

Study for the exchange of good practices and legal instruments in the fight against gender-based violence between Norway, Iceland and Spain with reference to the existing legislation in the countries of the European Union

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INTRODUCTION

To achieve real equality between women and men, which must include the achievement of a society free of violence against women is one of the primary objectives to which any society should aspire and, consequently, governments must work for. Over recent years, the countries of the European Union and European Economic Area have launched several initiatives in order to achieve equal and violence-free societies.

This document is essential to analyze some aspects on implemented public policies on gender-based violence in three countries: Norway, Iceland and Spain. In order to provide a context for those public policies, the study includes a compilation of the legislation in the 28 countries of the European Union, plus Iceland and Norway.

The study is divided into four sections:

- The first one includes a contextualization of the study, explaining the reasons and origin for the study as well as drafting its theoretical framework.
- The second section contains the compilation of the legislation in the fight against gender-based violence in the countries of the European Union, plus Iceland and Norway.
- The third section identifies good practices in the fight against this type of violence in Norway, Iceland and Spain. The analysis of good practices has been structured in six major areas: education and prevention, health sector, social welfare, justice, security and employment. In the case of Iceland the study is limited to the justice area.
- The fourth and final section contains the final conclusions.

1. CONCEPTUAL FRAMEWORK

1.1 Background of the study

The Agreement on the European Economic Area (EEA) allows the EEA- EFTA member States (Norway, Iceland and Liechtenstein) to participate in the internal market of the European Union (EU) without adhering to it.

Since the EEA Agreement entered into force in 1994, the EEA - EFTA have contributed to social and economic progress in different EU countries. To do this, the financing mechanisms of the EEA ("EEA Grants" and "Norway Grants") are intended to reduce economic and social inequalities in European countries and strengthen cooperation with the beneficiary countries.

The November 15th, 2011 was signed the "Memorandum of Understanding" between the EEA States (Norway, Iceland and Liechtenstein) and the Kingdom of Spain on the implementation of the EEA Financial Mechanism 2009-2014, which is instrumented through six programs.

One of them is the "Program of Gender Equality and Reconciliation of work and family life", which aims to develop projects promoting equality between men and women in the labor market, female entrepreneurship, balance on boards companies, reconciling work and family life, socio-professional inclusion of women from vulnerable groups and combating gender-based violence.

Among the projects planned for the achievement of this goal is the realization of a study to the exchange of good practices and legal instruments between Norway, Iceland and Spain in the fight against gender-based violence and include, for contextualization, compilation of the legislation in the countries of the European Union in this area.

1.2 Theoretical framework: violence against women and domestic violence

Over the last few years it has extended certain social concern by the different manifestations of violence against women. Thanks, mainly and firstly, to the demands of specialized women's organizations and human rights, and secondly, to the action of public authorities today the victims of this violence have recognized a series of rights by States and receive protection and support from them.

When we talk about **violence against women** in a broad sense, we refer to different forms of violence, as stated in the Declaration on the elimination of violence against women are:

- Physical, sexual and psychological violence in the family, including battering, sexual abuse of female children in the household, dowry-related violence, with marital rape, female genital mutilation and other traditional practices harmful to the woman violence by non-spousal violence and related exploitation.
- Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Violence against women refers to all types of violence both in public and in private, by the community, by the State, in a intimate relationship context or within the family. It covers therefore a broad concept that includes the different forms of violence against women: Female genital mutilation (FGM), forced marriage, domestic violence, trafficking in women and girls for sexual exploitation, harassment, sexual assaults, etc.

One of the manifestations of **violence against women** is practiced by some men in their relationships: **Gender-Based Violence**. In Spain, the Organic Act 1/2004 of 28th December on Comprehensive Protection Measures against Gender Based Violence defines such violence as "one that, as a manifestation of discrimination, of

the inequality and power relations between men and women, it is exerted on them by those who are or have been their spouses or those who are or have been linked to them by similar relationships of affection, even without cohabitation ".

For the purposes of this study, it is essential to define the difference between the two concepts (violence against women / gender base violence) mainly for two reasons:

- First, because the study addresses public policies regarding gender based violence to which refers the Organic Act 1/2004. This is the violence of some men on women violence in intimate partner relationships (current or former intimate partner).
- And, secondly, because one of the most important limitations when comparing public policies on gender based violence is the diversity of concepts and the different legal treatment given in different countries. Each country puts the focus on different aspects of violence, so that can be defined it as: Domestic violence, gender based violence, violence within the family, violence within the marriage, etc. Also, depending on a country to another, so it does the way it is criminalized. Sometimes is found that the definition given by a country is inconsistent, containing the different concepts in the main definition.

Therefore, the term **violence against women** is used to refer to the definition of the Declaration on the Elimination of Violence against Women of 1993, while speaking of **gender-based violence** will be referred to the violence in intimate partner relationships, as has the aforementioned Organic Act 1/2004.

2. LEGISLATION ON GENDER-BASED VIOLENCE IN EUROPEAN UNION COUNTRIES, NORWAY AND ICELAND

2.1. Standards classification: analysis of the regulations

The analysis of the legislation on gender-based violence (GBV) in the 28 European Union countries, plus Norway and Iceland is structured in three sections: background and context, type of current Law (approach, concepts and range), and State responsibilities.

Background and context

In every country one can appreciate an outline of recent development of legislation on the matter. Information on the subject and planning of prior regulation (national action plans) are included. Information on gender equality laws and plans are provided, as well as other relevant plans that serve to compliment the information on the legal framework on GBV.

Type of current Law

The current Law is explained addressing aspects such as the range or type of the Law (if it's sector-specific or comprehensive), concepts that the standards handle (type of violence) and their approach.

- Type of Law. The first dimension of analysis refers to if the Law is sectorial or comprehensive. In this regard, classification categories refer to the State's obligations under the "due diligence" parameter, as well as the so-called "3 P's model" (prevention, protection and prosecution). As a result the following definitions arise:
 - Comprehensive Act: that in which the State takes on among its responsibilities at least three areas of intervention (i.e., it complies with the 3 P's paradigm), and that at least one of them is prevention.¹

¹ To the effects of this study the element of prevention has been considered essential for a Law to be considered comprehensive. In this sense, protection or prosecution for a crime has not been considered essential elements, with the possibility of a certain Law being defined as comprehensive since it recognizes 3 areas of intervention as the State's responsibility, but lacking one of these two elements.

- Sectorial Law: that in which the range of its effect is only partial since it does not comply with the 3 P's paradigm, not recognizing among its responsibilities more than two areas of intervention or leaving prevention out.
- Type of violence contemplated. According to regulations, be it comprehensive or sectorial (Penal Code), the following types of violence are handled in regards with the subjects liable of the law's protection:
 - Current or former partner violence: refers to violence perpetrated in the setting of intimate relationships, sharing or not sharing the same household, be it among spouses or domestic partners, and regardless of the gender of the spouses. It refers to violence perpetrated to the current partner as well as any former partner one might have had.
 - Violence within the family: refers to violence perpetrated in the family context, including current or former partner, by any one of the members against any other(s). In violence within the family there is no distinction of the gender of the perpetrator or the victim, only a family bond is required. Violence within the family is usually used as a wide concept to refer to other forms of violence such as abuse to elderly or parental abuse by children.
 - Domestic violence: includes, not only violence among family members, but also the one perpetrated among close persons or those who live in the same household. It is a wider definition than violence within the family, since it does not circumscribe people with family ties, including those people close to the perpetrator.
 - Gender-Based Violence: refers to violence against women on behalf of their current or former male partners.
 - Violence against women: it refers to any type of violence against a woman for the sole reason of being woman, whether it is perpetrated in the public or private context.
- Approach of the Law. This section refers to if the Law has a gender perspective, human rights perspective or if it recognizes the multiple discriminations specific groups undergo.

It is important to clarify that often the concepts set forth in the legislations and plans of different countries do not always exactly match the classification used in this document. Albeit the criteria used in the summary tables correspond to the criteria mentioned above, throughout the text other terms might be used that are

Nonetheless, it must be noted that in most of the analyzed legislations, protection and prosecution of the crime are elements that are taken into consideration.

different from those found in the tables. This might be due to the use of different concepts found in various documents analyzed for the legislative analysis. Nonetheless, we must insist that when classifying or defining what type of violence each country contemplates, the final criterion taken into consideration is the one used in the summary table, pertaining to who are the liable subjects of protection that each country's law acknowledges, as mentioned above.

State's Responsibilities

The principle of "due diligence" establishes obligations for the State in order to respect, protect, abide and promote Human Rights.

In this section, the different responsibilities each State has explicitly undertaken through its legislation to fight against GBV are described. The State's responsibilities are materialized in the following: prevention, assistance and support to victims, protection, sanction, and reparation. The "due diligence" principle provides the obligation of the States to undertake their responsibility in these five areas.

Lastly, a table is attached for each country, where the main characteristics of their legal framework can be found, and which includes the following contents:

Table 1. Overview of criteria used in the legislative analysis

COUNTRY NAME		
Year of enactment (and reform) of the Law		
Type of Law	Sectorial	Laws that recognize less than three responsibilities
	Comprehensive	Laws that recognize at least three responsibilities (being prevention one of them)
	Type of violence	Current/former partner/within family/domestic/gender-based/against women
Approach	Human Rights	If the Law defines GBV as a violation of human rights.
	Gender	If the Law adopts a gender perspective.
	Discrimination	If the Law includes measures to soothe other forms of discrimination (based on age, handicap, ethnic origin, etc.)
State Responsibilities	Prevention	Description of which of these responsibilities the country undertakes.
	Detection & support	
	Protection	
	Sanction	
	Reparation	
Context	Equal opportunities Acts	Details of if the country has laws and plans addressing equality, as

	Equal opportunities plans	well as violence plans
	Violence plans	

It should be noted that most countries do not develop a specific standard on GBV. It seems that, in general, the holistic approach is used more often in the design of planning standards and public policies, but not as much in specific legislation in this subject.

On the other hand, if the Law in question refers to a complementary framework, its specific context is shown, as can be seen in the case of:

- Assistance to victims and social services laws;
- Specific acknowledgment of children as victims, through laws for child protection and/or social services;
- Recognition of specific protection measures; through the Penal Code, Civil Code and/or specific Acts;
- Repair through laws that compensate the victims of violent crimes or domestic violence.

Finally, a specific section has been introduced pertaining protective measures aimed at the children of victims of GBV, specifying those cases in where the Law provides specific protection for vulnerable groups.

2.2. Analyses of Countries

2.2.1. AUSTRIA

Background and context

Between the years 2005 and 2012 the most important changes in legislation on equal opportunities occurred. The Equal Treatment Act is from 2006.² In 2008 some modifications were introduced to avoid discrimination in language and in 2010 a National Action Plan for Equality between Men and Women in the Workplace was presented (EIGEa, 2013:109).

The legal framework and public policies against domestic violence in Austria first appeared in the mid 90's, with a major emphasis on the protection of victims.

² Allgemeines Gleichbehandlungsgesetz vom 14. August 2006 (BGBl. I S. 1897).

Regarding such measures Austria was pioneer, being the first EU country to introduce measures of judicial protection ordering perpetrators of violence out of their household.

In order to further improve protection, a pilot program in 2011 was installed in Vienna, called MARAC, which aims to work together with agencies to give greater support to high risk victims (Kelly, L., Hagemann-White, C., Meysen, T. & Romkens, R., 2011:64).

Austria has not had Action Plans for VAW until 2014. The first Action Plan for the protection of women against violence covers the years 2014 to 2016.³

Moreover, Austria has recently enacted action plans against other manifestations of VAW. As an example, the National Prevention Action Plan for the Elimination of Female Genital Mutilation for the years 2009-2011 (CoE 2010:10).

Type of current law (approach, concepts and range)

Austria approved the first law on protection against domestic violence in November 1996, which entered into force in May 1997.⁴ This Act was followed by other changes in standards in order to improve the performance of the State against such violence. The Act provides protection to the victims from their attackers. The Act allows Police to issue restraining orders for perpetrators. In 2000, the Police Security Act⁵ goes into effect and in 2004 the Penal Code is reformed.⁶

A decade after adopting the first Act against domestic violence, the Austrian Parliament approves a second Protection Act Against Violence,⁷ which comes into force in June 2009. This second Act introduces, among other changes, a reform in the Police Security Act that aims to strengthen the safety of victims. It also increases the timeframes of the protection measures in both the restraining order issued by the Police (from 10 days to two weeks) as well as the Court's precautionary measure to up to a year. And one of the important changes that come with the Act are the introduction of new offenses in the Criminal Code as is the notion of repeated violence (Golden I., 2013: 5). Regarding the approach, the Austrian Law follows what seems like a gender-neutral approach, which underlines the importance to protect victims from violence in family and intimate relationship

³ Nationaler Aktionsplan zum Schutz von Frauen vor Gewalt Maßnahmen der österreichischen Bundesregierung 2014 bis 2016, Austrian Federal Government, 2014.

⁴ Bundesgesetz zum Schutz vor Gewalt in der Familie BGBl. No. 759/1996.

⁵ (Sicherheits polizeigesetz), BGBl. I No. 146/1999.

⁶ Code (Exekutionsordnung / EO), BGBl. I No. 31/2003.

⁷ Zweites Gewaltschutzgesetz), BGBl. I No. 40/2009.

contexts, but does not frame this protection as part of the fight against discrimination of women. The Act provides protection against violence from the current or former partner (men and women, married or living together, including same-sex partners and former partners). It also protects all persons in the family, including children. Finally, the Law that refers to protection orders explicitly states that the protection extends to migrants and asylum-seekers, including migrants in an irregular administrative situation (WAVE, 2011: 43).

The Law focuses on protection measures for victims and restriction orders for the accused and it incorporates the responsibility of social support and legal advice to victims. However, it cannot be considered to meet a comprehensive approach since it does not include any type of prevention measures, even though this is one of the key areas of the State's responsibility.

State Responsibility

Austria, which until 2014 had no national plan against violence, developed measures laid down in the violence standards (mainly protection) through the reform of other laws such as the Police Security Act and changes in the Penal Code.

From 2014 on, with the endorsement of the new Action Plan for the protection of women from violence, specific measures are developed through this Plan.

Prevention

Although the aforementioned 2014-2016 National Action Plan conveys the Austrian Government's commitment to the prevention of VAW, and specific measures of awareness, education and professional training are established, along with intervention programs and treatment for criminals, Austria's Protection Act against Violence does not provide awareness-raising measures against domestic or gender-based violence. As mentioned earlier, the Act focuses on protecting victims and preventing the criminal behavior to repeat itself. The Police Security Act regulates the obligation of the Police to condone measures that serve to protect victims against repeated attacks or threats or to prevent more serious events from occurring.

Investigation and sanction

In Austria the start of criminal proceedings does not require the victim to report a violent crime within the family (COAS, 2014: 63). Similarly, immediate protection measures can be set up automatically (ex-officio) or by request of a party.

Unlike other countries, where the breach of a protection order is a crime, in Austria this kind of non-compliance is considered only an administrative offense, punishable by a fine of up to 500€. In January of the year 2000, the Austrian Code of Criminal Procedure was amended to introduce the so-called treatment measures. These measures, which include fines, probation, and mediation, replace formal criminal proceedings (Haller, B., 2005: 9).

Protection

In Austria, setting protective measures -including restraining orders the Police is allowed to apply-, was a pioneering action that other countries have taken as model. They incorporate the following important protection key obligations: imposing an immediate barring order between the perpetrator and the victim, and the legal obligation of the Police, from the moment they issue the protection order, to inform shelters in order to offer support and protection to women.

People who can be protected from domestic violence through a protection measure, are all those living within the household, not only the wife, but also partner, children, and other family members or people who share the household even without there being a family bond. The first Act established that a protection measure was applicable if the perpetrator had lived with the victim in the past four months. This changes in the 2004 amendment and there is no such limit (Haller, B., 2005: 2).

One of the main features of the Protection Act against Domestic Violence is that the Police can act without considering the victim's will. Only in the second part, the precautionary measure part before the Court, does the victim decide autonomously (Haller, B., 2005: 3).

Specific measures, what measures are established:

In a first phase, according to the Police Security Act,⁸ an eviction and barring order may be issued by the Police, who will consider the terms on which the perpetrator will exit the household and will be banned from approaching places frequented by the victim. And the period of time the Police has of issuing this measure is of 2-4 weeks, period of time during which the measure may be requested before the Court.

In a second phase, the victim may apply for a protection order before the Civil Court (protection orders/injunction orders), which may involve a ban on entering the

⁸ Section 38.

household and/or prohibition of approaching certain locations or establishing contact with the victim under civil proceedings (enforcement proceedings Act). It can be established for an extent of one year and may be extended further if the abuser violates it.

Assistance to victims

In addition to informing victims of the possibility to of applying for protective measures, the Police are obliged to report the cases they work with to "shelters" so they may contact the victims. Austria has an extensive network of shelters for female victims of violence; some of them offer access to undocumented migrant women, Roma women and women with disabilities (WAVE, 2011: 41).

Also, through the approval of the second Protection Act against Violence in 2009, the victim's protection rights in the judicial process were improved. An important improvement was providing measures such as psychological assistance, not only during criminal proceedings, but also to victims who do not file a report but attend the civil process (Golden I., 2013: 5).

Protection measures for children whose legal guardians are female victims of gender-based violence

According to the reviewed reports (Haller, B., 2005: 6-7) concerning the application of the Austrian Protection Act pertaining children who live in violent environments, certain ambivalence is detected. This is so because the Law establishes mechanisms (such as immediate protective measures) to avoid exposure of children to violence, but the offices in charge of child protection barely use the measures provided by the Act since they try to "preserve" the family unit. This comes to confirm that the change in the Act has not led to a change of awareness in professionals with responsibilities regarding the implementation of the Act.

However, in 2013 the Police Security Act was amended once again⁹ to extend the protection of children. The Act states that, if the children are at risk, the institution responsible for Child Protection is obliged to request an immediate application of a court protective measure.

⁹ Bundesgesetzblatt Für Die Republik Österreich, Ausgegeben am 31. Juli 2013, SPG-Novelle 2013, Bundesgesetz, mit dem das Sicherheitspolizeigesetz geändert wird.

Table 2. Summary table for Austria's Legislation

AUSTRIA		
Year of enactment: 1996; Reform 2009		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	Yes
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.2. BELGIUM

Background and context

Belgium has a wide legal framework against discrimination based on gender. In January 2007, Parliament adopted an ambitious "gender mainstreaming Act" in order to integrate a gender perspective in all policies (Women's Watch 2013: 13).

Belgium also enacted a Law in 2007 that forbids discrimination based on sex in the workplace, social security and supply of goods and services (15 EIGEa, 2013).¹⁰ On May 10th 2007, the Belgian federal Parliament approved three anti-discrimination laws. These laws try to fight a number of grounds for discrimination in employment, social security, the provision of goods and services, and access to economic, social and cultural activities (COEC, 2009: 12). One such law establishes protection against acts of sexual harassment and gender roles in those contexts (workplace, economic activities, etc.). These laws abolished previous 2003 and 1999 Acts that already included provisions against discrimination based on gender.

In the field of public policy, on May 11th 2001, Belgium adopted its first National Plan to fight VAW (2001-2003)¹¹. This document recognized for the first time the importance of a joint action in the field of justice, equality, health, Police and social services. The plan covered all forms of violence against women: sexual harassment,

¹⁰ Loi du 10 mai 2007 tendant à lutter contre les discriminations entre les femmes et les hommes (M.B. 30/05/2007).

¹¹ Plan d'action national contre la violence à l'égard des femmes (2001-2003), Belgium Government.

intimate partner violence, human trafficking, and sexual exploitation, among others. After being evaluated, a second action plan¹² was approved, which focused on the fight against violence in the current or former partner. This plan was enriched in July 2005, through a broader commitment of Federal, Community and Regional actions. According to reports consulted, the National Action Plan was successfully implemented (COEC, 2009: 21). This was followed by another specific two-year action plan on violence between current or former partners.¹³

The November 23rd 2010, the Belgian government adopted a new Action Plan (2010-2014) focused on combating violence between current and former partners and other forms of domestic and family violence, including honor killings, genital mutilation and forced marriages (EGGSI, 2010: 111).

In addition, Belgium has included the fight against intimate relationship and family violence in the National Security Plan (2008-2011), mainly with the aim of improving police coordination in this field (CoE, 2010: 10).

Type of current law (approach, concepts and range)

In Belgium there is a specific Law since 1997 to fight intimate partner violence,¹⁴ (from here on, violence Act). This law regarded the "spouses" as subjects of special protection and introduced in the Criminal Code an aggravating circumstance that doubles the penalty if the offense (physical, sexual, psychological or economic) is committed against a spouse or person living in the same household with whom there is or has been an intimate relationship. The definition of "spouse or wife/husband" is broad, and includes both married, cohabiting and former couples (COEC, 2009: 13)¹⁵, however, in terms of approach, the Belgian Law lacks a gender perspective, and it makes no distinction between "violence within the marriage" and committed specifically against women in intimate relationships.

Violence within the family does not exist in Belgium as a specific offense, but the familial relationship between the perpetrator and the victim can be an aggravating factor, depending on the type of violence committed and its severity.

The violence Act repealed the section of the Criminal Code that considered adultery as an excuse for domestic violence. In addition, one year after the approval of this

¹² Plan d'action national contre les violences conjugales (2004-2007), Belgium Government.

¹³ Plan d'action national en matière de lutte contre les violences entre partenaires 2008-2009, Belgium Government.

¹⁴ Loi visant à combattre la violence au sein du couple, 24 Novembre 1997

¹⁵ Articles 398-405.

Act, the Criminal Code was amended to criminalize rape within marriage (COEC, 2009: 15).

In 2003, the *allocation of housing to victims of violence Act* was approved,¹⁶ which came to improve the protection of victims of violence. This Act established the obligation to award the family home to the spouse or victim of intimate partner violence and supplemented the Penal Code by increasing the penalty for cases where violence is perpetrated against relatives. It also authorized the Police to enter the home and impose the obligation of leaving the household on the offender as well as forbidding him/her to approach the victim.

Recently, two new Acts have strengthened the fight against domestic violence, related to the temporary prohibition of residency in cases of domestic violence: *temporary prohibition of residence Act in cases of domestic violence* of May 2012¹⁷ (from here on forward, May 2012 Act) and the *infringement of the temporary ban on residence in cases of domestic violence Act* of June 2012¹⁸ (hereinafter, June 2012 Act) pertaining to the breach of the temporary ban on residence in cases of domestic violence. Specifically, one of these Acts establishes a protection system that allows the public prosecutor to order the perpetrator to immediately leave the common household for a maximum of 10 days. The other Act refers to professional secrecy, in the sense of allowing professionals working under professional confidentiality to inform the public prosecutor in cases of domestic violence.

In addition to these laws, since 2006 Belgium has developed a uniform penal response to intimate partner violence across two –circular- administrative norms¹⁹ that incorporates a multidisciplinary approach and pays particular attention to the protection of victims and their recognition as such. These two norms respond to four major objectives:²⁰ to define the main aspects of the criminal policy of intimate partner violence; to develop a consistent system of identification and registration for Police and prosecutors; to establish minimum protection measures applicable in all jurisdictions in the country, and to propose official tools and protocols within the Police and judicial system.

¹⁶ Loi visant à l'attribution du logement familial au conjoint ou au cohabitant le/la victime d'actes de violence physique de son partenaire, et complétant l'article 410 du Code pénal, 28 Janvier 2003.

¹⁷ Loi relative à l'interdiction temporaire de résidence en cas de violence domestique, 15 Mai 2012.

¹⁸ Loi tendant à réprimer le non-respect de l'interdiction temporaire de résidence en cas de violence domestique et modifiant les articles 594 et 627 du Code judiciaire, 15 Juin 2012.

¹⁹ Circulaire n° Col 3/2006 du Collège des Procureurs Généraux Près Les Cours D'appel, le 1er mars 2006 y Circulaire n° Col 4/2006 du Collège des Procureurs Généraux Près Les Cours D'appel, le 1er mars 2006.

²⁰ Information provided by the Institut pour l'Egalité des Femmes et des Hommes Rue Ernest Blérot 1 "focal point", information awarded on January 10th 2014.

State Responsibilities

Prevention

In Belgium, preventive measures are not established legally, but are set out in the action plans. The 2010 Action Plan provides specific measures for the prevention of violence in current or former partner, such as awareness campaigns on different forms of violence, particularly among teenagers; or the fight against gender stereotypes in the media, among others.

Investigation and sanction

In terms of prosecution of such acts, the Law expanded the capacity of the public prosecutors their tasks when intervening in cases of domestic violence. In Belgium, the start of a criminal procedure does not require the victim to file a report on domestic violence, not even in those considered minor offenses (COAS, 2014: 63).

Regarding the non-compliance of protective measures, the May 2012 Act establishes sanctions ranging from eight days to six months of imprisonment and/or a fine of 26,100 euros.

In addition to measures taken in the Act, the cited circular notes provide that the public prosecutor and the Police must record each case of intimate partner violence immediately and act quickly. The Police should arrest the suspect (custody) if there is reasonable suspicion of them committing a crime. Also, they must file a report with all the relevant information in an official standardized tool (European Commission's Directorate-General for Justice, 2010: 101).

Protection

Belgium has adopted a number of standards that supplement the protection measures established in the Intimate Partner Act of 1997. The most recent, mentioned above, is the May 15th Act of 2012 regarding the eviction from the household, which took effect in January 2013. This standard is based on the Austrian model of protection, as it sets out the steps of eviction and forces the perpetrator to keep at a certain distance.

The main measure introduced by this Law is a temporary eviction order (the obligation of the alleged perpetrator to leave the household immediately, the ban on entering it, visiting it or being at the household and the prohibition to establish contact with the individuals named in the order). This measure is requested to the public prosecutor, who must make a decision within 24 hours of the request and

has an initial timespan of 10 days, which can be extended to up to three months by decision of the judge.

The beneficiaries of this type of measure are the partners, children or other people who share the same household.

Lastly, in order to ensure the safety of victims, the Belgian legislation introduces as an alternative measures to custody the ban on entering the home of the victim, or the obligation to undergo treatment. Both measures can be imposed by the judge.

Assistance to victims

In Belgium, laws against marital violence focus specifically on protection measures for victims and do not include other measures to provide assistance and support for victims. This type of measure is foreseen, however, in the 2006 circular note, previously mentioned. These lower-level standards mainly establish protection measures for victims in court proceedings, such as the use of media to avoid re-victimization, but also provide comprehensive measures of assistance to victims. The major ones are: medical care, support by a specialized service, psychological assistance, information on their rights and access to shelters for victims.

Similarly, the 2010 Action Plan developed numerous measures to assist victims of violence, including support for the care of children or dependent people, and psychological, social, and legal, among others.

Protection measures for children whose legal guardians are female victims of gender-based violence

The violence Act does not include any specific measure to protect children that live in violent environments. The only mention of on this matter is collected in the 2006 circular note that states that both the Police and the judges handling cases of domestic violence must report the presence of minors in the case and the known or potential effects suffered by the family's children.

In terms of public policy, the 2010 Action Plan includes among its measures, assistance and care for children who have been exposed to intimate partner violence.

Table 3. Summary table for Belgium's Legislation

BELGIUM		
Year of enactment: 1997/2003/2012		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Current or former partner*
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	No**
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

* The legal definition provides protection against violence committed by a current or former partner. However, the 2 circular notes that the Belgian government has enacted in this area extend protection to any member of the family.

** While the Act does not address the responsibility of support for victims, there is a lower ranking legislation (circular note) that does.

2.2.3. BULGARIA

Background and context

In the 90s the Domestic violence as a violation of human rights research project took place, led by the Bulgarian Gender Research Foundation and Lawyers for Human Rights. This project culminated in a report that led to changes in the Bulgarian general legislation in order to better protect the rights of women against violence (Ellingen, M., Park, R., Phillips, R., Thomas C., Tisheva, G., 2008: 3).

From 2005 on,²¹ the State approved consecutive National Plans for Gender Equality, the first of which was the National Action Plan to Promote Equality between Men and Women, in 2006.²² These plans established various measures to promote equality in education and health and to protect against domestic violence and human trafficking. In 2009 Bulgaria adopted a new National Strategy for Promotion

²¹ Detailed information in: <http://www.mlsp.government.bg/equal/bglaw.asp?PageIndex=2>

²² Национален план за действие за насърчаване на равнопоставеността на жените и мъжете за 2006 г.

of Gender Equality 2009-2015,²³ in order to transpose the EU directives pertaining to equal treatment and opportunities for women and men and the obligations under international treaties on non-discrimination against women.²⁴ The mentioned strategy has been implemented through annual equality plans: between 2010 and 2013, four National Plans for Promotion of Gender Equality have been approved (EIGEa, 2013: 21).

In the area of domestic violence, the Bulgarian government has approved action plans in 2007 and 2011 (EIGE, 2012:20).

Regarding context one can say that in 2002 human trafficking was criminalized in the Penal Code and, in 2003, an *Act against human trafficking* was enacted in Bulgaria.²⁵ These standards included prevention, creation of support and protection centers and special services for women and children. It also articulated special protection measures for victims of trafficking who cooperate with the judicial investigation against trafficking networks.²⁶

Type of current law (approach, concepts and range)

The Bulgarian Parliament approved in 2005 the *Protection against domestic violence Act* of March 29, 2005²⁷ (henceforth, 2005 Act), that was amended in 2009²⁸ (henceforth, 2009 Act) in the direction of extending the list of support and protection measures for victims. It is a comprehensive law in nature, since it establishes protective measures and procedures to implement such measures, as well as prevention and support for victims.

In terms of approach, the Bulgarian Law lacks a gender perspective, since the beneficiary may be any of the family members, regardless of gender: parent, child, sibling, etc. It also includes as benefactors current or former partners, provided that they live or have lived together or have children in common.

It includes physical, psychological or sexual violence or attempt of such violence, as well as restriction of freedom and privacy by force perpetrated against any people or individual who have or have had family ties with the aggressor or live in the same household.

²³ Национална стратегия за насърчаване на равнопоставеността на половете за периода 2009-2015г.

²⁴ Detailed information in: <http://www.mlsp.government.bg/equal/bglaw.asp?PageIndex=2> (Latest visit May 8th, 2015).

²⁵ Promulgated, State Gazette, No. 46/20.05.2003, detailed information in: <http://www.mlsp.government.bg/equal/equalen/bglaw.asp> (Latest visit May 8th, 2015).

²⁶ Detailed information in: <http://www.stopvaw.org/Bulgaria2.html> (Latest visit May 8th, 2015).

²⁷ ЗАКОН ЗА ЗАЩИТА СРЕЩУ ДОМАШНОТО НАСИЛИЕ, Обн. ДВ. бр.27 от 29 Март 2005г.

²⁸ ЗАКОН за защита от домашното насилие, в сила от 22.12.2009 г.

State responsibilities and implementation of the law

Not only does the Act provide prevention and support measures for victims, it also sets an obligation to develop domestic violence and victim support prevention programs (Ellingen, M., Park, R., Phillips, R., Thomas, C. and Tisheva G., 2008: 5.). Also, to comply with these obligations, the Act establishes an obligation to annually provide the necessary funds for its implementation.

Prevention

On October 19th 2006 the Prevention and Protection Plan for domestic Violence is set forth (2007-2008) establishing measures of awareness, care, and rehabilitation programs for victims of domestic violence and their children. It also provides for preventive measures such as education and information guides for the rights of victims (Ellingen, M., Park, R., Phillips, R Thomas, C. and Tisheva G., 2008: 9).

Also, the Bulgarian legislation, as amended in 2009, reiterates the obligation to adopt prevention programs to address domestic violence through the preparation and approval of awareness programs in schools and other actions of public awareness-raising activities.

In compliance with the Law, a working group made up of several ministries (Interior, Justice, Labor and Social, Health, Economy, Education and Science) for the implementation of prevention and protection programs against domestic violence is created. These ministries, along with other agencies, develop the Domestic Violence Prevention and Protection Program.

Investigation and sanction

In Bulgaria, minor domestic violence offenses require a formal complaint from the victim to initiate criminal proceedings. Only those considered to be the most severe crimes are officially persecuted (COAS, 2014: 63).

In addition to the restraining order, the Court must impose a fine ranging from 102 to 511 euros.

The sanctions established in the Penal Code²⁹ vary somewhat, between six-month prison sentences or parole or 50-150€ fines for milder behavior (physical harm without health disorders) and 3-10 years of imprisonment for more serious behaviors (serious bodily injuries).

²⁹ НАКАЗАТЕЛЕН КОДЕКС В сила от 01.05.1968 г.

The request for an emergency protection order³⁰ may be issued, not only by the victim, but also by social services or the victim's family members.

Protection

The Court may impose one or more protective measures, including the removal of the accused from the shared household, a ban from entering the vicinity of the victim's workplace and places the victim frequents, the possibility to establish the children's residence with the victim or with the other parent provided the other parent is not the perpetrator, or an obligation to attend specialized programs.

The Act conveys the possibility to issue an emergency protection order within 24 hours from receiving the request when there is a direct and imminent life or health threatening situation for the victim. An emergency protection order shall take effect until an ordinary protection order is issued or until the Court rejects the petition of said ordinary protection order.

The 2005 Act established that the period of validity of ordinary protection order was between one month and one year, but the 2009 reform extended the lifespan of the measure, setting it between three and eighteen months.

The courthouses responsible for establishing protective measures are the Family Courts.

Assistance to victims

The 2005 Act established the obligation to implement assistance programs for victims of domestic violence and, after the amendment made in 2009, comprehensive care programs were implemented. These programs include social care, counseling and legal advice. The 2009 Act also establishes the necessary referral to other specialists and interdisciplinary inquiries on behalf of the supporting professionals as well as the possibility of accessing crisis centers for victims of domestic violence.

Similarly, the 2009 amendment states the obligation of the central government to support municipalities and non-profit organizations that provide social services and recovery programs for victims of domestic violence or specialized programs for perpetrators.

³⁰ Whenever there is proof of a direct and immediate threat to the life or health of the victim.

Although one of the main purposes of the Act is the support and recovery of victims of violence, it does not provide within its rules for compensation as a key element in relation to reparation.

Protection measures for children whose legal guardians are female victims of gender-based violence

Regarding the protection of children in GBV environments, the 2005 Act refers to the Child Protection Act, without any specific mention to these types of measures. However, the 2009 Act establishes a special protection for children who live in violent environments; they are considered as victims of violence as much as any other victim, by the mere fact that the violence has been perpetrated in their presence.

Table 4. Summary table for Bulgaria's legislation

BULGARIA		
Year of enactment: 2005/2009		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	No*
	Equal opportunities plans	Yes
	Violence plans	Yes

* Equal opportunity Acts: although there is a generic anti-discrimination Act, which includes, among others, sex discrimination, a specific equality opportunity Act was proposed in Parliament and twice rejected. More info: <http://www.genderequality.webinfo.it/results/bulgaria.htm>

2.2.4. CROATIA

Background and context

On July 15th 2008 Croatia passed the Gender Equality Act³¹ and established in 2011 A National Policy for Gender Equality for the years 2011-2015³², which contains measures aimed at erasing gender discrimination and all forms of VAW.

The Discrimination Act came into force in 2009 and regulated protection against discrimination, including discrimination on grounds of sex (CoEb, 2014: 30).

The Government approved several National Strategies for the protection from family violence. The first one covered the years 2005-2007³³, the second one covered the years 2008-2010³⁴ and a third Strategy against violence within the family encompasses 2011 up until 2016.³⁵ The latter contains a number of goals, measures and activities aimed at eliminating violence within the family, empower victims and improve the cooperation and efficiency of procedures. This Strategy emphasizes improving the protection system of the rights of vulnerable groups such as women with disabilities, elderly people and children victims of family violence (CoEb, 2014: 31).

Type of current law (approach, concepts and range)

Croatia has a Law on protection from domestic violence, which was adopted in 2009³⁶ (hereinafter, Law against violence) and has been modified twice in 2010 (WAVE, 2013:75). This Law provides protection for family members against mutual violence. Under this Law, the protection extends to "adults or minors within marriage, long-term relationships both present and past, blood relations, relations by affinity and adoption or guardianship." Thus, the Law falls more in the sphere of family protection rather than protection of the rights of women against discrimination. In the Law, domestic violence is defined as both physical and psychological violence, as well as physical and psychological harm, fear, violence against personal dignity, humiliating verbal abuse, sexual harassment and economic violence.

³¹ Zakon o ravnopravnosti spolova NN 82/08 Zagreb, 15. srpnja 2008.

³² Nacionalna politika za ravnopravnost spolova 2011.-2015 NN 88/11.

³³ Nacionalne strategije protiv nasilja u obitelji 2005 – 2007.

³⁴ Nacionalna strategija zaštite od nasilja u obitelji za razdoblje od 2008. Do 2010. Godine.

³⁵ Nacionalna strategija zaštite od nasilja u obitelji za razdoblje od 2011. Do 2016. Godine.

³⁶ U Zakonu o zaštiti od nasilja u obitelji (NN, br.137/09.)

The Law follows a sectoral approach, although with a slightly wider range than in other countries, in the sense that it not only covers the penalties of such behavior but also focuses prevention of the recurrence of such behavior. The Law incorporates protection measures (protective orders issued by the courts) and punishment to the perpetrator (psychological treatment, prohibiting contact with the victim and a ban on carrying weapons). The Act contemplates the amendment of the Penal Code to include specific sanctions (Resetar, B., 2007: 361-366). The implementation of the Act involves the possibility of offering legal advice to women survivors in court proceedings and free legal assistance for family members of the survivors of violence (WAVE, 2013: 76).

Moreover, it's important to mention that stemming from the ambiguous conceptual framework of the Law, it being gender-neutral, so-called "dual arrests" have been taken place, meaning that the victim is arrested along with the offender. The WAVE Network shows concern in a recent report as it states that "dual arrests are the result of the broad terms in which the Law on protection against domestic violence is enacted, providing a level of ambiguity that allows victims to be arrested for verbal abuse even in cases in which the perpetrators use physical violence against the victim. This results in victims feeling punished for seeking help and leads them to not seek help in the future" (WAVE, 2013: 76).

State Responsibilities

Prevention

Although the law against violence establishes a broad institutional commitment in the field of protection, punishment and victim assistance, it does not address the responsibility of preventing violence nor does it introduce measures to contextualize the phenomenon. The legal text only mentions prevention in terms of non-repetition of the abuse.

Investigation and sanction

The Law against violence establishes urgent judicial procedures for handling complaints related to domestic violence offenses legally worded.

In addition, domestic violence offenses are considered minor offenses that require a complaint from the victim to initiate criminal proceedings. Only those considered more serious crimes are officially persecuted (COAS, 2014: 63).

However, the Penal Code issues higher prison sentences, from three months to three years, for the family member that exerts extremely violent or reckless

behavior that put another family member in a degrading condition. Even though the Penal Code provides a more proportionate penalty to domestic violence crimes, its application is uncommon (Rogić-Hadžalić, D., Kos, J., 2012:16-17).³⁷

In the case of breach of protective measures, the penalties issued by Law provide for a fine of 391€ or a prison sentence of "not less than ten days". This wording leaves a broad margin of judge discretion in the determination of imprisonment.

In addition to the penalties mentioned, the Law provides for a compulsory financial penalty for professionals in health or family support services, among others, who do not report domestic violence cases to the Police, despite being knowledgeable of it, as is required by law.

Protection

Protection measures can be issued before initiation the procedure and must set by the courthouse in a time lapse of maximum 24 hours since the request and will be enforced at the victim's or relevant public prosecutor, under the victim's previous consent. Such measures include police escort to pick up the victim's belongings.

The specific protection measures and deadlines for implementation, as established in the Act, are:

- Psychosocial treatment for the perpetrator in the event that there is risk of recurrence of violence and that can be established for at least 6 months.
- Restraining order if there is danger of repetition of violence. It will be the Court that will determine the place and distance for a term which shall not be less than 1 month nor more than two years.
- Prohibition of harassment or stalking the victim, to be imposed if there is a danger that such behavior may recur. This measure may be established for a timeframe from one month to two years.
- The perpetrator's eviction of shared household or other areas where there is a risk of repeating violence. The offender must leave the building immediately in the presence of Police. This measure may be imposed for a period not less than 1 month and no more than two years.
- There is a measure of compulsory addiction treatment if the perpetrator committed the act of violence under the influence of alcohol and/or narcotics

³⁷ A study shows that, between 2007 and 2010, 8% of perpetrators were reported through Penal Code domestic violence crimes, and 92% were reported for minor offenses.

and there is a risk of recurrence. This measure may be imposed for a period that does not exceed one year.

- Lastly, there is a measure for the confiscation of the object used for violence if there is a risk that it can be used once again.

Assistance to victims

The Law against violence requires institutions and authorities to *"take care of all of the victims' needs and allow their access to appropriate services"* and provide for appropriate information on their rights.

It's worth mentioning that in Croatia there are two standards pertaining to assistance to victims of crimes: the *Legal Aid Act* adopted in 2008, which regulates the right of victims to access Justice. At the time this report is concluded, an amendment of this law is pending, which will aim to improve the free legal aid system (CoEb, 2014:30); and the 2013 *Compensation for victims of crime*,³⁸ a Law of general nature (not applicable only to victims of domestic violence) and which basically provides the right to compensation (medical expenses, support for loss of income, etc.). The compensation is granted only in cases of proven malicious (or intentional) crime which has endangered the life or property of the victim through serious bodily injuries.

Protection measures for children whose legal guardians are female victims of gender-based violence

Pursuant to the Law against violence, domestic violence court proceedings that have identified children as victims of these offenses, the court is must refer the case to social welfare institutions in order for them to adopt appropriate measures to protect the rights of these children.

As noted above, penalties are increased in cases where violence is committed in the presence of minors or disabled people and is also aggravated when committed directly against minors or persons with disabilities.

Also, one of the amendments made to the Family Act in 2003,³⁹ was the need of the court to adopt appropriate measures for the protection of children who are exposed to violence among adults.

³⁸ Zakon o novčanoj naknadi žrtvama kaznenih djela (NN 80/08, 27/11) stupio je na snagu 1. srpnja 2013. godine.

³⁹ Obiteljski zakon, koji je donio Hrvatski sabor na sjednici 14. srpnja 2003.

Likewise, the National Prevention Strategy of 2011, mentioned above, also emphasizes the need to implement specific prevention measures for children growing up in violent families, and those who witness domestic violence, considering them as a risk group subject.

Table 5. Summary table for Croatia's legislation

CROATIA		
Year of enactment: 2009 (reformed in 2010)		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.5. CYPRUS

Background and context

In Cyprus, the first legal precedent pertaining to gender equality was the *Equal Treatment of Men and Women in Employment and Vocational Training Act*, in the year 2002⁴⁰, which established measures to promote equal opportunities and equal treatment in training and workspace fields.

Later, the first National Plan for Equality between Men and Women (2007-2013)⁴¹ was approved. This plan included the fight against VAW among its six priority areas and referred to all forms of violence against women, including GBV. (Kaili, C. Pavlou, S., 2010: 7).

⁴⁰ Ο Περί Ίσης Μεταχείρισης Ανδρών και Γυναικών στην Απασχόληση και Επαγγελματική Εκπαίδευση Νόμος του 2002(N.205(I)/2002). Detailed information in: http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlpromotion_gr?dmlpromotion_gr?OpenDocument (Last visit May 8th 2015).

⁴¹ ΕΘΝΙΚΟ Σχέδιο ΔΡΑΣΗΣ ΓΙΑ ΤΗΝ ΙΣΟΤΗΤΑ ΑΝΔΡΩΝ ΚΑΙ ΓΥΝΑΙΚΩΝ (2007-2013), Government of Cyprus, August 2007.

Also in the year 2010 Cyprus issued an *Action Plan for the prevention and combat of violence within the family (2010-2013)*,⁴² which is the current National Plan in force. This plan establishes 6 strategic goals, points out actions for each objective and the appropriate organism to implement them. But it does not establish timeframes or the necessary budget to carry out these actions. There are no actions that address the needs of different groups of women such as immigrants, older women, or women with disabilities, among others.

In addition to such plans, Plans against Human Trafficking in 2010 were also approved⁴³ and more recently a 2013 Action Plan against Human Trafficking.⁴⁴

Type of current law (approach, concepts and range)

In Cyprus a specific Act against "domestic violence" was passed in 1994 (from here on, 1994 Act)⁴⁵ (CoEa, 2009:77), that was amended twice, once in the year 2000⁴⁶ and again in the year 2004 (from here on, 2000 and 2004 Act).⁴⁷

The protection of the Act covers any behavior, omission or act which causes physical, sexual or mental harm to any member of the family by another person in the family. It includes violence used with the purpose of having sex without the consent of the victim and restriction of freedom.

Successive amendments of the Act have expanded the number of profiles eligible for protection. If at one point the Act only applied to married couples, currently the Law extends protection to couples living together as well as former partners and children or parents living with the perpetrator.

As in many European countries, the Law lacks gender perspective and reflects a "familiarist" view on relationships, in the sense of preferring to protect family peace rather the family members' human rights. The text does not take into account gender-based power relations, which has been criticized by experts in the field (Kaili, C. Pavlou, S., 2010: 6).

⁴² Εθνικό Σχέδιο Δράσης για την Πρόληψη και Καταπολέμηση της Βίας στην Οικογένεια (2010-2013), Government of Cyprus, English version in: http://www.familyviolence.gov.cy/upload/downloads/actionplan_2010-2013.pdf

⁴³ ΣΧΕΔΙΟ ΔΡΑΣΗΣ ΚΑΤΑ ΤΗΣ ΕΜΠΟΡΙΑΣ ΠΡΟΣΩΠΩΝ 2010-2012, Cyprus Government

⁴⁴ ΣΧΕΔΙΟ ΔΡΑΣΗΣ ΚΑΤΑ ΤΗΣ ΕΜΠΟΡΙΑΣ ΠΡΟΣΩΠΩΝ 2013-2015, Cyprus Government

⁴⁵ ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ, Αρ. 2886 της 17ης ΙΟΥΝΙΟΥ 1994, Ο περί Βίας στην Οικογένεια (Πρόληψη και Προστασία Θυμάτων).

⁴⁶ Ο περί Βίας στην Οικογένεια (Πρόληψη και Προστασία Θυμάτων) Νόμος του 2000 (Ν. 119(I)/2000).

⁴⁷ Ο περί Βίας στην Οικογένεια (Πρόληψη και Προστασία Θυμάτων) (Τροποποιητικός) Νόμος του 2004 (Ν. 212(I)/2004).

As an exception, sexual violence within marriage is expressly mentioned as a form of violence and is described as violence perpetrated by the husband towards the wife.

Both the 1994 Act and the 2000 and 2004 Acts contemplate the figure of Family Counselor, who is endowed with a wide range of duties, among which are receiving complaints, to investigate, counsel, advise and mediate in order to reduce any violence-related problem within the family, conducting research on the general economic situation of the family and the aggressor's economic situation. The Family Counselor is also involved in the cases where victims have protection orders and leaves the door open to other functions that the Minister seems fit to assign. An Advisory Committee is also created, which will be in charge of overseeing the family violence problem, informing, updating the public and professionals, promoting research on family violence, and promoting services and evaluating them. This Committee shall be composed of people elected by the public and by organizations and associations working in this area.

The Act amended the Criminal Code in criminalizing any act of violence within the family as a criminal offence and increasing penalties for violence when committed within the family context. It also established a protection system for victims that empowers courts to issue restraining orders and allows receiving victims' testimonies of violence by electronic means.

The Criminal Code also includes other forms of violence such as female genital mutilation. Others types of violence, however, such as honor-based violence, forced marriage and harassment (stalking) are not criminalized.

The Act has a comprehensive nature, as it contains numerous key areas such as prevention, protection, punishment and victim assistance.

State responsibilities and implementation of the Law

Prevention

Both the 1994 Act and the subsequent 2000 and 2004 Acts, establish prevention as the State's responsibility, developed through the creation of an Advisory Committee for the prevention and fight against family violence. The functions of the Advisory Committee shall be, among others: to monitor the problem of violence in the family, to inform the public and professionals who have responsibilities, the development of educational programs and seminars, etc... The Cyprus

Government's Action Plans establish, likewise, prevention and more detailed measures.

Investigation and sanction

In Cyprus a formal complaint of the victims or at least their declarations on violence are required to initiate criminal proceedings. The complaint of a victim of violence can be made to any police officer, family counselor, social worker, psychologist, or health professional, including psychiatrists. The information provided by any of these professionals as well as by people close to the victim constitutes valid proof. This is an important measure to draw VAW within the family out of the private sphere.

The aforementioned figure of Family Counselor⁴⁸ has an important role in the field of formal complaints and moving forward domestic violence proceedings, especially in cases in which minors are exposed to violence. Faced with a complaint regarding violence perpetrated against a child, the family counselor can, if deemed appropriate, require viewing, advice and opinion of a multidisciplinary group and report the incident to the Director of Social Welfare Services, depending on the seriousness of the received information or complaint.

Also contained in the 2000 and 2004 Acts is mediation as a measure to alleviate family problems. It is a family counselor the one who responsible for carrying out this mediation in cases where an episode of violence is likely to occur.

A person can be arrested for twenty-four hours at the request of the Police, if he/she has committed an act of violence and will have to be brought to court during those twenty-four hours after his/her arrest.

One of the new measures of the Act is that in case of a formal complaint, the victim's statement must be gathered by a same-sex officer. In the event that violence is committed towards the spouse, she/he is not compelled to testify. However, if the violence is committed against another family member, she/he can be obliged to testify. This measure is the same one that exists in Spain.

The sanctions that can be imposed for violent crimes can range from two to five years of imprisonment or a fine of 4000€, or both. This raises doubts about the proportionality of the sentence, since a fine can be set as an alternative to prison. However, penalties for some offenses described in the criminal code and committed

⁴⁸ Despite the prominence of this organ, the Law does not provide what training the Family Counselor should undergo and whether this Counselor should have specific knowledge in VAW.

within the family are increased, such as sexual assault, which can be perpetrated by both women and men and life imprisonment for statutory rape of girls under thirteen.

Additionally the Court may, instead of issuing any other sentence on the accused, impose probation under the supervision of a probation officer along with a compulsory self-control treatment. This could be another one of the alternative measures, which may lead to consider that violent crimes are being downplayed.

A woman can receive a protection order and during that period of time file charges or not file them (unlike what happens in Spain, where one can ask for a restraining order only if a report has been filed). It is a criminal law in nature, since it establishes criminal jurisdiction.

Protection

The 2000 and 2004 Acts incorporate several measures to protect victims and witnesses. A first measure of protection that is fully backed-up by the law is the possibility of the victim or witness to declare behind special screen, videotape their statement or use any other technological system that guarantees not being confronted with the accused.

The Law provides for other protective measures, through which the Court can ensure the protection of family members, such as the eviction of the common residence and a ban on communicating with the accused. However, for a restraining order to be issued, one of two circumstances is required: either proof of repeated acts of violence (i.e., frequent violence or severity in the acts) or that the defendant refuses to undergo treatment (i.e., changes protection for the perpetrator's willfulness).

Likewise, the Law is ambiguous regarding the protection measure establishing the defendant's eviction from the family household, as it indicates that property must be taken into consideration and issue an appropriate order suitable for the accused or the accused's family.

Likewise, the Act also states that a restraining order may not be issued in cases in which, an imprisonment penalty for a period exceeding six months has been issued simultaneously. That is, a restraining order can only be imposed in cases where the sentence of imprisonment does not exceed six months, and the legitimacy of the order take place after the defendant is released.

Assistance to victims

The 2000 and 2004 Acts establish a so-called "fund for victims", which is a budget is designed to meet the immediate needs and accommodation of victims, among other benefits. There are very sporadic aids and are not specifically defined in the Act. The use of this fund is, according to the Act, at the discretion of what "the Committee considers appropriate, and the Minister is able to approve." Therefore, this fund cannot be considered a remedy but rather a complement to assistance measures in the short term.

Protection measures for children whose legal guardians are female victims of gender-based violence

The amendment of the Act specifically recognized girls and boys who witness violence as direct victims of such violence, because of the mental damage stemming from witnessing it.

For the protection of child victims, the Court may order a temporary restraining order against an alleged abuser or eviction from the household for an initial period of time not exceeding eight days, in which boys or girls are brought before the Court. The measure may be extended, but the total period may not exceed twenty-four days, until the criminal case against the accused is established.

Table 6. Summary table for Cyprus' legislation

CYPRUS		
Year of enactment: 1994/2000/2004		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.6. CZECH REPUBLIC

Background and context

In terms of equal opportunities between women and men, the Czech Republic has a 2005-2012 Plan of Action called *Government Priorities and Policy for the Promotion of Equal Opportunities for Women and Men*. This Plan has as one of its priorities the fight against GBV and human trafficking (EIGEa, 2013: 26).

In addition, since 2009, in the Czech Republic there is an Equality Act between women and men⁴⁹ that defined the right to equal treatment and prohibits discrimination in areas such as employment, social security, access to goods and services, etc. This Act establishes the victims of discrimination's right to compensation, including compensation for moral damages. It forbids harassment, sexual harassment, stalking, and all kinds of discriminatory acts, including incitement to discrimination (COAS, 2009: 92-93).

