

# Needs Analysis Report





This report has been developed by international partnership including:



Association of Women Against Violence (AMCV), Portugal  
[www.amcv.org.pt](http://www.amcv.org.pt)



BUPNET GmbH, Germany  
[www.bupnet.de](http://www.bupnet.de)



die Berater, Austria  
[www.dieberater.com](http://www.dieberater.com)



Social Innovation Fund, Lithuania  
[www.lpf.lt](http://www.lpf.lt)

The synthesis of the national reports and the final needs analysis report has been prepared by the Social Innovation Fund, Lithuania.

If you have any questions or comments about the project or publication please contact the coordinator of the project:

Association of Women Against Violence (AMCV), Portugal  
E-mail: [project.e-maria@amcv.org.pt](mailto:project.e-maria@amcv.org.pt)  
Tel. (+351) 21 3802164  
Fax: (+351) 21 3802168



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## Project E-MARIA

The Project E-MARIA intends to contribute for the improvement of the intervention on domestic violence and recovery process of their victims/survivors, through the promotion of the safety and security plan which includes a new life project without violence, that will contribute to the prevention of further situations of domestic violence (prevention of the victimization) and the legal intervention on perpetrators.

**Project aims** to build instruments and develop outputs, integrating new approaches strategies and recommendations of intervention from United Nations, Council of Europe and European Union, which allow an effective intervention to protect survivors of violence and punish perpetrators for the violence.

### Project's target groups:

- ▲ Professionals that are in the front line of the services, with special incidence on law enforcement professionals and legal practitioners, since they are able to apply the Risk Assessment tools/instruments, or to contribute and reinforce this implementation through the application of legal procedures;
- ▲ All professionals who intervene in the field of domestic violence, taking into account that the implementation of the risk assessment has impact at all levels of intervention, since participate from the safety planning to the life projects and recovery of the victimisation process;
- ▲ Women survivors of violence, who would participate and benefit of the training sessions. They are also, with young women and children, the beneficiaries of the project. By one hand they benefit from the improvements on the intervention and support chain on the domestic violence and gender based violence.

### Project's outcomes:

- ▲ **Needs Analysis** (State of Art Review) in the field of Risk Assessment and Domestic Violence/Gender Based Violence,
- ▲ **European Manual on Risk Assessment**, composed by several sections, such as guidelines and tools for implementing risk assessment, safety plans, good practices, available resources, legal and criminal systems,
- ▲ **Booklet** with guidelines for the trainers,
- ▲ **Training Package for professionals** aiming to contribute for the understanding of risk dynamics and risk identification, assessment and management.
- ▲ **Training Package for women survivors of violence** aiming to contribute to the recovery of the survivors and complementary to the Manual.

The expected impact is the improvement of the support chain and intervention on domestic violence and gender based violence, through the implementation of tools and instruments which will allow a quick, efficient and improved answer to risk level, safety protection and prevention of risky situations.

## Introduction

The State of Art Review is a part of the project entitled *European Manual on Risk Assessment on Domestic Violence/Gender-based Violence* (E-MARIA), designed to develop innovative approaches to and instruments for risk assessment.

European statistics reveal that 45% of European women are victims of abuse and that intimate partner violence is a gender based and perpetrated by male partners. In domestic violence (D.V.) is possible to identify different types of violence and different kinds of impact on direct and indirect victims (such as children who witness the violence). Domestic violence is the first cause of femicide and one of the most valuable factors of women subordination to men.

Violence within family compromises women's self-esteem and hopes for the future and badly affects their children.

In the intervention on domestic violence, safety is a central concern for all actors involved in the intervention process, as well as in attempting to assess and manage risk. Risk can be considered as something adverse or dangerous occurring, including threats to the victim's life like potentially lethal situations. In domestic violence, the ability to manage the risk and develop a support and safety plan is fundamental. The Convention on preventing and combating violence against women and domestic violence, adopted by the Council of Europe, established a legally binding instrument giving special remarks to the obligation of providing protection for child witnesses and to carry out risk assessment and risk management (Article 50 – Immediate response, prevention and protection and Article 51 – Risk assessment and risk management).

This review intends to increase the prediction of re-assault and to promote the safety and security of victims of violence thus contributing to the improvement of the intervention and prevention of domestic violence.

Assessing the risk level in domestic violence cases is a very complicated process that requires special risk assessment instruments and tools to be developed and special trainings organized on risk assessment for professionals to provide them with skills and knowledge thus enabling them to assess properly the risk level of women and their children suffering from the domestic violence and increasing the prevention of it.

The main aim of this Report is to assess the current state of the risk assessment in domestic violence at European level with the main focus on existing risk assessment tools, legal aspects related to risk assessment, safety planning, legal implications and available trainings for professionals and women survivors.

To achieve this main goal, the Report has been divided into the following parts:

The first part of the report presents short overview of the situation of violence against women in Europe.

The second part of the report overviews the methods applied for collecting information to be included into national country reports.

The third part of the report starts with a brief overview of the results of the online survey which has been developed and published online in order to be spread at European level and cover more countries than the partner countries. This online questionnaire was a small version of the interviews to professionals.

The fourth part of the report presents the synthesis of the national reports on national practice and needs for risk assessment in the field of domestic violence/gender-based violence.

