



GOOD PRACTICES FOR POLICE INTERVENTION IN GENDER-BASED VIOLENCE



AJUNTAMENT DE VALÈNCIA



**GOOD PRACTICES FOR POLICE
INTERVENTION
IN GENDER-BASED VIOLENCE
HERA PROJECT**

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PRESENTATION

HERA Project

The Local Police of Valencia came up with the idea of this project, which is based on the experience of the GAMA group (Assistance Group to the Victims of Maltreatment), which has been addressing this serious scourge for more than eight years. The consortium of this project is composed by:

- ✓ **Local Police of Valencia** (Valencia, Spain). GAMA Group.
- ✓ West Yorkshire Police (Leeds, UK).
- ✓ Local Police of Brasov (Brasov, Romania).
- ✓ Municipality of Cesena (Cesena, Italy).
- ✓ The Ministry of Government of the Generalitat Valenciana (Valencia, Spain).
- ✓ Fundación Comunidad Valenciana – Región Europea (*Foundation of the Valencian Community – European Region*) (Valencia, Spain).
- ✓ National Association Rhodopa Planina (Smoylan, Bulgaria).
- ✓ Women’s Issues Information Centre (Vilnius, Lithuania).
- ✓ Foundation Social Services Agency (Riga, Latvia).

The following entities are also associated to this project:

- ✓ Ilustre Colegio de Abogados (*Illustrious Bar Association*) (Valencia, Spain).
- ✓ Asociación de Separadas y Divorciadas (*Association for Separated and Divorced Women*) (Valencia, Spain).
- ✓ Fundación Secretariado Gitano (*Gipsies’ Foundation*) (Valencia, Spain).
- ✓ Asociación ANNUR de Mujeres Musulmanas (*ANNUR Association of Muslim Women*) (Valencia, Spain).
- ✓ Fundación Reina Sofia de Estadística en Violencia de Género (*Queen Sofia Foundation on Gender-based Violence Statistics*) (Valencia, Spain).
- ✓ Asociación AVAD para la Formación en Defensa Personal (*AVAD Association for Self-defence Training*) (Valencia, Spain).
- ✓ Asociación Profesional de Criminólogos de la C.V. (*Professional Association of Criminologists of the Valencian Community*) (Valencia, Spain).

- ✓ Universidad de Valencia – Instituto de Ciencias Penales (*University of Valencia Institute of Criminal Science*) (Valencia, Spain).
- ✓ Ministry of Interior – Regional Headquarters (Smoylan, Bulgaria).
- ✓ Rodopski vesti newspaper (Smoylan, Bulgaria).
- ✓ Municipal Social Services (Brasov, Romania).
- ✓ Libra NGO (Ravenna, Italy).

This project stemmed from the desire to homogenise the police action protocols regarding gender-based violence in the European Union within three distinct areas, which, in our opinion, is extremely necessary in a society moving towards globalisation: prevention, intervention and victim's protection. We believe that the development of good practices is necessary in every sphere of police action, but even more in the case of this serious crime since it affects every aspect of the victim's life: personal, social and professional. We are certain that unifying the protocols and learning from the best police practices will result in a better assistance for victims of this kind. Many initiatives have been carried out in this respect, some of which have been very interesting, and this project will provide the essential common ground for their presentation, improvement and dissemination.

The project also seeks to standardise protocols and methods for the collection of empirical data, which will eventually allow for stricter studies on the issue at hand and more focused common solutions in the future, all of this under current or future applicable European regulations.¹

- Essential needs:

- 1- Addressing interdisciplinarity.
- 2- Victim empowerment and individualisation of cases.
- 3- Catalogue of good practices.

¹UN, 1985 “Declaration of Basic Principles of Justice for Victims of Crimes”/ Council of the European Union 2001 – Framework decision related to the standing of victims in criminal proceedings.

Project Objectives

General Objective: The project aims at providing gender-based violence victims with better assistance and expanding those improvements throughout Europe.

Main Objectives: These goals are incorporated into a secondary prevention line:

1. Improving police training and specialisation for providing assistance to this type of victims in particular.
2. Sharing the improvement processes regarding victim protection, which will result in a better assistance to victims, setting up a political, social and human framework for an integral recovery of the victim.
3. Making the victims play an active role in their recovery. Empowerment, preventing the victims from adapting to such a role, reintegration into society as full citizens and, above all, allowing them to regain the ability to make decisions their own decisions.

Scheduled Activities

- 1- Good practices assessment meetings held by the different partner countries and drawing of conclusions.
- 2- Sharing of good practices and their standardisation at a European/International Symposium about gender-based violence. At this stage, the agreed on good practices are to be written down and subject to endorsement by the participating experts.

After this Symposium the following activities will take place:

- 3- Training courses for local police officers: Prevention, Intervention and Protection. (Taking into account the approved catalogue of good practices.)

- 4- Adaptation of the standardised processes to each partner country.
- 5- Homogenisation of the statistical data. Preparation of data collection models about gender-based violence victims protected by the police, for protection and research purposes.²
- 6- Training for gender-based violence victims at different levels:
 - ✓ Personal protection.
 - ✓ Professional integration.
 - ✓ Psychological therapy.
7. Victimisation surveys.

All these are our ambitious objectives within the HERA project, which we expect to implement successfully so that, above all, we can enhance the quality of the police service rendered to the victims.

²The conclusions drawn by the Council of Europe of 8 March 2010 (Doc 6585/2010) about the eradication of violence against women in the European Union admit that, in spite of the progress in recent years, a thorough analysis about violence against women has not yet been carried out, either at a national level or in the EU. This restrains the understanding of the actual extent of this kind of violence and hinders the development of national strategies and activities, and of an effective response by the EU.

CATALOGUE OF GOOD PRACTICES

INTRODUCTION

In the 1995 IV World Conference, the United Nations acknowledged that violence against women prevents the equality, development and peace objectives from being achieved. Gender-based violence violates and impairs the exercise of human rights and fundamental freedoms.

On the basis of this statement, the catalogue intends to get to the root of the problem at hand and provide a comprehensive analysis thereof. Undoubtedly, this is a problem with significant social connotations that no country is exempted from. Evidently, our main purpose is to enhance police assistance to these victims, further empowering women and creating a system that prevents double and triple victimisations. However, in attempting at attaining these objectives, initial issues must be addressed, which, to a great extent, determine the police actions. The police are the institution aimed at preserving social peace. The measures taken by them will depend on the principles and priorities of each particular society, and they will always abide by the law and respect the rights recognised in the country where they perform their duties. All this makes us elaborate on some previous ideas which we believe should be the foundation for taking proper action on secondary prevention of gender-based violence at police level, based on the acknowledgement of gender-based violence as a violation of human rights and fundamental freedoms, as stated by the UN in 1995.

TERMINOLOGY

One of the main problems we encountered in the police sphere when we embarked upon this European project was to reach an understanding regarding the terminology used. Some countries do not differentiate gender-based violence from domestic violence; others do not even use the term “domestic violence” in their criminal classification. Instead, they use the same expression for all violent acts with certain characteristics.

From our point of view, this is a central issue for the police sphere, and for many others. Our professional actions are subject, above all, to the rule of law and, therefore, in order to try to unify our protocols, we need to call the same things in the same way. Although it may seem easy, it has been and it continues to be a real challenge.

Having a common terminology in place is of the utmost importance in order to catalogue the police actions as well as the consequences and the profile of the various players. All of the foregoing has led to countless possibilities in the scientific study of the collected data, a fundamental task we have already discussed and which is a pending issue according to one of the Conclusions of the Council of Europe of 8 March 2010 (Doc 6585/2010).

From our standpoint, there is sufficient and significant terminology available for trying to unify it at protocol and intervention level, provided that this does not go against the sovereignty of each State regarding punitive classifications. We undoubtedly need certain standardisation, starting by speaking the same language.

In this respect, we suggest the following definitions:

- 1- GENDER-BASED VIOLENCE: *“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”*³

³Declaration of the UN about the elimination of violence against women, adopted by the General Assembly of the United Nations in Resolution 48/104, of 20 December 1993.

- 2- GENDER-BASED VIOLENCE IN EMOTIONAL RELATIONSHIP:
“Violence that, as an expression of discrimination, inequality and the power relationships of men over women, is exerted on the latter by those who are or have been their spouse, or to whom they are or have been related by virtue of similar emotional relationships, even without cohabitation.”⁴
- 3- VIOLENCE IN THE FAMILY ENVIRONMENT OR DOMESTIC VIOLENCE: *“It would encompass the second definition and any other act of violence (physical, psychological, sexual, financial, emotional...) exerted within a relationship of kinship considered in broad terms (ascendants, descendants, siblings, spouses...) regardless of gender and sex.”*

This difference in terminology between gender-based violence and domestic violence is based on the fact that, in our opinion, gender-based violence is not different from the other forms of violence in terms of outcomes, but rather in terms of the reason why it is exerted. Violence is used to try to perpetuate a patriarchal system that has ruled over our societies for many centuries, based on the domination of one gender over the other – a sophisticated structure that prevents the eradication of current discrimination. Gender-based violence is a structural type of violence which arises from and develops within society itself and therefore, the solution to it must be in such society as well. Not all parties are pleased with this cultural change we are immersed in; for that reason, it is a controversial issue that is actively fought against by current democratic societies.

- 4- POSITIVE DISCRIMINATION: *“Measures aimed at a specific group to suppress and prevent discrimination and to countervail the disadvantages resulting from attitudes, behaviours and existing structures (also known as “positive action measures”).*
- 5- FEMINISM: *“Constantly evolving current of thought in favour of equal rights and opportunities for both genders. Equality is not intended to*

⁴Section 1 of Organic Law 1/04 of 28 December on integral protection measures against Spanish gender-based violence.

homogenise but to acknowledge the differences between women and men.”

- 6- MACHISMO: *“Belief that men hold a superior position over women, giving great importance to the values assumed by men in society by contrast to those attributed to women, who are considered inferior and at the males’ disposal.”*⁵

Good Practice (Terminology)

Unifying terminology used by the States. This is not an obstacle for guaranteeing the sovereignty of every State when defining the types of conduct punishable to a greater or lesser degree. This would give us a better understanding of the European reality regarding gender-based violence, everybody calling the same things in the same way. At present, it is difficult to conduct scientific studies precisely for this reason. We propose three differentiated concepts:

- Gender-based violence.
- Gender-based violence in emotional relationship.
- Violence in the family environment or domestic violence.

⁵Palabras para la Igualdad. Biblioteca básica vecinal. Mujeres vecinales. CAVE.

STATE POLICY

In terms of State policy, every partner country put forward its political initiatives and programmes against domestic violence and gender-based violence. The conclusion was that only Spain has specific legislation and processes to address gender-based violence. Many partners have protocols related to domestic violence. When discussing these issues, it is important to understand the common definitions agreed at the beginning of this manual.

Although the legal solutions regarding these issues may vary, every partner country recognises that violence against women is a major social problem, which affects every aspect of the victim's life, and that every Member State must seek measures to protect and train women in order to reduce gender-based violence incidence. The empowerment of women victims of this crime must be a reality, as well as the awareness of men, who must be not only part of the problem, but also of the solution.

The following figures from the United Kingdom clearly illustrate this situation: domestic violence or violence in the family environment represents 73% of all the violence suffered by women, whereas 80% of the violence suffered by men is exerted by strangers.

Nonetheless, in Spain, according to the latest barometer of the Sociological Research Centre (CIS, Spanish acronym) 2011⁶, violence against women is not a top priority among Spanish people, being behind unemployment (first place), or the ETA terrorism (fourth). However, in the last five years, ETA has killed 12 persons and gender-based violence more than 300 women. This is a good example of the gap between reality and perception. On the other hand, if we look at the survey about perception of gender-based violence carried out this year by the Ministry of Health, Social Policy and Equality,⁷ the following significant results are obtained:

⁶Source: <http://www.opinatica.com/files/archivos/cc1162bd-923a-4a5c-a00a-f9730c955fbf.pdf> (barometer of the CIS 2011).

⁷Source: <http://www.mspsi.gob.es/gabinetePrensa/notaPrensa/pdf/ENCUESTAVG> (complete results of the survey).

- More than half of Spanish people (53.7%) think that men who abuse women do so due to their addiction to alcohol or drugs.
- 72.5% of respondents believe that the aggressors have psychological problems and that is the reason for their violent acts.
- 18.9% of respondents state that most of the reports filed by women are based on false allegations.

As evidenced by these data, there is still a long way to go, and let us not forget that the women murder rate in Spain ranks among the lowest positions in Europe (below countries such as Austria and Germany).⁸

As professionals involved in this phenomenon, we know for certain that addictions are an additional risk factor for gender-based violence but not its leitmotif. In addition, there are few abusers who have actually been diagnosed a psychological or psychiatric disorder. This is a problem with very broad socio-cultural implications. We are faced with a decadent system that is resilient to change and is struggling for survival, a system that prevents and stifles the possibility of living in an egalitarian world.

In order to delve into the deeper causes of these violent behaviours of men towards women, we recommend the following:

Good Practice 1 (State Policy)

That States develop specific and comprehensive policies for combating gender-based violence, differentiating it from other forms of violence, since it is not different from others as for its harmful results but rather for the reason why it is exerted. Violence is used to try to perpetuate a patriarchal system that has ruled over our societies for many centuries and States should try to put an end to the inequalities arising from such a system. We believe specific policies should be implemented, focusing on and aimed at this specific form of violence.

Specifically, this study on good practices will address police actions regarding prevention, intervention and protection of gender-based violence victims in emotional relationship (woman suffering a physical or psychological aggression by a man who is her partner, former partner, spouse, former spouse, boyfriend or former boyfriend), in

⁸Source: <http://www.centroreinasofia.es/informes/11Informe.pdf> (full report).

accordance with the abovementioned concept. However, complex issues such as forced marriages, genital mutilation, among others, have been tackled, which are included in the broad concept of gender-based violence. However, it should be made clear that any gender equality and victim protection promoting strategy should consider these various forms of gender-based violence as well.

Therefore, the recommendations of this report are intended to achieve three objectives related to prevention, intervention and protection of victims. They also seek that the adopted measures are consistent with the national policy of each country to enable their potential implementation.

In all partner countries, the main mission of the State policies is the following: to satisfy the needs of women who are victims, although Spain is the only country that has specific policies on gender-based violence: Organic Law 1/04 of 28 December, on comprehensive protection measures against gender-based violence; and Organic Law 3/2007 of 22 March, on true equality between men and women.

The most relevant issues to be implemented in the State policies of each partner country are summarised below:

- **The Spanish Strategic Plan for Equal Opportunities (2008-2011)** includes the following objectives in relation to violence against women:
 - i. Raising awareness of gender-based violence.
 - ii. Strengthening measures for awareness and prevention of gender-based violence, and increasing social participation to address gender-based violence through a better understanding of its causes and consequences.
 - iii. Improving care for women victims of gender-based violence.
 - iv. Reinforcing police and judicial protection of gender-based violence victims.
 - v. Intensifying training and specialisation of professionals working in cases of gender-based violence.
 - vi. Promoting and consolidating the coordination procedures within and among institutions to ensure a more effective response in the fight against gender-based violence.

- vii. Tracing and evaluating the measures taken to address gender-based violence on an ongoing basis in order to determine the effectiveness of the response and its impact on the evolution of gender-based violence.

Spain has public institutions that play an active role in combating gender-based violence and coordinate State policies as follows:

The Special Government Delegation against Gender-based Violence was created by an Act of the Ministry of Labour and Social Affairs, the functions of which include policy-making, advice, assessment, institutional cooperation, preparation of reports and analysis, and proposals for action relating to gender-based violence. Currently, it is attached to the Ministry of Health, Social Policy and Equality.

The State Observatory on Violence against Women is a body attached to the Government Delegation against gender-based violence. Its main function is to serve as a centre for the analysis of the status and trends of violence against women, in order to advise and cooperate with the Delegation in preparing proposals and measures to eradicate such violence.

- **The National Plan of Latvia** (2008-2011) has three lines of action with respect to domestic violence.
 - i. Identification of domestic violence events in order to determine the prevalence of domestic violence in Latvia, ensuring that professionals have the necessary knowledge to tackle the problem and improving the enforcement of effective policies to reduce domestic violence incidence.
 - ii. Domestic violence prevention and public awareness of the problem, especially how to avoid domestic violence crimes and how to report them once committed.
 - iii. Cooperation and coordination among agencies providing assistance to victims in order to give a unique response when supporting both the victims and the offenders.

- **The National Strategy of Lithuania** for 2010-2012 has a programme for reducing violence against women that focuses on:
 - i. The improvement of the legislation to address violence against women.
 - ii. The analysis of the situation in the field of domestic violence against women.
 - iii. The effective prevention of domestic violence against women.
 - iv. The delivery of a complex set of measures to assist victims of domestic violence.
 - v. The penalties for aggressors.
 - vi. The strengthening of the institutional capacity.

- **The Italian National Plan against Gender-based Violence and Harassment** ratified in February 2011 requires the following:
 - i. The effective dissemination of information on gender-based violence and public awareness.
 - ii. A national network against violence formed by centres, public and private bodies and local organisations to assist victims.
 - iii. Building knowledge on gender-based violence among workers involved in this issue, and disseminating a culture of respect for the rights of individuals and gender differences. A structured set of data and information for monitoring and analysis.
 - iv. Strengthening of the methods to assist and support women victims of gender-based violence.
 - v. Improving victim protection through law enforcement.

All of the foregoing in order to:

- Prevent violence and raise awareness.
 - Improve the structure of anti-violence, support and protection for victims' centres.
 - Train staff.
 - Implement welfare measures to support victims of gender-based violence.
- **The Romanian National Domestic Violence Programme** identifies domestic violence as a key area in State activities and the following lines of action coordinated at national level:
- i. Enhancing the legislative procedures to prevent and fight against gender-based violence.
 - ii. Dealing with local and central authorities to develop and implement programmes and social services for victims.
 - iii. Improving the work of the consortium.
 - iv. Participating in international initiatives.
- In March 2011, the **UK** government published a proposal to **Eliminate Violence against Women**. This strategy document focuses on four topics:
- i. Preventing violence against women, challenging the attitudes and behaviours that promote it and early intervention, where possible, in order to avoid it.
 - ii. Providing adequate levels of support in cases of violence.
 - iii. Working together to obtain the best outcome for the victims and their families.
 - iv. Taking measures to reduce the risk for women and girls who are victims of these crimes and ensuring that aggressors are brought to justice.

This document contains 88 measures that the Government will implement by 2013 through these four chapters. Said chapters include awareness –especially among adolescents–, legislative changes such as the introduction of police powers to remove the aggressor from home, increasing the number of Independent Domestic Violence Advocates and training NGOs for establishing local initiatives and services to raise awareness and address problems in the case of forced marriage.

Several government departments bear the responsibility of putting into practice these plans; for example, the Spanish Ministry of Health and Social Policy, the UK Home Office, the Romanian Ministry of Labour, Family and Social Protection, the Latvian Ministry of Welfare, the Italian Ministry for Equal Opportunities, and the Lithuanian Ministry of Labour and Social Affairs. Regardless of the lead agency, each partner recognises the need for a strategic direction, coordinated at national level, to guide and inform the implementation of local initiatives to reduce gender-based violence.

