge by taking training and continuing training courses, including in the field of domestic violence, in order to stay on the list of persons who can be considered for appointment by the court.

SPAIN

Please see information listed under item 21 below.

UNITED KINGDOM

The Crown Prosecution Service does not have specialist DV prosecutors. However, all CPS prosecutors are trained in domestic violence cases and apply the CPS’s Domestic Violence policy when reviewing such cases.

18. Victim engagement

18a. Police/court support for victims

FRANCE

Please see information listed under item 11 above.

GERMANY

The criminal courts often have a separate victimized witness/witness room. Summoned witnesses may wait in these rooms until they are called to testify in the criminal proceedings and therefore do not have to meet the perpetrator in front of the court room. They can be looked after there and may bring along people to support them, for example advice centre staff. Here, too, a special room can help to allay victimized witnesses' fear of testifying in the criminal proceedings and of direct, unprotected confrontation with the perpetrator. This fear often arises because they do not wish to meet the perpetrator alone and without protection in front of the court room since they are often afraid – sometimes rightly so – of intimidation, threats and acts of violence.

Guidelines for Criminal Proceedings and Administrative Fines Proceedings

Finally, the Guidelines for Criminal Proceedings and Administrative Fines Proceedings (*Richtlinien für das Strafverfahren und das Bußgeldverfahren*, RiStBV), which constitute administrative provisions that are applicable across Germany, contain instructions for public prosecutors on how to exercise their official duties and how to deal with injured parties in general. According to number 4c of the Guidelines, the public prosecutor must ensure that the stress caused to the injured party during the criminal proceedings is reduced as far as possible and that account is taken of his concerns in the criminal proceedings. Number 4d of the Guidelines underlines the duty to instruct the injured party pursuant to section 406c of the Code of Criminal Procedure. That provision explicitly requires that injured parties be notified that, in accordance with the provisions of the Protection against Violence Act, they may apply for orders against the suspect and may receive support and help from victim support organizations. The civil-law victim protection provided under the Protection against Violence Act enables the victims of domestic violence to apply for protection orders, the assignment of joint accommodation, custody, the suspension of access rights, and damages and compensation in order to protect themselves against further violent acts by the perpetrator.

POLAND

Week of help for victims of crime

Action created for the victims is the *Week of help for victims of crimes*. This Week is held in Poland annually since 2000. In that year in Ministry of Justice was created the idea of celebration a specially designated week, which was to pay special attention to the needs and rights of crime victims. This idea is associated with the *International Day of Victims of Crimes*, which is deployed worldwide celebrated on 22nd of February. In Poland, this day is also the “*Day of Victims of Crimes*” under the special Act of 2003¹⁴.

It became a custom, that the celebration of the *Week of help for Victims of Crimes* is opened with the ceremonial conference in which participate - among others - representatives of the authorities of the state, of the judiciary, as well as other departments. Moreover, also representatives of the local self-government and NGOs who are involved in actions for victims of crimes. In organizational units of the department of the justice during the celebration of this week are organized information actions for this category of persons. Information duty is being performed in courts and prosecutor's offices, as well as in NGOs dealing with supporting victims of crimes. In some courts and prosecutor's offices victims can also receive folders containing the information about the type of specialist activities, the places of performing all-year-round duty, as well as address data of special entities. The information about duty is placed in local and nationwide media. Announcements are published in registered offices of courts, prosecutor's offices, NGOs, offices of cities and communes, district offices, headquarters of municipal and district police and on websites of courts, prosecutor's offices, the Ministry of Justice and the Ministry of Interior and Administration.

In entire Poland, local and regional courts are joining the action: judges, court assessors, probation officers and assistants of judges. Moreover, for the cooperation are also invited entities reporting to the Minister of Health, the Minister of Interior and Administration, as well as Principal Legal Council.

¹⁴ *Act from 12th of February 2003 on establishing the 22th of February as the Day of Victims of Crimes* (OJ from 2003, No. 59 pos. 517).

Problems which victims of crimes face and turn for advice most often concern such issues as:

- applying the emotional abuse and the physical violence by the family member
- abuse in the family
- enforcing the duty of repairing the damage
- unlawful threats
- as well as rapes.

UNITED KINGDOM

Both the police and courts adhere to the *The Code of Practice for Victims of Crime*, Criminal Justice System (2005) that sets out what victims can expect from the criminal justice system. The Code is available at http://www.cps.gov.uk/victims_witnesses/resources/index.html

18b. Familiarisation with police/prosecution/court procedures

CYPRUS

Police brochures, which contain information on the role, powers, structures and procedures of police in relation to spousal abuse, and also provide contact details of other competent Agencies, are publically available. On the basis of Police standing orders, police investigators are obliged to keep complainants informed on the progress of their case.

FRANCE

Please see information listed under item 11 above.

UNITED KINGDOM

See information in item 18c (below) on witness care units.

18c. Witness care units

POLAND

National Victims Support Program

In order to meet social needs and expectations the Prime Minister has decided - by the decree No. 20 dated on the 1st of February, 2006 - to prepare the *National Victims Support Program*.

Coordination of activities in this field he has entrusted to the Minister of Justice. The need for such action was a result of the special diagnosis.

In Poland operate many institutions and organizations providing broader support for victims of crime but this diagnosis showed no systemic solutions in this area.

The mentioned diagnosis revealed factors such as:

- ✓ multiplicity of institutions and organizations,
- ✓ intersection of competence,
- ✓ weak communication or lack of communication, which cause that a significant proportion of crime victims does not receive support and assistance in the area of their needs, as well as related laws. It was also observed that the diversity of scope, level of professionalism and effectiveness of aid depends on what kind of entity gave it. During diagnosis it turned out that a significant range of possible assistance for the victims of crime depends on many factors, such as:
 - concentration of the institutions and organizations in the capital and major cities in relation to small towns and villages,
 - the position of certain categories of victims (including women, children, immigrants, people mentally and physically handicapped, the elderly persons, etc.) is getting more vulnerable therefore their access to reaching help institutions is more difficult,
 - a dark number of crime both - in relation to the whole phenomenon, as well as its specific category (such as domestic violence, rape, sexual harassment, etc.).

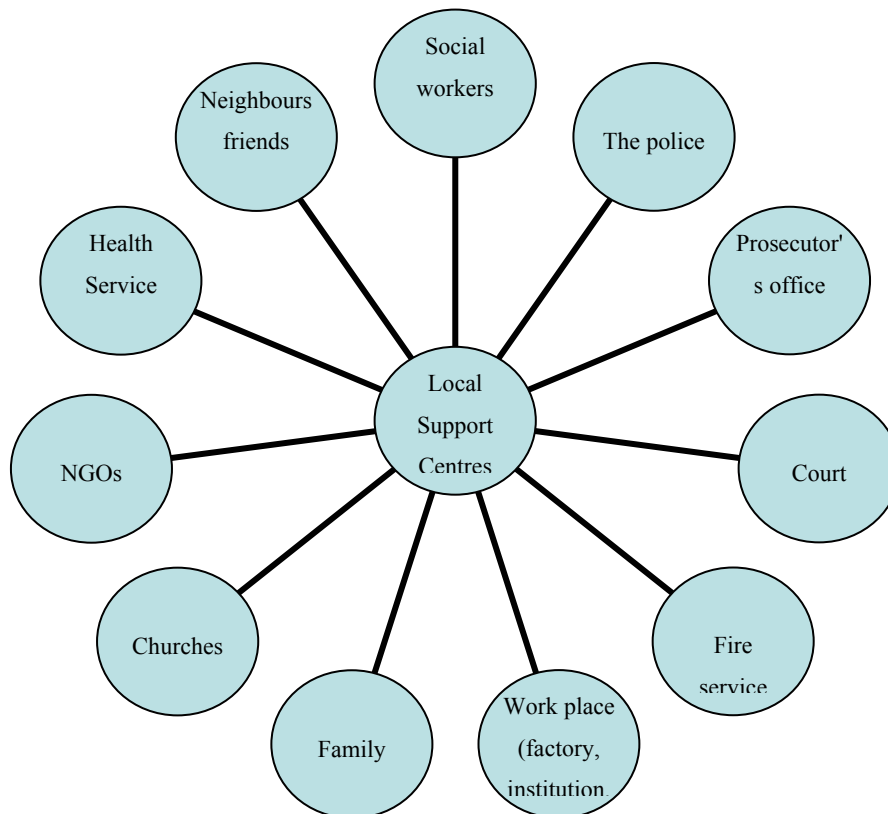
Consequently, taking into account international standards and statutory duties operating in Poland, many organizations and state institutions, as well as NGOs and the government was required to create one system of aid to victims of crime, the so-called *Victims Support Network*, and its inclusion in the pilot version of the *National Victims Support Program*.

