REPORT of the 1st PROTECT Expert Group Meeting

1. INTRODUCTION

From 22-24 March 2010 the first of three PROTECT expert group meetings took place in Vienna, Austria, organized by the WAVE office together with its Austrian partner, the Viennese Domestic Abuse Intervention Centre. As planned, the expert group meeting had two elements: the meeting of the PROTECT partners and an open day to which Austrian experts from different agencies were invited (program see annex to the report).

The partner meeting took place on the first and the third day and served several goals:

- Introducing and familiarising of the project partners and advisory board members
- Presentation of the PROTECT project outline and work plan by the WAVE office
- Discussing project activities: research on data and statistic, discussion on so called honour crimes, country experience of project partners concerning support and protection provided to women and high risk, theoretical background and practical experiences with models of risk assessment and risk management
- Further steps in carrying out the project activities were planned and first steps for the research part on on standards of protection and support available to high risk victims (SPSHRV) were discussed
- Planning of the next expert group meeting in Madrid and collection of ideas for the third meeting.

Unfortunately, one of the project partners - Women's Safety Unit Cardiff had to pull out of the project due to a change in staff. However, this issue was quickly solved after inclusion of a very experienced partner from UK, CAADA. Marianne Hester, a member of the PROTECT advisory board offered to hold the third meeting in University of Bristol together with CAADA. All partners, associated partners and advisory board members participated in the expert group meeting with the exception of one advisory board member who could not make it due to other obligations.

Open Day Expert Group Meeting

The open day expert group meeting took place on the second day of the meeting on the 23rd of March 2010 in the Vienna Police headquarters. As mentioned, national experts from Austria were invited to participate in order to facilitate the exchange of experiences between international and national experts. Senior and management staff and representatives from the police, prosecutors’ office, courts, women’s services, intervention centers, child protection agencies, probation offices, perpetrator programs, health services, the forensic department of the university of Vienna, ministries, local administration, policy makers and lawyers were invited. The intention was to target participants who served as disseminators and who would play the role of distributing information to colleagues in their agencies. The original plan according to the project proposal was to invite about 15 – 20 national experts,

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1 Authored by Rosa Logar, based on Power point presentations and original text by presenters and discussion notes by Maja Stickler and Klara Weiss.
but there was a lot of interest in the expert group meeting that more participants were admitted. In the end, more than 40 national experts attended the meetings open day.

In addition to the oral presentations, participants of the expert group meeting were provided with power point presentations, research and practice reports and other materials.

The Viennese police who are associated partners in the PROTECT project and the offered to hold the expert group meeting open day in their conference hall at the police headquarters. The chief of the Viennese police, Mr. Gerhard Pürstl opened the meeting and addressed the international and national participants. In his speech, he accentuated the high relevance of the DAPHNE project PROTECT to the police. He emphasized the importance of the Domestic Violence Act 1997 and its amendments and the good cooperation of the police with victim’s services for the protection of victims of domestic violence.

After the Chief of Police’s opening speech, other high level representatives welcomed the participants, among them Mr. Wolfgang Bogensberger, head of the criminal law section of the Ministry of Justice first thanked the WAVE network for its activities and all the information that is provided on its website. He emphasized the need for the EU to develop common legislative frameworks to provide the same standards of protection to victims of violence everywhere in the Union and pointed out that the Lisbon Treaty, for the first time, provides grounds for such legislation.

Marie-Theres Partner delivered the opening address on behalf of the Minister for Women who was unable to attend the opening of the meeting due to other obligations. The minister reminded the participants that gender-based violence is a human rights issue, which cannot be completely eliminated as long as there is gender-inequality between men and women and that measures to effectively protect women as well as measures to tackle the root causes of violence are needed.

Martina Ludwig-Feyman, a member of the municipal council of the City of Vienna and wife to the Federal Chancellor, welcomed the participants on behalf of the City of Vienna. She informed the guests that Vienna has a good network of women’s shelters and services but she also emphasized the importance of improving the protection for high risk victims.

The public was informed about the meeting and the DAPHNE project PROTECT through a press release.

**Summary:** The first PROTECT expert group meeting was very successful. All together, 70 experts attended the expert group meeting over the three days 42 national experts participated in the open day meeting and 28 in both the partner meeting and the open day. The open day part of the expert group meeting took place in the Vienna Police headquarters where several representatives from different ministries as well as the city government welcomed participants and participated the meeting. Ideas for improving the situation of women victims of violence and their children in Austria were discussed and generated informally through the exchange between international and national experts and it can be expected that this will have a positive impact on the practice of the prevention of violence and the protection of high risk victims.

In the following chapters the report follows the structure of the meeting (program see annex). It starts with the report about the first day of the partner meeting (Monday 24 March 2010) in chapter 2.
2. DAY ONE - REPORT OF THE PARTNER MEETING

2.1 Data on homicide/femicide

One activity of PROTECT is to undertake research on the availability of statistics in the EU countries and the applicant countries on the extent of serious gender-based crime, including grievous crimes and killings in the name of honor. The aim is to find out whether such statistics are available in EU countries, to identify possible obstacles in providing such statistics and formulate recommendations on how to overcome the obstacles.

The issue of intimate partner homicide was discussed at the open day, expert group meeting and the partner meeting.

Why do we need data on gender-based violence against women? Accurate information on the extent and the nature of the problem is needed in order to develop explanations on violence against women and evaluate policies. In order to generate meaningful data, clear and unambiguous indicators should be developed that allow comparisons over time and between countries. Such common indicators are often missing and this seems to be one of the biggest obstacles in collecting comparable and meaningful data.

Data collection on violence against women can be roughly divided into the following categories:

- Population based survey data, that is, data generated from representative samples (examples, quotes)
- Administrative or service–based data, which is data collected by institutions (such as law enforcement agencies, courts, health organizations, women’s services, social services etc.)
- Data provided through quantitative research, such as evaluation research.

Survey data, such as the WHO multi-country study on Violence against women (World Health Organization 2005) or the British Crime Survey (Walby/Allen 2004) show that only a low percentage of women report violence to the services or authorities and that violence against women goes widely underreported. This leads to limitations on the use of statistics from law enforcement, health services and other agencies. Administrative data is not representative and can say very little about the extent and characteristics of violence against women. However, administrative or service-based data is very important to monitor the effectiveness and quality of the response of agencies to violence against women (Walby 2005; Jansen 2008). Therefore it is widely acknowledged among experts that both kinds of data are needed and have to be gathered regularly using common indicators, in order to be able to assess the problem properly and to plan and implement what is known as “knowledge based policy” (Walby 2005; Römkens 2008). As an example; the regular comparison of survey data on the magnitude of violence against women with the number of reported acts of violence against women over time gives important information about the effectiveness of policies that encourage victims to report crime and to increase reporting rates. This is regularly done in Spain (see information below).

PROTECT will focus on administrative data, more specifically on data collected by law enforcement agencies and in particular on crime and criminal statistics on femicide. For the
purpose of this report, we define femicide as homicide of women by a partner or ex-partner (married or unmarried). Thus we specifically look at homicide in intimate partner violence. Intimate partner violence against women can, according to definitions of the United Nations CEDAW Committee, be defined as a form of gender-based violence, that is violence that is "directed against a woman because she is a woman or that affects women disproportionately" (CEDAW Committee 1992:art 6).

It can be assumed, that femicide and severe forms of violence are most likely to be the least underreported forms of violence against women, since they can hardly be hidden or rendered unnoticed. They can however be blanketed, for instance by covering them up as accidents.

The first efforts of PROTECT to find out the numbers of femicides in Europe already reveals that existing crime and criminal statistics of most EU member states as well as statistics from Eurostat, do not seem to give information on the number of femicides, since they are mostly not segregated by gender and do not inform about the relationship between the offender and victim. The same problem occurs when searching for information on other severe forms of gender-based violence. With regard to so-called honour crimes, the situation is even more complicated due to contested concepts and missing indicators. One exception regarding data on gender-based violence can be seen from Spain (see below) and advisory board member Renée Römkens from Tilburg University informed the participants at the PROTECT meeting that the Netherlands is working on improving its statistics.

As PROTECT seeks to build on the experiences of other DAPHNE projects, experts from the recently finished DAPHNE project “Intimate Partner Violence EU-Mortality” were invited to present preliminary project conclusions at the first PROTECT expert meeting, but were unfortunately unable to attend due to prior commitments. An expert from the project has however agreed to attend the second PROTECT meeting in Madrid and the work on data and statistics will be continued.

In recent years the importance of gathering proper and sound data on gender-based violence against women has increasingly been acknowledged, and several initiatives have been carried out by international organizations such as the United Nations, the Council of Europe and the European Union, and transnational NGO networks such as WAVE and others. The PROTECT report on data and statistics will outline recent developments on developing common indicators and gathering comparable data.

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2 We are aware that there is no uniform definition of homicide. The crime and criminal justice statistics in Eurostat define homicide as the killing of a person, including murder, manslaughter, euthanasia and infanticide.
Case Studies: Crime Statistics on Femicide in Austria and Spain.

Austria

At the PROTECT meeting, two examples of crime statistics on homicide/femicide were examined. The Austrian project partner from the police, Mr. Walter Dillinger, presented data from Austrian crime statistics and data that he and his colleagues had generated through studying Viennese homicide files. This major effort was necessary to try and find out something about the numbers of women murdered by partners or ex-partners. The Austrian crime statistic does not provide such information yet despite some efforts that were made a few years ago with the introduction of three new indicators; crime committed in the common household, relationship without common household and acquaintanceship. Unfortunately, these new indicators have two major problems: first, the statistics do not show the gender of the victim and secondly, the relationship between the victim and the perpetrator is not defined.

From 2007 to 2009 there were 60 cases of homicide in Austria3, and in half of the cases the victims were women. In about half of the total cases, a relationship between the perpetrator and the victim had existed (partner, ex-partner, other family relationships). A correlation of gender and relationship is however not available. It can thus be assumed that the Austrian crime statistic is an average example for how EU member states currently picture the problem of femicide and gender-based violence. Thus at the moment, we can learn from Austria what the problem is rather than what is the solution in providing gender specific data on intimate partner violence.

Spain

A country that has made major efforts in recent years to make violence against women visible in their statistics is Spain. The project partners from Spain, Andres Abad and Tomas Criado, presented the most recent report and statistics on femicide and gender-based violence at the expert group meeting (Gobierno de Espana/Ministerio de Igualdad 2009a). Spain has developed comprehensive and co-ordinated measures to prevent gender-based violence against women. The effectiveness of these measures is monitored through an observatory in the form of annual reports supported by a comprehensive set of indicators and by regularly collected data (Gobierno de Espana/Ministerio de Igualdad 2007, 2009b). Observatory reports are regularly published on the website of the Spanish Ministry for Equality, which contains an extra site on violence against women.4 Several of the reports are also available in English. Statistics on femicide (women killed by partners or ex-partners) are published monthly.

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3 Population of Austria: app 8.4 million (8.404.899 Eurostat)
4 Ministerio de Igualdad:
Femicide data\(^5\) Spain\(^6\)

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<tbody>
<tr>
<td></td>
<td>71</td>
<td>72</td>
<td>57</td>
<td>69</td>
<td>71</td>
<td>76</td>
<td>55</td>
</tr>
</tbody>
</table>

These numbers point to a trend towards a considerable decrease of femicide cases especially from 2008 to 2009, but the timeframe is too short and the numbers too small for a secure statement. However, another report published by the Centre Reina Sofia for the study of violence found that there were 60 women killed in 2009 and not 55, as the government report suggests.

**Conclusion:** The Spanish model of monitoring and evaluation measures to prevent gender-based violence and to generate and publish data serves as a good practice model in the EU. The initiative of the Spanish EU presidency to establish a European observatory on gender-based violence against women is to be supported and such observatory should be based on the experience of the Spanish observatory.

### 2.2. Exchange of information and discussion

Carol Hageman-White pointed out that standardized models for surveys do not work in regular statistics, which have to combine data in a specific way (i.e. sex & relationship, and crime, and not each on its own.). Renée Römkens sees two levels on which WAVE could lobby for an improvement of statistics on femicide; on the level of EU member states with statistical offices and on the level of the EU with Eurostat. One problem seems to be that the EU does not take UN recommendations on statistics seriously and is not obliged to implement them. One example is the European Crime Survey (Van Dijk /Manchin/ van Kesteren/Nevala/Hideg, 2007).\(^7\)

Marianne Hester noted that it is important to look at trends by contextualizing the data; are we looking at homicides in general or homicides involving women? In the UK violent crime and homicides have gone down in the last ten years but in London homicides seem to have gone up, which may have to do with the new mayors decision to stop several domestic violence projects. Amanda Robinson also points out that there are different trends in each country and a variation in trends (e.g. changes in trends over time, differing trends for different groups of victims such as males versus females, etc.)

Angela Romanini from Italy reported that gender-specific data is mostly missing in her country. Her organisation, *Casa delle Donne Bologna*, is collecting information regarding femicide from the media. Dusana Karlovksa from Slovakia stated that crime statistics have

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\(^6\) Population Spain: app 40 million (39 802 827, Eurostat population statistic)

\(^7\) The European Crime & Safety Survey (EU ICS) - compares levels of crime across the EU - including the old 15 member states of the EU, Estonia, Poland & Hungary, followed up with surveys in Bulgaria, Croatia and Turkey. It analyses how citizens feel about their safety and reports citizens’ concerns. It is the most comprehensive analysis of crime, security and safety ever conducted in the EU.
recently introduced the concept of “close relationship” between the perpetrator and victim, but it is not clear what kind of relationship it is (husband, father, e.t.c.). In addition to this, the place where the crime was committed (home, public) is now recorded. Between 2005 and 2009 the numbers of homicides was rising.

In Bulgaria, stated Albena Koycheva, information is recorded on who the perpetrator and victim is, but only in civil cases. The police are gathering information on protection orders, the perpetrators and their addresses. Domestic violence is not recognised as crime, and as such no data on domestic violence is gathered since there is no clear definition of what is domestic violence.

Amanda Robinson pointed out that it is a challenge for the police to identify which are cases of domestic violence if there is no crime termed as “domestic violence” in the criminal code. The term “domestic violence” now involves a range of different forms (e.g. psychological, economic). The question is that of harmonizing the definitions that are used in different agencies. Rosa Logar points out that “domestic violence” has a different meaning in Austria, it does not describe partner violence, as in the UK, but all forms of violence in the family, including child abuse. Thus the category “domestic violence” is not clear enough, and hence the relationship between perpetrator and victim has to be defined.

Renée reports that in the Netherlands, a category called “killing in the domestic sphere” was introduced, but it seems to be underreported. 49 cases of killings in the domestic sphere were registered in 2006 in the Netherlands.8

Angela Romanini pointed out that, for instance, Diana Russel's definition of femicide also includes the killing of women in prostitution, war, or rape. Marianne Hester suggested using the term “intimate partner femicide, including ex-partners”.

The participants expressed the need to develop a glossary of definitions for the project. This is scheduled to be done in the second meeting.

Regarding administrative data, Carol Hagemann-White pointed out that in the last monitoring round of the implementation of the Council of Europe Recommendations 2002-5 on violence against women (Council of Europe 2008). 31 (out of 40) countries had reported that they provide statistics on all cases of violence within the family that are reported to the police. It seems that these statistics are not known or might not even exist, therefore it would be important to check back home and ask for the statistics.

Daniel Gloor suggested not starting by discussing categories, but rather identifying questions: what do we want to find out? What do we need to know? What statements do we want to be able to make? It is then the task of the statisticians to solve the problem of how to generate data in order to be able to answer these questions. For instance, how many cases of violent crime do we have that are related to gender-violence? If we put the question like this, homicide cases where the “rival” was killed would be included, or the homicide of children. If we only ask about women who were killed we are not capturing these cases. It would also be important to have information about how many women killed the partner or former partner, in order to be able to compare homicides and femicide data.

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8 Population of the Netherlands: app. 16 Million (16.503.473, Eurostat)
This suggests, that statistics should be gathered on intimate partner homicide, femicide and on other victims of intimate partner violence. The problem with such an approach might be that such information may be difficult to gather for the police and other agencies because of complex categories that are difficult to identify.

**Summary of discussion and draft recommendations**

The participants agreed that clear definitions and indicators comparable over time and across countries, would be very important.

Crime and criminal justice statistics could be considerably improved through a few changes, namely by classifying all violent crimes according to:
- Gender of victim
- Gender of perpetrator
- Age of victim
- Age of perpetrator
- Kind of relationship between victims and perpetrator (clear, unequivocal categories)
  and;
- Providing for correlation of these categories.

### 2.3. Data on so called honour related crimes

One session of the PROTECT partner meeting was dedicated to discuss the issue of honour related crimes conceptually. In this report, the term “so called honour crimes” is used to indicate that it is a problem of violence, not of honour.

A possible definition of so called honour crimes could be: harming or killing of a woman/person “justified” to protect the honour of the (larger) family or community. Thus it is about the honour of a group, not of an individual and surely not about the honour of the victim. The aim of so called honour crimes is to control women’s sexuality. The deed is usually carried out by a member of the group, sometimes the youngest member who has not reached the age of criminal responsibility. The perpetrator can be pressed or forced to carry out the deed.

So called honour crimes can be defined as a specific kind of crime, but the question is if it is sensible to do that. It is also difficult to identify when a crime is honour related. A perpetrator may come from a family or community that justified so called honour crimes, but could still have decided on his own volition to kill the wife. Would this be an honour related crime?