More specifically, in 2011 in the Czech Republic approved the *National Action Plan for the Prevention of Domestic Violence 2011-2014*.⁵⁰ This Plan, which has no gender perspective, covers violence in the relationships and aggressions in a larger context, family or close relationship-wise.

Type of current law (approach, concepts and range)

In the Czech Republic there are no specific standards against VAW. The protection of women against assault is portrayed in the Civil, Criminal and Family Codes.

The Penal Code was amended through an Act in 2004⁵¹ in order to include domestic violence as a specific crime; and in 2006 there was another reform in order to punish more effectively these behaviors (hereinafter Protection Act 2006).⁵² However, the gender dimension of domestic violence against women is not visible in the legislation.

The aforementioned criminal offense classification did not develop a definition of 'abuse' but the mentioned 2004 Act to amend the Criminal Code described it as a "cruel" behavior or causing "serious injury". The designated criminal offense

⁴⁹ ZÁKON č. 198/2009 Sb. o rovném zacházení a o právních prostředcích ochrany před diskriminací a o změně některých zákonů (antidiskriminační zákon).

⁵⁰ Versión en inglés: http://www.mpsv.cz/files/clanky/12194/5_material_NAP_15-04-2011_en.pdf (última visita 15 de mayo 2015).

⁵¹ zákon č. 91/2004 Sb., kterým se mění zákon č. 140/1961 Sb., trestní zákon, ve znění pozdějších předpisů.

⁵² zákon č. 135/2006 Sb. 1. ledna 2007 nabývá účinnosti zákon na ochranu před domácím násilím.

indicates that people eligible to be victims of this crime are "*a close relative or other person living with [the aggressor] in an apartment or house.*"

Therefore, the possible beneficiary of the Law is the person, family member or any other living at home with the perpetrator, thus, current or former partners are not included if they don't live together (COAS, 2009: 89). The *Alliance Against Domestic Violence Expert Group*, an expert group has criticized the Czech criminalization of domestic violence on the ground that it does not comply with the gender or the human rights approach. Both are central elements of its criticism: the need for the repetition of a violent act to be considered punishable and the consideration of violence only in the context of relationships, if it takes place within the household.

On the other hand, marital rape is classified as a criminal offense, but an explicit consent on behalf of the victim is required in order to open proceedings against the husband or common-law partner. This requirement does not exist in other violent crimes (COAS, 2009: 91).

On January 1, 2010 a new Criminal Code came into force, which criminalized stalking (COAS, 2009: 90).

State Responsibilities

Prevention

As in most of the analyzed countries, the endorsed legislation in the Czech Republic in the field of domestic violence does not provide for awareness measures against such violence. The legislation is focused on the protection, sanction and assistance to victims of violence.

However, other measures for raising sensitivity and awareness are reflected in government Action Plans. Thus, in the 2011-2014 Action Plan, cited above, it is the Government's obligation to carry out public awareness campaigns and other measures aimed at eliminating gender stereotypes.

Investigation and sanction

The sanctions established with the 2004 amendment of the Criminal Code, cited above, ranged from an imprisonment period of no more than three years, in cases of serious injury, to imprisonment of 2-8 years in cases where injuries were committed cruelly or to more than one person or for acts that have been carried out for a longer time.

Although all crimes related to domestic violence, except sexual nature committed in marriage, are prosecutable, conviction rates remain low. The high level of concealment of domestic violence is also confirmed by the fact that each year restraining orders are used by the police in only about 1500 cases (CoEb, 2014: 35).

Although all crimes related to domestic violence, except within-marriage sexual abuse, are prosecutable ex-officio, conviction rates remain low.⁵³ The high level of concealment of domestic violence also confirms the fact that each year restraining orders are used by the Police in only about 1500 cases (CoEb, 2014: 35).

According to consulted reports, these figures are such because there are significant barriers for women survivors of violence to access justice, such as the lack of free legal advice and counseling, among others. There has been an effort to alleviate some of these obstacles creating the *Victims of Crime Act*, which entered into force in August 2013.⁵⁴ This Act, which covers all victims of crime, aims to expand the rights of victims in court proceedings and their subsequent recovery, in addition to providing tools for the exercise of their rights. It is also noteworthy that in this Act the obligation of the judicial authorities and other bodies of public administration is to respect the integrity and dignity of victims of crimes in order to prevent secondary victimization (CoEb, 2014: 35).

The Protection Act of 2006 contains the requirement that when the Police encounters a request of a protective measure, must in addition to informing the victim about support services, warn of the consequences of a false report. This obligation can be a deterrent to victims at the time of lodging a complaint and can consolidate the gender bias of some Police officers.

Protection

The Protection Act of 2006 amended the 2004 Act to amend the Penal Code of, in the sense of increasing the protection of victims. Another change that was established in this Act was the implementation of a system of protection similar to the Austrian model, i.e., the temporary expulsion of the aggressor from the family household, measures to assist the victim, and the possibility of the Courthouse granting a barring order.

⁵³ In 2012, 321 people (11 women) were convicted for the felony of abuse within a shared household, and 603 cases were reported to the Police.

⁵⁴ zákon č. 45/2013 Sb., ze dne 30. 1. 2013, o obětech trestných činů a o změně některých zákonů (zákon o obětech trestných činů).

In 2008 there was a new legislative amendment, this time in policing legislation, in order to simplify the eviction procedures that allow Police to expel the aggressor from the common household (COAS, 2009: 90).⁵⁵ Since then, the first responsible of the protection against domestic violence is the Police (through the emergency restraining order), while the most long-term protection measures depend on the civil jurisdiction (restraining order) as well as social support measures, to be set as a requirement for accessing support centers for victims, which require the victims to have a protection order in force.

Police can issue a restraining order that has an immediate effect on the perpetrator's eviction from the shared household or surroundings, if there is a risk to the life, health, freedom or dignity of the victim. This measure withstands for 10 days. Once those 10 days are fulfilled, the victim may request the Civil Court to extend the protection through a preliminary injunction. The Civil Court may issue a protection order that includes the temporary eviction from the common household and immediate surroundings, and the prohibition of contact over a period of one month, which the Civil Court may later extend.

The concern among women's NGOs mainly lies in how the Police applies the Act is still strongly hampered by the widespread perception of intimate-partner violence as private disputes (Liz Kelly, Carol Hagemann-White, Thomas Meysen & Renee Romkens 2011: 64). Currently, there is an ongoing debate over if to extend Police specialization, and specialization of public prosecutors and judges has begun to take place (CoEb, 2014: 36).

Assistance to victims

The right to assistance to victims is set out in the measures of the 2006 Protection Act, which regulates the immediate psychological, social, medical and legal support victims must receive when protected by the aforementioned police protection measures. The Act states that to provide these services different intervention centers will be provided only to victims who have a restraining order in force.

Support measures are specified in the Social Security Act⁵⁶ that establishes intervention centers to help people with a risk of suffering violence. These social intervention centers provide for medical, psychological and legal assistance.

It is also worth mentioning that the Victims of Crime Act of 2013, cited above, emphasizes the obligation of public authorities to respect the integrity and dignity

⁵⁵ vAct No. 273/2008 Coll.

⁵⁶ zákonem č. 108/2006 Sb. o sociálních službách.

of victims of crime in order to prevent secondary victimization. The rights under this Act include the possibility of declaring in court proceedings through technological means to avoid eye contact with the perpetrator.

Protection measures for children in violent environments

The legislation for protection against domestic violence does not focus in any special way on the protection of children living in violent environments. However, the Plan of Action of 2011 focuses on children as well as in those people menaced for witnessing domestic violence. The Plan provides that child who witness domestic violence should be considered victims of psychological harm, and as such, be aided as needed. The Plan includes, as one of the actions to be carried out, an amendment of the Police Act to broaden the concept of person in danger in order to include children who witness domestic violence.

Table 7. Summary table for Czech Republic's legislation

CZECH REPUBLIC		
Year of enactment: 2004/2010		
Protection Act: 2004/2007		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.7. DENMARK

Background and context

In general terms, in Denmark they have passed laws and public policies on gender equality. 31: In 2000 the Law on Gender Equality, which was amended in 2007 (EIGEa, 2013 is approved).⁵⁷

The Plan for Gender Equality of 2011 established among its top priorities the fight against violence in intimate relationships and trafficking in women. The 2012 Plan

⁵⁷ Notification of law No. 1095 of 19 September 2007 (Bekendtgørelse af lov om ligestilling af kvinder og mænd).

had as a goal to set measures for human trafficking including also measures for men as victims.

In Denmark, the first Action Plan to fight VAW was approved in 2002, for a period lasting of four years (2002-2005). Its main goal was to provide the necessary support for victims, provide treatment to offenders, enhance interdisciplinary action and raise social awareness and information levels of the matter (EGGSI, 2010: 114).

In 2005 the *Action Plan to stop men's domestic violence against women and children* (2005-2008) was enacted, which also included actions to address multiple discriminations of some sectors of victims of violence. For example, it established actions to improve knowledge of the problems faced by women from ethnic minorities (disabled, migrants, addicts), among others (UN Women, Expert Group Meeting September 13-15, 2010: 14).

In 2009 the National Strategy was adopted to prevent violence in intimate relationships (2010-2012),⁵⁸ which aims to address all forms of GBV and domestic violence, taking into account the consequences of this violence on children. The main actions of this Strategy are framed under prevention, early intervention and care for victims. This Strategy's approach towards violence does not seem to consider a gender perspective despite that it mentions unequal relations and mistreatment of women, since the same text contains numerous references to male victims of violence and the alcoholism-violence binomial, which threaten to take these abuses out of context.

The Danish government has also passed public policies against human trafficking and sexual abuse. In this regard, one must note the National Plans of Action against human trafficking from 2002-2006 and 2007-2010 (EGGSI, 2010: 116). In the latter Action Plan the target group, besides women and girls, was extended to men and boys (EGGSI, 2010: 116).

The government also formulated a plan against forced, semi-forced and arranged marriages (2003-2005) where 21 initiatives were established. In 2004 the government launched an Action Plan against child abuse.⁵⁹

⁵⁸ National strategi til bekæmpelse af vold i nære relationer, Udgivelsesdato: 23. juni 2010, Government of Denmark.

⁵⁹ English version: Action plan to stop men's domestic violence against women and children 2005-2008, Government of Denmark, April 2005, p.9.

Type of current law (approach, concepts and range)

In Denmark there is no specific law on VAW. Crimes related to violence in family relationships are established in the Penal Code under a general nature. This standard protects both spouses, their children any dependent person under 18. It also includes the crime of not complying with the duty of support and maintenance (101 COAS, 2009). Other parts of the Criminal Code include as an aggravating offence the fact that the violent crime is committed with particular severity and able to cause further damage. The only crime that is specifically mentioned against women is female genital mutilation.

In Denmark, therefore, physical sexual violence is a criminal offence but psychological violence against the spouse or partner is not (CoE, 2010: 38).

Sexual harassment is included in the civil law, prohibiting different treatment on grounds of sex, but is not criminalized, which has been criticized by women's organizations in Denmark (COAS, 2009: 105).

In July 2004 a protection measures Act for victims of violence took place,⁶⁰ which allows the Police to expel a person from his/her family household if he/she has been reported as an offender of violence within the family, in order to prevent further violence against other members of the household (COAS, 2009: 103). In March 2012 a Law came into force which amended and consolidated all protection measures into a single Law.⁶¹

In terms of approach, the Danish Criminal Code and protection measures Act lack a gender perspective. However, the two National Action Plans -2002 and 2005- to stop VAW is based on the definition of United Nations of VAW. Also, the measures contained in both Action Plans have gender perspective because they establish specific measures for women victims of violence.

State Responsibilities and Law implementation

Prevention

The Danish legislation does not include measures aimed at prevention. However, the Action Plans implemented various measures to prevent violence, such as the

⁶⁰ Lov nr 449 om bortvisning og beføjelse til at meddele tilhold m.v af jun 2004, Offentliggørelsesdato: 10-06-2004.

⁶¹ Lov nr 112 om tilhold, opholdsforbud og bortvisning, vedtaget 17. januar 2012, Offentliggørelsesdato: 04-02-2012.

visibility in media and the public debate on domestic violence, increasing public awareness on the issue.

Investigation and sanction

The Act provides protection measures for when a prohibition measure is broken, a penalty or fine (no amount is set) or imprisonment of up to two years. The court will decide whether to impose either.

Since 2007 in Denmark, the victim does not need to push the investigation and the judicial procedure forward, it is the Police and the public prosecutor who have this responsibility, since these crimes are prosecuted ex-officio (CoE, 2010: 15).

In May 2008, the Attorney General issued new guidelines to improve the investigation and prosecution of cases of domestic violence. The purpose of these instructions is to strengthen the Police process and the prosecutors' performance, as well as to increase the efficiency of investigations in domestic violence cases (COAS, 2009: 106).

The Action Plan against domestic violence discloses how the convict's treatment should be, especially in cases of minor offenses, once the court suspends the prison sentence.⁶²

In Denmark, according to the accessed information, even in cases where women fear for their lives or have been physically assaulted, only 31% and 20% of them, respectively. Of the cases reported, only 3% are in an indictment and only 2% of cases result in conviction (WAVE, 2013: 90).

Protection

The aforementioned protective measures Act of 2004, amended in 2012, empowers the security forces to expel a suspected abuser from his home for a period of fourteen days, after which the measure will be forwarded to the Courthouse for confirmation. In theory, Police can perform this action even without a formal complaint from the victim (Kelly,L., Hagemann-White,C., Meysen.T. & Romkens,R., 2011:51),⁶³ however it is usually issued when the woman is also willing to file a complaint. Therefore the eviction of the aggressor in practice depends on the complaint of the victim (EIGE, 2012: 24).

⁶² English version: Action plan to stop men's domestic violence against women and children 2005–2008, Government of Denmark, April 2005, p.15.

⁶³ This measure has been implemented in 11 countries, including Denmark, and is considered as good practice.

The amendment made in 2012 on this matter, strengthened the victim's protection against persecution, harassment and violation of privacy, including stalking. It grants more powers to the Police for them to deal with offenders who violate protective measures. The Law allows Police to issue restraining and eviction orders (CoEb, 2014:37).

The specific measures provided for in the protection measures Act are the expulsion from the household, restraining orders, prohibiting any means of contact, prohibition of following or annoying the victim. More recently, the ban to stay or live in an area near the house or work of the victim was introduced, along with any place frequented by the victim.

If a person is considered a threat to another household member under reasonable grounds, there being relationship or family bonds that tie them, the Police can issue an arrest so that the Court arranges an eviction notice. The period for custody is a maximum of twenty four hours, during which the Police must inform the Court in order to determine whether the eviction order is applied or not.

The validity of these measures range between 4 weeks, extendable to another 4 in the case of the eviction of the household, up to the 5-year restriction order. With the amendment of the Protection Act of 2012, the maximum period of household eviction was extended to one year.

Furthermore, the Act also provides that the prohibition to stay away will not be disproportionate to the family's situation and the nature of the perpetrator's behavior. This provision may be a discretion route for judges, who can render ineffective some of the protection measures.

Under the protection measures Act, restraining and eviction orders may be granted, in addition to the request of the victim, under a family member's request, and even ex-officio, when the public interest so requires it.

Protection from violence to immigrant women

Although in 2004 the Immigration Law was amended towards a focus on preventing the abusive behavior of male residents against foreign women, women without Danish citizenship who have gained a legal status thanks to their partners, risk being expelled from the country if they leave their abusive partners.

In the first place, the Law established that Denmark residents cannot benefit from family reunification if their spouse or partner has been convicted of certain types of violent crimes against former spouses or partners in the past ten years⁶⁴.

And, secondly, a woman has the possibility of applying for a different residence permit than of their abuser. Nonetheless, the requirements for it are difficult to fulfill: violence must be documented, prove one's integration to Denmark and, finally, prove that returning to their country of origin involves a risk to her (virtually the same requirements as for asylum) (EGGSI, 2010: 83).

Assistance to victims

The social assistance Act⁶⁵ It provides that municipalities must provide temporary accommodation to women who have experienced violence or threats of violence. Women can go accompanied by their children, who also receive care and support during their stay. Residential resources are generally managed by NGOs and financed by public and private funds. Denmark, together with Finland, is among the few countries that charge a small fee for the use of these services (EGGSI, 2010: 149).

Likewise, legal advice for women victims of partner violence is free. These services can set a monetary limit, if full legal representation, with criteria such as income level or the "reasonable expectation" that the person can win the case (WAVE, 2013: 90).

In Denmark "crisis centers" for victims provide psychological, legal support and assistance to women and their children. The service is multilingual and there is coordination with other health and social services. In addition, aside from some general advice, some crisis centers offer assistance in the form of self-help groups (EGGSI, 2010: 154).

Denmark has implemented the UK model of "Independent Domestic Violence Advisors". In 2008, through an amendment of the Social Assistance Act, the municipalities were ordered to appoint advisers for victims of violence.

Independent domestic violence consultants provide support in the short and medium term to high risk victims. One of its functions is to guide women and children who end up staying in a shelter with the prospect of a new life pertaining to housing, work, school, daycare, etc. However, there has been a movement to

⁶⁴ English version: Action plan to stop men's domestic violence against women and children 2005–2008, Government of Denmark, April 2005, p.14.

⁶⁵ Lov om social service, jf. lovbekendtgørelse nr. 254 af 20. marts 2014.

develop support services to enable survivors to remain in their own homes with protection and support (CoE, 2010: 15).

Protection measures for children whose legal guardians are female victims of gender-based violence

The Action Plan (2005-2008) includes among its objectives special activities for children who have suffered domestic violence.⁶⁶ The goal will be treatment in order to decrease the risk of recurring violence in their life, both as perpetrator or victims of violence.⁶⁷

Table 8. Summary table for Denmark's legislation

DENMARK		
Year of enactment: Protection measures Act of 2004 (reformed 2012)		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.8. ESTONIA

Background and context

In 2004, a law on gender equality that explicitly prohibits direct and indirect discrimination against women was set forth in Estonia, which introduced a definition of sexual harassment, but without developing preventive or punitive measures against this type of GBV (EGGSI, 2010: 124).

In 2010 the Estonian Government approved a Plan of Action to combat all forms of violence (2010-2014). It is not a specific Action Plan on VAW, or a plan on domestic

⁶⁶ Term used in the Plan.

⁶⁷ English version: Action plan to stop men's domestic violence against women and children 2005–2008, Government of Denmark, April 2005, p.11 y 13.

violence, but a plan to deal with violence in general. However, one of the purposes of the National Plan is aimed at reducing and preventing domestic violence, including VAW in the family context. The main measures established to achieve this goal are: the improvement of services for victims, improving the training of key professionals and improving preventive actions in order to change attitudes and raise public awareness. Among the support measures for victims are shelters for women and emergency helplines (EGGSI, 2010: 109).

It also lays down specific measures against trafficking, such as prevention and discouraging demand, as well as safe houses for victims of trafficking (EGGSI, 2010: 109).

Similarly, there are measures set forth to fight VAW in the Plan for social inclusion (2010-14) and in the National Health Plan (2009-10) (111 EGGSI, 2010).

Prior to this general violence plan, Plan of Action against Trafficking (2006-2009) (EGGSI, 2010: 107) was already in force.

Type of current law (approach, concepts and range)

Estonia does not have a law regarding VAW, neither general nor specific, referring certain types of violence. Violence against women is pursued, in general terms, from the definition given in the Criminal Code of crimes against integrity in relation to physical or sexual violence, and to threats or coercion (WAVE, 2013: 95).

Estonian law also does not provide definitions of VAW, not even of domestic violence, so GBV victims are legally treated as any other victim of crime. The only existing definition of VAW in the legislation is that pertaining to sexual harassment under the Equality Act 2004.⁶⁸

Regarding partner sexual violence, among the studied countries, Estonia is along with Ukraine the only country in the Council of Europe which does not pursue it (COAS, 2014: 14).

Therefore, the Estonian standards do not incorporate a gender perspective because it does not contextualize GBV behavior as a result of discrimination. From a neutral approach, the Criminal Code pursues all interpersonal violence with the same legal basis. And the standards on protective measures are applied in general terms, considering the risk the same way any risk of violent crime is considered.

⁶⁸ Soolise võrdõiguslikkuse seadus, Vastu võetud 07.04.2004, Art. 3.

The legal framework also fails to follow a human rights approach because it does not establish comprehensive and coordinated actions against violence (neither gender nor domestic violence) that would imply acting accordingly to the standard of due diligence.⁶⁹

Likewise, the definition of violence under the 2010 Action Plan is ambiguous because, on the one hand, it conceptualizes violence within power relationships and gender inequality, but on the other, refers to men and women interchangeably as victims and perpetrators. Moreover, it links marital violence to poverty as well as asserting that unemployment and low income are causes of violence.

State responsibilities

Prevention

In Estonia, prevention measures are not foreseen legally, but are established in Action Plans. In this way prevention is one of the main goals of the 2010 Action Plan that includes, among other concrete measures in this field, public awareness campaigns and specific preventive measures aimed at social sectors considered most at risk.

Investigation and sanction

The criminalization of certain behaviors is stated in the Criminal Code such as physical violence, threats or torture. However, various forms of VAW such as sexual violence within marriage and female genital mutilation are not prosecutable.

As a positive feature, it is noteworthy that all crimes related to VAW (in the family, or elsewhere) are prosecutable without requiring the victim to report to the Police, even the most minor offenses (CoE, 2010 : 41).

Despite of which, according to the WAVE Network report, in cases of domestic violence perpetrators are usually sentenced to payment penalties or in more serious cases a conditional sentence (performing community service instead of entering prison, for example). Another element contrary to international and European standards is the use of reconciliation proceedings between the victim and offender in order to avoid conviction (WAVE, 2013: 95).

Regarding the State's response to breaching a protection measure or restraining order, Estonian's legislation establishes, since 2009, the enactment of such breaches by a fine of 300 euros or the imposition of an imprisonment for up to 1

⁶⁹ Duty that the States have to prevent human rights violations.

year. However, the Law needs a life-threatening situation as a condition applying these sanctions, along with threats to the health or property of the protected person or that the act is repeated

Protection

Protection orders in Estonia may be issued by the Family Court as well as the criminal jurisdiction Court. In 2006 the Code of Civil Procedure⁷⁰ introduced a protection measure called "restraining order" and the Criminal Code introduced protection orders (temporary and extensive). Unlike what happens in most of the EU countries, in Estonia this type of measure is not specific to victims of domestic violence or GBV, they are protection orders applicable general violence situations. These measures can be issued for a maximum period of three years.

The temporary restraining order is set out in the Criminal Procedure Code⁷¹ as a measure that the court can dictate to protect the privacy and other personal rights of the victim. Protective measures include the restriction to certain places and prohibiting contact with the victim for a period of four months. Similarly, the temporary restraining order implies prohibiting the defendant from the use of his/her home for a period of 1 month.

Moreover, according to the WAVE report, in Estonia temporary protection orders have not been implemented in the same way in all regions of the country, and there are areas where progress was reflected in the Law but are not applied in reality (WAVE, 2013: 95).

Assistance to victims

In 2004 the Support of Victims Act⁷² was enacted. Its purpose is to attend victims and ensure their proper compensation and support. This is a general law for all victims of crime, including GBV. It includes victims who have suffered negligence, psychological, physical or sexual abuse.

This law establishes the obligation to provide counseling and assistance to victims, as well as financial compensation for the following: damage stemming from the inability to work, expenses for the victim's medical treatment, damages for the victim's death, property damage and funerary expenses.

⁷⁰ Tsiviilkohtumenetluse seadus, Vastu võetud 20.04.2005, RT I 2005, 26, 197, jõustumine 01.01.2006.

⁷¹ Kriminaalmenetluse seadus, Vastu võetud 12.02.2003, RT I 2003, 27, 166, jõustumine 01.07.2004.

⁷² Ohvriabi Seadus võetud 17. 12. 2003 vastuvõtmise aeg, avaldamine Riigi Teatajas, jõustum 14. 04. 2004.

Protection measures for children in violent environments

The child protection Act⁷³, establishes general measures of support and protection to children who live in violent family environments, including the obligation to inform Social Services or the Police of a child in need of protection or assistance and authorities duty to act immediately. However, what it is more standardized, as in most European countries, is the response to direct violence against the child.

The Action Plan of 2010 does treat children who witness violence (at home or elsewhere) as victims of it. The Plan states that the child growing up in violent environment lives in a risk situation, and that said violence can be accepted as a normalized pattern of behavior.

Table 9. Summary for Estonia's legislation

ESTONIA		
Year of enactment:		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family*
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	
	Violence plans	Yes

* In Estonia the types of violence are reflected in the Action Plans. There is no specific law against family or domestic violence and the Criminal Code does not define it in a particular way. The only mention made is establishing aggravating circumstances when there are family bonds, the same way work or economic relationships imply dependency.

2.2.9. FINLAND

Background and context

The Equality between Women and Men Act came into force in January 1987 and was amended in 2005. It defines and prohibits direct and indirect discrimination based on gender (National Gender Violence Report, 2007: 5). To ensure the development of these legal measures the Finnish Government approved several Action Plans for Gender Equality (Gender Violence National Report, 2007: 17).

⁷³ Eesti Vabariigi lastekaitse seadus, Vastu võetud 08.06.1992, RT 1992, 28, 370, jõustumine 01.01.1993.

In Finland the institutional response to GBV has been developed mainly through National Plans and National Action Programs. The first of these plans was approved in 1998 and remained in force until 2002. The current National Plan of Action against VAW was adopted in 2010, with a five-year lifespan (Kelly, L., Hagemann-White, C., Meysen, T & Romkens, R, 2011: 30) (hereinafter 2010 Action Plan).

Among the main goals of the Plan it is to prevent violence in relationships and within the family, improving services for victims and perpetrators, intensifying intervention with children and young people who are victims of violence, as well as developing the necessary skills necessary to act against violence (National Report Gender Violence, 2007: 11 and 12).

The Plan encompasses multiple forms of VAW, being the main ones: GBV -including physical and psychological attacks, and emotional and psychological abuse-, incest, marital rape, honor killings, female genital mutilation, and other traditional practices harmful to women such as forced marriage (EGGSI, 2010: 112).

Regarding the Plan's approach, it recognizes gender relationships as the basis for VAW. It defines VAW as a violation of human rights, considers international human rights instruments and refers to the 'due diligence' parameter, which includes an obligation of the Finnish State to prevent, investigate, sentence perpetrators and compensate the victims. From this starting point, the Plan sets out measures to strengthen prevention, improving support services for victims, improving the quality and efficiency of criminal proceedings, and preventing the recurrence of violence.

The 2010 Action Plan also addresses the special vulnerable situation of migrant women, women with disabilities or those belonging to sexual, ethnic and cultural minorities, among others. It provides measures to alleviate the difficulties of each particular situation encounters, including the lack of knowledge of the language.

The response to VAW is also provided for in non-specific laws and plans. Internal Security Programs of 2006-2008 and 2008-2011 have incorporated such measures. But above all, Finland has had since the 1980's, legislation on gender equality.

Type of current law (approach, concepts and range)

Finland has no specific law on VAW, GBV or domestic violence. As mentioned earlier, the institutional response to these abuses is mainly governed by National Action Plans.

The main standards that deliver a response to protect victims and punish perpetrators are those of the Criminal Code⁷⁴ and the 898/1998 Act on protection measures. Both standards are gender-neutral.

In the Finnish Penal Code, the crime of domestic violence or GBV is not defined specifically. Crimes against physical, psychological and sexual integrity as well as life-threatening crimes do not include any specific provision in terms of the relationship between perpetrator and victim.

Parliament recently approved a law that criminalizes harassment ("stalking"). Also it is pending a modification of the provisions of the Penal Code relating to crimes of sexual violence, including modifying the definition of sexual harassment.

Parliament recently approved a law that criminalizes stalking. An amendment is also pending to modify the Penal Code on matters of sexual violence crimes, including a change in the definition of sexual harassment.⁷⁵

State responsibilities

Prevention

As in most European countries, the Finnish regulatory framework contains no general prevention measures, but focuses on prevention in the sense of non-recurrence of life-threatening criminal behavior, threats towards health or freedom. However, the 2010 Action Plan does establish preventive measures, such as awareness campaigns in schools and in the media, or measures to prevent domestic violence among population at risk.

Investigation and sanction

In Finland, violence is prosecuted ex-officio when it is committed against a spouse or former spouse, siblings, parents, children or people who live or have lived in the same household with the perpetrator or have had a close relationship with him/her, even in cases of petty assaults. The Penal Code divides violent crimes in three categories: petty assault, assault, assaults with serious injuries. Except in the cases referred to⁷⁶ petty assaults are always prosecuted on behalf of a party. By contrast, assault and serious injury assaults are crimes that are prosecuted ex-officio, such

⁷⁴ Rikoslaki, Oikeusministeriö Voimaantulo: 01.01.1891.

⁷⁵ Information provided by Mervi Sarimo, advisor for the Ministry of Justice of Finland on November 29th, 2013.

⁷⁶ Section 16 of the Penal Code also includes as an exception the prosecution of cases where children are victims and cases committed in the exercise of a profession, even without a formal complaint.

as other crimes. Assault and rape are prosecuted ex-officio also when they take place at home or when the perpetrator is a family member.

Furthermore, the breach of a protection order is considered a crime and is punishable by a fine or imprisonment for a period of time which may reach up to one year.

It is relevant that in the Finnish penal system a medical certificate is essential as proof in all cases of violence within the couple to be able to obtain a restraining order and for the subsequent compensation in case of conviction.

It is also important to note that the same Law that reformed the Penal Code in 1993 that changed "private" violence into a public issue provided for public prosecutors to be able to drop charges of domestic violence in agreement with the victim's desire. (Kelly, L, Hagemann-White, C, Meysen.T & Romkens, R, 2011: 29).

Protection

Finland has adopted the same model of immediate protection than Austria, according to which the Police have the power to issue a restraining order with immediate effect, prohibiting the suspect from approaching the home of the victim, even if it is also the home of the perpetrator. This immediate protection order must be confirmed by a civil or criminal court, which, if it assesses risk, will issue a protective cautionary measure (FRA, 2014: 68).

The standards governing protective measures⁷⁷ state that at the time of implementing a protective order, the nature of the crime or harassment must be taken into consideration, along with the possibility of repetition of the offense and the victim's and alleged perpetrator's circumstances.

Finland has established various protection measures of different scopes: The general measure that can be used is the *basic restraining order* which is a ban on contact or attempt to contact, follow, or observe the person protected. Furthermore, the prohibition order implies the duty to leave the shared household with the victim and not to return. Furthermore, if there is reason to believe that a prohibition order is not enough to avert the threat of a crime or other harassment, the law provides for the imposition of an *extended restraining order*. In this case the restriction includes a prohibition to approach a certain distance from the protected person's household, summer residence or workplace as well as any other place deemed appropriate.

⁷⁷ English version: Act on Restraining Orders (898/1998; amendments up to 384/2010 included).

The temporary restraining order⁷⁸ can be enforced both by the Police and by the Court. The Police, acting ex-officio, may file a temporary restraining order if it considers that the person needs immediate protection and it must be submitted to the Court before three days.

A protection order may be requested by: the threatened person, the Police, the public prosecutor or the social welfare department.

Restraining orders are established in the criminal procedural law and not in the civil legislation as in some European countries. The type of regulation is general, accompanied by subsections where specific types of violence are regulated, including violence within the family. In regards to the duration of the restraining order, the Act provides for a maximum lifespan of one year, renewable for another year. However, the protection order in cases of violence within the family can only be imposed for a maximum period of three months, renewable for another 3 months.

Assistance to victims

Finnish legislation focuses specifically on protection measures for victims and does not include support measures or assistance to victims. Such measures are foreseen, however, in the action plans against violence. Thus, the 2010 Action Plan establishes the State's responsibility to provide assistance to victims, taking into special consideration what the situation of particularly vulnerable people is. These vulnerable groups may be women belonging to ethnic and cultural minorities, disabled people and also people belonging to vulnerable age-groups and social statuses.

The aforementioned action plan also provides for general measures of assistance, including crisis centers for victims of sexual violence and rape, telephone counseling, individual and group therapy, therapy services for perpetrators or services for children who suffer violence or witness it.

Protection measures for children in violent environments

While there is no comprehensive legal framework establishing measures for the protection of children in these contexts, the 2010 Plan of Action dedicated a large section on the issue. The starting point of the Plan one which offers a double acknowledgment: that boys and girls who witness violence are victims of this

⁷⁸ Section 11 of the Act that regulates protection orders.

violence and that perpetrators often use the children to continue assaulting their mother.

Stemming from this measures are developed so there no imposition of joint custody, as well as other restrictive measures of parent-child relationships, even if that parent has not yet been sentenced.

Table 10. Summary table for Finland's legislation

FINLAND		
Year of enactment: 898/1998 Act; 2010 protection measures		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	No
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.10. FRANCE

Background and context

It is noteworthy that France adopted in 2007 the Act for equal pay and the electoral parity Act, two fundamental standards in the fight against gender discrimination (EIGEa, 2013: 63).

More recently the Act on Equality between Women and Men, amended in 2015,⁷⁹ was adopted in 2014. This Act which aims towards equality between women and men in the workplace and among family relationships introduces significant changes in the area of VAW and ensures greater protection of victims (CoEb, 2014: 40).

The main public policies to combat VAW have been developed between 2005 and 2013 in France, through three-year plans. The first plan to fight VAW was the 2005-

⁷⁹ Loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les homes.

*2007 Global Plan*⁸⁰, named *"Ten Steps to empower women"*. This document, which included attention, shelter, protection, financial assistance measures and measures to help victims of violence recover their autonomy, was largely based on a multidisciplinary approach.

In 2008, a second three-year Global Action Plan three (2008-2010), named *"Twelve goals to combat violence against women"*,⁸¹ reinforced existing provisions in the first plan through new actions. Some of the measures included among them aimed to work with perpetrators as well as children exposed to domestic violence (COEC, 2009: 27). In 2011, the third plan was adopted to fight VAW (2011-2013),⁸² which focused on professional training and prevention, as well as the strengthening support and protection measures to female victims of violence.

In 2014 the fourth plan to combat violence against women (2014-2016) was passed, with measures that revolve around three axes: the organization of public policies to address all forms of violence, the effective protection of female victims of violence and mobilizing of the whole society (CoEb, 2014: 39).

Type of Law (definition, range and focus)

A decade ago in France, the response to GBV was limited to the criminal offense of marital violence, from 1994.⁸³ However, from 2006 on, France has enacted important standards related to combating VAW, especially GBV.

In 2006 France enacted the *Law on strengthening the prevention and prosecution of violence perpetrated within the intimate relationship or committed against minors* (hereinafter, the 2006 Act).⁸⁴ This law extends the scope victims of violence, to include former partners, as well as punishable offenses in the context of intimate relationships, to include murder, rape and other forms of sexual violence. This standard also supplements how recidivism is treated in the field of marital violence.

⁸⁰ Plan global de lutte contre les violences faite saux femmes 2005–07 — 10 mesures pour l'autonomie des femmes, Government of France.

⁸¹ Douze objectifs pour combattre les violences faites aux femmes — Deuxième plan global triennal (2008–2010), Government of France.

⁸² Plan interministeriel de lutte contre les violences faites aux femmes 2011–13, Government of France.

⁸³ Article 222-13-6 of the Penal Code.

⁸⁴ Loi n° 2006-399 du 4 avril 2006 renforçant la prévention et la répression des violences au sein du couple ou commises contre les mineurs. Quoted in http://femmes.gouv.fr/wp-content/uploads/2012/11/fiche_loi_violences_2006.pdf (last visit on May 13th 2015).

To complement protection in cases of intimate partner violence the August 10th, 2007 Act⁸⁵ (hereinafter 2007 against recidivism Act) was passed. This Act strengthens the fight against recidivism of those convicted of marital violence.

The Specific Act against violence against women⁸⁶ (hereinafter 2010 violence Act) was passed in 2005. This Act addresses the different forms of VAW. However, it mainly covers GBV and the impact it has on children who live in violent environments. The Act provides measures to prevent violence, a victim protection system through protection orders, and punitive and control and control measures for perpetrator, with special reference to technologic control measures.

2010 violence Act adopts a gender perspective and explicitly recognizes discrimination as a basis for violent behavior against women. It also specifically states that psychological abuse is among the criminally punishable violent behaviors.

In 2012 a new regulation against sexual harassment⁸⁷ was passed, and so was a law to prevent and prosecute human trafficking⁸⁸ in 2013.

State responsibilities

Prevention

In the 2006 Act prevention measures are not considered. However, the 2010 violence Act does introduce measures in this area. This Act establishes general prevention measures such as public information campaigns on equality between men and women, and specific actions aimed at students in all stages of the educational. It also includes measures for professional training. Among other measures, it forces State administrations to enforce training to health, civil service, judiciary and police professionals, among other institutions.

Investigation and sanction

In France, the GBV crimes are prosecutable ex-officio, including sexual violence. In terms of effective sanctions one must name the aforementioned August 10th, 2007 Act, developed to strengthen the fight against recidivism among convicted perpetrators of intimate partner violence. This law provides that in all cases where

⁸⁵ Loi n°2007-1198 du 10 août 2007 renforçant la lutte contre la récidive des majeurs et des mineurs.

⁸⁶ Loi n° 2010-769 du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants.

⁸⁷ Loi n° 2012-954 du 6 août 2012 relative au harcèlement sexuel.

⁸⁸ Loi n° 2013-711 du 5 août 2013 portant diverses dispositions d'adaptation dans le domaine de la justice en application du droit de l'Union européenne et des engagements internationaux de la France.

the sentence is suspended, those convicted are subjected to supervision and must follow a restraining no-communication order (COEC, 2009: 26).

Both the 2006 Act and the 2010 violence Act aggravate penalties for offenses towards current or former relationships. The 2006 Act amends the Criminal Code to increase the penalties for violent crimes.

The 2010 violence Act imposes penalties for violent crimes causing physical and mental health damages, ranging from three years of prison and a fine of 45,000 euros to 5 years of prison and a fine of 75,000 euros. This Act also introduced sanctions against the breaching of protective measures, through the imposition of a penalty of up to two years of prison and a fine of 15,000 euros.

The 2010 violence Act Law against Violence virtually vetoes mediation in GBV cases. In 2014, the Equality Act clarifies this prohibition and does not close the door to mediation in cases of violence between current or former partners. However, requirements for these processes are, among others, that mediation is expressly requested by the victim and the perpetrator of violence has agreed to pay financial compensation to the victim.

Protection

The 2006 Act already provided for certain measures to protect victims, such as the eviction of the aggressor from the shared household, restraint from the victim's residence and the obligation of the accused to undergo a treatment focused on rehabilitation.

The 2010 violence Act, along with the 2007 Act against recidivism, widens the protection system for victims of these crimes. The French model, like other EU States, combines the arrest of the suspect with the possibility of a restraining order. The court may order the eviction of the perpetrator from the victim's household of throughout all stages of the criminal proceeding (FRA, 2014: 68).

In France, the protection order can also be issued by a Family Court, if it appreciates a risk. In such cases, as set in the 2010 violence Act, the court may forbid contact with certain people, ban to hold or carry weapons, decide who will reside in the shared household (it is usually granted to the victim) and the issue parental and custody rights of the children. These measures can take effect for a period of six months and can be extended after filing for divorce or separation. The Family Court may also agree on an urgent protection order if the minors are deemed to be at risk.

Finally, one must note that the 2014 Equality Act, cited above, extends the protection rights of victims of violence. This law widens the time-lapse of the maximum protection measures and establishes the possibility for victims to request their address and other data to remain hidden.

Assistance to victims

In order to guarantee the right to compensation when the offender is bankrupt, in France the Commission on Compensation for Victims of Crime (CIVI), was established by the January 3rd Act of 1977. These committees are responsible for compensating victims in cases where defendants are insolvent. The court is obliged to inform the victim of the existence of the CIVI (COEC, 2009: 41).

The 2006 Act established support measures for victims, including employment, health care and social or psychological support. The law also established the obligation of the relevant departments to save enough accommodations to victims of violence, who have obtained a protection order.

In May 2012, the Prime Minister issued a decree⁸⁹ that amends the Criminal Procedure Code to establish a national office structure to support victims (*Bureaux d'aide aux victimes*). These offices are set in the judicial headquarters and are managed by private organizations whose mission is to inform and assist victims during court proceedings and support them in claiming their compensation.

Although all of the elements regarding the right to compensation are not established in the standards, several of them (compensation and full rehabilitation) are included.

Protection measures for children in violent environments

As it has already been mentioned, the main objective of the 2010 violence Act was to improve the response to violence committed in intimate relationships and improve the impact it has on children who live in violent environments. To do so, the Act gives an enhanced protection status in cases where the violence towards a current or former partner threatens boys or girls. In these cases, the Family Court is able to issue as an urgent matter, a protection order in favor of the children.

⁸⁹ JORF n°0108 du 8 mai 2012, Texte n°32, Décret n° 2012-681 du 7 mai 2012 relatif aux bureaux d'aide aux victimes.

Table 11. Summary table for France's legislation

FRANCE		
Year of enactment: 2010		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Against women
Approach	Human Rights	Yes
	Gender	Yes
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	Yes*
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	
	Violence plans	Yes

* Repair: Although not all of the elements of the right to compensation are established, several of them (compensation and full rehabilitation) are included.

2.2.11. GERMANY

Background and context of legal framework

The main background for Germany's legal framework on violence against women (VAW) is the standards on equal opportunities between women and men and the action plans to deal with VAW over the past two decades.

The German Parliament passed a Federal Equality Act in 2001⁹⁰, which replaced the Law on the Promotion of Women of 1994⁹¹. The Act contains a number of provisions on equality between women and men within the federal administration. This includes the obligation to consider and promote a gender perspective in all administrative areas (EIGEa, 2013: 36).

The First Action Plan to fight VAW⁹² was enacted in December 1999 and lasted until December 2006. This Plan adopted comprehensive measures to fight the different existing types of violence. The Second Action Plan to fight VAW⁹³ (hereinafter II

⁹⁰ Gesetz zur Gleichstellung von Frauen und Männern in der Bundesverwaltung und in den Gerichten des Bundes (Bundesgleichstellungsgesetz) Ausfertigungsdatum: 30.11.2001.

⁹¹ Gesetz zur Förderung von Frauen und der Vereinbarkeit von Familie und Beruf im öffentlichen Dienst im Freistaat Sachsen, vom 31. März 1994.

⁹² Aktionsplan der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen, Federal Government of Germany, Dezember 1999.

⁹³ Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen, Federal Government of Germany, September 2007.

Plan) was established in September 2007 and remains in force. It focuses on prevention, assistance and support to victims of violence and their protection. The II Plan defines violence against women within the frame of a human rights perspective. The plan devotes a final section to a compilation of the most important international treaties on human rights related to institutional action against VAW. It establishes prevention measures, care and protection for women from violence and, specifically, is oriented to the empowerment and protection of migrant women affected by violence, women with disabilities, and has intensified its prevention measures⁹⁴. It is a comprehensive action plan that groups all the measures of the Federal Government.

In both Action Plans, the German Government underscores the intervention with migrant communities to be able to deliver a more effective support regarding both care and protection for women in this sector. As an example, the II Plan bases its specific protection measures in a diagnosis that discloses the highest prevalence of various forms of violence, adapting them to various support services⁹⁵. This II Plan completely addresses all forms and manifestations of VAW because it explicitly references manifestations of this violence such as forced marriages, trafficking in women and girls for sexual and labor exploitation and female genital mutilation (Ter-Nedden C., Kinsky S., Papatya, 2011: 16).

Type of current law (approach, concepts and range)

On January 1st, 2002 the Protection from Violence Act was approved in Germany⁹⁶. This law develops only the obligation of the State regarding protection for victims of violence and harassment. However, compared to the comprehensive approach of the aforementioned Action Plan, it is a partial or sectorial Law that only provides protective measures. Ever since the Protection from Violence Act took effect, the concept of what domestic violence entails has changed, and has gone from being a private matter to being perceived as a public offense. The Government has been changing public policies and has adjusted to this Act⁹⁷.

Although the Protection from Violence Act does not expand on the matter, public policies define domestic violence as violence among people that live together, which

⁹⁴ Detailed information in:

http://www.coe.int/t/dg2/equality/domesticviolencecampaign/countryinformationpages/germany/National_Report_en.asp#TopOfPage

⁹⁵ Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen, Federal Government of Germany, September 2007, p.8 of its English version.

⁹⁶ Gewaltschutzgesetz vom 11. Dezember 2001 (BGBl. I S. 3513)

⁹⁷ Detailed information in: <https://www.frauen-gegen-gewalt.de/id-10th-anniversary-of-the-german-act-on-protection-against-violence.html>

includes not only the current or former partner, but also any other person, be it family or not, who share the household.

In the German Penal Code⁹⁸ neither domestic nor gender-based violence have been specifically penalized. What apply are the laws pertaining to violent crimes in a general manner (crimes against life, physical integrity and freedom).

Regarding the approach, conceptual framework and scope of the standard, the German government established a comprehensive public policy, from a gender perspective, addressing VAW. And yet, it has enacted a sectoral legislation, which acts primarily at a victim's protection level, with no gender perspective.

The Law is gender-neutral and does not establish a principle of non-discrimination, or an obligation to meet the needs of particularly vulnerable victims. These two guiding principles -key concepts in the international human rights framework- are gathered only in the aforementioned Action Plans but have no legal recognition.

Nor is there any explicit reference in the Act to oblige the human rights framework, as in the Action Plans.

State Responsibilities

Prevention

In Germany's government Action Plans, prevention it is one of their main goals. However, German Law only provides measures related to secondary prevention, i.e. the non-repetition of violence that has already been committed, but does not provide any measure related to raising awareness and changing attitudes, both much needed in order to achieve a society without violence.

Investigation and sanction

The Protection from Violence Act states that protective measures must be requested by the victim. In cases where a restraining order is breached, courthouses can impose economic sanctions or imprisonment.

Protection

The aforementioned Act has a civil nature; the request for a restraining order must be done through Family Court. And the included protection measures are: restraining the perpetrator from the household or places frequented by the victim,

⁹⁸ Strafgesetzbuch (StGB) Neugefasst durch Bek. v. 13.11.1998

the prohibition of establishing contact and communication, and the expulsion from the common household during a 6-month period.

Restraining orders can be issued by courthouses before a violent act has been perpetrated against the victim, as long as there has been some type of threat (CoEb, 2014:47).

Also, according to the Police Security Law, the Police are explicitly authorized to intervene, immediately after an act of violence has been committed, in order to expel the perpetrator from the household. Each federal state has its own specificities in this respect.⁹⁹

Assistance to victims

Although the Protection against Violence Act does not specifically include the right of victims to receive assistance, the Criminal Procedure Code establishes the requirement that victims of crime are informed about the possibility of receiving aid from organizations that support victims, such as counseling and psychosocial support (CoEb, 2014: 48).

The Compensation Act for victims of 1985¹⁰⁰ is a generic law to economically compensate victims of any violent crime.

Protection measures for children whose legal guardians are female victims of gender-based violence

The Protection Law does not regulate mother/father-children rights, such as child custody, nor does it grant any special protection to minors who are present in situations where violence is perpetrated towards their mothers or fathers.

Table 12. Summary table for Germany's Legislation

GERMANY		
Year of enactment: 2002		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic*
Approach	Human Rights	No
	Gender	No
	Discrimination	Yes
State Responsibilities	Prevention	No
	Assistance	No
	Protection	Yes
	Sanction	No

⁹⁹ Detailed information in: <http://www.bmfsfj.de/BMFSFJ/gleichstellung,did=72358.html> (latest visit on May 8th 2012)

¹⁰⁰ Opferentschädigungsgesetz in der Fassung der Bekanntmachung vom 7. Januar 1985.

	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

*In Germany, the type of violence is defined in the Action Plans.

2.2.12. GREECE

Background and context

In Greece, the main precedents of VAW legislation are the Acts and public policies for the promotion of gender equality. In 2006 Parliament enacted the 3488/2006 Act for the *"Implementation of the principle of equal treatment for men and women"*, which introduced the definitions of direct and indirect discrimination, harassment and sexual harassment (COAS, 2009: 140).

In 2004 the Greek government approved the National Action Plan for Equality (2004-2008) in which the prevention and fight against VAW is one of its top priorities. It develops and implements the 3500/2006 Act to fight domestic violence, which is developed in the next section (COAS, 2009: 143).

In 2010 the *National Program for Gender Equality 2010-2013* was approved. One of its main goals included the protection of women's human rights, with an emphasis on sectors that suffer multiple discriminations, and aimed to fight all forms of VAW (EIGEa, 2013: 51).

Regarding specific public policies on VAW, in 2009 Greece adopted the first Action Program against violence VAW, in force from 2009 to 2013.¹⁰¹ Before that date, the measures against VAW were included in the Equality Plans. This Action Program follows a human rights approach and contextualizes VAW stemming from gender inequality.

The 2009 Action Program considers most dimensions of VAW, but is particularly directed to trafficking, domestic violence, women homicide, crimes of honor and sexual violence. The plan establishes the following priority areas of action: a) improving the legal system, b) establishing of additional shelters, c) developing support services, d) prevention, training and research, e) support to gender equality NGOs and f) improving institutional work in this area (EGGSI, 2010: 110).

¹⁰¹ ΕΘΝΙΚΟ ΠΡΟΓΡΑΜΜΑ ΓΙΑ ΤΗΝ ΠΡΟΛΗΨΗ ΚΑΙ ΤΗΝ ΚΑΤΑΠΟΛΕΜΗΣΗ ΤΗΣ ΒΙΑΣ ΚΑΤΑ Τ_Ν ΓΥΝΑΙΚ_Ν 2009-2013, Government of Greece.

Lastly, in terms of context, it is worth mentioning that laws against human trafficking (3064/2002 Act) and against sexual harassment (3488/2006 Act.) (CoEa, 2009:140) are in force.

Type of current law (approach, concepts and range)

As previously it mentioned, in 2006 Greece promulgated the *3500/2006 Act to Fight Domestic Violence*¹⁰² (hereinafter Violence Act). This Act, which came into force on January 24th 2007, amended the Criminal Code, established domestic violence as a specific crime.

From this Act all Penal Code crimes are aggravated when they are committed within the family, including current or partners as well as those carried out at home against a close person (European Commission's Directorate- General for Justice, 2010: 62). Among the main aggravating circumstances the Act mentions, violence in the presence of minors, against a pregnant woman and someone unable to defend themselves (e.g. disabled, elderly etc.) are taken into account.

Also noteworthy are the substantial changes resulting from this Act, such as the express criminalization of marital rape and the prohibition of physical violence against children as a disciplinary measure (COAS, 2009: 139).

Regarding the definition of victim, the Act against violence lacks a gender perspective, and from a "familiarist" point of view, considers possible victims of domestic family crimes to be a whole range of people that cohabit together, as well as former partners (International Journal of Caring Sciences, 2009: 9). It is relevant that the Act considers victims of domestic violence those people whose family member has committed murder or a serious injury as well as minors who witness some form of domestic violence (ibid: 10).

Although the preamble to the 2006 Act cites VAW as a specific problem, neither the articles of the Act nor its application focuses on violence as a result of gender discrimination, which has been criticized by national and international organizations. Specifically, in 2011, the World Organization against Torture recommended amending the 2006 Act to adequately address violence against women (World Organization against Torture, 2011: 5).

¹⁰² Για την αντιμετώπιση της ενδοοικογενειακής βίας και άλλες διατάξεις, ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΕΥΧΟΣ ΠΡΩΤΟ, Αρ. Φύλλου 232, 24 Οκτωβρίου 2006.

State Responsibilities

Prevention

In Greece, as in most European countries, preventive measures are not legally established, but considered in their Action Plans against violence. In this case, the 2009-2013 Action Plan mentioned above, provides for the development of information campaigns for social awareness of the various forms of violence as well as training to all professionals working in the field of VAW.

Investigation and sanction

All acts of domestic violence, except rape and sexual abuse are prosecuted ex-officio. The Act against violence established that misdemeanors committed in the family will be prosecuted officially (International Journal of Caring Sciences, 2009: 11).

The sanctions imposed for committing such offenses range from a year of imprisonment for very minor injuries or physical harm, to ten years of prison in cases of serious damage or life-threatening situation. Threats or behaviors that may cause terror are also taken into consideration, with prison sentences of up to six months.

Nonetheless, Greek experts warn that, in practice, Police continues to treat violence as a family-related or private issue (European Commission's Directorate-General for Justice, 2010: 65).

However, the biggest obstacle for an effective prosecution and punishment of domestic violence in Greece is the criminal jurisdiction mediation that is established in the Act against violence. Mediation allows perpetrators to completely avoid criminal proceedings as long as they promise the victim and the prosecutor to not repeat their act of violence, compensate the victim and for the harm done and get involved in a therapeutic program. Legislation holds the prosecutor responsible of monitoring whether these promises are fulfilled, for at least a period of three years. However, Greek experts said that there is no way of checking if the person meets the conditions set in the criminal mediation. Moreover they point out that mediation is carried out by professionals without proper training or gender perspective, which generates impunity for perpetrators and re-victimizes women (European Commission's Directorate-General for Justice, 2010: 65).