The legal basis for the pilot version of the *National Victims Support Program* has become already mentioned the Prime Minister's decree, and related decisions, for example of the Minister of Justice, Minister of Interior and Administration, Labour and Social Affairs and other entities. These acts define the participation of subordinate bodies, departments and institutions in the forthcoming pilot scheme. Then Prime Minister decree No. 78 dated on the 30th of July 2007 established a Team for the elaboration of the *National Program for Crime Victims*. The task of this team was to propose system solutions for a nationwide legal and organizational structure with the task of providing assistance to crime victims.

In order to test the concept of the *Supporting Network for Crime Victims* mentioned Team decided to introduce a pilot scheme. The decree No. 164 of Minister of Justice dated on 28 August 2007 on the implementation in selected provinces of the *National Program for Crime Victims* and the organization and scope of the *Local Support Centers*, set up 11 of these centers operating in three regions of Poland (Warsaw, Silesia and Opole region).

A special place in this program was reserved for help and support for minor victims of sexual abuse, because it was created primarily for victims of rape, sexual assault, other sexual crimes, and crimes committed with particular cruelty. The pilot program operated on a previously mentioned *Supporting Network for Crime Victims*, which main elements were the *Local Support Centres*. These centers have become a place of first contact, in which the injured person acquired professional, free and comprehensive legal, intervention, psychological and another support that was consistent with her or his individual needs. The aid was provided by specialists such as psychologist, therapist, social worker, doctor, policeman or a lawyer, and even a trained representative of the church.

The program also provides the introduction of the new institution called “*guardian of the victim*”. This is a volunteer who helps the victim to overcome the effects of the crime, not only during the judicial proceeding, but also after the sentence imposed on the perpetrator. This guardian is assigned to persons with a high degree of helplessness, such as the old people, children, victims of domestic violence or sexual abuse. An important feature and advantage of the program also provides a network composed of all entities, agencies and institutions working for crime victims.



Pilot version of a program was implemented by the end of June 2008. The Team then prepared a final draft of the *National Program for Crime Victims* for the period 2009-2013. In connection with applications from pilot program, which has been supported by the experiences of other countries, the task of creating *Supporting Centers for Crime Victims* was entrusted to NGOs. They lead an activity for this group of people and have not only the facilities of the base, but also a lot of experience, and specialists working in this field.

The *National Program for Crime Victims* is based primarily on the coordination of the tasks already being carried out by individual ministries, local government units, NGOs and other entities undertaking tasks related to assistance to the persons injured by crime. For this reason, it is expected that the sources of program funding will come largely from the budgets of the entities involved in its implementation. Financing of the new tasks, such as the creation of an additional 16 *Supporting Centers for Crime Victims* will initially take place within the EU funds, which beneficiary is the Ministry of Justice. It is expected that in the following years funding for the program will come from various sources, including the proposed Penitentiary Assistance Fund. This fund will be created with the exemplary and cash benefits from obtained perpetrators.

The coordinating role among the various cells of network in one region (province) will be entrusted to the *Regional Coordinator for the Implementation of the National Program for Crime Victims*, with the participation of the *Provincial Advisory Council*. Because of interdisciplinary nature of action created for those persons who have suffered a crime, but also because of experience of the pilot program and the need for coordination of tasks performed by different ministries, the task of the *Government Plenipotentiary for the Implementation of the Program* was responsible for a high official in the Prime Minister. Annual reports on the implementation of the Program will be presented to the Prime Minister.

The most important directions of program activities are:

- *Supporting activities*, which consist of:
 - 1) the establishment of Supporting Centers for Crime Victims,
 - 2) coordinating the activities of NGOs, which provide assistance to victims,
 - 3) the establishment of the Government Plenipotentiary for the Implementation of the National Program for Crime Victims and the Central Council for the Implementation of the National Program for Victims of Crime,
 - 4) The appointment of Regional Coordinators for the Implementation of the National Program for Crime Victims and Provincial Councils for the Implementation of the National Program for Victims of Crime,
 - 5) cooperation of government, local government units, NGOs and other entities performing tasks related to persons harmed by crimes, including consulates, in the field of Supporting Network for Crime Victims.

- *Information activities*, which will consist of:
 - 1) launch a nationwide information and emergency phone,
 - 2) setting up a special website: www.pokrzywdzeni.gov.pl for victims of crimes,
 - 3) edition of the “Charter of crime victim’s rights”,
 - 4) cooperation between the various entities in the conduct of information actions.

- *Training activities*, which will consist of:
 - 1) introduction to vocational education programs contents of a multidisciplinary knowledge related to:
 - ✓ diagnosis of crime victims,
 - ✓ supporting the victims,
 - ✓ establishing an interdisciplinary cooperation between supporters of crime victims,
 - 2) developing training programs for various professional groups which take into account information from the scope of assistance provided by other institutions, aimed at different groups of victims, including areas of competence, the principles of cooperation, networking, and knowledge of procedures,
 - 3) conducting training for volunteers,
 - 4) carrying out internal training in *Support Centers for Crime Victims* tailored to the competence of employees and scope of activity centers, which includes also workshops and interactive techniques,
 - 5) preparation of the publication of information and training for persons working with crime victims, containing a compendium of knowledge about the person who is injured by crime,
 - 6) participation in international conferences and trainings.

Currently is implemented *National Victims Support Program for the years 2009-2013*.

UNITED KINGDOM

Witness Care Units exist across England and Wales. These units manage the care of victims and prosecution witnesses from the point at which the defendant is charged through to the conclusion of the case. They are staffed jointly by representatives from the police and the CPS.

The units provide a single point of contact for victims and witnesses. A needs assessment is carried out for all witnesses who are being called to court, to identify any problems that would prevent the witness giving evidence or attending court. These problems might include child care or transport problems, language difficulties, disabilities or particular concerns such as intimidation. Witness care officers coordinate the support and services provided to the witness, and keep them informed throughout the case.

They also review the needs of the victim throughout the duration of the case, notifying them of whether they will need to attend court, providing information and dates if necessary, and informing them of the outcome.

19. Partnerships with stakeholders

- a. Statutory agencies**
- b. Nongovernmental organisations**
- c. Private sector (companies, trade unions, etc.)**

CYPRUS

The related to domestic violence Government Agencies as well as NGOs, cooperate on the basis of the Manual of Interdepartmental Cooperation on Domestic Violence, which was approved by the Council of Ministers of the Republic in 2002.

The Advisory Committee for the Prevention and Combating of Violence in the Family was established in 1996 according to the provisions of the Law on Domestic Violence. The Committee prepared and proposed the National Action Plan for the Prevention and Combating of Violence in the Family for the period 2010-2015, which was approved and adopted by the Council of Ministers of the Republic.

CZECH REPUBLIC

There is thoroughly used an interdisciplinary or team-work approach to the victims of domestic violence with the aim to improve the quality of the whole system. A network of intervention centres is an essential element of the system. The centres provide a basic assistance to the victims of domestic violence in a social-legal, psychological and organizational area. The centres are also coordinators for the interdisciplinary cooperation among public administration bodies (especially the bodies for social-legal protection of children), health care institutions, courts and the police in a relevant region. The centres play an important role in a victim's decision on the report and solving the case of domestic violence. The persons endangered by domestic violence can appeal to the centres for assistance directly, without previous police intervention. The assistance of the centre can be provided also upon request of other person, e. g. a witness of domestic violence. Services of the centres are free of charge and anonymity of the endangered persons is guaranteed. On the territory of the Czech Republic, there are 15 intervention centres. The assistance to the endangered person is offered within 48 hours at latest and the person decides, if she/he will accept the offer. The social services have following forms: ambulatory, street work or stay services.

The police also closely cooperates with non-profit organizations, especially with "The White Circle of Safety" (the Police and this organization signed agreement on providing of assistance to the victims of domestic violence), especially in the area of a training of police instructors of domestic violence and in the area of the providing of assistance to the victims of domestic violence.

FINLAND

Multi Agency Cooperation

Police usually meets victims of domestic violence during emergency calls. In severe case the perpetrator is taken into police custody. This is the solution only for the preventing the acute situation escalating further. In order to support victim and to solve problems in the family, the police response is not enough.