Good Practice 2 (State Policy)

The policies carried out against this serious scourge affecting all countries without exception should be coordinated by a specified public body. Such body should act in consultation with local institutions in order to further initiatives in favour of equal opportunities and social awareness regarding this universal problem.

From the point of view of State policies, each partner reports a number of agencies involved in fighting against gender-based violence. Each partner organises this service in a different way. Latvia, for example, reports that NGOs have a leading role in delivering services, while Romania reports that a number of NGOs render services in the field of gender-based violence, such as counselling, medical care or shelters in some areas.

The UK also has a strong NGO sector providing, for example, shelters for victims. These agencies often receive public funding. Spain suggests a combined method in which a public system, supported by public budgets and enforced by public officials, is capable of assuring protection to victims (Social Services), all of this, naturally, without

disregarding the NGOs, which should have an active participation, partly subsidised by the State itself.

Good Practice 3 (State Policy)

The following are considered good practices in terms of State policies:

- 1- Gender-based violence social awareness policies.
- 2- Equality policies.
- 3- Mandatory specialisation of the professionals working with this scourge (including police officers).
- 4- Improved comprehensive support and protection for the victims.
- 5- Coordination within and among institutions.

We believe that equality and its achievement must become a priority in the political agenda, and should appear across all initiatives.

In implementing equality policies, certain education related aspects must be highlighted: We must not assume that the existence of a mixed school implies coeducation, understood as an instrument to encourage the creation of egalitarian spaces in schools that may help improve the relationship between genders.

Education on equality is important to build a fairer and more balanced society, fostering co-educational practices that may contribute to the eradication of stereotypes and discrimination on the grounds of gender, thus preventing its consequences. Avoiding sexism in schools is not enough. Schools must also be able to counteract the influence exerted by the rest of society in order to eliminate a relationship model based on domination and submission, which tends to reproduce itself from one generation to the other.

Education on equality pursues the following objectives:

- i. The eradication of abuse and the use of force as a relationship model.
- ii. The prevention of risk situations.
- iii. The fostering of cohabitation based on peace.

Good Practice 4 (State Policy)

Including, improving and expanding the study of equality subjects in primary and secondary education.

Specific gender-based violence prevention should also be extended to teenagers. The risk of exercising and suffering from gender-based violence can be reduced by educating youths about it. In the case of boys, education contributes against its justification and practice. In the case of girls, the work performed shows that they become less likely to become victims.

In order to extend gender-based violence prevention throughout society, it must be included in all comprehensive educational, social and cultural plans developed by the Public Administrations.

It is not enough to work on this problem on a specific date. The prevention and rejection of gender-based violence must be present in the citizens' daily life, particularly in classrooms and within families.

Prevention should be encouraged to be effective in the long term and under critical situations. To that effect, a comprehensive perspective of respect for human rights must be provided, and we must insist on rejecting all forms of violence, particularly, gender-based violence.

Good Practice 5 (State Policy)

Mainstreaming the prevention and rejection of gender-based violence into all spheres of ordinary life that could affect citizens.

A proper use of the mass media should be encouraged, due to their great ability to deliver the message, providing them with a guide of “good practices” regarding the way in which the information they convey on gender-based violence events should be treated and handled.

Good Practice 6 (State Policy)

Public institutions should promote visual literacy reinforcing the values of equality and respect to be transmitted to children and youths in the classroom. For this purpose, the mass media should observe a code of ethics and failing to do so should result, at least, in civil liability consequences.

As a preventive and educational measure, schools and institutions should have instruments and resources in place to provide those who have experienced gender-based violence during childhood and teenage, either directly or indirectly, with effective and specialised help, in order to stop such violence and to mitigate its potential consequences.

Good Practice 7 (State Policy)

Providing specialised and immediate care in schools to those who are suffering or have suffered from gender-based violence.

LEGAL FRAMEWORK

Partners reported extensively on legal measures to address gender-based violence.

Spain

Spanish law has a peculiar characteristic which none of the other partner countries has: It has specific legal provisions for gender-based violence and, in particular, for gender-based violence in emotional relationship (according to the terminology defined earlier in this report).

It has a comprehensive law that addresses the issue of violence from an interdisciplinary perspective, setting punitive changes (aggravating gender-based violence crimes), as well as social and work protection measures, health and advertising measures, and a series of rights for victims (Organic Law 1/04 of 28 December on comprehensive protection measures against gender-based violence).

The recitals of this law are very illustrative. These are some quotes therefrom:

“Gender-based violence is not a problem affecting the private sector. On the contrary, it appears as the most brutal symbol of inequality in our society. It is a form of violence against women for the sole reason of being a woman and because their aggressors consider they lack the minimum rights of freedom, respect and decision making...”

“...Public authorities cannot ignore gender-based violence, which is one of the most blatant attacks to fundamental rights such as freedom, equality, life, safety and non-discrimination enshrined in our Constitution. Those authorities have, in accordance with Article 9.2 of the Constitution, the obligation to take positive action to make such rights real and effective, removing obstacles that prevent or hinder their fulfilment...”

“...Under the Law, gender-based violence is approached in a comprehensive and multidisciplinary fashion, starting with the process of socialisation and education. The conquest of equality and respect for human dignity and personal freedom must be a priority at all levels of socialisation. The Law establishes awareness and intervention measures in the educational sphere. With specific reference to the field of advertising, an image that respects women’s equality and dignity is underlined. Victims are supported through the recognition of rights such as information, free legal counselling, and other social protection and economic support rights...”

“...The situations of violence against women also affect children who are within their family environment and are direct or indirect victims of such violence. The Law also provides safeguards for them, not only for the protection of the rights of minors, but also to effectively ensure the protection measures adopted with respect to women...”

In recent years, legislative progress has been made in the fight against gender-based violence under Spanish law; namely, Organic Law 11/2003 of 29 September, on Specific Measures relating to the Safety of Citizens, Domestic Violence and Social Integration of Foreigners (which introduced genital mutilation to the Criminal Code); Organic Law 15/2003 of 25 November, amending Organic Law 10/1995 of 23 November, under the Criminal Code; Law 27/2003 of 31 July, regulating the Protective Order of Victims of Domestic Violence; in addition to laws passed by various Autonomous Communities within their jurisdiction. All of them have had an impact on the various civil, criminal, social or educational spheres through their respective regulations.

Comprehensive Law 1/04 sets forth a number of measures to guarantee women’s rights:

- i. Women victims of gender-based violence are entitled to care, support and shelter, as well as integrated recovery services. These services rendered by the Autonomous Communities and local entities should fulfil the following principles: 24-hour assistance, urgent action and specialised surveillance by professionals.
- ii. Multidisciplinary care in every field involves:
 - a) Informing the victims.

- b) Psychological assistance.
- c) Social assistance.
- d) Tracking women's rights.
- e) Educational support to the family unit.
- f) Preventive training about equality values.
- g) Job search and placement support.

Legal Counselling: Victims are also entitled to free legal assistance to ensure that those with insufficient financial means can hire an attorney for the violence proceedings.

Advertising: Women's dignity must be respected and the use of women's discriminatory images is forbidden.

Special provisions on medical care for victims of gender-based violence.
(Medical protocols and priority care.)

Creation of specific courts to prosecute cases on gender-based violence: As established in Organic Law 1/04 on comprehensive protection measures against gender-based violence.

These courts shall have jurisdiction in criminal matters on:

- 1- Pre-trial proceedings to sue for criminal liability regarding crimes under the Criminal Code titles relating to:
 - Homicide
 - Abortion
 - Injuries and injury to the foetus
 - Crimes against freedom
 - Crimes against moral integrity
 - Crimes against sexual freedom and indemnity

- Any other crime involving violence or intimidation, **provided that the victim**:

- Is or has been the wife of the alleged criminal.
- Is a woman who is or has been tied to the offender by a similar emotional relationship, even without cohabitation.

Or the victim is:

- A descendant, of his own or of the wife's or cohabitant's.
- A minor or legally incompetent person living together with him or who is subject to the authority, guardianship, foster care or actual custody of the offender himself or of his spouse or cohabitant.

In these two cases, when there is **also** an act of gender-based violence.

- 2- Pre-trial proceedings to sue for criminal liability for any offence against family rights and duties, if the victim is included in the abovementioned list.
- 3- The adoption of the appropriate protective orders, notwithstanding the jurisdiction of the duty judge.
- 4- The knowledge and judgment of the **offences** included in Titles I and II, Book III of the Criminal Code, when the victim is one of the abovementioned individuals.

In civil matters:

They shall have **exclusive** jurisdiction in civil matters when the following requirements are simultaneously met:

- It is a civil proceeding the claim of which is included in **Section 87 ter 2. of the Organic Law of the Judiciary (LOPJ, Spanish acronym)** (namely: proceedings of nullity of marriage, separation and absolute divorce, parent-child relationships, adoption of measures with family implications, custody of minor children, alimony claims, adoption, child protection, etc.).
- Any of the parties to the civil proceeding is a victim of the gender-based violence acts mentioned in the criminal section.
- Any of the parties to the civil proceeding is accused as principal, inducer or accessory to the crime in the perpetration of gender-based violence acts.
- A criminal proceeding for a crime or offence has been initiated before the Court of Violence against Women, as a result of a violent act against a woman, or a protective order for a gender-based violence victim has been adopted.

If the judge deems that the acts brought to his attention do not constitute a notorious expression of gender-based violence, he may dismiss the claim, referring it to the competent court. Conversely, if a First Instance Judge or Examining Magistrate notes that the Courts for Violence against Women have jurisdiction over the case, he must forthwith submit the proceedings to the latter.

Creation of Specialised Police Units:

Section 31 of the comprehensive law provides for the creation of police units to protect victims, literally:

“Section 31. Security Corps and Forces.

1. *The Government shall establish, in the State Security Corps and Forces, units specialised in the prevention of gender-based violence and in the control of the performance of the judicial actions taken.*

2. *The Government, in order to make victims' protection more effective, shall promote the necessary actions so that the Local Police, as part of their collaboration with the State Security Corps and Forces, cooperate in ensuring compliance with the measures agreed by the courts.*⁹

Specific criminal types, with criminal aggravations based on social criticism that the perpetration of acts of domestic violence implies:

Section 153 of the Criminal Code, as amended by Law 1/04, reads as follows:

“1. Anyone who by any means or proceeding may cause another person any mental impairment or injury not defined as a crime under this Code, or beats or abuses someone without causing injury, when the victim is or has been his wife, or a woman who is or has been tied to him by a similar emotional relationship even without cohabitation, or a particularly vulnerable person living together with the offender, shall be punished with imprisonment from six months to one year, or with community service from thirty-one to eighty days and, in any case, he shall be deprived of the right to possess and carry weapons from one year and one day to three years. Furthermore, when the Judge or Court may it deem appropriate to the best interest of the minor or incompetent person, the offender shall be disqualified for the exercise of parental custody, guardianship, or foster care for up to five years.

2. If the victim of the crime specified in the preceding paragraph is any of the persons referred to in Section 173.2, except those persons included in the preceding paragraph of this section, the offender shall be punished with imprisonment from three months to one year, or with community service from thirty-one to eighty days and, in any case, he shall be deprived of the right to possess and carry weapons from one year and one day to three years. Furthermore, when the Judge or Court may it deem appropriate to the best interest of the minor or incompetent person, the offender shall be disqualified for the exercise of parental custody, guardianship, or foster care from six months to three years.

⁹The GAMA group (Assistance Group against Ill-treatment) of the Local Police of Valencia works within the framework of this section and is actively involved in protecting victims of domestic and gender-based violence in coordination with the State Security Corps and Forces concurrent in the same geographical area, sharing a common database on victims and their risk levels.

3. *The penalties provided for in paragraphs 1 and 2 shall be imposed in their upper half when the crime is committed in the presence of minors, or using weapons, or takes place in the shared home or the victim's home, or is committed breaching any of the penalties stipulated in Section 48 of this Code or an injunction or security measure of the same nature.*

4. *Notwithstanding the paragraphs above, the Judge or Court, reasoning about it in the ruling, and taking into account the personal circumstances of the offender and the ones existing at the moment of the act, may impose the lesser penalty."*

CONCLUSIONS:

Victims defined in Section 173.2 of the Criminal Code and the penalty to be imposed are not modified, but this crime is further aggravated if the victim is:

- A woman who is or has been his wife, or who is or has been tied to the offender by a similar emotional relationship, even without cohabitation.
- A particularly vulnerable person living together with the offender.

Specifically, the penalty shall be:

- From 6 months to 1 year in prison (unlike the ones for other victims included in Section 173.2 of the Criminal Code that shall be from 3 months to 1 year).
- The duration of community service and of the deprivation of the right to possess and carry weapons does not vary (31 to 80 days, and 1 to 3 years respectively).
- The disqualification for the exercise of parental custody, guardianship or foster care increases up to 5 years (with respect to the other victims it remains between 6 months to 3 years). Always taking into account the best interests of the child.

The aggravating circumstances of the penalty in its upper half remain as in the abovestated Section 153 of the Criminal Code.

Finally, a paragraph is added (not only to Section 153, but also to Sections 171 and 172 of the Criminal Code) that reads as follows:

“Notwithstanding the preceding paragraphs, the Judge or Court, reasoning about it in the ruling, and taking into account the personal circumstances of the offender and the ones existing at the moment of the act, may impose the lesser penalty.”

In other words, the Judges and Courts may impose the lesser penalty at their discretion insofar as they justify it in the judgment.

Section 171 of the Criminal Code (Protection against threats)

Three paragraphs are added to Section 171 of the Criminal Code, numbered as 4, 5 and 6, which read as follows:

“4. Anyone who poses a minor threat to the woman who is or has been his wife, or who is or has been tied to him by a similar emotional relationship even without cohabitation, shall be punished with imprisonment from six months to one year, or with community service from thirty-one to eighty days and, in any case, he shall be deprived of the right to possess and carry weapons from one year and one day to three years. Furthermore, when the Judge or Court may deem it appropriate to the best interest of the minor or incompetent person, the offender shall be disqualified for the exercise of custody, guardianship or foster care for up to five years.

The same penalty shall be imposed on anyone who poses a minor threat to a particularly vulnerable person living together with the offender.

5. Anyone who poses a minor threat using weapons or other dangerous instruments to any of the persons referred to in Section 173.2, except those included in the preceding paragraph of this section, shall be punished with imprisonment from three months to one year, or with community service from thirty-one to one hundred and eighty days and, in any case, he shall be deprived of the right to possess and carry weapons from one to three years. Furthermore, when the Judge or Court may deem it appropriate to the best interest of the minor or incompetent person, the offender shall be disqualified for the exercise of parental custody, guardianship or foster care for a period of six months to three years.

Penalties under paragraphs 4 and 5 shall be imposed in their upper half when the crime is committed in the presence of children, or takes place in the shared home or the victim's home, or is committed breaching any of the penalties stipulated in Section 48 of this Code, or an injunction or security measure of the same nature.

6. Notwithstanding the provisions of paragraphs 4 and 5, the Judge or Court, reasoning about it in ruling, and taking into account the personal circumstances of the offender and the ones existing at the moment of act, may impose the lesser penalty."

CONCLUSIONS:

- A minor threat, even without weapons or dangerous instruments, will be considered a crime if perpetrated against:
 - 1- A woman who is or has been his wife, or who is or has been tied to the offender by a similar emotional relationship, even without cohabitation.
 - 2- A particularly vulnerable person living together with the offender.
- A minor threat with weapons or dangerous instruments is still considered as a crime when it refers to the other victims stated in Section 173.2 of the Criminal Code. The penalty, though, will be significantly lower than in cases where the victims are those mentioned above (women and particularly vulnerable person). Penalties shall be as provided in Section 153 of the Criminal Code.
- The aggravating circumstances of these threats are the same as those defined in Section 153 of the Criminal Code.

Section 172 of the Criminal Code (Protection against coercion)

The current content of Section 172 of the Criminal Code is numbered as paragraph 1 and paragraph 2 is added thereto with the following wording:

“2. Anyone who exercises mild coercion to the woman who is or has been his wife, or who is or has been tied to him by a similar emotional relationship even without cohabitation, shall be punished with imprisonment from six months to one year, or with community service from thirty-one to eighty days and, in any case, he shall be deprived of the right to possess and carry weapons from one year and one day to three years. Furthermore, when the Judge or Court may deem it appropriate to the best interest of the minor or incompetent person, the offender shall be disqualified for the exercise of parental custody, guardianship or foster care for up to five years.

The same penalty shall be imposed on anyone who exercises mild coercion to a particularly vulnerable person living together with the offender.

The penalty shall be imposed in the upper half when the crime is committed in the presence of children, or takes place in the shared home or the victim’s home, or is committed breaching any of the penalties stipulated in Section 48 of this Code, or an injunction or security measure of the same nature.

Notwithstanding the preceding paragraphs, the Judge or Court, reasoning about it in ruling, and taking into account the personal circumstances of the offender and the ones existing at the moment of the act, may impose the lesser penalty.”

CONCLUSIONS:

A new paragraph is added to this section with the introduction of mild coercion as a crime, provided it is exercised against:

- 1- A woman who is or has been his wife, or who is or has been tied to the offender by a similar emotional relationship, even without cohabitation.
- 2- A particularly vulnerable person living together with the offender.

So, therefore, **minor threats or mild coercion** shall be considered as crime if carried out against the abovementioned victims and as offences if carried out against other victims (Section 620 of the Criminal Code).

Minor threats with weapons or dangerous instruments shall be considered as crime provided that they occur within the family environment (victims under Section 173.2 of the Criminal Code). Beyond said scope, they would be deemed as offences under Section 620 of the Criminal Code.

SECTION 173.2 AS AMENDED BY LAW 11/03 (not amended by Organic Law 1/04)

Section 173.2- *“Anyone **who usually exercises physical or psychological violence against any woman who is or has been his wife or who is or has been tied to him by a similar emotional relationship even without cohabitation, or against the descendants, ascendants or siblings by blood, adoption or affinity of his spouse or cohabitant, or against minors or incompetent persons who live together with the offender or who are subject to the authority, guardianship, foster care or custody of his spouse or partner, or against a person with whom he has a relationship of any other kind whereby such a person is part of his family life, or against persons who, due to their particular vulnerability, are under custody in public or private centres,** shall be punished with imprisonment from six months to three years, deprivation of the right to possess and carry weapons from two to five years and, where appropriate, when the Judge or Court may deem it appropriate to the best interest of the minor or incompetent person, he shall be disqualified for the exercise of custody, guardianship, or foster care for a period from one to five years, notwithstanding the penalties that may be applicable to the crimes or offences into which the acts of physical or psychological violence have materialised.*

2. Penalties shall be imposed in their upper half when the violent act is committed in the presence of minors, or using weapons, or takes place in the shared home or the home of the victim, or is committed breaking any of the penalties stipulated in [Section 48 of this Code](#) or an injunction or security measure of the same nature.

3. In order to evaluate whether the acts referred to in the previous paragraph are committed on a regular basis, the number of violent acts that have been proven shall be considered, as well as their temporal proximity, regardless of whether such violence

has been exercised upon the same or different victims included in this section, and of whether the violent acts have been prosecuted or not in previous proceedings.”

As shown in the section referring to regular domestic violence (Section 173.2), the same criteria are used for the victims of the crime and for the application of the penalty in the upper half than in Section 153 of the Criminal Code (domestic violence not exercised on a regular basis).