Even the CEDAW Committee has expressed concern about the use of criminal mediation system in this field (CEDAW, 2007: 3). Greece is one of the member

states which said Committee recommends a training of the judiciary, Police and civil service professionals to ensure an understanding of domestic violence against women and its consequences (EIGE, 2012: 23).

Protection

The Act against violence also established a system for protecting victims through eviction measures and restraining orders issued to the alleged perpetrator as well as a ban from communicating. According to the Act, in cases of domestic violence, the Court may order the eviction of the alleged perpetrator from the family residence and a ban on approaching the home or workplace of the victim. At the request of the victim, the Court may also prohibit the perpetrator from approaching the residence of the victim's family or even the children's school.

In Greece, the household eviction orders may be issued in civil proceedings (security measures), as well as in criminal proceedings (restraining orders pending a sentence) (EIGE, 2012: 25).

Assistance to victims

The Violence Act establishes the right of victims of domestic violence to receive "social support" and "material assistance". Although the Act does not specify the scope of this right, it attributes the responsibility of managing this assistance to the Ministry of Health and Social Services. The law also engages the Police whenever they encounter a domestic violence case, as they must to inform victims about the possibilities of support and assistance.

The Act also provides for the possibility for victims of domestic violence to have legal aid in cases where it cannot afford with the costs.¹⁰³ In addition, it establishes a compensation for moral harm to the victim, which may not be less than 1,000 euros.

Similarly, the Action Program 2009, mentioned above, establishes a comprehensive catalog of assistance measures for victims. Some key measures are support centers managed by qualified personnel, helpline and emergency information, and legal and psychosocial programs for battered women and their children.

Protection measures for children in violent environments

Although the law against violence considers children to be victims if they live in violent environments, Greece lacks a system of child protection agencies with

¹⁰³ Article 22.

specific social assistance and support to families. There is no legal obligation for the Greek State to provide support services to children and families. The provision of social services is uneven across the country and inadequate in many municipalities and prefectures (Kelly, L, Hagemann-White, C, Meysen.T & Romkens, R, 2011:128).

In cases of violence against minors, according to the Violence Act, the Police have an obligation to protect these victims of any moral, physical or psychological harm. To do this, they must issue eviction orders against an alleged abuser and offer help to the minors. However, according to the reports consulted, this rarely happens in reality (Kelly, L. Hagemann-White, C., Meysen.T & Romkens, R, 2011:128).

Regarding judicial specialization, fifteen years ago, the 2447/1996 Act¹⁰⁴ implemented Family Courts, whose function was to resolve cases involving family law, including child protection issues. This same Act ensured the presence of specialists in family law and children in each court. However, these regulations have not yet been applied in Greece (Kelly, L, Hagemann-White, C, Meysen.T & Romkens, R, 2011:128).

Table 13. Summary table for Greece's legislation

GREECE		
Year of enactment: 2006		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

¹⁰⁴ Ν. 2447/1996 Κύρωση ως Κώδικα του σχεδίου νόμου «Υιοθεσία, επιτροπεία και αναδοχή ανηλίκου, δικαστική συμπαράσταση, δικαστική επιμέλεια ξένων υποθέσεων και συναφείς ουσιαστικές, δικονομικές και μεταβατικές διατάξεις».

2.2.13. HUNGARY

Background and context

There is no Law or Action Plan against VAW in Hungary, nor is there any public policy that addresses certain forms of GBV. The State has only developed some measures against GBV in their strategies to promote equality between women and men (EGGSI, 2010: 109).

In 2003 the Hungarian government passed *Equal Treatment and Promotion of Equal Opportunities Act*,¹⁰⁵ which recognized the right of all people to live in dignity and promoting equal opportunities as an obligation of the State.

In 2010 the Hungarian Government adopted a public policy called *National Strategy for the Promotion of Equality between Men and Women (2010-21)*,¹⁰⁶ which includes among its six priority objectives the fight against VAW. Specific objectives related to GBV strategy include the development of an adequate legal framework, creating "crisis centers" for victims and prevention activities (EGGSI, 2010: 109).

According to the Women's Watch report of 2012-2013, the specific actions pertaining VAW under said national strategy have not been implemented. The insurance of shelters for women at risk is especially weak, which is in line with another European report that states that Hungary is among the countries with lowest coverage (EGGSI, 2010: 152). Also according to reports consulted, Hungary is among the only three EU countries whose shelters are not specialized (EIGE, 2012: 41), so a specialized care for victims of violence is not carried out.

Type of current law (approach, concepts and range)

There are no specific laws in Hungary against VAW. There is also no specific definition of VAW and so the concept of family violence is used, wider than current or former partner violence. The existing legal framework in Hungary for certain behaviors related to this type of abuse is determined specifically, since 2013, in the Criminal Code¹⁰⁷ (which introduces a section on domestic violence crimes) and in the protection measures victims Act of 2009 (hereinafter Protection Act).¹⁰⁸

¹⁰⁵ 2003. évi CXXV. Törvény az egyenlő bánásmódról és az esélyegyenlőség.

¹⁰⁶ Government Decision number 1095/2010 (IV. 21.) that approves that the strategy be complemented with biennial action plans

¹⁰⁷ 2012. évi C. törvény a Büntető Törvénykönyvről A kihirdetésnapja: 2012. július 13.

¹⁰⁸ 2009. évi LXXII. törvény a hozzátartozók közötti erőszak miatt alkalmazható távoltartásról.

The Criminal Code, under the heading of domestic violence,¹⁰⁹ designated as subjects of protection the *victim's parents, descendants, a member of the family, former or current spouse or partner whom the victim lived with at the time of the crime, legal guardian or person who is under parental care.*

The Criminal Code defines abuses against human dignity, degrading and violent treatment, as well as certain crimes of economic violence, as misappropriation or concealment of money from common property. These behaviors are classified as misdemeanors, which mean that the penalty cannot exceed two years in prison. However, the Penal Code provides for the possibility of aggravation if the criminal conduct causes greater damage.

Furthermore, the amendment of the Criminal Code establishes aggravating circumstances in cases where crimes are committed against the persons mentioned above. The penalties for the crimes of milder injuries are increased, which are punishable with imprisonment of up to three years, and for the most serious injuries or crimes against freedom, with imprisonment between 1 to 5 years.

In regards with the approach, none of the mentioned Acts have a gender-perspective.

State Responsibilities

Prevention

Hungarian legislation does not establish general violence prevention measures. As in other European countries, the only preventive measures legally articulated are in terms of non-repetition of the crime.

Unlike other European countries, in which although prevention is not legally addressed but introduced in action plans against violence, Hungary's public policies do not address the responsibility to prevent violence neither do they introduce measures that contextualize the phenomenon.

Investigation and sanction

As mentioned above, from 2007 onward, with the modification of some articles of the Criminal Code, domestic violence was reinforced as a crime along with sexual harassment, through references to these types of violence in articles that mention aggressions in a more general manner. A specific chapter on sexual offenses was also introduced, which also applies to sexual violence in the household. However,

¹⁰⁹ Penal Code Section 212/A

this chapter does not reference sexual freedom and autonomy, but continues to preserve the anachronistic term "moral crimes".

In 2007, harassment (or "stalking") was classified as a crime and if the victim of harassment is a former partner it currently constitutes an aggravating circumstance (WAVE, 2013: 129). Although the definition of harassment (and its aggravation when it comes to former partners) is an important measure of protection against VAW, the Hungarian Criminal Code -unlike others in Europe- requires proof that the act was committed with the intent to stalk, which restricts the possibility of convicting such actions.

Despite the mentioned criminalization of behavior, in Hungary not all acts of VAW are penalized. Psychological violence committed against spouses, couples and people who live together not penalized. Nor is female genital mutilation.

In sum, the Hungarian Criminal Code does not include all forms of VAW established in the international definition because victims of psychological violence and victims of female genital mutilation are left unprotected (CoE, 2010: 38).

The Hungarian penal system requires the formal complaint of the victim to initiate criminal proceedings for domestic violence and harassment (stalking), which is a major barrier for the investigation and punishment of such attacks.

Also, the use of mediation is extended to cases of intimate partner violence, and according to consulted reports, the mediators who exercise task are rarely professionals with appropriate focus and training (European Commission's Directorate-General for Justice, 2010: 65).

Violation of restraining measures is punishable by an imprisonment of a maximum of two years, which is the penalty for minor offenses.

Protection

Following the Austrian model, the Hungarian Parliament passed the 2009 Protection Act, mentioned above, which established a system of immediate protection for victims of domestic violence. Under this Law, the Police can issue a protection order for a maximum of 72 hours. This order requires the offender to leave the shared household, even if it is the perpetrator's own home. After that period, the protective measure should be replaced by a civilian court measure. The Police are able to initiate the request of a preventive restraining order in Court. This Court must decide, within three days from the request, if it grants the order for a maximum period of sixty days. This decision covers issues such as household

eviction, restraining orders and banning contact, in addition to issues relating to custody and contact with their children.

According to the consulted reports (European Commission's Directorate-General for Justice, 2010: 64 and 65), immediate protection in Hungary faces various barriers that prevents victims from seeing this important right guaranteed once they report their attacker. The main barrier identified is the gap that is created between the request to Court for judicial action, which can take weeks, and police emergency measures that is granted for a short period of time, 72 hours.

Assistance to victims

One important measure which strengthens the prosecution of VAW is the legal support for women who start legal proceedings. Although there is financial support for associations who do this kind of work in Hungary, free services are available only upon proof that the victim is not in a position to guarantee the victim's basic needs. And they are required to report within 5 days after the commission of the offense (WAVE, 2013: 130), which is a barrier for victims of violence to access justice.

The Protection Act stipulates that the organism responsible for coordinating the protection of the family must inform victims about the applicable protection measures in cases of domestic violence, their rights, social welfare and child protection services. This organism is also responsible for informing of therapeutic treatments to both victims and the aggressors. Finally, the Act gives that organism the task of informing the aggressors and the victims of "conflict management options", which involves the introduction of mediation as a method of resolution.

The Protection Act, however, provides for an obligation that may discourage victims of violence to file a complaint, which is the obligation of the authorities, to inform victims not only of their rights but about the consequences of a false accusation.

Protection measures for children in violent environments

Regarding the protection of children in violent family environments, the Protection Act does not address the issue. *The protection of children and guardianship administration Act*¹¹⁰ manages the functions related to child protection system pertaining services, health, personal care, etc., as well as prevention and protection of children in danger. However, there is no explicit reference in the Act to children who witness domestic violence.

¹¹⁰ 1997. évi XXXI. Törvény a gyermekek védelméről és a gyámügyi igazgatásról.

Table 14. Summary table for Hungary's legislation

HUNGARY		
2007 Penal Code 2009 protection measures Act		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	No
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.14. ICELAND

Background and context

On September 26th 2006 the Icelandic Government passed the Action Plan¹¹¹ to combat violence in intimate relationships and sexual violence, valid until 2011. The document is divided into two parts, in such way the first part deals with domestic violence and sexual abuse of children, and the second part is aimed towards women, including specific measures for these two groups. This plan is no longer in force and was scheduled to be released again for 2012-2018. It is currently still under development, but it is unknown when it will ready to be implemented. The government's intention seems to be to continue on this line of action, and settle what has been accomplished in the first plan. This Plan of Action created to combat domestic and sexual violence includes prevention care and rehabilitation measures for victims as well as treatment for offenders.

Type of current law (approach, concepts, and range)

Iceland has no specific legislation on violence. The law provides sector-specific measures for the protection of victims; it regulates protection orders and provides for punitive measures in domestic violence offenses.

¹¹¹ Aðgerðaaætlun vegna ofbeldis á heimilum og kynferðislegs ofbeldis Ríkisstjórnin samþykkti í september 2006, Gobierno de Islandia.

Domestic violence is regulated in the Criminal Code¹¹² along several articles that regulate crimes of homicide, injuries, threats and insults. There are provisions in the Criminal Code which indicate that in crimes where there is an intimate or family relationship the sentence will be harsher than if there is no such link, but this applies to both sexes.

In 2006, part of the Criminal Code was amended, including certain provisions on domestic violence, which increased penalties in cases where the crime was directed against a man, woman or girl closely related to the offender and his/her family, in such way to better protect victims of domestic violence.

Sentences were also aggravated to up to 2 years in cases of threats, insults or degrading treatment towards the current or former spouse, children or another person closely related to the perpetrator.

The aim of the law is to cover domestic violence, including under this definition violence towards the current or former partner as well as violence towards children. The legislation is not very precise about violence towards parents, but we understand that is included since it determines a more severe punishment in those crimes where there is a family bond between aggressor and victim. So in terms of approach, the Icelandic law lacks gender perspective, although the Action Plan against domestic violence is aimed specifically at women and children.

State responsibilities and implementation of the law

The law only provides for measures to protect victims and punish perpetrators, but with the creation of the Committee on measures to combat VAW, the State recognizes the responsibility to promote measures to fight domestic and sexual violence through the development of an action plan.

Prevention

In Iceland, preventive measures are not set in legislation. The Law on protection orders against violence does not provide measures to raise awareness against domestic violence but focuses on the protection of victims and the prevention of repeating the criminal behavior.

Like other countries in this study, prevention measures are included in the action plans. In Iceland, the aforementioned 2006 Action Plan incorporates awareness-

¹¹² 1940 nr. 19 12. Febrúar Almenn hegningarlög.

raising and training for the prevention of domestic violence against women and children.

Investigation and sanction

The sanctions that can be imposed for crimes of physical violence, force or threat against a person who is related to the defendant or who is a member of his/her family, covers imprisonment of up to six years or a fine in case of extenuating circumstances.¹¹³

Breaching protective orders is considered a crime and is punishable under the Criminal Code¹¹⁴ with fines or imprisonment of up to one year, although in case of recurrence it can reach up to two years in prison.

Protection

Protection measures in Iceland are contained in the Law of Protection Orders of 2011,¹¹⁵ which repealed the previous Act of 2008.¹¹⁶

The cases in which one can apply for a restraining order is where there are reasonable grounds for suspecting that the perpetrator has committed a crime or there is a risk of committing one when the victims are minors. Household eviction can be applied in cases where there is reason to suspect that the accused has committed an offense included in Penal Code Sections that include sexual offenses, homicide and injuries, and crimes against personal freedom or when physical violence, force or threat has been caused to a person with whom the perpetrator has a family bond or a relationship.

Specific protection measures set in the restraining orders Act are staying away from certain places or areas, forbidding contact or harassment and household eviction, with an added ban on returning to the house for a certain time.

The Police may file restraining orders and/or expulsion from the household at their own discretion or at the victim's request, within three days, at the end of which it will be submitted to Court.

Protective measures such as restraining orders and forbidding contact, when issued by the Court, will have a limited duration of no more than 1 year. The protection

¹¹³ Article 108 of the Penal Code.

¹¹⁴ Artículo 232.

¹¹⁵ LÖG um nálgunarbann og brottvísun af heimili. No. 85/2011 23 de junio 2011.

¹¹⁶ LÖG um nálgunarbann No. 122 17 de septiembre 2008 Lög þessi öðlast gildi 1. janúar 2009.

measure that includes the eviction of the household will have a limited duration of no more than four weeks at a time.

Assistance to victims

The Action Plan of 2006, quoted above, mentions the need for victims of domestic violence have easy access to special services.

Protection measures for children in violent environments

Regarding the protection of children in environments of family violence, the Protection Act only mentions the obligation of the police to inform Child Welfare Committees in cases where a person is expelled from their household or is under a restraining order.

Iceland's Child Protection Law¹¹⁷ is the law that establishes child welfare committees and responsible bodies for examining children's life conditions assessing their needs. This law establishes general measures of support and protection to children who live in environments of family violence, including the obligation to inform the child welfare committees if there is reason to believe that a child is being raised in unacceptable conditions, with violence, other degrading acts, conditions that endanger their health or development. The Committee may request the Court restraining or eviction orders in cases where the welfare of the child is endangered by the violent behavior, intimidation or threats. However, what is more commonly regulated, as in most European countries, is the response to direct violence against the child

Table 15. Summary table for Iceland's legislation

ICELAND		
Penal Code 2006		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	No
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities	Yes
	Equal plans	
	Violence plans	Yes

¹¹⁷ Barnaverndarlög 2002 nr. 80 10. Maí Tóku gildi 1. júní 2002, sjá þó 101. gr.

2.2.15. IRELAND

Background and context

In terms of context it is important to note that Ireland has a long tradition in equality laws. In 1998, the *Employment Equality Act*¹¹⁸ was passed and, more recently, in 2004, the *Equality Act*¹¹⁹ came into force, which is the standard that is valid today. Both standards address inequality in employment and discrimination on multiple grounds, including gender.

Furthermore, the Irish Government has approved various public policies, including the *Plan towards Equality for Women: actions aimed to tackle poverty. Presentation in the National Plan for Women 2001-2005*.¹²⁰ This Plan sets goals to combat poverty among women through access to education, health, professional training and protection of women's human rights, among others.

Later, the Irish Government approved the *National Strategy for Women*, which covers the years 2007-2016.¹²¹ This strategy contains two hundred twenty objectives and actions grouped around three axes: the socio-economic equality, women's wellbeing and participation.

Although Irish laws against "domestic" violence were enacted in the 90's, the first action plan against this type of abuse is approved for the 2002-2004 period. (EGGSI, 2010: 110). After it biennial plans have kept on being approved that refer not only to domestic violence, but also sexual violence, such as the *Plan to Combat Domestic and Sexual Violence, 2012*.¹²²

In Ireland both plans and strategies in domestic, sexual and gender violence pay attention not only to women in general, but also to other vulnerable groups - women from ethnic minorities, girls and female youth-, and even men. Actions include support for victims, activities aimed towards perpetrators, professional training and information dissemination. The National Strategy on Domestic and

¹¹⁸ Employment Equality Act, 1998 Number 21 of 1998, came into force on the 18th of October 1999.

¹¹⁹ Equality Act 2004, Number 24 of 2004, come into force on the 25th of October 2004.

¹²⁰ Towards Equality for Women: Targeted Actions to Tackle Poverty. Submission on the National Plan for Women, 2001-2005 February 2002, Combat Poverty Agency.

¹²¹ National Women's Strategy 2007 - 2016 April 2007 Prepared by Department of Justice, Equality and Law Reform under the direction of an Inter-Departmental Committee 2007, Government of Ireland.

¹²² Tackling Domestic and Sexual Violence and Abuse Action Plan: April 2012 to September 2013, Gobierno de Irlanda.

Sexual Violence of 2010-2014 especially developed efforts to combat sexual violence, forced marriage, and violence against children (EGGSI, 2010: 110).

Type of current law (approach, concepts and range)

The most relevant legislation in terms of specific protection for the rights of women against GBV in Ireland is *the Domestic Violence Act of 1996*¹²³ (hereinafter the Act against Violence) and the 2002 Act¹²⁴ that amended the former in the sense of limiting the timespan of a certain type of protective order (this norm will be developed later on). The 1996 Domestic Violence Act is a Law focused mainly on protection. Unlike most countries with such laws, it does not introduce specific sanctions in criminal law.

Among those people the Law protects, it mentions a broad range of benefactors, such as spouses and children, and even other dependent people or those who have domestic relationships; that is, anyone experiencing domestic violence who live in the same household.

In Ireland, as mentioned earlier, there is not a specific crime for domestic violence. The crime that is applied most often regarding these behaviors is "aggression", typified in the 1997 Act on non-serious crimes against the person¹²⁵ (WAVE, 2013: 141). This law defines "aggression" as: death threats, injuries that cause severe damage, harassment and other related crimes. The law also defines coercion, harassment, danger and illegal detention, all of which could be part of a violent partner relationship. Considering the component of emotional abuse of domestic violence, it is important to recognize that the Irish legislation appears to adopt a broad definition of harm and violence.

There are other rules, which even though are not specific, are relevant in relation to violence in the household environment. Among them two are worth mentioning: *Criminal Damage Act*,¹²⁶ which covers not only intentional or reckless damage to property of another person, but also the threat of such damage (Watson, D. Parsons, S., 2005: 31); and the Child Protection Act.¹²⁷

¹²³ Domestic Violence Act, 1996, number 1 of 1996.

¹²⁴ Domestic Violence (Amendment) Act, 2002, number 30 of 2002.

¹²⁵ Non-Fatal Offences against the person Act.

¹²⁶ Criminal Damage Act, 1991.

¹²⁷ Child Care Act, 1991.

State Responsibilities

Prevention

Although the Law against violence establishes broad institutional commitments in the field of protection, punishment and victim assistance, it does not address the responsibility of preventing violence or introducing measures that would involve contextualizing the phenomenon.

Investigation and sanction

In Ireland, in 2009, the Prosecutor's Office formed a specialized police unit and identified domestic, sexual and gender-based violence as priority areas for prosecution (CoE, 2010: 15).

In relation to domestic violence crimes, the Law considers such offenses prosecutable ex officio (COAS, 2014: 63).

However, regarding protection measures, albeit in a preliminary phase protection is guaranteed without the need of a complaint from the victim, to ensure protection in the medium and long term as well as the punishment of the aggressor, it is necessary for victim to file a complaint.

Violation of any of the protective measures is considered a crime and the penalties that may be imposed are: a fine not exceeding 2,000 euros or imprisonment not exceeding twelve months, or both, at the discretion of the court.

Protection

In Ireland, as in Sweden, France and Spain, the protection model that governs combines the arrest of the suspect with the possibility of issuing a restraining order to protect the victim (FRA, 2014: 68).¹²⁸

The Law against Violence guarantees the protection of victims through civil proceedings before the family court, through four types of measures, which must be requested by the victim.

The first measure is the "safety order", which forbids the perpetrator to assault or threaten the victim or any person that depends on the victim. Unlike the restraining order, it is not required that the perpetrator leave the common household. If the victim and perpetrator do not live together, a barring order is issued. This security

¹²⁸ The study also mentions Belgium, but as it has been mentioned already, Belgium has recently adopted the Austrian protection model.

order expires after five years of having been issued (Watson, D. Parsons, S., 2005: 205).

The second measure is the "barring order", a restriction measure which provides the absolute eviction of the violent person from the family household for a certain period of time, up to three years.

The third measure is the "Interim barring order", which can be issued by the Court before applying a barring order, whenever there is belief of an immediate risk of harm. It involves the eviction of the aggressor from his household in the case of him/her living with the victim and the prohibition to enter the residence until a subsequent court order or another date the Court specifies. With the amendment of the 2002 Act it is stated that the order will be in effect for a period no longer than eight business days.

The fourth and final step is the "protection order", which is a protection measure for the medium-term, which can be adopted by the court while decision on whether to adopt a broader protective measure is pending. The measures are a ban on using violence or threatening to use it, harassing or intimidating, observing or stalking. A "protection order" ceases when the court issues a "safety order" or "barring order".

Protection to immigrant women

Although the domestic violence Act makes no explicit reference to migrant women, in August 2012 the Immigration and Naturalization of the Irish Government issued guidelines on the treatment of foreign victims of domestic violence whose immigration status depended on their relationship with their abuser. The guidelines state that these women can apply for a residence permit of their own regardless of their abuser, ensuring that they are not forced to stay in abusive relationships for the fear of losing their regularization status.¹²⁹

Assistance to victims

In Ireland, the Health Board¹³⁰ (who is responsible for both health and the provision of social services) has extensive powers regarding both victim assistance and in promoting protective measures. For example, the Health Board has the

¹²⁹ Ireland, Irish Naturalisation and Immigration Service (2012), Victims of Domestic Violence – Immigration Guidelines, August 2012.

¹³⁰ It is the responsible organisms for management and coordination in the field of health, each one of them has a specific established area of action, under the direction of Ministry of Health. They are regulated according to the Health Act, 1970.

authority to request protective orders in cases where there is a risk to the wellbeing or safety of a person.

Legal advice and representation in cases of domestic violence are provided as one of the main rights of victims, and are assigned free of charge in all regions of the country.

The right to compensation to victims of a crime appears regulated in two standards: The *1974 Scheme of Compensation for Personal Injuries Criminally Inflicted*¹³¹ and the *Criminal Justice Act of 1993*,¹³² which establishes the procedure to compensate victims for any personal injury or loss stemming from the offense. The agency responsible for managing aid is the Compensation Court for Injury Crimes, which has a broad discretion to decide on the granting of compensation and set the quantities. The first standard mentioned establishes as limited access to financial aid, the case where the perpetrator and victim live together as members of the same household at the time of the injury. This is an obvious obstacle that especially affects victims of domestic violence.

Protection measures for children in violent environments

The Act against Violence speaks of dependent people at all times. For them to be eligible for protection they must be directly aggrieved.

In the case of children, the Act foresees that the Board of Health, under the direction Court's management, is who needs to investigate possibility of applying for a care or supervision order under the *Child Protection Act*.¹³³ It will also be the Board of Health who is responsible for deciding whether to take action and provide services and assistance to dependent people during the procedure or take any other action regarding the victim's dependent people.

¹³¹ Scheme of Compensation for Personal Injuries Criminally Inflicted, 1974

¹³² Criminal Justice Act, number 6 of 1993.

¹³³ Child Care Act, 1991.

Table 16. Summary Table for Irish legislation

IRELAND		
Year of enactment: 1996/2002		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.16. ITALY

Background and context

In the field of Equal Opportunities the *National Code of Equal Opportunities between Women and Men*, enacted in 2006 and includes and structures in a single text the 11 Laws that address this matter in Italy (EIGEa, 2013: 69).

In 2010 Italy adopted the first *National Plan against Gender-Based Violence and Harassment*.¹³⁴ Until then there had been specific action plans addressing specific forms of violence in some regions (EGGSI, 2010: 109). The main objectives established in the Plan were, among others, to promote greater knowledge about the phenomenon of violence, to improve the protection of victims and to create a network of centers to ensure assistance to women all throughout the territory.

In a workshop organized by the European Parliament this Plan was analyzed and criticized for being approved without consulting women's organizations, for its lack of clear goals and the absence of adequate funding by the central government due to strong Italian cuts in public expenditures from 2010 up to the present day (Rosselli, A., 2014: 21).

¹³⁴ Piano Nazionale contro la Violenza di Genere e lo Stalking, aprobado por el Gobierno de Italia, 28 ottobre 2010, Government of Italy.

Type of current law (approach, concepts and range)

In Italy the 154 Act of April 5, 2001¹³⁵ was approved on *Measures against violence in family relationships* (hereinafter, 154/2001 Act) (264 FRA, 2013).¹³⁶ This Act mainly provides for protection measures for victims in both civil and criminal jurisdiction. Specifically, this law introduced barring measures to restrain the alleged perpetrator.

This law lacked gender approach, since it refers equally to all persons within the family (husbands, wives, partners, cohabitants, children and parents) who are victims of physical and psychological violence perpetrated by a family member.

However, the Italian Criminal Code¹³⁷ describes acts related to GBV in different chapters: Sexual violence: crimes against individual freedom; Private violence and harassment: crimes against moral freedom; and Domestic Violence: crimes against the family environment.

All types of VAW are penalized, including forced marriage and female genital mutilation. Harassment or "stalking" is a separate offense that was introduced in the Criminal Code in 2009 (WAVE, 2013: 147). The same law increases penalties for various types of sexual offenses.

In October 2013 Act 119 of 2013¹³⁸ came into force (hereinafter, 119/2013 Act) incorporating the explicit mandate of the *Convention on violence against women and domestic violence of the Council of Europe 2011*,¹³⁹ to strengthen the response in terms of prevention, punishment and protection. This Act amends the Italian Penal Code in the sense of increasing sanctions for the crime of harassment on behalf of former partners, or who anyone has had an emotional bond with the victim. This change increases, likewise, the penalties for crimes against life and safety perpetrated in the presence or against a minor, as well as those perpetrated against women in a particularly vulnerable situation (for example, if they are pregnant).

¹³⁵ Legge n. 154 del 4 Aprile 2001, pubblicata nella *Gazzetta Ufficiale* n. 98 del 28 aprile 2001

¹³⁶ The regions of Sicily and Lombardy approved regional laws against gender violence in 2012. The two texts provide operational measures to help women and establish regional and local networks of support and protection from violence.

¹³⁷ L'attuale codice di procedura penale è stato introdotto con il DPR 22 settembre 1988 n. 447.

¹³⁸ Legge 15 ottobre 2013, n. 119, Pubblicata nella *Gazzetta Ufficiale* n. 242 del 15 ottobre 2013 (Disposizioni urgenti in materia di sicurezza e per il contrasto alla violenza di genere nonché in tema di protezione civile e di commissariamento delle province).

¹³⁹ Ratified by Italy through the 77th Law of June 19th 2013.

Moreover, the idea of femicide is enhanced by considering the *"close relationship between the victim and the aggressor"* as an aggravating circumstance (for example, if the perpetrator is the victim's spouse or partner, but do not live together). This law also reinforces security measures to protect victims of domestic violence.

Finally, complying with the Istanbul Convention, the law extends protection to foreign victims, which provides for the possibility of obtaining a residence permit for humanitarian reasons (CoEb, 2014: 59).¹⁴⁰

Therefore, the Italian legislation, with the 119/2013 Act, not only contextualizes the phenomenon of VAW from a gender perspective, but introduces the principle of non-discrimination and includes the particular situation of foreign women who are victims of violence.

State Responsibilities

Prevention

Italy is one of the few countries in the European Union whose legislation imposes obligations in all responsible areas of State: prevention, punishment, protection and assistance. In the area of prevention, even though the 119/2013 Act does not make a detailed description of the measures, it does establish the obligation to develop a plan that has as its goals the sensitization and awareness of society as a whole, as well as professional training of staff working in schools on issues of violence and gender discrimination.

Investigation and sanction

Italy is, together with Poland, an exception in the EU in the sense of preventing the victim to withdraw the formal complaint. This measure is considered to discourage perpetrators to pressure victims for them to "withdraw" the complaint through the refusal to testify. However, as stated in a comparative report, this measure alone does not work, if it is not accompanied by support measures and legal assistance to victims (CoE, 2010: 15).

Regarding criminal proceedings against the perpetrators, Italy had belonged until recently to the group of countries within the EU, together with the Czech Republic, which required filing a complaint to initiate criminal proceedings in domestic violence crimes (European Commission's Directorate-General for Justice, 2010: 64).

¹⁴⁰ Legislative Decree number 286/1998.

With the changes in its legislation, Italy can now initiate criminal proceedings ex-officio, except in most sexual violence crimes, which continue to be initiated ex-parte (COAS, 2014: 63).

According to a report by the Wave Network, the issued sanctions in Italy for certain crimes, such as sexual violence, are high. However, in reality, it is common for sexual violence penalties to be of less than three years in prison, confirming a certain sense of impunity for violent crimes against women (WAVE, 2013: 148).

For the ill-treatment crimes (psychological, physical or sexual) prison sentences range from one to five years long when they are perpetrated within the family and carried out repeatedly.¹⁴¹

Violating a restraining order shall be punished with imprisonment of up to three years or a fine of up to 1,000 euros, provided the victim lodges a complaint, and this is a punishable offense only ex-parte.

Finally, in Italy victims are entitled to access free legal advice, if certain conditions (primarily the victim's income) are met. This is essential for improving the pursuit of the crime and the possibilities of punishing the aggressor.

Protection

In Italy the 154/2001 Act provides for protection measures against violence within the family, which can be adopted in both civil and criminal procedures.

The judge may determine the duration of the protection order, which will not be longer than six months and may be extended at the request of a party, only if there are enough grounds for it.

The 119/2013 Act introduced amendments to the Criminal Procedure Code and extended the power the Police has. After this modification the Police can arrest the violent person during a period of forty-eight hours after it has knowledge of a crime being carried out.

On the other hand, the 154/2001 Act established the following protective measures: eviction from the family household, prohibition of going to places frequented by the victim, and finally, the possibility of issuing a compulsory periodic payment to the people living in the household due to lack of appropriate resources stemmed from the establishment of protective measures. The judge has discretion to determine the amount and the conditions, he/she can even deduct it from the

¹⁴¹ Article 572 of the Penal Code.

salary. As additional measures to the restraining order, the judge may ask for the intervention of social services or family mediation.

The duration of the protective order cannot exceed 6 months and may be extended at the request of a party, only if there is sufficient evidence of risk.

154/2001 Act established that the judge may, in case of emergency, order an immediate separation -within hours- of the violent family member from places frequented by the family (e.g. workplace, school...) if their behavior causes serious injury to the body, moral integrity or personal freedom of a family member, setting the hearing in a period of fifteen days, which may amend or revoke the protection order.

Assistance to victims

The 154/2001 Act includes, albeit briefly, the right of the victim of violence to be informed and to have access to legal aid, according to the requirements established in the 2002 Regulation Act.¹⁴²

The 119/2013 Act establishes that Italian Government must develop an action plan against violence that would strengthen all assistance and support measures for women who are victims and their children. Among other measures, this Plan foresees the creation of a network of services and shelters for victims. However, a 2014 report points out that the network against violence has limited funds and resources (Rosselli, A., 2014: 6).

Protection measures for children in violent environments

Regarding domestic violence against children, the Violence Act provides for therapeutic support or care on behalf of psychology professionals between the time of investigation and trial. The 119/2013 Act, in its reform of the Penal Code, the penalties increase for acts of violence against the life and safety perpetrated in the presence of minors, which means recognizing the damage done to a child who witnesses violence. Until the enactment of this Act, the Italian Law did not recognize a child who witnesses violence as a direct victim.

¹⁴² Testo unico delle disposizioni legislative e regolamentari in materia di spese di giustizia. Decreto del Presidente della Repubblica 30 maggio 2002, n. 115 *pubblicato nella Gazzetta Ufficiale* n. 139 del 15 giugno 2002.

Table 17. Summary table for Italy's legislation

ITALY		
Year of enactment: 2001 Act 119 of 2013		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Against women
Approach	Human Rights	No
	Gender	Yes
	Discrimination	Yes
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	No
	Violence plans	Yes

2.2.17. LATVIA

Background and context

Latvia has equality plans between women and men since 2005. The Program for Gender Equality 2005-2006¹⁴³ was the first public policy that this country articulated with awareness measures, conciliation measures of personal, work and family life, and measures for incorporating the gender perspective in the public administration workspace.

The second action plan approved by the government of Latvia was the 2007-2010 Program for the implementation of gender equality.¹⁴⁴ In addition to the guidelines of the previous program, it includes action against domestic violence as one of the top priority lines of action in the plan (EIGEa, 2013: 79).

It is contradictory that, according to the gathered information, the latest Plan of Action for Gender Equality approved by the Government, which covers the years 2012-2014,¹⁴⁵ indicates four areas of action (minimizing gender roles and stereotypes, promoting health and pleasant environments for men and women,

¹⁴³ Programma dzimumu līdztiesības īstenošanai 2005.-2006.gadam., Government of Latvia, available in: <http://www.lm.gov.lv/text/330> (last accessed: 15 of may 2015)

¹⁴⁴ Programma dzimumu līdztiesības īstenošanai 2007.-2010.gadam., Government of Latvia, 17 of October 2007, available in: http://www.lm.gov.lv/upload/dzimumu_lidztiesiba/anglu/prog_07_10_eng.pdf (last accessed: 15 may 2015)

¹⁴⁵ Plāns dzimumu līdztiesības īstenošanai 2012.-2014, Government of Latvia.

economic independence and equal opportunities, and evaluation of gender equality policies), (EIGEa, 2013: 79) but does not include the fight against domestic violence as a key line of action, like the previous action plan did.

Regarding specific public policies in domestic violence, Latvia approves the program for the reduction of domestic violence, which covers the years 2008-2011¹⁴⁶ and established three lines of action: the recognition of domestic violence, prevention, awareness and support services, and institutional rehabilitation for victims and perpetrators of domestic violence. More recently, a National Family Policy has been passed for 2012-2014,¹⁴⁷ with more general characteristics, which includes a chapter on domestic violence establishing measures regarding prevention, care and rehabilitation for victims of domestic violence.

The January 25th, 2007¹⁴⁸ Law on residence for victims of human trafficking grants only residence for victims of trafficking for their assistance in the investigation of the crime. It regulates the procedure for granting residence and mentions rehabilitation programs for victims of trafficking. There is no law regulating human trafficking, the definition is contained in the Criminal Code.

Type of current law (approach, concepts and range)

In Latvia there is no specific legislation on violence and the legislation pertaining to domestic violence-related behaviors have no gender perspective (Inese Ruka, I., Skalbes Association, 2013: 4).

The focus of the scarce legislation related to violence against women in family or partner relationships is devoid of bases that would allow these behaviors to be linked to gender discrimination. For example, a "familiarist" approach to criminal law can be identified, as the criminal code of Latvia includes a chapter on crimes "against the family and/or minors" (WAVE, 2013: 156) which includes family members and especially children as victims of the crime. In turn, the Criminal Code establishes an aggravating circumstance, which extends the range of protection in case of violence or threat of violence committed *"against a person related to the*

¹⁴⁶ Programmas vardarbības ģimenē mazināšanai 2008.-2011.gadam projekts, Government of Latvia.

¹⁴⁷ Rīcības plāns pamatnostādņu „Ģimenes valsts politikas pamatnostādnes 2011. – 2017.gadam” īstenošanai 2012. – 2014.gadam.

¹⁴⁸ Likums Par cilvēku tirdzniecības upura uzturēšanos, pieņemts 25.01.2007, stājas spēkā: 22.02.2007, publicēts: "Latvijas Vēstnesis", 23 (3599), 08.02.2007.

*perpetrator in first or second degree, against the spouse or former spouse or unregistered partner or person with whom the author has a common household".*¹⁴⁹

State Responsibilities

The "familiarist" approach identified is not compatible with a gender and human rights perspective, such as the focal point person on gender equality in Latvia¹⁵⁰ conveyed in the Council of Europe, stating that *"the Police receive many so-called 'family conflicts' but 97% of them do not end in criminal proceedings. This means that the Police response is still weak. And assistance to victims of domestic violence is provided taking into account, as a priority, the needs of girls and boys."* Also in the same line of thinking, some reports (CoEb, 2014: 61) point out that it is still common for cases of VAW to not be perceived by the Police as criminal offenses.

Latvia is identified as not only lacking adequate public policies or regulatory instruments for the protection of women's human rights, it also a country that stand out for a lack of gender perspective and confusion between GBV and "relationship conflicts".

Prevention

Latvian legislation does not address prevention of violence in general terms. This issue is addressed, though, in the Program for the Reduction of Domestic Violence, which covers the years 2008-2011, and includes preventive measures among its main objectives.

Investigation and sanction

In Latvia, domestic violence offenses are considered minor offenses that require a complaint from the victim in order to initiate criminal proceedings. Only more serious crimes are prosecuted ex-officio. And in cases of crimes of sexual violence, a formal complaint from the victim is required even in the most serious cases (COAS, 2014: 63).

¹⁴⁹ Krimināllikums Stājas spēkā: 01.04.1999. Chapter V Determination of Punishment, Section 48, version en inglés.

¹⁵⁰ Information provided by Viktorija Boļšakova, Expert Child and Family Policy Department Ministry of Welfare of the Republic of Latvia, November 20th, 2013.

Protection

Current protection measures are contained in the Criminal Procedure Code¹⁵¹ and consist of a ban on the accused or suspect of approaching the victim, contacting the victim in any way contacting or approaching certain locations.¹⁵² The prohibition also limits the accused or suspect of living in a certain place for a period of time and leaving the home for a period of twenty four hours.¹⁵³

In Latvia protection measures for cases of domestic violence may be ordered in criminal proceedings and are granted by the judge. There is a current discussion around the possibility of introducing amendments to create new mechanisms of protection in the civil procedure as well. This would allow applying for a protection order, which may include a ban on communicating with or approaching the victim or even the eviction of the household prohibition to return to it (CoEb, 2014: 63).

Assistance to victims

The measures rehabilitating victims have been postponed until 2015 due to the economic crisis. In relation to compensation and legal assistance to victims, the State provides legal assistance in cases of serious violence but statistics do not report how many of the handled cases constitute VAW (Inese Ruka, I., Skalbes Association, 2013: 4).

According to the consulted reports (WAVE, 2013: 159), Latvia does not comply with the recommendations of the Council of Europe in relation to the establishment of centers for victims survivors of violence, which are insufficient.

In Latvia, unlike what happens with the assistance to victims of trafficking, which is well organized, has a significant void in measures relating to domestic violence cases, and the needs of the children are met more than those of the victims' themselves (CoEb, 2014: 62).

Protection measures for children in violent environments

Since 2011, the Latvian law considers the crime against a family member, current or former partner as an aggravating factor. And, since 2013, violence committed between people with close bonds in the presence of minors is considered psychological violence against the child (CoEb, 2014: 62).

¹⁵¹ Kriminālprocesa likums, pieņemts: 21.04.2005, stājas spēkā: 01.10.2005., publicēts: "Latvijas Vēstnesis", 74 (3232), 11.05.2005.

¹⁵² Section 253 of the Penal Procedure Code.

¹⁵³ Section 256 of the Penal Procedure Code.

Table 18. Summary table for Latvia's legislation

LATVIA		
Penal Code 2011/2013		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	No
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.18. LITHUANIA

Background and context

In 1998, the Lithuanian Parliament adopted the *Equal Opportunities for Women and Men Act*. In 2002, Parliament amended the law to increase efforts to promote the economic empowerment of women and increase the penalties for cases of discrimination (EIGEa, 2013: 84).

The government also passed three equal opportunity plans for the periods of 2003-2004, 2005-2009 and 2010-2014 (EIGEa, 2013: 84).

In 2006 the Government of Lithuania approved the first *National Strategy to Reduce Violence against Women (2007-2015)*.¹⁵⁴ This strategy is ambiguous about the contextualization of violence, since it mentions VAW as the most common, arguing, however, that there is violence against both sexes. The Strategy contains a comprehensive list of international instruments on women's rights.

During the years of validity of the strategy, the government has adopted various action plans, including the ones approved for 2007-2009¹⁵⁵ and 2010-2012.¹⁵⁶

¹⁵⁴ šiuo nutarimu patvirtintos Valstybinės smurto prieš moteris mažinimo strategijos, 2006 m. gruodžio 22 d. Nr. 1330, Lithuanian Government.

¹⁵⁵ Valstybinės smurto prieš moteris mažinimo strategijos įgyvendinimo priemonių 2007–2009 metų planą, Lithuanian Government.

¹⁵⁶ Lietuvos Respublikos Vyriausybės Nutarimas Del Valstybinės Smurto Prieš Moteris Mažinimo Strategijos, Gyvendinimo Priemonių 2010-2012 Metų Plano Patvirtinimo, 2009 m. rugpjūčio 19 d. Nr. 853.

These plans list the actions to be carried out, the organisms responsible for implementing them and time for their execution. The main goals are to improve the legal framework for combating VAW, assisting victims, sanctioning perpetrators, preventing violence and reinforcing institutions, among others.

A year before approving the National Strategy for the reduction of violence, the government had adopted the first Program for the prevention and control of human trafficking for 2005-2008. It subsequently passed the second Program against trafficking and prostitution (2009-2012) (COAS, 2009: 190).

Type of current law (approach, concepts and range)

GBV in Lithuania is addressed in the *Protection against Domestic Violence Act* (hereinafter, Act against Violence) of 2011 (cited in FRA, 2013: 273).¹⁵⁷ This is a law that specifically covers violence between family members and other people in the same environment, but lacks a gender perspective. The mentioned Act in Lithuania recognizes domestic violence as a violation of human rights and its structure is comprehensive as it is based on the three "Ps": prevention, protection of victims, and prosecution of offenders.

However, the Act does not address the specific factors of gender-based discrimination as cause and consequence of violence against women and girls. The law defines "domestic environment" as the environment comprising people who are or have been linked by marriage, family, affinity or other close relationship. It also includes people who have a common household.

The mentioned Act establishes a broad concept of violence, which includes physical, mental, sexual, and economic, as well as any other damage caused by action or omission that produces a physical, material or immaterial damage.

As for the Lithuanian Criminal Code, protection against domestic violence is also provided. It establishes a specific section of crimes "against the lives of people, their health, freedom and dignity" and another section entitled "Crimes against the family and children", which include sanctions against domestic violence (COAS, 2009: 182).

However, certain specific GBV crimes, such as rape within the marriage or towards a partner, is not specifically defined or prosecuted in Lithuania's criminal code (EGGSI, 2010: 42).

¹⁵⁷ Lietuvos Respublikos apsaugos nuo smurto artimoje aplinkoje įstatymas), No. XI-1425, 26 May 2011, Official Journal, No. 72-3475.

State responsibilities

Prevention

The Act against Violence establishes the obligation of state institutions and organizations to act in the field of prevention. In addition to awareness-raising campaigns and education, it also provides for the obligation to provide professional training to the judiciary, prosecutors, Police and others working in the field of prevention of domestic violence as well as to organize training courses for ways to peacefully resolve domestic conflicts.

Investigation and sanction

In Lithuania, the Act against Violence states that the public prosecutor has an obligation to initiate ex-officio the persecution of all crimes related to sexual violence and cases of family violence (COAS, 2014: 63). It is noteworthy that in the chapter on *"responsibility for domestic violence"* of the Act there are details on the criminal responsibility of the perpetrator and also the victim, if it is proved that a false report was filed or there was *"abuse of rights victim's rights."*¹⁵⁸ This provision is not only another example of the lack of gender perspective but can be a deterrent to victims when deciding to issue a complaint.

In 2008 some articles of the Criminal Code were amended to include other types of sentences alternative to prison for those convicted of domestic violence. Among them, participation in programs for people with violent behavior is included. Since then, a Court may require a perpetrator to participate in violence correctional programs, if that perpetrator has committed a criminal act involving a close relative or a family member (COAS, 2009: 180).

The Act against Violence states that fast judicial proceedings will take place whenever the case is sufficiently certified.

Protection

The Act against Violence establishes protection measures such as the temporary eviction of a perpetrator from his/her place of residence, if perpetrator and victim are residing together, as well as barring orders and forbidding communication.

These protections apply as precautionary measures until the case is fully examined by the Court. The Police have an obligation to take immediate steps to protect the victim and, considering the circumstances, initiate a pre-trial investigation and

¹⁵⁸ Chapter 5 of the Act against Domestic Violence.

notify the prosecutor. These protective measures are preventive in nature and are applied within 48 hours. The *National Strategy against Violence 2007-2015* itself, cited above, recognizes that in practice these measures are difficult to set forth.

In the event of a conviction, the indicated protection measures are imposed in combination with that sentence, except for cases where the perpetrator is already in prison.

Assistance to victims

The Act against Violence also foresees, in the chapter on organization and assistance management, the right of victims to obtain special and comprehensive care, and states that these rights will be guaranteed even if they are not requested by the victim. The specialized comprehensive care for victims of violence is made up of psychological, legal, social, health, housing services and other necessary services. An important fact is that the Act against Violence indicates that these mentioned rights should be guaranteed regardless of the victim's formal complaint to the Police.

For its part, Lithuania's *Compensation for Harm from Violent Crime Act* ¹⁵⁹ provides for measures to compensate for material and non-material damage caused by violent crimes. It is a general law for all violent crimes, including victims of domestic violence, although there is no specific mention of them. This Law regulates the procedure for compensating victims, establishes rehabilitation measures, and indicates the costs related to health treatments. It also regulates the Fund for Victims of Crime Program,¹⁶⁰ which ensures compensation to victims of violent crimes.

Lithuanian legislation provides for rehabilitation and provides compensation, but does not cover the four areas of the State's responsibility pertaining to repair.

Protection measures for children in violent environments

The Law states that victims of domestic violence are those people who have received violence and adds that minors who witnessed of domestic violence or have lived in an environment exposed to violence are also victims of domestic violence.

Also, the Law against Violence establishes compulsory immediate action on behalf of the State security forces in cases where there is a child in a violent context.

¹⁵⁹ Lietuvos Respublikos Smurtiniais Nusikaltimais Padarytos Žalos Kompensavimo Įstatymo Pakeitimo Įstatymas, 2008 m. lapkričio 14 d. Nr. X-1843.

¹⁶⁰ Is a special program that depends on the Ministry of Justice, which guarantees the right to compensation to victims of violent crimes.

It states that the protection of minors against violence shall be governed by this Law and other legal acts of the Republic of Lithuania, but there is no further development of this in the Act.

Regarding to the protection of children is important to mention the reform made to the Civil Code of 2008.¹⁶¹ This reform introduced a ban on the perpetrator of domestic violence to contact joint children when the Court considers that the interests of the minors are at stake. In addition, the Court may determine the children's residence with only one of the parents, as a cautionary measure, and can forbid the accused from approaching certain locations where the minors may be.

Table 19. Summary table for Lithuania's legislation

LITHUANIA		
Year of enactment: 2011		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Domestic
Approach	Human Rights	Yes
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	Yes*
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

* Repair: provides for comprehensive assistance to victims, rehabilitation and compensation.

2.2.19. LUXEMBOURG

Background and context

In 2006, the Parliament of Luxembourg passed the *Equal treatment among women and men Act*¹⁶².

In the same year, the Government of Luxembourg approved the *National Action Plan for Equality between women and men 2006-2008*.¹⁶³ This Plan raised twelve

¹⁶¹ Lietuvos Respublikos Civilinio Kodekso Patvirtinimo, Įsigaliojimo Ir Įgyvendinimo Įstatymas, 2000 m. liepos 18 d. Nr. VIII-1864.

¹⁶² Loi du 28 novembre 2006 Egalite De Traitement, Journal Officiel du Grand-Duché de Luxembourg, N° 207 6 décembre 2006.

¹⁶³ Le Plan d'action national d'égalite des femmes et des hommes 2006–2008, Government of Luxembourg.

areas of concern, including violence and discrimination against women and girls. It also included actions against trafficking of women for sexual exploitation (Interparliamentary Conference Meeting, 2014: 9). In 2010 the *National Action Plan for equality between women and men 2009-2014*¹⁶⁴ was adopted and launched, which contains measures to promote equal treatment and fight against discrimination of girls; and establishes measures against domestic violence, trafficking and prostitution from a gender perspective.

Luxembourg lacks a specific National Plan for gender or against VAW. The measures to fight these types of abuse are contained in its public policy to promote gender equality.

Type of current law (approach, concepts and range)

In Luxembourg there is a specific law against domestic violence since 2003¹⁶⁵ (hereinafter Violence Act), the text of which was amended in 2013,¹⁶⁶ in order to strengthen, among other things, the rights of victims and the protection of children. The Violence Act is basically a law of protection and punishment. It provides protective measures for victims and modified the Criminal Code and the Criminal Procedure Law to penalize domestic violence. People protected by the law are spouses or whoever cohabits with the perpetrator, their children and parents, and the spouse's children or the children of the person the perpetrator lives with as long as they are minors or disabled.

The Act lacks a gender perspective, since it does not address gender relationships as the grounds for violence and neither does it specify that it is women who disproportionately encounter violence in intimate relationships.

For its part, the Penal Code of Luxembourg establishes protection against violence in several of its criminal offenses. These crimes include crimes against people, abuse and injuries to people without disabilities, abuse and injuries to persons with disabilities, threats, insults, imprisonment, murder, breaching a protection order (WAVE, 2013: 168).

¹⁶⁴ Le Plan d'action national de l'égalité des femmes et des hommes 2009–2014, Government of Luxembourg.

¹⁶⁵ Loi du 8 septembre 2003 sur la violence domestique, modifiée par la Loi du 30 de juillet de 2013.

¹⁶⁶ Loi du 30 juillet 2013 portant modification 1. de la loi du 8 septembre 2003 sur la violence domestique; 2. de la loi modifiée du 31 mai 1999 sur la Police et l'Inspection générale de la Police; 3. du Code pénal; 4. du Nouveau Code de procédure civile.

State responsibilities

The Violence Act states that the organism responsible for implementing the provided measures in the Law will be the Cooperation Committee. This Committee is made up of both public institutions and organizations supporting victims of violence.

Prevention

The Violence Act, as mentioned above, is geared towards protection and punishment. Neither the Violence Act nor its 2013 modification include measures related to the prevention of VAW.

Investigation and Sanction

In Luxembourg all crimes related to VAW -not just the most serious ones- are prosecutable, both violence within the family and sexual violence (COAS, 2014: 63).

The amendment of the Violence Act in 2013 has increased the penalties for assaults and threats against a broad range of people that live together and family member of the perpetrator, especially in cases where victims are vulnerable persons, due to age, sickness, physical or mental disability, or pregnancy; this is applicable in cases where they are either family members or acquaintances of the perpetrator.

Also in 2013, a change was introduced in order to punish more effectively these behaviors, and accessory penalties were implemented, such as barring orders, communication bans, and compulsory attendance to specialized treatment services for perpetrators (Interparliamentary Conference Meeting, 2014: 9).

The Violence Law modifies the Criminal Code and introduces an aggravating circumstance of penalties in cases of domestic violence. So, prison sentences of 3 months to 1 year are established, as well as a fine ranging from 251 to 3,000 euros in cases of threats or attacks against people. For crimes involving injury, prison sentences are set from 6 months to 5 years and a fine from 251 to 5,000 euros.

The breach of protection orders is also subject to criminal penalties under the Violence Act. The sanctions can range from six months of imprisonment and a fine of 250 euros, to up to 5 years imprisonment and a fine of up to 5,000 euros, in cases where the breach is accompanied by the use of force or threats. This offense may be prosecuted only upon previous complaint on behalf of the victim.