In Finland almost every police station has at least one social worker who can be also involved in the case already from the beginning. We have very positive experiences of having social worker available and working at the police station. Because especially the cases concerning domestic violence are very complex to solve only with criminal process, it is very good to have other stakeholders involved in the case as early as possible. In Finland we have several NGO's who are giving support and help to victims. The availability of the NGO's services vary from the area to another. The police should know availability of services in the police district and also be willing and able to distribute information as well as contact numbers and addresses of services to the victim. In the ideal situation police field patrol should distribute already in the spot information to the victim, although that situation did not lead to criminal report. Also the perpetrator should be directed to the treatment programmes that support breaking the cycle of violence in cooperation with social welfare authorities.

Authorities and NGO's providing help for victims of domestic violence should work together in order to give all available help to support the victim. However, it is victim herself who decides what kind of help she wants to have or whether she wants to have help at all. This should be understood and respected also by authorities.

Examples of Cooperation between Police, Other Authorities and NGO's.

Marac-Project

In 2011 Finnish police piloted in three police districts MARAC-project. In 2012 the project will be expanded to eight districts. The aims of the MARAC are to identify high-risk of victims of domestic violence, to ensure that those high-risk victims are better protected from further abuse through multi agency coordination and to identify special characteristic related to domestic violence in order to decrease consequences of domestic violence. MARAC-group consists of several different authorities and some victim support organisations. Within the system there is a questionnaire for evaluating the future risk. Police should ask these questions from the victim. The police should also explain that those questions are made for her protection and for her own safety. This method could also reduce victim's reluctance of getting help and support.

Other

Especially cooperation with NGO's who are working with immigrants has been quite effective in some districts. Some female immigrants do not know that domestic violence is a crime according to Finnish legislation. Although they know that it is a crime, it is also very difficult to them to report it to the police. Especially in these kind of situations support person from NGO has been very valuable for getting the case reported to the police and also for getting help and support from victim service.

In generally speaking the means of the police in order to get reluctant victim seeking for help are very minimal. Putting the case in criminal process is the only mean what police can do despite victim's reluctance.

GERMANY

Cooperation and networking

One best practice model in regard to strengthening women affected by violence – and thus also to improving their willingness to cooperate in criminal proceedings – is based on the work of intervention projects against domestic violence. The models (the Berlin Intervention Project Against Domestic Violence (BIG) and the Cooperation and Intervention Concept (KIK) in Kiel), which were funded by the Federal Government, looked into dovetailing the diverse legal fields with psychosocial support and help provided to victims of domestic violence and then elaborated workable solutions.

For example, the new police practice adopted during operations against domestic violence not only means that perpetrators are now issued with a restraining order, it has also improved the records kept in regard to the criminal act. This, in turn, means that better-quality evidence is available both when applying for a protection order according to the (civil-law) Protection against Violence Act and in possible criminal proceedings. Improving the quality of the evidence makes it easier for victims to testify, because they are no longer the only available evidence, and it is therefore often no longer a case of “his word against hers”, and the information supplied by the affected woman is supported by the evidence. Professional psychosocial support underpins these effects.

The above shows how important interdisciplinary cooperation is in regard to developing new courses of action, legislation and day-to-day practice on the ground.

GREECE

Further to the above mentioned, the Hellenic Police for being able to deal with domestic violence cases the best way possible, cooperate with all the co-competent Bodies of the Country (Prosecution Departments, Judicial Authorities, the General Secretariat for Gender Equality, NGOs, etc.).

LITHUANIA

For the purposes of a more efficient decrease of victims' reluctance, it is of key importance to ensure proper cooperation between key subjects operating in the area of domestic violence prevention and fight against it. In Lithuania, these subjects are:

- LEAs (police, public prosecutors office) and judicial authorities (courts);
- NGOs (crisis, assistance centres);
- Special assistance centres (to be established under the new Law);
- Children rights' protection authorities.

LUXEMBOURG

The Law on domestic violence from 2003 created a working group of best practices among all the experts: Ministry, ONG (domestic violence victim support), prosecutor and Police. The creation of such a working group was and is still a big help in all kind of problems.

SLOVAKIA

Domestic violence is characterized by a high level of latency. In many cases, the victim of domestic violence does not report it to the police either because of the fear from perpetrator's vengeance and potential gradation of his aggressive behavior, eventually because of the fear from the breach of family and relationship, or because of economical dependency upon the perpetrator (with this one being in many cases the breadwinner of the family).

There are cases when the victim of domestic violence does not contact the police, but uses the services of crisis centers. Therefore, cooperation of the Police Force with nongovernmental organizations in the area of revealing criminal deeds related to domestic violence plays an important role. There are several nongovernmental organizations in the Slovak Republic which provide assistance and different services for the victims of domestic violence, being legal services, social advisory, psychological advisory, accommodation in crisis centers and so on (e.g. civil association Assistance to Victims of Violence, civil association Assistance to Endangered Children – Hope Center, civil association Lap – Assistance to Children in Crisis, civil association Allianz of Females in Slovakia, and others).

UNITED KINGDOM

Partnership working through the Multi-Agency Risk Assessment Conferences, domestic abuse forums, projects and campaigns, with statutory and third sector partners is imperative to ensure the victim, their families and the perpetrator have the right intervention at the right time. The Police forces across England and Wales have been key players in encouraging and enabling other organisations to identify and undertake their roles and responsibilities with regards to the impact of domestic abuse on our society.

Earlier intervention, thorough effective, efficient investigation and victim support are key to reducing incidents but also providing support to empower victims to participate and co-operate with the investigation.

The Home Office holds regular meetings with stakeholders encompassing statutory agencies, non-governmental organisations and the private sector. The primary forum is the *Violence against Women and Girls (VAWG) Stakeholder Group* which meets on a quarterly basis. In addition, topic-specific meetings are routinely held to consult and receive feedback on specific issues such as managing perpetrators, further measures to protect victims.

Strathclyde Police Domestic Abuse Multi Agency Tasking and Coordinating Process

Chaired by a senior officer of no less rank than a Detective Chief Inspector, fortnightly meetings are attended by representatives from Strathclyde Police Divisional Domestic Abuse Units, the Strathclyde Police DATF, Strathclyde Police Gangs Task Force, the Crown Office and Procurator Fiscal Service (COPFS, who are responsible for prosecution) and members of staff from ASSIST and Glasgow Housing Association.

Discussions centre on the priority targeting of Domestic Abuse ‘high tariff’ perpetrators, with each Police Division and partner-agency referring perpetrators and providing specific information around concerning behaviours. All information and intelligence held is openly shared within the meeting and effective decision making ensures police resources are deployed to tackle individuals who pose the greatest risk to their victims, using all means at the group’s disposal.

Actions include the targeting of other criminal behaviours such as the use of drugs, regular traffic offences or organised crime activity, with the aim of ensuring the perpetrator does not suspect the victim of cooperation with the Police. ASSIST ensures the needs of the victim are met.

Clear lines of communication, ownership and accountability ensure that victims and their children remain safe, while the offending rate of perpetrators drops significantly.

Performance of the MATAC

Since its inception there has been 420, high tariff domestic abuse perpetrators presented to the MATAC.

The table below illustrates the impact the MATAC has had on repeat offending and on the number of children who have been exposed to domestic incidents and potentially affected by such exposure.

		Pre MATAC		Post MATAC	
		Repeat Offenders (Force Average)	No. of Children Potentially Affected	Repeat Offenders	No. of Children Potentially Affected
08/10/09 to 14/10/10	151	62.4 %	224	27.8 %	52
15/10/10 to 27/10/11	205	64.6 %	270	47.3 %	124

Source: *Domestic Abuse Offenders – Multi Agency Tasking Forum and Re-offending (Produced by Martin D. Smith (Strategic Development Manager)): Operational and Management Information System (OMIS) – October 2010: Vulnerable Persons Database (VPD)*

Note: *The Pre MATAC Repeat Offenders ‘Force Average’ figures are offered merely as a benchmark against which the ‘Post MATAC’ repeat offenders can be measured.*

20. References to DV attrition in action plans (police, wider, national)

BELGIUM

Please see information listed under item 21 below.

DENMARK

A national Strategy to prevent Violence in Intimate Relations was adopted in June 2010 and deals with intimate violence against women and men. The full text can be seen at this web-site:

http://miliki.dk/no_cache/english/gender-equality-work-in-denmark/news/singlenews/artikel/national-strategy-to-prevent-violence-in-intimate-relation/

ESTONIA

Please see information listed under item 21 below.

IRELAND

The issue is and has been a systemic problem for most police forces worldwide. In Ireland, Government bodies, Non Government Organisations and An Garda Siochana are acutely aware of these issues and a number of measures at National level have been taken to minimise non-reporting and attrition rates. These measures can be segregated into National measures which involve a multi-agency approach and law enforcement measures which are specific to An Garda Siochana.