Evidence regarding the frequency is included in Section 173.3.

Section 468 OF THE CRIMINAL CODE (Sentence violation)

“1. Anyone who violates his sentence, security measure, imprisonment, injunction, arrest or custody shall be punished with imprisonment from six months to one year if deprived of his liberty, and with a fine from twelve to twenty-four months in the other cases.

2. In all cases, the penalty of imprisonment from six months to one year shall be imposed on anyone who breaks any of the penalties stipulated in Section 48 of this Code or an injunction or security measure of the same nature established in criminal proceedings in which the victim is any of the persons referred to in Section 173.2.”

CONCLUSIONS:

With respect to the commission of this crime, a second paragraph has been included which determines that, **in any case**, the penalty of **imprisonment** from six months to one year shall be applied to anyone who breaks any of the penalties stipulated in Section 48 of the Criminal Code (prohibition of residing in certain places, prohibition of approaching the victim, prohibition of communicating with the victim, etc.), or an injunction or security measure of the same nature established in criminal proceedings in which the victim is any of the persons referred to in Section 173.2 of the Criminal Code.

SECTION 620 OF THE CRIMINAL CODE (Protection against mild mistreatment)

Offence against persons

Section 620 of the Criminal Code reads as follows:

“The following shall be punished with a fine from ten to twenty days:

1. Anyone who poses a minor threat to another person with, or takes out during a fight, weapons or other dangerous instruments, provided it is not for just defence, unless the act is considered a crime.

2. Anyone who poses a threat to, exercises coercion on, slanders, or unfairly mistreats, in a mild way, another individual, unless the act is considered a crime.

The facts described in the two preceding paragraphs shall only be prosecuted through complaint filed by the aggrieved person or his/her legal representative.

In the cases under number 2 of this section, when the victim is any of the persons referred to in Section 173.2, the penalty shall be house arrest from four to eight days, always in a different home and away from the victim’s home, or community service from five to ten days. In these cases, the complaint referred to in the previous paragraph of this section may not be required, except for the prosecution of slander.”

CONCLUSIONS:

The following phrase is added to the second paragraph:

“2. Anyone who poses a threat to, exercises coercion on, slanders, or mistreats, in a mild way, another individual, **unless the act is considered a crime**” (namely, Section 171.4 and Section 172.2 of the Criminal Code – minor threats and coercion which are considered as crime).

A complaint filed by the aggrieved person shall not be necessary to prosecute threats, coercion, or mistreatment of a minor nature which occur in the domestic environment, i.e., in which the victims are the ones specified in Section 173.2 of the Criminal Code. This is not applicable to slander.

With respect to the comprehensive law, it is important to mention that for the first time an organic law formally includes the development by the Prison Administration of specific programmes for prisoners convicted of crimes related to gender-based violence. In addition, participation in such programmes is taken into account to decide on a degree progression, leave permits and even release on bail, thus fulfilling the purpose of

the punishment which, as we know, is reintegration and, in this specific case of sexist violence, re-education on values.

IMPORTANT

Except for some crimes included in Section 620 of the Criminal Code (mild slander and mistreatment), the other crimes related to domestic and gender-based violence are considered as public crimes. That is to say, they are prosecutable by operation of law, without the need of a complaint by the victim.

Law 27/03 Regulating the Protective Order in Spain.¹⁰

- The protective order is created by the lawmaker for the purposes of concentrating both civil and criminal injunctions on a single measure.
- The Court ruling granting the protective order shall include measures to restrict the freedom of movement of the aggressor (separation, prohibition of approaching, etc.), as well as civil measures providing stability and legal protection to the victim and her family, without waiting for the conclusion of the civil marriage proceeding (child guardianship, allocation of the use and enjoyment of family housing, alimony, etc.). The Court ruling shall also activate the social protection instruments established in the legal system (for example: financial aid, assistance, etc.).
- The proceeding to resolve whether to grant the order or not shall be carried out within a maximum period of 72 hours during which the duty judge will hold a hearing with the interested parties and will set by ruling whether to grant or not the order. It shall include all the measures to be taken and their validity.
- The protective order may be invoked before any Authority and Public Administration.

¹⁰Section 544 ter of the Spanish Criminal Procedure Law.

- The order shall imply that the victim be permanently informed about the procedural status of the accused person. In particular, the victim shall be always informed about the prison status of the aggressor.
- The order shall be registered with the Central Register for the Protection of Victims of Domestic Violence.¹¹

Quick and Easy Access

The protective order acts as a one-stop window that immediately sets into motion various protection mechanisms. It may be requested through a single form and a particularly simple procedure, available to all victims of domestic violence, so that they and their legal representatives, individuals from their family environment or the Public Prosecutor can request it without additional cost or technical formalities to the:

- Police station.
- Duty court.
- State, regional or municipal social services.
- Public prosecutor.
- Victims' Assistance Offices.

Thus, from the outset, the duty judge may decide on an injunction against the aggressor, such as:

- Pre-trial custody.
- Prohibition of approaching the victim.
- Prohibition of communicating with her.
- Removing the weapons' permit.

He may also adopt civil measures such as:

- Suspending visiting arrangements.
- Removing child custody.

¹¹Royal Decree 513/2005 regulates the Central Register for the protection of victims to which the agencies collaborating with the protection of victims have access.

- Attributing to the victim the use and enjoyment of the family home or ensuring alimony payment.
- Ensuring alimony payment.

The protective order implies, in turn, that the various Public Administrations (national, regional and local) immediately activate the various social protection instruments in a coordinated way. The protective order adopted by the judge shall be informed to all the authorities involved so that they assist the victim in all the areas she may require.

Scope of Assistance to Victims

Assistance to victims of domestic violence triggered by the protective order will cover:

- i. **Social assistance:** By the City Councils and Autonomous Communities through shelters, supervised dwellings, day care centres or family meeting places.
- ii. **Economic assistance:** Active Integration Income (RAI, Spanish acronym), which consists of an allowance for cases where the place of residence must be changed, and is managed by the Public Employment Services. Financial aid as per Section 27 of Organic Law 1/2004 of 28 December on Integral Protection Measures against Gender-based Violence, managed by the relevant bodies of the Autonomous Communities.
- iii. **Police assistance:** Through the teams dedicated to women and children of the Civil Guard, and the National, Regional and Local Police respectively. Many local police forces have their own specialist team, which plays an important role both for securing enforcement of protective orders and for providing the victim with comprehensive assistance from the very beginning (receiving complaints, protecting victims, being next to them when they need it, etc.).¹²
- iv. **Legal assistance:** Thanks to several cooperation agreements signed with the Spanish General Association of Lawyers, free, specialised and 24-hour legal aid

¹²The Local Police of Valencia counts with the GAMA group (which stands for “Assistance Group against Ill-treatment”).

is made available to victims so that they can defend themselves against their aggressor.

- v. **Psychological assistance:** Collaboration agreements have been signed with the Association of Psychologists to deliver specialist counselling at the Victims' Assistance Offices.

These offices inform, foster and request all means of protection so that the victim can enforce her rights before the aggressor. Besides, the UVIS (integral assessment units) have been established to partake in the assessment of any psychological harm caused by permanent psychological abuse.

- vi. **Healthcare assistance:** The existing healthcare protocol on domestic violence coordinates healthcare actions carried out by medical professionals. Healthcare institutions (hospitals, healthcare centres, emergency services, etc.) should report this kind of instances to the courts.

Bulgaria

Bulgarian Law on Domestic Violence Protection regulates the rights of victims of gender-based violence, protection measures and the procedure for implementing such measures.

Domestic violence is defined as: *“any form of physical, mental or sexual abuse, or any attempt to commit abuses of this kind; as well as restricting the individual freedom of any family member, any individual who has lived with the offender, or with whom the offender has a child, a second degree relative, or adopted child.”*

The Law does not create any specialist court for gender-based or domestic violence, and complaints are settled by the Regional Court. Complaints are drafted by the police at the request of the victim (private crime).

In cases of domestic violence, the Court has authority to:

- ✓ Order the defendant to refrain from acting violently.
- ✓ Prohibiting the abuser from approaching the victim's home, workplace and places frequented by the latter for social or leisure purposes, for the term and subject to the conditions specified by the Court.
- ✓ Prohibit the aggressor from approaching the victim's house for the period determined by the Court.
- ✓ Temporarily relocate the place of residence of the victim and her children for the time specified by the Court.
- ✓ Order the defendant to attend rehabilitation programmes.

The order may be issued at the request of the victim, the Director of the Social Assistance Department, a sibling or any other relative of the victim. If the offender does not obey the court order, he may be arrested by the police. An emergency protective order may be issued within 24 hours after the request is submitted.

Crimes against victims are punished by the Criminal Code, which bans a number of assaults but making no specific reference to gender-based violence. However, the fact that the offender is in any way related to the victim involves more severe punishments.¹³

For instance, Section 128 states: *"Whoever does grievous bodily harm to another shall be sentenced to prison for a term of 3 to 10 years."*

However, Section 131 imposes *"5 to 15 years in prison for doing harm to individuals such as mothers, fathers, pregnant women or children"*.

Under Section 161 of the Criminal Code, *"...as for the crimes of: bodily harm, impaired health, injury to specific individuals such as a mother, father and children, harm or*

¹³The same holds true for Spain, where the Criminal Code does not refer to gender-based violence, but so does the comprehensive law; now, as with Bulgaria, the Code sets out a more severe punishment if the aggressor has an emotional or parent-child relationship with the victim. However, Bulgaria differs from Spain in that, under Spanish legislation, a difference is drawn between violence against relatives and violence by a man against a woman with whom he has been emotionally related, as it is more likely that she becomes a victim in view of the reasons for and purposes of violence, as explained in the terminology section.

insult threats against an ascendant, descendant, spouse, brother or sister,¹⁴ criminal proceedings may be instituted only upon a complaint by the injured party.

There is no prosecution unless the victim files a complaint and wishes to pursue a legal action.

Romania

The Romanian 2006 Criminal Code does not make a distinction of crimes in relation to partners; rather, it sets an aggravated crime category leading to additional punishments.

Section 185 reads as follows:

- i. *“Whoever beats or otherwise exerts physical violence upon another person shall be sentenced to prison for a term of one to three months, or to pay a daily fine.”*
- ii. *The aforementioned offences committed against a family member shall be punished with imprisonment for a term of six months to one year or a daily fine.*
- iii. *Whoever beats another one causing harm needing medical assistance for twenty days shall be sentenced to imprisonment for a term of six months to one year, or to pay a daily fine.*
- iv. *The offences under paragraph (iii) committed against a family member shall be punished with two-year imprisonment or a fine.*

Section 165 defines a “family member” as:

“Spouses or close relatives, irrespective of cohabitation.”

Section 164 defines “close relatives” as:

“Descendants and ascendants, brothers and sisters, sons and daughters, whether biological or adopted.”

Section 143 states:

“As for crimes where commencement of criminal proceedings is conditional upon a complaint previously filed by the injured party, failure to lodge such complaint shall

¹⁴Violence in the domestic environment or domestic violence, according to the terminology recommended.

cause exemption from criminal liability. Likewise, criminal liability shall cease to exist if charges are dropped.”

This holds true for any minor harm, though not for more serious crimes, such as grievous bodily harm, where the State can pursue the aggressor.

Section 144 states:

“Should the parties reconcile in the events set out by the law, both criminal liability and the civil proceedings shall come to an end. Reconciliation is a personal matter and shall take effect only if it occurs before a final sentence is issued.”¹⁵

Pursuant to Section 134:

“If the Court finds that the presence of an individual convicted of bodily harm caused in a domestic context poses grave danger to family members, the aggressor may be prohibited from returning home at the victim’s request.

This measure may be effective for no longer than 2 years, and may be further extended if the danger that accounted for the measure persists.

This measure may be further imposed on a temporary basis in the course of the criminal proceedings.

The victim may request an extension of the exclusion order at any time.”¹⁶

Latvia

The Latvian Criminal Code makes no reference to either gender-based or domestic violence. There is no specialist court system in place, and Courts do not have any power to issue protective orders. Criminal proceedings, such as in cases of assault, can only be brought at the choice of the victim.

¹⁵We believe that no reconciliation is possible in gender-based violence cases, as the two parties in conflict are not on an equal footing. This makes it difficult to consider a compromise solution when, most certainly, the victim is conditioned by fear, awe, dependence, etc.

¹⁶In Spain, if a criminal sentence for domestic violence has been issued, the court is required, without exception, to order the offender’s exclusion from home for a definite period of time that may be up to 10 years, depending on the seriousness of the offence (Section 57 of the Criminal Code as amended under Organic Law 15/03). On the other hand, it may be taken as a precautionary measure until the proceedings are settled, if so deemed convenient by the Court.

Lithuania

The Lithuanian Criminal Code contains a specific number of gender-based and domestic violence crimes that may cause bodily or psychological harm to people, threats, or property damages. When serious, all these crimes can be prosecuted by the State without the victim's consent.

Section 38 states:

- Exemption from criminal liability in the event of reconciliation between aggressor and victim

“Whoever commits a misdemeanour, negligence or a premeditated minor violation may be exempted from criminal liability by the Court if the offender:

- i) Has admitted to the criminal offence; and*
- ii) Has voluntarily compensated the victim or redressed the damages caused to the individual or legal entity concerned; or has managed to cause such damages to disappear.*
- iii) Has reconciled with the victim or a representative of the legal entity; and*
- iv) There is reason to believe that the aggressor will not reoffend.*

The Code empowers the Court to include in the sentence a permanent protective order in favour of the victim:

Section 72. *“Obligation to stay away from the victim.*

- i. The Court may prohibit the aggressor from getting close to the victim when considered necessary to protect the injured party's legitimate interests.*

ii. Such prohibition having being imposed, the aggressor shall not communicate with or contact the victim, or visit the places indicated as frequented by the latter, throughout the term ordered by the court.

iii. This prohibition having being imposed, where the aggressor and the victim share the same dwelling, the Court may order the offender to reside in a separate place for such term as it may order, or until a final decision is made as to the right to live in the same residential area as the victim.”

Section 73 provides for correction courses to be attended by the offender (Participation in Programmes to Fight Against Violent Behaviour). The Court may impose in the sentence the obligation to take part in correction programmes on those who have committed a crime against a close relative or family member. This order must be fulfilled within the term set out by the Court.

Section 165 lays down the home inviolability principle:

“Whoever unlawfully, deceitfully or against the owner’s will, trespasses on another person’s home, apartment or other residential premises shall be sentenced to community service or to imprisonment, jail or arrest for even longer than two years.

The individual shall be held liable for the crime foreseen in this section based on the complaint filed by the victim, a testimony by the victim’s authorised representative or at the prosecutor’s request.”

The Lithuanian Criminal Code, under Section 3.65, makes it possible to prohibit the aggressor from living in or visiting the family home insofar as proceedings are pending.

The **Violence Protection Law**, enacted by the Lithuanian Parliament on 26 May 2011, specifically refers to domestic violence, though not in terms of gender. This law defines violence on private premises as including:

“Any bodily, psychological, sexual, economic harm caused by an individual to another.”

It further determines the authorities responsible for preventing such violence, detailing the assistance that should be given to the victim, as well as the authorities' duties and responsibilities.

It provides for the following protection measures:

- ✓ Aggressor's obligation to temporarily leave home and have no contact with the victim.
- ✓ Seizure of weapons held by the offender.
- ✓ Obligation to attend courses on aggressive behaviour and anger management.

Section 10 of the Law requires the Police to initiate an investigation independently of the victim's will, reporting to women support agencies and the children protection local authority department. The Police are responsible for bringing the aggressor before Court 24 hours after the arrest, and for securing enforcement of the court's exclusion orders. The offender will commit a more serious crime if he fails to abide by the court orders.

Italy

The Italian Criminal Code also contains specific laws on domestic violence but makes no reference to gender-based violence. Law 154 of 5 April 2001 on Domestic Violence Measures is a precautionary measure intended to exclude the aggressor from the family home. It also allows the Court to order the offender to leave home, and stay away from the victim avoiding places frequented by the latter, such as her workplace, leisure places, etc., and to pay for child support or alimony. This order can initially last for 6 months and be further extended, if necessary. Breach of this order is a crime that is punishable under the Criminal Code.

There is no specialist court or prosecutor system in place, and where the victim is a disabled minor, criminal proceedings can only be instituted by the State. In other cases, it is the injured party who must initiate proceedings by lodging a complaint. There are specific laws in force relating to female genital mutilation and harassment.

United Kingdom

Criminal Law in England and Wales does not contain, in general, any special provision for domestic violence either in the broadest or specific sense of violence against women. In all cases, however, the crime is prosecuted by the State, and court proceedings can be maintained even if the victim has not expressed her will – as a matter of fact, the victim may be summoned to appear in court to testify.

The common law (which is based on case law and judicial precedents) punishes murder and battery against people, as so do the Offences against the Person Act 1861, and the Sexual Offences Act 2003. Other usual domestic violence crimes are subject to legislation that contains no special provision therefor, for example, the crime of property damages (Criminal Damage Act 1979) or harassment (Protection from Harassment Act 1997). Punishments for crimes (except for murder) usually vary depending on whether they are tried by the Magistrates' Court (consisting of 1 to 3 officials) –which has jurisdiction only to hear certain types of criminal cases and to deliver prison sentences no longer than 6 months–, or whether they are tried by the Crown, where a jury delivers a verdict and judicial proceedings are led by a judge. The Crown can impose a maximum punishment for the most serious cases.

Section 9 of Domestic Violence, Crime and Victims Act 2004 was amended by the law of 13 April 2010. When a gender-based violence homicide has been committed, the Community Safety Partnership assesses the need to review the actions of each agency involved with the victim and the suspect, to determine if something went wrong, and whether any action could have been taken to prevent the murder, with a view to making the appropriate changes in procedures and being able to prevent the occurrence of murders. If the methods in place have not prevented the murder, the Review Panel makes recommendations to change crime prevention actions. This process is overseen by the Home Office, and if a Community Safety Partnership refuses to perform a review, it must report it to the Home Office, which, in turn, may still require that it be conducted.

Section 5 of the Act establishes a crime consisting in causing the death of a child or vulnerable adult through an unlawful action. According to this Act, where a child or vulnerable person dies in the hands of another family member, the other relatives would have committed a crime if they were aware of the danger the child or vulnerable adult was under and did nothing to prevent the crime.

This has been successfully applied to prosecute members of the family of a man who murdered his wife after a long period of abuse. The family members knew about the situation and did nothing to stop it.

The civil law under the Family Law Act also gives support to victims:

- ✓ Occupation orders under Section 39 are granted for any dwelling that was intended to be the home of both parties. This order provides for occupation of the residence by one or both parties and may exclude the defendant from the house or surrounding areas. When issuing an order, the Court takes into account a number of factors, but the essential requirement is the existence of a risk of harm for the applicant or a child. If the risk is significant, then an order must be issued. The injunction may include a power of arrest and its violation is a criminal offence (the injunction is civil in nature, but may have criminal consequences).
- ✓ The Sexual Offences Prevention Orders of Section 42 are orders that prohibit a person from sexually abusing others or that prohibit the defendant himself from abusing the child in question. Though issued by a civil court, breach of this order involves a criminal offence with a power of arrest of up to 5 years. In this case, a related person refers to partners or cohabitants, anyone who used to be a cohabitant, or tenant, employee, guest, etc.
- ✓ The Forced Marriage Act sets out a protective order for this type of relationships under Section 63 of the Family Law Act: The court may issue an order for the purposes of protecting a person from being forced into a marriage or from any attempt to be forced into a marriage. The order should contain such terms and conditions as the Court may consider more appropriate to protect the victim. The

court issuing the decision may enclose a power of arrest for the police to arrest any suspect who violates the order. The Court is concerned with the ones who violate the provision.