There is a concerning tendency in EU countries to associate certain forms of violence with certain cultures or traditions (see the term harmful traditional practices). Honour related crimes are such forms of violence that are often associated with (Islamic) culture or even religion, whereas other forms such as wife beating and murder motivated by jealousy are not associated with culture or tradition. This raises the question of whether concepts such as “honour crimes” or “harmful traditional practices” should be applied and with what purpose, so as to avoid the concept being used to discriminate against certain groups rather than to contribute to the prevention of violence. There is also a great danger that the focus on “traditional practices” and on indicators such as ethnicity and culture can lead to stereotyping and overlooking other factors, which can increase the risk of victims or even lead to non-intervention. (See for instance the two Austrian CEDAW cases, CEDAW 2007 a, b).
So what needs to be done? A two-track approach could be useful: Conceptually, rather than singling out certain forms of violence, they should be (re)located in the frame of “domestic violence” or “partner violence”. Instead of only focussing on the differences the similarities between the different forms of violence should be studied, and at the same time different forms of violence and how they change over time have to be observed. Practically, when it comes to protection and prevention, the specificity of the forms of violence has to be taken into account in order to be able to develop effective interventions.

In risk assessment and risk management, it may be useful to pay attention to specific forms and practices of violence. The CAADA Domestic Abuse, Stalking and 'Honour'-based Violence (DASH) Risk Identification Checklists for instance has included the issue of so called honour based violence.⁹

Another question is what interventions may be effective in addressing certain forms of violence. The UK for instance, in the area of forced marriage, chose not to criminalize forced marriage but to introduce civil law measures in the form of a protection order because victims seem to be more willing to use civil measures. Research on forced marriage shows that such practices exists in different communities. Prince Charles for instance is an example of a person being forced into marriage. In Italy not only are migrant women are forced into marriage, but also migration within the country is necessary for this practice. In Slovakia forced marriage seems to be a practice in Roma communities, but no data exists about it.

Forced marriages seem to be a typical practice among very orthodox, traditional segments of groups/societies and it is an intersection with other forms of violence such as trafficking into forced marriage. It is important to look at the intersections of other forms of violence. In Italy, the privileged handling of so called honour crimes in the law was only abolished in 1981. Until then a rapist could extinguish the crime by marrying the victim.

So called honour related crimes in statistics.
Since so called honour related crimes are not recognized as separate crimes, it is difficult to find any information about it in crime and criminal justice statistics. Thus, in PROTECT, we must search for other data such as data from evaluation and policy reports.

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⁹CAADA: http://www.caada.org.uk/practitioner_resources/riskresources.htm
3. OPEN DAY – PRESENTATIONS AND DISCUSSIONS

3.1. Statistical data on homicide and severe violence against women in Austria

By Walter Dillinger, Viennese police

The Austrian criminal statistics contain data about convicted crimes and the crime statistic data about reported crimes. The crime statistic data is gathered by the police and all criminal acts that are prosecuted by the state are recorded after the investigation is closed.

The following data is recorded: type of crime according to the article in the criminal code, time and place of offence, certain characteristics of the crime, means of crime, data concerning the suspect (gender, age, and nationality). Data concerning the victim (gender, age, nationality) and relationship between suspect and victim is gathered only in specific cases.

Regarding the victim-offender relationship, the following categories are used:
- Family relationship (without further specification, can be partner relationship, partner-children, other relatives,...), living together
- Family relationship, not living together
- Acquaintance
- No relationship
- Unknown

Statistical data on homicides

| Victims of murder (§ 75 criminal code) including attempted murder in Austria\(^{10}\) |
|-------------------------------|-------------|-------------|-------------|
|                               | 2007 \(n=115\) | 2008 \(n=114\) | 2009 \(n=147\) |
| Women                         | 43          | 38          | 53          |
| Men                           | 72          | 76          | 94          |

Family relationship between offender and victim in homicide cases

<table>
<thead>
<tr>
<th>Family Relationship (partner, relatives,)</th>
<th>2007 (n=107)</th>
<th>2008 (n=105)</th>
<th>2009 (n=138)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>36%</td>
<td>41%</td>
<td>43%</td>
</tr>
</tbody>
</table>

Gender of homicide victims (without attempted murder)

<table>
<thead>
<tr>
<th></th>
<th>2007-2009(^{11})</th>
<th>1980-1989(^{12})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>30 (n=60)</td>
<td>159</td>
</tr>
<tr>
<td>Men</td>
<td>30 (n=60)</td>
<td>180</td>
</tr>
</tbody>
</table>

\(^{10}\) Population of Austria: 8, 3 million (2008)

\(^{11}\) Source: Bundespolizeidirektion Wien, Kriminalpolizeiliche Abteilung 2) Dillinger, Wien 1995, „Tötungsdelikte“

\(^{12}\) Source: Dillinger, Wien 1995, „Tötungsdelikte“
Relationship status offender-victim in homicide cases

<table>
<thead>
<tr>
<th></th>
<th>2007 (n=21)</th>
<th>2008 (n=15)</th>
<th>2009 (n=239)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship (partner, relative)</td>
<td>10</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>No relationship</td>
<td>11</td>
<td>9</td>
<td>11</td>
</tr>
</tbody>
</table>

Previous acts of violence in homicide cases with a relationship between offender and victim

<table>
<thead>
<tr>
<th></th>
<th>Previous police Baring order</th>
<th>Previous court protection order</th>
<th>Previous Recorded violence</th>
<th>No previous interventions recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship homicide</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>8</td>
</tr>
</tbody>
</table>

Statistic regarding police baring orders

<table>
<thead>
<tr>
<th></th>
<th>1997-2008</th>
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<tbody>
<tr>
<td>Number of police baring orders</td>
<td>52,527</td>
</tr>
<tr>
<td>Number of violation of police baring orders</td>
<td>5,876</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
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<tbody>
<tr>
<td>Number of police baring orders</td>
<td>3,116</td>
</tr>
<tr>
<td>Number of applications for a civil law protection order after the police baring order</td>
<td>996</td>
</tr>
</tbody>
</table>

3.2. Police work and Femicide – a study from Switzerland
Summary of the presentation by Daniela Gloor, Social Insight Zürich

One element of improving the prevention of homicides is to learn from homicides in order to better understand the risks, to evaluate interventions and to identify gaps in protection.

Daniela Gloor and Hanna Meier from Switzerland carried out a research studying homicide cases in one Canton in Switzerland (Gloor/Meier 2009). 38 homicide cases from a period of ten years (1995-2004) were investigated, from which 26 were intimate partner violence.

13 Population of Vienna: app 1,6 million
cases. Within the intimate partner violence cases, 24 perpetrators were male and 2 female. 45 children were indirect victims in these homicides.

In their qualitative analyses of the investigative reports the authors raised two questions: 1) how do the police in their investigations of homicide and attempted homicide recognize the history of abuse? And 2) how are homicides and attempted homicides investigated?

**Summary of selected research results:** Concerning the history of abuse the results of the study were contradictory; violence is an issue in the investigative reports of the police, but not necessarily the history of partner violence which did not seem to be a special interest of police investigation. Partner violence is seen as an indicator of a “bad relationship” or a “difficult personality” or “foreign cultural background” but not as a cause leading to the homicide or a factor from which the homicide can be understood.

Another result is that the method of investigation was very different in attempted homicide and homicide cases. Homicides cases were investigated much more thoroughly by special homicide units; investigations lasted one year and resulted in long reports. Attempted homicides however, were examined by the local police, lasted only about 2 month and resulted in reports of no more than 10-20 pages. The reports were centered on the perpetrator. Victim testimonies were not included and hardly any other informants interrogated.

The authors speak of a “process of scandalizing” in homicide and a “process of normalizing” in attempted homicide cases. This is highly problematic not only in terms of the prosecution of homicide cases but also in terms of prevention and protection of survivors.

According to the authors, good practice in preventing homicide and attempted homicide would include: training of police at all levels aiming at a comprehensive understanding of partner violence and avoiding stereotyping and continuing education and specialized training. In the investigative process, the sole focus on the perpetrator should be avoided and the victims of attempted homicides should be included. The view on the perpetrator needs to be expanded and differentiated and the history of abuse needs to be investigated comprehensively. The history of violence should be seen as an aggravating not as a mitigating circumstance.

In the discussion a question was raised whether the investigative reports contained information about other crimes committed by the perpetrator. The answer was that very little information was found about it in the reports. To one participants’ presumption that maybe the police do not concentrate on the victim in homicide cases because the victim cannot be interviewed anymore, Daniela Gloor answered that often many other persons or representatives from institutions could have provided information, but very little was documented in the report. In the cases of attempted murder, one in three victims was interviewed only once. Thus the improvement of documentation seems to be one important step for improving the prevention from violence, especially in high risk cases.
3.3. **Spanish laws and policies on preventing gender-based violence and protecting women**


In Spain, the so-called Organic Law on Comprehensive Protection Measures against Gender-based Violence was adopted in December 2004. The law specifically addresses gender-based violence against women. As the name suggests, it consists of a comprehensive set of measures in the area of legal protection, assistance and support for women victims of violence as well as preventive measures. Gender-based violence is a societal problem and the answers to the problem have to be given on the level of society as well as on the level of the individual woman victim of gender-based violence. “Everything is part of the whole…but the holes,” Miguel Lorente states almost philosophically in his presentation as he accentuated the need to address the general problem as a whole as well as its different expressions. It is also very important to always take into account the fact that the general as well as individual situations are changing and that our interventions and actions also lead to changes that we have to take into account again in our reactions and policies.

The Spanish law foresees a specialisation of structures and professionals, for instance in the form of special gender-violence courts and judges who are only concerned with the implementation of the Organic Law on Gender-Based Violence against women. The Spanish Government established an observatory that is monitoring and evaluating the implementation of the law regularly (see also page 5). Annual reports containing detailed statistics as well as monthly femicide statistics are published and are available on the website.

**Intimate partner femicide:**

From 2003-2009, 203 women were killed by their partner or ex-partner in Spain. 132 of the victims and 139 of the perpetrators were Spanish citizens. Criminal *modus operandi*: In over 50% of the femicides women were stabbed to death. It has been observed in Spain, that the rate of femicides increased immediately after a previous femicide incident. In a number of cases of femicide there is a history of violent crime, in most cases against the victim.

To improve the protection of high-risk victims of violence, technological systems have been established in Spain. The most widely used by women victims of violence is a mobile remote assistance service in the form of a mobile phone that connects the woman 24 hours a day, 365 days a year with a Centre that is staffed by personnel specifically trained to provide adequate response to a crises situation either by themselves or by mobilising other resources. This service is especially provided to women who have a protection order prohibiting the perpetrator to contact her. In 2008, 12,274 women used the remote protection, in 2009 the number increased to 13,696.

Another system is a GPS system monitoring the perpetrator and protecting the victim who can use the GPS device for emergency calls. Convicted perpetrators have to wear a bracelet through which they can always be located. If they approach the victim an alarm goes off and the police will seek out the perpetrator and inform the victim.

From 2008 to 2009 there was a 27.6% decrease in homicides against women (76 cases in 2008, 55 in 2009) which might be a sign that the measures against gender-based violence...
including the electronic measures are effective in preventing homicides and protecting high risk victims.

At the end of the presentation Miguel Lorente informed the participants about the initiative of the Spanish EU presidency to prevent gender-based violence against women. He pointed out that more coherent and coordinated measures are necessary on the EU level. One proposal concerns a European Protection Order (EPO).14

3.4. Regional support for women victims of gender-based violence in the Community of Madrid.

Presentation by Tomas Criado, Directorate General of Women/Department of Employment and women, Community of Madrid.

The community of Madrid15 is an autonomous region with legislative and executive competencies and its own administrative representatives. The Community of Madrid was a pioneer in the area of preventing gender-based violence against women. Since 2001 the Community of Madrid has implemented three integral plans of action against gender-based violence, the third one running from 2010 to 2014. The Community has also adopted a regional law (Law 5/2005 Integral Law against Gender-Violence against Women of the Community of Madrid).

The Department of Employment and Women (General Directorate of Women) is the regional governmental body to implement the policy against gender-based violence. In 2010 a budget of € 16,890.444 was dedicated to this task. Together with other departments, the budget for the prevention of gender-based violence amounts to about € 19,000.000. From 2004 to 2010 the budget increased by 191.25%.

The last action plan, 2005-2008, included measures at four levels: awareness raising and prevention, assistance and care for victims, protection and research. Measures in the area of awareness raising were aimed at eliminating sexist behavior and consisted of media campaigns (television), cultural and sport events and journalism awards. Activities in the field of prevention were directed at detecting risk situations for victims or potential victims of gender-based violence by carrying out workshops and seminars for kindergarten personnel and schools as well as for training and educational institutions. Additionally in the area of law and law enforcement, training was organized for specialized gender-violence duty solicitors, for local police officers in the Community of Madrid and for special police forces (Special Brigades of Security BESCAM). Furthermore, professionals supporting victims of gender-based violence as well as health professionals in primary care and in specialized care (mental health) received training.

Help and support for women victims of gender-based violence is provided in form of comprehensive care and prevention measures consisting of: information to victims about their rights, care for their physical and mental health, attention to their economic, legal, educational, cultural and social needs and their needs for accommodation and protective measures through technical measures.

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15 Population of the Community of Madrid according to the Spanish Institute of Statistic: 6,251,638 million people, 3,230,980 women (52%) and 3,040,658 men (48%).
Specific structures and methods have been established to implement the measures (Network of Municipal Points of the Regional Observatory of Gender-Based Violence in the Community of Madrid) consisting of:

- **A Coordination Point for the protective orders (PO)** which is located in the Directorate General of Women
  The special gender-violence courts refer all protective orders to the Coordination Point. In 2009 the Coordination Point received 5,383 protective orders (46% were concerning immigrants). In 2005, 2,872 protective orders were received, which means an increase of more than 87% in five years.

- **A Protocol for the Care for Victims**
  Consisting of: receipt of the protective orders; opening of an action file for the victim; information, guidance and support for the victim; distribution of the POs to the Network of Municipal Points and care services; support of the victim at these services; assessment of the implementation of the measures;

- **Network of centers and services:**
  Support can be residential and/or ambulatory. 313 places are available in temporary refuges located in 6 emergency shelters, 5 shelters, 11 assisted living facilities, 2 centers for women who want to leave prostitution and 1 Centre for women victims of trafficking for sexual exploitation.
  In 2009, 433 women and 438 children were supported by the services. 67.9% of the women were immigrants and 4 women with disabilities.

- **Resources for psychological and social care:**
  MIRA scheme: psychological and social care for women and children;
  ATIENDE scheme: care and treatment for victims emotionally harmed;
  CIMASCAM centre: care for women victims of sexual assault and Care for women victims of trafficking; and

- **PACEM scheme**: employment assistance point.

Specific economic aid is available to women victims of gender-based violence. In 2010 an amount of €140,000 was made available for individual grants, €65,000 for single payment aid and €900,000 for a financial emergency grant.

The new Integral Plan of Action against Gender-Violence in the Community of Madrid 2010-2014 focuses on three areas: 1) prevention and awareness raising, 2) assistance and protection for victims, 3) coordination, monitoring and evaluation.

3.5. **Regional support for women victims of gender-based violence in the Region of Murcia**
Presentation by Andres Abad, Women’s Institute of the Region of Murcia.

The Women’s Institute (Institute de la Mujer de la Region de Murcia-IMRM) of the autonomous Region of Murcia\footnote{Population of the Murcia region: 1,426,109, capital city of Murcia: 430,571}, headed by the director Teresa Moreno, is an autonomous body in charge of the regional policy concerning the equality between women and men. Its
work and strategies are based on the Law7/2007 for the Equality between Women and Men and the protection against gender-based violence in the Murcia Region. It focuses on sensitization, prevention and support measures for women victims of gender-violence.

Sensitization measures:
- Training bus
- Emergency phone line (112)
- Guide for aid against gender violence available on mobile phones
- Publications (information brochure for victims of gender violence, leaflet about sexual harassment at the workplace)
- Videos produced by the IMRM
- Campaigns (annual campaigns around the 8th of March and the 25th of November).

Prevention measures:
- Protocol for regional prevention and detection of violence against women older than 65 years;
- Prevention Programmed PRO-muter (consisting of agreements within the regional government; workshop targeted at women’s associations; workshops for local police forces; training for the general public, for instance through online training courses).

Integrated support measures for victims:
- Coordination Point for the protective orders (PO) located in Institute de la Mujer;
- Regional network of Centers for specialized attention to women victims of gender-violence (CAVI);
  Multi-disciplinary teams composed of one psychologist, one lawyer, and one social worker;
- New initiative: single dossier – interdepartmental coordination of data collection and exchange of data;
- And other measures.

3.6. British models of managing high risk and protecting survivors
Presentation by Amanda Robinson, Cardiff University /UK.

In the presentation, Amanda Robinson informed us about new British measures concerning the protection of high risk victims. She spoke about risk and domestic violence, explained benefits and posed challenges regarding the new approaches.

The new British approach (S-I-M) of managing high risk and protecting survivors consists of three elements:
- SDVCs - Specialist Domestic Violence Courts
- IDVAs - Independent Domestic Violence Advisors
- MARACs - Multi-Agency Risk Assessment Conferences.

The concept of ‘risk’ is central to the current British approach implemented in a 3-stage process:
1) Risk identification
2) Risk assessment
3) Risk management.
1. Risk identification
To identify risk, the Domestic Abuse Stalking Harassment (DASH) Checklist has been developed as a tool. It consists of 27 items and has been developed from the London Metropolitan Police Domestic Violence Risk Identification, Assessment and Management model SPECSS and the South Wales Police Initial Risk Indicator Form (FSU9). It was endorsed by the ACPO council (Association of Chief Police Officers of England Wales and Northern Ireland) in March 2009. The non-police version is published by CAADA. 17

2. Risk assessment
Risk levels should be determined by specialists, such as domestic violence police officers (DVO) or IDVAs. There are three methods for assigning risk levels:
- Professional judgment
- ‘Visible high risk’
- Potential Escalation.

3. Risk Management
The British approach directly links risk assessment to risk management. Victims identified as high risk are referred to Independent Domestic Violence Advisors and a proportion of these (depending on local capacity levels) are referred to Multi-Agency Risk Assessment Conferences.

What is an IDVA?
IDVAs are trained support workers who provide independent assistance and advice as well as safety planning to victims. They work closely with criminal justice and statutory partners to coordinate the response on behalf of victims. MARACs rely on the work of IDVAs, they complete risk assessments, refer victims to MARACs, share information about individual cases and represent the ‘victim’s voice’.