In 2010 the Government introduced the National Strategy on Domestic, Sexual and Gender-based Violence which aims to correct the lack of co-ordination between different agencies and to provide a clear vision and understanding of domestic violence. The National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014 includes a commitment to minimise attrition in domestic and sexual violence cases. One of the first actions provided for in this Strategy was to comprehensively look at the “reluctant witness” and “attrition cases”. Arising from this review two principle activities were identified,

- **To develop a greater understanding of the extent and nature of attrition in domestic and sexual violence cases.**

- **To develop proposals to minimise attrition in domestic and sexual violence cases.**

Research by the *Rape Crisis Network of Ireland* in its publication “Rape & Justice in Ireland” (2009) indicates a low rate of disclosure of domestic & sexual crime in Ireland. This is comparable with other jurisdictions who experience a similar low rate of reporting. Statistics published by the Rape Crisis Network of Ireland (RCNI 2005) show that approximately a quarter of their clients who had experienced adult sexual abuse notified the Gardaí. The *SAVI Report* outlines that the most common reasons given for non-disclosure were that the “offence was not serious enough to report or that the Gardaí could not do anything about it”, victim embarrassment and the close relationship of the victim to the perpetrator are also stated reasons.

The above research (Hanly 2009, p 43) suggests that Police attitudes to cases of domestic & sexual violence are a key factor in reducing attrition rates. Perceptions of police disbelief and a lack of sympathy are cited as common factors for the reluctance of victims to engage with the criminal process.

An Garda Síochána are however acutely aware of the fact that victims may choose not to report domestic & sexual violence offences to the Authorities. The reasons for non-reporting are many and vary from case to case. The Domestic Violence Sexual Assault Investigation Unit (National Police Unit responsible for Domestic & Sexual Violence) is particularly active in addressing this issue and close liaison is maintained with COSC, the National body for combating domestic violence. An Garda Síochána is represented on a number of National Committees to promote the prevention and reduction of domestic violence.

UNITED KINGDOM

The Government's updated *Call to End Violence against Women and Girls* Action Plan (published March 2012) sets out its approach to tackling domestic violence - see:

<http://www.homeoffice.gov.uk/crime/violence-against-women-girls/strategic-vision/>

The following measures all support the goal of reducing DV attrition:

- support women affected by domestic violence through the courts system through the provision of 44 court-based IDVA posts;
- CPS and ACPO to publish a joint enhanced evidence gathering and charging checklist for use in domestic violence cases
- address ways to improve the safety of victims, including those under 18, in the prosecution of domestic violence cases.

21. General Information

BELGIUM

Domestic violence is regulated by a common directive from the Minister of Justice and the Board of Prosecutors-General (Directive COL 4/2006). This directive deals amongst other things with the victims' reluctance to file complaints or reports in these matters and the phenomenon of victims who withdraw their complaints.

Domestic violence is included as one of the criminal priorities in the Belgian National Security Plan 2008 – 2011. The upcoming Belgian National Security Plan 2012 – 2015 continues to put special attention to the phenomenon as a specific point of interest for everyday police work.

However, the main police efforts in this field will have to be carried out by the local level of the integrated police, structured on two levels (federal – 195 local police zones). Because of this reason, the phenomenon is included in almost all of the 195 Local Security Plans.

Both the directive and the National Security Plans are available in French and in Dutch.

Context

This contribution provides information relating to policies followed in Belgium to fight violence between partners, and more specifically relating to the legislative measures in place.

Initial comments

The fight against violence between partners is not an isolated topic, but rather a horizontal issue. Policies are therefore implemented in all areas of activity, in line with the competencies of the various authorities in Belgium. The federal government's responsibilities mainly relate to raising general awareness, judicial and police action, and public health. The competencies of the communities and regions in terms of fighting violence against women mainly relate to prevention (communities) and providing refuge and support for victims (regions).

Belgium's policy for fighting intimate partner violence

1. National Action Plan to tackle intimate partner violence and certain forms of domestic violence

Political attention has been paid to the issue of violence against women since the 1980s, when the Belgian state concentrated above all on tackling physical and sexual violence between intimate partners.

Since 2001, Belgium's commitment to fighting this problem has been put into practice through its National Action Plan (NAP), which brings together the federal government, the communities and the regions and is coordinated by the Institute for the Equality of Women and Men. There has been a series of action plans: the first for 2001 to 2003, the second for 2004 to 2007 and the third for 2008 to 2009.

On 23 November 2010, Belgium adopted a fourth National Action Plan to combat intimate partner violence and other forms of domestic violence, for the period 2010-2014¹⁵. Previously limited to violence between intimate partners, since 2010 the scope of action has been extended to also cover forced marriages, so-called honour crimes and female genital mutilation (FGM). In this new plan, Belgium committed itself to implementing more than 120 new measures to combat these various issues.

Combating intimate partner violence remains a priority, since this is the most common form of violence, but special attention is also paid to these other more specific forms of violence.

Measures against intimate partner violence implemented under the NAP include:

- scientific research into the problem of intimate partner violence, collection of statistics, recording of cases of intimate partner violence (by the police and legal systems, but also when psychological, medical or social services intervene);
- campaigns to raise awareness (for a targeted public or the general public), creation and distribution of leaflets (practical information on legislation, available assistance, practical advice, etc.), information on the support available (via helplines or a planned national website);
- prevention programmes aimed at young people, continuing and expanding training courses for the police, members of the judiciary, medical staff, teachers and social workers, distribution of tools for detecting violence and intervening;
- psychological, medical, social and legal support for victims, access to adequate and appropriate refuge accommodation, assistance and care facilities for children who have been exposed to intimate partner violence, support for and monitoring of perpetrators, cooperation between services assisting victims and perpetrators;
- the system implemented by circulars COL 3/2006 and COL 4/2006 (see below), and related monitoring.

¹⁵ This document can be accessed at:
http://igvm-iefh.belgium.be/fr/binaries/NAP_Engels_tcm337-133536.pdf

A system is being put in place to support and assess the NAP. In fact, as mentioned above, the fight against intimate partner violence and other forms of domestic violence is a horizontal issue which requires an integrated approach. It relies on the commitment of all those in politics and administration at federal, community and regional level, as well as the involvement of numerous civil servants. The Institute for the Equality of Women and Men has therefore been put in charge of coordinating the implementation of the NAP. To this end, an interdepartmental group has brought together all parties involved in the NAP, to develop a coherent and concerted joint policy.

2. Legislation in force

In Belgium, the different forms of violence against women are criminalised through various legislative texts. Intimate partner violence does not exist as a specific offence in criminal law, but the family relationship between the perpetrator and the victim may constitute an aggravating circumstance. In fact, the Law of 24 November 1997¹⁶ introduced into Article 410 of the Criminal Code the notion that a crime or offence being committed against a "partner" was an aggravating circumstance in the offences cited under Articles 398 to 405, relating to voluntary manslaughter not classified as murder and to physical injury. Moreover, the Law of 28 January 2003¹⁷ increased the severity of the aggravating circumstances listed in Article 410 of the Criminal Code, bringing the maximum sentence up to one year in prison.

¹⁶ Law of 24 November 1997 combating intimate partner violence.

¹⁷ Law of 28 January 2003 on allocation of the family home to the spouse or registered cohabiting partner who is the victim of physical violence by his/her partner, and supplementing Article 410 of the Criminal Code.

In addition, the Law of 4 July 1989¹⁸ amending certain provisions relating to rape extended the definition of rape. Rape within marriage is now prosecuted and punished by law in the same way as other forms of rape; it constitutes an aggravating circumstance of rape. As for the criminalisation of female genital mutilation, this was introduced into Belgian law (in Article 409 of the Criminal Code) by the Law of 28 November 2000 on the protection of minors against criminal offences. Forced marriage was made a criminal offence by the Law of 25 April 2007¹⁹ (Article 391e of the Criminal Code).

3. Planned changes to legislation on confidentiality and the allocation of the family home to the victim

Various draft laws have been submitted in order to strengthen the existing Belgian system for combating intimate partner violence. First of all, we can mention the draft law²⁰ amending Article 458a of the Criminal Code, which extends this article's scope to cover domestic violence offences. The article concerns the professional confidentiality maintained by doctors, and the possibility for a doctor to break confidentiality. Secondly, we can mention the draft law²¹ amending Articles 223, 1447 and 1479 of the Civil Code and Articles 587, 594 and 1280 of the Judicial Code on preventive removal from the family home, and establishing other measures for monitoring and preventing intimate partner violence. In particular, the draft law provides that the couple's home can be allocated to the victim when there is a threat of violence, and not only when an act of violence has already been committed, and that the court can intervene in cases relating to both married couples and cohabiting couples.