The fifth part presents the results of the interviews made with the focus group of women survivors of domestic violence.

The sixth part presents the outlines of the needs analysis regarding the content for the training program on risk assessment for professionals as well for the women survivors of domestic violence.

## 1. Violence against women in Europe

Violence against women, including domestic violence, is one of the most serious forms of gender-based violations of human rights in Europe. It is a very frequent event that assumes different forms (physical and psychological, sexual, or psychological) and different levels of severity (blows, bruises, severe injuries, or homicide).

Women are affected by male violence regardless of their gender, sex, age, race, ethnicity, class, culture and religion. According to prevalence studies, approximately 20% to 25% of all women have suffered physical violence, and more than 10%, sexual violence, during adult life. If all forms of violence against women are taken into account, around 45% of women experience violence. This means that for example in the 27 member states of the European Union, with a total of almost 500 million inhabitants, about 100 million women are estimated to become victims of male violence in their lifetime and one to two million women are victimised daily.<sup>1</sup>

Every day in Europe women are killed and the perpetrator is often not a stranger, but a partner or ex-partner. A survey on femicide carried out in the EU within a Daphne Project identified that the death of approximately 2,419 women related to intimate partner violence, from which about 1,400 were by a male partner.

In Sweden, approximately 22 000 cases of assault against women are reported to the police every year (Sweden has approx. 9 million inhabitants). Close to 80% of all violence against women in Sweden is carried out by a perpetrator known to the victim (Belfrage, 2008).<sup>2</sup>

Violence against women always affects their children as well, either direct or indirectly. In the case of domestic violence against women, children are very strongly affected; the violent husband or partner often also abuses the children. Several factors will have an effect on a child's response, such for example the age, sex, stage of development. Age can make a difference to the visibility of symptoms and the mode of their expression. Underlying the symptoms which children develop are strong feelings of terror, fear of death and fear of losing their mother. DV/IPV can jeopardise the developmental process of children and problems may be carried into adulthood.

Intimate partner violence is typically a repetitive crime with same victim and perpetrator as before and has a tendency to escalate over the course of the relationship. Moreover, many victims and perpetrators have had previous contacts with police, emergency departments and other institutions dealing with domestic violence. This means that the potential victim and perpetrator are known to the system, which makes a big difference from the cases of general violence or threats and gives a unique opportunity to protect the victim.

Sharps et al. (2001) found that 74% of 239 murdered women and 88% of victims of attempted femicide had been seen in emergency departments for some ailment during the year before the incident. Therefore, it is possible to assume the predictability of this crime. Nevertheless, it is important to have instruments that allow one to assess the impending danger to the victim.

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<sup>1</sup> WAVE Country Report: Violence against women and migrant and minority women - 2011

<sup>2</sup> PROTECT Identifying and Protecting High Risk Victims of Gender Based Violence - an Overview, WAVE, 2010.

Risk assessment can help the actors in the systems that interact with women survivors/victims of domestic/gender based violence in making decision about the actions and measures to be taken in order to protect the victims.

The process of risk assessment can also contribute to increase the victim's awareness of the risk they run and come to a more realistic appraisal of the danger in their situation, because in spite of evidence that abused women's perception of high risk is often accurate, Campbell's 11-city femicide study found that only about half of the women who were victims of actual or attempted partner homicide assessed their risk accurately (Campbell et al., 2003).

Moreover, risk assessment will allow to implement a set of strategies, measures and procedures, such for example safety plans, in order to manage the risk and prevent further violence and, if possible, to decrease the risk level.

Currently, in order to carry on the risk assessment in the intimate partner violence field, the checklists developed to aid practitioners' expert judgment are widely used. Checklists, clinical interviews, practitioners' intuition and formal assessment instruments identifying forms of present and past violence are used to help in safety planning with victims. However, even though most of European countries reported to have standards for protection and safety of victims, often the process of risk assessment in the context of gender-based intimate partner violence is not a systematic one. Often the risk assessment tools are used without appropriate risk assessment management. In some countries, like Lithuania, risk assessment tools are not foreseen by national legislation and practitioners often rely on risk assessment of the victim based on personal and work experience.

Therefore, it is very important to have clear guidelines about how to assess risk of domestic/gender-based violence and protect women from violent act, as well to apply risk management (including risk assessment and safety planning) systematically. It is vital to address the immediate safety of the victim(s) and stop the violence exerted by the perpetrator.

It is also considered to be a good practice to involve the woman (victim) in the risk assessment process. Several studies showed that women's perceptions of threat of re-assault are quite accurate, with the exception of femicide.

The new Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence among its provisions defines the obligation of the parties to carry out risk assessment and risk management (Article 51) to ensure that "an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support".<sup>3</sup>

In the 27 countries that are part of the European Union, the lack of borders increased the citizen's mobility as well as the trafficking of human beings, which render the violence phenomenon more complex. Therefore, it is very important to develop a common understanding of risk assessment and dynamics of domestic violence among the stakeholders involved in the intervention process, support and safety planning of women and children.

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<sup>3</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, p.19.





In response to this need the project E-Maria aims to develop an innovative tool in European dimension which would provide different approaches to and instruments for risk assessment contributing to prevention of the re-assault and increasing the safety and security of women survivors/victims of domestic violence in all European countries.