As in other countries, the Violence Act foresees for mediation, except in cases where the perpetrator and victim continue to live together. Mediation is used mainly as a mean to repair the damage caused to the victim or to help the rehabilitation of the offender. However, mediation is also used to "solve the problem", which in practice may constitute an obstacle for the effective prosecution and punishment of domestic violence and may re-victimize the victims of such violence.

Protection

In Luxembourg, as in other European countries, the Austrian model of protection measure has been implemented, which is characterized by enabling the Police to impose immediate physical distance between the perpetrator and the victim (EIGE, 2012: 24).

In 2013, the law amending the Violence Act also reformed the Civil Procedure Code and the Police Act, and the period of immediate eviction was widened from ten to fourteen days. During this period, the Police must notify an intervention center to provide advice and support to the victim. Also in this period, the victim is entitled to request a (civil) protection order to extend the protection measure adopted by the Police. The Civil or Family Court must convene an urgent hearing to decide on the civil protection order. Regarding the eviction of the accused from the common household, the 2013 modification introduced the requirement that the victim prove that the perpetrator lives or has lived with the victim for at least three months before the petition and also that the victim has an urgent need for housing.

In addition to the eviction of the aggressor's home, one can set other protective measures, such as the prohibition to return home, to get close to the victim or any place frequented by him/her and to contact the victim by any means or through a third person. The ban to return to the home address is valid for up to 3 months from the completion of the eviction. The rest of the bans can be imposed for a period of fourteen days and the Police will be responsible for overseeing compliance with these measures.

According to reports consulted, the success of the measure depends on the training the Police handling these cases have, as well as the quality of the support offered to the victim when the order is imposed. Such restraining and eviction measures have been evaluated by independent experts in several countries, including Luxembourg, and the positive impact seems obvious in terms of non-repetition of the offense (COAS, 2014: 21).

This system of civil protection is relevant in the sense that it covers victims that report and those that do not, including those who have once filed a report but decide not to continue with the criminal proceedings against their attackers.

Assistance to victims

The Violence Act establishes the obligation of the Police to inform victims about a support service known as "*service to help victims of domestic violence*." This service is provided by private or public organizations, whose purpose is to support victims in their recovery and advise them on the rights and resources available to them.

Legal advice is partially free in Luxembourg, as in most European countries. In Luxembourg these legal services are available only in the capital (EIGEB, 2013: 26).

According to a report by the European Institute for Gender Equality (EIGE), Luxembourg is one of the eight member states of the EU to comply with the Recommendation of the Council of Europe to establish at least one shelter for victims of violence per 50,000 women (FRA, 2013: 262).

Protection measures for children in violent environments

The Violence Act and its 2013 amendment provide protections for minors who are direct victims of violence.

The Violence Act amended the Civil Procedure Code in order to establish a prohibition on the aggressor to remain with his/her children and regulated visitation rights through a specialized service until the Court makes a decision on custody and visit rights.

The amendment of the Violence Act of 2013 established that the support for victims of domestic violence should include measures to assist children who witness violence. However, in Luxembourg, there is no law that explicitly recognizes children as victims of violence when they live in a violent environment, reason why there are no specific resources for their protection and recovery.

Table 20. Summary table for Luxembourg's legislation

LUXEMBOURG		
Year of enactment: 2003/2013		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	Yes
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	No

2.2.20. MALTA

Background and context

In Malta, the first legislative precedent against discrimination and VAW was the Equality for Men and Women Act 2003.¹⁶⁷ This Act, originally intended to eradicate discrimination based on sex, was expanded in 2012 to establish the institutional response to deal with other forms of discrimination, such as sexual orientation, age and gender identity, among others.

The Government of Malta has developed various Plans for gender equality. Among them, one can find the Equality Action Plan for 2009-2010, which is especially oriented to achieve equality in the workspace (EIGEa, 2013: 99).

Malta has no National Action Plan to combat VAW. The institutional response to VAW stems from three standards: one with specific characteristics (the Act against Domestic Violence) and two of general application (the Penal Code and the Civil Code).

Type of current law (approach, concepts and range)

The Domestic Violence Act was enacted in 2006 (hereinafter Violence Act).¹⁶⁸ It is a short bill that includes: a first part that includes the definition of domestic violence

¹⁶⁷ Att Dwar L-ugwaljanza Għall-irgħiel U n-nisa, 9 ta' Diċembru, 2003.

¹⁶⁸ Att Dwar Il-Vjolenza Domestika, Biex jagħmel disposizzjonijiet speċjali dwar il-vjolenza domestika u biex jagħmel emendi konsegwenzjali u emendi oħra fil-Kodiċijiet Kriminali u Ċivili., 28 ta' Frar, 2006.

and implicated parties, the amendment of the Penal Code¹⁶⁹ to criminalize certain behavior related to domestic violence, and then an amendment of the Civil Code¹⁷⁰ so it includes protection measures.

The Act lacks gender perspective; it provides protection against violence for *"people within the household"*, without distinguishing VAW as discrimination-based violence. It provides a definition of domestic violence as *"any act of violence, even if only verbal, perpetrated by a household member."* And it also describes the implicated parties as anyone who lives or has lived in the same household as the perpetrator for a period of one year before the crime.

The Violence Act increased penalties for certain violent crimes whenever they are committed against people within the home of the aggressor. Other crimes, such as rape within marriage, were not taken into consideration by the Act as it is understood that they are encompassed within the general sexual offenses.

Since 2007 sexual harassment is also criminalized¹⁷¹ and more recently female genital mutilation has been introduced in the Penal Code.¹⁷²

In Malta all measures set to protect victims, developed in the following section, are regulated generically in the Penal Code. There is no special reference to victims of domestic or family violence.

State responsibilities

Prevention

The Violence Act establishes a Commission as the organism responsible for increasing sensitivity towards violence and setting forth public educational programs, research proposals, identifying strategies to prevent violence, provide adequate services for both victims and aggressors and carrying out specialized training to professionals.

Also, the Violence Act foresees the obligation to develop a comprehensive Action Plan in order to implement violence prevention and ensure early intervention.

¹⁶⁹ Kapitolu 9, Kodici Kriminali, Biex jemenda u jikkonsolida l-ligijiet penali u l-ligijiet ta' proċedura kriminali., 10 ta' Ġunju, 1854.

¹⁷⁰ Kapitolu 16, Kodici Civili, Biex jemenda u jikkonsolida l-Ligijiet dwar il-Persuni u l-Ligijiet dwar il-jeddijiet fuq il-Beni u l-manjieri differenti li bihom jistgħu jiġu akkwistati u ittrasferuti dawn il-jeddijiet. Dan il-Kodiċi jikkonsolida dan li ġej: 11 ta' Frar, 1870 22 ta' Jannar, 1874.

¹⁷¹ XX. 2005.15. Amended by: L.N. 407 of 2007, Código Penal Art. 251A.

¹⁷² Added by: I. 2014.2. Código Penal Art. 251E.

However, this measure has not been carried out and Malta does not have an action plan of this kind.

Likewise, the Violence Act provides for the obligation to develop a comprehensive action plan to implement the prevention of violence and ensure early intervention. However, this measure has not been implemented and Malta does not have an action plan of this sort.

Investigation and sanction

The Maltese Criminal Code establishes the crimes for which Police may initiate criminal proceedings without the complaint of the injured party. Among these crimes all crimes related to domestic violence are included.

It also states that a victim of domestic violence can apply for suspension of the proceedings against the alleged perpetrator, whereupon the Court may continue the criminal proceedings, placing a particular importance to the superior interests of minors involved.

Protection

In Malta there are various types of protective measures: eviction orders, restraining orders, communication bans and barring orders away from children, when there is risk.

Since 2007 the Maltese Criminal Code established the possibility for the Court to enforce (in addition to the sentence), a restraining order which may not exceed three years. Should the aggressor contravene this prohibition, he/she will be guilty of an offense and liable to a fine of about 2,000 euros, imprisonment for up to six months or both fine and imprisonment.¹⁷³

The restraining order can be imposed by both the Trial Court and the Criminal Court. This measure may include a prohibition to the alleged perpetrator of communicating, approaching or following the movements of the victim for a period of 6 months or until the sentence is issued. The maximum protection period is of 3 years.

According to Maltese legislation, the Court, when issuing a protection order, should consider (in addition to the need for protection of the victim and the welfare of the

¹⁷³ Protection Orders. Added by:XX. 2005.19. Amended by: L.N. 407 of 2007, Código Penal, version en inglés.

children or dependent people), the accommodation of all of those affected by the protection order, including the impact it may have on the accused.

Likewise, courthouses in Malta may dictate quick requirements to evict perpetrators from common household and ensure the protection of the victim and the children. Prosecutors may also arrange interim measures of protection (FRA, 2013: 265).

The Courthouse, along with the protection measure or independently, may require the accused to undergo treatment with whatever conditions the Court deems appropriate. If it is proven that during the period of time the order is in force the accused has failed to comply with any of the requirements or conditions of the order, the Court may issue a fine not exceeding 1164.69 euros.

Lastly, Civil Code empowers the Family Court to issue protection measures in the separation processes whenever domestic violence is detected.

Assistance to victims

The Violence Act includes the compulsory designation of an agency responsible for providing prevention, therapeutic, and other treatment programs for both victims and aggressors. To ensure a successful action in this sense, the Act provides for an assessment of the needs of victims of domestic violence, including the development of an individualized plan of assistance or support.

In the context of the specific measures, the Act provides helpline support and access to specialized services in case of emergency; it provides sheltered housing for victims of violence, crisis centers, and information. Notably, in terms of availability, Malta it is one of the five member states to comply with the recommendation of the Council of Europe of having a support center for victims per 10,000 inhabitants (EIGEb, 2013: 21).

In Malta it is also guaranteed that victims of violence are provided with free legal advice, available in all regions of the country (EIGEb, 2013: 26).

Regarding compensation to victims, the Criminal Code provides compensation measures for victims of crime in general, including victims of domestic violence. The relevant Minister may provide and establish a fund to finance a line of compensation for victims, especially in cases where the perpetrators are declared bankrupt. In these cases the Government shall be subrogated to the rights of the victim for payment of any amount the victim receives from the Government in accordance with any layout established by the regulations under this article.

However, the prerequisite to access the dictated compensation is having exhausted all legal means to ask for a payment for the done damage.

Protection measures for children in violent environments

The Violence Act makes no specific mention regarding the protection of children who live in violent environments. This means that each Court will take into consideration the guarantees of protection of minors as part of the general obligation to consider the welfare of children or dependent people.

Malta's Criminal Code established the safeguard that in domestic violence procedures, whenever suspension is requested by the victim, the Court will pay particular attention to the children's interest in order to decide whether to continue with the procedure.

Table 21. Summary Table for Malta's legislation

Malta		
Year of enactment: 2006		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Domestic
Approach	Human Rights	Yes
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	Yes*
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	No

*Reparation: it is a partial repair.

2.2.21. NETHERLANDS

Background and context

On March 1st 1980 the Dutch Parliament passed the *Equal treatment among men and women Act*, modified in 1989.¹⁷⁴ This Act refers to an equal treatment for women and men in the workspace and equal salary.

¹⁷⁴ Wet gelijke behandeling van mannen en vrouwen : wet van 1 maart 1980, Stb. 86, inwerkingtreding op 1 maart 1980, zoals laatstelijk gewijzigd bij de wet van 27 april 1989.

In 2005 the Emancipation Program¹⁷⁵ is approved as a structured public policy instrument for gender equality for the years 2006-2010. This program incorporated a section on violence against women and girls, among other topics (EIGEa, 2013: 104). In 2007, the plan called *"More opportunities for women"*¹⁷⁶ for the years 2008-2011 included among its four objectives is to "prevent and fight violence against women and girls as well as every contribution to all forms of discrimination against women" (EIGEa, 2013: 104).

Currently, the plan in effect is the one adopted by the Government of the Netherlands for the years 2011-2015 (*"The Emancipation of Women and LGBT Persons"*).¹⁷⁷

In 1984, a memorandum or action plan on VAW is prepared in the Netherlands, (*"Combating Violence against Women"*), followed by another one in 1990, which explicitly included the fight against violence towards children (*"Combating Sexual Violence against Women and Children"*). This public policy laid the foundations to fight against VAW in the Netherlands, addressing GBV, child sexual abuse and sexual violence at work. However, it did not include an overview of the problem nor did it establish roads to monitor the new policies (CoEb, 2009: 17).

In 2002, the program called *"Private Violence - Public Issue"*¹⁷⁸ was adopted in order to avoid victimization, increase the reporting of violence and create the necessary cooperation and assistance among professionals who care for victims. Although the program is written in a neutral language and lacks a gender perspective, the text recognizes that VAW is much more common.

For the 2008-2011 period the Dutch government approved a second action plan against violence, under the name of *"The Second Phase"*.¹⁷⁹ The plan refers to obligations stemmed from the CEDAW, regarding the prevention and fight against violence. However, the wording creates confusion by failing to adequately contextualize violence. The text references violence against women, men and children as part of the same issue, while recognizing that most of the victims are women and that there is a power-relationship between men and women.

¹⁷⁵ Meerjarenbeleidsplan Emancipatie 2006-2010 Emancipatie: Vanzelfsprekend, maar het gaat niet vanzelf!, Meerjarenbeleidsplan Emancipatie, Ministerraad 19 December 2005.

¹⁷⁶ Meer kansenvoor vrouwen Emancipatiebeleid 2008-2011.

¹⁷⁷ Hoofdlijnen emancipatiebeleid: vrouwen- en homo-emancipatie 2011-2015.

¹⁷⁸ 2002 tot 2008 het programma 'Privé Geweld – Publieke Zaak, April 2002.

¹⁷⁹ Plan van aanpak Huiselijk Geweld tot 2011 "De volgende fase" Den Haag, augustus 2008, Government of the Netherlands.

As stated in a case study on responses by the State regarding VAW, Dutch plans of action against violence are not specific to women, but incorporate a definition of "domestic violence" as an "act committed by a person of the domestic environment of the victim, including current or former partner, members and friends of the family." It therefore refers to the relationship between the perpetrator and the victim in cases of child abuse, abandonment of elderly, sexual violence and psychological violence (Kelly, L., Hagemann-White, C., Meysen.T. & Romkens, R, 2011:34).

Finally, the Dutch government adopted a Plan against violence which covers the period of 2011-2014,¹⁸⁰ and that, like its predecessors, focuses more on protection of the family that adopting a gender perspective. This Plan is mainly intended to improve ways of detecting violence, optimize the tools of care and support to victims, improve assistance to families where there is violence and increase shelters to ensure availability nationwide.

Type of current law (approach, concepts and range)

In the Netherlands there is no specific law against any kind of violence (domestic, family, gender, etc.) that establishes specific protection for victims. The crime of domestic violence is not defined explicitly in the Penal Code,¹⁸¹ in which offenses against specific individuals are described without establishing what type of relationship the aggressor and victim have. Only in the Dutch Criminal Code it is stated that the penalty increases if the victim of the crime is the mother, father, spouse, partner or child of the aggressor.

The CEDAW Committee, in 2010, expressed concern about the "gender-neutral" approach of the Dutch government in dealing with VAW, which could weaken the notion of violence and discrimination against women. The Committee recommended the Netherlands to create a "*national framework to combat violence against women*" (CEDAW, 2010: 6).

State responsibilities

The lack of specific legal framework on domestic or gender-based violence is supplied in the Netherlands, only through public policies. Plans of Action against violence provide a catalog of government responsibilities in this area, which includes prevention and comprehensive care to victims. However, this type of

¹⁸⁰ Aanpak huiselijk geweld 2011 – 2014, Regio Den Haag, 31 mei 2011.

¹⁸¹ Wetboek van Strafrecht, Wet van 3 maart 1881, English version: <http://www.legislationline.org/documents/id/4693> (last visit May 14th 2015).

instrument lacks the mechanisms needed for the institutions outlined in the text to implement it properly.

Prevention

Dutch Law in general does not address prevention of violence. It is addressed in the action plans, however, mainly in the 2008 and 2011 Action Plans, which include prevention measures among its main objectives.

Investigation and sanction

As already mentioned above, the Dutch Criminal Code does not specifically define the crime of domestic violence. In these cases offenses are handled as of a general nature such as injuries, homicide, etc. Penalties for these offenses range from two years in prison for crimes of minor injuries to fifteen years in the most severe (resulting in death). What is established in the Criminal Code for such crimes is an increase of the penalty by a third when it is committed against the mother, father, husband or wife, son or daughter.

The initiation of criminal proceedings does not require reporting of victims of any of the violent offenses considered within the family, even those considered minor offenses (COAS, 2014: 63).

However regarding protective measures the will of the victim is a necessary factor. The sanction for the breach of the protection order depends on the seriousness of the consequences of the violation of the measure (COAS, 2014: 22). In the case of breaching, which is punishable under Dutch criminal code, the penalty imposed in these cases is of 2 years in prison or community service.

Protection

On January 1st 2009 the Protection Order Act¹⁸² came into force in the Netherlands. This Act establishes the eviction of the aggressor from the shared household, and prohibits contact with the victim or other family members, including the partner and children.

The Act states that the implementation of banning orders is done at a municipal level and the Mayor is the competent authority for filing them. Such measures may be imposed if there is a serious and immediate need for the safety of one or more persons who live with the offender or if there is a suspicion that there are serious

¹⁸² Wet van 9 oktober 2008, huisverbod aan personen van wie een ernstige dreiging van huiselijk geweld uitgaat (Wet tijdelijk huisverbod).

danger threats. The maximum validity period is of 10 days, which can be extended to a maximum of four weeks.

The measure is a temporary restraining administrative measure. However, the breach of such measure is an offense under the Dutch Criminal Code.

The law governing the restraining order enables this protective measure to be imposed in cases where there is a risk that the perpetrator may commit an act of violence, even to a person who has not been criminally prosecuted (Rommelink, M., 2013: 5).

Assistance to victims

The aforementioned Act managing the restraining order mandates the Mayor to appoint a person with adequate expertise to advise and support victims of domestic violence.

The development of regulations in terms of assistance to victims of domestic violence is done through public policy. The 2002 Plan, cited above, mentions the right of victims of violence to receive accessible and appropriate support, including legal advice and accommodation, whenever necessary. Also, the Action Plans 2008-2011 and 2011-2014, cited above, establish the need for more shelters for victims of violence.¹⁸³

Protection measures for children in violent environments

Children who live in violent environments are not considered, under Dutch Law, direct victims of violence, despite that the Action Plans themselves emphasize the need for protection and support children who witness violence.

¹⁸³ The 2011 Plan de 2011 recognizes that economic difficulties the country is going through have led to cuts in domestic violence resources.

Table 22. Summary table for Dutch legislation

NETHERLANDS		
Year of enactment: 2009		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.22. NORWAY

Background and context

The strategy to combat domestic violence (a term generally used in most government documents) has a background of various National Action Plans against domestic violence, as well as the Gender Equality Act of 1979.

The first Action Plan against domestic violence was developed for 2000-2003 and was titled *Action Plan to Combat Violence against Women*. Since then, the Norwegian government has implemented three other plans, but since the second Plan was passed a new definition was used in which the purpose of protection was the fight against domestic violence, thus abandoning the gender perspective of the first Plan.

The Plan currently in force is the Action Plan against Domestic Violence 2014-2017: *"A life free from violence"* (Plan V). While recognizing that most domestic violence situations are perpetrated by men against women, and that as is stated in the introduction the Plan V, its public policies in this area are based or rooted in considering domestic violence as the cause, expression and consequence of the lack of gender equality, despite this express acknowledgment, the measures provided along with the Action Plan does not have a gender perspective, since it does not include measures that allow to correct the starting point which is inequality between men and women.

Type of current law (approach, concepts and range)

Norway does not have a specific Law for protection against VAW. The Law is sector-specific, establishing protection measures in the Criminal Procedure Code, namely, protection orders for victims of domestic violence. It also establishes punitive measures against domestic violence in the Criminal Code.

In terms of approach, the Norwegian legislation lacks a gender perspective, since the subject of protection can be any family member or someone close to the perpetrator, regardless of age and sex.

The Criminal Code was amended in 2005¹⁸⁴ to include a specific provision pertaining to domestic violence. This new provision,¹⁸⁵ which took effect on January 1st 2006, intended to strengthen the protection offered to victims of domestic violence.

The Criminal Code criminalizes physical, mental or sexual violence or attempt of such violence, as well as the forced restriction of personal freedom and privacy of people who have or have had family ties or live in the same house. Thus, domestic violence is considered a crime in Norwegian law.

Prior to adopting these amendments, violent crimes were regulated more generally in the chapters on crimes against freedom, crimes against life, physical integrity or health of another person.

Thus, the amendment of the Criminal Code in 2005 introduces a specific offense of domestic violence and increases the penalties in cases of regularity and severity of the crime in these cases.

In the New Criminal Code approved in 2005 (and still pending entering into force once the computer system of the Police Force used to monitor the criminal proceedings is updated), Article 219 is replaced by Articles 282 (relating to violence domestic) and Article 283 (relating to severe domestic violence). Both articles provide a considerable increase in the maximum penalties, from 4 to 6 years for crimes of domestic violence and 6 to fifteen years for crimes of severe domestic violence.¹⁸⁶

In 2010 the Criminal Code was amended again in order to increase the penalty for abuse of family members, and in 2011, a new amendment was made to protect unmarried couples and equate them to the figure of spouse in terms of protection.

¹⁸⁴ Straffeloven av 1902 (Almindelig borgerlig Straffelov, lov 22. mai 1902, i kraft 1. januar 1905; en ny straffelov av 2005.

¹⁸⁵ Article 219.

¹⁸⁶ Norway. *A life free of violence. Action Plan against Domestic Violence*, 2014-2017. p. 30.

In 2010 the Crisis Centre Act was passed,¹⁸⁷ in which municipalities have the obligation to provide care for victims of gender violence was also approved. This Act is developed below.

State responsibilities

As mentioned earlier, Norwegian legislation is sectoral and includes protective measures, sanctions and assistance to victims. The Ministry of Justice and Public Safety has been assigned the task since 2000 of coordinating Government efforts in the fight against domestic violence. It also establishes the creation of an inter-ministerial working group (Health, Education, Labor, Children, Equality and Social Inclusion and the Ministry of Justice and Public Safety itself, which also coordinates the group). The working group must ensure the implementation and commission of the measures established in the current Action Plan, prepare and publish biannual reports on the progress of how the Plan is being set forth, coordinate the actions of different actors/agencies at different government levels and propose new measures to combat and prevent domestic violence.

Prevention

The Action Plan against Domestic Violence of 2014-2017 sets measures to raise awareness and professional training, care and protection for victims, treatment programs for offenders, and coordination and cooperation measures. It also includes repair measures for certain types of violent crimes such as forced marriages.

The legislation focuses solely on preventing criminal behavior. The Penal Code regulates the obligation to contact the Police or prevent a serious crime, including domestic violence (CoEb, 2014: 74).

Investigation and sanction

The Criminal Code¹⁸⁸ provides that any person who threatens, coerces, detains, commits violence or any other serious injury or repeated abuse towards their current or former partner, a direct descendant of their current or former partner, their parent, someone who they are in charge of or any other person belonging to their home, has committed an offense.

¹⁸⁷ Lov om kommunale krisesentertilbud (krisesenterlova), Kunngjort 19.06.2009, Ikrafttredelse 01.01.2010

¹⁸⁸ Article 219.

As already mentioned above, the 2010 amendments to the Penal Code increased the penalty for abuse of someone's own family members, from a maximum conviction of three years to one of four years. This penalty could be increased to 6 years, in case of severity, if the assault is carried out painfully or if that the person dies or upholds considerable damage to their physical integrity or health as a result of the violence.

According to the reports consulted, domestic violence offenses are prosecuted ex-officio since 1988, including those cases where the victim withdraws the complaint (VAWG, 2012: 207).

Regarding the State's response to the breach of a protective measure, the Norwegian Penal Code¹⁸⁹ stipulates penalty through a fine (it does not set the amount), imprisonment of up to six months, or both.

Protection

Protective measures are established, as noted above, in the Criminal Procedure Code.¹⁹⁰ A protection order can be requested either by the concerned party or ex-officio. They can be requested by the public prosecutor if there is reason to believe that a person may commit a crime against another, chase them or disturb their peace. The measures that are described are: the prohibition of being in a certain place and the prohibition to pursue, visit or contact the victim by any means. In addition, the Criminal Code sets the prohibition to stay in the household if there is a risk that a crime might be committed against someone else or the possibility of chasing or disturbing their peace is established. These orders are for a maximum of one year. The order to evict the aggressor from the family home is also contemplated, for a maximum period of up to 3 months.

Assistance to victims

As noted above, Crisis Centers Act which came into force in January 2010 mandates the State's municipalities to assist victims. Specifically, it makes it compulsory to provide the following services: temporary emergency safe housing available 24 hours a day throughout the year, daytime emergency services, 24-hour telephone helplines, as well as assistance and follow-up of the case during the recovery phase. These services are free and must be tailored to the individual needs of the victims. One of the innovations introduced by the Act is the obligation of those services for both women and men, in such manner that since the Act is in force all

¹⁸⁹ Article 342.

¹⁹⁰ Sección 222a.

existing shelters have expanded their coverage to provide assistance to male victims of domestic violence.

This Crisis Centers Act emphasizes the authorities' responsibility that victims of domestic violence receive protection and assistance (CoEb, 2014: 74).

Norway guarantees victims of domestic violence support and free legal assistance during court proceedings as well as in civil proceedings, for the corresponding complaints (WAVE REPORT, 2012: 207).

In relation to compensating victims of domestic violence in Norway, it is worth mentioning the State's Act on compensation for physical injuries. It is a general Act applicable to all victims, relatives and survivors of violent crimes. The Act establishes the State's compensation to victims (CoEb, 2014: 75).

Table 23. Summary table for Norway's legislation

NORWAY		
Year of enactment: 01/01/1995		
Penal Code: 2005/2010		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.23. POLAND

Background and context

In Poland, the only public policy instruments for gender equality adopted until now are two National Plans for Gender Equality: the first in 1997 and the second for the years 2003-2005. Since then there has not been formal policies for Equality (EIGEa, 2013: 114).

The most important legislative initiative in Poland against VAW is a Police protocol approved in 1998. It is the so-called "Blue Card" Police, implemented by the

Ministry of Interior, which established specific arrangements collect and process domestic violence complaints. This procedure led, as well, to an improvement of police and judicial cooperation with the so-called "*intervention centers for family assistance*". This procedure or protocol contributed to unify police practices following a complaint for "family violence".¹⁹¹

Pertaining VAW, it is worth to underscore the adoption of three Action Plans. *The Action Plan for Women 2003-2005*,¹⁹² which contextualized VAW as a manifestation of inequality and discrimination, and the *National Program for the Prevention of Family Violence 2006-2016*.¹⁹³ The latter provides for prevention measures and actions for intervention and support for victims, however, it lacks gender and human rights perspective.

Recently, the *National Program for the Prevention of Family Violence 2014-2020* was approved.¹⁹⁴ The main goal of the program is to prevent and reduce violence. It establishes a series of measures to increase the powers of institutions and organisms in this area and to improve the quality of the services provided. Although the program mentions that most of the victims are women, it does not contextualize violence as stemming from discrimination and inequality, but points out alcohol as one of the causes of violence.

Type of current law (approach, concepts and range)

In 2005, the Polish Parliament passed the *Domestic Violence Prevention Act*¹⁹⁵ (hereinafter Violence Act), which was amended in 2010.¹⁹⁶ It is a sector-specific Law against domestic violence without gender perspective. Although the Violence Act does not have a human rights focus, with the 2010 amendment there is an introductory text that underscores explicit mentions to acts of domestic violence as a violation of human rights.

The person able to receive domestic violence, according to the Act,¹⁹⁷ is a "family member", and refers to the Penal Code,¹⁹⁸ which establishes the list of people who

¹⁹¹ Detailed information in: <http://eige.europa.eu/content/blue-card-police-procedure> (latest visit n May 15th 2015).

¹⁹² Krajowy Program Działan Na Rzecz Kobiet II etap wdrożeniowy na lata 2003 – 2005, Government of Poland.

¹⁹³ Krajowy Program Przeciwdziałania Przemocy W Rodzinie Warszawa 2006, Government of Poland.

¹⁹⁴ z dnia 29 kwietnia 2014 r. w sprawie ustanowienia Krajowego Programu Przeciwdziałania Przemocy w Rodzinie na lata 2014–2020, Government of Poland.

¹⁹⁵ Ustawa z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie.

¹⁹⁶ Ustawa, z dnia 10 czerwca 2010 r. o zmianie ustawy o przeciwdziałaniu przemocy w rodzinie oraz niektórych innych ustaw¹), Data wejścia w życie 2010-08-01.

¹⁹⁷ Artículo 2.1

may be victims of a crime of domestic violence. These people are: spouse, parent, child, sibling, and also the current partner with whom he/she is living.¹⁹⁹ This definition excludes from the scope of protection former partners of both married and unmarried couples, which is a serious gap, considering that many of the assaults on women occur after the couple has broken up.

The Violence Act includes, among related behaviors "domestic violence", crimes against dignity, physical integrity, sexual freedom, as well as other physical, mental or moral damage. Despite being a broad definition it does not include economic violence.

As in other surveyed countries, Poland highlights the "familiarist approach" that inspires the legislation in this area. This idea is reinforced by measures such as those contained in the Development Plan, cited above, among which one can find the promotion of family values.

The Act can be considered comprehensive in nature, as it provides measures to increase awareness, prevention, care and protection.

State responsibilities

The Act makes it compulsory to set forth an Action Plan in order to develop measures for the protection and support of "people affected by violence." It also includes an obligation to create actions geared towards social awareness and corrective and educational measures for people perpetrating violence.

In fulfilling this mandate, during the period of 2006-2009, the Polish Government established the *Domestic Violence Program*. This program sets a series of actions which include: diagnosing domestic violence, raising awareness and qualification of public services, providing professional assistance to the family's victims and intervening with perpetrators (National Delegation Poland 2010: 10).

In turn, the Act sets measures to be imposed on the person accused of a crime of domestic violence. These measures are mostly corrective in nature. Barring orders or prohibiting contact with the victim are also included.

Prevention

The Violence Act provides for measures of awareness-raising and prevention of domestic violence. The amendment to the Act, passed in 2010, goes a step further

¹⁹⁸ Kodeks karny z dnia 6 czerwca 1997 r. English version:
https://www.imolin.org/doc/amlid/Poland_Penal_Code1.pdf

¹⁹⁹ Article 115, section 11, of the Penal Code.

in this area of responsibility, with the creation of a specific organism under the Ministry of Social Security (the "surveillance team"), in charge of promoting prevention actions and performing consultative and advisory functions in this field.

Investigation and sanction

In Poland, domestic violence offenses are prosecutable ex-officio in all cases, but sexual violence crimes are only prosecuted ex-officio for the most serious cases (COAS, 2014: 63).

Domestic violence crimes, as mentioned, are punishable under Poland's Penal Code with sentences ranging from 3 months to 5 years of imprisonment.²⁰⁰ However, the Violence Act introduced the possibility for the Trial Court to suspend the execution of the sentence, through alternative measures such as a ban on approaching or contacting the victim and the aggressor leaving the common household.

In addition to these measures, the court may impose other obligations as for the aggressor to partially or fully repair the damage done, apologize to the victim, payment a pension and refrain from drinking alcohol or taking other drugs. Likewise, the Court may impose a fine and forbid driving for two years, undergo detoxification treatment, or participate in corrective programs.

The Violence Act also made it compulsory for witnesses to violent situations to notify the events to the Police or to any competent authority.

Protection

The Violence Act provides for the implementation of protection programs for victims of domestic violence. In 2010, the amendment of the Violence Act introduced into the Polish legislation measures to protect victims of domestic violence through the eviction of the aggressor from the shared household.

Specific protection measures established in the Act are general measures prohibiting the aggressor to approach certain places and to contact certain people; a ban on leaving the household without the authorization of the Court and, as a preventive measure, the eviction of the common household.

Expulsion measures must be set forth by the Police or settled officially by the Courthouse. If the accused has been arrested, the Police can request an eviction to

²⁰⁰ Art. 207 of the Penal Code.

the Courthouse within twenty four hours of the detention. And this must be considered within a timespan of no longer than forty-eight hours after the detention. Eviction from the home, if issued, has a maximum duration of three months, renewable for another 3 months, at the request of the prosecutor.

As has been advanced already, since 1998 Police have implemented a special procedure called "blue cards". This procedure establishes a series of measures to improve the handling of complaints of domestic violence. The Police Act²⁰¹ was passed in 2008, based on the procedure of the "blue card", which regulated the methods and functions of the Police in the field of domestic violence. Police, based on this procedure, can take immediate actions such as restoring order, protecting people and providing assistance to victims. Also, whenever necessary, the Police must execute the necessary enforcement measures.

Assistance to victims

The role of the Police to provide the necessary assistance measures for victims of violence, under the "blue cards" procedure include first aid, assistance in cases of medical emergency and referral to institutional support. Both the Police and the public prosecutors cooperate with crisis intervention centers and so-called centers for family assistance.

Also, the Violence Act established a catalog of concrete measures to support victims, among which the following are included: medical advice, counseling, and legal and social support. Likewise, the Act established the possibility of the victim to access a shelter or a specialized center. The Act states that the specialized support centers will be regulated by standards and will be oriented to meet the needs of victims. The 2010 amendment of the Law expressly underscores the victim assistance services to be free of charge.

Protection measures for children in violent environments

The Violence Act does not convey any measure to protect minors who live in violent environments. The Social Assistance Act²⁰² provides for the right of mothers or parents with children who have suffered violence, to access to a shelter for a period of 3 months.

²⁰¹ Zarządzenie Nr 162, Komendanta Głównego Policji, z dnia 18 lutego 2008 r., w sprawie metod i form wykonywania przez Policję zadań w związku z przemocą w rodzinie w ramach procedury "Niebieskie Karty", (Dz. Urz. KGP z dnia 20 lutego 2008 r.).

²⁰² Ustawa z dnia 12 marca 2004 pomocy społecznej.

Table 24. Summary table for Poland's legislation

POLAND		
Year of enactment: 2005/2010		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Within Family
Approach	Human Rights	Yes
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	No
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.24. PORTUGAL

Background and context

The Government of Portugal has adopted several laws on equality, such as the 2006 Act setting quotas on the participation of women and men in the elections or the Law of Equality in Employment of 2010, which combats sex-based discrimination at the workspace (EIGEa, 2013: 119).

On this same subject, different equality plans have also been approved, such as the *Third National Plan for Equality, Citizenship and Gender 2007-2010*, which confirms the need to combat gender inequality in all fields. In the years 2011-2013 the *Fourth National Plan for Equality, Gender, Citizenship and Nondiscrimination* and the *IV Plan against Domestic Violence* (119 EIGEa, 2013) were approved. Also, more recently, V approved the *National Plan for Gender Equality and Non-Discrimination Citizenship for the years 2014 to 2017*.²⁰³

Regarding VAW, Portugal has developed multiple Action Plans. All of them approach the issue from a gender perspective of human rights. It is worth mentioning the last three Action Plans: *the National Plan against Domestic Violence from 2007 to*

²⁰³ V Plano Nacional para a Igualdade de Género, Cidadania e Não Discriminação, 2014-2017, Government of Portugal.

2010²⁰⁴, which defines five priority areas of intervention: information and awareness, victim protection and prevention of re-victimization, training and insertion of victims, professional qualification and better knowledge of the phenomenon of domestic violence. Other Plans have subsequently been approved, the fourth *National Plan Against Domestic Violence 2011-2013*²⁰⁵ and the fifth *National Plan for Gender, Prevention and Combating Domestic Violence 2014-2017*.²⁰⁶ Both have undertaken the following five strategic areas: information and awareness, protection and social integration of victims, non-repetition of violence through intervention programs for perpetrators, training of professionals and research on the phenomenon.

Portugal has also developed public policies against other forms of VAW. For example, in 2007 the Portuguese Government enacted an Action program to eliminate female genital mutilation and did so within the framework of the *Third National Plan for Citizenship and Gender Equality 2007-2010* (CoE, 2010: 10).

Type of current law (approach, concepts and range)

Since the nineties, Portugal has legislation against domestic violence, which governs both protection to women who are victims as well as measures of care and support to victims, including the creation of shelters.

On August 13th, 1991 the Act *Protection of Female Victims of Domestic Violence*²⁰⁷ (hereinafter Act of 1991) was enacted. The main objective of the Act was to ensure adequate protection to victims of domestic violence.

In 1999, the Portuguese Parliament passed a law (Law 107/99) that exclusively and concisely regulated the creation of a network of support centers for women victims of violence and their children.²⁰⁸ This was a very brief law but it adopted a gender perspective, as it regulates the establishment of a comprehensive system of prevention and support (legal advice, assistance and accommodation) to women victims of violence.

²⁰⁴ III Plano Nacional Contra a Violência Doméstica (2007-2010), Diário da República, 1.ª série — N.º 119 — 22 de Junho de 2007, Government of Portugal.

²⁰⁵ IV Plano Nacional Contra a Violência Doméstica (2011-2013), Diário da República, 1.ª série — N.º 243 — 17 de Dezembro de 2010, Government of Portugal.

²⁰⁶ V Plano Nacional de Prevenção e Combate a Violência Doméstica e de Género 2014 -2017, Diário da República, 1.ª série — N.º 253 — 31 de dezembro de 2013, Government of Portugal.

²⁰⁷ Lei n.º 61/91, de 13 de Agosto, Lei de Protecção as Mulheres vítimas de violência. Disponible en http://www.pgdlisboa.pt/leis/lei_main.php?codarea=443 (latest visit on May 15th 2015)

²⁰⁸ Lei n.º 107/99 de 3 de Agosto Criação da rede pública de casas de apoio a mulheres vítimas de violência. Available at http://www.pgdlisboa.pt/leis/lei_main.php?codarea=443 (latest visit on May 15th 2015)

The current Law in force in Portugal is Law 112/2009 of September 16th, which establishes the legal framework for the prevention of domestic violence, protection and assistance to victims²⁰⁹ (hereinafter, Law 112/2009). This law repealed the aforementioned Law 107/99.

Law 112/2009 was amended in 2013 by two standards introduced that introduce improvements mainly regarding the protection of victims. Law 19/2013²¹⁰ introduces the additional penalties of restraining orders and prohibiting communication in cases of domestic violence. And the Law 20/2013,²¹¹ for its part, makes general amendments to the Criminal Code and the Criminal Procedure Act. Although basically the entire Law is composed of modifications of criminal procedures, in general, it worth mentioning two important measures set out in the Law that do have specific impact on the protection of victims of domestic violence. These measures are: to establish, together with the appropriate sanctions in cases of crimes of domestic violence, electronic media, the possibility to record the victims' statements or the possibility that victims' statements are carried out by videoconference. It also establishes other procedural measures to ensure better protection of victims during judicial proceedings.

While two laws above considered women as main subjects of protection, the Act adopts a neutral approach, except with regard to crisis centers (it provides specific centers for female victims), gender equality training and endows the responsibility of monitoring the implementation of the law on the relevant Public Authority organ in the field of gender equality. Thus, although the concept of victim provided by the 112/2009 Law is compatible with a domestic violence approach,²¹² it will be considered to have a partial gender perspective.

Law 112/2009 does recognize key issues of a human rights approach, such as the dignity of the victims, non-discrimination and the principle of equality.

Law 112/2009 is a comprehensive law that establishes measures of awareness, prevention, care for victims, punishment and protection. It expressly points out the importance of ensuring comprehensive response from social services, of protecting

²⁰⁹ Lei n.º 112/2009 de 16 de Setembro http://www.pgdlisboa.pt/leis/lei_main.php?codarea=443 (latest visit on May 15th 2015)

²¹⁰ Diário da República, 1.ª série — N.º 37 — 21 de fevereiro de 2013 Lei n.º 19/2013.

²¹¹ Diário da República, 1.ª série — N.º 37 — 21 de fevereiro de 2013 Lei n.º 19/2013.

²¹² The 112/2009 Law stems from what the Penal Code (Article 152) foresees, which states that those people eligible of protection are persons under custody or with a dependent relationship, including those under the care or educational responsibility of the aggressor. This definition considers that situations of helplessness are the following: age, disability, illness or pregnancy; in addition to the spouse or person in similar situation.

the rights of workers who are victims of violence, of ensuring the economic rights of victims and guaranteeing the victims' health rights, among others.

In the same year that the 112/2009 Law was passed, so was Law 104/2009 of September 14th,²¹³ which *regulates the granting and compensation to victims of violent crime and domestic violence*.

In addition to specific laws against domestic violence, the Portuguese Penal Code criminalizes "abuse in marriage" as a separate crime, since 1982. In 2007, through a reform of the Penal Code the sanction for the crime of domestic violence increased from 1 to 5 years of prison (CoE, 2010: 13). Likewise, the Penal Code defines domestic violence as *"the imposition, repeatedly or not, of physical or psychological abuse, including corporal punishment, restriction of freedom and sexual offenses ..."*.²¹⁴

State responsibilities

This section will provide for an analysis of the range of the State's obligations portrayed in the 112/2009 Law and in the 104/2009 Law.

Prevention

Portuguese legislation assembles as a fundamental measure preventing the phenomenon of violence. The Law contains, in this regard, a chapter that develops Education for citizenship. It also establishes programs to prevent domestic violence in schools, including (in addition to the provision of gender equality in the educational agenda) actions aimed at eliminating sexist and discriminatory references in school supplies. It also provides for awareness campaigns aimed towards to public institutions and media.

Investigation and sanction

All domestic violence procedures are urgent, even in cases where the accused has not been arrested.

During both the provisional suspension of the proceedings and during the execution of the sentence, Law 112/2009 establishes the measure called "restorative reunion." This measure is to promote a meeting between the aggressor and the victim, with an explicit agreement of both parties and with the intervention of a

²¹³ Lei nº104/2009 de 14 de Setembro 2009 Regime de Concessao de indemnizacao as vitimas de crimes violentos e de violencia doméstica, Available at http://www.pgdlisboa.pt/leis/lei_main.php?codarea=443 (latest visit on May 15th 2015).

²¹⁴ Article 152 of the Penal Code.

mediator. The purpose of the meeting is to restore social peace, taking into account the victim's interests.

In cases where there is a risk of repeating the crime, if it is necessary to protect the victim, the judge or the prosecutor may order the arrest of the perpetrator. Also, Police can order an arrest, in case of emergency and delay of judicial intervention.

Regarding punishment, it is worth mentioning that the 112/2009 Law provides for the possibility that offenders undergo psychological treatment, leading to the suspension of the prison sentence.

In cases of physical or mental abuse, the Criminal Code provides for prison sentences ranging between 1 and 5 years. But in cases where the crime causes serious damage to physical integrity, prison sentences are between 2 and 8 years of imprisonment.

Protection

Concerning the established protection measures, Portugal's legislation includes the perpetrator's eviction from the household or barring orders; restriction from attending certain places, which can be monitored by technical means; banning the use of weapons and obligation to undergo programs of care and prevention of domestic violence. Legislation also considers the removal of their child's custody (CoE, 2010: 18). These measures, where appropriate, are issued by the Court within a maximum period of forty eight hours after the crime is committed.

In terms of protection and safety during court proceedings, Law 112/2009 establishes the right of victims to not confront directly the alleged aggressor in court premises and the use of electronic means to ensure the victim's testimony. In addition, the Act provides for the possibility that victims of domestic violence be accompanied all throughout the procedure.

Assistance to victims

Law 112/2009 foresees support measures for victims, such as call centers, telephone service; specialized care centers also support for offenders and prevention for non-repetition. In the 1991 Law all the support measures for victims were already established.

Law 112/2009 establishes the obligation to develop measures to raise awareness, support victim ensuring quick and effective protection; to establish protection

measures and sanctions, as well as ensure economic independence and to ensure medical attention for victims.

A broad right to information is established in the Law, detailing each piece of information that has to be provided to the victim (support services, protection, compensation, etc.). It also recognizes a series of worker rights to victims of domestic violence.

Likewise, the Law establishes the right to compensation to victim on behalf of the perpetrator. In 1991 the Act set for the State to advance the amount to victims beforehand.

This law, Law 112/2009, also foresees actions to prevent secondary victimization, such as the intervention of multidisciplinary teams to guarantee psychological support and legal aid free of charge.

The law 112/2009 establishes the obligation to tailor treatments to vulnerable victims, it establishes priority access to services for older people and those who are in a dependent situation and have no family support.

The national support network for victims of violence is established (which manages the shelters), along with call centers and specialized care centers. The shelters are temporary residential centers for victims with or without underage children. The goal is to reincorporate victims within a 6 months stay. Call centers are made up of multidisciplinary teams whose aim is to provide care and support to victims to ensure their protection. And specialized care centers are care services that may be related to health, employment and professional training.

In addition, Law 112/2009 establishes the Commission for Citizenship and Gender Equality as the responsible organism for the development of the proposed measures, through the national network of support for victims of domestic violence.²¹⁵

The 104/2009 Law, cited above, regulates compensation to victims of violent crimes, and contains a specific chapter on victims of domestic violence. However, the Law determines that the compensation will be issued to applicants who are in a *"difficult economic situation"* as a result of the crime.

²¹⁵ Article 2 of the 112/2009 Law.

Protection measures for children in violent environments

Although 112/2009 Violence Act contains no express mention of the protection of minors, the *Law on protection of children and young people at risk*²¹⁶ dictates compulsory government intervention when a girl or a boy is exposed in their family environment, to either direct or indirect behaviors that can seriously affect their safety and emotional balance.

In this same sense, the Action Plans develop specific actions to strengthen the coordination of responses to help boys and girls at risk and who may be living in a violent environment.

Table 25. Summary table for Portugal's legislation

PORTUGAL		
Year of enactment: 1991/1999/2009		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Domestic
Approach	Human Rights	Yes
	Gender	Yes
	Discrimination	Yes
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	Yes
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.25. ROMANIA

Background and context

In Romania the Principle of Equal Opportunity and Treatment between Women and Men, at a legislative level, is enshrined in the 202/2002 Act,²¹⁷ which regulates measures to promote equal opportunity and treatment between women and men in all spheres of public life, and defines concepts such as: equality between men and women, direct or indirect discrimination on grounds of sex, stalking and sexual harassment, equal pay for the job's value, positive action in equality, and multiple discrimination.

²¹⁶ Lei n.º 147/99, de 01 de Setembro 1999, Lei de protecção da criança e jovens em perigo.

²¹⁷ Lege Nr. 202 din 19 aprilie 2002 Republicata privind egalitatea de sanse si de tratament între femei si barbati, Emitent: Parlamentul Romaniei Publicata În: Monitorul Oficial NR.150 din 1 martie 2007.

The Romanian Government implemented the legislation on equality through National Strategies: *National Strategy for equality between women and men for the period 2006-2009*²¹⁸ and the *National Strategy for equality between women and men for the period 2010-2012*.²¹⁹

More recently it approved the *National Strategy for Equality between Women and Men for the period 2014-2017*,²²⁰ in which different areas of intervention have been identifies: education, employment, balanced participation of women and men in decision-making, mainstreaming of gender perspective and GBV.

In the development of a Law against violence, the Government of Romania has adopted several strategies for preventing and combating the phenomenon of violence: the first policy that took place was the National Strategy covering the years 2005-2007²²¹ and the Action Plan for its implementation. Some of the objectives of the strategy to prevent and combat domestic violence were to improve the organization and operation of social services and strengthening the institutional capacity to implement and develop programs and specialized social services.

Afterwards, the Romanian Government has approved the National Strategy covering the years 2008-2013.²²² This policy provides for prevention measures and measures for training professionals involved in the care, protection and access to justice (judiciary, lawyers, social workers). The Strategy provides an express warranty that the training of psychologists is geared to ensure capable therapy for perpetrators.

And finally, the *National Strategy for the Prevention and Control of Domestic Violence for the period 2013-2018*²²³ aims to prevent and combat domestic violence, which affects family and community life. Its Action Plan for the implementation of the *National Strategy for the Prevention and Control of Domestic Violence for the period 2013-2017*,²²⁴ establishes a set of measures to reduce violence within the family, relieving the victim's sense of insecurity, reducing the risk of recurrence and facilitating the social reintegration of offenders.

²¹⁸ Strategia națională în domeniul egalității de șanse între femei și bărbați pentru perioada 2006 – 2009.

²¹⁹ Strategia națională pentru egalitate de șanse între femei și bărbați pentru perioada 2010-2012.

²²⁰ Strategia națională în domeniul egalității de șanse între femei și bărbați pentru perioada 2014-2017.

²²¹ Strategia națională în domeniul prevenirii și combaterii violenței în familie și Planul de măsuri pentru implementarea acestora în perioada 2005- 2007, aprobat prin Hotărârea de Guvern nr.686/2005.

²²² Strategia națională pentru prevenirea și combaterea fenomenului violenței în familie pentru perioada 2008-2013.

²²³ Strategia Națională de Prevenire și Combatere a Violenței în Familie pentru perioada 2013 – 2018.

²²⁴ Planul de acțiune pentru implementarea Strategiei Naționale de Prevenire și Combatere a Violenței în Familie pentru perioada 2013 – 2017, Government of Romania.

Type of current Law (Approach, concepts, and range)

The Romanian parliament passed in 2003 the 217/2003 Act,²²⁵ for domestic violence prevention (hereinafter *Violence Prevention Act*), amended in 2012.²²⁶ This Act, like other analyzed countries, lacks a gender perspective, and subscribes itself rather to a family-protection approach (CoEb, 2009: 65).

The Violence Prevention Act, in its first version, provided that the people to be protected by the Act can be any family member victim of violence perpetrated by another family member who inflicts physical or verbal harm. These beneficiaries also include the partner as an analogous relationship to married spouse. The 2012 amendment broadly conceptualized domestic violence as physical, verbal, psychological, sexual, economic, social and spiritual violence.

Despite the standard's general neutral approach pertaining to gender, there is an exception to the rule, which establishes as a constitutive element of the crime of domestic violence the act to "prevent women from exercising their rights and freedoms."

The Violence Prevention Act refers to the Criminal Code²²⁷ and the criminalization of a number of behaviors that could be related to domestic violence.

The Penal Code, aside from including general offenses of murder, physical and psychological damage, also includes the offenses of rape, forced prostitution, forced pregnancy and forced sterilization as well as other forms of sexual violence.

The Violence Prevention Act can be considered a comprehensive Law since it established a wide range of prevention measures such as prevention, support, recovery, and attention that should be given to the victims through the National Agency for Family Protection. Moreover, it condones the State to establish shelters for victims of violence and finance programs for the protection of the family.

State Responsibilities

The Violence Prevention Act is a Law of comprehensive nature that includes in several of its chapters the aspect of prevention (among other aspects), both before and after the crime, through the establishment of educational programs.

²²⁵ Legea nr. 217/2003 pentru prevenirea si combaterea violentei in familie (publicata in Monitorul Oficial Partea I nr. 367 din 29 mai 2003).

²²⁶ Legea nr. 217/2003 a fost republicata in Monitorul Oficial al Romaniei, Partea I, nr. 365 din 30 mai 2012.

²²⁷ Codul Penal al Romaniei (Legea nr. 286/2009), Publicat in Monitorul Oficial, Partea I nr. 510 din 24/07/2009, care a intrat in vigoare la data de 1 februarie 2014.

Prevention in cases of family disputes and mediation between the people within the family is done by the Family Council, which is an association made up of family members with legal standing before the Law.

Despite being comprehensive, it is an Act of criminal nature, focusing primarily on prevention and protection.

Prevention

Romanian legislation does introduce measures to prevent violence, but from a "familiarist" approach exclusively, which considers the strengthening of family ties as the ultimate goal in order to eliminate violence. Thus, the Violence Prevention Act includes a brief mention of the responsibility to implement preventive measures in order to "strengthen the family and avoid conflicts." The organism responsible for ensuring compliance with these measures is the Family Council or the mediator.

From the same approach, the 2012 Act introduces new measures in the field of prevention, such as actions to support the family and educational programs for fathers and mothers.

Investigation and sanction

In Romania, domestic violence offenses are considered minor offenses that require a complaint on behalf of the victim in order to initiate criminal proceedings. They are only prosecuted ex-officio when they are considered serious crimes (COAS, 2014: 63).

Mediation, which plays a key role in the Violence Prevention Act, is reinforced by the 2012 amendment, allowing the non-application of sanctions and even the lack of criminal liability for breaching the protection order if there is reconciliation.

Orientation in mediation to parties in conflict is established, as one of the main tasks to be carried out by those who handle cases of domestic violence.

In cases of domestic violence mediation is set forth if requested by the parties.

The application of the protective measures can be done either at the victim's request or automatically, in the event that there is evidence or probable cause that a family member has committed an act of violence against another family member.

Breaching any of the protective measures is a crime punishable by prison sentence ranging from one month to one year depending on the consequences of the breach.

However, the Violence Prevention Act stipulates that criminal liability is eliminated if there is reconciliation between the parties.

Protection

The specific protection measures include the temporary removal of the aggressor from the household, limit the use of the common house in common so the perpetrator does not have contact with the victim, restrain the perpetrator from approaching places the victim and their children or relatives (residence, work, school), prohibition of contact by any means with the victim and custody of the children.