- ✓ Criminal courts can also issue a restraining order to protect the victim or any other person, prohibiting the defendant from doing what is written therein. This legal provision was amended in September 2009; as a result, now an order can be issued by a Court against a person being tried before the latter commits a crime, if the Court deems it necessary (precautionary measure). Failure to fulfil a restraining order is a crime which might be punished with up to 5-year imprisonment.

Female Genital Mutilation Act 2003 provides that a person is guilty of an offence if he excises, infibulates or otherwise mutilates the whole or any part of a girl's labia majora, labia minora or clitoris. The Act contains additional subsections for those who encourage or assist to such act. This is a crime not only for UK citizens, but also for those acting outside the country.¹⁷

Section 24 of the **Crime and Security Act**, pending approval in the United Kingdom, allows a high-rank police officer to issue a domestic violence protection notice if he/she has reasonable grounds for believing that a person has been violent towards another one. The notice is only valid for 48 hours and, before expiration, an application should be submitted to the Court for it to continue. The Court may issue a domestic violence protective order. The order cannot extend beyond 28 days. Thus, the aggressor is ordered not to disturb the victim, and may be excluded from any shared dwelling (police measure).

The Bail Act 1976 and the Police and Criminal Evidence Act allow police to request the Court to release the detainee on bail. For this to be effective, the aggressor must stay away from the dwelling while judicial proceedings are pending.

¹⁷This is the same under Spanish criminal law, which regards this crime as grievous bodily harm under the injuries chapter, punishable for a 6 to 12 year term (Section 149.2 introduced after the amendment by Organic Law 11/03).

Similarly to Spain, the UK has Specialist Courts to try domestic violence cases, but not confined only to gender-based violence. The organisation of these Courts varies depending on geographic locations. They may assemble once a week only, or more often depending on the caseload in their jurisdiction.

In all cases, they only exist in the Magistrates' Courts, and have summary powers to hear less serious cases, and can impose sentences of up to six-month imprisonment. All abusers accused of domestic violence crimes who are on bail must make their first appearance before these courts.

In some areas, the Specialist Domestic Violence Court also hears the depositions of those who pleaded not guilty, dealing with bail issues and case management. The Court lacks jurisdiction to rule on civil, divorce and childcare issues, among others.¹⁸ These matters are tried by independent courts. The Court may impose restrictions on offenders.

Certain requirements must be met for a court to be recognised as a Specialist Domestic Violence Court by the Ministry of Justice. Local Community Safety Partnerships and Court Administration groups should ensure that:

- i. All agencies are working effectively to provide a coordinated response to domestic violence.
- ii. Risks are effectively managed at the local level.
- iii. All cases are correctly identified and referred to the Court as domestic violence cases so as to make sure that it has jurisdiction to try the case.
- iv. National domestic violence support services are operating effectively, including adequate procurement of independent advocates for domestic violence cases.

¹⁸At this point, they differ from Spanish Courts dealing with violence against women.

- v. Staff is duly trained to respond appropriately and effectively in instances of domestic violence, with a view to enhancing public confidence in the criminal justice system.
- vi. Cases are properly grouped in specific court sessions.
- vii. Services are developed or adapted to the “hard-to-reach” groups.
- viii. There is a local data collection system in place along with measures to monitor and manage performance.
- ix. Court services are improved to enhance the victims’ experience.
- x. Children living in homes where domestic violence occurs are protected.
- xi. Availability of community-based programmes for the aggressor to maximise actual rehabilitation possibilities while protecting the victims.

Specialist Domestic Violence Courts are therefore an integral part of the community’s coordinated response to domestic violence management, and are expected to be effective if supported by all.

To conclude with the legislative analysis of partner countries, the **Youth Justice and Criminal Evidence Act 1999** is worth mentioning. This Act has established a framework in England for vulnerable and intimidated witnesses to give their testimony to the Court through various channels intended to facilitate testimony rendering and prevent further suffering.

According to Section 17 of this Act, a witness in criminal proceedings is eligible for assistance to prevent further hardship if the Court considers that the quality of evidence

given by the witness is likely to be diminished by reason of the witness' fear, distress, age, social or cultural background, ethnic origin or religious beliefs.

These measures allow:

- i. Testifying behind a screen so that the witness cannot be seen by the aggressor.
- ii. Testifying from another room through a television set.
- iii. The witness to testify in private (i.e., the public and the press are not allowed in).

These measures apply to the questioning of witnesses during trial. As for the victim, there are legal provisions for her deposition to be recorded upon filing the complaint, rather than being put in writing, with the Court's authorisation. Thus, the witness can appear before the Court in lieu of the victim to describe the events. However, she must be available for any examination.

GOOD PRACTICES WITHIN THE LEGAL/JUDICIAL FRAMEWORK

All partner states recognise the importance of addressing gender-based and domestic violence strategically at a national level, and the need for a strong legislative structure with adequate provisions in place. For all this, we, the partner countries, have agreed that the best practices suggested for the legal framework are the following:

Good Practice 1 (Legal Framework)

Gender-based violence crimes in emotional relationships (spouses, former spouses, partners, former partners, boyfriends, former boyfriends), as well as the rest of gender-based violence crimes should be specifically categorised and regarded as public offences (where no complaint by the victim is needed for prosecution), supplemented by precautionary measures and severe punishment.

The first instances of violence, threats, coercion, etc. should be labelled as criminal offences without requiring this behaviour to become a habit.

However, the police and justice machinery is set into motion as soon as a complaint is filed by the victim herself, her relatives, friends, or any third parties who saw a concrete instance of violence against her by her partner, or are already acquainted with such a situation.

In this train of thought, it is necessary to foster information channels to make victims realise about the need of filing a complaint as a self-protection mechanism, and third parties as well, who do not have the option but rather the duty to report public authorities about the existence of any concrete instance of abuse.

All partners are of the opinion that, by defining specific types of crimes, gender-based violence could be subject to more thorough investigation. Furthermore, crime labelling would raise public awareness of this serious scourge, placing a greater burden on society when it comes to instances of violence.

On the other hand, it is common knowledge that for a number of reasons –especially fear of further abuse, pressure from society or the family, economic dependence, social isolation, lack of confidence in the police or other bodies, etc.– many women fail to report the abuse they suffer to the authorities. The Prosecutor should be able to prosecute the offender as these crimes are of public interest, without needing the victim's consent, as her decision-making ability may be curtailed or impaired for all the stated reasons.

This policy helps to relieve the victim at the toughest time for her – being released from the responsibility to initiate a legal action could be beneficial to her. However, after recovering, the victim must be really willing to overcome the situation. Otherwise, all the work done on our own initiative will not fulfil its purpose, that is, leaving violence behind.

The fact that the victim be not required to file a complaint for judicial proceedings to commence does not override the possibility that they feel it necessary as a self-protection mechanism.

Information guides should be made available to victims of maltreatment so that they can learn what their rights are and what will happen once the complaint is made. It is important to make them aware that, although their complaint is not necessary for legal proceedings to commence, they should file it to be better protected.

Victims should be permanently informed about what the Administration is doing to enhance protection channels. Furthermore, this information should be made available to victims in a simple and easy way, starting with the initial police assistance, at the courts themselves, or at public informative lectures for victims to attend anonymously. Administrations should not only deliver re-education programmes on gender-based violence, but also provide victims with more information.

We cannot require victims to make their complaints if they do not know how the Administration is going to protect them. Consequently:

1.- Need to improve information available. This whole situation calls for enhancement of information channels available to victims, so that they can have access to legal amendments, financial aid and other resources, etc.

2.- Use of public agencies' websites. We cannot demand victims of gender-based violence that, in addition to enduring the situation of abuse, they be acquainted with all available information. Therefore, public agencies' websites should include a section devoted to the victims to which they can access anonymously, whenever and however they wish.

3.- Victims often wish to remain anonymous, so it is necessary for them to know that there is a free and simple way to access information.

Good Practice 2 (Legal Framework)

Minimum standards aimed at protecting women who are victims of gender-based violence should be regulated and specified in legislation, and States must ensure their compliance.

Common criteria guidelines for courts should be made available on a regular basis so that specialist judges can be aware of these criteria, thus securing uniformity in case proceedings and resolution.

Thus, we could avoid disparate criteria, which may lead a court to give a victim an answer differing from another court's response, thus fostering legal certainty and making victims feel more protected.

The partners acknowledge the scope and extent of Spanish legislation as to social welfare, and have agreed that, given that gender-based violence has a destructive impact on victims and affects all aspects of their life –physical and mental health, home, work, financial security, child care, etc.–, special legal provisions are needed to guarantee the necessary assistance services for their recovery. Victims would thus be able to demand their fulfilment, the State's having to make that such statutory assistance is provided.

Good Practice 3 (Legal Framework)

Domestic violence cases should be tried by Specialist Courts throughout all stages of the procedure. To that end, before starting to serve at such courts, officials should

attend a course to specialise in and become aware of gender-based violence and its consequences.

Good Practice 4 (Legal Framework)

There should be a fast prosecution procedure in place to avoid causing the victim any further suffering, and swift justice should be sought as these cases affect all aspects of the victim's life.

The creation of courts exclusively dedicated to gender-based violence has a number of advantages to the victim:

- i. Cases are tried by judges, magistrates and prosecutors who have been trained in gender-based violence and, therefore, have a greater understanding of the impact of these crimes on the victim's life.
- ii. The courts' infrastructure could be adapted to relieve the victim from further hardship, for example, by providing separate entrance/exit ways and waiting rooms for victims and their children, away from the alleged offenders, as well as screens and direct broadcast equipment to make it possible, for example, to render testimony by video conference.
- iii. Assistance can be provided at the Court itself by, for instance, social workers, specialist police, psychologists, etc.
- iv. Protocols can be implemented among all authorities involved (courts, prosecutors, probation agencies, police). A constant problem observed while prosecuting offenders is the victims' unwillingness to appear in court to testify. Testifying against their partner and telling details of their private and personal life can be a traumatic experience for victims, whose reluctance is understandable. All these factors can discourage the victim from cooperating with the courts. Therefore, we must strive for minimising them by finding methods, spaces, etc. whereby direct confrontation with the aggressor can be avoided, as well as achieving a

swift and fast justice system so that the victim can resume her life as soon as possible.

Good Practice 5 (Legal Framework)

Courts dealing with cases of violence against women should be empowered to rule on civil matters related to the case, such as child care and well-being.

In many partner countries, although relevant authorities have powers for immediate protection, such as exclusion of the offender from the family home, other issues can only be settled through civil proceedings.

Criminal proceedings can only be conducted by the State or with public funds. This is not the case with civil proceedings. A twofold procedure to settle criminal and civil issues places an additional burden on the victim, and may require money to finance the civil procedure and lengthen case resolution.

But things get worse when they have common children and basic issues must be quickly solved, such as: who gets the custody; who pays child support; who uses the family home; etc.

If the Court had jurisdiction to deal with all these issues, this twofold procedure would be avoided. This has, in our opinion, a highly positive consequence: both procedures become faster and more consistent.

These courts must be furnished with the necessary resources so that civil proceedings are not delayed and can be settled faster by the same courts dealing with marriage issues rather than maltreatment. This is so because, if women are certain that gender-based violence courts are sluggish to resolve not only criminal but also civil issues, they might opt not to report the abuse for their separation or divorce to be settled quicker by a family court.

If civil case resolution at these specialist courts slows down, this will substantially impair the initial objective of the fight against maltreatment, which is to convince victims that they must report every instance of abuse they endure.

Legal systems should contain clear-cut provisions as to the powers of the courts having jurisdiction over gender-based domestic violence to ban, through their sentence, the convicted offender from visiting, communicating or living with his children, as well as to order suspension of their custody, including joint custody, if applicable, and disqualification to exercise parental authority.

Good Practice 6 (Legal Framework)

Specialist courts should also deal with any related issue arising from gender-based violence proceedings: breach of restraining orders, victim's harassment, threats due to the complaint filed, etc.

If those issues are dealt with by separate courts, they will not be acquainted with the case in its entirety and, therefore, will not be able to assess their decisions taking into account, especially, the victim's safety.

It is necessary, however, to assess in detail which issues should fall within the jurisdiction of gender-based violence courts to avoid pushing their jurisdiction even further, ending up with a caseload that might hinder their responsiveness. Such jurisdiction should exclusively fall on issues related to gender-based violence, including gender-based financial abuse, such as non-payment of alimony. Other crimes, such as breach of visiting arrangements or the like, should be handled by general criminal courts. However, financial abuse –for example, non-payment of alimony– is a direct abuse against the victim in an attempt to continue subjecting her and preventing her from getting out of the cycle of violence. For a victim with family responsibilities, economic dependence is sometimes a determining factor.

Good Practice 7 (Legal Framework)

Protective orders should be applied under the legal framework of European countries observing each nation's own legislation while seeking, by studying the phenomenon, to attain a common and increasingly similar tool across all countries. This is so because the victims' needs do not vary from country to country and wherever they are, their safety must be safeguarded. In fact, the right to life is the most precious thing we have,

so States have the obligation to protect it.

The protective order must comprise, as a single unit, both the prohibition to get near the victim and to communicate with her whenever the Court is satisfied that the victim is at risk, and thus it must guarantee her protection adequately, but never imposing the first obligation without imposing the second one as well.

However, the restraining order should be issued by the Court when deemed necessary, rather than issuing it because it is mandatory, without studying each case individually.

This good practice is closely related to the European Protective Order (EPO) for victims of violence recently approved on 23 September 2011 by consensus (by recognition) by the Council of the European Union, and advocated by Spain during its presidency of the EU in 2010.

Following the agreement between the Parliament and Council, the measure will return to the European Parliament to be backed at the plenary session and by the Committees on Civil Liberties and Women's Rights.

By means of the EPO, European Community victims of different forms of violence protected by restraining orders in force will be able to enjoy similar protection if they move to another Member State and if they request so.

The EPO potential beneficiaries include victims of gender-based violence, harassment, kidnapping and attempted murder. This order will only apply as a criminal measure, so it is supplemented by civil regulations approved by the Committee to ensure recognition by the various national legal systems in this field.

However, due to the differences existing between the legal systems of Member States, the nation to which the person moves is entitled to apply different measures (criminal, administrative or civil), insofar as they ensure a similar level of protection.

Many of the EPO's difficulties have to do with the fact that crimes such as gender-based violence belong to different spheres (criminal, civil or administrative) depending on the country, which poses major difficulties when it comes to harmonising security

measures. States have three years to incorporate the new directive into their national legislation.

Good Practice 8 (Legal Framework)

Legislation must do away with the intentional element of “machismo” or domination when describing the criminal behaviour required for gender-based violence to arise.

Otherwise, if the Court were to assume that the key element for gender-based violence to exist is a man’s intent to dominate a woman and boast “machismo”, the courts would have to require proof of such intentional element to convict the offender and, if failing to do so, proceed to acquit him. Even if so, it should not be mentioned in the objective definition of the crime, which is the problem we have had in Spain due to the wording of Section 1 of Organic Law 1/2004, which, when setting the purpose of the law, included some subjective elements in the protection’s purpose. This has led to a stream of case law in some Provincial Courts that requires proof of such intentional element. At any rate, to solve this problem, definitions of the types of crimes concerning gender-based violence should be written more objectively, starting as follows: “Whoever causes, by any means or action, *for any purpose*, ...” By including the term “for any purpose”, the definition could not be construed as requiring proof of the subjective element in the offender’s actions. Clearly such intent to dominate exists, though latent, in society. Mentioning it as a requirement forces us to look for its concrete presence in the case, whereas under our proposal, that sometimes “evil” proof would be avoided.

Good Practice 9 (Legal Framework)

The probation measure could be extended to crimes of gender-based violence. For cases in which the Court orders to suspend execution of the sentence, as in those in which the convicted offender has already served the prison sentence and is going to get out of prison, sentences for gender-based violence should always include a probation measure. Thus, professionals not belonging to the police, but to the technical field (social workers, criminologists, psychologists, etc.) can supervise the released offender with the frequency deemed necessary, and assess potential risk situations as a preventive measure.

Good Practice 10 (Legal Framework)

Deposition by victims in criminal proceedings should be facilitated by technological means, either by video-conferencing in a courtroom other than that where the proceedings are being tried, or by webcam, at the victim's express request, and once she has been previously identified by the clerk. To that end, she must provide the Court that is to follow the case with the necessary data to communicate through webcam, and must be available at the agreed location to receive the court's call.

It is necessary that special legislation on gender-based violence provide for such means in a clear and convincing manner.

Many victims refuse to testify because they do not want to endure further hardship by having to declare before the aggressor. Consequently, it is necessary to make it easier for them by resorting to the new technologies to avoid any risk of coincidence between victim and aggressor.

POLICE ORGANISATION AND STRUCTURE

Police Structure

The partner States put forward their police structure evidencing some common ground: the existence of more than one police authority in the same geographical area, except for the United Kingdom:

- i. Spain: The National Police Corps (civil nature) in urban areas, the Civil Guard (military nature) in suburban and rural areas, the Regional Police in the Autonomous Communities and with powers different from those of the National Police, and the Local Police at the municipal level. All of them may be involved in some kind of gender-based violence management activity within the same area pursuant to Section 31 of the comprehensive law concerning collaboration between different security corps and forces; therefore, coordination mechanisms must work very smoothly.
- ii. Rumania: The National Police, the Gendarmerie and the Local Police.
- iii. Bulgaria: The Ministry of Domestic Policy, the Regional Directorate of the Ministry of Domestic Policy and the police districts.
- iv. Latvia: The State Police and the Municipal Police.
- v. Italy: The State Police, the Carabinieri, the Local Police and some specialised units.
- vi. Lithuania: The National Police and the Military Police.

- vii. United Kingdom: It has a police force that operates in a specific geographical area and that is exclusively responsible for gender-based violence issues.

The fact that several police forces are devoted to gender-based violence issues may pose, from the very start, coordination or management problems. Therefore, major efforts must be made to act co-ordinately. However, each police force has a profile of its own and, therefore, they can work together, join efforts and learn from one another. The Local Police is normally closer to the victims' household and are used to a more direct contact with the citizen, in this case with the victims. Therefore, this significant proximity to the citizen should not be wasted since it is highly valuable when dealing with gender-based violence victims.

Good Practice 1 (Police Organisation)

The simplest scenario would be having a single police force that could deal with violence against women throughout its stages (prevention, intervention and protection). However, if this is not possible because several police corps having gender-based violence powers coexist in the same geographical area, then: Institutional coordination mechanisms should be reinforced to avoid secondary victimisations.

Specialised Police Units

Specialised police units are found in Spain, Italy and the United Kingdom, while Bulgaria, Rumania, Latvia and Lithuania do not have any units devoted to managing and protecting gender-based violence victims.