Please for more information of the national legislation in the EU Member States countries, please consult the Annex 1.

## **2. Methodology**

### **Methods and Research**

The present need analysis report is prepared on the basis of national reports that have been developed by each partner country. The structure of country reports reflects main areas of investigation provided in unified template (see Annex 2). The information on national contexts is based on the analysis of documents, statistical data available and the interviews with the national stakeholders – professionals involved in the support and safety planning of women and children in case of domestic violence.

The national research is focused on existing trainings for professionals working in the field as well for women survivors of domestic violence to identify the gaps particularly of missing training with blended learning elements in the field of risk assessment in case of domestic violence. To investigate the fields of improvement and the qualification needs the following methods have been applied:

#### **❖ Online questionnaire**

During the first partners meeting held in Lisbon at August 2011, all partners agreed to have an online questionnaire, which could be spread at European level and as a result would cover more countries than partner countries. It has been decided upon having the questionnaire which would be a small version of the interviews to professionals, available in English and request European associations and organisations to spread it also. The Austrian partner die Berater made this online questionnaire available on internet for further dissemination in October 2011. The online survey has been available on link <http://www.surveygizmo.com/s3/671281/E-MARIA-survey> has been closed in the beginning of 2012.

#### **❖ Desk Research**

E-Maria partners have conducted a research on internet and also looked for available documents in order to gather information at national level on current practice and legal implications related to risk assessment, identify good practices and education and trainings existing in view to risk assessment for professionals and women survivors of violence. Partners have also established contacts with local professionals and involve them via individual interviews into the research activities in order to substantiate the findings.

Based on the literature review the pattern for national report has been developed and given to all other project partners. The aim of the template was to obtain detailed information from all the partners. In case of unavailable data, this fact had to be noted in the form. The report form had to comprise information gathered by each partner through desk research and interviews of the local professionals.

### ❖ Interviews of local stakeholders

According to the application, the target group comprised was:

- ⚠ Law enforcement and legal professionals (for example: prosecutors, court officials, police officers);
- ⚠ Frontline professionals, especially those who implement the risk assessment tools;
- ⚠ Professionals who intervene in the field of domestic violence, who contributes for the implementation of risk management, safety planning of survivors of violence.

During the first partners meeting, all partners have reflected upon their possibilities to reach the target group specified. Taking into account partners activities and networks, it was agreed that each partner will reach the following specific target groups:

	PROSECUTORS	POLICES	FRONTLINE SERVICES	OTHERS (NGOS, LOCAL AUTHORITIES)
AMCV	X	X	X	X
BUPNET	X	X	X	X
DIE BERATER	X	X	X	X
SIF		X		X

It was also decided to carry out face-to-face interviews with the local professionals in order to obtain more detailed information, as well as to interview a minimum number of five stakeholders identified above. To perform the interviews, the partner Social Innovation Fund has provided the structured questionnaire (see Annex 3), which allows stakeholders to express clearly their wishes, needs and requirements and express their will to get involved in pilot activities of the project. The interviews conducted allowed the participants remain anonymous.

### ❖ Focus group with women survivors of violence

Another target group of the need analysis were women survivors of violence, for whom training sessions will be offered to promote their empowerment and autonomy. Moreover, this target group will benefit from the improvements in the intervention and support chain in case of domestic/gender-based violence.

It was initially planned to interview this target group in order to assess its needs. However, during the 1<sup>st</sup> partners meeting, it was realised that it could be hard to reach this group if the daily work does not involve the direct contact with women survivors of violence. Therefore, it was agreed that only AMCV, who works directly with survivors would consider and apply a focus group with women survivors of violence to identify their needs, using a guidelines (see Annex 4).

## 3. Results

### 3.1 Results of the online survey

Considering the fact that one of the final products of the project will be a web-based manual on risk assessment that could be implemented in any country of Europe, it was considered important to reach participants from every EU country through an online survey. This strategy would allow that more countries would be reached and that the information retrieved would be more comprehensive.

The online questionnaire was made available from October 17<sup>th</sup> 2011 till the beginning of 2012, under the link <http://www.surveygizmo.com/s3/671281/E-MARIA-survey>. All partners were actively involved in spreading information about the online survey via their national and international networks available.

There have been a total of 38 completed questionnaires by different professionals from 14 countries, namely one not identified country and 13 European countries (Austria, Belgium, Bulgaria, Estonia, Germany, Italy, Netherlands, Portugal, Romania, Serbia, Slovenia, Spain and United Kingdom). To see the Report of the Survey, please consult Annex 5.

The survey showed that the majority of professionals that has completed the questionnaire were providing counselling and training services for the victims/survivors of domestic violence (43.2% of all respondents), 27% indicated other occupation, the rest respondents reported as employed at crisis centres, helplines, shelters, police and as providers of counselling/training services for the perpetrators.

Regarding legal international instruments that guide the professional practice of the participants, the majority indicated the Universal Declaration of Human Rights (84.4%), Convention on Elimination of Discrimination Against Women-CEDAW (68.8%), Council of Europe Convention on preventing and combating violence against women (56.3%), Beijing Declaration and Programme of Action (53.1%) and Guidelines of Violence against women and girls and combating all forms of discrimination against them (50%). The less known instrument indicated in the survey was Lisbon Treaty; only 15.3% of all professionals that filled in the survey questions indicated they were familiar with it.