The duration of protection measures will last a period of maximum 6 months, since the protective order is issued. In cases of extreme urgency the Court may issue a protective order on the same day it is requested. When it expires, the protected person may request for a new protection order in case of threat to physical or mental integrity.

Assistance to victims

The Act establishes a series of rights for victims of violence such as the right to receive information about their rights, special protection appropriate to their needs, counseling, legal aid, rehabilitation, social reintegration and free medical care. Likewise, the Act states that the authorities are obliged to make these rights effective. The responsible organism for providing the necessary support is the National Agency for Family Protection under the Ministry of Health and Family.

The 2012 Act establishes that among the functions that people who work with domestic violence have, are identifying high-risk situations and refer cases to specialized care.

The Violence Prevention Act lists the different centers that exist for victims of domestic violence: emergency, recovery and urgency shelters. Both recovery and urgency centers a comprehensive nature (protection, shelter, care, psychological support and legal advice). The admission of victims to shelters is done only in case of emergency or with the approval of the Directorate of Social Assistance.

Likewise, assistance programs for offenders are provided: alcoholism treatment, detoxification and psychological or psychiatric support. It also includes the facilities for offenders, information centers and public awareness centers.

Measures to protect children in violent environments

Regarding the protection of children in violent environments, there is only a brief reference established in the Act regarding the obligation of the Court to notify the appropriate authority for the protection of minors whenever there is a case of domestic violence where there are children involved.

Table 26. Summary table for Romania's legislation

ROMANIA		
Year of enactment: 2003/2012		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Within Family
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.26. SLOVAKIA

Background and context

In Slovakia, the first precedent in the fight against GBV is the *National Action Plan for Women*, adopted in 1997²²⁸. This public policy was directed to address discrimination against women in various areas (health, employment, social inclusion), and one of the main objectives of the plan was the fight against VAW. To reach this goal shelters were built to house and listen to victims, emergency telephones were set up, prevention and education actions were established and legal reforms were raised. Other actions were also included in regards to trafficking in women and prostitution. The Plan also created a government advisory organism to be advised on VAW issues.

²²⁸Detailed information in: <http://www.stopvaw.org/slovakia> (last visit May 12th 2015)

In 2004 the *National Strategy for Prevention and Elimination of violence against women and in Families* was passed.²²⁹ This strategy does not recognize gender discrimination as the basis of a specific violence, perpetrated against women, but focuses on violence "within the family" and includes children and elderly as vulnerable groups.²³⁰

In 2005 the Slovak Government approved the first specific action plan against VAW (National Action Plan for the Prevention and Elimination of Violence against Women 2005-2008)²³¹, that basically includes all forms of violence perpetrated within the family context.

Subsequently, the Slovak government approved the *National Plan for the Prevention and Elimination of VAW* of the years 2009- 2012²³², which considered different scenarios of violence, besides the family context, such as workplace, school and other institutions. This plan sets out legal improvements in civil and criminal matters, delegating responsibilities in this matter to regional governments. It also aims to improve the care and support to victims' network, raising awareness in schools and working with offenders.

Currently the *National Plan of Action for the Elimination and Prevention of Violence against Women* for the years 2014-2019²³³ (hereinafter the Action Plan 2014-2019) is in effect.

Both the previous as the current plans place Slovakia among the few European countries with comprehensive plans, which include multiple forms of VAW, beyond the intimate partner violence. According to the checked reports, it seems that the lack of budget is the main barrier for the implementation of these plans, which has undermined its effectiveness.²³⁴

Finally, in terms of context it is worth noting that since 2008 Slovakia has set forth the Discrimination Act (Act No 85/2008 Coll.), which includes the institutional response to sexual harassment (EGGSI, 2010: 45).

²²⁹ Národnej stratégie na prevenciu a elimináciu násilia páchaného na ženách a v rodinách uznesením vlády č. 1092/2004 zo dňa 16.11.2004.

²³⁰ Detailed information in: <http://www.stopvaw.org/slovakia> (last visit January 12th 2015).

²³¹ Národný akčný plán pre prevenciu a elimináciu násilia páchaného na ženách na roky 2005-2008.

²³² Národný akčný plán na prevenciu a elimináciu násilia páchaného na ženách na roky 2009-2012.

²³³ Národný akčný plán na elimináciu a prevenciu násilia na ženách na roky 2014-2019, approved by the Slovak Government on December 18, 2013.

²³⁴ Detailed information in: <http://www.stopvaw.org/slovakia> (last visit May 12th 2015)

Type of current law (approach, concepts and range)

While there are two action plans against VAW that refer to the UN definition of the Declaration on the elimination of all forms of violence against women, the legal framework in Slovakia does not Establish a concept of VAW, but rather focuses on protection (with a gender-neutral approach) from violence perpetrated within the family without taking into consideration the power struggles established in it.

In the Slovak legal system there is no specific law or legal framework governing the State's response to VAW. There are protection and justice provisions relating to VAW in the Penal Code, Civil Code and the criminal and civil prosecution²³⁵.

Using the term "violence against family and youth" and not considering the gender factor in the Penal Code²³⁶ criminalizes physical and psychological violence. It provides enhanced protection against psychological and physical violence perpetrated by a "close" person or by someone with whom the victim depends on. The latter case expressly considers abandoning caretaker roles (including nutrition, hygiene, etc.).

Certain sexual crimes are also established, including rape and blackmail. Rape within marriage or committed against a former partner is punished with harsher prison sentences.²³⁷

The Criminal Code also provides, the possibility of the Court granting a protection order to the victim, if there are "reasonable" grounds to believe that the offender can repeat the abuse (WAVE, 2013: 239).

State Responsibilities

The legal framework establishes the State's obligations in terms of prosecution of certain forms of VAW and also provides protective measures to ensure the non-recurrence of violence.

Prevention

Although Slovak legislation does not provide prevention among its objectives, their Action Plans do. The 2014-2019 Action Plan sets as its main objective the implementation of a comprehensive national policy on prevention of VAW.

²³⁵ Información desarrollada en: <http://www.stopvaw.org/slovakia> (last visit May 12th 2015)

²³⁶ Zákon 300/2005 Z.z, 20 May 2005, Trestny Zakon.

²³⁷ Detailed information in: <http://www.stopvaw.org/slovakia> (last visit May 12th 2015)

Investigation and sanction

The initiation of criminal proceedings does not require the victim to report any of the offenses considered domestic violence, even those considered minor offenses (COAS, 2014: 63).

In the 2008 Act child protection measures²³⁸ contemplates mediation in cases of family conflict, in addition to other measures such as psychological assistance and counseling for troubled families in crisis, aimed at the "restoration of marriage or the adverse effects of divorce in the interest of the child".²³⁹ The mediation provided for in this Act is the out-of-courtroom activity taken as a measure to resolve family conflicts.

Protection

In Slovakia the Police Act was amended in October 2008²⁴⁰ (hereinafter Police Act). This law established a system of protection of victims similar to the Austrian model, which allows the Police to expel the aggressor from the household (with an eviction order) for a brief period of time, subject to the approval of a judicial protection order for a greater timespan of this measure (CoE, 2010: 17).

The Slovak Law foresees for the possibility that Police evicts the aggressor from the victim's household and even from the surroundings for a period of 48 hours, as a measure to avoid the risk of a life-threatening attack, and health, freedom or human dignity depletion. After the 48-hour period, the measure can only be extended by court decision. Various sources consulted have questioned the accessibility to medium-term protection measures, which may leave a victim unattended once the immediate Police protection is rendered void (CoE, 2010: 18).

Assistance to victims

According to the Police Act, the Police are obliged to inform the victim about the existence of organizations that support and assist victims of violence.

Besides this Law, the Action Plans provide for specific measures to assist victims of violence. Thus, the 2014-2019 Action Plan provides support services to ensure a quick, efficient and affordable care for victims, taking into account their specific

²³⁸ Zákon, z 30. októbra 2008, ktorým sa mení a dopĺňa zákon č. 305/2005 Z. z. o sociálnoprávnej ochrane detí a o sociálnej kuratele.

²³⁹ Article 11.

²⁴⁰ Zákon, z 24. októbra 2008, ktorým sa mení a dopĺňa zákon Národnej rady Slovenskej republiky č. 171/1993 Z. z. o Policajnom zbore v znení neskorších predpisov, a o zmene a doplnení niektorých zákonov.

needs. Likewise, said Plan provides safe housing for victims and their children, such as shelters and emergency households for women who are at risk of violence.

In spite of measures the Police Act and Action Plan foresee, it cannot be said that the Slovak legislation addresses an in-depth assistance to victims.

Protection measures for children whose legal guardians are female victims of gender-based violence

In Slovakia, Social Protection Act²⁴¹ sets up a child protection system that not only includes intervention regarding other helpless situations, but assistance to children who witness violence. It also includes the possibility of suspending the exercise of parental legal authority if a parent's threatening behavior is credited. There are free services to assist children who witness violence, however, they are not specialized in GBV.

The 2014-2019 Action Plan, meanwhile, recognizes that children who live in a violent environment direct victims of violence, even if the attacks are not directed against them.

Table 27. Summary table for Slovakia's legislation

SLOVAKIA		
Year of enactment: 2005 Penal Code; 2008 Protection Act		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Domestic
Approach	Human Rights	No
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	No
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

²⁴¹ Zákon č. 305/2005 Z.z. o sociálnoprávnej ochrane detí a o sociálnej kuratele.

2.2.27. SLOVENIA

Background and Context

In 2002, Slovenia established Equal Opportunities for Women and Men Act (CoEb, 2009: 92). In 2005 the Government approved the National Program for Equal Opportunities for Women and Men for the 2005-2013 period. The program included the adoption of biennial plans of action for equality, which included strategic objectives for the elimination of VAW (CoEb, 2009: 92).

In addition to the Action Plans for gender equality, Slovenia has adopted over the past ten years other specific plans on VAW, such as the National Program for Prevention of Violence (2009–2014)²⁴² and the Action Plan for the Prevention of Domestic Violence (2012–2013)²⁴³ which have the main objectives of reducing domestic violence as well as prevention and awareness.

Action plans against human trafficking were also developed in 2005 and 2012²⁴⁴.

Type of current law (approach, concepts and range)

In 2008, Slovenia adopted the *Prevention against Family Violence Act*²⁴⁵ (hereinafter violence prevention Act), which, as the name suggests, provides protection against violence committed within the family. In addition to the specific prevention, care and protection measures for victims, as well as obtaining justice, the Law establishes the obligation to develop public policies to implement measures to comply with the law. It also establishes the obligation of training professionals who work in this field.

In this sense, it is safe to say that the law has a human rights approach that obliges the State to ensure with due diligence violence prevention and also guarantee the victims' human rights after the attack.

However, this Act lacks a gender perspective, since it defines the concept of "family violence" from a neutral approach, as violence perpetrated between family members. The Act establishes the State authorities' role and tasks, as well as the necessary actions to protect victims of family violence.

²⁴² Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009–2014.

²⁴³ AKCIJSKI NAČRT ZA PREPREČEVANJE NASILJA V DRUŽINI 2012–2013, Government of Slovenia.

²⁴⁴ Akcijski načrt za boj proti trgovini z ljudmi za obdobje 2012 – 2013, Government of Slovenia.

²⁴⁵ Zakon o Preprečevanju Nasilja V Družini (ZPND), 1. februarja 2008.

The definition of violence is broad and includes the physical, psychological, sexual and economic violence as well as threats. It also considers other violent behaviors such as negligence in the care of dependent people. Likewise, it includes different behaviors such as subordination and discriminatory treatment. The Act recognizes as beneficiary parties the spouse, current or former partner, including same-sex couples, relatives, children, and any other person living in the family household.

A special protection is set for children, for people with disabilities, and for elderly in this Act, which contents are explained in the section on child protection.

In 2008, following the adoption of the violence prevention Act, aggressions within the family was typified as a specific crime in Slovenia.

State Responsibilities

Prevention

The Act recognizes violence prevention as one of its main objectives. To ensure its effectiveness, the standards state that authorities and NGOs should contribute to the prevention and detection of violence, mainly through fighting its causes. The law also stipulates the compulsory training of professionals and staff working in contact with victims and perpetrators.

It also establishes the obligation to adopt a national prevention program on domestic violence, which should identify goals, activities and organisms that should implement the tasks and provide necessary financial resources advance in raising awareness.

Investigation and sanction

The prosecution of violent crimes of violence perpetrated by a current or former partner may stem solely from a formal complaint on behalf of the person concerned. Similarly, the Act stipulates that it is the victim who must apply for protective measures to prevent further damage.

Slovenia's Penal Code provides for sanctions ranging from between three to five years in prison for violent behavior in the family. The penalty is lower when the victim and has no current relation to the perpetrator (e.g. former partner). That is, when concerning a current relationship the penalty rises to five years and when it pertains to an attack on a former partner, the penalty is reduced to a maximum of three years.

When the communication ban and distance measure is breached, the Court may order the arrest of the accused or impose a fine (CoEb, 2009: 92).

Protection

The prevention of violence Act establishes that the court may issue a protection order, at the request of the victim, to prevent further damage. This order includes: restraining order from certain places such as the victim's residency, its surroundings, the workplace, school, etc. and banning contact through any means.

The amendment of the Criminal Procedure Act²⁴⁶ introduced alternatives to arrest and provisional detention of the accused, like restraining orders, which include measures such as the prohibition of approaching a place or a person.

The Police Act, amended in 2003²⁴⁷ and 2006²⁴⁸, includes a series of measures to protect victims of family violence and harassment (FRA, 2014: 92). And the violence prevention Act established measures to protect the victim and children who live in violent environments.

Since 2003, when the Police Act was amended, Slovak State security forces have extensive powers in terms of immediate protection to victims of violence in the family context. Police can impose a restraining order prohibiting the offender to contact, communicate or approach the victim for a period of 48 hours. The coroner can confirm the restraining order for a period of 10 days, extensible for up to sixty days if there are indications that the victim and/or their children are at risk (CoEb, 2009 the protective measure : 92). These measures can be extended up to 6 more months and, at the request of the victim, up to a maximum of one year in cases where proven risk continues to be present.

The Civil Procedure Act²⁴⁹ also establishes that courts of civil order can issue as a protection measure, the attribution family housing to victims (EIGE, 2012: 25). During the marriage or parent-child relationship procedures, either automatically or upon request, the court may issue provisional protection measures, such as restricting contact with the victim and with the children and the eviction of the common household, as long as it is necessary to prevent further violence.

²⁴⁶ Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku – ZKP-A (Uradni list RS, št. 72/98 z dne 23. 10. 1998).

²⁴⁷ Zakon o spremembah in dopolnitvah Zakona o policiji – ZPol-B (Uradni list RS, št. 79/03 z dne 12. 8. 2003).

²⁴⁸ Zakon o spremembah in dopolnitvah Zakona o policiji – ZPol-F (Uradni list RS, št. 78/06 z dne 25. 7. 2006).

²⁴⁹ Zakon o pravdnem postopku, Uradni list Republike Slovenije, Št. 36 Ljubljana, torek 13. 4. 2004.

Assistance to victims

The violence prevention Act provides a major catalogue of measures to support victims and obligation for the relevant institutions to carry an *"individualized care plan"*. As a novel measure, the Act states that victims can choose a person, known as "assistant", to represent them in the proceedings. This person, in addition to accompanying and support them in legal proceedings, will be responsible for coordinating support services, and seek guaranteed access to free legal assistance and protection orders. This person may be present in statements before the beginning of the procedures or during the procedures, depending on what the victim desires (CoEb, 2009: 95).

This assistant model of accompanying the victim has been developed in the UK and since 2008 has also been introduced in Denmark (CoE, 2010: 15).

The violence prevention Act also establishes that the victims will be beneficiaries of free legal aid whenever protection orders are requested and point out that this request will be a priority in terms of entitlement to benefit from legal aid.

The protection system established in the Police Act, inspired by the Austrian model, combines measures to ensure the safety of victims with others for its comprehensive assistance. However, the right to compensation or repair of the damage done is not covered by any specific standards related to domestic violence.

Protection measures for children whose legal guardians are female victims of gender-based violence

The violence Act grants special protection to certain people, such as young people, children, disabled, elderly and others requiring care. In this sense, the Act is clear in stating that the children who live in violent environments are also victims of violence. It recognizes that violence against children is also exerted when they witness it and it provides a special protection for children in situations of family violence. Nonetheless, the Act does not specify the scope of this special protection of minors.

There is also a restraining measure of concerning children who live in violent environment (CoE, 2010: 46).

Likewise, Slovenia's Code of Civil Procedure²⁵⁰ states that, in order to ensure the protection of minors, the Court may limit or suspend visitation permits of the

²⁵⁰ Zakon o pravdnem postopku, Uradni list RS, št. 36/2004, z dne 13. 4. 2004.

accused parent, and establish provisional protection measures both ex-officio and on behalf of a party, as mentioned in the protection paragraph.

Table 28. Summary table for Slovenia's legislation

SLOVENIA		
Year of enactment: 2008		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Domestic
Approach	Human Rights	Yes
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.28. SPAIN

Background and context

First National action plans aimed to tackle violence against women, date from the nineties. Thus, the Spanish government approved in 1998 the First Action Plan against Domestic Violence (1998-2000) and in 2001 the Second Comprehensive Plan against Domestic Violence (2001-2004). Both public policy instruments established interdisciplinary action only against the so-called "domestic violence".

In the field of public policy, the National Strategy for the Eradication of Violence against Women (2013-2016)²⁵¹ is currently in force. This strategy, is the backbone of the actions taken by the public authorities to put an end to the violence suffered by women simply because they are women. It is one of the fundamental cornerstones of the Government's political project to combat this social scourge and a stable action plan stretching to 2016. The Strategy, focuses its efforts on GBV prevention and response, it establishes measures to eliminate other forms of VAW, including trafficking women and girls for sexual exploitation, female genital mutilation, and sexual violence.

²⁵¹ Government of Spain. Ministry of Health, Social Services and Equality, Government Delegation for Gender-Based Violence. *National Strategy for the eradication of violence against women (2013-2016)*.

The first legislative record of the Spanish standards against GBV it is the amendment of the Criminal Code which incorporated in 1989, the criminalization of behaviors related to physical and psychological violence within the family and/or towards the current or former partner improved the criminalization of sexual violence and criminalized female genital mutilation and human trafficking for sexual exploitation. Regarding measures to protect victims, the 27/2003, of July 31st Act (*Regulating Law for the Protection Order of Victims of Domestic Violence*)²⁵² is worth mentioning as a fundamental rule. It makes-up a legal tool of immediate and comprehensive protection (criminal, civil) to victims of domestic violence.

These standards are prior to the 1/2004 Organic Act on Comprehensive Protection Measures against Gender-Based Violence -which content is developed in the following section- and constituted a breakthrough in the field of protection and punishment But they were not accompanied by a gender perspective, and rather they kept the concept of "domestic violence" of the two Action Plans mentioned at the beginning.

From the standpoint of context, it is noteworthy to mention the passing of the 2007 Act of effective equality between women and men,²⁵³ pertaining VAW, known for providing prevention and fighting against sexual harassment as well as reforming the Asylum Act to include gender persecution as grounds for accessing a refugee status.²⁵⁴

Type of Law (approach, concepts and reach)

On December 29th 2004, the 1/2004 Organic Act on Comprehensive Protection Measures against Gender-Based Violence (hereinafter 1/2004 Act)²⁵⁵ was enacted in Spain. This standard was a step forward in the direction pointed to by international organizations and UN committees because it establishes a framework for an institutional, coordinated and comprehensive performance, and meets the recommendation of the CEDAW to contextualize VAW as the ultimate expression of discrimination based on gender.²⁵⁶ The concept itself used by the standard (GBV) refers to violence perpetrated against women in the context of gendered relationships.

²⁵² 27/2003 Act, which regulates protection orders for domestic violence (BOE num. 183, of August 1st of 2003).

²⁵³ Organic Law 3/2007, of March 22nd, for the effective equality between women and men (BOE num. 71 Friday 23rd, March 2007).

²⁵⁴ 3/2007 Act. 29th additional provision.

²⁵⁵ 1/2004 Organic Law of December 28th (BOE num. 313 of December 29th 2004).

²⁵⁶ General Recc. 19 of the CEDAW Committee.

In addition to incorporating the gender perspective, the standard explicitly mentions the human rights framework as reference for regulatory context. However, it restricts the object of protection to VAW committed in the sphere of current or former partner, which does not comply with the international definition portrayed in the UN standards, which considers VAW all violence perpetrated against women and girls on gender grounds, both in public and in private.²⁵⁷

It is noteworthy that through said Act Spain first recognized that *"all women who are victims of gender-based violence, regardless of their origin, religion or any other condition, personal or social circumstance, are guaranteed to have rights"*.²⁵⁸ Also, for the first time it recognized the existence of certain groups of women who are at a greater risk of suffering GBV or with more difficulties accessing services.

State Responsibilities

The passing of the 1/2004 Act was a milestone in the acceptance of a wide range of institutional obligations towards GBV in areas such as violence prevention and detection, comprehensive care and protection of victims as well as punishment for perpetrators. It is also relevant that different organisms were created in order to impulse public policies and promote research on the phenomenon, like the Government Office for Gender-Based Violence and the State Observatory on Violence against Women.

Prevention

In terms of prevention, the 1/2004 Act establishes measures in the field of formal education, as well as actions to ensure non-discriminatory advertising and inclusive public service announcements. It also regards mass media as key allies against GBV and foresees actions to encourage their role as prevention agents as well as supporters for change and social awareness.

In the field of detection of VAW, the Act involves the health services as essential public sector for the early identification of violence and care for victims. To accomplish this, the Act establishes a compulsory training of health professionals and the development of action plans and protocols.

Investigation and sanction

The 1/2004 Act establishes a specialized system of justice. It creates the so-called the Violence against Women Courts (JVM) as judicial organisms with jurisdiction to

²⁵⁷ Declaration for the elimination of all forms of violence against women, 1993.

²⁵⁸ Art.17 of the 1/2004 Act.

hear and instruct criminal cases on GBV-related crimes, as well as the power to grant prevention measures that ensure the protection of victims. JVM also are responsible for being knowledgeable on family rights issues related to relationship breakups in which there is a GBV criminal action.

The law also establishes the specialization of certain criminal courts and sections of the provincial courts (trial court organisms) as well as certain sections of the public prosecutor, and creates a Prosecution Chamber (under the Attorney General's Office) in order to coordinate the actions of the prosecution against GBV.

Protection

The 1/2004 Act supplements the provisions of the aforementioned 27/2003 Act, which regulates the protection order in the sense of establishing, on the one hand, a compulsory specialization within law enforcement and State Security units, and on the other hand, the requirement to create individualized security plans for victims.

The implementation of the 1/2004 Act modified the Spanish legislation on immigration²⁵⁹ in the sense of providing rights to foreign victims of GBV or regrouped women, for them to obtain a temporary residence permit and work under exceptional circumstances, in the case of foreigners, or a residence and work permit regardless of their sponsor, in the case of regrouped victims.

Both work and residence permits last for five years and are granted not only to women who are victims, but to their children or people that depend on them.

The grant is linked to the recognition of violence by a final judicial decision.²⁶⁰ However, a provisional authorization may be requested from the moment the victim has protective order. It is important to note that if the criminal proceedings conclude that there is a lack of evidence of a crime or an acquittal, the probation of the condition of victim of GBV may not be fulfilled, therefore the woman would not be entitled to such authorization (nor are their children). And administrative disciplinary proceedings would eventually, continue or begin, for being an illegal residence in Spanish territory.

²⁵⁹ Art. 31 bis of Organic Law 4/2002 of 14 January.

²⁶⁰ In addition to the sentence, other court rulings that imply that the woman has been a victim of GBV are admitted, including when the case is archived because the accused is missing or there is a judicial decision not to prosecute.

Assistance to victims

The 1/2004 Act stipulates, in Article 19, the so-called "right to comprehensive social assistance" covering psychological, economic and job support as well as the provision of resources for safe temporary accommodation (comprehensive recovery centers, emergency shelters safe houses and protected flats). The aforementioned Act also provides for a number of rights (work-related, social and economic) to ensure an adequate protection of victims and that their recovery does not affect their work.

Article 20 of the Act provides the State's obligation to ensure legal assistance to victims of violence, granting it as soon as victims ask for it, and in all judicial processes, both civil and criminal.

Moreover according to the terms established by Royal Decree-Law 3/2013 of 22 February Spanish legislation grants the right to free legal assistance to victims of intimate partner violence and trafficking for sexual purposes, as well as to the successors in title in case of death of the victim. Thus, it should be noted that the amendment to article 20 of the Organic Act 1/2004 on Comprehensive Protection Measures against Gender-based Violence, of 28 December, enables that victims of intimate partner violence and trafficking and their successors in title, irrespective of the availability of resources to litigate, are entitled to free legal assistance, which are provided immediately in those processes linked to, arisen from or as a result of their status as victims. Free legal aid will cover, among other benefits, free advice and guidance immediately prior to file a complaint or a grievance.

It should be noted, however, that the 1/2004 Act does not address the right to compensation,²⁶¹ in all of its three dimensions: full recovery, adequate compensation and guarantees of non-repetition. Regarding compensation to victims, the *35/1995 Act of Aid for Victims of violent crimes and crimes against sexual freedom*,²⁶² includes standards that provide for aid and compensation to victims of violent crimes and crimes against sexual freedom. They are standards of general application to all victims of violent crimes and crimes against sexual freedom, so it applies to women victims of violence in all its manifestations.

²⁶¹ In the *Amnesty International-Spanish section* report (2009): *a life without violence for women and girls*, the organization reports the difficulties to access the right set in this Act, and lays out the need to adopt a support system for victims similar to that one established in the Solidarity Act for victims of terrorism (32/1999 Act, of October 8th of Solidarity with Victims of Terrorism, in the wording in the 2/2003 Act of March 12th ninth additional provision wording.)

²⁶² 35/1995 Act, of December 11th. *Aid to victims of violent crimes and crimes against sexual freedom* (BOE num. 296, of December 12th, 1995)

Protection measures for children whose legal guardians are female victims of gender-based violence

The 1/2004 Act recognizes in its Statement of Motives that GBV situations "also affect children within the family, direct or indirect victims of this violence" and grants them, all through its wording, a number of rights such as the right to immediate schooling in GBV cases (Article 5) or comprehensive social assistance (Article 19.5).

According to the Organic Act 8/2015 of 22 July and the Act 26/2015 of 28 July, both on amendment of the system for protection of children and adolescents, improve the care and protection of the children of intimate partner violence female victims, who have been included in article 1, paragraph 2 of the Organic Act 1/2004 on Comprehensive Protection Measures against Gender-based Violence, of 28 December, so as to bring attention to their condition of victims of this violence. In addition, as a new development, judges are required to take a decision on precautionary and security measures stated in the Comprehensive Protection Act 1/2004, specifically noting the civil measures related to minors (including parental rights or child custody suspension and the parental visiting, stay and communication arrangements suspension).

Table 29. Summary table for Spanish legislation

SPAIN		
Year of enactment: 2004		
Type of Law	Sectorial	
	Comprehensive	Yes
	Type of violence	Gender-based
Approach	Human Rights	Yes
	Gender	Yes
	Discrimination	Yes
State Responsibilities	Prevention	Yes
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.29. SWEDEN

Background and context

Sweden is a country with a long tradition of laws and policies against gender discrimination. The current anti-discrimination Act came into force in January 2009, replacing the previous seven Acts. That year the Action Plan for Gender and Equality Policy was also passed, which had as one of its objectives to "eliminate violence of men against women" (145 EIGEa, 2013).

In 2007, the Swedish government approved the 2007-2010 Action Plan *to combat men's violence against women, honor-related violence and oppression, and violence in same-sex relationships*.²⁶³ In the Action Plan's Introduction violence against women is included as a gender and human rights issue.

The Action Plan includes measures on prevention, care, protection and justice. In addition to comprehensive attention measures to victims, the plan includes actions to improve the effectiveness of the judicial system as well as programs for offenders. It also establishes a section of measures aimed at women particularly vulnerable: women with physical or psychological disabilities, women with addictions, female migrant and minorities.

It also highlights a special protection to children who have witnessed violence or abuse against adults in their environment, considering them victims as well.

However it does not establish any specific training for professionals pertaining to violence against women or gender perspective. Both are included in the basic training programs and are voluntary.²⁶⁴

More recently, an Action Plan called *A shelter for women, Action Plan and Revision*.²⁶⁵ It is an Action Plan against men's violence towards women which covers the years 2014-2017. It is a plan that addresses violence prevention, treatment and support, and services to female victims. The Plan contextualizes GBV, has gender and human rights perspective. There is a special consideration to vulnerable groups such as children who witness violence, older women, undocumented women or women with addictions. Different forms of violence

²⁶³ Handlingsplan för att bekämpa mäns våld mot kvinnor, hedersrelaterat våld och förtryck samt våld i samkönade relationer, by the Swedish Government. Available at: <http://www.regeringen.se/content/1/c6/09/21/42/ef0318b1.pdf> (last visit on May 15th 2015).

²⁶⁴ <http://sgdatabse.unwomen.org/searchDetail.action?measureId=20070&baseHREF=country&baseHREFId=1249> (last visit on January 12th of 2015).

²⁶⁵ En FriStad för kvinnor Handlingsplan och kunskapsöversikt, 2014-2017, Gobierno de Suecia.

against women, including prostitution and sex trafficking are also included. But it does not develop of concrete actions.

Type of current law (approach, concepts and range)

In Sweden there is no specific Law against violence of any kind, be it domestic, gender-related, etc. Protection against such attacks is provided for in the Penal Code, in the section on crimes against persons regarding crimes against life and health, and there is a specific section for crimes committed in the family.

Note that in the Swedish Criminal Code offense of "serious violation of a woman's integrity" (EIGE, 2012: 23)²⁶⁶ was introduced in 1998. This classification covers repeated violence, crimes against the life, health, freedom, or sexual crimes committed by a man against a woman with whom he has or has had a relationship.

This means that Sweden is, together with Spain, an exception in the EU in the sense of incorporating a gender perspective in the definition of GBV crimes.

However, unlike Spain, the Swedish legal approach to GBV is done in a sector-specific manner, since there is no comprehensive legislative framework but rather has an eminently punitive and protective approach.

State responsibilities

As advanced already, the legal approach to GBV in Sweden does not derive from a comprehensive Law, but from a legal framework that specifically focuses on sanction and protection that stems from the Penal Code and legislation on protection orders. However, the Social Services Law establishes measures of support for victims of violence and their children.

Prevention

Prevention and care for victims are mainly developed in the field of public policies.

Investigation and sanction

The initiation of criminal proceedings does not require the victim to file a report in any of the offenses categorized as violence within the family, even those considered minor offenses (COAS, 2014: 63).

²⁶⁶ UN Women, 2010: 57). Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women –Victim Support, p.23.

The penalties for cases of serious violation of integrity, in 2013, increased from 6 months to 9 months in prison.

Sanctions relating to the breach of a restraining order can lead to imprisonment of no more than 1 year or imposing a fine (the amount is not set). However, in cases of minor importance (the standard does not explain what is meant by this) it provides that breaching will not be penalized.

Protection

The protection model that has been adopted in Sweden, as in Spain, combines the arrest of the suspect with the possibility of a protective order issued later on (FRA, 2014: 68).²⁶⁷

The law of protection orders²⁶⁸ was introduced in Sweden in 1988. Its aim was to prevent crime and create a sense of security for victims of harassment. The Law was designed in gender neutral way, although it should be noted that there is intent of preliminary work on the drafting of the Law so it be applied in cases where women are exposed or are threatened by GBV and women who are exposed to harassment in linked to a broken-up relationship. Swedish legislation gives the prosecution a major role in the decision on protective measures.

The protection order Act was amended on September 1st 2003 and later in 2011.²⁶⁹ The 2003 reform introduced two new measures of protection: an *extended* restraining order and a domestic exclusion order. The first increases the guarantees of the barring order between the accused and the victim. The domestic exclusion order entails the obligation of the accused to leave the shared household (Lindahl, E., Westlund, O., 2007: 5). The 2011 amendment extended the protection measures and introduced a ban on staying around the house, workplace or places frequented by the victim. The 2001 amendment also extended timeframes of restraining orders, ranging from two months in cases where no contact is allowed, to one year in the case of an extended restriction order.

Restraining orders can be requested by the victim, the prosecutor, the Police or other Social Services professionals at the time of the filing the complaint. The Court of criminal jurisdiction is who decides to grant the restraining order.

²⁶⁷ This model has been adopted by at least five EU countries, being among them Belgium, France, Ireland, Spain and Sweden.

²⁶⁸ Restraining Order Act (Lagen (1988:688) om besöksförbud).

²⁶⁹ Förordning om ändring i förordningen (1988:691) om tillämpning av lagen (1988:688) om besöksförbud; utfärdad den 25 augusti 2011.

According to the consulted reports, the domestic exclusion order is a measure rarely used in Sweden. Several elements can motivate this circumstance. First, for this measure to be granted there must be tangible evidence of the victim's risk, which does not happen in all cases. But secondly, arresting the alleged perpetrator is seen by public prosecutors as a more effective measure for protection than a restraining order (Lindahl, E., Westlund, O., 2007: 10).

Assistance to victims

Sweden, like Denmark, includes the provision of support services in social welfare legislation or social services (EIGE, 2012: 30). In Sweden, the Social Services Act, revised in 2007, clarified the obligation of social services to provide help and support, in particular to women exposed to violence and children who have witnessed violence. In addition to changing the Law, a number of additional measures have been taken in order to build a comprehensive structure to strengthen support these people (EIGE, 2012: 139).

A major problem identified in this field is that Social Services are not always informed of the requests for protection orders of families with children. For this reason, children do not always receive the care and support they need and to which they are entitled. The National Council survey shows that only 1 in 5 applicants for protection orders with children have had contact with social services because of this (Lindahl, E., Westlund, O., 2007: 17).

Protection measures for children in violent environments

The Social Services Act, mentioned above, introduced an explicit reference to the vulnerability of children in situations of violence. The responsibilities of social services in this area are defined more clearly. Currently, the Act provides that children who have witnessed violence or other forms of abuse from nearby adults should be considered victims of violence and social services must provide support and assistance (Lindahl, E., Westlund, O., 2007: 15).

In Sweden, the Law stipulates the obligation of the Courts to withdraw the custody of a parent convicted of violence or who neglects children. There is even a process that speeds up the declaration of child abandonment in situations of violence, whose guardianship is undertaken by the administration ((Kelly, L., Hagemann-White, C., Meysen.T. & Romkens, R., 2011: 158).

Table 30. Summary Table for Sweden's legislation

SWEDEN		
Penal Code 1998 Restriction orders Act 1988		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Gender-based
Approach	Human Rights	Yes
	Gender	Yes
	Discrimination	Yes
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	No
	Equal opportunities plans	Yes
	Violence plans	Yes

2.2.30. UNITED KINGDOM

Background and context

Unlike other European countries, the UK does not have a codified system of civil or criminal law, nor a written constitution. It does not have a unified legal system either for England, Wales, Scotland and Northern Ireland. In fact, there are different legislation and formulation policies in these territories.

In 2007, the UK implemented the *Equality Act of 2006*,²⁷⁰ which prohibits public officials engaging in any act which constitutes discrimination or harassment and imposes the obligation to promote equal opportunities between women and men. Subsequently, on October 1st 2010, the UK government adopted a new Equality Act.²⁷¹ Also in 2007, the '*Building a Fairer Britain*' strategy²⁷² was launched, in order to promote gender equality between women and men 2007-2016 (EIGEa, 2013: 150).

In the field of combating VAW, the British government adopted a *Strategy to combat violence against women and girls*²⁷³, followed by the first National Action

²⁷⁰ Equality Act 2006.

²⁷¹ Equality Act 2010, available at: <http://www.legislation.gov.uk/ukpga/2010/15/contents> (latest visit on May 15th 2015).

²⁷² This strategy does not apply in Northern Ireland.

²⁷³ Call to End Violence Against Woman and Girls (VAWG).

Plan in 2010. In March 2011, the Action Plan²⁷⁴ was launched, updated each year after. This plan covers most forms of VAW, except trafficking and prostitution, which are part of a separate document. Its objectives especially underscore violence prevention, and follow a gender and human rights approach (Liz Kelly, Carol Hagemann-White, Thomas Meysen & Renee Romkens 2011: 37). This Plan has been updated the following years, in such a way that, for example, in March 2012 an update of the Plan²⁷⁵ contained actions in the areas of prevention, provision of services, justice and protection.

In addition to the regulations against domestic violence and other directly related to GBV in intimate relationships –developed under the following sections- other important standards should be noted as elements to contextualize. In 1997 *Protection Act against sexual harassment*²⁷⁶ was passed in the UK, which was amended in 2012 through the *Law on Protection of Freedoms*²⁷⁷ to add other punishable forms of harassment²⁷⁸ and to extend the powers of the Police in when investigating harassment offenses. This standard provides, therefore, a broad definition of harassment that also applies to behaviors within current or former partners (similar to "stalking") (CoEb, 2009: 130).

According to the consulted reports, this reform has been a major breakthrough to bring perpetrators to justice (VAWG, 2012: 2).

It is also worth mentioning that three important laws exist: *the Law Against Female Genital Mutilation*,²⁷⁹ which entered into force in 2004 (EIGEc, 2013: 490) and whose precedent was the so-called *Prohibition of Female Circumcision Act*²⁸⁰ of 1985 (EIGEc, 2013: 489); the Forced Marriage Act passed in 2007; and the Law on Policing and Crime Act adopted in 2009, which introduced the crime of buying sexual services from an exploited woman (Kelly, L, Hagemann-White, C, & Romkens Meysen.T, R, 2011....: 37).

Type of current law (approach, concepts and range)

In 2004 the *Domestic Violence, Crime and Victims Act*²⁸¹ came into force (hereinafter Domestic Violence Act) (VAWG, 2012: 2). A year earlier the *Sexual*

²⁷⁴ Call to End Violence Against Woman and Girls (VAWG): Action Plan, launched on 8 March 2011.

²⁷⁵ Call to End Violence against Women and Girls Taking Action – the next chapter, March 2012.

²⁷⁶ Protection from Harassment Act 1997.

²⁷⁷ Protection of Freedoms Act 2012.

²⁷⁸ Stalking and harassment with great fear or anguish.

²⁷⁹ Female Genital Mutilation Act 2003.

²⁸⁰ The Prohibition of Female Circumcision Act 1985.

²⁸¹ Domestic Violence Crime and Victims Act 2004.

*Offences Act*²⁸² was passed. The Domestic Violence Act amended the *Family Law Act*²⁸³ of 1996 to increase the number of protégés of this type of crime. Currently, domestic violence is defined as any physical, mental or sexual assault committed against a person with whom the author has or has had an intimate relationship of "significant" length, as well as any family member, regardless of them living together or not.

Regarding the approach it has, UK legislation on domestic violence does not follow a comprehensive approach to intervention (it is a law of eminently punitive nature), and no gender perspective. Up until 2013, the legislation did not include a specific definition of violence either. Official policy statements and implementation guidelines that direct the actions of the Police, public prosecutors, judiciary and especially the Action Plans of the Government (*"Ending violence against women and girls"*) do incorporate a gender perspective (Kelly, L, Hagemann-White, C, & Romkens Meysen.T, R, 2011: 75).

In 2012, the *Domestic Violence, Crime and Victims Act*²⁸⁴ modified the Domestic Violence Act, which aggravates the prison sentence pertaining to serious physical harm to minors or vulnerable people.

In March 2013, the British government made an amendment in the definition of domestic violence provided in the Act. This reform recognized other types of abuse, such as sexual violence or psychological and economic abuse (Oonagh Gay, 2015: 6). Moreover, the regularity of crime as an aggravating was added. Until that date, crimes against a person within the scope of an intimate relationship were considered only separately, but not under the standpoint of regularity. After this measure, repeated behavior involved having committed a felony. Intentionality is the necessary requirement in the Act, that is, for the behavior to be aimed at seriously damaging the self-esteem of the victim (Interparliamentary Conference Meeting, 2014: 16).

However, domestic violence is not criminalized as a specific offense in Britain's legislation. It is included among the crimes against life, integrity, sexual freedom, etc., which are covered by the *Common Law*, by the *Offences Against the Person Act*, 1861, and the *Sexual Offences Act 1956 and 2003*, fundamentally.

²⁸² Sexual Offences Act 2003.

²⁸³ Family Law Act 1996.

²⁸⁴ Domestic Violence, Crime and Victims (Amendment) Act 2012. 8th March 2012.

State responsibilities and implementation of the Law

Prevention

At a legislative level no action whatsoever has been taken in the field of prevention. However, in the implementation of public policies, prevention is considered a key area of activity.

Investigation and sanction

In the field of investigation and prosecution important structural measures have been introduced, such as specialized domestic violence Courthouses. This has resulted in an increase of sentences for perpetrators of intimate-partner violence. These Courts, which deal only with crimes committed by adults, were created to improve the effectiveness of the administration of justice in this area and support the traditional role of providing justice, along with support to victims and measures to ensure their participation in the process is free from re-victimization.

From the consulted reports, harassment legislation is still scarcely used and the rate of sexual violence cases dropped remain high, despite efforts to improve investigation processes of sexual offenses (Kelly, L., Hagemann-White, C., Meysen.T & Romkens, R, 2011: 75).

In cases where there is enough evidence, even if the victim withdraws her complaint or is unwilling to testify, the case may move forward. This is true especially in crimes of more serious nature, where the procedure will take place ex-officio.

Penalties for breaching a barring order are up to 5 years of imprisonment, a fine, or both if the measure was issued by a criminal court, and two years' imprisonment in cases where the barring order has been issued in civil jurisdiction (CoEb, 2009: 130).

Protection

In the UK, both civil and criminal courts may agree on protection measures for victims of domestic violence. The Domestic Violence Act strengthened these measures, criminalizing the breach of a barring order, and expanding the powers of the Police, who since then has the power to expel a suspected abuser from the family household (Kelly, L., Hagemann- White, C, & Romkens Meysen.T, R, 2011: 37). It also extended the judicial powers to enable issuing barring orders.

In 2011 the *Crime and Security Act*²⁸⁵ came into force, which expanded the powers of the Police. This Act introduces an emergency protection order that the Police can dictate for a period of 48 hours. This protection order, issued by Police, includes the prohibition of contact with the victim and the expulsion of the offender from the household. Within this period, just as all other countries that follow the Austrian model, in UK the Court must confirm the extent of this protection (Kelly, L. Hagemann-White, C., Meysen.T. & Romkens, R, 2011:. 77).

Unlike what happens in other regulations, in the UK legislation does not define restriction, which means that the Courts are granted maximum discretion to determine the reasons for issuing a restraining order and expulsion from the household, the area from which the alleged perpetrator is banned and how many rights are limited to the alleged perpetrator (CoEb, 2009: 131).

The legislation regarding emergency restraining orders is a hybrid between the Austrian Police-oriented restraining order the Spanish protection order. Police still have a fundamental responsibility, being in charge of issuing the emergency expulsion order in cases of domestic violence within a 48-hour timespan; when it expires, the Court will decide whether to extend the order including the eviction of the aggressor's household for a period of up to 28 days.

In the UK, the eviction order includes an additional element: not only does it implies the expulsion of the household and a ban on contacting or approaching the victim, but also includes the prohibition of damaging any property of the household (Kelly, L. Hagemann-White, C, & Romkens Meysen.T, R, 2011: 81).

Also, the Domestic Violence Act allows for the possibility that the Court, even in cases of acquittal, issue a prohibition order in the sentence, which forbids certain behaviors in order to protect the victim from harassment.

In 2014, the Government adopted another measure in the field of protection, the *Plan Disclosure of Domestic Violence Scheme*,²⁸⁶ known as the *Claire's Law*. It is a formal mechanism through which people can ask about the violent past of their partner, if there is a concern on the issue.

Assistance to victims

One of the novelties of support system for victims in some areas of the United Kingdom (England and Wales), has been the establishment of *Independent*

²⁸⁵ Crime and Security Act 2010.

²⁸⁶ Domestic Violence Disclosure Scheme - Clare's Law, November 2013.

Domestic Violence Advisors. They are specialists who support victims of domestic violence, not only throughout the judicial process but once it has been completed. Their function is to provide expert advice to victims, assess the level of risk and develop customized security plans. This measure, introduced in 2005, has been evaluated very positively (Matczak, A., Hatzidimitriadou, E., and Lindsay, J., 2011: 13).

Despite which, in 2012, the *Legal Sentencing and Punishment of Offender Act*²⁸⁷ introduced amendments that limited the system of legal support and assistance to victims of domestic violence. Research by *Women's Aid UK*, *Women's Rights* and *Women's Aid Wales* showed that the impact of these changes has been very negative for female survivors of domestic violence who require access to justice (Women's Watch 2013: 41).

Regarding compensation to victims of violent crimes, the *Compensation Act of 1995*²⁸⁸ provides a general system of compensation for the damage received, but there is no purpose of reparation in the standard.

Protection measures for children in violent environments

According to the *Health and Social Care Act*,²⁸⁹ said Social Welfare Committees should also take steps to ensure that child witnesses of adult also to be recognized as victims of a crime and need assistance and aid.

*The Children Act 1989*²⁹⁰ did not explicitly acknowledge the risks that minors face when they are victims of domestic violence until 2002, when *The Adoption and Children Act 2002*²⁹¹ was amended. This reform introduced a new category of damage: the impact of violence on children and witnesses of abuse (Matczak, A., Hatzidimitriadou, E., Lindsay, J., 2011: 9). With the approval of this new Law the Court must take into consideration violence committed against children who are witnesses of domestic violence and not only when they receive it directly.

²⁸⁷ Legal Aid Sentencing and Punishment of Offender Act 2012 came into effect in April 2013.

²⁸⁸ The Criminal Injuries Compensation Act 1995.

²⁸⁹ Health and Social Care Act 2012.

²⁹⁰ Children Act 1989.

²⁹¹ The Adoption and Children Act 2002.

Table 31. Summary table for UK's legislation

UNITED KINGDOM		
Year of enactment: 2004/2012		
Type of Law	Sectorial	Yes
	Comprehensive	
	Type of violence	Within family
Approach	Human Rights	Yes
	Gender	No
	Discrimination	No
State Responsibilities	Prevention	No
	Assistance	Yes
	Protection	Yes
	Sanction	Yes
	Reparation	No
Context	Equal opportunities Acts	Yes
	Equal opportunities plans	Yes
	Violence plans	Yes

2.3. Conclusions on the analysis of the legislation on gender-based violence EU countries, Norway and Iceland

Comprehensive approach

In this sense, the countries under analysis that have comprehensive legislation character, taking into account the classification criteria set at the beginning of this chapter, are: Bulgaria, Cyprus, France, Italy, Lithuania, Malta, Poland, Portugal, Spain, and Romania.

While it is true that countries with comprehensive legislation in nature are a few among the countries studied, it should be noted that most countries do have a comprehensive perspective in their public policies while addressing violence against women or domestic violence.

Type of violence

Among the laws of the 28 European countries, along with Iceland and Norway, only Spain, France, Italy, Portugal and Sweden they have specific regulations or contextualize GBV against women. The rest of the analyzed countries consider VAW from a different perspective that emphasizes protection of the family and the marital relationship, rather than protect against gender inequality as a cause of violence. Among the countries with a gender-neutral approach, some put the protective focus on the family, including the current or former partner, and others

extend the protection, in addition to the family, to close relationships or people living in the same household. This is to say that, except Spain, France, Italy, Portugal and Sweden, the legislation of the studied countries by this report show a clear "familiarist" approach.

Also, most of the countries surveyed have standards of sectoral nature, based mainly on protection and punishment.

Countries with a comprehensive legislation are: Bulgaria, Cyprus, France, Italy, Lithuania, Malta, Poland, Portugal, Romania and Spain.

Among these: Cyprus, Lithuania, Malta, Poland and Romania have comprehensive standards but all the same have a "familiarist" approach to violence. On the contrary, we find regulations that follow a gender perspective also are characterized addressing violence from a comprehensive perspective: France, Italy, Portugal and Spain. The exception to this general rule is the Swedish legislation, where the legislation introduces a specific offense against the dignity of women in their penal code, which despite following a gender perspective, is not comprehensive in its prevention measures .

It is in this sense that good practice is identified, in terms of gender approach and comprehensive nature, the standards of these 4 countries: France, Italy, Portugal and Spain. Sweden stands out as a good practice in the field of incorporating a gender perspective into the criminal code, although (unlike these mentioned countries) takes a sector-specific legal approach to GBV.

Prevention as the backbone of the Law

In regards with prevention, one can say that most of the countries of the European Union, as well as Iceland and Norway, do not address prevention as primary or general prevention, rather than they address prevention as non-repetition of the crime.

However, there is a group of countries, which stand out as an exception, because they do contemplate prevention in a general way in its regulations. These countries are: Bulgaria, Cyprus, France, Italy, Lithuania, Malta, Poland, Portugal, Romania, and Spain. As has already been advanced, these countries that address prevention are those whose legislation is considered of comprehensive nature.

As with the comprehensive approach, it can be stated that all countries provide prevention measures in their public policies, except Hungary, which does not address prevention.

Good practice in the field of prevention includes the standards of Spain, Portugal and France. In the case of Spain the 1/2004 Act establishes a comprehensive program of prevention with educational measures in schools, media and advertising. In the case of Portugal the Act provides for the prevention of violence as one of its main objectives. It develops an extensive chapter with sensitivity actions of social awareness and formal education (actions aimed at eliminating sexist and discriminatory references in school supplies, etc.).

The scope of assistance to victims in the standards

Most of the surveyed countries have provided in their legislation assistance to victims of domestic violence. This support is reflected well in the context of specific laws on domestic or gender-based violence or from general standards for victims of crime. In the latter case, some norms have specific sections of domestic violence.

Countries that do not provide in their legislation measures of support or assistance to victims of domestic violence are Germany, Belgium, Finland, Hungary, Iceland, Latvia, and Slovakia.

According to international law,²⁹² the right to reparation includes the following obligations of the State²⁹³:

Compensation: for done damage economically assessable as a result of violence.

Restitution and rehabilitation: includes measures to ensure the physical, psychological and social recovery of victims.

Satisfaction: includes verification of the facts, the public dissemination of official statements to restore the dignity and reputation of the victim.

Guarantees of non-repetition: the State must ensure that the aggression will not be repeated and that survivors are adequately protected against retaliations or threats.

Although there are countries such as France, Lithuania, Malta, and Portugal, which gather the right to compensation and assistance to victims (including medical treatments, etc.) within their specific legislation against GBV; none of the studied countries studied contemplate in their Law all four elements of the right to

²⁹² *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005* in <http://www.ohchr.org/SP/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

²⁹³ On the scope of the right to reparation on violence against women, see the Amnesty International report - Spanish Section (2009): *The right of women and girls to live free of violence. The other victims of domestic violence: sexual violence and trafficking.*

reparation. We have opted to indicate in the summary tables the regulations that provide for at least these two elements: compensation and full rehabilitation.

A special mention must be made about the following countries with good practices: Lithuania, Malta, and UK. The Lithuanian legislation is considered good practice because it guarantees access to all the assistance and care services for victims, regardless of whether they have filed complaints or not. The Malta's standards are an example of personalized service tailored to the needs of each victim.

Finally, another example of good practice is the *Independent Domestic Violence Advisors* developed in the UK in 2005 and followed by Denmark and Slovenia in 2008. Its function is to provide expert advice to victims, assess the level of risk they have and develop customized security plans.

Protection models

All of the analyzed countries have discussed protection measures. Some countries include their protection measures in specific laws on gender or domestic violence. This is the case of Bulgaria, Cyprus, Croatia, France, Greece, Ireland, Italy, Lithuania, Luxembourg, Poland, Portugal, United Kingdom, Romania, and Spain.

Other countries, such as Denmark and Sweden, have general laws protecting victims of any violent crime, including domestic violence. Among this group, some countries have modified some of its regulations (Penal Code, Police Act, or the protection standards) in order to ensure its application to victims of violence in relation to the current or former partner, or within the family. This applies, among others countries, to Slovakia, which amended the Security Forces Act to include protection orders.²⁹⁴

There are also countries that establish standards for the protection of a general nature but contain a specific section for the protection of victims of domestic violence. This is the case of Finland.

There is a substantial difference between the protection systems among European countries, depending on if their measures are regulated by civil courts (including Austria, Bulgaria, Germany, and Hungary), in the criminal law (for example, Cyprus, Croatia, Denmark, Finland, Lithuania, Poland, Portugal, Romania, Spain, Sweden), both (France, Greece, Italy, UK) or in the norms of administrative nature (Netherlands).

²⁹⁴

From here on forwards the terms protection order and PO will be used interchangeably.

The most common protection measures are the restraining order that establishes a distance from the victim and, in some countries, their families, prohibiting contact with the victim through any means, and the eviction order expelling from the shared household. Some countries provide additional protection measures, including having to undergo psychosocial treatment for addiction to alcohol or narcotics (Croatia, Malta); banning the use of weapons (France); the prohibition of damaging any property of the victim (UK) or establishing the children's residence with the non-violent spouse (Bulgaria), among others.