What is a MARAC?
MARACs are regular meetings of all key statutory and voluntary agencies to share information about the highest risk cases in a particular area. Referrals are made by all agencies, not just the police. Key objective of MARACs include:
- Providing a unique safety plan for each victim,
- Managing dangerousness of perpetrators, and
- Protecting frontline practitioners.

The first MARAC was held in Cardiff in April 2003. More than 200 areas of the UK run MARACs now.

Benefits of the new approaches
Benefits to the victims, to practitioners and to systems can be identified.

Benefits to victims: Victims receive a more professional, tailored response, which increases their safety. MARAC evaluation (Robinson 2006; Robinson/Tregidga 2005) shows that six months after the MARAC, 6 in 10 victims and after twelve months 4 in 10 victims had

17 The Domestic Abuse, Stalking and ' Honour'-based Violence (DASH) Risk Identification Checklist - has been developed by CAADA, a national charity organization supporting a strong multi-agency response to domestic abuse. The checklist is available in 12 languages and can be downloaded from the website http://www.caada.org.uk/practitioner_resources/riskresources.htm
not been re-victimized. In the interviews victims highlighted the importance of IDVAs for their support. Evaluation research about the IDVAs also reveals that there is a clear benefit for victim’s safety through this service (Howarth, Stimpson, Barran & Robinson, 2009, Robinson 2009).

**Benefits to practitioners:** practitioners benefit from the new approaches by more consistent and relevant information that is being collected, and by sharing of information which develops multi-agency partnerships. Quote from an interviewed practitioner: “Having something like a MARAC in place starts to build relationships between agencies across a much broader range, it develops much stronger relationships between the voluntary and statutory sector.”

**Benefits to the system:** the new measures improve the understanding of the risk posed by offenders which also increases the safety of practitioners. They also improve criminal justice efficiency and saves resources. Quote: “Last month I referred a case [to MARAC] because it wasn’t coming up as ‘high risk’ but he was a perpetrator who was linked with three other women… that needed to be discussed in a multi-agency forum, the fact that he was a perpetrator who was violent against four women in this area alone…”

**Challenges**

Challenges can be identified on three different levels: 1) evidence based challenges, 2) practitioners-based challenges and 3) process-based challenges.

**Evidence-based challenges**

There are still many challenges regarding the concepts and measurement of ‘risk’ and risk factors.
Prediction versus prevention: different paradigms require different kind of analyses. A robust, directly relevant, independent evidence-base to assess the impact of recent developments is currently not available.

**Practitioners-based challenges**

One challenge in risk assessment is that there is a common tool, but different practitioners with different levels of training and expertise. Also victim's disclosure differs with different practitioners.
It is not well known how practitioners make their judgment concerning risk.
Challenges to IDVAs are that they are based in different structures and locations and have differing referral methods.

**Process-based challenges**

One central challenge is how to incorporate victims into the process, how to overcome the minimization of abuse and the lack of trust in services.
Another challenge is the limit of a generic model and the question if one model is equally applicable for different groups.
Finally a big challenge is that only a minority of victims, about 10% benefits from the new approaches. Which poses the question: What about the other 90%?

In the discussion a question was raised whether victims have any say in the MARACs. Amanda Robinson says that Amanda Robinson says that it is not a requirement of MARACs to inform victims that their case is being referred to a MARAC because their risk level is such that it is viewed as a public safety issue to share information between relevant agencies. However in most cases victims are informed and consent to MARACs because they are
being supported by IDVAs who explain the MARAC process and its benefits to them. Although victims do not attend MARACs they usually know they are taking place and their views are represented at the MARACs by IDVAs. She sees this as an important issue that would benefit from further research. (Robinson, A. 2010).

3.7. Identifying and dealing with high risk perpetrators
Presentation by Marianne Hester, Bristol University.

When talking about high risk victims, we mean the risk that the violent behavior of the perpetrator posed to the victim; thus it would be more appropriate to talk about high risk perpetrators. The reason why we focus on the victims/survivors in PROTECT is to emphasize the importance of a victim/survivor centered approach, in opposition to a perpetrator centered approach often found in the criminal justice system. Changing the behavior of perpetrators is undoubtedly a core objective of risk assessment and risk management. This implies understanding the history and patterns of abusive behavior, a field that is still under researched when it comes to intimate partner violence perpetrators. Marianne Hester conducted several studies concerning domestic violence perpetrators (Hester et al., 2006; Hester 2009) and presented some of the results at the PROTECT meeting.

In one of her studies Marianne Hester analyzed police files from the Northumbria police/UK and studied the development of 356 detailed perpetrator profiles over three years. She found different “types” of perpetrators regarding their use of violence. According to the analyses of the data, they can be classified in four different groups:

Group 1 - ‘one incident’ group: Perpetrators in this group had one domestic violence (DV) incident recorded in the police database in three years (n-112).

Group 2 - ‘mainly non-domestic violence’ group: Members of this group had one DV incident recorded, but also arrests for other non-DV offences (n=62).

Group 3 - ‘dedicated repeat domestic violence perpetrators’: This group had a number of DV incidents recorded, but no other offences (n=62).

Group 4 - ‘all-round repeat offenders’: Had a number of DV incidents recorded and had also been arrested for non-DV offences (n=120).

The data shows that about half of the perpetrators were repeat DV offenders (182) and another half (also 182) were repeat general offenders, with an overlap of 120 (one third) offenders who were repeatedly violent in general and against the partner. Regarding risk, it can be assumed that half of the partner/dv violence perpetrators will re-victimize and thus pose a high risk to survivors.

The third group - ‘dedicated repeat domestic violence perpetrators’- consisting of 62 offenders had all together 199 DV incidents recorded. Despite their often extreme use of violence against their partners, the apparently “private” nature of their offences made some men in this group appear non-violent and even ‘placid’ to friends or professionals.

The forth group -‘all-round repeat offenders’- consisting of 120 individuals who were involved in 891 DV incidents and arrested for 687 other offences. This group of offenders has a high
risk of re-victimizing the partner as well as other persons. They pose a big challenge for all agencies responsible for preventing violence and protecting high risk victims.

Gender and perpetrators

In an analysis of a further, six year longitudinal sample of police records, Marianne Hester (2009) looked at the question of gender and violence. The sample consisted of 128 perpetrators (96 cases): all the female perpetrators in heterosexual relationships (32); a random sample of male perpetrators in heterosexual relationships (32) and a random sample of cases with both male and female perpetrators in heterosexual relationships (64 individuals, 32 women and 32 men). The perpetrator files were tracked over 6 years (2001-2007) and 581 violent incidences were recorded.

Results regarding the nature of violence
The violence was mainly male violence. Men were much more likely to use physical violence, threats, harassment and cause damage. They were also slightly more likely to use verbal abuse. Women were more likely to damage their own belongings or themselves. But women were twice as likely to use a weapon.

Gender differences in incidences
Female perpetrators had much fewer incidents (62% had one incident; the highest number was 8 incidents).
Male perpetrators had much more incidents (83% had two or more incidents, the highest number was 52 incidents). Thus the violence by male offenders was much more severe than the violence by female offenders.

Men as perpetrators were most likely to induce intense fear and control of partners, especially male sole perpetrators (cases with only male perpetrators). Most male sole perpetrators (66%) were arrested for DV.

With regard to women as perpetrators there was a lot of verbal and much less physical abuse. Often mental health issues or illnesses were involved. There were fewer arrests of women generally, but in relation to the number of incidents women were arrested disproportionately more often.

**Individuals as both victim and perpetrator (‘dual’)**
Different patterns were identified in ‘dual’ cases: they were more varied than sole perpetrator cases and they had the largest number of incidences.
Violence was seemingly more ‘mutual’ in cases where both were heavy drinkers or alcoholics. More than half (36 out of 62) were in a post-separation phase, after divorce with common children.
The male perpetrators were more likely to be the primary aggressors and to induce fear and threat. Women used weapons for protection.

**Gender differences in not providing statements**
Men and women were likely not to provide statements to the police or pursue the case where both had been drinking and ‘arguing’. Men do not provide statement in some cases with extreme violence involving retaliation. Women as victims at times withdraw statements or minimize or deny violence that has taken place against them where men are also very threatening and controlling.

**Conclusions**
The study reveals big gender differences: male perpetrators are more often high risk offenders. Women may cause severe injury often in an attempt to protect themselves.
It is important to identify the primary aggressor and to enable support for the main victim.
There are differences between sole and dual perpetration, but in dual perpetration men are still more likely to be the primary aggressor. Alcohol complicates the problem and needs to be dealt with. If there are children involved, this may increase the risk.

**3.7.1. Comments by Carol Hagemann-White**
Carol Hagemann-White raised concerns about the term “high risk victims” since it is the perpetrators that are high risk. There are not enough tools and interventions to deal with this. Perpetrators who repeat the violence were often not sanctioned the first time. Only a small group of perpetrators are seriously psycho-pathological and dangerous. The question is how to respond to them – this is a similar problem as the problem debated in literature on rapists and sexual offenders and the danger of releasing them from prison.
The police encounter women in different situations; probably the majority of women recognize that the man has to leave and want safety planning. But there are also women who are still committed to the relationship, sometimes they are severely traumatized. Thus there cannot be one response that fits all women.
In Germany police programs of visiting perpetrators have started. Although there is no evaluation of this program yet, it could be an opportunity to know something about attitudes and beliefs. Social work does not seem to be eager to run such programs and as such they may rather be established by the police. We need to think about risk assessment assessing perpetrators too. Risk assessment cannot be the same for every woman/case.

A question was raised whether it should be men or women doing the work with perpetrators. Differing positions were taken, such as that it is important to have women experts in this work too, but women cannot do everything. Another question that was raised was what to do with repeat or ‘chronic’ DV offenders. The Spanish approach of protective technologies for victims seems to be one solution here. But what can be done for women who choose to continue living with the perpetrator for different reasons, for instance migrant women who are dependent on the perpetrator or women without papers. Marianne Hester provides some statements from repeat perpetrators who ‘complained’ that ‘the police did not really stop me, they should have told me what I could have done, and that there are programs.’ The Hester research (Hester et al., 2006) suggests there appears to be an age where male offenders are more likely to respond to interventions, an optimum age seems to be 32-34 years. At this age men felt they should be ‘settling down’ and they did not want to lose a relationship.

In the UK there is a national helpline for offenders. Also, the MARACs are a tool to stop perpetrators as well as the perpetrator oriented MAPPAs.\(^\text{18}\)

### 3.8. Using technology to improve victim protection in high risk cases of intimate partner violence. Results from the Netherlands

Presentation by Renée Römkens, Tilburg University.

Renée Römkens presented the results from a study evaluating a GPS based system for protection of victims of separation violence and stalking, mostly by ex-partners (Römkens 2008).

Stalking data mainly exists in Canada and the US. Gender disaggregated data is necessary to understand the problem. In the US data revealed that the number of men killed by partners or ex-partners is decreasing, but the number of women killed is increasing.

The severity of stalking, the repetitive nature and unpredictable behavior are risk factors. The stalking behavior is often linked to severe violence and has a serious psycho-social impact on the victim.

Serious violence and violent threats pose a high lethal risk for victims and/or their children. The annual lethal IPV rate in the Netherlands (16 million inhabitants) is +/- 32 for women and 7-8 for men.

**Shortcomings in protecting victims of stalking**

The study first looked at shortcomings regarding police interventions and protection of victims.

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\(^{18}\) MAPPAs stands for: Multi Agency Public Protection Arrangements, see: www.probation.homeoffice.gov.uk/files/pdf/MAPPAGuidance.pdf
Regarding the legal base for intervention, the question is whether there is specific legislation and if it works. Even if there are laws for protection, interventions are often ineffective because often it is too late before the police arrive – either the perpetrator has left or committed the crime already. The police usually do not prioritize these cases. At the beginning of the study in the Netherlands, 45 minutes passed between the alarm call and the arrival of the police in stalking cases.

Another reason for ineffectiveness of police interventions is a lack of professional knowledge about the nature of the problem by the police. They believe that it is not about violence but about a problem that can be ‘solved’. The police are often reluctant to arrest when the perpetrator is still present. The police professional culture is incident based; they look at the current incident and not at the history of abuse. Police officers often have to rely on their own data and documentation, for instance about previous interventions in the same cases. The study revealed that the police are ‘sloppy’ in their documentation and that there is a shocking tendency to minimize incidents.

Another problem is the limited understanding and/or meeting of the victims' needs, of the complexity of the problem which requires multi-disciplinary interventions and not just repressive police response focused on the perpetrator. For all this evidence was found in the study.

Addressing the shortcomings – the Abused Women’s active Response Emergency System (AWARE)

The program has a dual goal: to protect victims and to restrain (or arrest) perpetrators. It is victim centered (not perpetrator centered like the electronic bracelets) and it is preventive and pro-active (not repressive).

Target group: only high risk stalking victims with a history of prior requests for help from the police were eligible for the program.

Two types of technology were used:
- A pendant with limited reach that works only in and around the house
- An electronic GPS-based monitoring system which works mostly everywhere, depending on the satellite coverage.

The GPS protection system works similar to the one in Spain: the victim has a device and when she feels that the stalker is following her she pushes the button. She is then transferred to an emergency operator at the police and the police send out a patrol car with priority 1 (there are 4 priority levels in the Netherlands).

The program is innovative: it uses modern technology but also includes a multi-agency program (integrated police & social work approach). The case becomes automatically part of the intervention program; the victim is assigned a case worker who supports her.

Research design

There are currently two systems in use in the Netherlands: the AWARE system in Rotterdam and the 112+ in The Hague. In the study the two systems were compared by using a multi-method design:
- A content analyses of 25 police case files per model, together 50 files (the 50 files contained 231 incidents; on average there were 4-5 filed complaints and 24 police notations per case)
Analyses of stalking related police emergency intervention timelines (N=169; focus on priority classification, arrival time and number of arrests)
- Interviews with police officers (N=17)
- In-depth interviews with victims (N=20)
- Group interviews with involved professionals on both locations.

Results concerning the effectiveness from a police perspective
Speed of intervention: the speed of interventions was improved in both programs. AWARE is the most reliable way to circumvent case-by-case prioritization and to introduce standard high risk assessment by the operator.

Increased arrest: the effectiveness was very low in this regard in both programs.
Decrease in recidivism: mixed results; both programs were hardly effective in the short run; AWARE was slightly more effective (more decrease) in the long run.
Was there a decrease in the number of stalking related emergency calls yes. AWARE is substantially more effective (decrease of 73% in emergency calls of victims and social environment). 112+ programs had a more gradual and slower decrease in the long run.

From the police perspective, the program had helped to improve police interventions, especially by speeding them up and reducing the average time the police took to arrive at the scene. The key is seen in the automatic registration of these cases as high risk, and no personal evaluation of a police officer is needed. The arrest rate however did not increase which somewhat disappointed the police.

Results concerning the effectiveness from the victims’ perspective
There was a decrease of emergency calls, most notably in the AWARE group. Victims felt safe through the device which resulted in less emergency calls.
Re-establishing a sense of safety: AWARE was more effective in that sense victims saw the GPS system as more reliable and as their “buddy”.
Regaining a sense of control: AWARE was most effective here, which is reflected by the dramatic decrease of alarm calls by victims (to ¼) despite initially undergoing stalking. Victims trusted that the alarm worked and that the police would come quickly. The psycho-social support of AWARE case workers helped to strengthen personal coping strategies.
Decrease of stalking: low effectiveness, stalking only decreased gradually in both groups. AWARE was slightly more effective.
Increase in victim’s trust in the police: both programs were equally effective in improving the victims trust in the police, and personal connections with police officers was key.

Conclusions
The AWARE system was most effective. The effect of the system is different from what was expected. The psychological meaning for the victims and their perception of technology is the success factor, not the technology itself which victims hardly used.
There is a need for an integrated multi-focal perspective on what counts as “success” or “effectiveness” when evaluating programs (both from professional’s and victim’s perspective).
Empowerment of victims is the key to success for effective intervention programs, not repression of perpetrators.
3.8.1. Discussion
Marianne Hester reported about similar results in the UK crime reduction program (Hester and Westmarland, 2005) where measures did not reduce victimization but increased the victim’s sense of safety. But there is also research showing that a repeat alarm because of violence was used against the women victim of violence in custody cases – the children were taken away because of the repeat violence while the perpetrator was still around (Williamson & Hester, 2009).
A question was also raised why the protection system did not reduce the stalking behavior. One possible answer is that such effects of reducing the violence might not be easy to reach in the short run and that in the long run it may be more likely that offenders are tracked down and arrested. Also, the stalking law does provide the possibility of arrest.
Also, a question was raised about the reliability of technology-GPS – in some areas, the system might not work.
Another question concerned the problem of homicides of men by female partners in the Netherlands, and Renée Römkens informed us about a study she did in the Netherlands in the 1990s. One of the results was that the majority of cases showed a history of abuse of the women.

3.9. The Bulgarian law on protection against domestic violence and its potential to address high risk victims
Presentation by Albena Koycheva, Bulgarian Gender Research Foundation.

The Bulgarian legislation has undergone a process of dynamic and radical changes in many spheres in the recent years. Part of these changes can be recognized as a fulfillment of the international documents signed and ratified by Bulgaria and as an implementation of the concrete recommendations for protection of human rights, attainment of gender equality in all public spheres, making legal provisions for prevention and combat all forms of violence, including domestic violence. The development of better policies and programs for human rights protection in spheres like women’ health protection, protection against domestic violence, elimination of all forms of gender based discrimination in the public and private spheres, etc. began very recently.

The implementation of the principles of protection of all human rights and the prevention of their violation has been and still is a very slow and difficult process. The activities of many NGOs are aimed at educational campaigns, organizing and providing help for victims of violation of women's human rights, including legal aid in litigation procedures, and all kinds of other support led to essential legislative changes and the elaboration of adequate legal provisions and procedures. The implementation of these new laws and legal provisions is now already in process and the acquired judicial practice so far reveal both their advantages and their shortcomings.