Most of the professionals participating in the survey stated that they are familiar with risk assessment tools used in case of domestic violence (75%), don't experience difficulties in conducting the risk assessment procedure (85.2%) and are aware about the existing legislation and national references available for application in case of domestic violence at national level (91.3%).

The majority of respondents apply some legal procedures and remedies (protection order, restraining order, etc.) during their intervention of domestic violence (69.6%).

Even though responses showed the tendency to deal with risk situations at the workplace (81.8%) the most of those who answered said that they know how to prepare the safety plan after assessing the risk of domestic violence be it for victims/survivors of DV or professionals dealing with the violent situation (90.5%) and that they follow some guidelines or instruments while developing it (81%).

All respondents clearly indicated their active collaboration with other institutions in case of need to deal with domestic violence (100%) mainly for informal exchange of information (80%), exchange of information inside the well-established networks or following the special programmes on a regular basis (60%), common collaboration in case of domestic violence case management (55%) and other ways of collaboration non indicated (15%).

The cooperation with other professionals is not always based on using a common instrument, only a bit more than the half of all answers indicated the application of a common instrument with all professionals involved in a case management (60%).

In any case, being familiar with the international legal instruments and experienced in dealing with the risk assessment does not guarantee that the risk of domestic violence will be identified and assessed in time, a bit more than half (52.6%) of professionals said they could provide the good example of successful risk assessment implementation or its identification, while the remaining 47.4% were not able to share their positive experience.

Regarding the trainings in the field of domestic violence, relatively with more focus on risk assessment, empowerment, recovery, safety planning, etc. organized for victims/survivors of domestic violence more than half of those who answered (63.2%) indicated their awareness about such kind of trainings organized in their country. The same number of respondents mentioned their previous participation in special trainings related to assessment/risk management in case of domestic violence, but almost all respondents (94.7%) expressed their interest to take part in such kind of trainings (courses, seminars, workshops) in the future.

As project seeks to develop an innovative approach for the intervention in the field of domestic violence by offering the ICT-supported manual on risk assessment to be implemented by professionals in any country of Europe, it was very important to assess the preferences of the professionals working in the field regarding the type of training that they would consider as most suitable and easy to access. There have been three preferences stated in the question regarding training preferences: E-learning, face-to-face seminar or blended-learning. The majority of those who answered this question preferred to be trained during the actual meetings with the trainer (57.9%), while 26.3% of respondents were more interested in blended learning approach. The rest answers indicated the wish to learn using the virtual learning environment.

Even though the number of completed questionnaires was not very high and the respondents covered just a part of European countries, nevertheless, according to the survey results we can state that the professionals working in prevention and intervention of domestic violence are well aware about the existing official international legal instruments and use most of them as guidelines in their professional practice. They are also very well familiar with the risk assessment tools and experience no difficulties in applying them while conducting the risk assessment. Dealing often with risk situation at their work they are aware about the ways to develop the safety plan following the certain guidelines or instruments. In case of domestic violence the professionals tend to collaborate with other institutions in the field for exchange of information in informal and established way. Less than half of those who responded the survey questions were aware about the training offers in the

field of domestic violence organized for victims of domestic violence in their region as well as special trainings in the field organized for professionals. The majority of respondents expressed their wish to participate in special trainings regarding risk assessment and its management where learning in virtual environment would be combined with real face-to-face training sessions.

### **3.2 Synthesis of the national reports on national practice and needs**

All partners produced a national report about the current situation on the field of domestic violence. This information is presented below providing the synthesised overview of the national pilot trainings with the main focus on the following items provided in the template and aimed at giving a structured overview concentrating on the following issues:

- ⚠ National backgrounds
- ⚠ Current practice and upcoming tendencies
- ⚠ Legal application in case of domestic violence
- ⚠ Risk assessment and management at national level
- ⚠ Good practices
- ⚠ Existing trainings on risk assessment for professionals and survivors of domestic violence

## National backgrounds

### Austria

Austria is a small country with about 8.4 million inhabitants (51% are female) nevertheless it plays an important role in Europe in promoting the development of an efficient policy to combat the domestic violence. Austria became a member of European Council in 1956 and ratified the CEDAW convention in 1982 with optional protocol in 2000. In 2007, the UN declared Austria as the country with the best practice for combating domestic violence, focussing on an innovative approach of protection and prevention policy.

The recent statistics provided by the WAVE country report<sup>4</sup> shows that the current situation in Austria is still alarming: in 2009, there were 138 murders and murder attempts, 96 cases of which occurred in a familial environment and the victims were predominantly women and children. In 2010, police reported 6759 cases of domestic violence, while women's shelters reported 3448 domestic violence cases of which 1733 involved women and 1715 involved children. There is no prevalence study in Austria, but approximately every fifth woman is likely to experience domestic violence.

According to the report of the Vienna Intervention centres during the year 2010 the Austrian „Gewaltschutzzentren“ supported 14983 victims of domestic violence including 13263 girls and women. The Austrian police executed 6926 injunctions and 2.706 applications on restraining order were filed. There have been registered 9216 criminal complaints, most of them concerning assault followed by dangerous threat and stalking and 2.530 people received support from the in-court Witness Service

### Germany

Germany with approximately 82 million inhabitants (51.11% of whom are female) is one of the biggest European countries. It has ratified the CEDAW convention in 1985 (Optional protocol in 2002) and it is a member of European Council since 1950.