For that reason, we have deemed it suitable to dedicate one section of this manual to make recommendations for the creation of specific gender-based violence police groups. The aforementioned could be based upon the experience of those countries having such groups for several years now and which could guide others not having them yet so that they can learn from our mistakes.

For those of us who already have such groups in place, these recommendations could serve as a bank of good practices in order to improve our own groups on a continuous basis. Undoubtedly, we shall try to convey our know-how¹⁹ in such training on the basis of our previous experience, the ideal scenarios and what we consider should be the road to follow.

Spain

Similar functions are potentially carried out by various police corps: The National Police Corps and the Civil Guard (that share the same Directorate General and common databases), the Regional Police and the Local Police. The four of them have powers in managing gender-based violence cases. The National Police counts with a Prevention, Assistance and Protection Unit (UPAP) and a Family Assistance Service (SAF). The Civil Guard has a special unit for women and minors (EMUME) and the Local Police has, in most cases, police officers assigned to protecting violence victims. In Valencia, this unit is called GAMA (Assistance Group to the Victims of Maltreatment). GAMA members attend specialisation courses and have been selected amongst police officers after a careful study of their profile compatibility and overall proven skills. In 2010 there were 65 expert teams working in the Valencian Community.

The GAMA units of the Local Police of Valencia work at three levels, namely: prevention, intervention and protection. Thus, they carry out the following activities:

¹⁹Source: Wikipedia: Know-how is an English [neologism](#) that dates back to 1838 defined as: “knowing how to do something in an easy and efficient way: experience.” The compound word “know-how” may be replaced by several terms: expertise, skills, gift, high level of knowledge. words that, like know-how, only mean “knowing how to do something well and fast”. Know-how has a direct relationship with [experience](#), that is, the long-time practice that provides the knowledge or skill to do something.

Prevention

- i. Awareness-raising presentations and initiatives in general.**
- ii. Early identification of people at risk.**
- iii. Collection of information from neighbours, family members and colleagues at work.**
- iv. Investigation of the history of the potential victim and the alleged offender.**

Protection

- v. Protection of the victim and her children.**
- vi. Taking statements from the victim.**
- vii. Informing the victim about the resources available.**
- viii. Accompanying the victim to the appointments.**
- ix. Assessing risk on an ongoing basis.**
- x. Appointing a protective officer for each victim.**
- xi. Keeping individual files for each victim with all the background information.**
- xii. Contacting the victim in person or by phone.**
- xiii. Contacting the victim in person at the police stations.**
- xiv. Delivering emergency telephone numbers.**
- xv. Providing information about self-protection measures.**

xvi. Managing remote assistance telephone lines.

xvii. Providing legal and social counselling.

Intervention

xviii. Arresting the alleged aggressor.

xix. Seizing any weapons or dangerous instruments.

xx. Protecting minors under his custody.

The Specialised Units in *Italy and the United Kingdom* perform similar functions in terms of prevention, intervention and protection.

We believe that the victim should be in touch with a protective officer assigned from the very beginning and who should be responsible for handling the case throughout its stages. Thus, when incidents occur, such as breach of court orders by the offender or harassment to the victim by the aggressor, the protective officer has in-depth knowledge of the overall situation of both the victim and the offender and can then make the right decisions based on more parameters. We believe, thus, that the victim's safety will be better guaranteed.

If the matter is handled by untrained or non-specialised personnel, the victim will not receive a consistent type of service. A specialised unit ensures that the personnel is properly trained, supervised and monitored to act in a homogeneous and professional manner. Police intervention may be the first intervention of many others or the very last one.

Files must be recorded in a single database ensuring that they are complete and that they include all of the incidents/interactions involving the victim and the aggressor. Such database must be available to the entire personnel dealing with the victim.

The fact that more than one police force may handle the same case may pose the risk that the files be recorded in different databases that may not be accessible to other

police corps, causing the case to be broken up, which would have a negative impact on the victim.

For that reason, in Spain, where there are several police corps empowered to fight against this scourge, a common database (VIOGEN) has been created to be accessed by all of the Security Corps and Forces. As for the victims, they are distributed so that each police force handles a certain group, but all of the instances of violence and actions concerning them must be uploaded in this common database. Thus, as **Police Organisation Good Practice 1**, we have established that, when several police corps having powers on the same matter exist, coordination must be thoroughly administered, for example through collaboration agreements and common protocols.

The various ways of approaching the victims does not have to be, in principle, negative. The qualities of each police force should be fostered identifying where they perform best. Nevertheless, coordination is absolutely mandatory so that the victim is treated in the same way regardless of the police force she may resort to. It is evident that if the State has several police corps with concurrent powers on gender-based violence issues, tasks must be distributed to avoid duplication. For example, in Spain, in the city of Valencia (based on the protocol applied in the city of Madrid), an agreement has been reached whereby women with protection from abuse orders are distributed between the Local Police GAMA Group and the Prevention, Assistance and Protection Unit (UPAP) of the National Police Corps. Even-numbered women are assigned to GAMA while odd ones to UPAP. However, given the relationship that the Local Police has with the municipal social services, social protection is given by the Local Police to 100% of the victims. In turn, protective orders that from the start purport extreme danger will always be handled by UPAP officials (whether for even or odd numbered victims). They have the most suitable infrastructure to safeguard these victims. IT IS A MATTER OF JOINING EFFORTS. This could be an example of how to do it.

Good Practice 2 (Police Organisation)

Given the specificity of the issue in question, the partners believe that this crime should be handled by a specialised police unit and that said unit should be exclusively devoted to such a complex task. (Prevention, intervention and protection.)

It is recognised that gender-based violence is a peculiar type of crime. Despite the fact that all crimes must be prevented and all victims must be protected, this becomes even more evident in the case of gender-based violence, as objectively shown by the data regarding women killed by their partners or former partners. The personnel in charge of these cases should have detailed and expert knowledge regarding the impact that the dynamics underlying this crime may have on the victims and know how to collect forensic evidence, as well as the legal proceedings arising from such crimes, all of this with a view to providing integral support to the victim. To this end, qualified personnel must be selected and officers' training in different fields must be improved (basically their social skills must be boosted, such as: active listening techniques, non-verbal language, etc.).

By reviewing and managing all gender-based violence complaints and accessing a broad range of police information records, the specialised personnel can use adequate risk assessment tools to identify special risk situations at an early stage and thus take action to prevent risk from spiralling up. They can inform the victim about the services available (for instance: protection from abuse orders, financial aid) as well as the information mechanism in place so that she can feel assured and report any instance of violence. Early recognition and intervention in these situations prevents the occurrence of more serious events or prevents them at all. This function of collecting information on instances of violence and pieces of data to build a larger model can only be performed by specialised personnel.

The operation of a specialised unit improves the coordination of support services for the victim. This does not mean that such coordination must necessarily be carried out by the police (although it could be an interesting option since our basic premise is protecting the victim's life and then build the relevant support network: social, psychological). All the same, we emphasise the fact that a specialised police unit knowledgeable about the details of each case guarantees that they can be handled more efficiently with the collaboration of other partners linked to the police resulting in good teamwork.

Good Practice 3 (Police Organisation)

When the police resort to specialised units to manage gender-based violence cases,

including interdisciplinary teams must be a top priority, or else fostering coordination with other personnel providing social and psychological support within their territorial jurisdiction. Thus, the victims can receive integral assistance avoiding, to a great extent, double victimisation.

It is believed that telling about an instance of violence to several institutions is, per se, a form of secondary victimisation. Therefore, institutional coordination must be attained to allow for the exchange of information without need for the victim to repeat her account to each professional: police officer, psychologist, social worker. For instance, thanks to the support of the Social Welfare and Integration Service of the City Council (Women and Equality Unit), GAMA could count with social workers specifically assigned to this unit for several consecutive and alternate years. Thus, the first interview was carried out in the presence not only of the protective agent but also of a social worker that would subsequently assess and determine the right social support channels for each case and do its follow-up. This experience was a real success and the users of this coordinated service rated it favourably.

The units focusing on the issue may be multidisciplinary. The links between the children's well-being, for instance, and gender-based violence are documented, as well as those between gender-based violence in emotional relationships and other forms of gender-based violence such as offences against a woman's reputation or forced marriages.

The United Kingdom partner currently has multiple disciplinary protection units whose personnel are responsible for managing a wide range of vulnerability issues: vulnerable adults (by reason of age, disabilities, mental handicap, child protection, domestic violence, missing people and forced marriages).

Thus, any potential relationships arising from these work areas are identified for a subsequent integrated planning in order to tackle the issue from all standpoints. The personnel are qualified to do an efficient job and deliver an adequate project. In Spain, GAMA is also an interdisciplinary group since not only is it concerned with gender-based violence issues but also with all kinds of domestic ill-treatment (parents-children,

elderly people, etc.). We should not forget, however, that the reasons underlying these gender-based violence acts differ from the other types of violence.

As a specialised team, GAMA is also ready to participate in other activities such as providing training to police officers, dealing with women and children groups, delivering awareness-raising lectures, and carrying out awareness campaigns, among others, during those times of the year when violence risk rises, such as Christmas time, holidays, etc. The involvement of these police teams in prevention programmes may be highly useful, leaving aside the concept of reactive police to move towards a much more modern concept of a proactive type of police.

1- WORKING METHOD OF THE SPECIALISED POLICE UNITS (Risk assessments)

The partners consider that risk assessments should be conducted by the specialised police units together with the victim, this being considered a good practice. Let us not forget that, above all, our duty as police officers is safeguarding the victim's physical integrity.

Good Practice 4 (Police Organisation)

The police units responsible for managing gender-based violence cases must use a tool to identify, assess and manage the victim's risks. Risk management and assessment must be done through a common tool that should be available to all police forces with powers on the matter. Risk is a living and dynamic factor. Therefore, a first assessment must be conducted followed by risk evolution evaluations depending on the case's objective or subjective circumstances.

Risk assessment is important since investigation and analysis have shown that several women homicides occurred because the initial reports on violence perpetrated by their current or former partners were not recognised as high-risk situations. Thus, failure to recognise the violent situation affecting the victim hindered the implementation of the adequate measures leading to a tragic end. Sometimes identifying the risk factors is a complex task.

Spain

Spain applies a police assessment system based on SARA (*Spouse Assault Risk Assessment*). It consists of a guide to assess the risk of violence against one's partner that was originally developed by P. Randall Kropp, Stephen D. Hart, Christopher D. Webster and Derek Eaves. It was first edited in 1993 followed by a second edition in 1995, which has been adapted to Spanish (Andrés-Pueyo y López, 2005). SARA, which implies assessing and managing partner violence, is a useful guide for professional practice that is designed to assess the risk of violence between partners.

Risk is assessed through the verification of 20 factors. SARA requires that assessors decide on the existence or absence of risk factors (significant bias to be taken into account) in order to easily inform about the likelihood of an aggressor to repeat his violent behaviour, mainly physically or sexually. It is just another tool, **not an oracle**. Therefore, whoever interprets those parameters **must be, undoubtedly, a police officer specialised in violence**.

In Spain the police risk assessment system resulting from SARA and used by the Security Corps and Forces is called VIOGEN. It is a national system encompassing all gender-based violence victims, where the risk of violence and its evolution are determined. There are two assessment forms: initial form and risk evolution form.

- Initial: Upon making a report before the police.

Initial assessment factors are used, such as: occurrence of extreme violence, use of weapons, continuous threats by the aggressor, damages caused to the victim's household or other property, aggressor's criminal record, abuse of toxic substances, shared underage children, breach of penalties, challenging behaviours, problems at work, aggressor's suicidal tendency, among others.

- Evolution: Once the target terms have elapsed, according to the initial risk involved (**not recognised, low, medium, high or extreme**), or else when significant behavioural

changes are evidenced by the aggressor or the victim, or upon the judge's or the prosecutor's request.

Target terms are as follows:

- 72 hours (extreme risk).
- 7 days (high risk).
- 30 days (medium risk).
- 60 days (low risk).²⁰

The evolution factors applied include, among others, whether the offender is clearly unable to assault the victim; whether since the report was made he shows a peaceful attitude or not; whether any instances of violence have occurred since the latest assessment; whether the aggressor remains at large; whether the victim evidences any adjustment to ill-treatment or serious psychological disorders.

Data are gathered from the following sources: victim, aggressor, witnesses and technical reports. Taking into account the victim's perception only may be dangerous inasmuch as, sometimes, they are not aware of their own security.

United Kingdom

The West Yorkshire Police also uses a risk assessment tool. A total of 27 questions are asked to identify risk factors such as: the woman's history with her partner, minors' protection issues, alcohol and drug abuse, financial issues, etc. This tool mainly takes into account the assessment made by the victim about her own state of security.

The same has been assessed by the National Association of Chiefs of Police and is utilised across the United Kingdom. It allows identifying high-to-medium risk events or standard instances of violence where:

- i. HIGH means that there are indicators that identify the danger of serious damage. A potential event could happen at any time causing serious impact.

²⁰ Instruction 10/2007 and 5 / 2008 of the Secretary of State for Security.

- ii. MEDIUM means that there are indicators that identify a certain risk. The aggressor is likely to cause harm, but he is unlikely to do so unless a change of circumstances occurs; for instance: he does not take his medication; the couple breaks up; he loses his home; he takes drugs and other similar substances.
- iii. STANDARD means that there are no danger indicators.

The details of the violent events are recorded in an electronic database and the risk assessment is scanned by the personnel in order to have all the information available should subsequent incidents occur. Additionally, the risk assessment tool is similar to the one used at many agencies' conferences for risk assessment purposes, which provides a common base for the identification and evaluation of risk among them. Definitions are then shared by the agencies of all of the partners involved in gender-based violence cases. This guarantees that a common base be used for risk assessment and identification purposes.

In the United Kingdom, risk assessment interviews are carried out by the police officer that first handled the incident report. Then all the actions aimed at protecting the victim are taken, such as arresting the aggressor. However, these initial assessments are reviewed by the Protection Unit. The initial assessment of high-risk victims is reviewed, as well as those initial assessments which accuracy is uncertain. These assessments are dynamic and are subject to review according to how the circumstances evolve.

2- KNOW-HOW OF THE SPECIFIC GROUPS

As mentioned above, we strongly believe that, as part of the project, those partner countries that have specialised groups in place can prepare some kind of guide (know-how) based on their own experience in order to set forth some basic criteria for those partners lacking a police force specifically devoted to domestic violence and, particularly, to gender-based violence. (For instance, Bulgaria, Rumania, Latvia and Lithuania, all of them partners to the project.) Thus, HERA will be useful to disseminate police management good practices regarding gender-based violence. From this

viewpoint, the GAMA group has put forward the following criteria for the creation of specific groups.

2.1- Bases for the creation of a specific domestic violence and gender-based violence Police Force within the police structure

2.1.1 Initial factors: motivation and training

No such a specific group can be created when the police structure –whether small or large– does not count with properly trained personnel to deal with this complex type of crime, both at police level and in other fields of knowledge. Therefore, the first task will be **training** officers in this regard. The stages of this process could be as follows:

First stage: Basic training course

Good Practice 5 (Police Organisation)

The entire police staff should attend, at least, a general lecture on the topic of gender-based violence and its consequences for both the victims and the aggressors. This will enable police officers to treat the victims in a much more empathic and professional fashion while judging the work performed by their colleagues in the specific group more objectively.

Lectures for 100% of the staff members. At this stage of the training process, the focus would be on the police side and the issues should be tackled with an interdisciplinary approach.

Through these generic courses, we could encourage those officers with a special interest in this topic who could eventually make up the specific group. On the other hand, the remaining officers will gain a better understanding of the complexity of these matters and will be able to judge their colleagues' work more adequately.

Second stage: Staff selection for the group

Good Practice 6 (Police Organisation)

After the generic training session, a specific group can be set up. In order to join these groups, the following features should be assessed among the candidate officers:

- Enhanced social skills.
- Emotional maturity.
- Domestic violence and gender-based violence sensitivity.
- Objectivity and communication skills.
- Responsibility and initiative.
- Positive attitude towards life.
- Affectionate nature with strong human values and highly sensitive.
- Studies in some area related to this crime (law, criminology, psychology, social work, etc.).
- Having attended generic and specific training courses on this topic.

In this regard, a chief premise should be followed, namely: In order to work specifically in this area, you must like it; therefore, if staff members join in voluntarily, they will perform their daily work much better. Based on our experience, police officers involved in this specific area should have the following features:

- ✓ Enhanced social skills:

Highly empathic and highly tolerant to frustration.

- ✓ Emotional maturity:

They will face very tough human circumstances and must be able to separate work from their personal life.

- ✓ Domestic violence and gender-based violence sensitivity.

They should not consider this as a fad, or believe they will stand out, or many other beliefs that some people have in this regard.

- ✓ Objectivity and communication skills:

Police officers should know how to convey information. Let us not forget that they will be dealing with complex interlocutors; for that reason, they should have good communication skills, including “body language” (*gestures, looks, movements*).

- ✓ Responsibility and initiative:

Very often they will have to make transcendental decisions for the victim, her children, the aggressor, etc. assessing the victim's risks at certain times, since they are the ones who know the case best.

✓ Positive attitude towards life:

If the police officer him/herself does not believe his/her role is important, then it will not be. He/she should be convinced that there is a way out and that he/she will help the victim to attain a violence-free life. All of the above, of course, with a realistic approach both to the situation and to the victim herself.

✓ Affectionate nature with strong human values and highly sensitive.

✓ Having some kind of training in some of the areas related to this crime would be highly positive; for instance: *psychology, social work, law, criminology, etc.* This, however, does not render officers lacking such studies non-eligible. More important than training, of course, is the officer's human quality.

✓ Maybe this is the most controversial issue: Should the police officer be a female?

We believe not. First of all, this person should have all the features described above. Secondly, he/she should have some kind of specialisation (having attended lectures, case study sessions, courses, etc.). If he/she has the first two, and in addition she is a female, she has an advantage with gender-based violence victims.

If he is a male and has the first two features, he would also have an exemplary profile for the group. The fact of being a woman generates in the victim the feeling of more complicity with the police officer. From the first moment, she may feel better understood by a woman and it is possible that she will speak more openly too. However, our professional experience has shown that having males in these specific groups is one of the best decisions we have ever made. We are in the face of a problem where non-violent men have a lot to say. Preventing them from doing so may eventually turn out a huge mistake. Once the first contact is made, the victims feel just as comfortable with either male or female officers.

Furthermore, limiting the group to women only makes male officers believe that there is no reason for them to get involved as this is a women's issue. Let us not forget the famous statement by psychotherapist Luís Bonino, an expert on masculinity and gender relations, who claimed "that gender-based violence is a males' issue suffered by women".

2.1.2 Group setup: infrastructure and processes

1) Selecting a model.

Preliminary considerations:

Good Practice 7 (Police Organisation)

The experience of the partner countries having specialised gender-based violence groups shows that the latter should have the following basic features:

- Voluntary personnel.
- Exclusive dedication.
- Male and female members.
- Capability to act without uniform in certain cases.
- Schedule adapted to the victims' needs.