On the purpose and scope of the measures, some EU states have changed their laws, following the Austrian protection model. This applies to the Czech Republic, Denmark, Finland, Germany, Hungary, Luxembourg, Slovakia, and Slovenia. This protection model, established in Austria in 1997, seeks the immediate protection of the victim through an urgent protection measure issued by the Police, which entails the removal of alleged perpetrator from the home and sets a barring order. This measure is usually set for periods of time ranging between forty eight hours and fourteen days. Once this time has been completed, it is the Courthouse, generally of civil order, the institution that confirms the measure, which lasts between 10 days and one year in the case of eviction from the household.

Some countries such as Hungary or Slovakia incorporate the Austrian model but with fewer guarantees, since the protection period established in their legislation and the application of it does not guarantee rapid legal proceedings. The Slovak Law provides for the possibility that Police expel the aggressor from the shared household, and even its surroundings, for a period of 48 hours, as a measure to avoid the risk of an attack against the life, health, liberty or dignity of the victim. However, after this period of time, the measure can only be extended by court decision. In Hungary, Police protection measures are issued for a maximum period of 72 hours and, according to recent reports, it can take weeks for the Court to grant this protection.²⁹⁵ These two examples highlight the importance of ensuring not only immediate protection, but the guarantee that between the first measure and the one established by the Court there are no vulnerable unprotected spaces.

In another group of countries, including Belgium, France, Ireland, Spain, and Sweden, protection measures respond to a model that combines the arrest of the alleged perpetrator, in the first hours of police intervention, with the possibility of issuing a restraining order and a ban on communication to protect the victim in the medium and long term. In the case of Spain, unlike what happens in most

²⁹⁵

Citar la fuente.

European countries, protection orders do not need a minimum or a maximum time limit.²⁹⁶ In the case of France, it is the men convicted of VAW who are subject to supervision, in addition to the restraining order and prohibition of communication, with the focus on preventing the convict from repeating the crime (as collected in the legislation). Also in this country there is an "enhanced protection status" for cases in which violence committed towards the current or former partner endangers children.

The breach of the protection measures is punishable in all countries. The difference is that in some countries is punishable as an administrative offense and in others it is a criminal offense. This is the base on which various sanctions are issued.

The Austrian legislation is to be mentioned as good practice, which combines urgent protection (when it establishes immediate physical distance between the perpetrator and the victim) with counseling and support for victims to begin the judicial process with due preparation. To do so, the Law requires the State to, (after the expulsion of the alleged aggressor from shared household) ensure that the victim can access information services and appropriate counseling without delay.

Investigation and sanction

In most EU countries plus Norway and Iceland, gender-based or domestic violence crimes are prosecuted *ex-officio*. The exceptions are countries like Bulgaria, Croatia, Hungary, Latvia, Romania and Slovenia, in which the complaint of the victim is required to initiate criminal proceedings, mainly in mild offenses.

In most countries sexual violence is a crime of private nature, it is prosecuted on behalf of the involved party; in others it is semi-public as is the case of Spain, where the procedure starts on behalf of a party but once initiated it continues. Only in some countries is sexual violence prosecuted *ex-officio*, as for example France and Luxembourg.

Regarding punishment, considering the seriousness of the crime, all countries have criminalized domestic violence. However, the penalty is not always the same, in the sense of not only how the laws are implemented, but regarding the different understanding of criminal justice.

²⁹⁶Violence against women: an EU-wide survey, Main results, European Union Agency for Fundamental Rights, 2014, p.68.

Some countries include within their legislation against domestic violence the possibility to use the mediation process as a State response to this type of crime. Countries that stand out in this regard are Cyprus, Greece, Hungary, Luxembourg, and Portugal. All of these countries, except Hungary, provide mediation in their own Act against Violence.

Another measure that may discourage victims of gender-based or domestic violence from filing a complaint is the standard's own foresight of criminal responsibility of both the alleged perpetrator and the victim in case of "false report" or "abuse of rights of the victims." This is the case of Lithuania. Another example is Croatia's "dual arrests", where the ambiguity of the law allows the victim to be arrested along with the alleged perpetrator.

Specialized Courthouses are to be mentioned as good practice, in countries like Spain and the UK. They are courthouses that make court proceedings more efficient in regards with GBV crimes and protecting the rights of victims so they are not re-victimized.

Child Protection

All surveyed countries have general rules of child protection. However, there are few countries that recognize girls and boys who live in violent environments as direct victims of such violence. Most countries only protect children from physical, psychological or sexual violence if they are directly subdued to it.

Among the countries that do recognize the environmental violence as a form of direct violence against children who witness it, some contemplate it within specific legislation to combat violence and other have established protection measures for children or address it through social service standards. Countries that clearly state that children living in contexts where there has been violence in a relationships and/or who witness violence among adults are victims of violence are: Bulgaria, Cyprus, France, Latvia, Lithuania, and Slovenia.²⁹⁷

There are other countries that incorporate some type of special protection for children who witness violence in other Laws of child protection or social protection, as is the case of Portugal, Sweden and the UK.

²⁹⁷ At the close of this report Spain is in the process of passing bill to protect children which would amend the 1/2004 Act so it explicitly recognizes children who live in violent environments as direct victims.

Most countries state in their criminal codes some type of aggravating when violence is committed in the presence of minors. In the some countries' legislation this is the only provision related to the topic.

The weak point is the lack of any specialization or training of the judiciary. Children who witness domestic violence are not a priority area of policy concern in most of the countries surveyed.

As good practice in this area one must mention three countries: France, Slovenia and Sweden. In the case of France, a global civil and criminal response is submitted to an arbitrage process in these cases, allowing the Family Court to establish an urgency measure to protect minors. Slovenia recognizes child witnesses of violence as victims and provides for a measure of setting distance from the perpetrator, plus the possibility of the Court to limit or suspend visitation rights between the accused parent or defendant and the child. In Sweden it is compulsory for the Courts to withdraw the custody of a parent convicted of violence.

Although it does not formally appear in the legislation, most of the surveyed countries provide public policies within their specific actions aimed at the protection of children who live in violent environments.

Specific mention to vulnerable groups

Few countries in their legislation make specific reference to vulnerable groups of women victims of GBV:²⁹⁸ migrant women, women with disabilities, age-related situations (elderly women or girls). Most countries specify support measures for vulnerable groups through their National Plans.

In this regard certain legislations have mentions to vulnerable groups, such as Greece, Portugal and Spain. Spain recognizes residency and independent work permits to foreign women who have regrouped with their spouse or partner, and issues temporary residence and work permits for the exceptional circumstances foreign women are in. On the other hand, Spanish Law provides for the acknowledgment of refugee status to women victims of GBV that have well-founded fear of persecution in their countries of origin.

²⁹⁸ Regarding this issue, it is noteworthy to acknowledge that certain countries like the UK have passed specific laws against other forms of violence against women, like the Female Genital Mutilation Act, the Forced Marriage Act or the Police Act and the inclusion as a felony of buying sexual services to an exploited woman.

In Portugal, the Law establishes the obligation to tailor treatments to vulnerable victims, recognizing priority access to services to the elderly who are in a dependent situation and have no family support. Greece, through 3500/2600 Act, recognized as aggravating: violence against a minor, against a pregnant woman and against persons unable to defend themselves. Finally, Italy's 119/2013 Act extends protection to foreign victims for whom the possibility of obtaining a residence permit on humanitarian grounds is provided.

Table 32. Summary of countries based on the legislative classification criteria

SUMMARY TABLE		
CLASSIFICATION CRITERIA		COUNTRIES
TIPE OF LAW	Sectorial	Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Holland, Hungary, Iceland, Ireland, Latvia, Luxembourg, Norway, United Kingdom, and Slovakia and Sweden.
	Comprehensive	Bulgaria, Cyprus, France, Italy, Lithuania, Malta, Poland, Portugal and Romania, Slovenia and Spain.
	Type of violence	Domestic: Austria, Czech Republic, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, Norway, Portugal, Slovakia, and Slovenia.
		Within Family: Bulgaria, Croatia, Cyprus, Denmark, Estonia, Holland, Hungary, Iceland, Poland, United Kingdom and Romania.
		Against Women: France and Italy.
		Gender-based: Spain and Sweden.
		Against current or former partner (neutral): Belgium.
APPROACH	Human Rights	France, Lithuania, Malta, Poland, Portugal, United Kingdom, Slovenia, Spain and Sweden.
	Gender	France, Italy, Portugal, Spain, and Sweden.
	Discrimination	Austria, Germany, Italy, Luxembourg, Portugal, Spain and Sweden.
STATE RESPONSABILITIES	Prevention	Bulgaria, Cyprus, France, Italy, Lithuania, Malta, Poland, Portugal, Slovenia, Spain, and Romania.
	Assistance	All of them, except: Belgium, Germany, Finland, Hungary, Iceland, Latvia, and Slovakia.
	Protection	All of them
	Sanction	All of them, except: Germany
	Reparation	France, Lithuania, Malta and Portugal.

Source: compilation by the author

3. GOOD PRACTICES ON PUBLIC POLICIES IN NORWAY, SPAIN AND ICELAND

3.1 What are good practices?

The term 'Best Practice' or 'Good Practice', was originated within the private sector as a way to organize and manage companies. Its goal was to improve its efficiency and to increase the productivity through the establishment of criteria and minimum standards of quality. Since then, the concept has been used in many different contexts, from business and banking activities to health, education, NGO's management, public policies, etc. As a consequence it is not easy to define what good practices are.

The concept of 'good practice'²⁹⁹ refers to the identification of models of efficiency in the management of public resources, through the analysis and evaluation of applied experiences, in order to progress or to improve.

Defining, conceptualizing and systematizing good practices particularly in the context of gender-based violence policies remains as one of the main challenges in States' common agenda. To determine "whether a practice is 'good', 'promising' or 'effective' depends both on the standards that are used in evaluation and on the local context" (United Nations, 2006:101).

The problem is not just to define what a good practice is, but also to agree on the variables that determine it. The identification of good practices in addressing violence against women needs to be based on a set of assessment criteria in which all counterparts have agreed upon, so that policies can be compared between countries.

In order to reach a definition common to all three countries it is helpful to review previous definitions. Some of the definitions of good practices that have come out of the bibliographical review are:

- *"Best Practices are model projects or policies that have the following four common characteristics: are innovative, make a difference, they have a*

²⁹⁹ Although we have adopted the term 'good practices', needs to be mentioned that terms such as 'best practices', 'lessons learned' and 'promising practices' are terms used throughout the bibliography. Such terms not necessarily involve the same criteria or meaning and it will depend on the objectives to adopt one term or the other.

sustainable effect and have the potential for replication, serving as a model for generating initiatives elsewhere”³⁰⁰.

- "Good practices are well documented and assessed programming practices that provide evidence of success/impact and which are valuable for replication, scaling up and further study”³⁰¹.
- "Good practices are an approach, usually innovative, which has been previously experienced and evaluated and that is presumed to produce successful outcomes. Good practices are also innovations that make it possible to improve the present and therefore, are or tend to be a model or standard within a given system”(López Méndez, 2009: 17).

From these definitions we can conclude that some characteristics, on which there is a general consensus, of the concept of good practice are: that a good practice is **innovative**, has proven **effective**, that it has an **impact over time** and is **transferable**.

The definitions reviewed of good practices in mainstreaming gender equality³⁰² generally include those effective, innovative practices that produce a real change for women and promote gender equality.

In many instances, the definition of good practice are not limited to a simple description. Instead, a set of criteria that enables to assess examples of good practices are developed. Regarding definitions of good practices in GBV we have come across the following set of criteria/principles to define a good practice:

Table 1. Examples of criteria/principles to define good practices

SOURCE	CRITERIA/PRINCIPLES
European Women’s Lobby, “Towards a common European framework to monitor progress in combating violence against	Overall guiding principles: Respect for the autonomy of women and their choices Ensure utmost priority to the safety of women Prioritize the empowerment of women Practices that enhance: A professional approach, i.e. a combination of principles relating to solidarity, future perspectives and

³⁰⁰ Adapted from: <http://www.unesco.org/most/bphome.htm#1> (Accessed: 29 January 2014).

³⁰¹ http://www.unicef.org/evaluation/index_49082.html (Accessed: 27 January 2014).

³⁰² See e.g.: EIGE, 2013: 13; Coomaraswamy, 2003: 392; CEPAL, 2010: 32; Alonso Cuervo. I & González González. A., 2007: 86 or <http://www.un.org/womenwatch/resources/goodpractices/guideline.html>

women", 2001	respect for individual women The internal and external factors, which bring about change: i.e. attitudes of actors and structures of society which will in turn impact on improving the lives of women Government practice and policies Confidentiality Adequate service delivery through in-built mechanisms of evaluation with the input of the beneficiaries/service users (quality assurance schemes) Evaluation and monitoring An understanding of violence against women through ongoing training of all professionals (judges, doctors, etc.) who are in contact with women victims of male violence Transparency Partnerships with other professionals including with women's NGOs An ethos of support for staff members (both voluntary and paid staff members) Promotion of feminist values and women's human rights by: Naming the problem (male violence not family violence) Locating the responsibility with the perpetrator: it's a male problem not women's Helping the woman to understand that she is not alone and that the violence is the result of structural inequalities and not a shortcoming on her part Helping the woman to understand the continuum of violence (cycle of violence) Playing a role in educating society on male violence and masculinity.
United Nations, "Ending Violence against women. From words to action" Study of the Secretary - General, 2006	Clear policies and laws that make violence illegal; Strong enforcement mechanisms; Effective and well-trained personnel; The involvement of multiple sectors; and Close collaboration with local women's groups, civil society organizations, academics and professionals. To involve women fully and to use their experiences of violence as the starting point for developing policies and programmes. Clear demonstration of political commitment to eliminating violence against women, as evidenced by statements by high-level government officials, backed by action and the commitment of resources by the State.
Rioseco Ortega, Luz "Buenas prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe" Serie Mujer y Desarrollo No. 75, Economic Commission for Latin America and the Caribbean	• Action at all levels (national and local): the national level priorities must include improving the status of women, establishment of standards, policies and appropriate laws and creating a social environment that promotes non-violent relationships. Action plans are useful and should comprise: clear objectives, accountability, timelines and financial backing. • Women's involvement and participation in the development and implementation of projects/policies; • Women's safety should guide all decisions; • Institutional changes: in policies and performance; • Cross-sectorial, interdisciplinary and inter-institutional approach to interventions (police, health, judiciary, social support services should work together).

(ECLAC), 2005	• Differentiation between violence against women and domestic violence, so as not to treat them as a whole identical. • Political and institutional sustainability; • Coordination and creation of alliances (incorporating all sectors-public, non-governmental, academic, business, religious, etc. -, Shared discourse, defining interests and fields of joint action, promotion of universal values).
European Institute for Gender Equality (EIGE) "Methodological approach to assess good practices on prevention and protection from Domestic Violence"	Basic elements for promising practices 1. Works well 2. Transferable 3. Learning potential 4. Embedded within a wider DV mainstreaming strategy Effective to eliminate DV: prevent violence, stop/change perpetrators, support victims DV specific promising practice common criteria 1. Strong basis in human rights and gender analysis 2. Clear, appropriate, comprehensive definitions of domestic violence 3. Women/victim centered approach 4. Hold men/perpetrators accountable for the violence they use 5. Equality issues and anti-discriminatory practice 6. Recognition of women/victim's and men/perpetrators diversity 7. Multiagency approach 8. Monitoring and Evaluation 9. On-going financing/fundraising planning
Spanish National Health System Inter-territorial Council, "Informe de Violencia de Género 2011"	1. Adequacy 2. Relevance 3. Gender perspective 4. Evaluable 5. Effectiveness 6. Transferable 7. Ethical issues 8. Participation 9. Equity 10. Cross-sectorial coordination 11. Better scientific knowledge available 12. Innovation 13. Efficiency 14. Sustainability

We have listed only general guiding principles or criteria. However, some of these definitions go into more detail by drafting specific criteria for particular areas of intervention or to be applied at different stages of the public policy cycle³⁰³.

Given the variety of definitions and criteria listed above, and specially, considering the significant differences between the three countries in the conceptualization of

³⁰³ For example, the United Nations report "From words to action" proposes a common set of criteria, but also a set of good practices' criteria in legislation, service provision and prevention. EIGE's methodological approach to assess good practices in DV, elaborates specific criteria for DV awareness raising campaigns, training, victim's support services and support programs for perpetrators.

violence and the public policies adopted, relevant experts from Norway, Iceland and Spain have been consulted in order to reach an agreement on the good practices' criteria to be used when evaluating public policies against GBV. While the research team could have imposed the criteria based on the literature review above described, it was agreed it would be more convenient that the criteria used for the study were the result of a consensus among experts of the three countries. According to their expert opinion, the resulting criteria should be relevant and appropriate to the context of their country.

To perform the consultation to the experts, the Delphi method³⁰⁴ was implemented. The criteria (listed according to its rating) resulting from this consultation are:

- COMPREHENSIVE RESPONSE: our action/policy approaches GBV as a complex problem that affects all facets of life (e.g. economic, social, psychological, legal), and therefore, requires a multi-sectorial, interdisciplinary and cross-institutional approach at all levels of intervention (prevention, early detection, support, sanction, and reparation).
- TRAINING AND CAPACITY BUILDING: All professionals working in GBV must have specialized training with a gender perspective that ensures an effective and efficient response in the fight against GBV.
- GENDER PERSPECTIVE: our action/policy is grounded on a strong basis of gender analysis, comprehensive, clear and appropriate definitions of gender based violence (violence perpetrated by men against women), holds men accountable for the use of violence, and relies on the idea that GBV is a violation of human rights, and the result of structural inequalities rooted in the imbalance of power between men and women.
- VICTIMS' SAFETY-WOMEN AND CHILDREN'S SAFETY: The design and implementation of all GBV actions must include women and children's safety (as well as any other dependent person) as a guiding principle.

In addition to these four criteria, and despite not being explicitly described in the good practices identified, the research team decided to include a fifth criterion: innovation. Since the study's goal is to exchange those good practices in the fight against GBV that can provide new solutions to each country, it was necessary to take into consideration this criterion. In this way, the good practices identified will

³⁰⁴ This method is a structured communication technique aimed to achieve a group consensus relying on discussion among experts. It operates by administering successive questionnaires, that participants must answer individually and maintaining the anonymity with the other participants, but not with the research team.

provide innovative elements for either country from which to learn and transfer to their cultural context.

Thus, the good practices identified in this report are not all the good practices existing in Iceland, Norway and Spain. In all three countries there are several examples of services and resources that have proven to work well and be effective. However, they have not been included in this report if similar practices were identified from country to country. It is not for this study to list all the actions carried out in the fight against GBV by all three countries, but to highlight those good practices that may shed new solutions to that particular country.

3.2 Good practices identified

3.2.1 Public policies in the fight against GBV: contextualisation

As already mentioned above, and once the legal framework of Norway, Iceland and Spain has been described in more detail in the analysis of legislation, may be concluded, that it is obvious that the response that each country provides in the fight against GBV is very different from one country to another. The legal treatment of GBV determines the kind of policies implemented to combat the phenomenon.

Hereunder the strategy or model that each country has adopted in the fight against GBV will be described briefly. Such description is intended to provide to the reader enough information to put into context and understand the particularities of the good practices that are detailed down below.

NORWAY

As it has been explained in the section on legislation in Norway there is no specific or comprehensive law to combat domestic violence, which is the type of violence that Norway has legislated. The Norwegian State has chosen as a tool for combating domestic violence, the adoption of national action plans, which "translate political will into action and appropriate" (Ministry of Justice and Security, 2013: 9). So since 2000 diverse action plans to combat domestic violence have been approved and implemented. The successive plans approved, with the exception of the first plan of action entitled "Plan of Action to Combat Violence against Women

(2000-2003)", have been Plans of Action to Combat Domestic Violence (2004-2007), (2008-2011) (2012) and (2014 to 2017).

In January 2014, the Plan of Action against Domestic Violence 2014-2017 "A life free of violence" entered into force. The Plan sets out measures to raise awareness, to train professionals, to provide care and protection to victims of domestic violence as well as providing treatment for perpetrators, and improving coordination and cooperation. It also encompasses reparation measures for victims of forced marriages. While it is true that all action plans highlight the fact that women and children mainly, are the victims of domestic violence, and for whom plans are aimed at, this has not necessarily been reflected in the type of measures contained in. Indeed, in most cases the measures are for victims of domestic violence regardless of the sex of the person.

In contrast to action plans against domestic violence predominantly gender-blind, the Norwegian government has promoted policies that cover a wide range of forms of VAW through the adoption and implementation of action plans to combat human trafficking³⁰⁵, sexual and physical violence against children³⁰⁶, forced marriage and female genital mutilation (FGM)³⁰⁷. These plans have translated into specific measures such as the existence of specific shelters for victims of forced marriages and for women and girls trafficked for sexual exploitation or telephone information

To combat domestic violence, Norway, in addition to approving strategic action plans, had given itself an appropriate legal framework to sanction such behavior by introducing legal provisions. Hence, various legal reforms have been carried out to better protect victims of domestic violence such as introducing the crime of domestic violence in the criminal code, adopting protection orders or "Ban of visits" and passing legislation which oblige all municipalities to provide support and emergency services for victims of domestic violence.

It should be noted, even though within the legislation section has been explained in more detail, that Norwegian legislation is gender-neutral and therefore the victim and the perpetrator can be either male or female in both cases.

The Ministry of Justice and Public Security is the agency responsible for coordinating the government efforts to combat domestic violence. The Ministry was

³⁰⁵ Action Plan to Combat Human Trafficking (2005-2006), (2006-2009) and (2011-2014).

³⁰⁶ National Strategy against child sexual and physical violence (2005-2009) and (2013-2016).

³⁰⁷ Action Plan against Forced Marriages (2008-2011), Action Plan against Female Genital Mutilation (2008-2011), Action Plan against forced marriages and female genital mutilation (2012) and (2013 to 2016).

mandated by the first National Action Plan against Violence against Women approved in 2000.

For a coordinated implementation of the strategy to combat domestic violence, an inter-ministerial working group was set up. The working group involves the Ministry of Health, the Ministry of Education, the Ministry of Labour, the Ministry of Children, Equality and Inclusion Social and the Ministry of Justice and Public Security, who leads this workspace. The working group aims are to: ensure implementation of the measures contained in the action plan in force at the time, prepare and publish reports on the progress of the plan twice a year, coordinate the different actors/agencies' actions at different levels of government and propose new measures to combat and prevent domestic violence.

Furthermore, there is a working group of Secretaries of State for domestic violence. Its purpose is to follow-up the implementation of the action plan on the political level³⁰⁸.

In summary, the Norwegian strategy to combat domestic violence is organized around three key elements:

- National action plans against domestic violence.
- "Ban of visits" with two components: eviction orders and restraining orders.
- Measures to support victims through legislation that establishes that all municipalities are obliged to provide services (day services and emergency accomadation) to victims of domestic violence.

More specifically within the **justice** area, as it's been already mentioned above, Norway has carried out legal reforms to increase the protection of victims of domestic violence. Such reforms are described below.

In 2005 the Criminal Code³⁰⁹ was amended to include a separate article on domestic violence: section 219³¹⁰. Article 219 introduces two key aspects: to

³⁰⁸ Line Nersnaes & Hide Marie Knotten. Personal communication, November 18, 2013.

³⁰⁹ Chapter 21 (Offences against personal liberty) and 22 (Crimes against life, physical integrity or health of another person) of the Criminal Code regulates violent crimes, regardless of the type of relationship that exists between victim and perpetrator or the duration of the abuse.

³¹⁰ The National Action Plan against Domestic Violence 2014-2017 includes specific measures (No. 30) to assess the proper use of Article 219 and if it is really being useful to tackle domestic violence. During the fieldwork it has been reported that there are cases where there have been allegations of domestic violence but the cases were not pursued through Article 219 (when, for example the repeating pattern cannot be proven) and thus the incident are unnoticed as domestic violence, especially considering that police do not record in their statistics the relationship between victim and aggressor for crimes against freedom and personal integrity (Chapters 21 and 22)

consider violent acts within the family as an offence, specifying the type of family relationship in which the law applies to that crime, and considering gross maltreatment or repeated abuse, ie, there is a pattern of violence that continues over time, as characteristics of this type of violent crimes.

The Criminal Procedure Act in its Section 222), regulates the "Ban of visits" or what would equivalent to the Spanish protection order. The "Ban of visits" contains two elements: restraining (visit and contact) orders and eviction orders³¹¹. Police is responsible for imposing protection orders, although the victim can also apply for a PO. Perpetrators³¹² can appeal protection orders.

Another measure introduced in the field of justice from February 1, 2013, is the use of monitoring electronic devices for perpetrators. Such devices can be imposed by judicial order and only as a result of a judicial sentence. It can never be a preventive measure. Its purpose is to ensure that protection orders are not breached.

Victims of domestic and sexual violence are entitled to free legal aid³¹³ to facilitate victims' participation in criminal proceedings that enables to obtain restitution. Victims' legal counsel is responsible for looking after their interests while the prosecution and the police are responsible for investigating, pressing charges and prosecuting violent crimes.

Another legal reform undertaken to improve the protection of victims is unconditional prosecution (introduced in 1988) in cases of domestic violence. Public prosecution can go on with charges, even in cases where the victim withdraws the complaint³¹⁴.

Victims of violent crimes who have been injured (including domestic and sexual violence victims) are entitled to financial compensation from the State. It is not required that the offender is convicted, but the crime must be proven, reported "as

³¹¹ The eviction order was introduced in 2003, and it is inspired by the so-called "Austrian model". The "prohibition of visits" was amended to ban the offender to remain at home if necessary, to ensure the protection of the victim. This prohibition cannot last more than 3 months and is not essential that a violent act was committed, but that there are reasonable grounds to believe that the offender can commit further violence. It is a preventive measure to protect victims.

³¹² Since our study is focused to identify good practices in the fight against GBV, perpetrator/offender/aggressor is referred to a male while victim means women and children. Therefore, the term of women and children can be found as synonym of victim and be used interchangeably in the context of our study. However, needs to be reminded again, that Norwegian legislation considers that both victims and perpetrators can be either men and women.

³¹³ Under Chapter 9a of the Criminal Procedure Act.

³¹⁴ However, given that in cases of domestic violence the main if not the only witness is the victim, it is difficult sometimes to go ahead with the case when the victim decides to withdraw the charges or not to testify.

soon as possible" and a clear connection between the criminal act and the injury must exist. A notable feature of the compensation scheme is that children can access in their personal capacity to the compensation scheme.

The above mentioned reforms of the Criminal Procedure Act and the Penal Code are deemed not only as measures of the justice field, but also as **security** measures, as its goal is to increase the protection of victims of domestic violence.

But Norway has implemented further measures within the security area. One of these measures, that has received very positive feedback, is the creation of the Family Violence coordinator' figure. The role of the Coordinator is to provide information, advice and guidance on the investigation of domestic violence cases to police officers³¹⁵. The aim is to ensure that any agent investigating a domestic violence case has the necessary knowledge and sensitivity to deal with victims, that is to say that police officers acquire through the Family Violence Coordinator the necessary expertise to deal with this complex issue. The coordinator usually does not perform research activities, only provides supervision and advice, except in those districts where police personnel is very limited. In the more populated areas such as Oslo, Domestic Violence teams have been created.

To improve police protection for victims, the Ministry of Justice and Public Security has introduced the Spousal Assault Risk Assessment³¹⁶ (SARA) tool in the police force. SARA is being gradually introduced in all police districts from 2013.

Regarding **social assistance** policies, there is a wide network of shelters in Norway³¹⁷. Based on the existing shelter network, dating from the 70's, in an effort to

³¹⁵ In Norway there is a unified police, ie, there is only one police organization, albeit with various specialized agencies, and police power and prosecution power is not granted to any other state agency. The sole exception is the military police with jurisdiction over military personnel and facilities. Police is in charge of criminal investigations as well as to patrol and to maintain law and order. Police officers have the authority to investigate any crime, so the FV Coordinator has been introduced in all police districts.

³¹⁶ SARA tool consists of a 20 items check list that the police officer must complete, and from which a score is obtained. The score allows to assess the level of risk for the victim and accordingly, to take the necessary protection measures to protect the victim from further violence. The SARA is designed to ensure that any police officer can check all risk factors. SARA includes guidelines to correctly run the screening tool. It is a essential tool for the systematisation of risk assessment.

³¹⁷ The first refuge in Norway (and in the Nordic region) for battered women, was opened in 1978 and from that year on local women's groups, usually with a feminist ideology, opened new shelters along the Norwegian geography. Since the emergence of this movement, the shelters have evolved differently, adopting various forms of organization and mainly grouped around two umbrella organizations that represent all shelters: the Secretariat of the Shelter Movement (Krisesenter Sekretariatet) and the Norwegian Shelter Association (Norsk Krisesenterforbund). The main difference between the two organizations is that the former has a feminist ideology while the latter has left aside the gender perspective to work individual, social and cultural variables. Likewise, the second organization came later, as the first split after some of the shelters that were grouped under Krisesenter Sekretariat left that organization to create Norsk.

ensure protection and assistance for victims of domestic violence and to improve cooperation between various municipal services, on January 1, 2010 came into force³¹⁸ the Crisis Centre Act (hereinafter the Act). Under the Act all municipalities are required to provide the following services to victims of domestic violence:

- a) Crisis Centre or similar, free, 24-hours, year-round, safe, temporary accommodation;
- b) Daytime support services;
- c) Year-round, 24-hour helpline;
- d) Follow-up during the re-establishment stage;

No referral is necessary to access crisis services. Victims can contact directly with such services. Municipalities can deliver emergency services jointly³¹⁹, but the Act clearly establishes that municipalities are obliged to and responsible for coordinating the response of the various local government agencies and emergency centres.

Another key feature of the shelters introduced by the Act is the obligation to provide comprehensive crisis centre services, including accommodation, for women, children and **men**³²⁰.

Likewise, municipalities must establish an internal control system to ensure that the services offered by the crisis centres are provided accordingly to the legislation. Municipalities should be able to explain how they are meeting their obligations to provide municipal emergency services. However, the Act is not very specific on how services should be provided, and what security measures should be put in place. The Act does not develop protocols, guidelines or minimum standards that unify criteria among all shelters or between shelters and other municipal public services such as social services, housing, education and so on. The only control and supervision mechanism included in the Act, besides the control mechanism that municipalities are to establish, is the County Governor, whose role is to supervise

³¹⁸ Under Decree No. 1154 of September 4, 2009.

³¹⁹ As indeed happens when it comes to provide emergency accommodation, where there are 430 municipalities and 46 shelters.

³²⁰ The Kriesesenter Sekretariatet has strongly protested against the admission of men in shelters. During the preparation of the Act, this organisation expressed concern about the possibility of hosting men and women in the same premises, arguing a higher risk threshold for women. As a result of this debate, the Act included a paragraph stating that men and women should be physically separated. As it has been mentioned, despite this paragraph contained in the Act and that the structures for men and women are separated, the Secretariat finds some structures unsuitable due to its proximity. For instance, it has been reported a shelter in which men and women are in separated floors, but in the same building.

and to account to the central government and who should control that municipalities are providing services properly. But given the lack of specificity of the Act on that regard, it is difficult to assess whether high-quality services are provided³²¹.

In addition to the municipalities' obligation to provide emergency services for victims of domestic violence, the Norwegian Government is committed in the fight against violence by setting up the Children's Houses (Barnehus in Norwegian). The Children's House is a support services for children victims of sexual abuse and domestic violence. In the good practices' section the Children's House is widely described, as it is one of the good practices identified. See table No. 39.

As a complement to the Crisis centres, there are other two types of services that deal with domestic violence.

The Family Counselling services are free, low-threshold centres for families. They provide advice, guidance, counselling and mediation services to families in conflict. Hence, it is not uncommon for these centres to detect cases of domestic violence, especially if it is taken into account that one of its functions is to facilitate statutory mediation in cases of legal separation³²². These centers also deal with children exposed to violence and facilitate treatment programmes for perpetrators. There are 64 Family Counseling centres in Norway. Approximately two thirds of the centres are managed by the National Directorate for Children, Youth and Family (Bufdir)³²³. The remaining third are run by religious foundations through agreements with the central authorities.

Incest, sexual abuse and rape centres are support services for adult victims of rape, incest and / or sexual abuse in childhood, as well as for relatives of children at risk of sexual abuse. Some of these centres also provide support to victims of domestic violence. They provide support, advice, guidance, and especially self-help

³²¹ In order to address this shortcoming, the Action plan in force states that the Ministry of Children, Equality and Social Inclusion will develop guidelines on the extent and number of services provided in all Emergency Centres for all municipalities (measure No. 15, to be implemented in 2014-2015). The action plan also includes a measure to conduct an evaluation (as No. 14) to assess the degree of compliance with the Emergency Centres Act and the implementation thereof by the municipalities. The evaluation will assess the use of resources, and how to determine the quality of services provided. This assessment will form the basis for further development of these services.

³²² In Norway, legislation establishes that in a separation process, couples with children under 16 years must go through a mediation to reach an agreement on the care of children before going to court. Also, families who live apart and one of the parents wants to initiate legal action regarding custody of their children should also undergo this mediation process.

³²³ Bufdir is the central office within the Ministry of Children, Equality and Social Inclusion responsible for the welfare and protection of children, adolescents and families. For more information about their functions see: http://www.bufdir.no/en/English_start_page/

groups on which relies much of its work. These centers are run by NGO's that receive funding³²⁴ from the Ministry of Children, Equality and Social Inclusion through Bufdir.

Another social assistance service is the "Alarmtelefonen", a helpline for children and young people who have been exposed to violence, abuse or neglect by their parents / caregivers. Child victims of forced marriage and female genital mutilation can also seek help through this helpline. The service is free and operates on weekdays from 15:00 to 8:00 of the next day. Saturdays and Sundays operate 24 hours. The Ministry of Children, Equality and Social Inclusion is responsible for this service.

The Norwegian Government implements various activities towards the **education and prevention** of domestic violence.

One key action in this area is the creation in 2003 of the Norwegian Centre for Studies on Violence and Traumatic Stress (Nasjonalt Kunnskapssenter om Vold og Traumatisk Stress-NKVTS is the Norwegian acronym). NKVTS activities include research, development, training, dissemination and monitoring public services about the topics of violence and trauma, more specifically on the issue of violence, sexual abuse, refugees and asylum seekers, disasters and other traumatic events. The center has a unit specialized in violence, family violence and sexual abuse. The center carries out extensive research on the topic, as well as training programmes for specific groups of professionals working in public services. The creation of NKVTS was jointly supported by the Ministry of Children, Equality and Social Inclusion, the Ministry of Health and Care Services, the Ministry of Justice and Public Security, the Ministry of Defence and the Ministry of Employment. These bodies are as well the main funders of NKVTS. The center cooperates with various relevant bodies within its scope, and specially with the Regional Centers for Violence.

Following up with the path initiated by NKVTS to improve and develop professional skills, five Regional Resource Center on Violence, Traumatic Stress and Suicide Prevention (Regionalt ressurscenter om vold, traumatisk stress og selvmordsforebygging-RVTS is the acronym in Norwegian) were created in 2007. RVTS provides information, training, guidance, consultation and generation of knowledge for the specialisation of professionals and municipal services, as well as networking between government agencies. On the topic of domestic violence, they

³²⁴ The Ministry provides 80% of the funding. The remaining 20% is provided by municipal, county or regional health authorities. Information available at: <http://fmso.no/english/>

have developed a guide for drafting –municipal and intermunicipal- domestic violence action plans. RVTs also provide advice to municipalities during the preparation process of such plans.

Treatment programmes for perpetrators are another essential component of the Norwegian strategy to prevent domestic violence. There are several treatment programmes available for offenders:

- Alternative to Violence Foundation treatment programme (proposed as a good practice. See table No. 36).
- Brøset Competence Centre's Anger programme.
- Reform Resource Centre for Men Anger programme.
- Family Counselling Services treatment programme.

Some other preventive measures carried out within the education and prevention area are training and disseminating information activities. Such measures aim to train different target groups for the prevention and early detection of violence. An example of such measures is the Parent's School, an education and prevention programme for parents and guardians. Its purpose is to improve parents-children relationships by providing tools and guidelines for non-violent upbringing to parents. Another example is the training programme for adoptive families where topics such as violence and trauma are specifically addressed.

One of the measures to be highlighted in the field of **healthcare**, that Norway has been implementing for many years now, are the Reception Abuse centers (in Norwegian, Overgrepsmottak) which provide emergency medical care in cases of sexual abuse and violence. These centres are fully described in the good practices section, as is one of the good practices identified and proposed to be transferred. See table No. 37.

Another initiative that on a continuous basis has been implemented in Norway is the Programme for the prevention and early detection of mental health issues, drug abuse and violence. One of the programme's goals is to prevent and early detect violence through the health care provided by midwives to pregnant women and families with new-born's. In order to be able to detect and address violence during their meetings with mothers and fathers, midwives receive training on domestic violence with a special emphasis on early detection.

The actions currently implemented in the area of **employment** are related to issues of harassment and sexual harassment in the workplace. No specific actions for women victims of domestic violence within the labour field have been identified during the bibliography review and the fieldwork process. The sole exception is measure No. 16 of the current action plan, which envisages to assess “the extent to which local labour and welfare offices are engaged in domestic violence cases and how they deal with them”. This evaluation will serve to develop the role of these services in such cases.

SPAIN

In Spain, the Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence (here onwards Act 1/2004, Organic Act or Act) provides the legal framework for a coordinated and comprehensive response of the institutions. It also describes VAW as a result of gender discrimination. While it is true that in the Act, VAW is defined as the last expression of gender-based discrimination, in line with the recommendations of the CEDAW Committee³²⁵, hence it incorporates a gender perspective, it is also true that the law focuses in a very specific form of VAW: intimate-partner violence (IPV).

The two institutional mechanisms responsible for the promotion of public policies, interagency coordination, monitoring and evaluation of the situation of gender-based violence are: the Government Delegation on Gender-based Violence and the National Observatory on Violence against Women both created under the Organic Act 1/2004.

Article 29 of the Organic Act 1/2004 defines the Government Delegation on Gender-based Violence as the institutional mechanism responsible for policy-making on GBV matters, and for coordinating and promoting all actions to be taken in the fight against GBV. According to these responsibilities³²⁶, the Delegation plays a vital role to ensure that the measures contained in the Act are applied across-the-board, and in accordance with the principles of coordinated and comprehensive response throughout the State. Thus, the Delegation maintains an important activity to promote coordination and collaboration among the various relevant actors in the

³²⁵ General Recommendation No. 19, CEDAW’s Committee.

³²⁶ Royal Decree 200/2012 of 23 January, which develops the basic organizational structure of the Ministry of Health, Social Services and Equality and amends Royal Decree 1887/2011 of 30 December developing the basic organizational structure of ministerial departments, describes the functions and powers assigned to the Special Government Delegation on Gender-based Violence .

field and at all levels of government (local, regional and national) by developing action plans and protocols, launching information and awareness campaigns in collaboration with other organizations and promoting specialization training and capacity building of professionals. By undertaking relevant research activities on GBV as well as creating and updating an information data system on VAW that collects information from all public institutions with responsibilities on the issue, the Delegation plays also an important role in making GBV visible.

Likewise, under Article 30 of Law 1/2004, the State Observatory on Violence against Women is created as a collegiate body attached to the former Ministry of Employment and Social Affairs, and currently the Ministry of Health, Social Services and Equality. Some of the Observatory' functions³²⁷ to be highlighted are to: provide advice on the GBV topic to the competent authorities; assess the impact of GBV public policies towards its eradication; collect information about all the activities implemented within the State for the prevention, detection and eradication of violence; promote institutional cooperation; conduct studies and produce reports on the subject which will (at least) comprise annual reports on the evolution of the matter, to be forwarded to the Government and the autonomous communities; and make proposals for action on GBV in different areas.

Spain's strategy to combat GBV is marked by the Organic Act, and based on its provisions the national, regional and local authorities implement a wide range of measures against GBV according to their powers. The type of actions provided for by law encompasses measures of prevention, detection, care, protection and punishment.

Throughout different articles, the Act emphasizes the need for inter-institutional cooperation to ensure comprehensive response to victims. To this end, the Act includes measures such as the creation of the Delegation or as section 32.1 stating the obligation of public authorities to develop collaboration plans in which the health, justice, security and social services authorities, as well as equality bodies should be involved. This has led to a tight network of coordination mechanisms at all levels of government, as well as to develop numerous coordination plans and protocols widely used by different sectors engaged in the fight against GBV.

It must be noted that for women to be fully entitled under the Organic Act, they must achieve the "status of integral protection" of victims of gender-based violence.

³²⁷ For more information regarding the Observatory's functions, see Royal Decree 253/2006 of 3 March, establishing the functions, operation scheme and composition of the State Observatory on Violence against Women, and amends the Royal Decree 1600/2004 of 2 July, which develops the basic organizational structure of the Ministry of Employment and Social Affairs.

Such status is attained not only by a court rule on the culpability of the perpetrator but by means of being granted with a Protection Order³²⁸ (hereinafter PO), and constitutes the enabling document to access all social assistance measures provided in the Act³²⁹.

As it has been mentioned, the PO is a judicial decision adopting precautionary measures of penal and civil nature³³⁰, while grants access to all measures for social assistance³³¹ provided in the legislation. Precautionary measures of penal nature will be in force during the entire court proceeding, although the law provides that they could be maintained beyond the issuing of a final judgment, so that safety measures are in place once the judicial process is completed. By contrast, precautionary measures of civil nature remain in place for 30 days from the date of the adoption of the PO. Within that period the victim has to initiate a family court process before the competent courts. In that case, the civil orders will be in force until the family process is finalised. Breaching any of these measures is considered a crime punishable by imprisonment.

A PO may be requested by the victim herself or by third parties³³², where a GBV crime have come to their knowledge. To ensure that the victim is well protected, once a PO has been applied for, the hearing shall be held within a period of 72 hours, and the adopted PO (if any) will be registered in the Central Registry for the protection of victims of domestic violence. The defendant, the aggrieved, the public prosecutor, the police body entitled (considering its geographical location) and the PO coordination units of the autonomous region in which the PO application has been lodged will be notified that a PO has been issued³³³.

No obstante, hay toda una serie de derechos como el derecho a la información, la asistencia social integral, entre otros, que se reconocen a las mujeres sin necesidad de contar con una OP.

³²⁸ Act 27/2003 of 31 July on the Protection Orders for victims of domestic violence.

³²⁹ Integrated social care services are mainly provided by the Autonomous Communities and municipalities. Although the PO is a requirement to achieved the legal status of victim, when accessing these services it is not required that a complaint has been made or to have a PO in force. In such cases, the requirements to access social care services is to provide a professional assessment that gender-based violence has occurred and to separate from perpetrators.

³³⁰ For a detailed account of the type of measures that a JVM can adopt, see Articles 61-69 of the Organic Act 1/2004.

³³¹ PO's reception in the PO's Coordination Unit (detailed down below) of the corresponding Autonomous Community, triggers all integrated social assistance measures provided in the Act.

³³² Third parties such as relatives, friends, the Public Prosecutor's Office, professionals working in welfare organizations, etc. A PO can also be adopted ex officio by a magistrate.

³³³ Further information regarding PO's Coordination Units is provided in the paragraphs on social assistance.

However there are some rights (among others) such as the right to information, the right to full social assistance, to which women are entitled with no need a PO to be previously granted.

In the field **of justice**, one of the key actions of the Spanish Government to fight against GBV is the establishment of specialized courts in each judicial district, the so called Courts of Violence against Women (Juzgados de Violencia sobre la Mujer, hereinafter JVM in its Spanish acronym). The JVMs are competent to rule out on criminal and civil law matters related to a crime of gender-based violence. The way in which JVM operate is described in the good practices section, as it has been identified as a good practice. See table No. 42.

Another new feature introduced by the Organic Act is the creation of the figure of the Public Prosecutor against Violence on Women. Some of the Public Prosecutor's functions to be highlighted are: to appear in criminal court proceedings of special significance concerning GBV crimes, supervise and coordinate the Prosecutor's Offices against Violence on Women, as well as the coordination of action guidelines between all prosecutors. Also, it has created a section on Violence Against Women in each Prosecutor's Office of the Regional High Courts and County Courts. To these Offices prosecutors with expertise in the field are assigned. Prosecutors' functions are to appear in criminal proceedings related crimes within the jurisdiction of the JVM, as well as intervening in civil processes related to cases of alleged abuse of children and/or women.

Similarly the Act guarantees access to free and specialized legal assistance (Art. 20.1) for all victims of GBV, which includes legal advice and representation by a lawyer and a solicitor in all court proceedings related to the violence experienced. According to the terms established by Royal Decree-Law 3/2013 of 22 February Spanish legislation grants the right to free legal assistance to victims of intimate partner violence and trafficking for sexual purposes, as well as to the successors in title in case of death of the victim. Thus, it should be noted that article 20 of the Organic Act 1/2004 on Comprehensive Protection Measures against Gender-based Violence, of 28 December, enables that victims of intimate partner violence and trafficking and their successors in title, irrespective of the availability of resources to litigate, are entitled to free legal assistance, which are provided immediately in those processes linked to, arisen from or as a result of their status as victims.

The Act establishes the obligation from the Bar Associations to take all necessary measures to designate in a due and timely manner to legal aid lawyers, according to the urgency that gender-based violence court cases require. This has resulted in

the creation by the different Bar Associations of a pool of duty lawyers specialised in GBV. To become a duty lawyer on GBV, professionals must attend training on the topic.

Another initiative undertaken in the field of justice is the creation of Integral Forensic Assessment Units on GBV, as well as forensic and psychosocial teams within JVMs. The Assessment Units have been introduced in almost all regions and are formed by a coroner, a psychologist and a social worker. The functions of the Assessment Units are to assess and provide immediate care to the victim, measure the impact of violence on exposed children, conduct a valuation of the offender, and to gather and provide forensic evidence.

The Organic Act includes a provision regarding the judge ruling on the use of monitoring electronic devices (art. 64.3) to monitor and verify the compliance with the protection measures.

A telematic monitoring system (in Spanish, "Sistema de seguimiento por Medios Telemáticos de las Medidas de Alejamiento en materia de violencia de género") for tracking GBV restraining orders has been set up to facilitate the use of electronic monitoring devices for perpetrators. The systems' goal is threefold: to ensure the right of victims to physical safety, to record any possible breaches of the PO's and to deter perpetrators from breaching their PO's. In order to regulate its functioning, an action protocol was drafted (in Spanish, "Protocolo de actuación del sistema de seguimiento por medios telemáticos del cumplimiento de las medidas y penas de alejamiento en materia de violencia de género") and approved by the Ministries and agencies with responsibilities in relation to the protection and security of the victims of GBV. COMETA is the control centre responsible for installing, operating and monitoring the electronic devices. It operates all-year round, 24-hours.

A common protocol dating from the 11 of October of 2011 involving, courts, public prosecutors, and police forces drives the intervention of all the institutions involved.

In the field of **security**, in addition to protection orders, which are deemed as vital protective measures in the fight against GBV, Spain has adopted a number of legal provisions and actions to protect victims hereunder detailed.

Within the law enforcement bodies, units specialised in GBV have been set up. More specifically, the Civil Guard has created the Woman-Child Team (Equipo Mujer-Menor, EMUME) and the National Police force has established Units for prevention, assistance and protection against violence against women (Unidades de Prevención,

Asistencia y Protección contra los Malos Tratos a la Mujer, UPAP). Likewise, many local police bodies have created specialised units to deal with cases of GBV.

The Act further provides for the obligation of the public authorities (art. 32.1) to draw up cooperation plans to ensure assistance to victims and prosecution of acts of gender-based violence. The health, justice, security and social services authorities, as well as equality bodies must be involved in such cooperation plans. To comply with this article, the central government has developed numerous guidelines and coordination protocols between different agencies with responsibility for security and protection. At the same time, some regions have developed protocols, guidelines and security plans for victims, with the same purpose.

The creation of the so-called Integrated Monitoring System for Gender-Based Violence (VIOGEN onwards), a web application launched from the Ministry of Interior in 2007, is one of the key actions on security and protection within the Spanish territory. The application integrates all the information and resources to assist victims of gender-based violence, in addition to assess the level of risk. For more information see the section on good practices, table No. 44.

Another measure to ensure women's protection, is the mobile violence alarm called Telephone service for the assistance and protection of victims of gender-based violence (in Spanish, Servicio Telefónico de Atención y Protección para víctimas de la violencia de género, known as ATENPRO). The service is based on the use of mobile and GPS technology.

Among the main key actions in the field of **social assistance** implemented in the Spanish territory, and in accordance with the international recommendations, the Government has enabled a free of charge national helpline for victims of gender-based violence: 016³³⁴. It operates all year-round, 24-hours, and provides information in multiple languages.

Likewise, all the Autonomous Communities have telephone information services, all coordinated with the national 016 helpline providing similar service to the 016 national helpline, but generally focusing on specific information from each autonomous region.

All the Autonomous Communities have established at the provincial and municipal level free information and legal advice services, that in general terms, provide information about the measures contained in the Organic Act (such as protection

³³⁴ Service provided by the Ministry of Health, Social Services and Equality, through the Special Government Delegation on Gender-based Violence.

and security measures, rights and aid provided, as well as emergency, information and recovery services available for women victims of gender-based violence).

Further, the Autonomous Communities have established a network of information and integrated care centres, run by specialised multi-disciplinary teams. According to the Organic Act, integrated care services (among which day-care centres as well as residential services -described below- are comprised) shall include: information to victims, psychological and social assistance, following up complaints about women's rights, educational support to the family unit, raising awareness on equality, promoting non-violent conflict resolution skills, support to employment training and labour insertion. To facilitate these services, in general, multidisciplinary teams are integrated by lawyers³³⁵, psychologists, social workers and sometimes, "social educators" (a professional figure in Spain, similar to a support worker but whose professional role is focused in educating on life-skills and mediating). Access to day-care service centres is by self-referral and it is not required to have made a formal complaint nor to have applied for a PO. Indeed, day-care centres were conceived to provide support throughout the whole process, specially prior to submit any formal complaint regarding GBV, but also during and after, if needed. Hence, a substantial part of the day-care centres' work is previous to any complaint and is focused in supporting women who have started to become aware of their experiences of GBV. Currently there are 756³³⁶ day-care centres spread throughout all Spain.

For a full integrated care for victims of GBV, besides the above mentioned "day-care centres", the Autonomous Communities and municipalities provide accommodation services for women (and their children) victims of GBV. Short, medium and long term accommodation services are available. In addition to the integrated care services listed above, the emergency centres (or shelters, similar to the Norwegian crisis centres) provide emergency accommodation (usually up to 3 months) for women and their children. Currently around 53³³⁷ emergency centres are operating (there is no updated information from some Autonomous Communities).

³³⁵ Due to the special nature of the work with victims of GBV, in general professionals working in the specialized services are female.

³³⁶ Government Delegation on Gender-based Violence, *Report of activities of the Autonomous Communities in accordance with the Organic Law 1/2004 of 28 December on Integrated Protection Measures against Gender-based Violence* (April, 2015). In some Autonomous Communities these centres are not newly created, but services are provided through primary social services specialised in GBV.

³³⁷ *Ibidem*

Medium-term shelters and supervised flats are medium, long-term accommodation facilities (up to a maximum of one year and a half in most residential services) for those women and their children that may require further support after the crisis situation. Both types of centres are described in more detail in the good practices section. See tables No. 40 and 41.

Needs to be highlighted that the Organic Act (Article 19.4) states that all integrated assistance services "will act in coordination with each other and in collaboration with the Police, Violence against Women Judges, the health services and the institutions responsible for providing victims with legal counsel, in the corresponding geographical zone". To comply with this article, numerous interagency coordination mechanisms at national, regional and local level have been created. A good example of coordination mechanism is the PO's coordination units already mentioned in the justice section while describing PO's. Each Autonomous Community designates a coordination unit or focal point to which the Courts' Secretaries will communicate all protection orders ruled out. Upon reception of the PO's, the coordination units will bring together all relevant stakeholders to provide protection and integrated social assistance to victims of GBV. So, it is the PO's coordination unit duty to contact the police so that they can protect the women, to refer her to the emergency centre, schooling children if necessary, etc. Similar mechanisms exist at the local level, by which all relevant actors in the fight against GBV (police, medical personnel, teachers, social services staff, etc.) meet regularly, usually on a monthly basis, to follow up individual cases and to coordinate the response provided. Although such coordination mechanisms cannot be considered as social assistance actions, it has been included on this section, as the provision of such services and the comprehensive response that the Act aims to provide would not be possible without such mechanisms.

In this realm ATENPRO Telephone service for care and protection of victims of gender-based violence has to be pointed out. This mobile telephone service is designed to provide care and improve protection for those victims of GV who are involved in a recovery programme. Once contact is established, the technological infrastructure pulls up all relevant information of the victim as well as her geographical location to the professional of the care centre on the screen of her computer in order to provide the appropriate support for the GV victim.

The Organic Act also recognizes economic rights (Art. 27) for victims of GBV, that due to "her age, lack of general or specialist skills and social circumstances will make it particularly hard for her to find temporarily employment", hence she will

not participate in the Employment programme provided by the Act (such programme is explained down below).