Although many NGOs and experts are working in the field of domestic violence there is still an absence of a uniform definition of domestic violence. There is also no clear statistical data available, because the Federal Criminal Police Office “The Bundeskriminalamt” does not distinguish between criminal acts in general and criminal acts of domestic violence. Only one specific figure was available: 25% of German women are likely to experience domestic violence.

### Lithuania

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<sup>4</sup> Wave Country Report 2010



One of the three Baltic States – Lithuania has about 3.5 million of inhabitants of which 53% are women. This is a rather high percentage of female inhabitants in comparison with other European countries. Lithuania is a quite new member of the European Union, joining it in 2004 after having gained the independence in 1990. Lithuania is member of Council of Europe since 1993 and ratified CEDAW in 1995, while optional protocol of CEDAW was ratified in 2004.

The statistical database of domestic violence cases is rather poor in Lithuania. The official information available does not reveal the real situation about women victims and survivors of domestic violence in Lithuania. There is no official statistics available regarding female murder and domestic violence cases reported to police or to women's shelters.

According to statistical data the number of domestic violence cases reported by police increased from 33165 in 2007 and 33927 in 2008 to 41982 in 2009. Cases of violence against women investigated by police varied from 9974 in 2007, 12506 in 2008 to 12291 in 2009. Official report states that 63.3% of adult Lithuanian women report that they have been exposed to male physical or sexual violence or threats in their youth (at least 16 years of age) or adulthood.

Lithuania had no any law on domestic violence till December 2011. Till the new law came into force the majority cases of domestic violence did not appear in the official statistics as there was no obligation to collect this kind of information taking into account that the domestic violence was considered as a private matter occurring in the domestic environment. Another reason for shortage of information about the cases of domestic violence is the fact that in most cases the victims of domestic violence did not seek assistance from the law enforcement institutions (police) or any other social organisations.

The statistical analysis done by women researchers and women's centres in 1997 and 2002 showed that 2 out of 3 women have experienced physical, psychological and sexual violence from the men they live with, 63,3 % of women stated that they suffered from physical and sexual violence, but only 10,6 % of them reported to the law enforcement institutions. 56 % of women complained of psychological violence, which so far is not considered as a criminal offence and is not included in the legislation of Lithuania, except threat. 17 % of women said that they have been forced to have sexual intercourse. Marital rape in Lithuania has not yet been recognized as a crime. Domestic violence doesn't dependent on social status, religion, sexual orientation or ethnic origin. It might be experienced by both sexes, however majority of victims are women.

## Portugal

Portugal has actually more than 10.5 million inhabitants (52.21% of the total population are female) and has been a member of the Council of Europe since 22<sup>nd</sup> September 1976. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified at 03<sup>rd</sup> September 1981 and the Optional Protocol of CEDAW at 22<sup>nd</sup> December 2000.

According to the Home Office on its report<sup>5</sup>, in the first semester of 2011, it were registered 14.508 complaints regarding domestic violence by the Security Forces, corresponding to a medium of 2.418 complaints by month and 80 per day.

Comparing to the same period at previous years, there has been noticed a decrease in number of complaints, namely it was registered a decrease of 4,4%, although this decrease counter the previous tendency registered since earlier of an increasing of occurrences.

Similar to the previous years, the districts where were registered more complaints were: Lisbon (3488), Porto (3070), Aveiro (933) and Braga (847), representing together 65% of the complaints.

Taking into account the data available, as you can observe in the Table 1, more than half of the domestic violence reports were made face-to-face. By one hand, we can see that more than 77% of the police intervention was made by the request of the victim. Around 30% of the cases, it were verified the entrance of the officers in the residence of the victims and/or perpetrators, in most of the cases through a verbal consent/authorization of the victims (54%). The situations where the entrance of the officers was by their initiative were due an imminent danger/risk or by judicial mandate, representing this situation around 2%.

Table 1: Means of communication of the complaint, reason for police intervention and entry at home (%)		
Means of communication of the complaint	Face-to-face	53,6
	By phone	13,7
	Through actions of policing	25,7
	Electronic or through e-mail Complaint System	0,2
	Others/not defined	6,9
Reason for police intervention	Request of the victim	77,4
	Anonymous Complaint	3,0
	Information from relatives	4,6
	Information from neighbours	3,2
	Direct knowledge	4,2
	Other	7,5
Entry at Home (Yes)		29,7
Type of entry	Written authorization of the victim and/or reported	3,3
	Expressed verbal authorization of the victim	53,9
	Expressed verbal authorization of the reported	6,3
	Expressed verbal authorization of the victim and reported	34,7
	By police initiative ( <i>actual or imminent effective danger/risk</i> )	1,7
	By judicial mandate	0,03

In 80% of the occurrences reported to the Police, it was verified that they occurred in a particular residence and just around 17% in public locations or “closed” public locations (such for example: public institutions, commercial areas, restaurants and bars,...).