The effective Bulgarian legislation has been recently and in a relevantly short period of time harmonized in many spheres with the requirements of the international human rights institutions and with the demand to render criminal and civil legislation in compliance with the international legal documents.

The Bulgarian Law on Protection against Domestic Violence entered into force on 2nd April 2005. It took about eight years to elaborate the draft of this law and to pass the legislative procedures and to be passed by Parliament. Three Parliaments and four Governments had
to be contacted and urged on the problem of the necessity for the adoption of such a law. This happened mainly as a result of the European orientation of Bulgaria and as a step of the EU accession process as a basic foreign political and economic goal of the country, and also due to the very strong pressure by the non-governmental sector and the media.

Until very recently, the legislation and the legal practices in Bulgaria were not aware of any definition of domestic violence as a public problem and as an act in violation of human rights. The problem used to be considered as a private matter and no particular legislative attention was paid to it at all. The term “domestic violence” did not exist in our laws and in practice it was not separated from any other kind of offence. None of the characteristic features, which made the act of violence domestic, were taken into consideration in the general litigation procedures. The Bulgarian legislation principally does not intervene into the private sphere and private life and therefore this general understanding needed to be radically changed. In this respect, the recently adopted Law on Protection against Domestic Violence is a real break-through.

Prior to the adoption of the new law, the acts of domestic violence were generally only considered as violence as a form of guilt in the cases of divorce, custody, parental rights, etc. and even if there was a sanction for the perpetrator, it was imposed on him not because of the act of domestic violence, but because of some of its consequences. Even in penal cases (for bodily injuries, for example) where the accused person received a punishment for the act of violence as a crime, no legal means were legally available to protect the victim in the future. No special care was paid to the close relations between the victim and the abuser and to the danger which exists for not disclosing all the acts of the violence committed. Access to court was very difficult due to the requirement for the victim to prove the violence and the total absence of legal procedures for obligatory public prosecution in the majority of the cases of domestic violence.

The new Law on Protection against Domestic violence is a special piece of legislation and is intended to officially recognize the importance of the problem with all the aspects of its negative impact on the victim, family and on the society, and to provide a legal definition of it, and to cover the necessity of combating the domestic violence in the Bulgarian society with adequate legislative measures. The aim of this law is to create a general prevention against domestic violence, provide a quick and efficient protection for the victims of domestic violence and measures to help them to recover from the abuse, as well as to help the perpetrators overcome the model of behavior that leads to acts of violence.

The first official inquiry on the domestic violence problems and on this phenomenon as a whole was done in March 2003 when the draft of this law was first taken to Parliament. The expectations of the society were really great. According to the latest (second) inquiry of the National Center for Study of Social Opinion, one year later, 20 % of the Bulgarians still don’t know about it, another two thirds say they don’t know details about this law and only 14 % say that they are well acquainted with this law. This last group consists mainly of women, people of the age 40 – 59, higher educated people, people living in the cities, and people who are well off. The results show that still 49 % of the people believe that domestic violence is only a personal problem, and 51 % are those who understand that it is also a social problem.

The academic interest towards this law and the domestic violence problems is still very weak in Bulgaria therefore we can’t rely on the educational system very much to prepare the future professionals who will be involved in solutions for the domestic violence problems. Education
on domestic violence legislation is still predominantly linked with family law matters rather than in the framework of human rights studies.

Although the Law on Protection against Domestic Violence has been in implementation for more than two years, till now domestic violence as a social phenomenon is not yet recognized as a priority area for policy in the field of gender equality and human rights protection, and no adequate mechanisms and funding are in place. There is a profound lack of research and detailed analysis of the judicial practice in the whole country on how the Law on Protection against Domestic Violence is applied in the courts throughout the country. Yet some very first steps are being undertaken to summarize the relevant information basically on a statistical level, and only in the courts where domestic violence cases are heard and the Orders of Protection are issued.

The courts do have separate registers for domestic violence cases but no special registration is being done for such cases by the police, social assistance departments, in the healthcare institutions, etc. Thus, a very large number of complaints remain unregistered and in most cases, not properly administrated and litigated. As for the NGOs, each of them has its own order of registering and counting the domestic violence cases according to the help they provide for the survivors.

The definition:

This law introduces the term “domestic violence” to the Bulgarian legislation and gives, for the first time in Bulgaria, a legal definition of what domestic violence is. According to the Law on Protection against Domestic Violence, domestic violence is any act of physical, mental or sexual violence and any attempted such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or have had family or kinship ties or cohabit or dwell in the same home. This broad general definition is being interpreted with serious disparities by the courts.

Although the legal definition covers a wide scope of possible acts of domestic violence in practice, there are still a lot of cases where these acts are not recognized by the judges as acts of domestic violence. Such examples can be given particularly in some of the psychological forms of domestic violence, verbal abuse, stalking, etc. The assessment of the risk to the health and life of the victim in such cases is not always very appropriate and is not in compliance with the aims of the law.

The law does not exclude the liability of the perpetrator on the grounds of any act of the victim including a prior act of violence committed by him/her. The motives and the reasons of the perpetrator for his act of domestic violence are supposed to be of no legal value according to the law. The same applies to any specific circumstances under which domestic violence has been exercised. Yet all these details are important and should be taken into consideration when the court specifies the measure for protection to impose on the respondent and for how long the applicant shall need this protection.

There was a provision in the draft stating that any act of domestic violence committed in the presence of a child shall be considered an act of domestic violence against that child. In the final text of the law however, this provision is missing. Yet in practice, the courts very often regard the presence of a child during the domestic violence act as a circumstance proving a higher risk both for the victim and for the child.
The legal definition is also absolutely gender neutral. No specific notion on violence against women and/or children, or gender based violence is introduced. The law provides no distinction on the sex, the age, the health status of the victim and the perpetrator.

The responsibility:

The Law establishes a new separate kind of liability for the perpetrators of domestic violence which is administrative in nature and is imposed by the civil courts (family courts). The law deliberately states that liability under this law shall not preclude the civil and penal liability of the respondent. The aim of the measures for protection against domestic violence is to secure the health and life of the victim in the future. These measures are not a sanction; they are not a punishment to the respondent. Whenever the same act of domestic violence is a crime it should be investigated separately by the police and the prosecutor.

In practice, the survivors of domestic violence in most cases, even when a crime is committed, would prefer to apply for a Protection Order rather than file a complaint to the police or to the prosecutor. The fear for the personal security is much stronger than the wish to report to the police or to seek compensation for damages. In case they receive the protection order and particularly the immediate protection order, they would do no further efforts to litigate on the same problem. On the other side, the state authorities – the police and the prosecutor – tend to consider that if an Order for Protection is issued by the court, that is enough and their files should be precluded. There is a general lack of understanding that the same act of domestic violence could also be a crime and must be prosecuted separately and in parallel as such.

We don’t have many examples for parallel pending procedures between the same parties for the same act of violence when it is not only an act of domestic violence but also a crime and/or an unalloyed damage. The only exceptions are the applications for Protection Orders during a pending divorce case or a custody case between the same parties, but even then the relevant act of domestic violence is a new one and different from the facts pointed out by the applicant in the initial application form for the divorce, for example. In practice, the measures imposed under the Law on Protection against Domestic Violence which are intended to provide protection to the victim for the future are often used as “an argument” for the termination of the investigation procedures for the same acts which are also crimes.

The liability under the Law on Protection against Domestic Violence is only personal and the whole responsibility for any eventual violation of the order for protection lays only on the perpetrator. The behavior of the survivor can be no excuse for the violation of the Protection Order but in practice the violations will be registered by the police only at the request of the protected person. We do not have information about how the police control the execution of the orders ex officio, when no further complaints from the victim are received.

The Law does not allow mutual Protection Orders. Whenever domestic violence has been committed by both parties, theoretically there could be two separate applications filed by each of them and the Court shall hear two separate cases. We do not have such an example in the judicial experience so far.
The personal scope:

The protection under this Law can be sought by any individual having suffered from domestic violence applied by:

1. a spouse or a former spouse;
2. a person with whom that individual cohabits or has cohabited;
3. a person with whom that individual has a common child;
4. an ascendant;
5. a descendent;
6. a sibling;
7. a relative by affinity up to the second degree;
8. a guardian or a foster parent.

All the measures for protection against domestic violence could be applied to these persons and the law provides no limitations for the responsibility of the perpetrator according to his/her relations with the survivor, ownership of the shared dwelling, physical or mental status, age, etc. The relevant relationship should be proved by the applicant in most cases with written evidences – birth and/or marriage certificates, etc. It is generally well understood that the act of violence is supposed to be in some way related to the relationship between the parties in order to define this violence as domestic. There should be a causal connection between the relationship and the act of violence committed. For this reason there is no term defined in the Law about the protection for the former partners who have already divided.

The nationality of the parties does not matter for the liability under this Law. It is applied to all citizens of Bulgaria.

Underage juveniles are also liable for their domestic violence acts but it is a serious difficulty for the judge to decide which measure is appropriate for such a perpetrator. In one case where the respondent was a 17 year old boy living with his mother who was also the applicant, he was sent to live with the other parent (the parents were divorced for many years). Thus the judge removed this perpetrator from the common dwelling. Another problem is the imposition of the fine under the Law to such a perpetrator as he/she does not work and his/her parents provide for him/her.

Violence against women and the abuse and exploitation of children are among the most often violent acts after which a protection by the court is sought. The protection of children in most cases is sought together with the protection for the mother. Very few applications have been made so far based on domestic violence acts against children. Even in these cases, the act of violence is presented to the court through the eyes of the respective parent who usually represents the child in the proceedings. This makes the whole case very much dependent on the relations of the representing parent with the perpetrator.

In ¾ of the cases, the act of domestic violence is committed by a spouse or a partner and the victim is a woman.

The measures:

The Law provides that protection against domestic violence shall be implemented through one or more of the following measures:

1. placing the respondent under an obligation to refrain from committing domestic violence;
2. removing the respondent from the common dwelling-house for a period specified by the court;

3. prohibiting the respondent from being in the vicinity of the home, the place of work, and the places where the victim has his or her social contacts or recreation, on such terms and conditions and for such a period as specified by the court;

4. temporary relocating the residence of the children with the parent who is the victim or with the parent who has not committed the violent act at issue on such terms and conditions and for such a period as specified by the court, provided that this is not inconsistent with the best interests of the child;

These four measures are now practically applied by the courts. They are usually asked for by the applicants and applied by the courts two or three of them together and in most cases the first measure is applied together with one or more of the others. In very few cases is the first measure applied separately. The courts are very flexible when determining the terms and conditions for the execution of the measures so that they could cover the needs of the applicants for their best and most appropriate protection. Thus, for example, the third measure often states that the respondent is prohibited to get near to the applicant, not closer than 50 m to 500 m, except in the police department and in the courts when they have to participate in the same proceedings.

The first measure is imposed with no time limits. The next three measures could be imposed for a period from 1 month up to 1 year. In all the cases there is also a fine – from 200 BGN (€100) up to 1000 BGN, that is €500 or approximately 5 Bulgarian minimum salaries. The fine under the Law on Protection against Domestic Violence is defined by the court regardless of the property status of the perpetrator.

The Law provides two more measures which are still not being applied by the court mainly because the respective ministries are not ready with regard to their structures conditions. These measures are:

5. placing the respondent under the obligation to attend a specialized program; and

6. advising the victims to attend recovery programs.

The expectations are that these two last measures will be applied with the assistance of the NGOs. The National Action Plan is still not ready.

In fact, there is only one case (in Sofia) where the judge issued an *ex officio* judgment imposing on the respondent the fifth measure, namely “placing the respondent under the obligation to attend a specialized program”. Yet the judge did not specify where should the respondent attend this specialized program and for how long this attendance is supposed to last. This exceptional case just confirms the necessity of society to have this Law for Protection against Domestic Violence applied with all its measures and provisions. The Government has to issue supplementary regulations to make possible the enforcement of these two measures.

**Territorial scope:**

Once issued the measures are applicable on the whole territory of the country.

The measures are imposed by a competent district court – according to the Law this is the one nearest to the victim’s residence (current address) or the court before which there is a
pending litigation between the victim and the respondent – most often a divorce case, or custody case or a case on parental rights, etc. The experience shows however, that even when there is a pending case between the same parties and an application for a Protection Order is presented to the same court, the domestic violence case is heard separately and by another judge. Thus the courts tend to be more independent and impartial and not be influenced by the evidence from the other case. We can argue about the efficiency of this approach just to the respondent in some very few cases, but in the majority of the cases are not very fair to the victim because she/he is supposed to present evidence and prove the same facts and circumstances two times, before different judges and in different proceedings.

In the bigger cities where the district courts have specialized family departments they are also the ones who hear the cases of domestic violence. When there are parallel pending cases between the same parties (for example, a divorce and an application for a protection Order) they are always heard by different judges.

The procedure:

The Law provides a special urgent civil procedure in cases of domestic violence which is of the type of a court administration of civil relations. It is regulated by the special provisions in the Law on Protection against Domestic Violence. The main characteristic features of this procedure are that it is:

- very quick and easy, no difficult to access data or documents are needed in the beginning and a special obligatory assistance of the authorities is envisaged for the victims to have access to some further information; In order to facilitate the applicants one NGO made a sample of an application form and a Declaration to be filed under the Law. These samples were supposed to be offered by the police when they receive the signals or the complaints for domestic violence. In some places the police use these samples and this proves to be very helpful for the applicants, especially in coping with the initial procedure and the one month term.
- free of charge for the applicant;
- with a shifted burden of proof to the respondent;
- with a very broadened scope of the evidence admissible;
- effective because of the *ex officio* competence of the court and the immediate execution of the order for protection;

The procedure is unique in the Bulgarian legislation and especially applied only to the cases of domestic violence to cover the need for quick and efficient legal protection for the victim. However, this doubtless advantage of the Law turns out to be an obstacle for the implementation of this same Law within the general procedure of other pending cases between the same parties.

The Protection Orders are issued only by the court and are executed immediately. The police have important obligations on the control over the fulfillment of the Protection Orders.

The proceedings for issuing a protection order may be instituted:

- on application by the victim; In the vast majority of cases the victim or his/her parent as a legal representative of the child files the application.
- at the request of the Director of the Social Assistance Directorate (Department for Child Protection);
- in emergency cases – on the request of a sibling or a relative to the victim; Practically, we do not have such examples. The assessment of the emergency of the
situation is rather variant, and in such cases people would rather prefer to call the police than to seek for legal aid and not to file an application with the competent court.

- in emergency cases – the victim can file the application with the police authorities and ask for imposing emergency police measures and then this application is forwarded to the competent court together with the police file (or a copy of it). The aim is to authorize deliberately the police authorities to collect immediately the necessary evidence of the violence including the explanations of the respondent at the scene of the violence and forward them to the court where later such evidence and/or their collection will not be available. The difficulty arises from the fact that domestic violence is not criminalized so far and the police do not regard these acts as behavior which has to be investigated. They still consider that to notify the court and to forward the file (containing usually only the complaint of the victim) is quite enough. As a very sad result of this, some essential evidence which could be collected by the police immediately is soon lost forever and the legal defense of the applicant in court gets more complicated.

A lot more should be done to facilitate the access of the victims to the court particularly at the initial case of the proceedings. The applicants have a very short time to file the application with the court and usually this time is not enough to cope also with the procedure to apply for free legal aid when they cover the requirements for such free legal aid under the Law for Free Legal Aid in Bulgaria. In practice, many such applicants have received free legal aid from the NGOs or from experts in the police but many others didn’t have this chance and this is another serious challenge for future legislative changes in the Law.

The application or the request has to be submitted to the court not later than a month from the date of the last act of domestic violence. The applicant can also mention and prove such previous incidents when this would be important for the court to estimate the risk and to understand better the relations between the parties or the seriousness of the aggressor’s behavior towards the victim. There must also be attached a written declaration, signed by the applicant describing the domestic violence.

In practice most of the applications come to the courts directly from the survivors. They are usually very active in the proceedings; they appear personally before the court in most cases with a lawyer, whereas the respondents come with lawyers in approximately 50% of the cases. This sometimes makes the court more tolerant to the respondent as the judge explains to him all the procedural rights and possibilities that he or she has in this case.

The application or the request must be in writing and must contain personal data of the applicant and the respondent, but if the applicant cannot or is unwilling to disclose his/her address, he or she may identify an address for litigation purposes. This legal possibility is unique in the Bulgarian legislation and it is an attempt to provide the victim the security of not disclosing the place where he or she lives after the violence. No other piece of Bulgarian civil legislation provides this possibility. Yet when children are victims of domestic violence and/or when they have observed this violence, this legal provision could not be properly applied. There is a provision in the Law on Protection of the Child according to which the social services department has to present a social report, and this report must include data about where the children reside, who takes care of them, etc.

The court has to appoint the hearings of the case not later than a month from the date the application has been registered in the court. The courts usually observe this term strictly until
the first hearing. According to the law there is only one hearing of the case and the judgment has to be issued immediately. In most cases the hearings are delayed several times for various reasons. Finally, most judges select a new hearing date to read the judgment. In this way, the entire procedure before the first instance court takes several months.

In the judgment, the court can either issue a Protection Order or reject the application, or dismiss the case. Most of the judges in Sofia explain their reasons in writing and also orally to the parties. They also instruct the parties on their rights and obligations deriving from the Order for Protection and the respondent particularly on the responsibility he/ she bears in case of violating the order. This warning is also explicitly written in the Order of Protection.

It is also possible in practice that the applicant withdraws the application and the parties achieve an agreement, but there isn't a special procedure for that under the law. In the majority of cases when there is also a pending divorce case between the same parties, the applicant would withdraw the application for a Protection Order at a certain stage of the proceeding depending on the development of the divorce case. In other cases, there is a possibility to stop (not to preclude) the proceedings under a mutual agreement of the parties in order to take joint efforts to overcome their conflict. This is possible for a period of six months and before this period is over each party is entitled to ask the court to continue the hearings of the case if no solution of the problem is found and the problem persists.