¹⁸ Law of 4 July 1989 amending certain provisions relating to rape.

¹⁹ Law of 25 April 2007 inserting an Article 391e into the Criminal Code and amending certain provisions of the Civil Code in order to criminalise and extend the means for annulling forced marriages.

²⁰ http://www.senate.be/www/?MIval=/index_senate&LANG=fr [in French]

²¹ http://www.senate.be/www/?MIval=/index_senate&LANG=fr [in French]

4. The police and judicial system

The fight against violence between partners and family members is one of the priorities of the new national security plan which is currently being prepared. In fact, the Belgian police is very careful to provide a measured response to any act of violence, and more particularly so in cases of domestic or family violence. Through the behaviour of police officers and recognised working methods, the police takes into consideration the rights of each party involved (perpetrator - victim - third party), as well as the legal and regulatory procedures for the application of transparent and fair justice.

Members of the police force continue to receive training on this topic. Training sessions are provided each year on police assistance for victims. The objective of this training is, amongst other things, to make the participants aware of the different ways in which victims are treated by the police, to teach participants how to recognise possible signs and to act appropriately when asked to intervene and when first responding to a victim. The training focuses particularly on the importance of the police officer's attitude and tasks, and the impact that their attitude can have on the victim. Ongoing training relating to intimate partner violence has also been set up. There are also training courses on intimate partner violence for those working in the legal system. These pay particular attention to the new legislation, new directives and the use of mediation in criminal cases.

Magistrates and administrative staff at courts and public prosecutors' offices, working together with law clerks, must ensure that adequate care is provided for victims. Each public prosecutor's office has law clerks who are responsible for victim care. They ensure that victims of crime and their friends and family receive the necessary attention within the public prosecutor's office and the court. For example, they provide information on the legal process and the progress of the case, and organise support for victims and their friends and family. In other words, they help ensure that the victim's rights are exercised.

5. Legal aid

The right to legal aid is recognised by the Belgian Constitution as an essential element for ensuring human dignity.²² Under certain conditions, citizens can receive so-called "first-line" legal aid (initial legal consultation) and the assistance of a lawyer and/or legal assistance (costs of proceedings), either free of charge or for a partial fee. Moreover, in addition to the damages which victims may receive from the perpetrator following an offence, financial aid may be awarded to victims of intentional acts of violence committed in Belgium, if these acts have caused physical harm or serious damage to their health, where the perpetrator is unknown or insolvent (Law of 1 August 1985).

6. Circular on criminal policy on intimate partner violence

Since 2006, a circular²³ (COL 4/2006) has reinforced the existing system for combating intimate partner violence. On its basis a harmonised criminal policy on intimate partner violence has been developed. However, this is only part of a multidisciplinary approach and is therefore not limited to law enforcement. It also attaches great importance to recognising victims as such and providing suitable victim protection.

- Objectives

This circular has several objectives:

- define the guidelines for criminal policy;
- develop a harmonised identification and recording system to be used by the police services and public prosecutors' offices;
- define the minimum measures which must be applied in each district, and stimulate specific local action;
- finally, provide those in the judiciary and police force with reference tools to support their work.

²² Article 23(2) of the Belgian Constitution.

²³ Joint circular of the Minister for Justice and the Board of Prosecutors General relating to criminal policy on intimate partner violence.

- Zero tolerance approach

It is clear from this circular that there is a zero tolerance approach to intimate partner violence. In fact, the circular states that for each reported or noted case, a solution should be provided which:

- recognises, respects and protects the victim of violence;
- ensures, if necessary, that the children of the couple or of one of the partners are also protected;
- confirms that the behaviour of the perpetrator is punishable under criminal law;
- respects the rights of the accused person and focuses the measures taken against him/her on the prevention of repeat offending.

- Appointing contacts within the police and judicial authorities

In each court district, one magistrate is appointed to be the main point of contact for the police, legal advice centres, institutions, public services and private organisations. This magistrate ensures that all these groups are familiar with the circular. One police officer is also designated as the main contact for each police district. This officer is also ensures that the content of the circular is widely known. In addition, he/she provides police officers who are likely to come into contact with victims with all necessary information to allow them to react appropriately. These contact people also cooperate between themselves. For example, the contact police officer informs the contact magistrate of any problems encountered when carrying out the instructions.

- Specific rules for handling cases

The circular sets out various rules for handling cases of intimate partner violence, in terms of intervention by both the police and public prosecutor, and in relation to both the victim and the partner suspected of being violent. According to these rules, police officers should ask the victim whether he/she would like assistance from the victim support service, gather all useful evidence, including by taking photos, use a sexual assault kit in the event that such an assault has occurred, avoid a situation where the victim him/herself has to leave the couple's home, etc. In addition, police officers may, for example, ask the partner suspected of violence if he/she would be prepared to voluntarily leave the shared home for a fixed period and stay elsewhere, or even suggest that he/she voluntarily enrolls in one of the existing courses aimed at helping perpetrators take responsibility for their behaviour.

- Measures to guarantee adequate protection for victims

There are also proposed measures which aim to ensure that victims are protected and avoid secondary victimisation in the judicial authorities' response. In particular, the circular mentions that the victim's statement should be recorded, preferably on video, to allow others to see the victim's psychological state, and to limit the number of times the victim will be asked to give a statement.

When taking the victim's statement, the police officer gives the victim information on his/her rights, on the existence of the victim care service and the medical, psychological and social support available. The victim must be informed of any decision to detain or release the perpetrator, by the victim care service or in urgent cases by the police. This information must therefore be passed on to these services by the judicial authorities.

Finally, in cases which cause serious concern, the circular states that the police should recontact the victim or return to their home a few days after the initial intervention, in order to reassure the victim and review the situation.

- Recourse to mediation in criminal cases

Moreover, when cases of intimate partner violence occur, the magistrate in charge of the file may follow a procedure through which mediation can be set up between the perpetrator of the violence and the partner who was the victim of it, with medical treatment, therapy or education, such as participation in a programme in which perpetrators of violence against their partners take responsibility for their actions (see Article 216b of the Code of Criminal Procedure). In relation to mediation in particular, we would stress that this procedure requires that the freedom of both parties to choose whether or not to take part must be respected, and that the law clerk should be particularly attentive to this in his approach especially before planning to bring the parties face to face.

- Obligatory recording of cases

In parallel with the first circular (COL 4/2006), a second circular²⁴ (COL 3/2006) makes it obligatory to record cases of domestic violence. This recording is made more precise thanks to three different codes under which incidents can be recorded: intimate partner violence, violence towards children and violence towards other members of the family. This information is recorded in reports in accordance with the circular. The police statistics on domestic violence are available and widely distributed, in particular via the internet.²⁵

²⁴ Circular of the Board of Prosecutors General at Appeal Courts defining domestic violence and specifying methods for the police and public prosecutors to identify and record cases.

²⁵ These data can be consulted at http://www.polfed-fedpol.be/crim/crim_stat_fr.php

7. Cooperation agreements on victim support

In 2009, three memorandums of understanding on victim support were agreed, firstly between the federal government and the German-speaking community, secondly between and the federal government, the Flemish community, the French community, the French Community Commission and the Common Community Commission, and finally between the federal government, the French community and the Walloon region. A working group was set up to convert these three memorandums of understanding into cooperation agreements. The aim of these cooperation agreements is to achieve structural collaboration between the authorities involved in victim support. Such collaboration is essential if we are to make high-quality care and services available to victims. The cooperation agreements set more precise boundaries between the various competencies and tasks, and cover the commitments made by the authorities in questions, and the consultation structures in place to maintain cooperation. The district councils implement the various provisions of these agreements, taking into account victims' needs, and the various psychosocial teams in the victim care services manage cooperation and the distribution of tasks in order to provide individual support for victims.

8. Prevention

The detection and prevention of intimate partner violence are two of the main objectives of the NAP 2010-2014. The courts can also contribute through early detection and rapid responses to the first signs of intimate partner violence (in accordance with circular COL 4/2006), or through certain types of physical protection of homes, or of people at risk. In addition, huge efforts have been made by the federal government, and the communities, regions, provinces and communes to break the taboo surrounding intimate partner violence (through setting up a phone number, publicity campaigns, etc.), to inform and support (potential) victims (leaflets, websites, confidential advice, etc.), or to further develop equality between men and women, improve well-being in society, and put an end to isolation and dependence within families, etc.