<sup>5</sup> “Relatório de monitorização Violência Doméstica – 1º Semestre” (Report of Domestic Violence monitoring) – August 2011

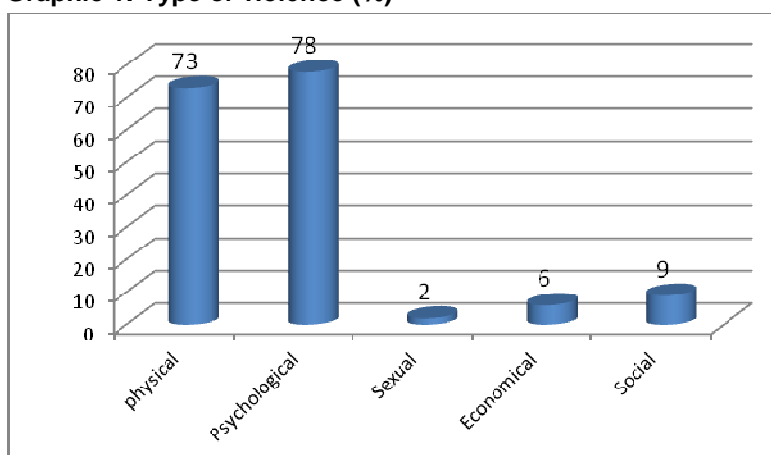
Around 42% of the cases, the occurrences were witnessed by minors. The physical violence was present in 73% of the situations, the psychological in 78%, the sexual around 2%, the economical in 6% and the social in 9%.

**Table 2: Place of occurrence, presence of children, previous occurrences, violence and consequences for the victim (%)**

<b>Place of occurrence</b>	Particular Residence	79,7
	Public space	13,7
	"closed" public space	3,7
	Work place (of the victim)	0,2
	Other/unknown	2,7
<b>Presence of children (Yes)</b>		41,9
<b>Previous occurrences (Yes)</b>		GNR: 43,5 PSP: 22,0
<b>Type of violence</b>	Physical	73,4
	Psychological	78,1
	Sexual	1,7
	Economical	6,4
	Social	8,5
<b>Consequences for the victim</b>	No injuries	51,1
	Minor injuries	48,0
	Serious injuries	0,8
	Death	0,03

The majority of the victims was female (85%) and the perpetrators/reported were male (88%). Both victims and perpetrators were majority in the age group of 25 to 64 (77% and 87%), with an average of 40 years and 41 years correspondently. Regarding the civil status of the victims, 50% were married or living together, as well as 52% of the perpetrators.

**Graphic 1: Type of violence (%)**



In 2010, the security forces registered 31.235 criminal complaints. Nevertheless the number of victims female and male may exceed the number of complaints because it may have been more than one victim involved in each incident reported to and by the police forces.

According to the Observatory of Women Murdered from UMAR (a Portuguese NGO), taking into account the news about homicides and attempts of homicide in intimate relationships, reported on the national written press, it was registered a total of 23 women murdered and 39 attempts of murder between the period of January till 11<sup>th</sup> November 2011. Regarding the number of women murdered, there was a decrease comparing to the same period of 2010 (43 women murdered). Concerning the attempts of murder, the number is similar to the previous year in the same period (39 attempts).

Regarding the homicides, the majority of the perpetrators were men, in which 70% of the murders were the actual partner of the victim and 13% the ex-partner of the victim.

Moreover, the Observatory still accounted a total of 62 associated victims (direct and indirect victims), in which 13 in the homicides and 49 in the attempts of homicide.

## Current practice and upcoming tendencies

### Austria

In Austria, there is no national action plan on domestic violence against women. In 2006, an action plan on combating trafficking, the Nationaler Aktionsplan gegen Menschenhandel was ratified. Further, Austria has developed a national action plan for child safety, the Nationaler Aktionsplan für die Rechte von Kindern und Jugendliche 2004 - 2007.<sup>6</sup>

In Austria, the first intervention centre was established in 1998. In 2010 there are in total nine intervention centres, one in each region of the country implemented as an accompanying measure to the protection law in Vienna and aimed at providing comprehensive support for victims of domestic violence and stalking. All of them are conducted by NGOs and funded by the Federal Ministries of the Interior and the Social Affairs. Intervention centres in Austria apply a proactive approach in helping women affected by violence. Police are legally obliged to inform the intervention centre each time a barring order is implemented. The intervention centre then contacts the woman and works out a safety plan, offers free counselling and free court accompaniment.

Currently there are six counselling centres focusing on violence against women and girls as well 50 girls and women counselling centres, including special counselling centres for migrant women. Since 2000, a men's counselling centre in Vienna offers anti-violence training for men with violent behaviour in cooperation with the Vienna Intervention Centre against domestic violence.