From our standpoint, there are three basic aspects that should be present in all models, whichever we choose:

- i. Exclusive dedication to the matter.*
- ii. Group formed by males and females (mixed).*
- iii. Possibility of carrying out some fellow functions.*

We believe that diversifying the officer's work is not a good idea. First, because doing so undermines the relevance of the task they perform. They must be focused on their work, which is tough and complicated and very time-consuming sometimes. This implies acknowledging their work, which in most cases is neither easy nor pleasant. Regarding the use or not of the uniform, it may be an interesting option for certain

security and support functions (accompanying the victim, sporadic surveillance of the household of the aggressor, of the victim, of the children's school).

- 2) Developing the operation processes and adequate infrastructure.

Prevention, intervention and victims' protection protocols

Good Practice 8 (Police Organisation)

Develop a protocol and standardise gender-based violence actions, both in terms of prevention and intervention and protection so that each police officer is aware of his/her functions, what he/she must and must not do, and what he/she must and must not ask. Thus, unnecessary victimisation will be avoided. It should be kept in mind, however, that each case will be different and that our expertise will enable us to choose the most adequate option for each situation.

Adequate infrastructure

Good Practice 9 (Police Organisation)

We must have suitable premises to see to the violence victims, which should be separated from the rest of the police services facilities. There should also be an adequate waiting room for the minors accompanying the victims.

- 3) Building an institutional coordination network around the group.
- 4) Implementing the collaboration agreements signed with the concurrent security corps and forces within the same territorial jurisdiction, should several police corps have powers on this matter.

2.1.3 Maintenance: acknowledging and supporting members

This section can be summarised with the same statement as its title. Group members need that the entire staff recognises their work and respects them and that their chief, directly responsible for the group, be capable of providing a solution to the problems

posed by officers in specific cases. Some of these problems may sometimes go beyond their decision-making capacity or they may require some institutional help that can be provided by the chief, who must have built the necessary institutional coordination network mentioned above.

Although it may seem obvious, motivation and acknowledgement in this work area, where situations are not pleasant most of the times, are highly important.

Police protocols and collaboration agreements

All of the partners have reported that their police forces have agreements in force that set out police activities, as well as collaboration agreements with the rest of the institutions involved in gender-based violence issues. Lithuania and Latvia have pointed out that their police do not have specific operation protocols to face gender-based violence. Spain is the only country with specific protocols in place while the rest of the partners have domestic violence related protocols with no gender specification.

Therefore, reviewing the operation guidelines is crucial in order to establish the best procedures to manage violence events.

Spain

Spain has various official protocols aimed at coordinating and organising the work performed at police, social and judicial level. They include, among others:

- *Action protocol of the security corps and forces and coordination protocol with judicial bodies for the protection of domestic violence and gender-based violence victims (28 June 2005).*
- *Action and coordination protocols of the State security corps and forces and lawyers in the case of gender-based violence, as regulated in Organic Law 1/2004 regarding comprehensive protection measures against gender-based violence (2004).*
- *Collaboration and coordination protocol between the State security corps and forces and the local police corps for the protection of*

domestic violence and gender-based violence victims (13 March 2006).

- *Orders 10/2007 and 5/2008 of the State Secretariat whereby the protocol for police assessment of the risk level of violence against women is approved and amended, under the presumptions of Organic Law 1/04 and communication thereof to the judiciary bodies and the prosecution.*
- *Action protocol for the implementation of the telematic follow-up system on the fulfilment of restraining orders related to gender-based violence events (17 July 2009).*
- *Framework collaboration, cooperation and coordination agreement between the Ministry of Interior and the Spanish Federation of Municipalities and Provinces regarding citizen security and road safety (20 February 2007).*
- *Specific agreement between the Ministry of Interior and the City Council of the Municipality signatory to the agreement for the performance of judiciary police functions by the local police corps (standard model implemented by the City Council and the District Government Delegation to undertake gender-based violence powers, among others).*
- *Standard protection request model for domestic violence victims (2004).*

The Local Police of Valencia applies the following protocols:

Intervention Protocol²¹

i. IMMEDIATE ASSISTANCE ACCORDING TO THE VICTIM'S CONDITION.

If the injuries are serious, first aid shall be provided and medical services shall be informed. In the case of serious emotional stress, we shall try to reassure her or take her to a centre to be treated by specialised professionals (24-hour Women's Centre which has a psychologist available 24 hours a day, local Social Services where there is usually one psychologist or, at least, a social worker, depending on each centre).

²¹Model used by the Local Police of Valencia. Created by GAMA coordination group.

ii. OFFERING THE OPPORTUNITY TO TESTIFY BEFORE SPECIALISED STAFF.

In this case, priority must be given to the victim's comfort. We must gain her confidence and, to that end, the fact that a woman (trained in this field) be the first one listening to her problem may result in greater complicity with the victim, enabling us to gather more information at police level. In this case, the order of priority would be as follows:

- Individual specialised in this area.
- At the first statement, if possible, a woman.

iii. STATEMENT ON ADEQUATE PREMISES.

The victim's statement should be taken in a place where privacy is preserved and we are not bothered or disturbed during the process, always trying to ensure the victim's comfort and the privacy of her statement (picking up the phone, closing the transmitter).

iv. ALWAYS REQUESTING MEDICAL EXAMINATION AND COLLECTING THE REPORT, EVEN IF NO VISIBLE INJURIES EXIST.

The reason for this is that the victim may have previous injuries: bruises, marks, etc., which may prove that she is regularly abused. Maltreatment can also affect the victim from a psychological point of view. Therefore, the medical report should reflect her nervous or disturbed condition. A copy shall be requested to the doctor and attached to her statement.

v. VISUAL INSPECTION OF THE PLACE WHERE THE ASSAULT WAS PERPETRATED.

Traces and evidence likely to disappear should be collected. The crime scene and the victim's situation should be described in detail. If possible, a photographic report should be made (for example, cases in which the assault occurs in the marital home).

vi. ENSURING THE PROTECTION OF WOMEN AND THEIR MINOR CHILDREN.

For this purpose, we shall contact other bodies providing assistance to women, such as the 24-hour Women's Centre. If there are minors at risk, the Juvenile Prosecutor should be immediately notified so that the appropriate protection measures are taken.

If the woman or minor children are at imminent risk, the victim should be allowed to submit an APPLICATION FOR PROTECTIVE ORDER. We shall fill it out²² and attach it to the complaint, serving urgent notice to the Duty Court. In any case, it is necessary to inform every domestic violence victim about the existence and possibility of requesting the PROTECTIVE ORDER, so that she can submit it if so desired.

According to the *Protocol of Actions of the Security Corps and Forces and of Coordination with the Judicial Bodies for the Protection of Victims of Domestic and Gender-based Violence*, in addition to all abovementioned proceedings, a number of measures to ensure the protection of victims and their families may be adopted at police stations, while the judiciary authorities decide on: the issuance of the Protective Order, what to do with minors, etc. Measures may include the following:

- Personal protection that, based on the level of risk associated, may even include permanent protection 24 hours a day.
- Use of technological devices (mobile phones, bracelets, etc.).
- Informing and training on the adoption of self-protection measures.
- Informing the victim about the content, proceeding and effects of the Protective Order, as well as regarding the police, social and care resources available.
- Weapons or dangerous instruments that might be in the family home or in the possession of the alleged aggressor will be seized.

vii. OBTAINING INFORMATION FROM THE NEIGHBOURS OR WITNESSES.

Witness statements may evidence the regularity of the violent behaviour, necessary to be considered a crime under Section 173.2 of the Criminal Code.

²²Model of application for protective order: <http://migualdad.es>

viii. TAKING THE VICTIM'S STATEMENT AND INFORMING HER ABOUT THE RIGHTS TO WHICH SHE IS ENTITLED.²³

Certain clarifications should be made regarding this point since, if we are not the ones conducting the preliminary examinations, the statement shall be filed with the police station of the Spanish National Police Force (CNP, Spanish acronym) or the corresponding Civil Guard headquarters. Such Security Corps and Forces shall then follow the abovementioned *PROTOCOL OF ACTION OF THE SECURITY CORPS AND FORCES*, which sets out the proceedings to be carried out and their content.

In addition, the State Security Corps and Forces shall carry out the Police Risk Assessment (VPR, Spanish acronym) to the victim. In this case, we would accompany the victim to the police station and the acting police officers would enter appearance about what has happened.

ix. INFORMING THE VICTIM ABOUT THE SOCIAL SUPPORT SERVICES AVAILABLE AND, WHERE NECESSARY, ACCOMPANY HER.

- Local Social Services.
- Infodonas.
- 24-hour Women's Centre.

x. IF THE OFFENDER IS NOT UNDER ARREST, TAKING ACTIONS TO ARREST HIM.

xi. IN THE EVENT THAT THE WOMAN DOES NOT WANT TO REPORT THE FACTS.

- If there is **prima facie evidence** that a crime has been committed (Sections 153, 171, 172, 173.2 of the Criminal Code) or we have been a first-hand witness: **The aggressor will be arrested.** In the

²³Rights conferred upon her based on the following grounds: Rights as a victim of any crime (Sections 771.1, 109 and 110 of the Criminal Procedure Law); rights as a victim of a violent crime (Law 35/95 of 11 December); and rights as a victim of a gender-based violence crime (Organic Law 1/04).

appearance, the evidence, what we have seen and the witnesses' statement, if any, should be clearly put forward. Since no complaint has been filed by the victim, special emphasis will be placed on the collection of evidence: witnesses, medical reports and previous police reports, and reports from social services and victim assistance offices, if any.

- We must bear this in mind, whether the victim has filed a complaint or not: If the report is exclusively based on the victim's statement, and later she withdraws the complaint, there is only a remote chance that the Public Prosecutor can carry on with the proceeding. However, if the report has been based on other type of evidence of abuse –visual inspection, witness statements, or previous intervention, social services, or victim's medical reports, etc.– it is more likely that the Public Prosecutor (PP) can continue the proceeding. Moreover, even if the PP files such proceeding, if some day the victim decides to report her situation, she can use it as evidence of the frequency of the violent behaviour.
 - If, at that time, there is no clear evidence to carry out the arrest: The relevant PREVENTION PROCEEDING shall be conducted, outlining all of the facts. (A copy shall be sent to the local Social Services.)
- xii. IN THE EVENT THE VICTIM FILES A COMPLAINT, SHE SHALL RECEIVE A COPY THEREOF. When starting a legal separation or absolute divorce proceeding, her lawyer will need it.

IMPORTANT INFORMATION FOR INTERVENTION IN VIOLENCE CASES (for patrol units addressing domestic or gender-based violence)²⁴

REGARDING THE CRIME SCENE

- **Visual inspection:** If the crime scene faithfully reflects any possible violent situation (broken doors, latches or glass, objects on the floor, etc.), *prepare a*

²⁴Created by GAMA for acting patrols.

photographic report and make the victim sign the report record. It is important to inform the victim that it is advisable to make such a report as it could serve as faithful evidence of the violence against her. However, if she still does not want pictures to be taken, police officers should, at least, describe in their appearance and in detail the state of the dwelling upon arrival of the acting force.

REGARDING THE INTERVIEW WITH THE VICTIM

- It must be made, in any case, ***alone*** and, of course, the alleged aggressor should not be able to hear us. (This ***should be stated in the proceedings***, as well as ***the specific number of the police officer*** who has carried out the private interview.)
- We shall specify whether it is **the first violent act** or, as in most cases, whether **it is not the first time**. If so, we shall gather as much information about previous violent events as possible, describing them in the proceedings as a statement by the victim to the police officers.

If she keeps any **injuries' reports, even if they have not been treated as domestic violence injuries** (for example, falling down the stairs or the bath, or a domestic accident), they should be attached to the proceedings. The proceedings should also make reference to any previous potential complaint for the same reasons, and possible ruling or sentences she may have regarding previous episodes (a copy should be attached; if not possible, the place and date of the facts and the intervening police force should be stated). Moreover, we shall check our unit's files, should any previous Local Police intervention have taken place.

- The victim should be asked whether there are **witnesses from her environment** who know about the situation she is going through (relatives, friends). It would be advisable that they testify as witnesses. At least in our appearance, we should take a complete record of their particulars and telephone numbers.
- The victim should be asked whether the alleged aggressor **possesses any weapons** at home or if he has a weapons license. If he has weapons and keeps

them at home, they may be seized as a preventive measure. In the police officers' statement, a copy of the certificate of seizure of the weapon should be recorded. (This is a preventive measure we must take as the first acting police officers.) If the weapons are not at home, we shall, at least, record that the aggressor possesses them and find out where they are, stating so in the proceedings so that the examining magistrate may order their provisional seizure, if appropriate.

DATA COLLECTION ON THE CRIME SCENE

Neighbours' report: We shall gather all possible witnesses in the neighbourhood. **First**, the claimant him/her, if the call has come from a neighbourhood complaint. Information about the other residents of the building should also be gathered. They should be asked about the particular episode of violence, but also about the general behaviour they have been noting between the couple concerned. A complete record of the claimant should be taken, **whereas as regards the other neighbours in the same building, it will be enough to identify the door number where they live.**²⁵(For instance: "The fifth-door neighbour tells us that the aggressor is usually drunk and that on some occasions he has found the victim crying in the doorway".)

IMPORTANT DATA TO BE RECORDED IN OUR STATEMENT

Place where the assault occurred: Shared home, home of the victim, the aggressor or a family member, or in a public place.

Whether the assault has been physical, psychological or both.

Whether the assault has taken place in the presence of minors (full filiation and relationship with the victim and the offender). If we do not really know whether they

²⁵According to the Protocol of Action of the Security Corps and Forces and of Coordination with the Judicial Bodies for the Protection of Victims of Domestic and Gender-based Violence.

have been eyewitnesses to the crime, at least, we shall state that they were inside the home upon arrival of the police officers. The victim should be asked about this fact.

Whether weapons have been used in the assault. In this case, the weapons are an instrument of the crime and they should be taken together with the arrested person.

Whether the aggressor had a restraining order that prevented him from being in that place.

The actual words that the victim tells us regarding, for example, threats, coercion, etc. should be quoted as follows: “If you call someone, I’ll kill you...”, “I’m fed up with you and I’ll commit a folly...”

The emotional state we observe in the victim.

Risk assessment: If the acting police officers are aware of specific data that may indicate a high risk to the victim, they should be quoted in the proceedings. For example, the individual is known as well as his aggressive behaviour or addiction to some substance; she has no family support because she is a foreigner, etc. Nonetheless, the police officer receiving the victim’s complaint should fill out the VPR.

ACCOMPANYING THE VICTIM

- i. **TO THE MEDICAL CENTRE:** A pair of police officers will accompany the victim to a medical centre. Even if she does not have visible injuries, she should be examined in a hospital or outpatients’ centre. This is because the reports to be filled out by doctors, according to their own protocol,²⁶ also make reference to the victim’s emotional state; therefore, it is important that they be timely assisted. The victim is always entitled to a copy.
The annex about filling procedures establishes that medical professionals may submit this document to the Duty Court either

²⁶ Medical protocol for domestic violence actions approved in December 2006, at the plenary session held by the Inter-territorial Council of the National Health System.

directly or through the Security Corps and Forces, if the victim is accompanied by them. The logical procedure should be that we receive a copy for the judicial authority in a sealed envelope and then attach it to our report. Otherwise, the Duty Court will receive the medical report on the one hand and the report on the other. Otherwise, we may take a photocopy of the copy of the victim's medical report, provided that she gives written consent, and attach it to the report.

- ii. **TO ANOTHER ADDRESS:** Sometimes, even if the offender is arrested, it is safer for the victim to go for a few days to another location where it would be more difficult for him to find her (within a maximum of 48 or 72 hours, he is likely to be released even with a restraining order). It is desirable to advise and accompany her to the house of a relative or friend, so that she is not alone either. If she does not want to move from home (for example, she has several children under her care, has no family support or friends), we shall go home with her and instruct her on some self-protection measures (locking doors, not opening the courtyard door to strangers, etc.), and give her a list of emergency phone numbers.

- iii. **WHAT THE VICTIM TELLS US WHILE WE WAIT:** The medical intervention protocol also states that these patients will be preferentially treated. Therefore, if we wait for too long with her at the medical centre, we should remember this point (it is a domestic violence case). The police officers who are accompanying the victim should then appear and report what she told them while they were waiting, if important. As the patrol that is with the arrested person will not be able to gather much information, the workmates who are with the victim are the ones who can provide much more data regarding the facts, witnesses, etc., if relevant, during the appearance.

This patrol is the one that will normally carry out the visual inspection (with photographs, if necessary), the neighbours' report, etc.

- iv. **PHOTOGRAPHS OF THE INJURIES**: It may be the case that she is so upset and nervous that does not want to be assisted or taken to a medical centre. We shall try to obtain her authorisation for a photographic report of the injuries. This is important, even if a medical report is prepared as well. If the injuries are on the face, we shall try to preserve the victim's privacy. The authorisation for the photographic report signed by the victim should be recorded in writing.²⁷
- v. **VICTIM'S STATEMENT**: The victim's testimony will be included in the report and she will be informed of her rights.
- vi. **APPLICATION FOR PROTECTIVE ORDER**: We shall offer the victim the opportunity to apply for a protective order, especially if there are minors at home, since said order may include not only criminal (restraining) but also civil measures (use and enjoyment of the marital home, alimony, etc.). This may be important for her, at least temporarily, until the civil proceeding is conducted.

*Protocol of Assistance and Protection to Victims*²⁸

STANDARD MONITORING PROCEEDING FOR RESTRAINING ORDERS

(Model of specific police group on protection and assistance to victims: decentralised.)

1. Upon the arrival of the restraining order to the unit, the victim should be contacted in person immediately, collecting as many personal details as possible after warning

²⁷Rights as a victim of a crime + rights as a victim of a violent crime + rights as a victim of a gender-based violence crime.

²⁸Created by GAMA.

her that doing so is for the sole purpose of guaranteeing her security. (The first risk will arise after the complaint is filed at the police station: VPR.)

Such assessment should be in the heading of the order. Subsequently, the Police Risk Evolution Assessments (VPER, Spanish acronym) of the victims whose protection has been assigned to us will be filled out.²⁹

2. Basic data to be collected include, without limitation, phone number, timetables, relatives' and most common addresses, children schools, home location, security measures; all of which should be included in a dossier-summary available to all work shifts.
3. As much data as possible about the aggressor should be requested, such as vehicles he drives, places where he frequently goes to and addresses, in addition to everything that we believe may be necessary, such as physical features, etc. The photograph of the aggressor or alleged aggressor is important so that the monitoring and control requested by the judicial authority can be carried out in a realistic way.
4. As much data as possible about the sentence should be collected, including them in the dossier-summary, as well as the grounds of the order: THREATS, INJURIES, etc. A summary sheet which describes the most important facts of the order should be prepared.
5. The victim should be informed about all social resources available to her in her place of residence (local Social Services Centre, Specific Centre for Women; if she is an illegal immigrant, she should be provided with the necessary referrals for her regularisation). It is important that she is aware of her potential right to a telecare

²⁹Order 10/2007 issued by the Secretariat of State for Security, approving the protocol for police assessment of the risk level of violence against women in the cases stated under Organic Law 1/04 of 28 December, and notification thereof to the judicial bodies and the public prosecutor”, and “Order No. 5/2008 issued by the Secretariat of State for Security, amending Order 10/2007 of 10 July”. Through these Orders by the Secretariat of State, a protocol for assessing the victim’s potential risk through a series of indicators is established. For this purpose, some forms are prepared.

device, and the police officer should recommend it when he/she may deem it suitable based on the victim's risk.