**The Evidence:**

The Law is the first one in the Bulgarian civil legislation which shifts the burden of proof and contains such provisions that urge the respondent not to delay the case. Objectively, it is in his/her best interest to have a quickly completed case as well.

The Law substantially enlarges the scope of the evidence admissible under the Code of Civil Procedure. It also admits some written evidence like records, reports, and any other acts issued by the social services, medical doctors, as well as by psychologists who provided counseling to the victim, and documents issued by legal persons providing welfare services.

A special role is attributed to the NGOs working in the field of domestic violence. Those of them registered under the Law on Social Assistance can issue documents which will be presented before the court as evidence of the help provided to the victims after the domestic violence – usually psychological help, recovering programs, a shelter and healthcare.

The most common kind of domestic violence acts which are brought to the court are physical violence cases. They are comparatively easy to prove – in most cases with a medical certificate issued by a specialized doctor.

The cases of psychological violence are the most difficult to prove. The problem is with the very short one month period during which the victim has to bring the case to the court, and usually more than one month passes from the psychological abuse to the moment some serious psychological problems are felt by the applicant. Besides, the mental abuse causes such consequences which develop over time, and it takes a comparatively long period of time to define them from a medical point of view. The short terms and the urgent procedure of the Law on Protection against Domestic Violence can not range over such periods.

The Law gives the applicant the possibility to present a declaration on the facts and the circumstances under which the domestic violence occurred, and the court is authorized to
issue a protection order even if this is the only evidence in the whole case file and in case where no other evidence exists. The applicant is not liable under the Penal Code if what is written in this declaration is untrue and no note in this sense is required in the declaration. The truth is that we still do not have many such orders. The reasons for that are either that this special declaration does not contain very detailed information about the facts and the circumstances under which the domestic violence act was perpetrated, or the respondent has proved opposite to the statements of the applicant facts, or for some reasons the judge does not consider this declaration as sufficient evidence for the domestic violence committed.

Every doctor is obliged to issue a medical document certifying the physical harms and damages caused to the survivor, not just the personal GP or the specialized clinics, for judicial expertise. This provision aims to assist the victim when seeking medical aid from the nearest doctor or health institution after the violent act, and to be able to prove the acquired medical treatment before the court.

Children, when they are victims of the domestic violence or when they observed domestic violence which has led to the separation of the parents, are always heard by the court in the absence of their parents. This procedure varies a lot throughout the country. It is only in the Sofia District Court that a special room for children is equipped and the judge would meet them there in civil clothes and in an appropriate atmosphere. In a majority of the other cases, this process is not actually carried out in the most proper and professional way, and in some cases is more embarrassing to the children than helpful to the court.

The terms:

The whole procedure is prescribed by the law to be very short. The social need of its urgency was really very great.

The applicant should file the application or the request with the court not later than a month from the act of the domestic violence and this term cannot be prolonged for any reasons. He/she can however also note other important facts and circumstances which are relevant and which have happened more than a month back from the date the application is filed.

The application is brought to the judge on duty for the day immediately.

The case is heard not later than a month from the date of the application. Where necessary, a writ of summons is served with the assistance of the police.

The orders:

The applicant can ask for an order for protection, and in emergency cases, also for an order for immediate protection.

The latter is issued immediately by the court and a copy of it is sent to the two parties and to the police. The order for immediate protection is issued when the application or the request, or the written evidence attached to them present facts and evidence which reveal a direct and impending threat to the life and health of the survivor.

It is not necessary that the applicant deliberately asks for such an Order for Immediate Protection. The court has the competence to decide ex officio on whether the victim needs such a protection and if yes – which measure is most appropriate in the case. This order is issued ex parte and in camera.
This order is served to the parties and forwarded to the local police *ex officio*. The immediate protection order is valid until the judgment on the merits is issued. Therefore, the respondent is not interested in delaying the case. This order cannot be appealed. Practically, the Order for Immediate Protection is also the first document that the respondent receives from the state authorities. It is always served to him by the police and the police are usually much faster than the court couriers who serve the respondent a copy of the application and the written evidence attached to it.

The Order of Immediate Protection lasts until the final judgment of the court is issued. This could last from one month to several months. During this time, there is no special regulation in the Law to authorize the court to make changes in the Order for Immediate Protection either on request of the parties or *ex officio*. There are very many cases where the necessity of the immediate protection declines during the proceedings yet this Order for Immediate Protection exists for no more reason.

The judgment on the merits and the final order when issued may be appealed before the second instance court but the appeal does not stop the execution of the order. The second instance court's judgment is final. The second instance case should be heard within 14 days. In practice, this happens much later. According to the law the second instance court is supposed to hear the case in just one opened session. In practice, the hearing of the case is often delayed for at least another session.

The execution of the Order for Protection is observed and controlled by the police. They are authorized to ensure that the order is properly executed. In the event of failure to comply with the court order, the police authority having found such a failure shall arrest the offender and notify the prosecutor. The prosecutor is competent to examine whether the violation of the order is a crime and to begin the relevant investigation.

A serious shortcoming of the penal legislation is that the mere violation of the Order for Protection is not yet criminalized. This means that the offender of the court order shall bear the penal responsibility only in case where his violation of the order is an act which is also a crime by itself.

The implementation of the Law on Protection against Domestic Violence proved that many efforts need to be done for the specialized training of the judges, police, social workers, medical stuff, teachers and everybody who is involved in the procedures of the law. A series of seminars were carried out with the police and the judges but they were organized predominantly by NGOs. In practice, the Law functions very well in the regions where the NGOs can spread their activities. Yet, for very clear reasons, not all the professionals involved in the implementation of the Law were participants in these educational and training projects and the difference in the practical results is very visible. The approach with respect to the victim is a very important thing to be learned, as well as the risk assessment and the awareness of the seriousness of the phenomenon of domestic violence. The problem of domestic violence is already a public issue and no longer a private issue of the applicant. “Nothing could be done” and “You just divorce him” are no longer professional answers to the complaints of the survivors of domestic violence.

A clear distinction has to be made between the measures to protect victims from further aggression and harm, and the measures to deter and punish the committed acts of domestic violence. These two types of measures work together with great difficult, but they have to be applied in parallel, as the law provides. The aim of the law is actually either to restore the peace in the relations between the parties or to separate them so that the applicant could be
protected from new acts of violence. This requires two parallel approaches to each of the parties and adequate enforcement of the respective measures for them.

Efforts have to made to empower the victim and to ensure his/ her safety during the long lasting penal judicial proceedings where initiated. Special attention needs to be paid to educating and training the experts in their work with children and disabled people.

**Further steps for legislative changes**

A special provision criminalizing domestic violence should be introduced in the Penal code with higher sanctions compared to injuries with the same result, as well as a new crime – the violation of the protection order of the court, should be inserted, too. There is an often discussed provision in the Bulgarian Penal Code – Art. 161 which states that middle bodily injuries between spouses and close relatives are not investigated and prosecuted by the state authorities and could only be prosecuted through private complaints by the victim and only directly in the court. There is a legal provision that the prosecutor is authorized to step into these private penal proceedings but the legal criteria for this is very vague and in practice, this never happens.

In the field of broadening the competence of the police – a more detailed procedure should be provided empowering the police to take actions before the Order of Protection is issued by the court, particularly to separate the victim from the aggressor for a certain period of time. The competence of the police provided in the law should be specified and translated into clear and definite provisions in the law by the Ministry of the Interior.

The problem with weapon possessing perpetrators is still not solved by the law with efficient and satisfying measures. Some new measures for protection also need to be adopted like limiting the rights of the aggressor to own, carry and to use firearms.

A clear and speedy procedure for compensation of the victims of the domestic violence is also necessary to be adopted. It is hardly possible to incorporate such a mechanism in the now existing Law on Protection against Domestic Violence, but the necessity of such a legal mechanism is really great.

The state still fails to fulfill its obligations under the Law to create a system and a procedure for social support, rehabilitation and recreation for the victims. Even the existing measures in the law concerning the victim are not sufficiently specified and therefore, are not applied.

Special attention needs to be paid to the initial social assistance for the victims to help their integration in the society, including special incentives for employers and special programs for employment of the victims of the domestic violence. Shelters for the victims of domestic violence (and their children) have to be provided by the state and municipal authorities.

The state has to play a leading role in the future training of the professionals on the implementation of the law. The analysis of the good practice of the courts is also an important task for the future work on the implementation of the Law.
4. THIRD DAY - REPORT PARTNER MEETING

After a reflection of the open day conference, the meeting continued with a presentation about the Austrian legal provision to support victims of violent crimes in legal proceedings. As the presentations and discussions at the PROTECT meeting showed, empowerment and comprehensive support of women victims of gender-violence is key to the prevention of violence and the protection of victims, especially those at high risk of experiencing repeat violence.

4.1. The right of victims of violence to psycho-social and legal support in legal proceedings in Austria

Presentation and text by Birgitt Haller, Institute of Conflict Research Vienna.

In Austria, victims of violence are being offered support in legal proceedings in its current form since January 1st 2006. As early as the year 2000, the Ministry of Justice had started funding victims’ support organisations for this additional service but without being legally obliged. In earlier years, some organisations had already accompanied traumatized or very needy clients to court, but only in individual cases.

In 2006, the introduction of legislation guaranteeing victims of deliberate violence both psychosocial and legal support during the police investigation and the trial of the perpetrator was an important step. This legal claim was introduced as a result of the EU-wide trend to strengthen victims’ rights, and the right to support is now enshrined in the Austrian Criminal Procedure Law. The groups to be supported are clearly defined; persons who have become victims of deliberate violence or of a dangerous threat as well as persons whose sexual integrity has been violated. Furthermore, support has to be given to close relatives of persons who have been killed as a result of crime, and persons who have witnessed a crime against their relatives.

Support is provided by specific victims’ support organisations like intervention centres, child protection centres or counselling centres, which are contract partners of the Ministry of Justice and are financed by it. They offer psychosocial support, accompany victims to their hearings by the police and in court, inform them of court proceedings etc. Legal support – which means advice and representation in court – is given by lawyers who are called in by the victims’ rights organisations and who co-operate with them.

In 2000, the Ministry of Justice financed only four organisations for their support in legal proceedings, and only 52 victims were supported. In 2006, when the new regulation came into force, contracts with more than 44 organisations had been established and more than 2,200 victims were supported – and in 2009 this number increased to almost 3,000.

Groups of Victims

There are three groups of victims:
- children and juveniles who have become victims of sexual and/or physical violence
- women as victims of violent men
- victims of situational violence, specifically of violence that happened in public

The first support organisations that formulated guidelines and standards for their work were the ones working with children. They were followed by the women’s organisations, and the standards for the third group, which is supported mainly by the White Ring, were concluded in 2007.
The standards for the victims’ groups differ as they have to consider various needs. For example, children’s organisations defined dual support, which means the combination of psychosocial and legal support, as an essential standard for their work. In general, the women’s organisations follow the same standard but they concede to their clients to abandon either psychosocial or legal support. But the support standards in legal proceedings for victims of situational violence follow another definition, offering a priori “psychosocial and/or legal support”.

To give another example: As a standard for the support of children, two professionals in the psychosocial field are involved in the case, one being responsible for the child while the other one for the mother (or some other person who is very important for the child). For women's’ support, the involvement of a second person is not foreseen as a standard.

1. Evaluation of the support in legal proceedings in Austria

Our research project, which was completed in May 2007, focused on experience gathered in this type of support. The most important instruments were interviews with the various groups involved; not only victims and victims’ support organisations, but also lawyers, the police, judges and state prosecutors as well as youth welfare authorities.

The main result in a nutshell: The system of victim support has been successfully implemented within a short period of time and is in principle accepted by all professional groups concerned.

I will now present some main findings.

Perception of the support in legal proceedings

Psychosocial support is highly accepted by the police, judges and state prosecutors and youth welfare authorities. In their perception, psychosocial support encourages victims, gives them emotional strength, and supports them effectively. On the other hand, the importance of legal support has often been denied by judges and prosecutors. They argued that they themselves would take care of the protection of victims’ rights.

Clients of psychosocial support whom we interviewed confirmed its importance because it had helped them overcome stress and fears, and made them feel safe so that they finally felt strong enough to testify in court proceedings. It had been particularly important for them to learn about the situation at the court so that it would not be completely new for them when they had to testify, but also the bureaucratic support offered to them had been very useful. The clients’ most relevant contact persons had been the psychosocial professionals. It seems that the lawyers’ involvement appreciates in importance in the course of the trial when legal questions gain importance.

A crucial finding from the victims’ interviews was that the mere information about the possibility of victims’ support is not reason enough for them to contact a support organisation. But when victims filed a charge, (at least in 2007) the police just told them about the offer but did not explain what victims’ support meant in detail. Our victims’ interviews showed that most of them went to see a victims’ organisation only after a longer time period, either when their emotional condition had stabilised again, or when their fears turned out to be unbearable.

It depends strongly on the judges’ behaviour in trial if victims feel that they are taken seriously and accepted. For example, when a judge asks a victim why she did not defend herself against her perpetrator, some women feel that they are not treated as victims but as
suspects. The interviewees told us that they felt very much under pressure because of questions like this, and it is known that stress considerably aggravates the risk of being traumatised.

If these questions can be avoided and if the judge makes the witness feel that she is taken seriously, the interrogations are perceived as smooth. Furthermore it was important to the interviewees whether the judge intervened when the suspect or his criminal defence attacked her – they expected to be protected by the judge.

Some of our interviewees had been to court both with and without support. Their reports illustrate how big the differences are. On the one hand they had been empowered, on the other, intimidated.

**Need for improvement**

As I have already told you, victims’ support has been successfully implemented, but nevertheless it has to be improved further.

As victims’ support is guaranteed by law, it has to be equally available for all potential clients. But most organisations have been established in Vienna and the federal capitals. If necessary, victims who live far away are offered telephone sessions of psychosocial support, but of course this cannot be as intense as personal talks. So we demanded in our evaluation report that the Ministry of Justice finance regional offices of the well-established organisations they were already co-operating with. But meanwhile, as a consequence of the financial crisis, the government has to save money while more persons are informed about victims’ support, thereby increasing demand. Therefore, at the beginning of 2010, the Ministry decided to reduce the number of contract partners instead of extending it.

Not only are people living in the countryside neglected, but there are also differences as to accessibility for the various groups of victims. The best-informed group are victims of sexual violence – children, juveniles and adult women. Victims of domestic violence are also frequently supported victims. In these cases it is helpful that the police inform intervention centres and violence protection centres about cases of domestic violence, and these organisations contact the victims directly.

With regard to all other victims entitled to support, only a small number of them were supported in 2006/2007, and as far as I know there have not been any big changes. This group consists mostly of victims of situational violence.

There are also some groups with special needs. For example, it is necessary to offer migrants not only basic information in their mother tongue, but also counselling in foreign languages. This should not only be available for migrants, but for handicapped or mentally ill persons as well where specific support would be needed.

Victims are usually informed about victims’ support for the first time by the police when they file a charge. And there are big differences between the police officers’ reactions. It is not only important that the victim should know in detail what the support is useful for, it also plays a crucial role when and how this information is given. It should not be one item in a list, but there should be enough time to explain in comprehensible words what victims’ support is meant to be and why it can be helpful.

Victims’ organisations criticised that the police sent the victims to them very late (or even too late). Although support is guaranteed not only for the trial process but also for police investigations, questioning by the police often takes place without accompaniment. It seems
that this does not happen accidentally, but is sometimes intended. Several police officers we interviewed told us that, firstly, the testimony of non-accompanied victims was more authentic and, secondly, the chance of solving a crime diminished the later the witness was questioned. So it seems that effective prosecution takes precedence for them over respecting the needs and interests of victims.

This statement concerns not only police officers, but also judges and public prosecutors. In spite of the very positive results of our evaluation study as a whole, it became evident that both within the police and the criminal justice system awareness-raising for the situation and needs of victims of crime is necessary.

Finally, I want to mention the co-operation between the staff of the victims’ support organisations and the other institutions involved as a crucial pre-condition for the effectiveness of victims’ support. Not only co-operation on a case-level is needed, but also continuous networking. The “weakest” partners seem to be judges and public prosecutors although there are lots of initiatives both at the federal and at the national level like Round Tables that try to integrate them.

2. Conclusion
In conclusion, let me restate the most important problems:
In my opinion, one of the most striking needs is easy accessibility of support for everybody throughout Austria. Since institutions are concentrated in bigger towns, people living in rural areas are disadvantaged. Other disadvantaged groups are migrants (because of language barriers) as well as people who are mentally ill (because there are no specific institutions for them). Victims of sexual violence, both children and adults, and also a high number of victims of domestic violence enjoy the best support. Victims of other forms of crime are frequently unaware of their right to support.

Often, police, judges and especially public prosecutors have been criticised by victims and victims’ support organisations for their lack of insight into the situation of victims and for not treating them respectfully and sensitively. Apparently they do not see the importance of the support, hence awareness-raising measures are still needed.

And this leads me to my third point: Networking of all institutions involved is an essential pre-condition for effective victims’ support. Without a stronger will to co-operate with victims’ support organisations on the part of police, judges and prosecutors, victims’ protection cannot be guaranteed.

I want to conclude with a P.S.:
The 2nd Law against Domestic Violence, which came into force on 1st of June, 2009, extended psychosocial support to civil proceedings connected with the initial criminal proceedings. Originally, the extension of legal support was also planned, but because of budget reasons this could not be realised. (So victims can only get a lawyer for free, when their income is below a certain limit – this is guaranteed in all court cases when representation by a lawyer is obligatory, but cannot be afforded.) The idea of the extension was that civil proceedings as effects of criminal proceedings may also cause an emotional burden for a victim, and, secondly, that most civil proceedings are conducted in order to claim damages which are rarely determined in the criminal proceedings.
After the discussion of the presentation the meeting continued with presentations from partner and associate partner organisations from Bulgaria, Croatia, Czech Republic, Germany, Italy and Slovakia concerning the question of what support is available to women survivors of violence in the respective countries or region and what gaps there are in the support system. The presentations provide a mapping of the current situation in the respective countries and form the base for further discussion and research on standards of protection and support available to high risk victims (PROTECT activity C).