Article 28, under the same chapter of economic rights, provides that victims of GBV will have priority access to public housing and public residences for the elderly. Each Autonomous Community has its own legislation and models of public housing, so that measures in this area vary from one Autonomous Region to another. However, some of the most common measures are: prioritizing allocation of subsidized public housing to victims of GBV, to establish quotas of public houses for this population group, setting more relaxed requirements to access public housing or giving grants for renting or purchasing a house.

Regarding the **education and prevention** area, the Organic Act contains several measures on sensitization, prevention and early detection, specifying particular measures for education, health, advertising, and advertising and the media.

The Act states that the Government is responsible to launch a National Sensitization and Prevention Plan regarding GBV, with its corresponding budgetary allocation. The Act also specifies a number of elements that the plan should take into account, among which stands out the obligation to develop a comprehensive supplementary training and recycling programme for the professionals dealing with situations of GBV or to promote information and awareness campaigns to prevent GBV.

The National Strategy for the Eradication of Violence against Women (2013-2016) currently in force, is the II National Prevention Plan, after completion of the I National Plan for the Sensitization and Prevention in Gender Violence (2007-2008). Both plans include training and raising awareness activities to improve personal and professional skills of the different operators (justice, health, safety, social services and education), measure to make visible and raise awareness against GBV (e.g., to develop educational materials, to review curricular contents and textbooks in order to include information on gender-based violence and equality, etc.) and coordination measures (drafting coordination protocols and guidelines, unifying action guidelines and criteria, etc.).

Likewise, all Autonomous Communities³³⁸, plus Ceuta and Melilla, have developed plans or protocols to prevent gender-based violence, either at the primary, secondary or tertiary level. For this purpose, the Autonomous Communities have adopted a wide array of preventive measures such as implementing coordination

³³⁸ For more information on prevention protocols and tools see the periodic reports of activities of the Autonomous Communities compiled by the Delegation on Gender-based Violence: <http://www.msssi.gob.es/ssi/violenciaGenero/Documentacion/seguimientoEvaluacion/home.htm>

protocols to improve protection for women, developing awareness-raising and training plans, assuming screening protocols, and so on.

With regard to prevention in education, the Act establishes a range of principles and values for the education system to be integrated as part of its educational goals, such as respect for fundamental rights and freedoms, equality between men and women, the exercise of tolerance and freedom, as well as prevention of violent conflicts and non-violent resolution of conflicts. Furthermore, it states that education authorities should take the necessary steps to provide basic and on-going training to all teachers on gender equality and GBV.

Accordingly, since 2007³³⁹ didactic materials and textbooks have been reviewed to include contents on gender equality within the education curriculum. Numerous training and awareness-raising activities for education personnel have been implemented as well, such as for example, developing a national program of minimum standards to train teachers, including contents on GBV and equality for teacher accreditation courses or offering training on GBV within the on-going training programme for teachers. Likewise, good practice guidelines for equal education and gender-neutral language in education, have been drafted at national level, and at regional level.

Another measure contemplated in the Act in the field of education is immediate school enrolment of those children having to relocate due to the GBV. This applies in cases where children and women must leave their family home to ensure their protection. The goal is that children can be schooled as soon as possible after changing their residence. Thus, the Autonomous Communities have taken all necessary steps, by developing protocols and institutional agreements, to ensure the immediate school enrolment and to establish fluent coordination with education institutions for monitoring these children.

In the field of advertising and media, the Act provides that the Government Delegation on Gender-based Violence, the Institute for Women's Affairs or equivalent regional bodies, the Public Prosecutor's Office and Women's organisations can judicially request the withdrawal of advertising material that uses the image of women in a degrading manner, and therefore considered illegal under the General Advertising Act 34/1988 of 11 November. The Women's Image

³³⁹ The final evaluation report of the first national prevention plan (in Spanish, "Informe de Evaluación del Plan Nacional de Sensibilización y Prevención de la Violencia de Género 2007-2008") prevention actions on education carried out during the period the National Plan was in force are detailed. Likewise, the above mentioned reports on the Autonomous Communities actions, describe preventive education measures implemented at the regional level.

Observatory (of the Institute for Women's Issues) functions are to collect complaints about sexist advertising materials and follows up on such complaints, to analyse sexist contents to obtain information on the current women's image treatment in advertising and the media, and to participate in training and awareness-raising activities to change the discriminatory treatment of information.

In the field of health the Organic Act establishes that health authorities shall promote and encourage awareness-raising programs and continuing education for health personnel in order to improve early diagnosis, care and rehabilitation of victims of GBV. It also provides for the inclusion of training contents in the curricula of university education. Finally, it states that the National Health Plans shall include a section on the prevention and treatment of cases of GBV.

Finally, the therapeutic treatment programmes for men convicted of GBV offences is the last action to be mentioned in the field of education and prevention. The Act instructs that prisons must perform specific programs for inmates sentenced for crimes of violence. It also provides for replacing imprisonment sentences by attendance to re-education and therapeutic treatment. Treatment programmes offered ongoingly are based on the Therapy Programme for Perpetrators Manual (in Spanish, Programa de Intervención para Agresores³⁴⁰-PRIA) and funded by the General Secretariat of Penitentiary Institutions.

In the field of **healthcare**, Article 16 of the Organic Act creates a Commission against Gender Violence within the Interterritorial Council of the National Health System. The purpose of this Commission is "to provide technical support and guidance in implementing the initiatives envisaged herein, to evaluate and put forward the necessary measures for the application of the health service protocol, and any other measures it deems of use in helping the health service eradicate this kind of violence". This Commission is explained in more detail in the section on good practices. See Table No. 38.

The Autonomous Communities, given the transfer of powers, also perform several actions in the healthcare area to improve early detection and health care for victims of GBV. The main workstreams of the Autonomous Communities are to develop joint action protocols and interagency coordination protocols, and providing training activities for medical personnel. The training actions for health staff have been

³⁴⁰The manual was drafted on the Prison Institutions' initiative, following a pilot project carried out between 2000 and 2001, to treat perpetrators sentenced to jail. The objectives of the PRIA are: to decrease the likelihood of future acts of GBV, to modify sexist attitudes and to develop behavioral patterns that respect gender equality.

promoted based on quality criteria set up by commission against Gender-based Violence within the Interterritorial Council of the National Health System.

The Autonomous Communities, given the transfer of powers, also execute several actions in the healthcare area to improve early detection and health care for victims of GBV. The main workstreams of the Autonomous Communities are to develop joint action protocols and interagency coordination protocols, and providing training activities for medical personnel. The training courses³⁴¹ for health staff have been designed based on the quality criteria set up by the Commission against Gender Violence of the Interterritorial Council of the National Health System.

In the area of **employment**, the Act recognizes a range of labour and social security rights (Art. 21 to 26) for employees, as well as free-lance workers and civil servants. The type of measures envisaged are intended to help employed women to preserve their jobs. In the case of unemployed women (either because they had to quit their jobs due to the GBV, or because due to different reasons, have special difficulties in finding a job), the measures are aimed at providing social benefits and recognize social security rights. The right to suspension of employment with their post reserved, tax benefits for companies hiring people to replace a worker victim of GBV, or the exemption to pay social security contributions for self-employed workers if they cease operations temporarily, illustrate the type of measures included in these articles.

Another important measure in the field of employment is the Social and Labour Insertion Programme for victims of GBV (also known as Employment Programme), which is detailed in the good practices' section. See table No. 45.

Finally, the Government Delegation on Gender-based Violence launched the "Companies' network for a society free of violence against women" initiative. This network aims to raise awareness on equality between men and women and promote the respect for fundamental rights for a society free of violence, and more specifically to promote the inclusion of women victims of GBV through a labour-insertion programme. As part of the awareness-raising strategy, companies design actions to communicate their commitment in the fight against GBV to its employees that could potentially be experiencing GBV.

³⁴¹ For more information on training activities, see annual reports drafted by the Commission: http://www.msssi.gob.es/organizacion/sns/planCalidadSNS/e02_t03_Comision.htm

ICELAND

Iceland, as Norway, does not have a specific law on domestic violence, choosing national action plans to articulate the strategy to combat GBV. Iceland has adopted national plans rather than specific laws, while the Penal Code has been amended on several occasions to strengthen the protection of victims of domestic violence.

In Iceland, the institution responsible for promoting public policies on gender violence is the Ministry of Welfare, former Ministry of Social Affairs. In October 18, 2005 the Government of Iceland approved the creation of a committee on measures to combat violence against women. This committee was entrusted the task of examining possible measures to combat violence against children, and preparing an action plan to combat domestic and sexual violence. This latter was a request made in 2005 by the Ministry of Social Affairs and the Ministry of Justice and Ecclesiastical Affairs.

On September 26, 2006 the first action plan against domestic violence entitled "Plan of Action to Combat Domestic and Sexual Violence" was approved. It expired in 2011. The plan was divided into two parts: a first part to combat domestic violence and sexual offences against children and a second part focused on women. The plan included measures for prevention, training, support to victims of sexual and domestic violence and therapy programmes for offenders. It was a very ambitious plan containing 50 measures to be implemented. Accordingly to the action plan, legal changes were made in various sections of the Criminal Code to increase the protection of victims of domestic violence.

Once the action plan expired, and after not having implemented many of the measures, largely due to the ambitious plan, the Icelandic government decided to open an evaluation process, based on which to propose new measures and launch the Second Action Plan for the period 2012-2018. The committee appointed to conduct the evaluation was also appointed to draw up the II Action Plan. In June 2012 the final report of the evaluation was submitted to the Government, but no action plan was handed over. It seems that the committee found that a new action plan would be too costly (Iceland, 2014).

In the **justice**³⁴² field Iceland has adopted sectorial measures for protecting victims, by introducing protection orders, and for punishing domestic violence offences.

La violencia doméstica está regulada en el Código Penal No. 19/1940 a lo largo de diversos artículos que regulan delitos de homicidio, lesiones, amenazas e insultos.

Domestic violence is regulated in the Penal Code No. 19/1940 along several articles criminalizing several offences such as homicide, injuries, threats and insults.

Chapter XXIII of the Criminal Code includes the articles on the offences of homicide, bodily harm and threats. In 2006, the Criminal Code was amended to include certain provisions on domestic violence in such a way that many of the offenses already comprised by the Criminal Code were more severely punished if this violence was exercised against partners or relatives.

As its been explained in the legislative analysis of the countries, the Icelandic legislation is gender neutral, although it is true that the action plan against domestic violence is specifically targeting women and children.

In addition to criminalizing domestic violence, one of the key actions in the justice area that Iceland has introduced are the protection orders. The Criminal Procedure Act, amended by Law No. 94/2000, comprises the possibility of imposing restraining orders when there is reason to believe that a person may commit a crime against another person or in any way disturb his/her peace. The protection order may entail a prohibition from entering specific places and/or areas and prohibition from following, visiting or contacting with the victim.

In 2011 the Icelandic parliament (Althingi) passed the Law 85/2011 to amend the Criminal Code allowing the eviction from the family home of the perpetrator as well as lodging a restraining order if there is a suspicion that further violence may occur. This measure is in line with the so-called "Austrian model" also adopted in Norway. The introduction of this provision aims to better protect victims of domestic violence.

The police may lodge restraining orders and / or eviction orders from the family home at the request of the victim or on its own initiative for a three days period, after which the protection order will be subject to the control of the court.

³⁴² Hay que recordar que el área de justicia es la única a analizar en este país, a diferencia de Noruega y España cuyo análisis se realiza en 6 áreas de actuación. Islandia ha implementado medidas en la lucha contra la violencia doméstica en más áreas además del de la justicia, pero debido a los términos de referencia del estudio, éstas no son detalladas en este informe.

Además, en el caso de que haya menores envueltos en violencia doméstica, la policía tiene la obligación de notificarlo a las instituciones de tutela del menor y los servicios sociales municipales.

Furthermore, in the event that children are involved in domestic violence incidents, the police have an obligation to notify it to the Child Protection Services and municipal social services.

To guarantee access of victims of domestic violence to justice, the law provides free legal advice. Thus, for victims of violent crimes or crimes against personal freedom and in which the victim has suffered significant injuries both physically and mentally, there is an obligation on the part of police to appoint a legal counsellor to defend the interests of victims. Although police is the institution responsible for prosecuting these violent crimes, as in Norway, in order to ensure that the interests of the victim are upheld, the State assigns a legal counsel that will assist the victim in the process of denunciation, police and judicial examinations, assistance in court, etc.

In order to protect victims of domestic violence during the judicial process, the law states that court hearings may be held in camera. The judge has discretion to decide at the request of the victim or of the applicant, celebrating the hearing closed to the public. In such an event, the defendant will not be entitled to be present while statement is taken to the victim or witness, if the judge considers that their presence may hinder, disturb or influence the witness.

Also, the judge shall make orders prohibiting to disclose any information regarding the hearings held in camera and prohibiting public disclosure of material information that may discomfort the victim, especially in cases of sexual abuse and domestic violence.

While Iceland has proper legal tools to punish domestic violence, there are a number of reasons to explain why such crimes are not prosecuted enough or the legal measures available are not used. One reason is the lack of support experienced by some victims which may lead to withdraw their complaint and often the police dropping the charges. Likewise, the lack of sensitization and training as well as inconsistencies when identifying and recording cases of domestic violence makes very difficult prosecuting such crimes.

To overcome such shortcomings it was created the pilot Project entitled "Keep an Open Window", that from February 1, 2013 has been implemented in the Suderness district, south of Iceland. Although the pilot project is not an initiative

led from the justice area, it is impacting on this field. According to Hron Johannsdottir (2013), the project emerged after detecting the above mentioned shortcomings when it comes to handling and investigating cases of domestic violence.

Thus, the project aims to prevent future cases of domestic violence and ensure that the cases that take place receive a quick process within the police and judicial system and the offender is prosecuted. To this end we have developed a plan of cooperation between police and social services, so that every time the police attend an incident of violence, the victim receive counseling, support and follow up.

On the other hand, police have made an effort to use legal tools at their disposal, making use of protection orders and eviction orders, while inconsistencies in recording cases of domestic violence were minimized. This has resulted in a significant increase in the number of criminal charges, so that between 2012 and 2013 there has been an increase of 15%.

3.2.2 Good practices identified by thematic area

The good practices (GGPP onwards) identified in the six thematic areas covered by the study (education and prevention, health sector, social welfare, justice, security and employment) are described hereafter. This does not apply to Iceland, where the study is limited to the field of justice.

The information is portrayed in tables to facilitate clarity. The format of the tables is as follows:

Table 2. Explanatory table. Content of the tables of good practices identified

NAME OF THE GGPP IDENTIFIED		COUNTRY IN WHICH IT IS BEING IMPLEMENTED
THEMATIC AREA		It refers to which of the six thematic areas included in the study, the good practice belongs. In case that more than one area is identified, the first thematic area it is considered the most relevant/appropriate
General information		
Institution responsible	It refers to agencies responsible for that particular GGPP. In some instances, may appear another textbox entitled <i>Other agencies involved</i> . Under this textbox have been listed those organizations participating/cooperating, but with no real decision-making	

	power/responsibility
Description	This section describes the GG.PP. in general, including the objectives, what group is targeted, what services / facilities provide, and access requirements.
Assessment criteria: contains a description of those elements of the GG.PP., that meet the definition of that particular assessment criterion. The four assessment criteria used are defined below	
Comprehensive response	Our action/policy approaches GBV as a complex problem that affects all facets of life (e.g. economic, social, psychological, legal), and therefore, requires a multi-sectorial, interdisciplinary and cross-institutional approach at all levels of intervention (prevention, early detection, support, sanction, and reparation).
Training and capacity building	All professionals working in GBV must have specialized training with a gender perspective that ensures an effective and efficient response in the fight against GBV.
Gender perspective	Our action/policy is grounded on a strong basis of gender analysis, comprehensive, clear and appropriate definitions of gender based violence (violence perpetrated by men against women), holds men accountable for the use of violence, and relies on the idea that GBV is a violation of human rights, and the result of structural inequalities rooted in the imbalance of power between men and women.
Victim's safety: women and children's safety	The design and implementation of all GBV actions must include women and children's safety (as well as any other dependent person) as a guiding principle.

Source: Compilation based on the results of the assessment criteria consultation

EDUCATION AND PREVENTION

Table 3. Good Practice 1: App Libres

APP LIBRES		SPAIN	
THEMATIC AREA(S)		EDUCATION AND PREVENTION	
General Informatino			
Institution responsible	Ministry of Health, Social Affairs and Equality		
Description	LIBRES (Free in English) is a mobile phone application. It has been		

	designed to provide confidential information to women who suffer or have suffered GBV and for people concerned about abuse situations affecting people around. Given the widespread use of Smartphones and young people's access to new technologies it is considered an easy way to spread to information, specially for this sector of population. The objectives of the application are: - To detect the first signs of violence - To provide information on existing GBV resources - To provide guidelines for self-protection (security plan) - Empowering women to break the silence and break the cycle of domestic violence From the main menu of the application it is possible to access the following sections: -First signs of abuse: this section provides information on the first signs of abuse to help women identify what is GBV so that they become aware of their situation. It includes a short quiz for women to be completed, which will help them to identify if are being abused. -What to do: the information offered in this section pretends to encourage women to ask for help. It also provides information to people who have identified a case of GBV, on how to support these women. Finally, provides tips on what to do if someone witness an act of GBV in public, encouraging people not to look the other way and report it. -You are not alone: provides information on existing resources. -Tools for self-protection: includes security measures to be put in place at home and on the street. -Testimonies: it offers the testimony of five GBV survivors escaping from violence and who have re-initiated a free and independent life. Direct dialling to 016, the 24- hours national helpline for GBV victims, is available in the main menu. The application can be downloaded for free.
Assessment criteria	
Comprehensive response	The application includes lots of information to provide the most comprehensive response possible for victims of GBV. It includes information to detect and prevent GBV, providing concrete examples of what is GBV or what preventive and protection measures to adopt if

	experiencing GBV. It also includes various audiovisual materials to encourage women to leave the abusive relationship. It also contains information on the rights and services available to victims of GBV so that women can access all services available (judiciary, police, social assistance services, emergency accommodation, etc.).
Traning and capacity building	Not applicable
Gender perspective	The information contained in the application provides clear and simple information to women about what is GBV, with concrete examples to easily identify if the woman is suffering violence. GBV is approached as a complex problem in which the only person responsible for the violence perpetrated is the aggressor, while identifying the difficulties in the decision making process of leaving the violent relationship and the ambivalence they may feel in leaving the person they “love”.
Victim’s safety: women and children’s safety	The application provides a battery of self-protection measures (security plan) to be undertaken at home and outside. Also refers to emergency numbers on numerous occasions, so that they can be contacted if immediate help is needed. Also, the application is designed in such a way that does not appear as such on the mobile screen, but as an icon of phone settings.

Source: Compilation based on the App “Libres” from the Ministry of Helath, Social Services and Equality

Table 4. Good Practice 2: Alternative to Violence

ALTERNATIVE TO VIOLENCE-TREATMENT PROGRAMME		NORWAY
THEMATIC AREA(S)		EDUCATION AND PREVENTION (tertiary) SOCIAL ASSISTANCE SECURITY AND PROTECTION
General information		
Institution responsible	Alternative to Violence Foundation (Alternativ til vold)	
Description	Alternative to Violence (ATV) was founded in Oslo in 1987. It was the first treatment service for men who use violence against their partners in Europe. It emerged as a response to the need for men to take responsibility for using violence against their partners and children in a social context of strong claims from women's organizations and the feminist	

	movement³⁴³. Treatment programmes for batterers are understood to be a strategy to prevent violence in future relationships. ATV was designed and organized as a voluntary (individual and/or group) therapy treatment. Consequently, more than half of their clients attend voluntarily³⁴⁴. ATV's mandate was, from the very beginning, to provide treatment for men who commit violence against women. However, nowadays ATV also works with women, children and young people³⁴⁵, while developing therapeutic programmes targeting specific/vulnerable population groups³⁴⁶. ATV's main objectives are: treatment, education and research. Hence, there are 3 workstreams or programmes: -Treatment and support: where treatment to perpetrators and victims of domestic and family violence is provided. Treatment can be both individual and group, according to the client needs and characteristics. -Research and Generation of knowledge: where research projects on the topic of violence are conducted and ATV's clinical treatment programmes are developed. -Training, Awareness-raising and coaching: provide training and awareness-raising activities to develop professional skills. They also coach/supervise professionals working in the field of domestic and
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³⁴³ Claims from women's organizations and the feminist movement, which included violence against women as one of the key aspects of their political agenda, provided the backdrop for ATV's emergence. Women's organizations took the initiative, founding from the 70's onwards, several shelters for victims of domestic violence. In the shelters, women were assisted to flee from violence and women's empowerment was promoted to prevent future violent relationships. However, no intervention with men was carried out to change their violent behavior. Thus, professionals with a gender/pro-feminist perspective, and aware of the dramatic consequences that violence has on women, children and men, postulated the need for men to take responsibility for their violent acts. As a result, the first treatment programmes for men committing violence appeared in the United States. Such treatment programmes, largely psycho-educational, intend to change perpetrator's violent behaviour by promoting learning new attitudes based on gender equality and respect to women's, to replace their patriarchal attitudes. ATV's model is inspired by the American treatment programmes, sharing both a pro-feminist approach, but its structure is largely psycho-therapeutic rather than psycho-educational (for more information on the differences between these two models, please see footnote No. 358).

³⁴⁴ According to ATV, around 60% of clients receiving therapy, attend voluntarily, contacting ATV by themselves. The remaining 40%, would not be considered as voluntary clients, as they do not initiate contact with ATV, but are referred by third parties (professionals in the fields of health or social services, relatives, partners, etc.). Within this percentage, would be included the cases referred to ATV by court orders. However, these cases represent only 1% of ATV's cases. Information provided by Marius Råkil. Personal communication, May 21, 2015.

³⁴⁵ ATV has broadened its scope to other groups, for various reasons. One of them is the fact that to combat "violent behaviour effectively, those working with the men need first-hand knowledge on how men's violence affects their partners and children". (Råkil, 2006: 194).

³⁴⁶ ATV has developed treatment programs for young people with violent behavior, men convicted of violent crimes, ethnic minority groups, people with substance abuse or child witnesses of domestic violence, to name a few.

	family violence. ATV's treatment programme is based on a psychotherapeutic³⁴⁷ model structured in four phases. Each phase is focused in a particular aspect: - 1. Focus on violence: the goal to achieve is that perpetrators recognize the violence exerted. The therapist helps the patient to produce a detailed account of the violence inflicted (what happened, where, how and against whom), as behavioural changes cannot happen unless violence is recognized as a problem. - 2. Focus on personal responsibility: the goal is to show that violent behaviour is a choice among many other options. The perpetrator has to become aware that he is the only person responsible for that behaviour, and therefore, only he can change it. Therapy at this stage tries to evidence and replace cognitive distortions such as denial, minimizing the violence used, or blaming victims. - 3. Focus on violence-related background factors: highlights the possible connection between the personal's history and past life experiences, and the current use of violence. Issues such as the perception of masculinity or intimacy, their childhood experiences, their coping strategies, his socialization process or attitudes towards men and women are analyzed and connected with the use of violence. - 4. Focus on the dangerous and harmful consequences of violence: it is key that perpetrators recognize the negative consequences of violence and the pain caused on their partners and their children. Once he has learned that the only responsible for his violent behaviour is himself, and that his behaviour can be partly explained by his attitudes and perceptions, the aggressor can be able to empathize with his victims. ATV is present in 10 norwegian cities and has also opened centres in Åland (autonomous region of Finland), Iceland, Demark and Sweden.
Assessment criteria	
Comprehensive response	Despite the fact that ATV's model is very focused on (individual) therapy, where a multisectorial and interdisciplinary approach hardly ever is applicable, it is still considered a comprehensive treatment programme, as it deals with the phenomenon of violence holistically, working on several layers or levels (at cognitive level, behavioural level, etc.). Treatment focuses not just on changing behaviors, but

³⁴⁷ The psychotherapeutic model used by ATV combines the gender or pro-feminist approach with psychological factors that may explain the violent behavior, so that violence is understood, not only as the result of unequal power relations between men and women, but as the expression of male problems and psychological difficulties. While, treatments from the American tradition, apply a psycho-educational approach that seeks to replace men's patriarchal attitudes that cause their violent behavior by others based on gender equality.

	strives to make men assume their responsibility and make them aware of the consequences violence has on their lives at all levels, and specially, on their victims. One aspect that ATV specifically addresses during the treatment process, is their role as parents and how violence impacts on their children. Furthermore, to gain an in-depth understanding of the client's situation, particularly regarding the extent and severity of violence and potential difficulties associated with therapy, therapists always conduct an structured assessment interview prior to any therapy session³⁴⁸. Based on this initial assessment, intervention programmes are tailored to the needs of the clients, taking into account and adjusting the therapy to other issues that may impact on the treatment, such as substance abuse or mental health problems. If the initial assessment is that the problems associated are severe, the therapist will refer the client for treatment to specialized mental health or detoxification services. In that way, clients can reach the emotional stability required for a complex therapeutic process, as it is the case of perpetrator treatments. ATV's professionals are in contact with these institutions, so clients can be re-referred to ATV once they're stable. Moreover, ATV maintains regular contact with referring services and institutions for follow-up, and works coordinately with institutions such as Child Protection Services or the police, in cases that require their involvement. Finally, ATV provides treatment to victims of domestic violence (both women and children), so the fact of knowing first-hand how violence affects victims, has facilitated a global overview of the phenomenon³⁴⁹.
Traning and capacity building	All staff working in ATV has relevant degree and a solid specialized training³⁵⁰ in psychological therapy³⁵¹. On the other hand, one of the basic requirements for recruitment is that the candidate has a real interest in working in domestic violence, and it is desirable to have previous experience. However, to ensure an adequate level of training, all ATV's professionals have to undergo a internal training programme consisting of 7 modules. The training programme addresses the following topics: the history of the Western world in terms of therapy treatments for aggressors and victims; gender mainstreaming;

³⁴⁸ Information provided by Marius Råkil. Personal communication, May 21, 2015.

³⁴⁹ <http://atv-stiftelsen.no/engelsk>

³⁵⁰ All the information in regard to training and capacity building was facilitated by Marius Råkil. Personal communications, February 25, 2014 and May 21, 2015.

³⁵¹ In Norway, to provide psychological therapy, it is required a masters degree in psychological therapy, but it can be accessed from several social sciences disciplines. A bachelor degree in Psychology is not necessary, as it is the case in Spain.

	guidelines for working with offenders, victims as well as with young/adolescent people; guidelines for the protection of the victim and how to address the trauma; guidelines for working with ethnic minorities, and children and young people exposed to violence; and content on the methodology of the "Circle of Safety" (explained below). In addition to treatment, ATV activities include generation of knowledge, through producing studies and research on domestic and family violence, and training for professionals, as already mentioned. For developing both tasks, ATV relies on its years of experience working with perpetrators and victims of violence, which has resulted in highly-trained and specialised team on the issue of domestic violence. To ensure this high level of training and that the knowledge generated will improve ATV's professional practice, the organization holds monthly meetings with staff from all its offices for the exchange of experiences and training.
Gender perspective	ATV combina explicaciones psicológicas con el enfoque de género para explicar la violencia (Råkil, 2010; Isdal & Råkil 2008) reconociendo expresamente tener una ideología "pro-feminista". De acuerdo a esta visión, define la violencia como un problema complejo que constituye una violación de derechos humanos, un problema de desigualdad entre hombres y mujeres en el que la violencia está relacionada con el dominio y el ejercicio de poder masculino, así como la expresión de problemas y dificultades psicológicas masculinas. ATV combines psychological explanations with a pro-feminist/gender perspective to explain GBV (Råkil, 2010: 7; Isdal, 2008: 9; Lorentzen, 2007: 5). Accordingly, ATV defines violence as a complex problem, as a violation of human rights, and as a problem of inequality between men and women in which violence is related to use of male power and domination, and as the expression of male problems and psychological difficulties. The treatment programme applies a gender approach by defining violence in terms of inequality and abuse of power as well as working with perpetrators aspects such as their perception of masculinity and femininity, their attitudes towards men and women or proposing them new models of masculinity.
Victim's safety: women and children's safety	Despite the fact that treatment for male perpetrators is ATV's core activity, victim's safety, both women and children, is paramount. Nonetheless, its ultimate goal is to protect victims by ensuring that no future violence will occur, as a rehabilitated offender will not use

	violence against anyone else. One of strategies used by ATV to protect victims, is to have a meeting with the perpetrator's partner³⁵², as a prerequisite before starting any treatment programme. At this meeting, risk is assessed, jointly with the victim, so that protection measures can be put in place. Similarly, throughout all the therapy process, therapists will communicate to women any change that may potentially impact on her safety and on her children's safety. Another strategy used by ATV, is to work with offenders all aspect related with their role as parents who use violence. Therapists provide guidelines for positive parenting based on the "Circle of Security" model³⁵³. According to this model, perpetrators are made aware of their children's unmet needs and how it affects them the violence exerted, both in the short and long term. The model works to educate men to know what are their children's basic needs, according to their evolutionary development, and to understand how using violence prevents them from meeting their basic needs.
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Source: Compilation based on information from Alternative to Violence Foundation.

HEALTH CARE

Table 5. Good Practice 3: Sexual Assault Centres. Overgrepsmottak

SEXUAL ASSAULT CENTRES ³⁵⁴		NORWAY
THEMATIC AREA(S)		HEALTHCARE JUSTICE SECURITY
General information		
Institution responsible	Municipalities	
Description	The Sexual Assault Center (hereinafter SACs) are multidisciplinary ³⁵⁵ emergency services targeted to adult victims of sexual and domestic	

³⁵² Needs to be reminded that ATV's treatment was designed as a voluntary therapy programme. In many cases, men's motivation to receive therapy, is precisely to save their relationships, that is to say that they are not separated from their partners while attending ATV.

³⁵³ The "Circle of Security" intervention programme is a model developed in the United States and imported by ATV. It is "a relationship based early intervention program designed to enhance attachment security between parents and children" <http://circleofsecurity.net/>. Last visit, 04/22/15.

³⁵⁴ In Norwegian: Overgrepsmottak. Also known as Reception Centres for Abuse Victims.

	violence. Its aim is to reduce health problems (in the short and long term) associated with sexual abuse and assault. These units are located in municipal clinics or emergency services³⁵⁶(which may be municipal or intermunicipal) and hospitals (usually assigned to the department of gynaecology³⁵⁷). The first center of its kind was opened in 1986 in Oslo, followed by Trondheim in 1989. Currently there are 22 centres, one in each province³⁵⁸. SACs are free of charge, self-referral services, that is to say, no prior referral from any other service is required, neither to have lodged a complaint. The services³⁵⁹ offered are: - Health Care: including medical examination for the diagnosis and treatment of injuries, detection and treatment of acute psychological disorders that can trigger traumatic experiences, as well as detection and prevention of sexually transmitted diseases. - Forensic examinations and evidence collection for possible future prosecution processes. - Psycho-social support and follow-up: in the acute phase and after the immediate crisis. Usually women are followed-up up to three months,
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³⁵⁵ The SACs model was imported from the United States, where the first centre of its kind appeared in the early 70s. The SACs appeared to improve the health care provided to victims of sexual violence. As Hagemann (2010) explains, until the creation of the SACs, victims had to pilgrimage from one service to another in different locations to receive proper assistance and health care. Usually, forensic examinations were conducted at the police office, but the victim did not necessarily receive health care and psycho-social support at that stage, having to seek help from other services, as already mentioned.

³⁵⁶ According to a study conducted by Northlands Forskning (2012), about two-thirds of the SACs are located in municipal emergency services, and one third in hospitals.

³⁵⁷ Sandbaek, M., Bakketeig, E., Einarsson, H. (2008). "Norwegian national and local policies on prevention of violence against children", NOVA.

³⁵⁸ SACs are currently undergoing a reorganization process as a result of an evaluation study commissioned by the General Directorate of Health and Social Services, completed in 2012 (Nordlands Forskning, 2012). The evaluation concluded that the existing network of SACs, showed significant variations from one SAC to another, as to the provision of services and their quality. According to the evaluation, these variations were partly due to the demographic characteristics of the country (small centres located in areas with little population, almost did not receive cases. This translates into services with little experience and difficulties to attain and maintain an adequate level of competence and professional experience), and partly due to its administrative organization by which SACs depend upon municipalities (the municipalities are very autonomous, hence there is no uniformity in the quality of the services provided therein or the provision of financial / human resources). The current DV action plan has included as one of its measures (No. 25) the follow up of the evaluation of SACs and to continue to explore various measures to optimize the performance of these units. This can result in changes regarding the number of centres, their location or membership of hospitals vs. Municipal health services, etc.

³⁵⁹ Considering the information mentioned in the previous footnote (No. 369) regarding variations showed between SACs, the services listed and described, and particularly the information regarding assessment criteria, is general information applicable to all SACs. Nonetheless, there may be some SACs that do not meet such criteria/characteristics. In any case, the information presented fits the reality of the SAC in Oslo, which is the oldest and largest centre of the SACs network.

	while the victim is being referred to other relevant local services. SACs were initially designed to attend victims of sexual assault. However, at a latter stage its scope was broadened to deal with cases of domestic violence³⁶⁰.
Assessment criteria	
Comprehensive response	SACs are multi-disciplinary services where professionals³⁶¹ from different disciplines such as medicine (both general practitioners and specialists, such as gynecologists), nursing, psychology, social work or social education, cooperate. The multidisciplinary approach tries to provide a comprehensive response to victims and not to restrict SACs services just to medical and forensic interventions. Moreover, the SACs cooperate with other institutions, such as law enforcement authorities, prosecution, social services, etc. both during the acute phase (in which the victim may require support to, for example, formulate the complaint or require other emergency services as may be emergency accommodation, in cases of domestic violence) and subsequent follow-up work (which may require long-term psychological treatment and social support to resettle outside the shelter, for example). Coordination is particularly important in regard to the investigation and prosecution process, as SACs can provide relevant evidence in the judicial process, that may result in increased number of convictions³⁶².

³⁶⁰ SACs broadened its scope to domestic violence cases in 2007. That year, the Directorate of Health and Social Affairs published a document entitled "Overgrepsmottak, Veileder for helsetjenesten", 2007 (Centers for Victims of Abuse, Guidelines for Health Services), which is a guide for health professionals to provide medical and psychiatric care for victims of domestic violence and sexual abuse. This document attempts to address the recommendations made in a report on domestic violence that the Norwegian government made in 2003 (NOU 2003/31). One of the recommendations was to prioritize health care for victims of Domestic violence by creating specialized services for women and children victims of domestic violence. The report proposed the creation of a specialized service for each of the five health regions, with trained staff and experienced in dealing with physical and psychological violence, that would provide medical services to complement the local health services, but which would also serve as a research, advice and training centre. Finally an intermediate solution was adopted, by which SACs assumed specialized care for victims of domestic violence (including men) to fully exploit of the existing structure of SACs. On the other hand, RVTs were created, which are responsible for conducting research on the topic, providing training to professionals and advice to institutions. For more information about RVTs see note No. 390.

³⁶¹ Note footnote No. 369 on variations in SACs.

³⁶² Dr. Helle Nesvold (one of the promoters of the first Norwegian SAC), addresses this aspect in her doctoral thesis, in which she studied all sexual assault cases received in the SAC of Oslo for the 1996-1999 period and the judicial process that followed. She divided the cases into two groups: those in which the police requested the medical and forensic evidence collected by the SAC and those where the police did not request evidence. In comparing the two groups, the study found that the group in which police requested to the SAC the evidence collected, many more cases were brought to justice. It also showed that from all cases brought to justice, the conviction rate was much higher for cases in which the police had requested information from the SAC than in the group in which evidence was not requested (22% in the first group compared to 6% in the second). Nesvold, 2010.

Training and capacity building	In 2004 the National Center for Emergency Medicine was established (hereinafter referred to by its Norwegian acronym NKLM³⁶³). Its functions are: to develop and provide training programs for SAC's staff and other medical personnel, as well as to conduct studies and research on the health care response to sexual and domestic violence. NKLM has developed a basic training package for all SAC's staff, with specific contents on domestic and sexual violence. It also contains practical information on how to deal with sexual and domestic violence in the SACs, that is to say, that it provides basic guidelines for professionals (for example, it explains how to perform the forensic examinations properly or how to provide psychological support in crisis). This type of training is held annually as part of a long-term training programme. Such training has been designed following the recommendations of the document entitled "Centre for Abused, Guide Service Health" (Overgrepsmottak. Veileder for helsetjenesten, 2007). Ad hoc courses on specific topics are also offered, according to the particular needs and demands for training that SAC's professionals express. In order to improve the health care response to domestic and sexual violence cases, and support the work of the SACs, NKLM has developed an on-line³⁶⁴ course to train General Practitioners (GP). Its aim is to provide basic training that enables all GPs to identify, prevent and deal with domestic and sexual violence cases.
Gender perspective	Although SACs provide services for men³⁶⁵ and women, people seeking help in these services are mostly women. As it's been mentioned before, SACs were initially created to provide care for victims of sexual assault, being mainly women who suffer such abuses. Therefore, despite the fact that a gender perspective is not applied to the SACs basic organizational structure, in practice its staff members have incorporated a gender perspective, gained through years of practice attending women and specialized training.
Victim's safety: women and children's safety	Victim's safety is one of the priorities for SACs. In cases of domestic violence³⁶⁶, a risk assessment is carried out, and depending on the level of risk, a safety plan is developed jointly with women. SACs may undertake several actions aimed to safeguard the victim. Some of

³⁶³ Nasjonalt kompetansesenter for legevaktmedisin

³⁶⁴ This training activity is one of the measures (No. 21) of the current DV action plan against. The Ministry of Health and Social Services is the institution that commissioned the course to NKLM, as it is the reference centre for research and generation of knowledge on health response to domestic violence <http://cms.uni.no/nb/uni-helse/nasjonalt-kompetansesenter-for-legevaktmedisin/nettkurs-for-fastleger-og-legevaktsleger-om-vold-i-nre-relasjoner/>

³⁶⁵ According to Norwegian law, victims of domestic violence can be any member of the family regardless of gender, and in line with this legal framework, most services are for both men and women..

³⁶⁶ Helle Nesvold. Personal communication, February 24, 2014.

	these measures may be, for example, to refer the victim to a shelter, to liaise with the police to report the crime or to assist women to access legal advice, etc. SACs also have made available "emergency beds" that can be used for hours, so that the staff can inform the victim and have enough time to discuss with her what options she has. In high-risk cases, and particularly if there are children involved, professionals working in SACs are obliged to report the case to the police or to child welfare services.
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Source: Compilation based on information from Ministry of Health and Care Services

Table 6. Good Practice 4: Commission against Gender Violence of the Interterritorial Council of the National Health System

COMMISSION AGAINST GENDER VIOLENCE OF THE INTERTERRITORIAL COUNCIL OF THE NATIONAL HEALTH SYSTEM		SPAIN
THEMATIC AREA(S)		HEALTH CARE
General information		
Institution responsible	Ministry of Health, Social Services and Equality	
Description	The Commission Against Gender Violence of the Inter-territorial Council of the National Health System (NHS)³⁶⁷ has the following functions (art. 16): - To provide technical support and guidance in the planning of the measures³⁶⁸ to be taken to improve the health care response to GBV. - To evaluate and put forward the necessary measures for the application of the health service protocol, and any other measures it deems of use in helping the health service eradicate this kind of violence. The Commission is composed of representatives from all the	

³⁶⁷ “The Interterritorial Council of the National Health System is the permanent organ of coordination, cooperation, communication and information of health services among themselves and with the Government, which aims to promote the cohesion of the National Health System through the effective and equitable rights of citizens guaranteed in the whole territory of the State”. Art. 69, Act 16/2003 of 28 of May, of Cohesion and Quality of the National Health System.

³⁶⁸ Article 15 of the Organic Act, lists the type of measures that shall be adopted on health care. Such measures are: to promote and facilitate actions among health professionals for the early detection of GBV; to organise sensitisation and on-going training programmes for healthcare professionals; to include in National Health Plans a section on the prevention and integrated treatment of cases of GBV; and to incorporate in the degree and diploma programmes and the specialisation courses aimed at social work and healthcare professionals contents on GBV.

	Autonomous Communities with competencies in health, but also of representatives from various departments of the Ministry of Health, Social Services and Equality, including representatives from the Government Delegation for Gender Violence, and the Institute of Women. The Observatory on Women's Health³⁶⁹ acts as the secretariat of the Commission. The Autonomous Communities, to whom powers regarding health have been transferred, are responsible for implementing the recommendations and measures drafted by the Commission. The Commission has established the following working groups: • Epidemiological surveillance • Health care protocols • Ethical and legal aspects • Training and capacity building • Evaluation The Commission issues an annual report on GBV that refers to the State Observatory on Violence against Women and the Plenum of the Interterritorial Council. It has also produced several framework documents to comply with their duties. Some of the most relevant documents drafted by the Commission are: "Common Protocol of action on Health care in GBV cases" (hereafter, the Protocol), "Protocol for epidemiological surveillance of GBV" or "Common epidemiological indicators in cases of domestic violence". The Commission has also established a set of training quality criteria to be taken into consideration in all training programs for the NHS professionals and has promoted several training activities on GBV for health-care professionals. Finally, needs to be mentioned that another the Commission is very active in the identification, systematic collection and dissemination of good practices in the health care response to GBV within the NHS. To disseminate these information, an online browser has been created³⁷⁰.
Assessment criteria	
Comprehensive response	One of the key activities of the Commission is to develop indicators and data collection, that contributes to know the extent and characteristics of the GBV in those cases treated by the NHS. The

³⁶⁹ The Observatory is a body attached to the Ministry of Health, Social Services and Equality, whose purpose "is to promote the reduction of health inequalities based on gender". <http://www.msssi.gob.es/organizacion/sns/planCalidadSNS/e02.htm> . Its action lines are: to provide training to healthcare professionals, conduct research studies, and analyze health care public policies to incorporate a gender perspective and equality in the health systems. GBV is one of its priority actions.

³⁷⁰ The link to browser is: <http://www.msssi.gob.es/organizacion/buscadorBBPPVG.do>

	ultimate goal is to improve the health care response to the victims of GBV. The annual reports produced by the Commission collect and analyze these indicators. On the other hand, the “Common Protocol of action on Health care in GBV cases” drafted by the Commission aims to provide guidelines to health-care professionals for early detection, risk assessment, response and follow up of GBV cases. "The ultimate goal is to provide guidance to health-care workers (...) comprehensive care -physical, psychological, emotional and social- for women who suffer violence and attend a health centre (...), in order to restore women’s health and autonomy". (Ministry of Health, Social Services and Equality, 2012: 17). The Protocol also calls for a model of integrated health care and an inter-disciplinary model in which different professions (medicine, nursing, psychology, social work, midwives, etc.) work co-ordinately to provide a diagnosis and an effective treatment. In addition, the Commission has established a number of basic training criteria for socio-health personnel. The purpose of establishing basic training criteria is to ensure that professionals are able to detect the symptoms related to abuse and conduct comprehensive evaluations of the women’s situation that enable them to carry out interdisciplinary interventions with other health-care professionals and other professional services.
Training and capacity building	Another essential line of action of the Commission is to train health-care professionals. The Commission has established a set of basic quality criteria for training programs, as already mentioned. According to these criteria the Commission has designed basic common materials to train professionals of the National Health System. These materials should be used by the regional governments in the training programs developed within their health systems. Annual reports prepared by the Commission include all the training activities carried out by the Autonomous Communities, which have been designed following the basic criteria developed by the Commission.
Gender perspective	The conceptual framework on which the Commission relied on for preparing all the above mentioned documents, is that of the gender perspective. This is clear in the definition of GBV set out in the Protocol for Joint Action, which is document that provides a framework for action in GBV cases within the health care area. Such definition is not limited to the Spanish legal definition of GBV (restricted only to the violence committed by a male against a female partner or ex-partner), but it adopts the definition of the United Nations Declaration on the Elimination of Violence against Women. The UN definition is broader than the Spanish definition, as it includes any act of violence based on gender discrimination. In addition, the

	document explicitly recognizes that GBV is a consequence of structural inequalities resulting from the imbalance of power between men and women. These key ideas for a gender analysis are repeated in other documents. For example, training materials for health-care professionals include contents such as the concept of GBV, the cycle of violence, its causes, etc
Victim's safety: women and children's safety	Women's security is one of the key aspects emphasized in the recommendations and guidelines drawn up by the Commission. Both the Protocol and the training materials stress the need for professionals to perform a risk assessment once a case of GBV is identified in a health service. The Protocol also includes action guidelines, according to the estimated level of risk that health staff should consult on how to proceed in each case. These security recommendations are also made with regard to the children exposed to GBV and with groups in vulnerable situation such as migrant women, elderly, disabled, etc.

Source: Compilation based on information from Ministry of Health, Social Services and Equality

SOCIAL ASSISTANCE

Table 7. Good Practice 5: Children's House. Barnehus/Barnahús

CHILDREN'S HOUSE ³⁷¹		NORWAY AND ICELAND
THEMATIC AREA(S)		SOCIAL ASSISTANCE JUSTICE
General Information		
Institution responsible	Norway: Ministerio de Justicia y Seguridad Pública Ministry of Justice and Public Security, Ministry of Children, Equality and Social Inclusion, Ministry of Health and Care Services- Police Districts (management and funding) Iceland: Government Agency for Child Protection-Ministry of Social Affairs	
Description	The Children's Houses (hereinafter Houses) are comprehensive care centers for children ³⁷² victims of sexual abuse and domestic violence ³⁷³	

³⁷¹ In Norwegian Barnehus. In Icelandic Barnahús.

³⁷² In Norway, the Houses are also for mentally impaired adults. The Houses provide assistance to children aged 3 - 18 years (3 and half in Iceland). Nonetheless, in Norway children aged 15 years and above are usually interviewed in the Court House rather than in the Children's House.

	(which includes children witnessing DV), which provide a coordinated and comprehensive response from the different agencies responsible for children and families. Its purpose is to improve the care and treatment of child victims of sexual abuse or domestic violence and to facilitate the reporting to police, investigation and prosecution of such crimes. In addition, it is intended to avoid re-victimizing children with various examinations and interrogations, always taking into account the "best interests of the child"³⁷⁴. The services provided in the Houses are: - Police and judicial testimonies (joint investigative interviews): the interviews are done at the request of a Court House, once a crime of DV or sexual assault has been reported to the police. The Houses also conduct exploratory interviews³⁷⁵, when there has been no disclosure of abuse (or the information is weak/ambiguous), but there are suspicions that a child could have been abused. The interviews are always run by a specialised professional³⁷⁶ with experience working with abused children and trained on forensic interviewing. All the other professionals involved can follow the interviews through a video-link. usually in the interrogation are present: the court judge, the defence's attorney, child's legal counselor, public prosecutor,
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<http://www.statensbarnehus.no/barnehus/oslo/english/?lang=nb>. While in Iceland, children from 15 years and older may be required for interrogation in Court, but this happens very rarely (Watts, 2013).

³⁷³ The Children's Houses in Norway were designed to provide assistance to victims of sexual abuse and domestic violence. In the Icelandic case, the House was set up to work only in cases of sexual abuse, although it is true that the House has been involved in cases of severe DV, when required. In fact, since 2012 the House has participated in a 20 months pilot project for victims of DV. In the pilot project were involved the police, social services and the House, in such a way that every time the police intervened in an incident of DV, a professional from social services and another from the House (a social worker) attend the scene immediately to provide psycho-social assistance. The professional from the House interviewed the children involved, thus they are listened to and their needs can be diagnosed and properly met. In its 20 months, 300 children were assisted by the social worker of the House, and more than 40% of the children interviewed needed some support and/or treatment. It is intended that this model of intervention becomes a permanent project, hence the House will intervene in the most severe cases of DV by providing therapy and doing forensic and police interrogations. Bragi Gudbrandsson, personal communication, May 28, 2015.

³⁷⁴ The Children's Houses are set up in Europe for the first time in Iceland, inspired by the Child Advocacy Centres' (CAC) model of the United States. The CACs are aligned with the UN Convention on the Rights of the Child, which in its article 3.1 states that "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration". The Houses pretend to minimize possible re-traumatization of the children, given that the investigation of such crimes, "often generates painful experiences for the child victim", and that "repetitive interviews by many professionals in different locations can have very harmful (...) for the child victim" (Gudbrandsson, 2014: 24,25).

³⁷⁵ Exploratory interviews are usually at the request of the Child Protection Services.

³⁷⁶ In Norway, the interviewer is always a police officer with specialised training, while in Iceland, the interviewer is always a psychologist from the House team, also with specialised training. The person in charge of the proceedings is the Judge Court though.

	representatives of child protection services, police representatives and representatives of the House's³⁷⁷. Its aim is that the child is interviewed just once and no further interviews (unless further abuses are revealed) or cross-examinations are necessary. (Watts, 2013). - Forensic examinations: are carried out by specialized personnel associated with local hospitals. If the child needs urgent medical attention is taken to the nearest hospital. (Ibid: 35). - Psycho-social treatment and follow-up: after the interview, the house offers to children and their families to conduct a psychological evaluation that pursues the following goals³⁷⁸: to evaluate children's safety, his/her psychological health, to determine the skills / abilities of the child's caregiver to provide adequate support, and to identify the network of social support. The child is monitored and followed-up until a referral is made to other local services that can provide a long-term treatment. The Houses also work with the family as well as with the children's teachers (and other education staff with whom children are in contact) to help them to support the children. In Iceland, the professionals from the House travel throughout all Iceland to provide therapy to children in their place of residence. - Advice, guidance and networking: the Houses provide advice and guidance to professionals working with children such as people working in kindergartens, schools or municipal child protection services as well as family members who wish to discuss a particular case³⁷⁹, in which it is suspected that a child may be/being abused. - Professional development, training and awareness: the Houses are centers of reference, consultation and public support for any organization that wish to be trained on the topic of children and violence. The Houses function as research and generation of knowledge centres. In the Norwegian case, it is expected that Houses work in collaboration with the Regional Resource Centres for Violence, Traumatic Stress and Suicide (RVTS by its acronym in Norwegian³⁸⁰).
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³⁷⁷ In Norway, watching the interview usually is present a representative from the Children's House whose role is to "perform a monitoring role to assess the child's mental health as the interview is conducted, as well as ensuring that the subject need only describe his/her experience once and once only" <http://www.statensbarnehus.no/barnehus/oslo/english/?lang=nb> . En Islandia el representante de la Casa realiza la entrevista. Si el/la menor precisa terapia en ningún caso sería ese profesional quien dirigiera la terapia, sino un compañero (Watts, 2013). In Iceland, the interviewer is a profesional from the House, hence a representative from the House is always present at the interview. If the child needs future therapy, it will never be the therapist that person, but one of her/his colleagues.

³⁷⁸ <http://www.statensbarnehus.no/barnehus/oslo/english/?lang=nb>. Last accessed, April 22, 2015.

³⁷⁹ In such cases, the child's identity remains anonymous.

³⁸⁰ RVTS's are multidisciplinary centres whose function is to generate knowledge and offer support to professionals on topics such as physical and sexual violence, forced migration, traumatic stress and suicide prevention. RVTS's provide training, supervision and networking to professionals working in these topics. RVTS's also design and implement action plans and strategies for different agencies and institutions such as municipalities (<http://www.rvts.no/>). There are five RVTS's, one in each of the five regions (Norwegian: landsdel) on which the health system is organized.

	Currently there are 10 operating houses distributed throughout the norwegian territory. In the case of Iceland, considering its population and size there is a single house located in Reykjavik.
Assessment criteria	
Comprehensive response	The Houses are hubs where converge all relevant services that deal with abused children. "By bringing together the professionals under one roof and allowing them to cooperate, children receive better support and care³⁸¹". The houses are managed by multidisciplinary and experienced teams, with specific training in domestic and sexual violence. At the same time agencies such as the police, health services, child protection, municipal authorities and defence lawyers gather at these centers to work cooperatively. Therefore, the Houses have an inter-agency and multidisciplinary approach. To ensure such an approach, the Houses have an important role in coordinating the different actors throughout the intervention process with the children. With this purpose the Houses invite these professionals to coordination and consultation meetings before³⁸² and after interrogations. In subsequent meetings, after the interrogation/interview is completed, professionals decide the line of action to be adopted to provide adequate treatment and support to the victim, always following the principle of the best interest of the child. In these meetings, professionals decide who is responsible for each task (Thuveng, 2013).
Training and capacity building	Houses' staff has sound experience and expertise in dealing with physical and sexual violence. Moreover, as it has been explained above, the Houses are designed as centres for guidance and training to professionals. The Houses generate, based on their professional practice, expertise in the subject, which is systematized for its dissemination and transfer of knowledge to other agencies/

³⁸¹ Children's Houses factsheet (n.d). Norwegian Ministry of Justice and the Police.