In 2010 there were 30 women's shelters for women survivors of violence in Austria offering a total number of 750 shelter places. Four of the shelters are located in Vienna. Additionally, the City of Vienna fully funds the operation of approximately 41 safe transition apartments for women survivors of violence and their children including special counselling services. As a result, Austria fulfils the recommendations of the European Parliament regarding the number of shelter spaces needed. By the end of 2010, the number of safe transition apartments will be increased to 50, providing a total number of 72 places. With a total amount of 166 women's shelter places and 72 transition apartments, the City of Vienna will also fulfil the recommendations of the Council of Europe (1997), which recommends one safe family place per 7,500 inhabitants.<sup>7</sup>

There are different networks composed of institutions working in the field of domestic violence as well a vast variety of women organisations focussing on different topics of areas in society. The main network in Austria is the European network "WAVE – Women Against Violence in Europe".<sup>8</sup> Other regional and local networks working effectively at national level include:

- Platform against violence in Families <http://www.gewaltinfo.at/>
- The Network of Austrian Counselling Centres for Women and Girls <http://www.netzwerk-frauenberatung.at/>

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<sup>6</sup> Bundesministerium für europäische und internationale Angelegenheiten, [www.bka.gv.at](http://www.bka.gv.at)

<sup>7</sup> WAVE Country Report 2010

<sup>8</sup> WAVE – [www.wave-network.org](http://www.wave-network.org)

- Österreichischer Frauenring – Umbrella organisation of Austrian women's associations <http://www.frauenring.at/> ☐ White Ribbon Austria <http://www.whiteribbon.at/>
- Frauenfakten – an Internet platform for the exchange of experiences/questions

The upcoming issue is the increasing necessity to implement structural changes ensuring the safety of victims and survivors of violence with migration background most often suffering the tradition-based violence (like forced marriage, the so called “honour related crimes”, etc.) and who usually lack information about their rights, are socially isolated and are not aware of the help services available to them. In Austria, the residence status of a married migrant woman still depends on her husband. Professionals currently working in the field of violence against women would like to see this changed.<sup>9</sup> In case a migrant woman manages to escape her violent relationship, she is in danger of being deported. These issues need to be considered in upcoming policy making in order to help migrant women in a more effective way.

## Germany

In 2007, Germany the Second National Action Plan “Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt” came into force. It was conceived in cooperation with many NGOs such as BIG - “Berliner Interventionsprojekt gegen häusliche Gewalt”. Even though this can be considered a positive development as the action plan is recognised at a national level, stagnation and even regression are visible in certain federal states of Germany regarding allocation of budget or implementation of concrete measures. To improve the situation it is planned to allocate a national budget to create important programmes for supporting victims and survivors of domestic violence.

In order to combat violence against women more effectively, the Federal Government has issued a comprehensive Action Plan to combat violence against women the 1 December 1999. In doing so, the Federal Government makes it clear that structural changes are necessary, rather than the occasional, isolated measures that disregard the complexity of the manifestation of violence. The Action Plan of 1999 was fully implemented.

In 2007, Germany has put into force a new Action Plan for combating violence against women (Aktionsplan II der Bundesregierung zur Bekämpfung von Gewalt gegen Frauen, 2007).

The main objective of the German Action Plan is to improve the efficiency of the fight against violence and to improve the protection of affected women. The German Action Plan addresses all forms of violence against women and summarises the Federal Government's measures in ten areas:

1. Prevention
2. Legislation by the Federal Government
3. System of support and counselling for women affected by violence
4. National networking in the aid system
5. Co-operation between state institutions and non- governmental organisations
6. Work with perpetrators
7. Qualification and awareness building

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<sup>9</sup> WAVE Country Report 2010

8. Research
9. European and other international co-operation
10. Measures to support women abroad

An expert group of the UN has put this Action Plan on the list of good practices for national action plans on violence against women because it gives the political basis for improving the current situation which still shows many deficiencies in the support system for combating domestic violence.

At the federal state level there are three helplines for women and their children affected by domestic violence: one in Berlin, one in Hamburg, and one in Schleswig Holstein – not all three of them offer 24 hour service. If necessary, an interpreter enables communication with women who do not speak German properly. At a regional level there are about 74 helplines often operated by women's shelters and women's counselling centres, for example the "Frauennotrufe" (emergency helpline and counselling centres for sexualised violence). The services provided by them to women survivors of violence vary a lot, mostly depending on the financial situation of the organisations.<sup>10</sup>

In January 2012, a law was ratified foreseeing the implementation of the first federal helpline. Its implementation is planned for the end of 2012. It will offer professional support and help for abused women 24 hours in several languages.

There are 6,968 shelter places in 358 shelters available but 1,353 additional places are still needed. The models of service offered by German women's shelters differ in terms of maintenance of the telephone service regarding opening hours, e.g. professional counselling during daytime; during night just telephone counselling, counselling and also in terms of funding strategies. However, all shelters can be contacted by phone 24 hours and 75 per cent of women's shelters provide multilingual counselling in at least one foreign language and up to 16 different languages, depending on the language skills of their employees. Many shelters also work with an interpreter if translation is needed.<sup>11</sup>

11 out of 16 federal states of Germany run intervention projects which coordinate services of all different expert groups dealing with women victims of DV and offer active counselling. The total number of intervention centres in Germany is 83.<sup>12</sup>

Although a positive development can be recognised on the national level (legislation, national action plan) stagnation or regression is also visible in certain federal states of Germany regarding allocation of budget or implementation of concrete measures. Based on the national action plan, there is a plan to allocate budget on a national level to support important activities for survivors of domestic violence. As in other European countries, there is an ongoing discussion about special services for specific target groups of survivors of domestic violence such as migrant women and women with disabilities.

In Germany there are many training opportunities for victims and survivors of domestic violence as well as training programmes for professionals, but often they are too expensive for small and low funded NGOs, which are mainly involved in the supportive chain.