4.2. – 4.7. Panel presentations: What do women experiencing severe violence and high risk need and what protection is currently provided to them or is missing?

4.2. The situation concerning support of women victims of violence in Croatia

Summary of the presentation by Valentina Andrasek, Autonomous Women’s House Zagreb/Croatia.

Femicide rates

Responding to an inquiry by Valentina Andrasek, the Croatian Ministry of Interior provided the following information on femicide in Croatia for the period 1 January 2004 – 30 June 2009 (the data is presented as the Ministry presented it):

<table>
<thead>
<tr>
<th>Statistics on homicide Croatia</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murders-total</td>
<td>83</td>
<td>67</td>
<td>68</td>
<td>61</td>
<td>67</td>
<td>25</td>
</tr>
<tr>
<td>Attempted murders-total</td>
<td>151</td>
<td>161</td>
<td>nd</td>
<td>152</td>
<td>137</td>
<td>70</td>
</tr>
<tr>
<td>Murders among family members</td>
<td>31</td>
<td>20</td>
<td>27</td>
<td>24</td>
<td>20</td>
<td>17</td>
</tr>
<tr>
<td>Attempted murders among family members</td>
<td>40</td>
<td>42</td>
<td>nd</td>
<td>34</td>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td>Victims killed by husbands</td>
<td>12</td>
<td>9</td>
<td>6</td>
<td>9</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Victims killed by common-law husband</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Victims killed by ex-husband</td>
<td>7</td>
<td>14</td>
<td>9</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Husband tried to murder the wife</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common-law husband tried to murder the common-law wife</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ex-husband tried to murder ex-wife</td>
<td>1</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nd= no data made available</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remark: The ministry of Interior noted that the presented data include those murders and attempted murders that were considered by the police officers as murders committed by common-law husbands, although the final decision on the status of existence of common law marriage is being brought by the court in each individual case.

19 Population Croatia: 4.5 million
Legal framework for protection of victims in Croatia

The Law on protection from violence in the family came into force in 2003 and was amended in 2009 (Penal code article 215a, 2002). The rules of procedure in cases of family violence were regulated in 2005 and 2008. The law on the protection of from violence in the family creates a misdemeanor offence. It contains a definition of the act and a definition of the family. It provides protective measures and defines the punishment.

Protective measures
The law foresees the following protective measures:
• A mandatory psychosocial treatment for at least 6 month for the offender
• A restraining order from one month up to two years
• The restraining order can prohibit harassment over the phone or other communication devices (1 month to 2 years)
• An eviction order (1 month to 2 years)
• A mandatory substance abuse treatment (up to 1 year)
• The confiscation of object(s) used or meant to be used in the attack.

Sentencing
• Jail up to 90days or fine at least 1000 Kuna (app. € 150,-)
• Repeat offense: at least 5000 Kuna (app. € 750,-) or 15 days in jail
• Violence committed in the presence of a child: at least 7000 Kuna (app. € 1050,-) or 45 days
• Repeat offense against a child, at least 15000 Kuna (app. € 2250,-) or 60 days.

Penal code article 215a:
“One member of the family puts another member of the family into a humiliating position by means of force, abuse or particularly impertinent behavior.”
Sentence 6 month up to 5 years if the violence is repeated persistently, if a child is present and if there is grievous bodily harm.

Statistics on domestic violence

Police statistics 2007
1798 reported criminal acts of DV (§ 215a penal code)
612 reported perpetrators
1482 women and 92 children victims of DV
17848 requests for police intervention
17391 reported perpetrators (both sexes, all family relations)
7032 arrests

Victims 2007 (N=22158)
1515 female children
1425 male children
723 female minors (over 14)
524 male minors
12171 women (55%)
5800 men (26%)
Protective measures 2007
11099 requested
379 restraining orders implemented
102 orders that prohibit harassment
128 evictions

Police statistics 2008
1647 criminal acts reported (art 215a penal code)
564 perpetrators
1279 women victims
384 men victims
86 children

Misdemeanor 2008
16885 intervention calls
20566 perpetrators
5846 husbands
526 ex-husbands
1173 common-law husbands
1026 wives
133 ex-wives
375 common-law wives
4093 fathers
918 mothers
2650 sons
385 daughters
3262 other
6610 arrests

Victims (N=20566)
11248 women (55%)
5381 men (26%)
3937 minors (19%)
9833 requested protective measures
446 implemented

Courts 2007-2008
1340 criminal acts (sentenced)
1347 perpetrators: 1150 men, 65 women
Victims: 1170 women, 211 men, 1 child
223 prison sentences
7 fines
1067 suspended sentences

Relations 2008
In 2008, DV crime (Penal code) was committed in the following relationships:
67. 7% married partners
9. 3% common-law partners
17. 8% relatives
4. 7% ex-married partners
0. 5% ex common-law partners
Case studies

Case 1: A woman was attacked by her husband who tried to strangle her while she was holding an 8 month old baby. The perpetrator received a suspended sentence from the misdemeanor court. He sued the woman for the criminal act because she bit his finger in self-defense. She received a 4 month prison term.

Case 2: A women left the perpetrator with a 6 month old baby after being a victim of violence (when she left she was assisted by the police and an ambulance). The perpetrator was found guilty of DV. He sued her for leaving with their child. She was found guilty of DV because she left him and took the baby.

Case 3: The police filed a report against the perpetrator because he threatened to kill the woman several times. He was found guilty and received a fine of 1000kn. The woman was also found guilty because she once told him he was “senile”. Her sentence was a fine of 6000kn.

Case 4: Woman reported violence. Both were taken into custody and a report was filed against both. But the police also asked for a restraining order to protect the woman. In court, the judge told the woman if she called the police one more time, they would take away her children. In six months, there had been no decision on protective measures.

Assessment of high risk
- Risk assessment (RA) is not done systematically
- There are no reports about RA
- It does not exist as a separate concept
- All murder cases had prior recorded violence
- There is often a lack of trust in the women's story
- Weapons are taken seriously if illegal
- When perpetrators are criminals – especially high risk victims

Multi-agency cooperation
- Exists as a formal agreement between the police and the prosecutors in the criminal act case.
- A Committee for monitoring and improving protection from DV exists since 2009, but has never met.
- Other sporadic local multi-agency cooperation though common strategies exist (coordinated by the Autonomous Women’s House, funded by the Dutch MATRA program).

Recommendations for high risk victims
- Specific tools for risk assessment are needed
- Early serious sentencing would be important (as a deterrent)
- More women’s shelters places are needed because perpetrators don’t abide by restraining orders
- There should be no child contact (the risk for violence is high during a divorce)
- Convicted perpetrators should be monitored (for instance if they are contacting the victim from prison)
- It is important to look at the sum of violent experiences, not only at the current incident.
4.3. Protection of women at high risk of severe domestic violence in the Czech Republic
Presentation by Petra Svecová, ROSA Centre Prague.

A little information about the organization ROSA: ROSA centre for women victims of domestic violence was founded in 1993. It consists of a women's shelter (with a secret address) as well as a hotline and a counseling and information centre. ROSA also provides groups for children witnessing domestic violence. Other activities: training for different professionals, publications, lobbying and campaigns.

Domestic violence in the Czech Republic
In 2003 a survey was conducted by the Academy of Science of the Czech Republic. Some results: 38% of the women experienced some form of violence from their partners during their lifetime. Only 8% of the attacks were reported to the police.
A survey among clients of ROSA showed that in 90% of the cases, children were witnesses of domestic violence towards their mother.

Legislation in the Czech Republic
Since 2004 there is an article in the criminal code that addresses the abuse of a person living in the same residence as the offender (§ 215a Criminal Code).
Since 2007, Act No. 135/2006 for the Protection against Domestic Violence, inspired by Austrian Anti-Violence legislation has been in force.

Act No. 135/2006 for the Protection against Domestic Violence:
The Act provides the police with the right to evict the perpetrator from the home for 10 days or with the right to issue an order forbidding the perpetrator from contacting the endangered person or entering the home. The civil court can prolong the period to up to 1 year. Intervention Centers were established in all regions of the Czech Republic. The work of the centers should be based on multi-agency cooperation (IC police, departments of social-legal protection of children, other providers of social services).

Statistics on women victims of homicide in the Czech Republic
Total Number of Murders from 2006 – 2008

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murders - total</td>
<td>220</td>
<td>183</td>
<td>190</td>
</tr>
<tr>
<td>Murder of women</td>
<td>73</td>
<td>68</td>
<td>61</td>
</tr>
<tr>
<td>Murder of women in %</td>
<td>33.2%</td>
<td>37.2%</td>
<td>32.1%</td>
</tr>
</tbody>
</table>

Data according to Ministry of Interior.

The statistics distinguishes e.g. between murders where there was a sexual motive and those where there is a personal relationship of any kind, but not intimate partner violence.

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20 Population of the Czech Republic: app 10.5 million, capital Prague: 1. 29 million.
Statistics on women victims of abuse
Concerning the abuse of persons living in the same residence, the Ministry of Interior provides the following data on victims affected by this crime:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of victims</th>
<th>Number of female victims</th>
<th>Female victims in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>458</td>
<td>414</td>
<td>90.4%</td>
</tr>
<tr>
<td>2007</td>
<td>607</td>
<td>580</td>
<td>95.5%</td>
</tr>
<tr>
<td>2008</td>
<td>462</td>
<td>441</td>
<td>95.5%</td>
</tr>
</tbody>
</table>

Statistics on perpetrators evicted from the home
There are no statistics by the police regarding police evictions of perpetrators from the home. According to statistics by the Intervention centers from all regions, 778 people were evicted by the police from their homes. The statistics of the Intervention centers however do not provide information about the gender of the perpetrators or victims. According to the NGO Bílý kruh bezpečí, 679 were evicted in 2008 and 862 in 2007. In Prague, only 48 people were evicted in 2009.

Evaluation of risk of violence
The police used the SARA questionnaire (15 questions) to evaluate the violence and determine whether there is a reason to evict the perpetrator from the home. In cases of high risk the police can provide short term protection to victims such as providing the victim with a police safeguard or with a mobile phone connecting the victim to a police officer who should be at the victim’s disposal. However, these measures are hardly deployed.

Evaluation of high risk by NGOs
ROSA is using its own questionnaire asking the survivor about the history and the forms of violence, the history of criminal offences of the perpetrator, the use of weapons, threats and suicide threats, abuse of alcohol and drugs etc.). If a woman is identified as high risk she is informed about it and a shelter place is offered to her. If the woman does not want to go to a shelter, ROSA discusses all possibilities and safety planning with her.

Services provided to victims of domestic violence
In the Czech Republic only 3 specialized shelters for women victims of domestic violence exist. Furthermore, it’s not in all cases that the shelter address is really confidential; there is pressure from social departments to disclose the address. NGOs are providing counseling and support. There are 15 Intervention Centers in all regions.

Services - what is missing and what is needed
a) More specialized women’s shelters with a secret address would be needed, and they should be free of charge.
b) Better access of victims to counseling and support is necessary not only in larger cities. Only few services have a gender-perspective.
c) Intervention centers often do not have well trained staff.
d) There are no programs for perpetrators.
e) Legal services are not included into standards of social work, therefore no money is provided to NGOs for legal counseling.

Custody as a high risk for women victims of domestic violence
In custody proceedings, domestic violence is not seen as a problem (and not even as an obstacle to shared custody). The rights of perpetrators to be parents are promoted more
than the rights of children to safety and more than the victim’s rights to safety. Women are forced to hand the children over to the violent partner even if they are threatened to be killed. Judges and authorized experts are being sued by father pressure-groups.

4.4. Experience from a regional service – the Women’s counseling Centre Osnabruck, Germany, Lower Saxony

Presentation by Kornelia Krieger.

Information about the Intervention centre BISS

The Intervention centre is part of the Women’s Counseling Centre providing support to women victims of domestic violence after police interventions. The police notify the Intervention centre via fax about interventions and the staff of the Centre actively contact the victims and offers support (pro-active approach). In 2009 the Intervention centre received 361 reports by the police. In 71 of these cases police impose a ban. In Lower Saxony police can ban a perpetrator from a premise up to 14 days. The support is provided promptly and victims are informed about their rights. Safety planning is part of the support offered.

According to the German Protection Law against Violence Act, victims of domestic violence can apply a temporary restraining order as a rule for six month that the perpetrator has to leave the shared residence. In cases of severe violence victims get protection in a Women’s Shelter. The counseling only takes place, in case it is the will of the person concerned

Survivors mostly react very positively to the support offered. Sometimes they are suspicious in the beginning, but rarely do they reject the support offered.

Migrant women face specific problems: they are sometimes afraid of the police eviction against the perpetrators; they feel alone and isolated and often they have little trust in the authorities. Language barriers and lack of knowledge about the social system make it difficult for them to seek help.

Risk assessment

Risk assessment is carried out and based on information recorded by the police and information from the victim. Risk factors that are considered include: the type of violence, frequency and severity, weapons, drugs and alcohol abuse, death threats, the kind of controlling behavior, a past criminal record the behavior of the perpetrator after the crime and victim’s assessment of dangerousness.

There is no systematic identification of women at high risk. Risk assessment is carried out based on the staff experience, no instrument or questionnaire is used.

Experience in multi-agency cooperation:

The cooperation with the police is a very successful one; training of the police shows positive results. In Osnabrück there is a special group consisting of Prevention Team of the Police and staff of the Intervention Centre. They discuss serious cases, manage round tables organize public relations and prevention measures.

21 Population Osnabrück: app. 163.000 (2009)
There is also a positive development signified by the establishment of a special department for domestic violence cases in the prosecutors’ office. None of the involved agencies use instruments to systematically identify high-risk victims.

What is missing?
There is a lack of financial and personnel resources. Counseling in native languages would be important for the empowerment of migrant women. Pro-active work with perpetrators and perpetrators programs would be necessary. The identification of high risk victims should be improved and more effective multi-agency cooperation is needed. There should be more and more effective measures to stop the violent behavior.

4.5. Struggling To Get Out Alive - Italian Situation of Women Suffering Serious Gender Violence
Presentation by Angela Romanini, Casa delle Donne Bologna, with contributions from A. Pramstrahler, C. Karadole, S. Giari; C. Verucci and C. Pasientti.

Across Italy, the protection of victims is distributed in a non-homogeneous manner with flashy holes and inadequacies, but with significant recent evolutions (even if belated).

Only 4% of victims (according to Istat, 2007) have access to protection programmes in anti-violence centres. Moreover, women seeking help from agencies are very often re-traumatized through denial and minimizations of the violence, offering reconciliation with the partner, or blaming her.

In detail, these are the principal problems:

a. **Places in the shelters** are less than 10% of the European Standards. A round-the-clock admittance is rarely possible.

b. Social services and medical staff, as well as police staff and professionals like lawyers, psychologists, and so on, don’t receive **proper training** or regular curricular education on gender violence.

c. **Risk Assessment** is done in many anti-violence centres, like mine Casa delle Donne, and in some Police Stations. The model used is SARA (*Spousal Assault Risk Assessment*), which is the only one available in Italy. But women at high risk are not systematically identified, neither by Casa delle Donne nor by the Police. In Italy, tool kits for High Risk Assessment don't exist. I personally find the SARA model not so useful for high risk and quite complicated to apply. Besides, there aren't any methods of risk management, as multi-agency conferences or safety audits are not used by my service or the police. But I often use the results of SARA in my reports on behalf of the victims to the Court, social services, lawyers, etc., and I've found that it is much appreciated. It seems to give objectivity to the request of the protection orders, and the woman's needs for protection are better taken into account. The police in my city are very interested in risk evaluation and I think it would be possible to propose training and network meetings on the matter. Perhaps this also could be a good practice to involve the police to support women from the moment they have to leave home because of violence, or to execute a protection order banning the partner from the home.

d. There are no special measures for **social support** for victims of gender violence. An appropriate support as First Aid is available only in a few big cities like Turin, Venice, Bologna and a few others. Counselling and psychotherapy on trauma is available for
free only in some anti-violence centres, but they are few and aren't entitled to on-going economical resources by local governments, not to mention by the central one!

e. Laws. Protection Orders have been available since 2001, but there is still no National Action Plan against gender violence. Women’s anti-violence centres strongly asked the Italian Equal Opportunity Minister, Mara Carfagna, to provide it. Last year the Government enacted an anti-stalking law which provides freedom restrictions for the perpetrator, although these measures aren't strong enough for very dangerous perpetrators. However, very rarely do victims take legal action (between 4 and 9%, depending on the crime), and actual trials held are even less, so the impunity is almost ‘guaranteed’ to the perpetrators, and the report – even for serious crimes – doesn't provide victims with any protection. The legal possibility for a woman to hide her personal data to enable her escape from perpetrator would help, but this isn't available for victims of gender violence yet.

f. Sensitizations campaigns are still few, but are shyly come out on media.

Italy is very backward regarding the protection of women suffering from violence. Many things must be done to force the Italian Government to undertake serious measures to fight the phenomenon – especially stopping the obscuration of data and dangers about gender violence. Regular victimization and criminology researches must be carried on.