The actions described below are more specific illustrations of the will to work hard in the field of prevention of intimate partner violence.

The situation of some female immigrants may mean that they are in a more vulnerable position in relation to intimate partner violence: risk of isolation, difficulties in accessing institutions, language barrier, unfamiliarity with support structures, etc. A leaflet aimed specifically at victims of intimate partner violence in minority groups has therefore been produced and translated into 17 languages. The leaflet explains the support and assistance available. It should therefore guide victims to services which can they consult in their own language, and which can provide them with help and advice.

The Directorate General for Security and Prevention of the Federal Service for the Interior (Local Security Department) has given funding to 102 towns and communes for the implementation of strategic security and prevention plans. Ten phenomena have been defined as priorities for these plans, one of which is the fight against domestic violence. In general, the towns or communes assess the situation in their own territory and on the basis of this submit plans for new prevention policies.

Various training courses and awareness-raising campaigns on intimate partner violence and domestic violence have been organised for the benefit of medical professionals, in order to allow them to spot cases of violence and intervene in the appropriate manner. Another objective of these measures is to create a network of contacts in a certain number of hospitals, who can then provide training for other members of staff, using the "training for trainers" principle, and implement an action plan within each participating hospital. Work has also been ongoing to draw up harmonised medical certificates and encourage use of the medical certificate provided by the "Domus Medica" GP association.

Furthermore, several experts have put together a manual entitled "Domestic Violence: Screening and Integrated Approach". The Institute for the Equality of Women and Men drafted the section on professional confidentiality and provided templates for risk assessment. The content of this manual provides the user on the one hand with screening tools aimed at detecting (at an early stage) violence between partners, but also parent abuse and other forms of domestic violence, and on the other hand points of reference/scenarios allowing an integrated approach to the various forms of domestic violence. The emphasis is therefore on comprehensive, up-to-date and directly applicable practical information, such as screening tools, checklists, templates, forms, rulings, etc. Professionals who may encounter cases of domestic violence are already being made aware of this manual.

BULGARIA

The issue is connected with understanding the Cycle Theory of Violence. The theory's understanding could assist the police officer in understanding the victim in the domestic violence case, and not forcing them while doing the job, because victims are simply surviving in what has become their reality. Therefore, police officers should not ignore the reluctant victim of the abuse; instead, they should do everything they can to develop a criminal case that can be prosecuted without the aid of the victim. We must ensure that officers understand that their work is not in vain when it comes to investigating and arresting domestic abusers.

Regular trainings for police officers have been conducted, together with specialists from the NGOs and other state institutions for better understanding of this theory (Tension-Building Phase, Acute Battering Phase and Loving Respite Phase, commonly called the “honeymoon phase”).

The reasons that women stay with abusive partners are complex and multifaceted, and a number of theories attempt to explain the dynamics involved in battering. It is important that police officers understand the rationale of a victim. This can assist them in being more empathetic and appreciative of what the victim is enduring.

In many cases victims can be compelled to testify in court. In the event the victim feigns memory loss, the written statement may be used to either refresh the victim’s recollection of the event, or may come in as substantive evidence. That’s why police officers should attempt to secure written statements of victims, witnesses and suspects.

On the other hand, special premises (rooms) for the registration of complaints and definitely for any other type of intervention or police action ideally should be differentiated and adapted to the particular needs of each situation. The aim is always to try to ensure confidentiality and to enable complete separation of victim and aggressor. Constructing specialized rooms for interviewing victims or witnesses of domestic violence will create the necessary conditions and approach for interviews, hearings of victims, so as to avoid their additional trauma and/or subsequent victimization.

Special friendly surrounding environment and equipment to these rooms should be supplied for making easy taking of victim’s testimonies (incl. furniture and equipment with specialized sound and video recording equipment). With creation of the friendly and welcoming atmosphere for the victim she will be protected from additional stress, distress and unpleasant emotions. The victim of domestic violence will be spared the direct contact with the abuser, his lawyer, the prosecutor, the witnesses and other participants in the criminal proceedings.

Interviewing of the victims in such premises creates an effective practice of listening to victims in order to obtain complete and accurate information from them. Their testimony or evidence will be used during the criminal penal proceedings for having effective and fair justice. In the courtroom, in accordance with relevant national legislation, records could be used, that are kept from the time of interviewing the victim in the specialized premise.

CZECH REPUBLIC

In 2008, there was established "The Committee for prevention of domestic violence" of the Government Council of the Czech Republic for equal opportunities of women and men, whose members are representatives of NGOs and other subjects, including the intervention centres. There was created the National Action Plan of prevention of domestic violence for 2011-2014. The main aims of the Action Plan are related to measures and tasks in the area of support of persons who are endangered by domestic violence, children endangered by domestic violence, work with violent persons, training and interdisciplinary cooperation, legislation etc.

ESTONIA

In every territorial authority of the Police and Border Guard Board (in total 4 prefectures) a responsible person has been nominated for this issue.

Planning of the activities is coordinated on the strategic level and between actors in public (state, regional and local level), private and non-profit sectors.

We consider the composing and implementation of "Development Plan for reducing violence 2010–2014" to be an important achievement. The development plan was composed and the actions are being implemented by the Ministry of Justice, in cooperation with relevant line ministries.

In addition, the “Development Plan for Children and Families 2012-2020” has been composed and will be implemented by Ministry of Social Affairs in the leading role and in cooperation with other authorities. The development plan has the aim to support parenting in order to improve families with difficulties in coping or with possible problems.

The activities of the police officer reacting on the call of violence in personal relations is regulated by the guidelines on reacting to cases of violence in personal relationships, organizing exchange of information related to it and the procedure for forwarding information to Ohvriabi (Victim Support). These guidelines (for in-house use) are approved by the order of the Director General of the Police and Border Guard Board. These guidelines are updated if needed (it is planned in 2012). The regulations of Victim Support Act are stipulated in these guidelines.

Also, Estonian police has defined the term of close relationship violence in this document. Namely, in Estonia there are used different terms in relation to violence that is taking place in families: family violence, domestic violence, close relationship violence, pair relationship violence. Most of all, the term „domestic violence” is used. „Domestic violence” is any kind of mental, physical, or sexual abuse among people who are or have been intimately involved, are related to each other by blood, or bound to each other by law. Domestic violence refers to a fact that there are violent relations in the family, but it does not specify, between which members of family this violence is taking place – whether men, women or children are linked. The main part (90%) of all cases constitutes still men’s violence against women (spouses/cohabitants). Ibid, „gender-based violence“ is used here rarely, the term „violence against women“ is used more as it means every kind of violence based on gender-related differences as a result of which physical, sexual or psychological injuries or sufferings are caused to women.

In case there are elements indicating that a criminal offence has taken place, the police have to commence criminal investigation and in this case there is no need for the victim to submit application to the police. Besides initiative of the police to commence an investigation, the investigation could be commenced on victims’ information on the violence in personal relations, and also, the member of the community, the neighbours, friends etc. can notify the police of a criminal offence if they have noticed elements of the crime. The application once made cannot be withdrawn.

Every police official who goes to solve the case of domestic violence has to fulfil the information leaflet on violence in personal relationships (Fact e-Sheet of Domestic Violence). If the crime has not been committed, then police officials may suggest that one party should leave the place of an event, if they are not able to reconcile. In most cases, the victim remains still at the scene of an event. In some cases, the victim can also go to the Women's shelter.

The Fact e-Sheet of Domestic Violence is forwarded to the local regional constable and/or juvenile police official. The police official exercising juvenile work or police official exercising regional police work, are obliged to inform by the first opportunity, but not later than within a week, and the regional child protection official about the domestic violence case related to minors and regional social worker or other social workers of local governments about other cases of domestic violence according to need, proceeding from nature of the case.

The police officer reacting on the call of violence in personal relations has to explain to the victim (or his legal representative) the rights and possibilities to receive help and support, first and foremost victim's right to turn for counselling to Ohvriabi (Victim Support - starting from January 1st 2005, the state system of victim support was launched pursuant to Victims Support Act).

The contact details of victim support organisation are provided to the victim and it is suggested to acquaint herself with the possibilities to get help and support. Only on the consent of the victim is she guided to the rooms of the victim support organisation which is mainly in the same facility as police. And, the personal data of the victim is forwarded to the victim support organisation only on the consent of the victim. The victim's agreement or disagreement to submit data to Ohvriabi has to be stated on the information leaflet on violence in personal relationships (Fact e-Sheet of Domestic Violence).