6. To fulfil the judge's orders regarding the monitoring and protection of the victim, we shall keep regular contact with her, either in person or by telephone, as regularly as required by the seriousness of the case. These contacts should be included in the victim's tracking sheet.³⁰
7. The personal form of each victim should include, in writing, the most relevant aspects of the interview held and any additional information provided to us contributing to her social and police protection.
8. Any further developments in the monitoring of such protective order should be notified to the relevant Court. Breach of the protective order, change of address, etc. In case of change of address within the city, we shall forward all information related to such matter to the district workmates in charge of the surveillance. If she moves beyond our district, we shall inform the Security Corps and Forces responsible for the surveillance and protection at the place where the victim has moved. (The Liaison Office of the Local Police should also be notified so that, in turn, it notifies the Court.)
9. In the event of breaches of sentence or injunction, a copy should be sent, through the liaison office, to notify the Office of Domestic Violence of such breach and for proper action to be taken. For example, requesting the judge to revoke the suspended sentence, since, usually, it is subject to the non-commission of any other crime and, in this case, the crime of "breach of sentence has been committed".³¹
10. Once the control procedure is completed, a summary sheet of the actions taken in favour of the victim's safety should be sent to the judge who requested the protection.
11. A fluid and permanent contact should be kept with Social Services.

³⁰The risk level will determine the basic tasks to be carried out in favour of the victims' security.

³¹Section 468 of the Criminal Code.

12. It is important that women having a protective order in force and who do not live together with the aggressor are informed about their right to use a remote assistance mobile device nationwide, as most municipalities have adhered to the mobile telecare system of the Ministry of Social Affairs (currently, Ministry of Health and Social Policy) through the Federation of Municipalities and Provinces. Valencia has adhered to such mobile telecare programme from its outset.
13. In every shift, there will be a person in charge of the key to access the programme and the victims' files, should there not be any police officer of the specific group at that time.
14. Statistics sheets related to the victim and aggressor profiles should be prepared. To that end, the victim should sign a written consent allowing us to include her in a database for tracking purposes, as well as for statistical treatment of data.

Statistics sheets related to the tasks performed by the police officers should be prepared. Reflecting what we have been able to prevent as a result of our actions when performing these assistance and protection tasks is difficult. It is easier to tell what happened with victims than the events that did not happen as a result of the monitoring and personal assistance carried out by the protective officers. My experience as a coordinator has made me realise how difficult it is to show the importance of our job. What would happen if we did not do all this? All of us involved in this area know that we prevent many things from happening. This might be one way.

Bulgaria

In Bulgaria, the protocols for the prevention of gender-based violence require that the police officer in charge issue an oral or written warning to the suspect. These are then approved by the officer's supervisor and filed. However, when the officer witnesses an act of violence, he/she must intervene arresting the aggressor.

Some partners state that women rarely report mistreatment; only when they have undergone a series of repeated instances of violence they do so. We believe that a formal warning without arresting the aggressor is a poor response.

United Kingdom

The operational protocol of the United Kingdom partner is based on a detailed national guide issued by the Association of Chief Police Officers and Agencies to serve as guidance for improving gender-based violence research. The legal protocol defines the actions to be taken by each member in each stage of the management process of an instance of violence:

- Receiving the first call and protocol of questions to be asked to the potential victim.
- Initial assistance (care of the victim, children welfare and preservation of evidence).
- Research and surveillance by police officers.
- The role of specialised units' police officers.
- Risk assessment processes.
- Security planning procedures.
 - Connection between various agencies.
- Obtaining court orders

It focuses on the importance of taking appropriate measures as soon as the victim is assisted and recognises that the measures taken by the first police officer who assists and speaks to the victim are essential to manage the situation successfully. There are separate protocols for specific situations. For example, the use of digital recording

devices at the time of initial assistance, or taking DNA and fingerprints, or photographs of the potential victim of a forced marriage.

Good Practice 10 (Police Organisation)

Partners consider the formal registration of police duties at any time or stage of the crime as good practice (since the first call until the subsequent stages of protection). Moreover, the arrangements and cooperation agreements between the various institutions involved with the victim are deemed necessary.

INFORMATION PROCESSING

The United Kingdom, Romania, Spain, Latvia and Italy have reported that police in these countries have information management systems related to gender-based violence. In Lithuania and Bulgaria there are no exclusive databases devoted to these matters. Only Lithuania has reported that this information activity concerning gender-based violence is carried out by NGOs.

Among these systems, Latvia has reported that their registration system is through hard copies. GAMA also keeps paper files for each victim, a kind of dossier (especially for those documents that are not scannable), together with computer backups. The other partners store their records in a database.

The partners have recognised the following problem: the fact that various police forces are assigned to the same geographical areas but do not share a common database; instead, they have separate ones and without access to those of other police forces.

Good Practice 1 (Information Processing)

If there are several police forces concurrent in the same geographical area, and all of them with powers to handle gender-based violence situations, they should all have a tool for the treatment of common information (shared database) to be fed by the

information provided by each and every police force. The information between the various bodies should be fluid and feedback by all of them.

Spain

In Spain, the VIOGEN tool is a common database for all State security corps and forces, where all victims of gender-based violence who have a protective order are recorded, and where the risk level assigned to each victim is indicated. The Local Police forces will also have access to said database once they assume the responsibilities of cooperating in the protection of gender-based violence victims by signing a standard agreement between the City Council and the Ministry of Interior.

The GAMA group has provided information on several types of databases: A management and intervention database including: place of the intervention, victim and aggressor particulars and summary of the intervention. A protection and prevention database where victims with restraining orders are included and which consists of: particulars of the victim, aggressor and minors. Judicial measures. Criminal profile and risk assessment of the victim. A research database including anonymous data about the victim and aggressor (for example, nationality, age, education, criminal record of maltreatment) that is used for research purposes as a result of agreements entered into by several universities.³²

³²Example of statistical model of anonymous profiles of victim and aggressor regarding gender-based violence used by GAMA for research purposes. Statistics created by the group coordination and used by the GAMA units of the Local Police of Valencia. As shown in the profiles' statistics, only broken down data about gender-based violence are collected. At first, we used to collect all types of data, but experience has shown us that if we mixed them up with other forms of violence (domestic violence in general), distortions arose in the profiles by age, cohabitation, etc., rendering such data much less useful. Thus, we decided to break data down by victim and aggressor profiles only, which represents between 80% and 90% of the gender-based violence cases with restraining or protective orders. Thus, data are quite detailed enabling us, through graphics linked with Excel sheets, to obtain information on: nationality, age, employment status, family responsibilities, criminal record, etc., about both the victim and aggressor. (This will be mentioned as an example in the area of information processing.)

EXAMPLE OF GAMA STATISTICAL MODEL

| GAMA GROUP ANNUAL STATISTICS ABOUT VICTIMS | | |
|---|--------------|----------------|
| PROTECTIVE ORDERS 2011 | TOTAL | JANUARY |
| VIOLENCE AGAINST WOMEN – PARTNER/EX-PARTNER | 0 | |
| DOMESTIC VIOLENCE AGAINST WOMEN | 0 | |
| DOMESTIC VIOLENCE AGAINST MEN | 0 | |
| OTHERS | 0 | |
| ORDERS RECEIVED in 2010 | 0 | 0 |
| ORDERS RECEIVED in 2010 with unreachable victims | | |
| TOTAL EFFECTIVE ORDERS | 0 | |
| STATISTICS ON VIOLENCE AGAINST WOMEN VICTIMS IN PARTNER/FORMER PARTNER RELATIONSHIPS | | |
| VICTIM'S NATIONALITY | | |
| Spanish | 0 | |
| OTHER NATIONALITIES | | |
| South American | 0 | |
| African | 0 | |
| European | 0 | |
| Asian | 0 | |
| Others | 0 | |
| Foreign | 0 | 0 |
| TOTAL VICTIMS | 0 | |
| VICTIM'S AGE | | |
| Under 16 | 0 | |
| From 16 to 20 | 0 | |
| From 21 to 30 | 0 | |
| From 31 to 40 | 0 | |
| From 41 to 50 | 0 | |
| From 51 to 64 | 0 | |
| 65 or above | 0 | |
| TOTAL VICTIMS | 0 | |
| VICTIM'S EDUCATION | | |

| | | |
|--|----------|----------|
| Primary | 0 | |
| Secondary | 0 | |
| Higher | 0 | |
| Unknown | 0 | |
| TOTAL VICTIMS | 0 | |
| RELATIONSHIP WITH AGGRESSOR | | |
| PARTNER | 0 | |
| SPOUSE | 0 | |
| BOYFRIEND WITHOUT COHABITATION | 0 | |
| TOTAL | 0 | 0 |
| FORMER PARTNER | 0 | |
| FORMER SPOUSE | 0 | |
| FORMER BOYFRIEND | 0 | |
| TOTAL | 0 | 0 |
| TOTAL VICTIMS | 0 | |
| VICTIM'S EMPLOYMENT STATUS | | |
| WORKING | 0 | |
| COLLECTING A SUBSIDY | 0 | |
| NOT WORKING | 0 | |
| STUDENT | 0 | |
| VICTIM'S CHILDREN | | |
| NONE | 0 | |
| ONE | 0 | |
| TWO | 0 | |
| THREE OR + | 0 | |
| TO BE DETERMINED | 0 | |
| TOTAL VICTIMS WITH CHILDREN | 0 | 0 |
| VICTIM'S CHILDREN SHARED WITH AGGRESSOR | | |
| NONE | 0 | |
| ONE | 0 | |
| TWO | 0 | |
| THREE OR + | 0 | |
| TOTAL | 0 | 0 |
| TELECARE | | |
| TELECARE UNITS | 0 | |
| AGGRESSOR'S NATIONALITY | | |
| Spanish | 0 | |
| OTHER NATIONALITIES | | |
| South American | 0 | |
| African | 0 | |
| European | 0 | |
| Asian | 0 | |
| Others | 0 | |
| Foreign | 0 | 0 |
| TOTAL AGGRESSORS | 0 | |
| AGGRESSOR'S AGE | | |
| Under 16 | 0 | |
| From 16 to 20 | 0 | |
| From 21 to 30 | 0 | |
| From 31 to 40 | 0 | |
| From 41 to 50 | 0 | |
| From 51 to 64 | 0 | |
| 65 or above | 0 | |

| | | |
|--|----------|----------|
| TOTAL AGGRESSORS | 0 | |
| AGGRESSOR'S EDUCATION | | |
| Primary | 0 | |
| Secondary | 0 | |
| Higher | 0 | |
| Unknown | 0 | |
| TOTAL AGGRESSORS | 0 | |
| AGGRESSOR'S EMPLOYMENT STATUS | | |
| WORKING | 0 | |
| COLLECTING A SUBSIDY | 0 | |
| NOT WORKING | 0 | |
| STUDENT | 0 | |
| UNKNOWN | 0 | |
| TOTAL AGGRESSORS | 0 | |
| ASSAULT UNDER ALCOHOL OR DRUG EFFECTS | | |
| YES | 0 | |
| NO | 0 | |
| PLACE WHERE THE LAST ASSAULT OCCURRED | | |
| Shared home | 0 | |
| Victim's home | 0 | |
| Aggressor's home | 0 | |
| Home of relatives and/or others | 0 | |
| Public place | 0 | |
| TOTAL ASSAULTS | 0 | |
| KNOWN ADDICTIONS (AGGRESSOR) | | |
| DRUGS | 0 | |
| ALCOHOL | 0 | |
| DRUGS AND ALCOHOL | 0 | |
| OTHERS | 0 | |
| TOTAL AGGRESSOR ADDICTIONS | 0 | 0 |
| MALTREATMENT FAMILY RECORD | | |
| VICTIM | 0 | |
| AGGRESSOR | 0 | |
| COMPLAINT DATA | | |
| 1 st time that she reports, but not the 1 st assault/threat. | 0 | |
| 1 st time that she reports. 1 st time that she suffers from the crime. | 0 | |
| She has reported on some other occasion. | 0 | |
| PROTECTIVE ORDER DATA | | |
| First protective or restraining order. | 0 | |
| She has already had a protective or restraining order before. | 0 | |
| POLICE INTERVENTION | | |
| ARRESTS FOR DOMESTIC VIOLENCE | 0 | |
| ARRESTS FOR BREACH OF SENTENCE | 0 | |
| PREVENTION MEASURES FOR DOMESTIC VIOLENCE | 0 | |

Spain has also suggested the possibility of creating a “prediction” database, where once the information about the victim and aggressor is collected, high-risk cases could be identified cross-referencing data from all current databases to try to find out, with risk variables, those cases having a high probability of resulting in a instance of domestic or gender-based violence (for example, controversial family being assisted by Social Services, addictions detected by the family doctor, conflicts with children detected by the school, etc.). **A database of this kind allows for early identification and intervention curtailing the instances of violence and preventing police intervention from occurring when the abuse is reaching its critical point. This has not been developed yet and is part of another European project led by the Ministry of Government of the Generalitat Valenciana, of which the Local Police of Valencia is also a partner. The project is called ICEBERG and it deals with primary prevention on gender-based violence.**

United Kingdom

The UK partner uses an application called Niche. It is a system used to record all current crimes’ complaints, domestic violence events, all the files of detainees, all police reports and a large number of varied incidents. Therefore, they do not have a specific file on victims of gender-based violence in emotional relationship as in Spain. Documents may be scanned (for instance, Court orders’ copies), including photographs. It is available to all the staff, although confidential information may be hidden. Search can be done by type of violent event, location, vehicles, time, phone numbers and police officers involved in the cases. In addition, the UK has developed a national system to facilitate access to a police force of a particular area to the databases of other areas outside their district. This ensures local information is placed in a database available to everybody.

In the case of the databases in place no input, output or exchange by and with other agencies has been observed, except for Romania (Labour and Social Protection Unit) and Spain (joint work with other police forces operating in the same area, through VIOGEN and fluent communication between the various forces).

It is difficult for partners to achieve an exchange system amongst the multiple agencies, but it would be most helpful.

ASSISTANCE STRATEGIES TO AVOID DOUBLE VICTIMISATION

Preventing secondary victimisation is considered a key issue in the police management of gender-based violence; therefore, the leading partner suggests a series of issues in this regard, which are accepted by the other partners and are listed below:

Good Practices: On Assistance Strategies

- Care of the victim by a single reference police officer.
- Opportunity to testify before qualified staff.
- Appropriate police stations (room for children with toys, interruption-free private room).
- Police management preventing victim-aggressor visual confrontation at trial (screens between victim and offender, videoconferencing).
- Possibility of going to the victim's home to pick up the complaint (laptops and portable printers).
- Complete information to the victim about her proceeding (stages, procedural status of the aggressor).
- Possibility of not wearing the regulatory uniform in some cases (especially

when escorting and protecting the victim).

- Opportunity of using vehicles without police identification.
- Adjustment of police schedule to victim's needs.
- Empowerment of the victim avoiding that the protecting police office tells her what and not to do. She must start taking her own decisions.

PERFORMANCE MANAGEMENT

It is not so easy to determine whether an action has been successful in instances of gender-based and domestic violence. A reduction in violent events can be construed as a success, in the sense that there are fewer women victims or that they are less afraid to report. By contrast, an increase in the number of complaints may indicate the police's failure in protecting women or, alternatively, increased confidence among victims who consider the service of police officers appropriate.

This is a constant dilemma, but it is clear that somehow we must measure whether the police activity is effective or not in order to determine how and where to allocate resources. Therefore, the partners are requested to point out how they measure the success or failure of a specific action.

Lithuania and Latvia have stated that they have no system in place to measure police management performance in dealing with gender-based violence. The other countries have reported that they produce statistics. Spain, specifically, through GAMA, uses

worksheets where the activities undertaken for the protection of victims are recorded (i.e., monthly statistical data that reflect the group's work: calls, personal visits, interviews at police stations, escorts, work with Social Services). This, together with the levels of violent events affecting the protected victims, can give us a picture of the degree of efficiency in the service provided.³³

³²Example of worksheet model of police work performed by GAMA.

EXAMPLE OF GAMA GROUP WORKSHEET MODEL

| JANUARY (by month) | POLICE OFFICER | CALLS | HOME VISITS | INTERVIEWS AT POLICE STATIONS | MANAGEMENT WITH SOCIAL SERVICES | BUREAUCRATIC FORMALITIES | PREVENTION MEASURES | DETAINEES | ESCORTS |
|-----------------------|-------------------|-------|-------------|-------------------------------------|---------------------------------------|-----------------------------|------------------------|-----------|---------|
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|--------|--|---|---|---|---|---|---|---|---|
| TOTALS | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|--------|--|---|---|---|---|---|---|---|---|

Romania and the United Kingdom have reported on satisfaction surveys about the services rendered to victims. In the UK this is carried out in different ways:

- i. Each victim is given a letter from the specialised units including all the details and services available, along with a form that the victim was invited to complete and return to the central department for collection and analysis.
- ii. The members of telephone care units call the previous day victim asking her to report about her experience when assisted by the police.
- iii. Volunteer agencies conduct interviews about the behaviour of women who cooperate with the police and then return the form to the police for further analysis.
- iv. The collected reports are received by volunteer agencies and women's forum.

The following have been considered indicators to assess police performance:

- i. Number of cases per police officer (Spain, Romania and Bulgaria).
- ii. Annual fluctuation in the number of instances of violence (Spain, Italy, Bulgaria and the UK).
- iii. Reoffending of aggressors (Spain, Romania, Bulgaria, Italy and the UK).
- iv. Average reduction of the extent of harm (Italy).
- v. Average reduction in the risk level (Italy).
- vi. Average reduction in the extent of damage (Italy).
- vii. Victims' satisfaction rate (Spain and Romania).
- viii. Reduction in the rate of victim's activation time.
- ix. Police response time.

Evidently, interpreting the figures entails certain difficulties. Thus, the following are possible indicators: the number of people arrested for domestic and gender-based violence (an increase indicates a good police activity); an increase in cases brought before Court (indicates a thorough investigation); and an increase in the number of convictions (indicates that women feel safer to report the events). And, of course, an infallible indicator is the number of homicides per year as a result of gender-based and domestic violence. In

all these cases, Good Practice 1 mentioned at the beginning of this manual becomes a relevant issue: Using common terminology.

There is a strong need to identify a common terminology so that these figures can be compared and analysed across different countries.

Good Practice in Performance Management

An agreed-on-measure is necessary for indicating which practices are effective in the fight against gender-based violence and identifying “what seems good”. This requires comparative studies across countries to generate the appropriate indicators. The work suggested by the partners includes, without limitation, annual fluctuation in the number of instances of violence, number of complaints, victimisation surveys, reoffending, etc.

ASSISTANCE SERVICES FOR VICTIMS

Gender-based violence has a collateral impact on all aspects of victims' lives, so they need to be provided with the greatest assistance. A number of examples have been discussed in relation to good practices for providing assistance to victims.

Lithuania has given details of its experience with women's shelters in Vilnius, funded by the Local Authority. This is a common practice followed to maintain anonymity. This ensures that abusers do not know where the victims are, protecting them from any potential risk. These shelters are uniquely used for victims of gender-based violence and are intended to call society's attention to this problem. They are usually located near police stations to ensure safety and discourage offenders. Sometimes they are close to schools for the sake of children's well-being.