Some data on femicide
Regarding the data on femicide and attempted femicide there is a lack of institutional statistics and gender disaggregated data. Reliable data isn't available to supervise the phenomenon and promote serious prevention and intervention policies.
In his Annual Report on Crime in Italy, the Italian Home Secretary did not report gender analysis on homicides, attempted homicides or other gender related crimes.
Thus, the only researches available are carried on through the press agencies and so on. They inform us that the family is the principal context of homicide in Italy; about a third of the total. The number has slightly been decreasing in the last years (Eures-Ansa 2009):

```
<table>
<thead>
<tr>
<th>Year</th>
<th>Omicidi in famiglia</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td></td>
</tr>
</tbody>
</table>
```

“Family” homicides happen especially in the North of Italy (nearly 46 %), the most developed area of the country.
Almost all of the perpetrators are men, and women 70 % of victims:
But if we want to know about all the femicide incidences, we can only rely on several researches that my organization Casa delle Donne has been carrying on for several years, through press releases and other non-official sources (the results are underestimated about 30 %). In this case, on the contrary, the data are increasing:

<table>
<thead>
<tr>
<th>Femicide in Italy</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>101</td>
</tr>
<tr>
<td>2007</td>
<td>107</td>
</tr>
<tr>
<td>2008</td>
<td>112</td>
</tr>
<tr>
<td>2009</td>
<td>119</td>
</tr>
</tbody>
</table>

Children are murdered with their mother in 7 % of the cases. The partner (or ex) is the most responsible (63 %), other family members 20 % (data concerning 2009):

<table>
<thead>
<tr>
<th>Relationship victim-perpetrators</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner or ex partner</td>
<td>63%</td>
</tr>
<tr>
<td>Family members</td>
<td>20%</td>
</tr>
<tr>
<td>Acquaintance</td>
<td>4%</td>
</tr>
<tr>
<td>Client/pimp</td>
<td>3%</td>
</tr>
<tr>
<td>Unknown</td>
<td>2%</td>
</tr>
<tr>
<td>Not available</td>
<td>7%</td>
</tr>
</tbody>
</table>

We aren't able to know the number of the attempted femicides, because of the lack of official gender disaggregated data.

No serious research has been done on female genital mutilation. Victims are identified in hospitals when they give birth, but they aren't counted. Many girls are mutilated during a holiday in their country of provenance, or even secretly in Italy. The Italian law against feminine genital mutilation is very strict and forbids even a symbolic scratch – but it has never been enforced.
An Italian case history
In 2007, in a town near Bologna, the husband of a migrant woman who escaped with her daughters in the local anti-violence centre murdered her during the divorce hearing, shooting and injuring her lawyer, the daughters and other persons in the Court. No weapons control had been done at the Court admittance, and he could enter with a gun undisturbed, in spite of being known as a dangerous individual for the number of threats and assaults to his wife even after she escaped from him.

The lawyer and the anti-violence centre want to refer the case to the UN CEDAW Committee because the lack of protection in this case was so clear as to become emblematic.

In Italy these tragedies are taken very often with fatalism, as if they were unavoidable. This is really too much to bear if we think about the everyday victim's struggle to escape the end of a foretold story, in a really institutional conspiracy of silence.

The Italian feminist movement has recently prevailed the terms of feminicide and femicide, according to Latin American areas.

Feminicide means every physical or psychological violent practise, which attempt to the integrity, to the psycho-physic development, to the health, the freedom or the life of a woman, in order to destroy her identity, till her submission or her death, to make her behaviour responding to men's and society expectations (Marcela Lagarde, 2006; Barbara Spinelli, 2008).

Femicide (Diana Russel, 1992) is intended as all gender related homicides, that is the homicide of the woman properly because she is a woman, for misogynist or sexist reasons (hate against women, possession, sadism, because the men think to have the power and the rights on women), such as:

1. the so-called “crimes of passion” of the partner or ex
2. by a son (or other male member) against the mother or other female member of the family
3. by a rejected suitor
4. homicides of prostitutes by clients, pimps or trafficker
5. homicides of a woman during a rape
6. in war situation, etc.

We have to note that in Italy, until the 1980's, for "crimes of passion" or traditional culture related crime the word "honour crime" was used, which then fell into disuse since the abolition in 1981 of a penal code article which granted extenuating circumstances for these crimes – in substance allowing them.

4.6. What do women experiencing severe violence and high risk need and what protection is currently provided for them or is missing in Slovakia?  
Presentation by Dusana Karlov ska, FENESTRA, Slovakia.

Legal protection
In the Slovak system of law, there is no specific law or legal regulation on violence against women. Provisions related to violence against women are included in various legal regulations, such as the Penal Code, Code of Criminal Procedure, Civil Code, and Code of Civil Procedure.
Penal Code
In the course of 2002, several legislative changes aimed at elimination of violence against women were adopted. One of them brought about the "restraining order," ordering the violent person to stay at least 5 meters away from the injured party and preventing the violent person from staying in the vicinity of the injured party’s home (see the government report, paragraph 134) which the court could order as part of sentence or in the case of conditional discharge. Yet, it is clear from practice that this provision was hardly ever applied. The restraining orders’ shortcoming was that the injured party could not file for it herself. This provision was originally intended as a more efficient protection of women experiencing violence.

The relevant provisions are:
§155 Harm to a Person’s Health (Penal code)
§208 Abuse of close and dependent person (Penal code)
§360 Dangerous threats (Penal code)

“(1) A person who commits the crime of abuse of a close person or a dependent person thus causing them physical or psychological suffering especially by:
a) beating, kicking, punching, causing injuries and burns of various kind, humiliation and disdain, ongoing stalking, threatening, inducing fear or stress, violent isolation, emotional blackmail or other forms of behaviour threatening their physical or psychological health, or their safety,
b) unjustified deprivation of food, rest, or sleep, deprivation of essential personal care, clothing, hygiene, health care, shelter or education,
c) Forcing begging or activities demanding excessive physical or psychological strain with regards to their age or health, or an activity causing damage to their health,
d) Exposure to substances causing harm to their health, or
e) Unjustified restriction of access to the possessions they are entitled to use, shall be sentenced to imprisonment for three to eight years or punished by injunction against his/her activities.

The perpetrator shall be sentenced to imprisonment for seven to fifteen years, if he/she commits the crime in paragraph 1 and
a) causes a grievous harm to a person’s health or their death,
b) Out of a separate motive,
c) More dangerous way of conduct.

(2) The perpetrator shall be sentenced to imprisonment for fifteen to twenty-five years or life sentence if he/she commits the crime in paragraph 1, and thus causes grievous harm to the health of several persons or causes death of several persons.”

The police don’t have or use any tools for identification of violence and risk assessment. Practical experience shows that the police often tend to undermine the situation of women and severity of violence. The police don’t take into consideration repeated acts of violence. Violence against women is often not classified as a criminal offence, but is frequently treated as a minor offence even in cases when the violence is perpetrated against the woman repeatedly.

Expert witnesses in the field of psychology and psychiatry play a significant role in the course of criminal proceedings. Violent behaviour is defined under Section 208 of the Penal Code (Abuse of a close and dependent person) as such action which causes physical or
psychological suffering to the victim. Whether the victim has suffered physically or psychologically due to the perpetrator’s actions or not is assessed by an expert opinion in the field of psychology or psychiatry. A law enforcement body can appoint any registered court expert to provide the expert opinion. The law enforcement body does not examine (and there is no criteria for doing so) if the particular court expert specializes in the area of violence against women. It is practically impossible to object, in the course of criminal proceeding, that the court expert assigned to examine if the above circumstances have occurred is not competent as he/she does not specialize in the field of violence against women and does not pursue it in his/her work. In many cases, the findings of the expert conclude that the injured party does not show symptoms of a victim of psychological abuse. If this happens, the criminal proceeding is often terminated without further evidence.

Civil Code

Temporary Restrictive Order
The amended Civil Code, in effect from 1st January 2003, has introduced a provision enabling to restrict the right of the violent person to their home due to physical or psychological violence or threat of such violence. (See the government report, paragraph 138). The new amendment clearly states that in case of physical or psychological violence, it is not necessary to provide any housing compensation to the violent partner after a court ruling on abolishing the joint tenancy of a house/flat. However, the reality shows that the above mentioned provision of the Civil Code is usually applied only when issuing a temporary restrictive order restricting the right of the violent partner to his/her home.

Permanent expulsion of violent person from shared home
Another shortcoming of the courts’ practice is the fact that even though the above mentioned provision of the Civil Code does not state that its enforcement requires conviction of the perpetrator in the criminal proceedings, courts often terminate the civil proceeding in the matter of restricting the perpetrator’s right to their home justifying such decision by stating that the court ruling in the criminal proceeding against the perpetrator is necessary first. If the perpetrator is found not guilty by the court in the criminal proceeding against them, the civil court frequently dismisses the motion for depriving the violent partner of their right to the jointly owned apartment/house as unsubstantiated.

Police Forces Act
As of December 15th 2008, the competences of the police are extended under the new amendment to the Act on Police Forces. In the field of domestic violence, the amendment gives the police the right to expel the person perpetrating domestic violence from their home for 48 hours. The aim of this provision is to fight domestic violence more effectively and prevent further violence. The police have to file a report in such cases, provide information on support services and the possibility to obtain a temporary court order to the victim. In cases involving life or where health of children is in danger due to violence, the police also file a report with the social affairs and family offices.

This amendment was inspired by legislative changes in the Czech Republic. Intervention centres are not a part of this legislation and there aren’t any in Slovakia. Furthermore, the period of 48 hours is insufficient. After this amendment came to force, a discussion started whether enforcing such a provision is a violation of constitutional rights or not. Since the law has been in effect, we personally haven’t dealt with any case of violence in which the provision was applied. Statistical data on application of this provision in 2009 is not available.
Law enforcement agencies still tend to see only brutal physical assault as violence and trivialize other forms of violence. Other forms than physical violence are often not even considered violence. Even though the current legislation offers tools for victim protection, it fails to do so effectively in many cases of domestic violence due to, among other things, attitudes and views of law enforcement authorities on domestic violence, as well as a serious lack of comprehensive education and training of law enforcement professionals in the field of VAW. As a result, it can be assumed that violence against women is seriously underreported in Slovakia.

Support services

Another significant obstacle in protection of women in Slovakia is the almost complete absence of specific support services for women. There are no specific women’s shelters and no intervention centres. The existing specialized counselling services and crisis help lines are heavily overloaded. There are three regions in Slovakia where no counselling services are available at all. In 2006, there were 6 specialized counselling centres in Slovakia.

European Court of Human Rights – Kontrova vs. Slovakia

Ms Kontrova, who suffered years of abuse by her husband and whose two children were murdered by him, turned to the European Court of Human Rights claiming that the authorities had failed to protect the life of her children.

The history:
On 2 November 2002, Ms. Kontrova filed a criminal complaint against her husband with the Michalovce District Police Department (Obvodné oddelenie Policajného zboru). She accused him of having assaulted and beaten her with an electric cable the previous day. She also stated that there was a long history of physical and psychological abuse by her husband. On 26 November 2002 the police officer in charge decided that the above matter was to be dealt with under the Minor Offences Act and decided to take no further action (odloženie vecí).
During the night of 26 to 27 December 2002 a relative of Ms. Kontrova called the emergency service of the District Police Department to report that Ms. Kontrova’s husband had a shotgun and was threatening to kill himself and the children. Ms Kontrova herself made a similar phone call later that night. The police patrol found her in the village of Tušická Nová Ves. The husband had left the scene prior to their arrival. The policemen took her to her parents’ home and invited her to come to the police station the following morning so that a formal record of the incident could be drawn up.
In the morning of 27 December 2002 she went to the District Police Station, where she spoke to a police officer.
In the morning of 31 December 2002, Ms. Kontrova and her brother went to the Michalovce District Police Station, where she talked to another officer. She enquired about her criminal complaint of 2 November 2002 and also mentioned the incident of the night of 26 to 27 December 2002.
On 31 December 2002 between 11 a.m. and 11.15 a.m. the husband shot their two children and himself dead.
The European Court found:
1. A violation of Article 2 of the Convention: “1. Everyone's right to life shall be protected by law...”
2. The violation of Article 2 of the Convention alleged above constituted a violation of her right to respect for her private and family life under Article 8 of the Convention
3. The applicant further complained that it had been impossible for her to make a claim in respect of non-pecuniary damage. The Court found a violation of Article 13 in conjunction with Articles 2 and 8 of the Convention.

Damage, Costs and Expenses
The Court awarded Ms. Kontrova EUR 25,000 as non-pecuniary damage.
She had also claimed EUR 1,300 for the costs and expenses incurred before the Constitutional Court and EUR 3,000 for those incurred before the Court. The Court awarded these sums in full.

Summary by the author of the meeting report: This case shows that it is clearly the states obligation to protect victims of violence at high risk and to guarantee their right to life, health and freedom. Unfortunately states and their agencies do not fulfil their obligation in cases of domestic violence and victims pay the price by suffering harm or – as in this tragic case – by losing their lives. The case also shows that children are always affected by domestic violence and how lethally dangerous the situation can be for them. Thus it has to be recognized that children are also at high risk of suffering serious violence, especially if their mother tried to separate from the violent husband or partner.

4.7. Lobbying for change in Slovakia
Presentation by Katarina Farkašová, Aliancia žien Slovenska/Slovakia.

Lobbying for the improvement of legal protection for victims of domestic violence

Already in 2001, the Alliance of Women lobbied for the improvement of legislation in the area of domestic violence, referring to the Austrian law as a model, and was leading the work on the urgent important amendments. In 2002 the first legal changes came into force based on the criminal and civil procedure law, the Act on Minor Offences and the Act on Victims Damages. However, a change in the police force law to introduce an expulsion order could not be realised, due to missing of “political will” and misunderstanding the differences between “being expelled” and “losing own property”.

Six years later, the Alliance of Women prepared an amendment of the police force law which was adopted by the Slovak parliament on the 24th of October 2008 and came into force on the 15th of December the same year. The law foresees that the police can order a perpetrator of domestic violence to leave the common flat or house and not to enter it within 48 hours. The original text of the Alliance of Women demanding 15 days was changed by the Ministry of Interior and Ministry of Justice. After our further interventions and complains in 2009 the law was amended again and the duration of the police order changed to 48 working hours.

Plus the police order can be prolonged by a civil court protection order on request of the victim (for even longer – depending on each case) and the police have to inform the victim about this right, which often does not happen.

From 15 of December 2008 to 15 of June 2009 (six month) the police ordered an eviction of the perpetrator in 118 cases. One perpetrator brought in a complain against the police decision. In 29 cases victims applied for protective orders and 21 orders were granted.
Is there enough protection and what is missing in Slovakia?

- Despite the legal changes, abuse is still not taken seriously by the authorities in Slovakia. Misdemeanours are sentenced with a fine of €16, they are not recorded and not reported to any other agency or registry.
- Stalking is not a separate crime and only partly covered by article 216.
- The investigator requires the confrontation of the victim with the perpetrator in the legal proceeding.
- Children have to meet with the violent father (family law, custody).
- Expert witnesses are missing.
- Perpetrators with an alcohol problem (drunkards) are brought to a mental hospital and are quickly released. Unless the judge orders therapy, the perpetrator has to go to the treatment, but afterwards he comes home and nothing has changed.
- There is no detention centre for severe personality disorder perpetrators.
- There is no legislation and no programmes for perpetrators.
- No multi-agency co-operation and no connections of relevant institutions and no systems of records on one perpetrator within an institution.

Overview over the most important legal amendments as prepared in 2001:

1. Extension "close person"
   - The meaning of "close person" was expanded to former spouses and unmarried partners and all other members of the family.
   - The sentence was increased for certain violent acts (first degree murder/premeditated murder, killing, manslaughter, participating in a suicide, rape etc.).

2. Rewording of the criminal offence "maltreatment with a close and entrusted person."
   - The definition of domestic violence was broadened; physical as well as psychological violence is now covered.

3. Wording of the criminal offence "maltreatment with a close and entrusted person."
   - Any person who maltreats
     - A close person
     - A person in care or in charge
       - By causing physical suffering or distress by means of
         a) Beating, kicking, hitting, causing wounds and burnings by various kinds of acting, degrading treatment, forced isolation, emotional extortion or by any other manner of acting which threatens physical or mental health or restricts a security of a person,
         b) Ungrounded withholding of food, rest or sleep or withholding of inevitable personal care, clothing, hygiene, medical care, upbringing or education,
         c) Forcing to beg or to execute repeat activity requiring disproportionate physical or psychological burden in respect of the age health condition of the person or activity eligible to cause health damages,
         d) Exerting influence of deleterious substances over person, or
         e) Unreasonable restriction in approach to property which exercises right of its exclusive use. Sentence: imprisonment for three to eight years.

4. New kind of "protective order" by criminal court prohibits:
   - To approach the victim closer than 5 meters
   - The staying in the vicinity of the home of the victim.

5. The restriction of the victim’s testimony to revoke a criminal complaint. The victim’s testimony is not necessary any more for the criminal prosecution of the offender.
Discussion:
The eviction of the perpetrator from the home for a short period of time (i.e. 2 weeks as in Austria or 10 days as in the Czech Republic) is a preventive measure in an acute crises situation. The threshold for applying this measure should not be too high; otherwise the measure has little protective effect.

SARA (Spousal Assault Risk Assessment) was not developed to decide in an acute situation on the spot about the eviction of a perpetrator. It seems to be problematic, to use SARA for this purpose, since the consequence in the acute situation is that the victim stays in the home with the perpetrator.

5. Risk Assessment and Risk Management

Ute Rösemann and Rosa Logar, PROTECT researchers were presenting and facilitating a discussion on some preliminary information from the PROTECT literature review on Risk Assessment at the workshop.

What legal bases can we find regarding the protection of women victims at risk of suffering violence in international law? The Committee monitoring the United Nations Convention on the Elimination of all Forms of Discrimination (CEDAW) noticed that “States and their actors are obliged to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons” (CEDAW General Recommendations 19/1992). This obligation has also been confirmed in rulings recently, for instance in the two CEDAW decisions Gökce and Yilderim vs. Austria (CEDAW 2007 a, b) and the European Court of Human Rights cases Kontrova vs. Slovakia (European Court of Human Rights 2007) and Opuz vs. Turkey (European Court of Human Rights 2009). In three of these cases women were killed, in two cases by the husbands and in the Opuz case by the son-in-law. In the Kontrova case two children were killed by their father during the time when the mother separated from the violent husband (see also chapter 3.5 in this report). In all cases the Court and the Committee stated that the authorities ought to have known about the danger to the victims from previous violent acts committed by the perpetrators, but had disregarded the threats and thus failed to protect their lives.