The personal approach to the victim by the police officer – explication of the situation and possible ways to act providing of contacts etc. is considered to be of utmost importance.

The police has obligation to notify the regional child protection official in case the minor is the victim of violence in personal relations or witness of violence, or the regional child protection official or social worker if the child related to the case shall be without adult supervision.

FINLAND

Violence is a multi-faceted phenomenon. Views of how violence itself should be defined vary. With regard to domestic violence it is also very multi-faceted phenomenon. There are multiple different causes of domestic violence. Also the victims are not only women, but also children as well as men. Because main victims are women, these views are mainly written from the point of women victims, but in generally they are suitable for other victims of domestic violence. For child victims there are also additional legal system and support means available because of their vulnerability, but in those are not mentioned in this paper.

In Finland the police are participating in national level in different national action plans for reducing especially violence in near relations and domestic violence. The purpose of the action plans are to prevent and reduce violence, especially domestic violence which victims are women. These action plans contains different practical actions concerning for example cooperation and coordination between different authorities in local level. These include for example training and education as well as making models how authorities should response in domestic violence cases. Regarding help and support to the victims also different NGO's are involved in this cooperation.

Legislation: Petty assault

According to Penal Code the public prosecutor may not bring charges for petty assault, if the victim has attained the age of fifteen years, nor for negligent bodily injury, unless the injured party reports the offence for the bringing of charges.

On 1.1.2011 if the offence is considered to be "petty assault" and the target of the act has been for example spouse, former spouse or close relative or other person who has or has been in close relation with the victim, the public prosecutor may bring the charges.

The crimes of petty assaults, assaults and aggravated assault reported to police have been increased approximately 20 % in year 2011 comparing to year 2010. One reason could be above mentioned change in legislation. Because bringing of charges for petty assault in above mentioned cases (usually domestic violence cases) does not any more depend on victim's actions, it might have increased the number of the police reports. The police have planned to make research in the near future in order to research for example the influence of changed legislation to increased crime reports concerning violent crimes.

GERMANY

Germany's federal constitutional structure assigns competence for criminal proceedings and police tasks in the field of law enforcement to the federal *Länder* (states). The same also goes for the field of domestic violence. Information on Germany concerning the issues raised above should thus not be regarded as an exhaustive description, but merely as examples.

ITALY

In conformity with the EU Council framework decision of 15 March 2001 on the standing of victims in criminal proceedings, within the Italian Central Directorate of Criminal Police an ad hoc multi-agency and inter-directorate working group was set up to study specific issues and initiatives for the protection of crime victims. Its goal was to raise the awareness of government institutions and launch various projects focused on the dissemination and technical-operational in-depth analysis of the various victims' assistance related aspects, as well as on improving police officers' professional knowledge.

All the above has to be considered also in light of the provisions of Act No. 121 of 1 April 1981 establishing the tasks of the Public Security Department for the purpose of implementing the guidelines issued by the Minister of the Interior in the carrying out of his duties of coordination and uniform guidance in public order and security matters. In this connection, of mention is also Act No. 94 of 15 July 2009 “Provisions in the field of public security” which introduces more severe regulations to protect the weaker categories of the society who are victims of crime. In the framework of the rules aimed at satisfying citizens’ demand for security, the a.m. Acts include measures against widespread illegality and highlight the need for a strengthened public spirit and the promotion of legality, also by means of the so-called partnership security.

The working group is also characterized by an effective coordination with the academic world and, in particular, by the fruitful cooperation with the faculty “Psychology 2” of the Rome Sapienza University which contributes to its activities through the participation of a high-level representative.

Among the various initiatives for the period 2007-2009 of importance are the community project A.Vi.Cri (Attention for victims of crime) funded by the Programme Daphne II and implemented in partnership with Germany and Great Britain and other national agencies and bodies, such as Regione Lazio, CIRMPA (Inter-university Centre for the research on the genesis and development of pro-social and anti-social Motivations), the associations “Differenza Donna”, and “Telefono Rosa”, as well as the support of the John Jay College of Criminal Justice of New York.

The initiative envisaged ad hoc training courses for officials/officers and psychologists of the three main Italian police forces for the implementation and standardization of the most effective methodologies to approach victims of crime.

In 2010 the Group started a new community project (still under development) with the same partners as the A.Vi.Cri project. The initiative, named MuTAVI (Multimedia Tools Against Violence) aims at working out multimedia training packages focused on the prevention and countering of violence against various types of victims, in particular victims of domestic violence and those from the weaker categories of the society. The courses, targeted to the personnel responsible for first intervention and victims' support, deal mainly with the working out and realization of interactive training audio-visual tools for relevant professionals in order to increase their capacity to approach, rescue and assist victims of domestic and intra-family violence.

NETHERLANDS

Domestic violence is a serious and frequent form of violence that often occurs behind closed doors and consequently remains invisible to society. Domestic violence concerns (serious) offences, but the willingness to report is often low. An investigation performed in 2010 into the nature and extent of domestic violence in the Netherlands shows that approximately 20% of victims reported the most recent incident of manifest domestic violence to the police²⁶. Victims are afraid to report incidents (through fear of the offender or the family), assume that the police and judicial authorities will not follow up on the report or, indeed, that the government will step in and take control.

²⁶ This was still 12% in 1997.

In the Netherlands, domestic violence is punishable as a form of physical abuse (Articles 300-306 of the Dutch Criminal Code). The maximum punishments vary from 3²⁷ to 15 years²⁸. These punishments can be increased by a third if the abuse concerns the offender's father, mother, life partner, son or daughter.

Common viewpoint

In the Netherlands all parties involved in dealing with criminal cases (including Police, Public Prosecutor's Service, Support Offices for Domestic Violence) operate on a common footing, which is that "Domestic violence is not normal and causes a serious social problem". All parties involved, which have given domestic violence top-priority in allocating funds and means, acknowledge that an integral method is essential to stop domestic violence and prevent it if possible.

This integral method implies that (social) aid and (if possible) criminal prosecution march hand in hand. The problem is approached systematically with a focus on children and on the relation between victim and perpetrator, although the difference between the two is not always clear. This situation asks for an integral approach aimed at the entire family instead of solely at the individual perpetrator.

Cooperation

The different parties involved in the struggle against domestic violence in the Netherlands have made pacts and signed agreements on how to cooperate together. For example the agreement between the women's shelter service and the police regarding a security screening on intake.

When a battered victim applies for shelter, the shelter service tries to estimate the risk for the victim's safety. The police is asked about information about the perpetrator, for example is he known to be violent or to carry guns and whether there is 'family honour' involved. In cases of high risk (code red), the victim is then secured on a secret location, or safe house.

²⁷ In the case of physical abuse (without premeditation), without serious injury.

²⁸ In the case of serious premeditated physical abuse resulting in death.

Other agreements involve cooperation between the national organisation of Support Offices and local organisations, so the national organisation can operate as a point of contact, which can allocate the victims to local aid organisations. To do the allocation the Support Offices need to be familiar with the local conditions and organisations.

Youth Care Offices, the Dutch police and the Public Prosecutor's Service have agreements about reporting (suspected) child abuse. These agreements aim to establish a swift and integral way to deal with child abuse and to increase the willingness to report to the police by employees of the Youth Care Offices. Contact officers of all three organisations try to gear all activities around a report and a possible investigation to one another, so there is attention for the narrow border between aid and criminal prosecution.

Awareness

The national government tries to create awareness through nationwide campaigns, including advertisements on television. These advertisements urge civilians to report (possible) domestic violence or child abuse with the Child Abuse Registration Desk or the Support Offices for Domestic Violence, which have a special phone number for these reports. These campaigns are aimed at victims and perpetrators as well, in order to motivate them into action.

Infrastructure and facilities

The level of facilities to aid victims of Domestic Violence consist of a nation wide network of Support Offices, Offices for Youth Care, Family information centres and local organised youth health care. These facilities encourage the integral method in dealing with child abuse and domestic violence.

These facilities are supported by legislation, for example the Law temporarily restraining order, which allows mayor to restrain perpetrators from entering certain buildings. In 2013 a law about reporting domestic violence and child abuse will probably come into effect, which will hopefully cause an increase in the reports.

Temporarily restraining order

An important weapon in the struggle against domestic violence in the Netherlands is the temporarily restraining order, available to mayors since January 1, 2009. The imposing of a restraining order is an instrument used by mayors, and therefore not part of criminal law, but of administrative law.