³⁸² For example, Norway contemplates two types of previous meetings to be held in the Houses. A first meeting called "pre-meeting" (in Norwegian: "formøte"), which is required by law. In these meetings the Court Judge shall consult with the person doing the questioning what kind of questions will be asked, as well as with the other professionals in case they want to introduce new questions for the child victim. It aims to ensure that the examination covers all topics of interest without formulating leading or suggestive questions to the victim. The other type of previous meeting that take place in the Houses, are "consultative meetings" (in Norwegian "samrådsmøte"). This type of meeting may be in person or by telephone, depending on each House, not being required by law. Its purpose is to discuss specifics of the case that may be relevant to face the questioning, such as assessing the safety of the victim or knowing the level of cognitive development and communication skills. In both meetings usually will participate the person conducting the interview, the Judge, the Defence Lawyer, the Child legal Counsel, representatives from Police, the House and, if necessary, representatives from the Child Protection Services (Bakketeig, E. et al., 2012).

	professionals working with children. On the other hand, health-care workers carrying out medical-forensic examinations has sound experience and expertise in treating children who have suffered abuse. Finally, people who carried out the interviews receive specialized training³⁸³ on forensic interviewing with abused children.
Gender perspective	In its initial approach Children's Houses were not designed to incorporate a gender perspective, but to include a child protection perspective, acting in the best interest of the minor. Nonetheless, this perspective recognizes that children are the most vulnerable element in families and abuses largely occur due to a situation of inequality and powerlessness. On the other hand, daily practice has led professional teams to conclude that the proportion of girls who are victims of sexual crimes exceeds the proportion of boys. Due to this finding, the gender perspective has been integrated explicitly in preventive activities that the Houses develop for the general population.³⁸⁴.
Victim's safety: women and children's safety	Children's safety is one of the key aspects underlying the Houses creation. One of the Houses' goals is to minimize the risk of re-traumatising children by reducing the number of interviews that are practiced as well as by holding interviews in a child-friendly environment. Moreover, safety is a guiding principle throughout the intervention process with the victim. For example, in consultation meetings held prior to the interrogations, child's safety is assessed and the questions to be asked during the interview may be changed if it is believed that it may stress the victim (Thuveng, 2013). After interrogation, the Houses conduct an evaluation to determine the child's needs and possible treatment and support required. In such evaluation, safety is also a crucial aspect, so that professionals can identify any possible risk for the child. Furthermore, the skills of relatives and caregivers to support their children are also assessed, and professionals work with families to help them to support their children. Finally, the Houses never work with or involve in any way the aggressor.

Source: Compilation based on information from Children's Houses

³⁸³ Both in Norway and Iceland, interviewers (Watts, 2013) have been trained in the use of the National Institute of Child Health and Human Development (NICHD) Investigative Interview Protocol, one of the most well known protocols for investigating child abuse.

³⁸⁴ Bragi Gudbrandsson. Personal communication, May 28, 2015.

Table 8. Good Practice 6. Medium/Long-term Shelters. Casas de Acogida

LONG-TERM SHELTERS		SPAIN
THEMATIC AREA(S)		SOCIAL ASSISTANCE SECURITY
General Information		
Institution responsible	Autonomous Communities and Municipalities	
Description	The Organic Act enshrines the right to information, integrated social assistance and free legal aid to victims of GBV. Regarding integrated social assistance, Article 19.1 of the Act states that " female victims of gender violence are entitled to receive care, crisis, support and refuge, and integrated recovery services", which will be provided by the Autonomous Communities and local governments. The long-term shelters (hereafter shelters) are residential resources of integrated care and recovery. Shelters provide safe accommodation³⁸⁵ (medium and long-term) for women and their children, victims of GBV that are forced to flee from their homes due to several reasons (such as lack of support, limited financial resources, high level of risk estimated, et cetera). Its aim is to achieve women's recovery and rehabilitation. Given that the Autonomous Communities and Local Corporations are responsible for providing these services, the shelters present variations among them in the forms of organization, in the array of services offered, in the professionals integrating multi-disciplinary teams, and so on. However, some general features³⁸⁶ are common to all the shelters. In Spain, there are currently 94³⁸⁷ centres of its kind. Usually, several family units live together in the shelter. The shelters have	

³⁸⁵ The Shelters are not the only residential resources available in Spain. The Autonomous Communities have adopted a model of residential services structured in three levels, according to the level of protection that victims require throughout the rehabilitation process. In the first level are the Crisis Centres, which provide safe, confidential emergency accommodation for women in crisis. In the second level are the shelters herein described. And finally, in the last level of residential system are the supervised flats, described down below.

³⁸⁶ For more information on the Long-term shelters available in the Autonomous Communities see: www.msssi.gob.es/ssi/violenciaGenero/.../DirectorioCentrosAcogida.pdf . It contains a directory of all the existing residential resources specifying its technical features.

³⁸⁷ Data according to the last information collected by the Government Delegation on Violence against Women from the Autonomous Communities and contained in a report from the Autonomous Communities' actions on GBV (in Spanish " Informe actuaciones de las Comunidades Autónomas en cumplimiento de la Ley Orgánica 1/2004, de 28 de diciembre, de medidas de protección integral contra la violencia de género (abril, 2015)". Available in:

	multidisciplinary teams, in compliance to Article 19.1 of the Organic Act that states that the “organisation of such services by the Autonomous Communities and local authorities shall reflect the principles of 24-hour attention, urgent action, specialised care and professional multidisciplinarity”. Taking into account the principles of 24-hour attention and urgent action, multidisciplinary teams are located within the shelters, in such a way that women can receive professional support at any time. The duration of stay also varies among shelters, but usually ranges from a minimum of 3 months to a maximum of 12 months. The form of access³⁸⁸ to the shelters also varies among the Autonomous Communities, but generally shelters are secondary-level care services, which means that access is by referral from a primary care service (general social services) or from another service specialised in GBV (for example, from a crisis centre). Generally, the services offered by all shelters are: -Safe temporary accommodation. -Information about their rights and resources available. -Psychological and social support. -Educational support to the family unit. - Support in Court proceedings³⁸⁹. -Support to employment training and insertion. -Training on equality and skilling in non-violent resolution of conflicts.
Assessment criteria	
Comprehensive response	As mentioned above, the function of the shelters is to facilitate the process of rehabilitation and full recovery of women, by creating a secure environment and providing comprehensive care. The shelters help women to regain their self-esteem and autonomy, to “re-learn” skills and abilities “lost”, and to overcome their traumatic experiences and consequences resulting from the history of violence suffered. To do this, individually tailored intervention plans are designed jointly with women. The intervention plans include a diagnosis of the social, economic, legal and psychological situation as well as the goals set. The intervention plans are developed with the input of all the professionals from the multidisciplinary team to ensure a

<http://www.msssi.gob.es/ssi/violenciaGenero/Documentacion/seguimientoEvaluacion/DOC/BalanceLeyIntegralCCAAparaweb.pdf>

³⁸⁸ With regard to the requirement of having a PO in force to access these services, please see footnote No. 335.

³⁸⁹ Legal support is always provided to women, specially assistance in court proceedings. In case that the multi-disciplinary team has a lawyer, will be the lawyer the person responsible to follow-up on legal matters. If there is no lawyer in the shelter, the professionals from the shelter will work coordinately and will be in contact with legal aid lawyers and other legal advice services involved.

	comprehensive approach to GBV. On the other hand, Article 19.4 of the Act states that all social assistance services "will act in coordination and collaboration in collaboration with the Police, Violence against Women Judges, the health services and the institutions responsible for providing victims with legal counsel". To fulfill this mandate, the multidisciplinary teams work coordinately and networking with other agencies/services, having a frequent and fluid communications with other professionals. In addition, the multidisciplinary teams usually are members of the Police Coordination Mechanisms (good practice identified in the area of Safety and Security, see table No. 43) and of other coordination mechanisms at the local level.
Training and capacity building	The shelters, as already mentioned before, have multidisciplinary teams to ensure an integrated care. The composition of the multidisciplinary teams also varies among Autonomous Communities, but the most common profiles are professionals trained as psychologists, social workers, social educators or lawyers. Over recent years there has been a growing professionalisation of these multidisciplinary teams. Currently, it is common to require within the terms of reference of the licitations and public tenders that the personnel hired is trained on GBV, even setting a minimum number of hours of accredited training. Another formula used in some public tenders, is to request from the successful bidder, conducting training and capacity building activities on GBV for their professional teams. Moreover, some Autonomous Communities provide training to professionals from the regional network of services specialised in GBV, through conferences and seminars. It is also common in public tenders to require as criteria, hiring experienced staff in dealing with victims GBV.
Gender perspective	The shelters are based on the definition of GBV contained in the Organic Act, which further states that victims are entitled to receive care, crisis, support and refuge, and integrated recovery services. Based on this framework, the multidisciplinary teams apply a gender approach throughout the entire intervention process with women and their children. Given that the Shelters aim to help women in their rehabilitation and full recovery, the multi-disciplinary intervention seeks to promote the autonomy and empowerment of women. Hence, women's decision-making is supported and encouraged, while it is promoted a shift in women's self-image in which they become

	survivors rather than victims. To do this, the professional team works with women in the re-elaboration of the history of violence, where the forms of violence, the magnitude, the duration and the dynamics of violence are identified and, more importantly, the offender is identified as the only person responsible for the violence perpetrated. Furthermore, professional teams undertake an intense educational activity with women, in order to explain the phenomenon of GBV, highlighting in particular, the causes in which GBV is rooted. For overcoming these traumatic experiences, it is necessary to understand why it happened, and more importantly, such understanding decreases the risk of engaging in new violent relationships.
Victim's safety: women and children's safety	Women and children's safety is a guiding principle throughout the intervention process. Although it is true that Shelters are not emergency resources, where the main priority above anything else is the protection of women in crisis, security remains a key aspect of the Shelters. Thus, most of the shelters are confidential resources, in which has been established a set of mandatory security and confidentiality rules. Some of the most common rules are the prohibition to disclose the address to anyone (including family, friends, professionals from other agencies, etc.), visits not allowed and temporary exits (weekends, holidays, etc.) must be communicated.

Source: Compilation based on information from the Ministry of Health, Social Services and Equality, and the Autonomous Communities.

Table 9. Good Practice 7. Supervised flats

SUPERVISED FLATS	
THEMATIC AREA(S)	SOCIAL ASSISTANCE
General information	
Institution responsible	Autonomous Communities and Municipalities
Description	The supervised flats (hereinafter, flats) are housing resources, supervised by a professional team, providing medium and long-term accommodation ³⁹⁰ for women and their children, who have resided in a shelter (and have spent the maximum period of time permitted and/or have met the objectives set in the individually tailored intervention plan) still require professional support, but do not require as much

³⁹⁰ As already mentioned, the supervised flats are not the only residential resources available for victims of GBV in Spain. Please, see footnote No. 395.

	protection as it is provided in other residential resources. These services are for women, that due to their special needs (heads of household with large families, immigrant women with no support network, old women in very long relationships who have not been independent for a long time, etc.), have not been able to reintegrate into normal life, and therefore still require professional support. The flats aim to prepare women for an autonomous and independent life, in such a way that they can conclude their recovery and rehabilitation process. Given that the Autonomous Communities and Local Corporations are responsible for providing these services, the flats present variations among them in the forms of organization, in the array of services offered, in the professionals integrating multi-disciplinary teams, and so on. However, some general features³⁹¹ are common to all the supervised flats. There are 165³⁹² resources of its kind. The supervised flats are not public residential facilities, but are independent housing which can house several families under one roof. In accordance with Article 19.1, the Flats have multidisciplinary teams, as in the shelters, although they are not located in the Flats, being a mobile team. Professionals conduct regular monitoring and follow-up visits, and provide support and integrated social care. Generally, the teams are small in size, but as already mentioned, they provide less protection than other residential resources. The duration of stay also varies among supervised flats, but usually ranges from a minimum of 6 months to a maximum of 2 years. Generally, the form of access to the supervised flats is by referral from the shelters.
Assessment criteria	
Comprehensive response	The supervised flats are the last stage in an integrated social assistance residential resource system. To ensure an integrated social assistance, the flats have multidisciplinary teams, smaller than the teams from the emergency centres or shelters, but likewise providing the same integrated response by addressing the women's various

³⁹¹ For more information on the supervised flats available in the Autonomous Communities see: www.msssi.gob.es/ssi/violenciaGenero/.../DirectorioCentrosAcogida.pdf . It contains a directory of all the existing residential resources specifying its technical features.

³⁹² Data according to the last information collected by the Government Delegation on Violence against Women from the Autonomous Communities and contained in a report from the Autonomous Communities' actions on GBV (in Spanish "Informe actuaciones de las Comunidades Autónomas en cumplimiento de la Ley Orgánica 1/2004, de 28 de diciembre, de medidas de protección integral contra la violencia de género (abril, 2015)". Available in: <http://www.msssi.gob.es/ssi/violenciaGenero/Documentacion/seguimientoEvaluacion/DOC/BalanceLeyIntegralCCAAparaweb.pdf>

	issues. To do this, individually tailored intervention plans are designed jointly with women. The intervention plans include a diagnosis of the social, economic, legal and psychological situation as well as the goals set. As has been mentioned before, all social assistance services "will act in coordination and collaboration in collaboration with the Police, Violence against Women Judges, the health services and the institutions responsible for providing victims with legal counsel" (Article 19.4 of the Act). To fulfill this mandate, and keeping in mind its small size, the multidisciplinary teams work coordinately and networking with other agencies/services, having a frequent and fluid communications with other professionals. Networking is specially important in this type of resource whose goal is to promote the autonomy and independence of women. To achieve this is necessary to link women with other public services available to the general population, and help them to create a support network.
Training and capacity building	The flats, as already mentioned before, have multidisciplinary teams to ensure an integrated care. The composition of the multi-disciplinary teams also varies among Autonomous Communities, but the most common profiles are professionals trained as psychologists, social workers or social educators. Over recent years there has been a growing professionalisation of these multidisciplinary teams. Currently, it is common to require within the terms of reference of the licitations and public tenders that the personnel hired is trained on GBV, even setting a minimum number of hours of accredited training. Another formula used in some public tenders, is to request from the succesful bidder, conducting training and capacity building activities on GBV for their professional teams. Moreover, some Autonomous Communities provide training to professionals from the regional network of services specialised in GBV, through conferences and seminars. It is also common in public tenders to require as criteria, hiring experienced staff in dealing with victims GBV.
Gender perspective	The professionals of supervised flats, as professionals working in resources of the GBV' specialised network, rely on the same conceptual framework than the shelters. Hence, they apply the same gender perspective throughout the intervention process, giving continuity to the work already done in the shelters, particularly regarding empowering and promoting women's autonomy.

Victim's safety: women and children's safety	Women and children's safety is a guiding principle throughout the intervention process. Even though the supervised flats are residential resources in which less protection is required than in other resources, security is still taken very seriously. Thus, most of the flats are confidential resources, in which has been established a set of mandatory security and confidentiality rules. Nonetheless, rules use to be less strict than in Shelters or Emergency Centres.
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Source: Compilation based on information from the Ministry of Health, Social Services and Equality, and the Autonomous Communities.

JUSTICE

Table 10. Good Practice 8: Courts of Violence against Women

COURTS OF VIOLENCE AGAINST WOMEN		SPAIN
THEMATIC AREA(S)		JUSTICE SECURITY
General information		
Institution responsible	Ministry of Justice	
Other agencies involved	General Council of the Judiciary	
Description	The Courts of Violence against Women (COVAW) are created under the Organic Act. The COVAW are specialized courts, to ensure quick, effective, comprehensive and coordinated response to the victims of an act of GBV. The JVMs are penal courts, in which is been adopted a specialization formula of the Investigating Judges, with criminal jurisdiction over GBV crimes and civil jurisdiction on those civil causes (family) related to these violent crimes. More specifically, the COVAW's powers (art. 44.1 of the Organic Act) in the penal jurisdiction are: a) To investigate criminal cases involving GBV offences (against his partner or ex-partner or against their descendents or minors or incapacitated persons living with him when an act of gender violence occurred) b) To examine cases involving crimes against family rights and duties. c) Adoption of protection orders for victims.	

	d) The hearing and determination of responsibility for misdemeanour. The COVAW will deliver its judgment in conformity with the accusation on these cases. In civil matters, the COVAW have powers (art. 44.2 of the Organic Act) to rule on cases of filiation, maternity and paternity, matrimonial annulment, separation and divorce, parent-child relations, adoption or modification of important measures affecting the family, or those concerning the guardianship and custody of minors or alimony claims, consent in cases of adoption and contesting of administrative decisions regarding the protection of minors. The Act estipulates that at least one COVAW will be set up in each judicial district³⁹³. Currently there are 106³⁹⁴ COVAW, exclusively dealing with GBV related crimes in 76 judicial districts and 355 Examining Magistrate's courts dealing with GBV, but not exclusively.
Assessment criteria	
Comprehensive response	The COVAW were created and designed to ensure a more effective, comprehensive³⁹⁵ and coordinated response to victims of GBV, providing them to this end with some characteristics³⁹⁶ that differentiate these courts from other existing specialized courts in Spain. The main feature of these courts, already mentioned in the description section, is that they have powers in two jurisdictions, civil and criminal, such that the same court deals with all civil and penal causes related to a case of GBV providing a comprehensive and coordinated response. This specialization formula³⁹⁷ pursues the following objectives:

³⁹³ Although the Organic Act also stipulates that if the existing workload does not justify the creation of a COVAW, the hearing of the GBV cases shall correspond to one of the First Instance and Magistrates Courts, or (Examining) Magistrates Court as the case may be and it shall be designated on an exclusive basis or dealing with other matters at the same time.

³⁹⁴ [http://www.mjusticia.gob.es/cs/Satellite/1292426970344?blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadervalue1=attachment%3B+filename%3DJuzgados de Violencia sobre la Mujer.PDF](http://www.mjusticia.gob.es/cs/Satellite/1292426970344?blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadervalue1=attachment%3B+filename%3DJuzgados+de+Violencia+sobre+la+Mujer.PDF) last accessed: 12/12/14.

³⁹⁵ In its preamble the Act recognizes that judicial protection aims to ensure an adequate and effective treatment of the victims' legal, family and social situation.

³⁹⁶ In addition to its civil and penal jurisdiction, another difference between the COVAW and other courts, is that its jurisdictional authority is based on the persons involved in the crime (for more information see the Gender Perspective box). And the last difference is that the COVAW responsible for investigating and hearing a particular GBV case will be the nearest one to the victim's residence. This latter criterion was included to bring justice closer to the victims (Artal Fauro, 2008) and as the author points out, the criterion used until then was that the territorial jurisdiction was determined by the place of commission of the offence.

³⁹⁷ Before the adoption of the Organic Law, there was a discussion within the judiciary on the need to specialize the courts dealing with crimes of domestic violence (gender based violence was not criminalized then). For a detailed account on the development of the debate see: Melero Bosch, Lourdes

	a) <i>"To concentrate in one single Judge all criminal proceedings arising from situations of gender violence to increase judicial efficiency.</i> b) <i>To facilitate coordination of civil and criminal jurisdictions.</i> c) <i>To facilitate coordination of Judges, Prosecutors, Judicial Police and other public authorities.</i> d) <i>To create psychosocial teams within these specialized courts to assist in their judicial work.</i> e) <i>To achieve a high level of specialisation of judges, prosecutors, and justice officers to deal with this type of crime and its impact on the victims "</i>(Comas d'Argemir, 2006: 19-20) (translated by the author). By concentrating all court proceedings in a single Judge, enables an understanding of the woman's situation so that all necessary measures to safeguard her protection will be taken.
Training and capacity building	The Act contains provisions (Art. 47) on training on GBV, equality and non-discrimination on grounds of sex for all justice operators such as judges, prosecutors, court clerks, national law enforcement and security agents and coroners. To this end, the National Plan for the Prevention and Sensitization in GBV 2007-2008³⁹⁸ included measures aimed to ensure initial and ongoing training of all legal operators³⁹⁹. In compliance with the Prevention Plan, in 2007-2008, several trainings were held for justice operators involved with the COVAW. However, in order to ensure an adequate level of training and specialization of the professionals of the COVAW, in 2009 the Organic Law on the Judiciary⁴⁰⁰ was amended to introduce training in GBV as a requirement to hold the Judge position in a COVAW. The General Council of the Judiciary adopted a set of minimum standards⁴⁰¹ in mandatory training for judges and magistrates, the main ones being:

V. (2005, diciembre). Los Juzgados de Violencia sobre la Mujer, *Anales de la Facultad de Derecho*, Universidad de la Laguna, No. 22, pp. 35-52.

³⁹⁸ Ministerio de Asuntos Sociales y Trabajo (2007). *Plan de Sensibilización y Prevención de la Violencia de Género. Marco conceptual y ejes temáticos*, Gobierno de España.

³⁹⁹ Among the measures included worthy to be highlighted was the adoption of common criteria for training in GBV for all legal professionals and operators, the development of training modules, the establishment of a calendar of initial and continuing training, identifying the COVAW in which specialized training in GBV was required, etc.

⁴⁰⁰ Organic Law 6/1985, of 1 July, on the Judiciary. Article 329. 3bis *"Those obtaining a post in a Court of Violence against Women, in Penal Courts specialized in GBV or in Civil and Penal Sections specialized in GBV shall, prior to taking office in their new posts, participate in specialist training activities on GBV according to the regulations established by the General Council of the Judiciary"*. (translated by the author).

⁴⁰¹ CGPJ, (2010). *Criterios básicos que han de regir las actividades obligatorias de formación para los jueces/zas y magistrados/as destinados en juzgados de violencia sobre la mujer, en juzgados de lo penal especializados en violencia de género o en secciones penales y civiles especializadas en violencia de género (aprobados por acuerdo del pleno del CGPJ de 17 de mayo de 2010)*, Madrid.

	all training activities shall comprehend theoretical and practical contents (practical training includes professional internship in a COVAW supervised by the Judge of that Court and visits to social assistance services for victims of GBV) and that training shall include contents on the conceptual framework of GBV and gender perspective, the cycle of violence and its specific characteristics, among other topics.
Gender perspective	The COVAW have powers to deal only with cases of GBV, hence leaving out of their jurisdiction the cases related to domestic violence offences, whose jurisdictional authority corresponds to the Examining Magistrates' courts⁴⁰². These courts are created to protect women against the <i>"violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes"</i>, in accordance with Article 1.1, that estipulates that the purpose of the Organic Act is to combat this type of violence. Thus, the COVAW rely upon this definition of gender violence adopting a gender approach. This is clearly reflected in the fact that the criterion (although is not the only one) used for determining the jurisdictional authority of the COVAW is based on the persons involved in the crime, that is to say, when the passive subject of the crime is a woman and the active subject is a man. This is an exception in the organization of the Spanish justice system, which normally assign powers to courts according to the matter⁴⁰³.
Victim's safety: women and	One key role played by the COVAW is to protect victims of GBV, as these courts not only have powers to examine GBV offences, but are

⁴⁰² Family or domestic violence is criminalized in Article 153 (which punishes particular acts of domestic violence) and especially in Article 173.2 (which punishes continued ill-treatment in the family) of the Criminal Code. Article 173.2 defines domestic violence as the physical and mental violence that is used habitually *"against the person who is or has been his spouse or the person who is or has been bound to him by a similar emotional relation, even without cohabitation, or against descendents, ascendants or biological, adopted or fostered siblings, against that person or the spouse or cohabitating partner, or against minors or the incapacitated who live with him or who are subject to the parental rights, guardianship, care, fostership or safekeeping of the spouse or cohabitating partner, or against a person protected by any other relation by which that person is a member of the core family unit"*. The ordinary criminal courts are responsible for hearing and judging domestic violence cases, except for cases where violence is exerted against the minors or incapacitated persons cohabiting with the perpetrator of a crime of GBV, and occurring simultaneously, which will be heard and judged in a COVAW, as specified in art. 44.1 of the Organic Act.

⁴⁰³ Nevertheless, jurisdictional authority of the COVAW is determined "in a dual way, which is established on the basis of two concurrent criteria; as it is not only determined based on the legal matter, which is the normal way; but is also determined on the basis of the persons appearing as passive and active subjects of the law (except for the Juvenile Courts, in which the authority of the Juvenile courts is determined based on the age of the juvenile offender and the commission by them [minors] of crimes and offences)"(Artal Faulo, 2008: 3) (translated by the author).

children's safety	also the competent authority to issue protection orders (POs). A PO is a judicial decision adopting criminal and civil precautionary measures by which a woman achieves the so called "integral status of protection of the victim" that grant access to all social assistance measures provided under national and regional legislation. The COVAW can adopt the following criminal measures: precautionary pre-trial detention measures (in case of great risk or great harm), prohibition to approach the victim, her home, workplace or any other place she may visit, prohibition of communication, prohibition to possess weapons. These criminal measures will usually be in force during the entire procedure, although the law provides that they can be extended beyond the final judgment, in such a way that victims' protection can be guaranteed during and after completion of the court trial. Violation of any of these measures is considered a crime punishable by imprisonment. Some of the civil measures that the PO will usually include are: temporary child custody, visitation rights or child support. These civil measures will last only 30 days⁴⁰⁴. The so called "fast trials" is another security measure introduced to safeguard victims of GBV. These trials must be celebrated within 72 hours after lodging a PO form, in such a way that all necessary precautionary measures can be adopted. In 2008 the General Council of the Judiciary drawn up a document entitled "Guide for judicial performance criteria against gender violence", updated in 2013. This document includes several recommendations to ensure the protection of victims in court premises. Some examples to illustrate the recommendations included are "<i>respectful treatment and welcoming to women according to their situation</i>" or the "<i>creation of suitable waiting rooms in court. Within the constraints of the available space, circuits have to be designed to prevent visual communication between the victim and the accused</i>"⁴⁰⁵ (CGPJ, 2013: 104, translated by the author).
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⁴⁰⁴ Within this period, the victim must file a petition for separation, divorce or children's custody before a Civil or Family Court, in which case the precautionary civil measures will last another 30 days from the date of filing of the application. These measures shall be ratified, modified or rendered ineffective by the first instance judge that is competent. In case that the civil measures are ratified, they will remain in force until the family legal process is finalised. In the case of not submitting the application in a timely manner or if the Judge lifts the measures, they shall cease, hence leaving the victim without legal protection in this regard

⁴⁰⁵ Nevertheless, still many COVAW, specially the oldest ones converted into COVAW, have not been adapted and do not have separate waiting rooms or protection screens. The Guide acknowledges the lack of resources of the COVAW and makes a number of recommendations to the Judges to try to ensure the protection of the victims despite these material limitations.

	Furthermore, police officers shall conduct a risk assessment from the very first moment that a GBV crime is known to them, as stipulates the "Protocol on the Conduct of the Security Forces and Coordination with Judicial Bodies for the protection of victims of domestic violence and gender-based violence". The evaluations performed (both initial and on-going) must be delivered to the <i>"Judicial Bodies and the Public Prosecutor (...) with a report on the main risk factors appreciated"</i> (CGPJ, 2013: 126, translated by the author) to include appropriate protection measures in the PO. Additionally, the Judge may order to the Integrated Forensic Assessment Units (created under the Organic Act) to conduct a risk assessment, which complements the assessment already done by the Security Forces, to provide additional information to the judicial authorities to decide on the relevance and extent of protection measures for the victim. The forensic assessments may be urgent (within 72 hours) or ordinary (for the review process of protection measures already adopted). To this end the Ministry of Justice has approved a forensic protocol (in Spanish "Protocolo Médico-Forense de Valoración Urgente del Riesgo de Violencia de Género") with guidelines to undertake such assessments⁴⁰⁶.
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Source: Compilation based on information from the General Council of the Judiciary and Ministry of Justice.

SECURITY

Table 11. Good Practice 9: Police Coordination Mechanisms

POLICE COORDINATION (TABLES) MECHANISMS ⁴⁰⁷		SPAIN
THEMATIC AREA(S)		SECURITY
General information		
Institution responsible	Local Authorities (Local Safety Board) Government Delegation or Sub-delegation in the Autonomous	

⁴⁰⁶ Ministry of Justice (2011). Available in: https://www.administraciondejusticia.gob.es/paj/PA_WebApp_SGNTJ_NPAJ/descarga/Protocolo%20valoracion%20riesgo%20violencia%20de%20g%C3%A9nero.pdf?idFile=4f3d20e0-8241-494d-ac76-230989617a14

⁴⁰⁷ Police Coordination Tables is the literal translation for Mesas de Coordinación Policial, which is the name used in the Protocol (Ministerio del Interior-FEMP, 2006) governing these mechanisms. Nonetheless, there are municipalities that have used other names such as Security Roundtables, Roundtables for monitoring PO's etc. All such mechanisms are Police Coordination Tables or Police Coordination Mechanisms, as they are named along this document.

	Communities (GBV Units)
Other agencies involved	Ministry of Interior Spanish Federation of Municipalities and Provinces
Description	The Act (Article 31.2) states that to ensure an effective protection for victims of GBV, the government "<i>will take action to ensure that local police forces work along with the national law enforcement and security agencies, within their existing collaborative framework, to ensure the correct enforcement of the measures ordered by the courts...</i>". To this end was approved the "Protocol of cooperation and coordination between the National Law Enforcement and Security Forces and the Local Police Forces for the protection of victims of domestic and gender violence"⁴⁰⁸. The Police Coordination Mechanisms (PCM) are the mechanisms responsible for enforcing and monitoring the cooperation agreements⁴⁰⁹ reached between the national law enforcement and security forces and the local police bodies to <u>guarantee the effective enforcement of court protection measures</u> for victims of GBV. Moreover, the mechanisms also do follow-up the existing cases of GBV in the municipality, especially high-risk cases. Hence, the function of the PCMs is twofold: on the one hand implementing and monitoring the cooperation procedures for a fluid collaboration, on the other, following-up GBV cases to ensure a coordinated police response that guarantees that protection measures are enforced. In regard with the cooperation agreements, the PCMs are responsible for ensuring the proper implementation and monitoring the: - Collaboration and coordination procedures between the security forces located in a municipality - Criteria for action and roles and assignment of tasks and roles among security forces. - Procedures developed for the optimization of human resources and materials available. - Procedures to exchange information. - Coordination procedures between security forces and social assistance services for victims of GBV.

⁴⁰⁸ In Spanish, "*Protocolo de colaboración y coordinación entre las Fuerzas y Cuerpos de Seguridad del Estado y los Cuerpos de Policía Local para la protección de las víctimas de violencia doméstica y de género*", signed on March 13, 2006 signed between the Ministry of Interior and the Spanish Federation of Municipalities. Available in: <http://www.femp.es/files/566-375-archivo/WEB%20PROTOCOLO%20DEFINITIVO.pdf>

⁴⁰⁹ These agreements are reached into the Local Security Board, within which the Police Coordination Mechanisms are set up. The Local Security Board must meet within a maximum period of one month from the signing of the Protocol by the municipalities, in order to materialise the forms of cooperation between the existing Security Forces on their territory.

	The PCMs usually are integrated by representatives from all agencies dealing directly with GBV in the municipality, in addition to the GBV Units of the Government Delegation in the Autonomous Community. There are variations among municipalities in regard to the number of agencies involved in the PCMs though.
Assessment criteria	
Comprehensive response	The PCMs are multisectorial, interdisciplinary and inter-agency bodies with representatives from several local institutions with powers to deal with GBV. In addition to representatives from the existing security forces in the municipality, usually there are representatives from several municipal departments (such as the Department of Security or Social Services), representatives from the municipal social services, from the services specialised in GBV, and from shelters. Some PCMs may summon to participate in meetings to representatives from other agencies involved in a case that is being followed by the PCM, even though they do not integrate the PCM permanently. However, in some municipalities the PCMs are wider, having permanent representatives from other relevant agencies such as health care or education services. In such cases, usually PCMs' meetings overlap with meetings of the Coordination Mechanisms for GBV local policies (another coordination mechanism whose function is to promote and coordinate all actions and policies at the local level in the fight against GBV). The participation of all these agents aims to provide integral protection and care for victims of GBV by cooperating, networking and exchanging information.
Training and capacity building	The professionals integrating the PCMs are professionals specialised in the field of gender-based violence in each of the institutions they represent. Usually its in that institution where they receive specialised training in GBV.
Gender perspective	The PCMs are created under the Organic Act 1/2004. The definition of GBV contained in the Organic Act , is the one applied to the PCMs⁴¹⁰, being its core responsibility monitoring cases of GBV. The police officers participating in the PCMs are usually those officers specialized in GBV belonging to the GBV specialized units (if there is one in the municipality) or who are responsible for dealing with GBV cases in his/her police office. The involvement in the PCMs of the

⁴¹⁰ Despite the fact that the title of the Protocol includes the term of domestic violence, this is due to the Act 27/2003 of 31 July, regulating the Protection Order for Victims of Domestic Violence, previous to the Organic Act 1/2004. The Protocol is applicable both in cases of domestic violence as in cases of GBV, and in both instances police coordination is required to guarantee the effectiveness of the protection measures.

	specialized social assistance services, with whom security forces cooperate closely, reflects also a gender approach.
Victim's safety: women and children's safety	The ultimate goal of the PCMs is to guarantee the enforcement of the court protection measures to ensure the security of the victims. The Protocol under which the PCMs are created, states that the collaboration between security forces should provide a quick and effective police response, especially in situations of great danger. One of the functions of the PCMs is monitoring cases of GBV in the municipality, especially the most dangerous ones. To this end the PCMs meet regularly (the frequency of the meetings varies among municipalities) to exchange information on the current situation of women victims of gender violence. At the PCMs, special consideration is given to any changes that may impact on the victim's safety.

Source: Compilation based on information from the Ministry of Interior.

Table 12. Good Practice 10. Comprehensive Monitoring System of Gender-Based Violence cases VIOGEN

COMPREHENSIVE MONITORING SYSTEM OF GENDER-BASED VIOLENCE CASES- VIOGEN		SPAIN
THEMATIC AREA(S)		SECURITY
General information		
Institution responsible	Ministry of Interior (State Secretariat for Security)	
Description	The Comprehensive Monitoring System of GBV cases (VIOGEN, by its Spanish acronym), is a software application designed and launched by the State Secretariat for Security of the Ministry of the Interior in 2007, which aims to <i>"improve the protection of victims of gender violence, by monitoring the risk factors associated, alerting on its evolution and adopting appropriate protective measures to prevent and avoid the risk of further attacks "</i> (Zurita Bayona, 2013: 32, translated by the author). The goals of VIOGEN are to: - Integrate into a single information system all public institutions with competence in the protection and safety⁴¹¹ of victims of GBV. - Gather in a single database all the information related to the current situation and circumstances of the victim, to generate	

⁴¹¹ Such as the National Security Forces, Public Prosecutor's Office, Courts, Prison Institutions, Coordination Units and Units of Violence Against Women and specialised social services.

	easily exploitable information. - Conduct risk assessments. - Take all the necessary protection measures⁴¹² according to level of risk appreciated. - Prevent new attacks by using a system of automated alerts and alarms for the professionals involved. VIOGEN includes a standard form to conduct risk assessments. According to the level of risk appreciated, the application generates a report on what protection measures need to be taken. All information on the victim's situation is stored in the application, including all the assessments of risk that are made (initial and on-going), all protection measures put in place, any changes in the level of risk or in the judicial situation. Hence, all the case information is collected into a single application and is readily available to all the professionals involved. The application also generates automatic alerts that are sent to the victims or / and professionals, if there are changes that may impact on the victim's safety.
Assessment criteria	
Comprehensive response	VIOGEN is designed to ensure that all institutions responsible for protecting victims of GBV work co-ordinately and ensuring a quick, effective and comprehensive protection to victims throughout the whole country. By integrating all the information related to a case of GBV in a single database, allows that all the professionals involved receive updated information on any change in the victim's situation, especially changes regarding her safety, enabling a comprehensive and coordinated response. Currently integrated into VIOGEN are the following institutions: the National Police, the Civil Guard, the police forces from the Autonomous Communities of Catalonia and Navarra, several local police forces, the GBV Units of the Government Delegations in the Autonomous Communities, Prison Institutions, the Prosecutor's Offices and the COVAW. It is expected that other agencies dealing with GBV such as social assistance services will be integrated gradually into VIOGEN.
Training and capacity building	All professionals using VIOGEN receive specialized training before being granted access to the software application. In addition, as stated in the "Protocol for police assessment of the level of risk in cases of violence against women and its communication to the judicial bodies and the Public Prosecutor", specialized police

⁴¹² The protection measures (and all its amendments) foreseen in VIOGEN are listed in the Instruction 5/2008 from the State Secretariat for Security of the Ministry of the Interior. Retrieved from: <https://www.msssi.gob.es/ssi/violenciaGenero/QueHacer/protocoloActuacion/ambSeguridad/home.htm>

	GBV units should train and advise to their colleagues to ensure compliance with research protocols and risk assessment.
Gender perspective	VIOGEN has been designed taking into consideration the definition of GBV adopted in the Organic Act 1/2004. The gender perspective is reflected in the items collected on the risk assessment tool, in which indicator of the risk are included such as physical violence, sexual violence, psychological violence, use of weapons, explicit threats of physical or sexual violence against the victim, recurrence of violent incidents, etc. Furthermore, VIOGEN explicitly identifies the perpetrator as male and the victim as female (in addition to children, for whom VIOGEN encompasses protection measures specific for them).
Victim's safety: women and children's safety	VIOGEN aims to provide integral protection to victims of GBV (women and their children) by monitoring the level of risk of the victims, as well as following up and coordinating the actions carried out by the different agencies involved in her protection. To this end, an initial risk assessment is made through VIOGEN. Such evaluation differentiates five levels of risk: extreme, high, medium, low and unappreciated risk. According to the level of risk, VIOGEN comprises a specific range of protection measures that police forces must set up as soon as possible. The VPR questionnaire (in Spanish Valoración Policial del Riesgo) is used by the police for the initial risk assessment. The VPR questionnaire comprehends 16 items collecting information on the forms of violence experienced by the victim, the relationship with the aggressor, family background, social and economic circumstances, and information regarding previous withdrawal of complaints, the resumption of coexistence and the victim's renounce to the protection granted. The VPR questionnaire is used to assess the level of risk in every new case that is reported to police or when the victim's situation changes significantly. In the latter case, a VPR questionnaire is filled in again to re-assess the situation in light of the new circumstances, in addition to a VPER questionnaire used for risk evolution evaluation (In Spanish Valoración Policial de Evolución del Riesgo) which is described below. After the initial assessment, follow-up assessments are performed periodically to estimate how the situation evolves. The frequency of such evaluations is assigned by VIOGEN in accordance to the level of risk initially estimated. If the level of risk is estimated as extreme, assessments are reviewed every 72 hours, every 7 days in high-risk cases, every 30 days in medium-risk cases and every 60 days in low-risk cases. The VPER questionnaire is used for risk evolution evaluation (In Spanish Valoración Policial de Evolución del Riesgo). This questionnaire contains 17 items, and is very similar to the VPR,

	although the evaluation focuses on identifying to what extent the preventive and protective measures already in place are having the desired outcome. All VPR and VPER questionnaires are incorporated into the police report and a report containing the results of the risk assessments is passed on to the judicial authorities and the public prosecutor. In addition to the risk assessment and the protective measures contemplated, the application automatically generates Warnings, Alerts and Alarms as part of the so called "Automated notifications sub-system" of VIOGEN. This sub-system "is responsible for detecting and informing the various institutions, of all relevant circumstances that may, directly or indirectly, impact on the safety of the victim" (Zurita Bayonne, 2009: 4). Warnings are notifications that appear on the screen informing the users about identified deficiencies, such as important information not recorded. Alerts are email notifications that warn of deficiencies in the envisaged protection actions, such as not filling in the VPER questionnaire within the set timeframe. Finally Alarms are email notifications to all agencies engaged in protecting the victim to report on new risk factors, such as for example the imminent aggressor's release.
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Source: compilation based on information from the Ministry of Interior

EMPLOYMENT

Table 13. Good Practice 11: Social and labour insertion programme for victims of gender based violence

SOCIAL AND LABOUR INSERTION PROGRAMME FOR VICTIMS OF GENDER BASED VIOLENCE		SPAIN
THEMATIC AREA(S)		EMPLOYMENT
General information		
Institution responsible	Ministry of Employment and Social Security-Spanish Public Employment Service Public Employment Services of the Autonomous Communities	
Description	The <i>Social and labour insertion programme for women victims of GBV</i> ⁴¹³ (hereinafter the Programme) is for women victims of GBV	

⁴¹³ Programme is created under the Organic Act. Article 22 stipulates the creation of a specific employment programme for victims of GBV.

	registered as jobseekers in the Public Employment Services. It aims⁴¹⁴ <i>"to facilitate their social and labour insertion for attaining the economic and personal independence necessary to break the bond with the aggressor, and to achieve an effective integral recovery"</i> (translated by the author). To participate in the programme, women has to go through the Public Employment Services of the Autonomous Communities. The Programme comprises a range of measures targeting victims of GBV as well as measures targeting companies for promoting the recruitment of victims of GBV, which are listed below. Measures targeting victims of GBV: - Individually tailored labour insertion itineraries. - A specific training programme to facilitate social and labour insertion on an employee-basis. The training programme is structured in two phases: an initial phase to develop social and professional skills that will enhance the employability of the jobseeker, and a second phase to train on new work specialties. - Incentives to encourage initiating a new activity on a self-employed basis. - Incentives to facilitate geographic mobility. The incentives may cover all costs associated with a relocation such as travel expenses removal expenses, accommodation and child care. - Incentives to offset the wage gap resulting from the termination of the contract as a consequence of the violence experienced. Measures targeting companies: - Incentives to companies hiring women victims of GBV. - Agreements with companies to facilitate hiring women victims of GBV and their geographic mobility. The Royal Decree by which the Employment Programme came in force forseees that public authorities with responsibility for employment should create specialized services for victims of GBV within the employment offices. The Autonomous Communities have set up a network of specialized service points in the Public Employment Services where women receive support from specialized professional trained on gender equality and GBV. In addition, the Public Employment Services through the Employment Programme, manages the active insertion income programme for victims of GBV(in Spanish Renta Activa de Inserción, RAI). The RAI⁴¹⁵ is an economic aid regulated by Royal Decree 1369/2006, of November
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⁴¹⁴ As states the Royal Decree 1917/2008, of 21 November, for approving the program of socio-labour integration of women victims of gender violence that regulates the Programme.

⁴¹⁵ This economic aid is incompatible with receiving the economic aid foreseen in Article 27 of the Organic Act.

	24th and is aimed to unemployed people with special economic needs and employment difficulties. The requirements to receive this economic aid are less stringent in case of GBV. However, some of the main requirements is to have a PO in force, not to receive any other public benefits such as unemployment benefits or other revenues and to be separated from the perpetrator. The RAI also comprises a one-off supplementary aid payment for women obliged to change their place of residence due to the violence.
Assessment criteria	
Comprehensive response	The design of the personalised social and labour insertion itineraries is based on a previous diagnosis of the social and family situation of the victim, necessary for proper guidance and support in the process of socio-labor insertion. Such diagnosis allows to know the barriers or shortcomings that women may face in their labour insertion, such as family responsibilities that impede to reconcile work and family life, lack of training, lack of professional experience, etc. It also enables to identify to what extent these barriers or shortcomings are due to the history of violence experienced. The Programme provides professional training to learn new job specialties. But more importantly, considering that in many instances victims of GBV have been socially isolated and controlled and usually have low self-esteem, provides training on topics such as the acquisition of social skills, motivating and supporting women for job search, etc., involving to and coordinating with other stakeholders.
Training and capacity building	The program stipulates that the staff responsible for the specialized services for victims of GBV within the employment offices shall receive training on gender equality and GBV. Some Autonomous Communities have established cooperation agreements with relevant regional organizations working on GBV and gender equality to provide training.
Gender perspective	The purpose of the program and the measures comprised, reflect a gender approach in addressing the socio-labor insertion of these women. The Programme explicitly states the need to find a job as a mean for gaining economic independence, which is an indispensable condition for their autonomy, independence and freedom. Hence the Programme works from the premise that these women are in a situation of inequality and dependence from their abuser, that has led in many instances to their social isolation, control, lack of freedom, etc. and which have resulted in a deterioration of their self-confidence, loss of social, personal and professional skills, limited or no working experience, etc. Based on this analysis all the measures above mentioned, as for example is the case of the personalised itineraries or the training

	program for the acquisition of personal and professional skills and competence, were designed to help women to overcome the barriers resulting of the inequality and dependence from their abuser.
Victim's safety: women and children's safety	The Programme contains measures to ensure the confidentiality of data. It specifically sets that any action aimed at the socio- labour insertion (e.g. labour intermediation) must be according to the Law on Protection of Personal Data. It also stipulates that personnel from the Public Employment Services cannot inform third persons about the situation of GBV unless the woman has given consent (Art . 4.2 RD 1917/2008). On the other hand, only accredited personnel (i.e. professionals trained on GBV) will be granted access to women's information using special access passwords to the computer system (First Additional Provision) . Likewise, the Programme also consists of incentives to companies to facilitate geographic mobility of women obliged to move, among other reasons, to ensure their safety.

Source: compilation based on information from the Ministry of Employment and Social Security

4. CONCLUSIONS

Herein the final findings of the study are detailed. We have divided it into three groups: those relating to the process of identifying good practices, those relating to legislation and finally, the conclusions on good practices.

4.1. PROCESS

1. The conceptual relativism that entails the term 'domestic violence' difficult to compare different realities.
2. The network of services available to assist victims of gender-based violence is highly specialized and homogenous when prioritizing basic criteria of good practices. However, there is certain tendency to confuse criteria of good practices with good practices itself.
3. Experts have given more relevance to criteria related to political and technical sustainability of services and resources, as well as criteria related to the implementation of public policies, rather than criteria related to the impact of such policies. However, these criteria have been included as key criteria in a second stage of the Delphi consultation.
4. The intermediate role played by the Foundation between the experts and the Government Delegation on Violence against Women in the consultation process as well as in the identification of good practices, seems to discourage responses from participants.

4.2. LEGISLATION

1. It should be noted the lack of gender perspective in legislation of most countries in the study. Only Spain, France, Portugal and Sweden take into consideration specific standards that provide a context for GBV. The rest of the analyzed countries contemplate violence against women from a different perspective that focuses on family and marital relationships, rather than protection against gender differences and unequal power relations as the underlying cause of violence.
2. Most of EU countries have chosen sectorial laws to tackle gender-based violence, so that this kind of crime would be considered as domestic violence or family violence.

Only a portion of the analyzed countries (11 out of 28)) incorporates a comprehensive approach to domestic or gender-based violence. These countries are: Bulgaria, Cyprus, France, Italy, Lithuania, Malta, Poland, Portugal, Romania, Slovenia and Spain. In these countries, prevention is a key issue within the legislation against GBV or DV.

3. In most countries, legislation establishes criminal violence against women and domestic violence as an offence prosecuted *ex officio*. As an exception Bulgaria, Croatia, Hungary, Latvia, Romania and Slovenia require the reporting of the victim to initiate criminal proceedings, mainly in minor offences.
4. Also, in most countries, domestic and gender-based violence are specifically criminalized. However, in some countries such as Estonia, Ireland and the Netherlands, such crimes are approached as general crimes against personal integrity or injuries.
5. The penalties for domestic and gender-based violence offences differ among the analyzed countries. It should be highlighted that in quite a few countries the penalties applied are not proportioned to the damage caused. Furthermore, some countries contemplate mediation as a way to elude or reduce penal sentences. Cyprus, Greece, Hungary, Luxembourg and Portugal are the countries whose legislation includes mediation, and where it is not guaranteed specialized training of the mediators. Hence, mediation is conducted by professionals lacking gender perspective. This aspect can lead to re-victimizing the victims and produce a sense of impunity. Likewise, mediation can hinder an effective prosecution and sanction of domestic violence crimes, as mediation may enable perpetrators to avoid, partially or totally, the penal procedure.
6. All the countries contemplate in their legislation protection measures. Some of them, for example Austria, Bulgaria or Denmark comprise short, medium and long-term protection measures. While other countries have established short-term (crisis) protection measures but cannot guarantee the protection of the victims on the medium and long-term. This is the case in Slovakia and Hungary, which do not implement these measures effectively, and while incorporating the Austrian model of protection, provide fewer guarantees of safety for victims.
7. All the analyzed countries contemplate protecting children from violence, mainly through their child protection or welfare legislation. Nonetheless, some countries have stepped forward recognizing children living in violent households as victims of that violence. Bulgaria, Cyprus, Slovenia, France, Greece, Latvia and Lithuania are

the countries whose legislation define children witnessing violence as victims. Regarding Sweden, needs to be highlighted that Courts are obliged to withdraw the custody of a father sentenced for a domestic violence offence.

8. Most of the analyzed countries include measures to assist vulnerable groups through their national action plans. Only Greece, Portugal and Spain address specifically this issue in their legislation. Virtually all countries develop national action plans that approach specifically various manifestations of violence against women. While this action plan completes the sectorial legislation, it involves the risk of non-compliance as they are not legally binding, nor understood as key elements to guarantee women's human rights.
9. None of the analyzed countries have developed the right to reparation according to the international human rights legal framework. Within the four key elements that comprise reparation (compensation, complete rehabilitation, guarantees of non-repetition and satisfaction), the one most developed is the right to compensation. Nevertheless, such right is mainly enshrined in laws on the rights of victims of violent crimes instead of the domestic violence or gender-based violence laws. Additionally, many of the countries contemplate complete rehabilitation of victims through psychological and therapy treatment programs. On the other hand, despite the fact that all the countries include protective measures, few are the countries where protection is contemplated as part of the right to reparation (guarantees of non-repetition). These countries establish specific measures for the prevention of the repetition of these crimes.

4.3. GOOD PRACTICES

SPAIN

1. The introduction of specific integrated legislation on gender-based violence has facilitated the development and consolidation of a network of care and assistance services for women victims of gender-based violence in Spain.
2. The integrated nature of Law 1/2004 provides access to women victims of domestic violence to different areas of the social welfare system, such as: access to education, security, minimum income, labor market, accommodation / housing, health care and other basic social services. In order to ensure such access, government institutions at all levels (national, regional and local) have created a

complex network of specialized services that must be coordinated with the mainstream social services.

3. Accordingly, residential and daytime services have been made available to victims of GBV that deliver services in the short, medium and long-term and with a comprehensive approach. Such services facilitate victims' recuperation and play a vital role mediating and connecting women to mainstream social services and community resources. Women organizations are key agents to deliver these services.
4. The complex Spanish administrative structure has led to make a great effort to coordinate all public policies and to avoid duplication of resources. In this regard it is noteworthy, the creation of the Government Delegation against Gender Violence as the national mechanism responsible to promote and coordinate all public policies to combat gender-based violence.

NORWAY

1. Different manifestations of violence against women are recognized: domestic violence, family violence, sexual violence, forced marriage. This recognition has led to the creation of a network of specialized resources to attend the different forms of gender-based violence.
2. The services that deal with situations of domestic violence are adequately resourced to ensure they cover the needs associated with their field of action. There are resources to provide care for both women and men.
3. Violence is understood as a problem of public health as it demonstrates the fact that resources such as the 'Rape Crisis Units' are located within hospitals.
4. It is noteworthy the establishment of 'Children's houses' and 'Rape Crisis Units' as integrated resources that provide a comprehensive response to victims of domestic violence and aim to minimize secondary victimization when accessing protection and care services.

ICELAND

1. In the field of awareness and prevention, needs to be noted a strong and well established feminist movement that it is highly socially regarded. The feminist movement is really committed to the defense of human rights and is intimately linked to the academia.

2. The Children's House is a resource for comprehensive assessment which facilitates the access of victims to the judicial system and prevents the re-victimization.

4.4. MAIN CHALLENGES

SPAIN

1. Lack of specific legislation on other forms of violence: the Organic Act excludes all other forms of violence but intimate partner violence, limiting other victims of gender-based violence rights and access to specialized services. The network of services available within the Spanish territory aims to meet the needs of victims of domestic violence, providing no response whatsoever to other victims of gender-based violence.
2. Although to access to certain specialized resources (such as information and counseling services, emergency accommodation) is not limited by the possession of protection order; most of the rights recognized under the Act 1/2004 are associated with it; especially economic rights and custody and parental rights.
3. Children victims of domestic violence (and other dependent persons from the women victim of domestic violence) have access to specialized services, although they are not recognized as victims neither entitled to the rights that entail the legal status of victim.
4. Although prevention activities are one of the aspects contained in the Organic Act 1/2004, most of the State initiatives have been focused on developing care/palliative initiatives. The Ministry of Health, Social Policy and Equality and the Ministry of Interior have been two of the most involved ministries to implement the law. However other ministries such as the Ministry of Justice, Education, Culture and Sports or the Ministry of Labor and Social Security have developed very isolated and sectorial initiatives, playing a secondary role in the implementation of the Act.

NORWAY

1. It is necessary to enforce legislation that binds all government levels in the fight against gender-based violence while at the same time recognize the victims' basic rights (access to education, safety, minimum income, access to the labor market, access to shelter / housing, health care and other basic social services).
2. It is necessary to establish a national coordination mechanism that:

- Coordinates the various actors involved in the fight against gender-based violence: Central government, local government and social institutions (associations, private sector, universities).
- Creates protocols for coordinated action.
- Impulses standardized data collection to make visible the phenomenon of gender-based violence in the country.

ICELAND

All the conclusions mentioned for Norway applies to Iceland.

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