The other partners have reported to have similar shelters, which are regarded as essential for victims to resume their lives away from their abusers.

In the United Kingdom, there are temporary shelters for victims; however, the primary aim is to keep victims at their own homes to avoid causing them further hardship, on which Spain agrees. Victims should be better protected at their own homes so that they will not suffer the uprooting caused by leaving home (where children have their friends, school; the victim may work nearby, etc.). For this purpose, the police must have legal tools that may enable them to act in cases of harassment, breach of restraining orders, etc.

The United Kingdom has informed about a plan called "Sanctuary", which offers a wide array of measures intended to make victims feel safer at their homes, and may also provide for installation of alarms, among others.

In Spain, in any instance of violence, even minor, the offender is arrested, and if the Court is satisfied that there is some risk, it will issue an exclusion order. Victims holding a protective order are given by GAMA a sheet of self-protection measures, some of which

are detailed below.³⁴ As mentioned earlier, it is often more convenient for the victims' recovery that they remain at home, except in high-risk situations; but to do that, the police must count with sufficient means to secure protection.

Lithuania has informed about a scheme which originated in Norway, where women's centres offer free legal advice by senior law students who have received additional training in criminal, family and civil law. This is supported by an agreement between the centre and the local university. Information brochures distributed at hospitals, shelters and police stations, and newspaper adverts are used to make this service known to women.

³⁴Sample self-protection measures sheet.

SAMPLE GAMA SELF-PROTECTION MEASURES SHEET

SELF-PROTECTION MEASURES SHEET

YOU HOLD A RESTRAINING ORDER, WHICH MEANS THAT THE ACCUSED/CONVICTED OFFENDER:

Cannot intentionally approach you closer than _____ meters.

Cannot contact you (by messages, mobile phone calls or through third parties).

Either situation is considered a breach of the order, and you must immediately report it to your protection police officer.

- IF HE APPROACHES YOU, enter immediately a public place where there are people, get help, and call the emergency telephone numbers (092/091/112) or your protection officer.

- DO NOT CALL HIM, DO NOT STAY WITH HIM (not even to talk). DO NOT INVITE HIM HOME. DO NOT GO TO HIS HOME.

- As soon as you are granted the right to occupy the home on your protective order, CHANGE THE DOOR LOCK.

- AS FAR AS POSSIBLE, STAY CLOSE TO PEOPLE YOU TRUST AND WHO KNOW ABOUT YOUR SITUATION.

- DO NOT FOLLOW THE SAME ROUTES AT THE SAME HOURS, if possible.

- IF YOU MUST TALK TO HIM, ASK YOUR PROTECTION OFFICER FIRST and through your lawyer the Court will decide how.

- IF HE KNOCKS ON YOUR DOOR, DO NOT OPEN. Call immediately your protection officer or the emergency telephone numbers (092/091/112).

- ALWAYS TAKE A COPY OF THE RESTRAINING ORDER WITH YOU.

- ALWAYS CARRY A MOBILE PHONE OR TELECARE PHONE, if you have one.

The crisis centre for women in Kaunas runs a programme for aggressors, specifically for those who have expressed their intention to change. It is also regarded as a form of protection for women. There is a debate around the role of programmes for abusers. What is certain for the partners is that these programmes must be reliable and have a certain duration. Working on abusers' behaviour could be crucial to protect victims.

In the United Kingdom, criminals sentenced to community service may be required to attend an integrated gender-based violence programme managed by the National Probation Service. It usually lasts two years. The integrated gender-based violence programme is a group programme for convicted offenders, focused on the concept of power control and abuse. Offenders are expected to talk openly about their violent acts and hear the experiences of others. It has been demonstrated that these courses help abusers to become aware of the impact of violence, to take the blame for it, and finally manage to stop their violent behaviour. The course addresses physical and psychological abuse. The victim often has an important role in her partner's rehabilitation, her needs being always of the utmost importance. If the victim and aggressor are still in contact, she is asked to provide information regularly, which will contribute to the abuser's rehabilitation. Safety of any woman or child is of paramount importance, and the programme's success depends on the absence of instances of abuse.

There is also a safe relationship programme which is shorter. Some voluntary agencies, such as STOP, in the city of Leeds, have carried out similar work with non-convicted offenders as volunteers. Also, the women's risk assessment conference has discussed how to treat offenders' behaviour, usually by stringent means or programmes aimed at putting an end to drug or alcohol abuse. This is related to the concept of offenders' integration management, whereby agencies work together to address the reasons for the criminal behaviour concerned.

In Spain, there are abusers treatment programmes, which, though voluntary, are in certain cases a substitute for the prison sentence, so voluntariness is relative. One of the most serious programmes currently in place in Valencia is the CONTEXTO programme, which lasts for approximately two years, and focuses on the roots of violent behaviour (roles wrongly taken, lack of social skills, empathy problems, low frustration tolerance, etc.).

Good Practice 1 (Assistance to Victims)

There must be a network of temporary shelters (public and private) to allow the victim, in high-risk situations, to leave home but move on with her life with a relative level of security (work, children's school, etc.). However, remaining at their own home is believed to be more convenient for the victims' recovery. To that end, the police should be equipped with the necessary resources to secure protection (harassment laws, imprisonment for those breaching restraining orders, partial or total public allowances to guarantee home security, including armoured doors, alarm system, window locking, etc.).

Good Practice 2 (Assistance to Victims)

Treatment and rehabilitation of offenders should be regarded as a way to protect victims while serving for reintegration, which every punishment should pursue. Programmes must be reliable and last for a certain period of time.

The abovementioned ICEBERG project is a primary prevention project involving the following partners: Bulgaria, France, United Kingdom and Spain. This project seeks to develop community work, so that the neighbours themselves can provide assistance to victims and improve early identification of cases that could be reported before they escalate. Its highest value is the word: ANNOUNCE RATHER THAN COMPLAIN. It focuses on helping women in the hard process of filing a complaint giving them enough support so that they can pursue the procedure without desisting, for fear, blame, pity, etc. – all victims' typical feelings.

All partners have reported to have a national telephone helpline and website with information for victims:

- i. In the United Kingdom, they are run by voluntary agencies such as women support agencies. The helpline is geared to members of minority communities, as is the case of same-sex couples, Chinese victims or men and women with learning difficulties.

- ii. Italy has been running public helplines under the Arianna project since 2006. The helpline is operated exclusively by especially trained women. Callers' anonymity is protected in accordance with Italian privacy law. Callers are listed to, and after assessing their needs, they are referred to volunteers, volunteership agencies and social workers. In high-risk cases, the operator can immediately call the police, putting the caller on hold.
- iii. Spain has a completely confidential helpline for women who are victims of gender-based violence (Phone: 016). This line is available to victims or people who know someone who is a victim of gender-based violence. Everything is confidential and the number does not appear in phone bills and is automatically deleted from memory. Calls are received by professionals specialised in gender-based violence in multiple languages: Spanish, English, French, Catalan, Galician, Basque, etc.
- iv. In Lithuania, since 2004, there is a free helpline for women victims of gender-based violence, funded by the Ministry of Labour and Social Security.
- v. In Latvia, about five support lines are managed by NGOs. The call centre for crisis situations is available 24 hours, seven days a week, providing psychological counselling and assistance information available in Latvia. In January 2005, the women's resources centre also created a free telephone line.
- vi. In Bulgaria, the Animus Association operates a helpline 24 hours a day, while Romania also offers telephone helplines.

Good Practice 3 (Assistance to Victims)

A 24-hour telephone network for assistance to victims, families and professionals should be established. The line should be financed with public funds, regardless of the professionals delivering the service (NGOs, hired staff, etc.). These professionals must be specialists in gender-based violence.

Technological Assistance to Victims

Partners have been asked to inform about the technical services used to protect victims. Romania, Lithuania, Latvia and Italy have reported not to have any such devices in place.

Spain has reported about two technological protection systems.

GPS mobile phones are available to any victim of gender-based violence who meets two basic conditions: Not living with the abuser and holding a restraining order. This enables gender-based violence victims to:

1. Have social assistance available 24 hours a day, being able to call operators at any time and inquire about any problem they may be concerned about. Operators are qualified professionals in the social or psychological fields with expertise in gender-based violence.
2. In any danger situation, victims can press an emergency button which activates an eavesdropping system allowing the operator to listen to what is happening and immediately report it to the emergency services. In addition, the GPS locates her position, which is reported to the police.

Bracelets for abusers subject to restraining orders

1. This plan was started by the Ministry of Equality in July 2009 and is still in force. Within the scope of this plan, 3000 GPS bracelets have been put at the courts' disposal. Through a court order, a judge can compel the alleged offender to wear one of these bracelets.
2. If he approaches the victim, an alarm is triggered, both in a device carried by the victim (to alert her), and at an alarm centre which gives immediate notice to the police, indicating the location. If the aggressor takes it off, the alarm will be triggered, and this is considered a breach of the court order.

In the **United Kingdom**, several systems in place offer technical services to protect victims:

- Under the Sanctuary Plan, the Government provides assistance to victims for them to remain at home. Measures include: window blocking, fireproof letterboxes, etc. Furthermore, a video camera can be installed at the victim's home so that, when she is not at home and the abuser comes nearby, an alert is issued to the operational centres of the local authority or, in high-risk situations, directly to the police. These cameras record whether the suspect's vehicle passes by, or if he breaches the court order and enters the area where the victim lives. In addition, recordings can be used as evidence.
- Moreover, in the United Kingdom, mobile phones are given to women who do not have one so that they can call in case of emergency.
- A service similar to the Spanish electronic bracelets is also provided by a company. In this case, the victim is given a small pendant alarm with GPS technology that she can take with her wherever she goes. When she presses it, the device is activated, triggering an alarm at the control room run by the company. The alarm indicates the victim's location and also allows eavesdropping what is going on. In cases of assault, the operator alerts the police immediately.
- The UK partner currently uses "headcams" (cameras) to gather evidence from the places where violent events have occurred. These are small cameras that officers carry on their head or in some part of their body.

They record everything in a small hard disk. For example: the behaviour of the victim and the abuser, if present; the victim's first depositions; injuries; damage to the property; evidence of any act of violence; witnesses' testimony; and any relevant statement made by the abuser. The recording can allow obtaining a confession of the offence by the abuser while he believes that it is a simple interview.³⁵

These cameras provide excellent evidence to the courts as they can prove guilt without the victim's involvement. Similarly, the police can play the emergency

³⁵Under Spanish law, it is difficult to have this admitted as evidence if the offender has not been previously warned that his statements are being recorded. Even when we take pictures of the home to show its state after the alleged assault, we need authorisation from one of the residents (usually the victim).

call recording. These recordings often contain the sound of violent acts and provide useful evidence to the victim.

Good Practice 4 (Assistance to Victims)

Something regarded as highly useful for police work is implementing victims' assistance technological systems, which will enable victims to continue leading their normal life, boosting the level of security. This, tied to fulfilling the self-protection measures recommended by their protection officer, is essential for the victims' safety.

POLICE TRAINING POLICIES

Lithuania and Latvia have reported that their police officers are especially trained in gender-based violence.

Bulgaria has pointed out that part of the Ministry of Interior's scheme is that its police receive professional training on gender-based violence. So far, some police training has been conducted by NGOs. The partner has pointed out that the Government's scheme sets a good training programme in this field, but it is yet to be implemented.

In Romania, training courses delivered by the police staff are proposed by the Ministry of Interior, the County Labour and Social Protection Unit and NGOs. They last six months and all staff members must attend personally. Training is permanent and up-to-date.

Italy has reported that all its officers received 16-hour classroom training to learn how to treat victims of gender-based violence (with the exception of financial police, who had 8-hour training). Training was provided by police staff and external experts.

Spain has informed about two levels of training: one for all police officers and one for specialist teams. All staff receives 20-hour initial training at the Police Academy. Then, there are a number of courses on this subject that can be taken during working hours (40 hours a year).

Advanced training is available to UPAP officers and other specialist teams, such as GAMA. This training is basic, though delivered on an ongoing basis. Thus, specialist police officers are permanently updated on laws and protocols. Psychosocial courses are an important training field, helping the police to better serve victims, gaining greater understanding of the meaning and consequences of this serious scourge. There are courses aimed at specific issues, such as disabled, immigrant, addicted women, etc. Some of these courses are offered to the police for free by institutions and NGOs.

The Spanish partner recommends taking advantage of the Web-pol platform, created under the umbrella of a European project to share “online” and “e-learning” training courses on gender-based violence, so that all partners can share good practices with one another in an active and dynamic way.

A similar two-level training process is implemented in the United Kingdom. All staff receives 8-hour training on domestic violence issues. Domestic violence is integrated with other subjects (e.g., assaults). Training is delivered every 10 weeks.

This programme may cover a wide range of legal issues and procedures, including gender-based violence. Furthermore, specialist officers belonging to the protection unit take a training course covering subjects such as gender-based violence, child sexual exploitation, risk assessment, and protection of vulnerable adults.

In particular, specialists’ training includes interviews to vulnerable people, videos and presentations.

Partners have concluded that there are a number of fields which call for specific expertise from the police so that they can respond adequately to gender-based violence victims. These include:

- i. Understanding the nature of gender-based violence as a crime driven by power and control. Analysis of its causes to reach a better understanding of the crime.
- ii. The difficulties and pressures discouraging these victims from making their complaint, unlike victims of other crimes (loss of home, fear for children, economic dependence, recurrent attacks).
- iii. Specific difficulties for victims resulting from other vulnerability factors: immigrant, disabled, or addicted women, etc.
- iv. Expertise in gender-based violence when it comes to children who are indirect victims of such violence. Importance of taking appropriate action to respond to instances involving children.

- v. Criminal and procedural law on gender-based violence, to provide complete information to victims.
- vi. Protocols to follow with victims, from the first call until the subsequent arrest of the alleged offender, protection of the victim and children, etc.
- vii. Learning how to protect and preserve different types of evidence (e.g., through photographs, witnesses, etc.). Submittal of evidence when prosecuting crimes of gender-based violence typically consists of one person's word against another's, so preserving evidence is important.
- viii. Learning how to assess any potential risk for the victim, and how to conduct, interpret and implement security schemes.
- ix. How to help victims who refuse to report an instance of violence.
- x. Knowledge of local support services and referral procedures (e.g., shelters, financial aid, etc.).
- xi. Management of offenders.

Good Practice (Training)

Managing instances of gender-based violence calls for specialised training to provide an adequate professional service. Training contents need to be adapted to the particular circumstances of each country. As a general rule, one should bear in mind that it is a global problem, so specialist police officers should seek to become acquainted with the three dimensions of this matter, i.e., the social, legal and police aspects, providing overall assistance to the victims, either directly or by making the relevant referrals.

FINAL CONCLUSIONS ON THE THREE AREAS OF POLICE INTERVENTION

Having discussed the police practices agreed by partner countries in all the areas analysed, we would like to conclude this manual outlining the measures we deem more suitable in relation to PREVENTION, INTERVENTION AND VICTIMS PROTECTION FROM THE POLICE STANDPOINT.

PREVENTION:

- ✓ **In charge of police officers belonging to a specialist team: Delivering awareness talks aimed at various groups (NGOs, schools, professional groups, etc.).**

WHY IS IT A GOOD PRACTICE?

Because it may allow for early detection of violence situations which, in many cases, not even the victim is able to identify.

Also, because it further allows providing the necessary tools to get out of the violent situation (information about specific resources: police, social resources, etc.), thus answering many questions victims might have and do not dare to ask.

Finally, we believe that it allows for greater appreciation of the police officer's persona as the professional to resort to in the face of this serious crime.

INTERVENTION:

- ✓ **We believe that intervention has two parameters: the victim and the offender. Therefore, we need, if possible, that police work is divided into these two areas: Victim/offender.**

WHY IS IT A GOOD PRACTICE?

Because the specialist team's officer who is acquainted with the victim's violence situation assists her everyday and will remain by her side and accompany her wherever she may need (medical services, police stations, courts, etc.). This is to prevent that the victim feels that she is on her own and to make her feel that institutions support her, from the very beginning, in

the hard and tough decision of filing a complaint against her partner. Another patrol should be in charge with arresting the offender. Subsequently, and before the offender is brought to court, the acting officers will present their version.

In extremely serious instances of violence, the focus for us must be the victim and not the aggressor. Once arrested, the offender is no longer a problem, but he is when the victim's real problems begin, so we must be by her side: advising her, supporting her.

- ✓ **The first intervention lays the basis for all subsequent judicial proceedings, and that is why we believe it essential that it be undertaken by officers specialised in the matter.**

WHY IS IT A GOOD PRACTICE?

Specialist officers know the ins and outs of the process and know how to break down and differentiate information: material, less relevant and totally immaterial information. This prevents further suffering, and makes it possible for the victim to have real information available about everything that is going on from the time of the complaint, as the specialist officer is capable of duly informing all about it.

- ✓ **At the police's first intervention, when taking deposition of the victim, a first risk assessment is carried out. To that end, a number of objective questions are asked while an IT program assesses answers to deliver a first assessment of the risk.**

WHY IS IT A GOOD PRACTICE?

It helps officers to have an objective basis for assessing risk. Although they will be the ones to make the final assessment, it serves as a guideline to cross-check parameters and obtain a preliminary result.

- ✓ **There must be a quick victims' protection system in place (protective orders) comprising both civil and criminal measures in a swift procedure.**

WHY IS IT A GOOD PRACTICE?

Because, through a quick process conducted by a judge –usually the judge on duty–, issues of vital importance can be settled, such as the safety of the victim and any children under her care.

PROTECTION:

- ✓ **A single protection officer who is acquainted with the case should be assigned. This officer will be responsible for assessing risk evolution.**

WHY IS IT A GOOD PRACTICE?

By assigning a case to one single officer, the victim will not undergo further hardship by having to re-tell her story every time she has a problem related to the event reported.

- ✓ **A personal dossier for each victim should be prepared (address, phone numbers of the victim and her relatives, children's school, home protection measures, places frequented by the aggressor, vehicles he uses, photograph, brief history of the case, criminological profile).**

WHY IS IT A GOOD PRACTICE?

Having all these data enables us to better protect the victim, and to be responsive in the event of a serious instance of violence. Besides, if the protection officer is absent, we will have a summary of the case and be able to take the necessary steps without causing the woman too much suffering.

- ✓ **We should have both personal and telephone contact with the victim to get to know how the situation is going and monitor referrals in the social sphere.**

WHY IS IT A GOOD PRACTICE?

We think we must not wait for the victim to call us; rather, we must take a proactive attitude and carry out monitoring in this way. This enables us to be more up-to-date with current events, and to monitor referrals to other bodies and assess the outcomes: telealarm, financial aid management, among others.

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- Bases: Worksheets developed by project partner countries, gathered by the Partner of the United Kingdom.

- Subsequent contributions to the Manual:

- Framework of police and judicial protection: Mr. Vicente Magro Served (President of the Provincial Court of Alicante).
- State Policies Framework: Professional Criminologists Association of the Valencian Community (APCV).

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Special thanks for the collaboration to:

Ms Estefanía Navarrete

Inspector of the Local Police of Valencia

Mr. Vicente Magro

Senior Judge of the Provincial Court of Alicante

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With financial support of the European Union
Daphne III Programme