This allows the mayor to restrain a person for 10 days from entering a certain building, even when there is 'only' a serious and immediate threat instead of a criminal offence. This period can be prolonged with 18 days. It is also possible to restrain a person from being into contact with (possible) victims. It is possible to object to a judge within 3 days.

Dutch mayors have granted the authority to inflict a temporarily restraining order to the assistant prosecutor, a special position within the Dutch police force. Assistant prosecutors can inflict the restraining order themselves or they can advise the mayor to do so. Each of the 25 police regions have made agreements on how to act.

55 restraining orders are inflicted on average each week. In the period between January 1 2009 (when the law came into effect) and January 1 2012 saw a total of more than 8000 restraining orders.

Safety Houses

In a 'Safety House' (which is not necessarily a building, but the name of the structure of deliberation) the different authorities involved in the struggle against domestic violence work together in the field of investigation, prosecution, adjudication and assistance.

The partners identify problems, find solutions and implement them together. Work processes are aligned so that criminal justice and care complement each other. The goal is to achieve behavioural changes, reduction of recidivism and improving the quality of life of the offender. The method used is oriented on the offender, the area and/or the problem. Throughout the Netherlands the partners that participate in the Safety House vary. A number of organizations participating in all Safety Houses are:

- Municipalities
- Police
- Public Prosecutor
- Childdefence
- Probation Organizations
- Welfare organizations

New developments

Two pilots to develop an interdisciplinary approach against child abuse has been started on regional level. This approach is aimed at the victims, in order that they only have to tell their story once. In a collective consultation aid workers, police and justice officials discuss the case to come up with the necessary aid and/or criminal prosecution. The results of these pilots are expected in 2013.

SLOVAKIA

Law order of the Slovak Republic does not govern a uniform definition of domestic violence. From the viewpoint of seriousness, domestic violence is an unlawful acting which may satisfy the merits of an offence (especially offences against the public order in compliance with § 47 of the Act No. 372/1990 Coll., on Offences as amended, offences against the civilian coexistence in compliance with § 49 of the Act No. 372/1990 Coll., on Offences as amended) or the criminal offence.

Criminal Code does not specify the merits of the criminal deed of a domestic violence itself. There are merits of some of the criminal deeds in the Criminal Code which may be subordinated to the definition of the so-called domestic violence. Among them belongs the crime of torturing the close and entrusted person in compliance with § 208 of the Criminal Code classified as a special provision related to crimes against life and health, freedom and human dignity.

SPAIN

In Spain, domestic violence is defined as “any act of physical and psychological violence, including sexual aggression, threats, coercion or arbitrary deprivation of liberty“ being committed by a man on a woman who was or has been his spouse or which has been linked by any other affective relationship even without coexistence.

According to article 261 Criminal Procedure Act (in Spain LECrim), the spouse of the perpetrator is not obliged to report the offence (in this case, the victim of domestic violence). Also according to the LECrim, article 416, spouses or live companions are exempt from statement at Court regarding the accused or indicted. This means that the victim of domestic violence is not bound to report the perpetrator, which is a disadvantage as the victim is the only witness in the case.

In order to reduce the effects on the victims of gender violence and to encourage them to report, the Basic Law L.O. 1/2004, dated 28th of December about Integral Protection Measures against Gender Violence lays down prevention measures and early actions in these cases which are analysed in detail below:

1. Regarding measures on awareness, prevention and detection, various improvements have been established in the following areas:

- 1.1. In the area of education, plans aiming to promote, from primary education on, gender equality and conflict resolution in a peaceful way, as well as measures for an urgent schooling of the children of victims of domestic violence affected by a change of residence.

In this area, the Police Forces have developed the so-called “Plan for connivance and improvement of School Security” by giving talks in secondary schools in order to sensitize young people about the risks of domestic violence.

- 1.2. In the area of advertisements and media, the aim is to avoid messages that undermine equality of gender.

- 1.3. Concerning the health sector, the work is focused on a better awareness and training of the staff in order to promote an early diagnosis.

Therefore, a “Common Protocol for Health Action against Domestic Violence” has been developed by the Commission against Domestic violence of the Interterritorial Council of the Spanish National Health System (Ministry of Health and Consumption, 2007 (present Ministry of Health, Social Services and Equality)).

This Protocol gives guidelines for primary attention and specialized attention in Emergency Rooms.

2. Regarding the rights of the victims of domestic violence, measures have been established to grant them, especially in the field of legal assistance which, according to the economic situation of the victim, might be free of charge. In addition to that, the victim can be assisted by a lawyer when making the statement at the police premises.

Labour rights and social benefits are also extended. There is even a specific Action Program for these victims within the Plan for Employment.

Economic rights, social benefits and possibility of housing or nursing homes are also at their disposal.

3. Institutional Care: At state level, the following organs and units have been created:

- 3.1. Special Governmental Delegation against Violence against Women, attached to the State Secretary of Equality, within the Ministry of Health, Social Services and Equality, which coordinates and leads, in cooperation with Administrations, everything regarding this subject. Among others duties, it is in charge of preparing the Information and Prevention Campaign at state level.

In this aspect, the creation of the Telephone for Information and legal advice for cases of gender violence (061) is to be highlighted.

This is an information and legal advice phone number any citizen can contact in order to get information and advice in this matter.

It is implemented all over the national territory and is attended by specialized staff 24hours a day (it is even available for people with hearing impairment).

The calls are treated confidentially as only the operator and the caller can hear them and the call is not listed on the telephone bill, as a measure of protection.

At local level, the town halls are in charge of the social services which assist the victims.

- 3.2. The State Observatory of Violence against Women, attached to the same Ministry mentioned before. It is focused on counselling, evaluation, institutional collaboration, elaboration of reports, studies and action plans related to gender violence.
- 3.3. Within the Police Forces, special units have been created aimed in prevention of domestic violence and controlling the fulfilment of the legal measures.

Within the National Police Force (from now on CNP), there are two units in charge of fighting domestic violence:

- SAF/SAM: Servicio de Atención a la Familia/Mujer (Service of Attention to Families/Women). It is responsible for attending the victims and processing the reports of domestic violence.

They have their own offices inside the police stations where victims are hosted with utmost discretion. Staff has been specially instructed and trained in domestic and gender violence.

- UPAP: Unidades de Prevención, Asistencia y Protección a las víctimas de violencia de género (Unit of prevention, assistance and protection of victims of gender violence). Their mission is, after the victim has reported the offence, to follow up the case of those victims living in the territorial scope of their competence.

The follow up consists in interviewing the victim regularly (according to the risk level the case has), to accompany her at the judicial or administrative proceedings where the victim could meet the offender, to guide and advice the victim and to give police protection (according to the risk level).

The UPAP has specialized staff distributed throughout all police premises and, as the SAF, has their own adequate offices to attend the victims.

The UPAP is also in charge of controlling the imposed judicial measures.

4. Regarding judicial protection, the major items are:

- 4.1. Creation of Courts for Domestic Violence in charge of cases of gender violence not only at penal but also on civil level, whenever an offence of gender is involved.
- 4.2. Creation of the Prosecutor for Domestic Violence.
- 4.3. More judicial measures of protection and security for the victims. In this topic, the Protection Order should be mentioned as it does not only affect measures such as restraining orders for the offender regarding the victim but also civil measures (separation orders, child support regime, ...)

Useful Internet Sites:

- Ministerio de Sanidad, Servicios Sociales e Igualdad/ Ministry of Health, Social Services and Equality: <http://www.msps.es> (English option available)
- Secretaría de Estado de Igualdad/State Secretariat of Equality: <http://www.seigualdad.gob.es> (English option available)
- Cuerpo Nacional de Policía/ National Police Force: <http://www.policia.es> (English option not available)

SWEDEN

Information Campaign

During 2009 and 2010 the Swedish Police organized an information campaign regarding crimes in close relationships in Swedish media and on billboards across the country. Further, a series of efforts have been made to increase awareness among the staff regarding these issues. The old-attitude-that these crimes were family affairs to some extent – has been replaced by an awareness of the crime’s complicity. The information is available in several languages and can be found on www.polisen.se/komtilloss.

Report rates in Domestic Violence crimes increased with around 15 – 20% in the entire country and the campaign could therefore be considered a success.

As a follow up, the government has tasked the Swedish Police Board to conduct an information campaign concerning offences in close relationships, including violence and oppression in the name of honour. The new campaign will be launched in November 2012.

UNITED KINGDOM

The response to above items draws heavily on the Association of Chief Police Officers (ACPO) / National Policing Improvement Agency (NPIA) document Guidance on Investigating Domestic Abuse (2008), which is available at <http://www.npia.police.uk/en/11949.htm>