This implies a growing concern and obligation for state actors to pay attention to risk factors and to act effectively in protecting victims. In the last ten to twenty years, several risk assessment instruments to assess the risk of partner violence against women have been developed mainly in the United States and Canada. In Europe risk assessment in intimate partner violence is still not a wide-spread method in every day practices of agencies dealing with partner violence. A well known method and one of the oldest and well tested instruments is the Danger Assessment Instrument (DA) by Jacquelyn Campbell (Campbell ET at 2009)22, which is designed to especially assess lethal danger, i.e., the danger to be killed or severely injured by the perpetrator.

22 The Danger assessment questionnaire and the corresponding calendar can be downloaded from the DA website:
http://www.dangerassessment.org/WebApplication1/
Campbell has identified the following factors as indicators for lethal risk for women in intimate partner violence.

- Threats to kill
- Violence and extreme jealousy
- Constant controlling behavior
- Alcohol or drug abuse
- Increase of violence in frequency and severity
- Forced her to have sex
- Tried to choke (strangle) her
- General violent behavior
- Access to /ownership of guns, threats with weapon(s)
- Threats to children, stepchildren in home
- Timing (separation).

The instrument probably most widely used by the police in European countries is the Spousal Assault Risk Assessment (SARA), developed by Heart and Kropp (2000). SARA is not designed to assess lethal danger, but the danger of recidivism. Women’s services often use the “Big 26”, consisting of 26 questions developed by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota. Some agencies, such as CAADA, one of the PROTECT partners, have developed, together with other agencies their own instrument, the Risk Identification Checklist Risk Assessment used in MARACs (www.caada.org.uk). All these instruments differ a little from each other, but they also bear great similarities. Risk assessment instruments will be described in more detail in the PROTECT literature review.

Contrary to research on recidivism of violence in general and risk assessment for sex offenders, risk assessment in intimate partner violence is a relatively young science and more research is needed. As stated, most instruments have been developed and tested in the United States and in Canada, and relatively little research has been carried out in Europe to validate these instruments in Europe (Grann/Wedin 2002; Baldry/Winkel 2008).

No risk assessment instrument is completely reliable in the sense that it can accurately predict violence, thus it is very important to be cautious in using them to integrate various sources of information as well as expert judgment, including victims assessment as expert judgment.

According to a meta-analysis of studies on risk assessment in intimate partner violence carried out by Hanson, Helmus and Bourgon (2007), the most common approaches to risk assessment in intimate partner violence are:

1) Victim ratings
2) Risk scales:
   - so called actuarial tools (evaluators mechanically combine the ratings on a structural list of risk factors into a total score)
   - structured professional judgment (evaluators also rate a structured list of risk factors, but the overall evaluation is left to professional judgment)
3) Risk scales designed for general or violent recidivism.

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23 Domestic Abuse Intervention Programs website: www.theduluthmodel.org
24 The checklist can be downloaded from the CAADA website for free and is available in different languages: www.caada.org.uk
Sometimes a mix of methods is applied. The DA for instance belongs to the structural professional judgment type based on interviews with the victim.

Hanson, Helmus and Bourgon analyzed studies that examined the ability of risk assessment to predict intimate partner violence by male offenders. Risk Assessment was defined as global assessment of the risk for recidivism (e.g. dangerousness, likelihood of recidivism) made with or without the aid of guidelines or actuarial tools. 18 studies were included in the analyses; 10 from the US, 6 from Canada and 2 from Sweden.

**Some implications for practice deriving from the meta-analyses:** According to the authors of the study, a victim’s assessment of risk has similar levels of predictive accuracy to the other approaches. Since victims assessments are credible and cost-effective they should be considered wherever possible. Another advice by the authors is that, before deciding which RA approach to use, the purpose of the assessment should be clear.

Risk assessment is not about collecting data or “testing” victims, it is about protecting victims from further violence. Thus it is not a goal in itself but an instrument that should contribute to more effective protection of victims and preventing perpetrators from re-offending. Thus risk assessment is only one step in reaching the goal of preventing further violence and protecting victims. It has to be followed by comprehensive and coordinated measures of risk management or safety management. (Instead of the term risk management we also use the term safety management describing approaches that are primarily victim-oriented).

The problem in protecting high risk victims is often not a lack of information about existing risk factors, but a lack of systematically gathering and assessing information. Thus agencies often “know more than they know” – they have a lot of information in their files but do not adequately pay attention to them it do not act according to the information. From the existing literature we can draw the conclusion that it does not seem to matter so much with which instrument we assess the level of danger, but that we do it systematically.

Risk Management, or Safety management, should be an integral part of every agency dealing with intimate partner violence against women. It should be a part of the management and take place on several levels:

- Comprehensive safety management with the victim to reduce risk and to protect her from re-victimization;
- Safety in the agency (i.e. safety measures in women’s shelters, safe interview rooms, policy of the agency to receive the victim safely etc.)
- Safety management for the staff of the agency.

Additionally, it is necessary that every agency engages in multi-agency risk assessment such as the MARACs or Multi-Agency Fora. Developing and improving the coordination of services and information-sharing through protocols, interdisciplinary training and coordinating risk assessments, practices and operations among all criminal justice personnel and victim services are some core goals of multi-agency work.

**Goals of risk management:**
The interventions taken must be effective in stopping the violent behaviour and in protecting victims, thus they have to be constantly evaluated according to their effects. The danger we can see now in many countries is that this does not happen. Even if the perpetrator is violent again, the response does not change but remains the same. For instance, if a victim gets a protection order by the court in Austria and the perpetrator violates the order, the victim has
to start a procedure so that eventually the perpetrator gets a fine. The perpetrator cannot be
arrested because the protection order is based on civil law and no arrest is foreseen. An
important measure would be to make the violation of a protection order a criminal offence, as
for instance recommended by the Council of Europe Task Force (Council of Europe 2008)
and as is already practice in Germany.

As cases of femicide reflect, barring and protection orders are not adequate measures to
prevent violence in high risk cases and to protect victims (CEDAW 2007 a, b). In such cases,
it is necessary to arrest the perpetrator. The CEDAW Committee has in the two Austrian
cases stated clearly that “the perpetrators’ rights cannot supersede women’s human rights to
life and to physical and mental integrity” (CEDAW 2007a, Para 12.1.5). Another solution may
be to apply other effective measures such as the electronic monitoring system of
perpetrators that has been implemented in Spain. The violation of police barring orders or
protection orders is an indicator for high risk.

Women’s shelters as safe place for women and their children have from their onset focussed
on the safety of survivors. Safety measures in shelters (such as video monitoring) and safety
planning for all victims belong to the quality standards developed by women’s shelter experts
(see for instance WAVE manual Away from Violence, chapter on safety and security
measures)25. Unfortunately, women’s shelters often lack the resources to install adequate
security measures which are especially important for high risk victims. The focus of women’s
shelters and other women’s services on safety shows that these services have always taken
the risk factors in intimate partner violence seriously. Thus, safety management is not a new
issue to women’s services. What is new is the approach to systematically identify risk in
every case in order to identify high risk victims and to offer special protection to them.
Unfortunately, again, a lack of resources makes it difficult to do that. If there aren’t enough
women’s shelters, for instance, a victim identified as high risk might not find a shelter to take
her in. This is just another example of how risk assessment has to be combined with
adequate interventions and provisions.

The use of risk assessment instruments can on the other hand have the effect that women’s
shelter expert opinions are taken more seriously, as Angela Romanini from the women’s
shelter in Bologna explains in this report.

Several critical aspects of risk assessment were discussed at the workshop, such as the
danger of not believing the victim but to use the risk assessment instrument to find out
whether “the victim is lying”. This is especially critical because research shows that women’s
perceptions of threat of re-assault are quite accurate (see Gondolf 2002; Hanson, Helmus
and Bourgon (2007), with the exception of femicide. In Campbell’s study, approximately half
of the victims did not accurately perceive the risk and did not think the perpetrator was
capable of killing them. Thus victims tend to underestimate rather than overestimate the risk.

Another risk of risk assessment is that the identification of high risk victims may lead to less
support for victims who are not identified as high risk, especially in times of financial crises.
This of course is very problematic. Adequate support has to be granted to all women victims
of partner violence and their children, and although high risk victims need extra protection,
this should never lead to less support for others.

Daphne project 2006 JLS/2006/DAP-1/279/WC 30-CE-0117538/00-20
6. PROTECT Meeting - Summary

The richness of contributions at this workshop makes it a difficult task to summarize the results and we will only highlight some of the insights we have won. A more systematic analysis will be provided in the final report.

Problems identified
The following problems can be identified regarding adequate protection and support for women and their children at high risk of experiencing severe forms of partner violence:

- **Lack of services**
  Several of the PROTECT partners were reporting, that there are not enough women’s shelters in their countries, in terms of quantity and quality. The minimum standard, formulated by the European Union is not met.

- **Children’s protection**
  Children as witnesses of domestic violence are still invisible in many countries. Children are coerced by court to see their fathers who abused their mothers severely and thus causing immense psychological damage with the children. The father’s right to see the child is weighing more than the child’s right to protection. Women who try to hide children from the violent husband are even more severely punished – by the courts!

- **Migrant women and protection from violence**
  A two track approach could be useful: Conceptually, rather than to single out certain forms of violence they should be (re)located in the frame of “domestic violence” or “partner violence”. Instead of only focussing on the differences; the similarities between the different forms of violence should also be studied; at the same time different forms of violence and how they change over time have to be observed. Practically, when it comes to protection and prevention, the specificity of the forms of violence has to be taken into account in order to be able to develop effective interventions.

- **Lack of data**
  The participants agreed that clear definitions and indicators, comparable over time and across countries, would be very important. Up to now those data are not available. Crime and criminal justice statistics could be considerably improved through a few changes, namely by classifying all violent crimes according to:
  - Gender of victim
  - Gender of perpetrator
  - Age of victim
  - Age of perpetrator
  - Kind of relationship between victims and perpetrator (clear, unequivocal categories) and
  - Providing for correlation of these categories.

- **Risks of risk assessment**
  If there are not enough women’s shelters, for instance, a victim identified as high risk might not find a shelter taking her in. This is just another example of how risk assessment has to be combined with adequate interventions and provisions. The identification of high risk victims might lead to less support for victims who are not identified as high risk, especially in times of financial crises.
The danger exists to not believe the victim but to use the risk assessment instrument to find out if “the victim is lying”. This is especially critical because research shows that women’s perceptions of threat of re-assault are quite accurate, with the exception of femicide.

**Good practice models identified**

1. The Spanish model of monitoring and evaluation measures to prevent gender-based violence and to generate and publish data serves as a good practice model in the EU. The initiative of the Spanish EU presidency to establish an European observatory on gender-based violence against women is to be supported and should be based on the experience of the Spanish observatory.

2. It is necessary that every agency engages in multi-agency risk assessment such as the MARACs or Multi-Agency Fora. Developing and improving the coordination of services and information-sharing through protocols, interdisciplinary training and coordinating risk assessments, practices and operations among all criminal justice personnel and victim services are some core goals of multi-agency work. Assessments, practices and operations among all criminal justice personnel and victim services are some core goals of multi-agency work.
REFERENCES


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Jansen, Henrica (2008): Issues to consider in collecting population-based data, in: Council of Europe/ Gender Equality, and Anti-Trafficking Division/Directorate General of Human Rights and Legal Affairs: Data Collection as a Prerequisite to effective Policies to combat violence against women, including domestic violence, Proceedings from the Regional Seminar organized as a part of the Council of Europe Campaign Stop Domestic Violence against Women on the 7th of July 2007 in Lisbon, p. 31-39


**ANNEX**

**EU-DAPHNE III Project PROTECT**  
1st Partner Group Meeting Vienna

**Programme**

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>09:00</td>
<td>Registration</td>
</tr>
<tr>
<td>09:30</td>
<td>Welcome, getting to know each other</td>
</tr>
</tbody>
</table>
| 10:00-11:00 | The DAPHNE project PROTECT  
Presentation by the WAVE co-ordinators, discussion |
| 10:00-11:00 | Coffee break |
| 11:30-13:00 | Discussion on data  
Data in EU countries on homicides, attempted homicides and other serious crimes against women, including crimes in the name of honour  
Presentation and discussion of preliminary results, identification of gaps in data collection, recommendations concerning data collection  
By Walter Dillinger (Associate partner, Viennese police) and Regina Webhofer (WAVE)  
In-puts by other partners and advisory board members |
| 11:30-13:00 | Lunch break |
| 14:00-17:30 | Continuation of the discussion concerning data  
Discussion on definitions of forms of gender-based crime, discussion on how to deal with concepts such as “honour crime” or “honour related crime” or “culture related crime” or “harmful traditional practices”  
In-puts by partners and advisory board members |
| 17:30 | End |
### Expert Group Meeting –
**“Good practice in preventing serious violence and protecting high risk victims”**

23rd of March 2010, Vienna, Austria

Federal Police in Vienna-Main Hall, Schottenring 7-9, 1010 Vienna

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>08:30</td>
<td>Registration</td>
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<tr>
<td>09:00</td>
<td><strong>Welcome by the organizers</strong></td>
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<tr>
<td></td>
<td>Rosa Logar and Ute Rösemann, WAVE (Women Against Violence Europe)</td>
</tr>
<tr>
<td>09:00-</td>
<td><strong>Opening of the Expert Group Meeting</strong></td>
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<tr>
<td>09:30</td>
<td>Wolfgang Bogensberger, Federal Ministry of Justice</td>
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<td></td>
<td>Gerhard Fürst, Chief of the Federal Police in Vienna</td>
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<td></td>
<td>Martina Ludwig-Faymann, Member of the City Council Vienna</td>
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<tr>
<td>09:45</td>
<td>Welcome address by Gabriele Heinisch-Hosek, Federal Minister for Women and Civil Service</td>
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<tr>
<td>09:45-</td>
<td><strong>Presentation of the DAPHNE project</strong></td>
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<tr>
<td>10:45</td>
<td>Data and statistics on homicide/femicide in Austria and Europe</td>
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<tr>
<td></td>
<td>Walter Dillinger, Viennese police and Regina Webhofer, WAVE</td>
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<tr>
<td></td>
<td>Police work and femicide – an example from Switzerland</td>
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<td></td>
<td>Daniela Gloor, Social Insight Zürich, Switzerland</td>
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<tr>
<td></td>
<td><strong>Discussion</strong> facilitated by Petra Smutny, Judge at the Higher Regional Court, Vienna</td>
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<tr>
<td>11:15</td>
<td><strong>Spanish laws and policies to prevent gender-based violence and to protect women</strong></td>
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<td></td>
<td>Miguel Lorente, Special Commission of the Government of Gender-based Violence/</td>
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<td></td>
<td>Ministry for Equality, Spain</td>
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<td></td>
<td><strong>Regional support for women victims of gender-based violence</strong></td>
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<td></td>
<td>Tomas Criado, Women’s Institute Madrid, Spain</td>
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<td></td>
<td>Andres Abad, Women’s Institute Murcia, Spain</td>
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<tr>
<td></td>
<td><strong>Discussion</strong> facilitated by Renate Egger, Psychotherapist and expert in the field</td>
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<tr>
<td></td>
<td>of domestic violence</td>
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<tr>
<td>12:15</td>
<td><strong>Lunch break (60 min)</strong></td>
</tr>
<tr>
<td>13:15</td>
<td><strong>British models of managing high-risk and protecting survivors</strong></td>
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<td></td>
<td>Amanda Robinson, Cardiff University, United Kingdom</td>
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<tr>
<td>13:45</td>
<td><strong>Identifying and dealing with high-risk perpetrators of partner violence</strong></td>
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<td>Marianne Hester, Bristol University, United Kingdom</td>
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<td></td>
<td>Carol Hagemann-White, University of Osnabrück, Germany</td>
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<tr>
<td>15:00</td>
<td><strong>Using technology to improve victim protection in high risk cases of intimate partner violence. Results from the Netherlands</strong></td>
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<td>Renée Römkins, Tilburg University, Netherlands</td>
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<tr>
<td>15:30</td>
<td><strong>The Bulgarian law on protection against domestic violence and its potential to address high risk victims</strong></td>
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<td>Albena Koycheva, Bulgaria Gender Research Foundation, Bulgaria</td>
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<tr>
<td>16:00</td>
<td><strong>Instruments and models of risk assessment and risk management</strong></td>
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<td></td>
<td>Rosa Logar and Ute Rösemann – WAVE</td>
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<tr>
<td>16:45</td>
<td><strong>Closing of the Expert Group Meeting</strong></td>
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</table>
Wednesday 24th of March 2010

09:00:09:30  The right of victims of violence to psycho-social and legal support in legal proceedings in Austria
Birgitt Haller, Institute for Conflict Research Vienna
Discussion

09:30-10:30  Panel: What do women experiencing severe violence and high risk need and what protection is currently provided to them or is missing
Albena Koycheva, Bulgaria Gender Research Foundation /Bulgaria
Valentina Andrasek, Autonomous Women’s House Zagreb/Croatia
Discussion facilitated by Branislava Marvanová Vargová, WAVE

Coffee break

11:00-12:30  Continuation: What do women experiencing severe violence and high risk need and what protection is currently provided to them or is missing?
Petra Svecová, ROSA Centre, Prague / Czech Republic
Kornelia Krieger, Women’s Counselling Centre Osnabrück/Germany
Angela Romanin, Casa delle donne Bologna/Italy
Dusana Karlovská, Women’s Association FENESTRA/ Slovakia
Katarina Farkosová, Aliancia Zien Slovenska / Slovakia
Discussion

Lunch break

13:30-14:30  Summary and discussion on risk assessment and management
All partners and advisory board members

Coffee break

15:00 -16:00  Summary of the results of the Expert and the Partner meeting
Planning of the further Partner/Expert Meetings

16:00  END

PROTECT is financed by the European Commission within the Daphne-Programme.

Co-financing by