<sup>10</sup> WAVE country report, 2009

<sup>11</sup> WAVE country report, 2009

<sup>12</sup> Wave country report, 2010, <http://www.scribd.com/doc/60327973/Wave-Country-Report-2010>

With the implementation of the new Action Plan II in 2007 the government expects the 16 federal states to further develop their programmes and actions for combating violence against women and to improve the cooperation and collaboration at federal level. As Germany is a federal state some stakeholders who are involved in the intervention fall within the remit of the state or the federal states, whereas others fall within the remit of the municipalities etc. The Action Plan II is a good starting point, because it gives the political basis for improving the current situation which still shows many deficiencies in the support system for combating domestic violence.

Since 2000 a specific workgroup consisting of representatives of ministries (state and federal state level), municipalities, NGOs, prevention projects, shelters etc. has accompanied the national implementation of the Action Plan to combat VAW. The involvement of the federal states and the cooperation between state institutions and non-governmental offers are among the declared objectives of the workgroup. This workgroup has developed various recommendations and standards for the intervention in the field of DV, among which e.g. recommendations for interfaces between the Protection Law and Child Protection; standards for necessary frameworks to implement the Protection Law; recommendations on preventing actions etc.

A positive sign is that women's NGOs are invited to carry out continuous expert counselling for the German government and can be considered good practice in networking between all entities involved in preventing and intervention actions against domestic violence.

Generally at local and regional level the relevant organisations working in the support chain for victim and survivors of domestic violence have a good network, but there is still the need to continuously manage and control the process.

At a national level the Federal Criminal Police Office "Bundeskriminalamt" started a very interesting and helpful programme to train the staff of its main national police headquarters about trafficking. This training involves experts from Russia, Latvia, Lithuania, Belarus and Rumania, the countries where the main part of trafficking happens. Also at a regional level in Lower Saxony the "Landespräventionsrat" (the prevention council of Lower Saxony) started a coordination project of all local organisations involved in the field of domestic violence.

BIG is a Berlin-based non-profit organisation whose mission is to reduce domestic violence. BIG was founded in 1995 by women and men working in projects against domestic violence (DV) in Berlin. It ran as a national model project until 2001 and throughout this period was supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth as well as by the Berlin Department of Labour, Women and Social Affairs.

As a result of the cooperation of more than 150 experts BIG has developed new and effective measures and strategies against domestic violence. This had a great impact on German federal policies: The First and the Second Action Plan to Combat Violence against Women – formulated by the German Federal Government – integrating 133 Federal Government measures to counteract all forms of violence against women including domestic violence, is based on the knowledge and experience gained by BIG.



## Lithuania

In 2006, the National Strategies for Stopping Violence against Women was enacted. It was developed in cooperation with the Lithuanian WAVE focal point Vilnius Women's House and Crisis and Centre and other NGO's.

The National Strategy for Combating Violence against Women and a Plan of Implementing Measures 2007-2009, approved by Lithuanian Government on 22nd of December 2006 (Valstybės žinios (Official Gazette) No 144-5474, 2006) provided the following definition of violence and domestic violence:

"Violence against women in the family or domestic violence is all intentional physical, psychological, economical, sexual acts against one family member, usually intentional acts of a man against a woman, if those acts violate woman's rights as a citizen and natural person, as well constitutional rights and liberties and cause economical, physical, psychological or moral harm".

The aim of the Strategy is to reduce, in a consistent, complex and systematic manner and on the national level, domestic violence against women.

The main priorities of the Strategy are:

- ▲ improvement of the legal base in the field of combating violence against women;
- ▲ analysis of the situation in the field of domestic violence against women;
- ▲ effective prevention of domestic violence against women;
- ▲ provision of a complex set of assistance to victims of domestic violence against women;
- ▲ sanctions on perpetrators;
- ▲ strengthening of institutional capacities.

The goals of the Strategy have been set for the period until 2015, and measures for the implementation of the Strategy will be developed every three years. The first plan of measures covered the period of 2007-2009.

A new Plan of Implementing Measures 2010-2012 has been adopted by the Government of Lithuania in 2009, August 19.

Current national actions are promoted by Ministry of Social Security and Labour of Republic of Lithuania. The measures foreseen in the National Action Plan have been implemented in 2012 by the Ministry of Justice, Ministry of Social Security and Labour, Police Department under the Ministry of the Interior, Department of Statistics to the Government of the Republic of Lithuania, Ministry of Health of the Republic of Lithuania, the Ministry of the Interior, the Institute of Law, Institute of Labour and Social Research, Information Technology and Communications Department under the Ministry of the Interior, Municipalities.

Lithuanian Government started to pay active attention to DV problem in Lithuania since 2006, nevertheless the first official scientific research organized on the State level was performed by BGI Consulting in 2008 on request of the Ministry of Social Security and Labour. This research was as part of the Plan of Implementing Measures 2007-2009 under the National Strategy for Combating Violence Against Women adopted by Lithuanian Government in December 2006. The research results helped the Government in further processes of policy making and implementation. The key goals of the research was to identify the scale of occurrence of this phenomenon in Lithuania; to

ascertain its reasons; and to set proper measures of help for victims. The research was also contributing to the long term analysis of the phenomena covering 10 recent years. In order to do this there was a sociologic research carried out and the results were compared to analogous researches implemented in 1998 and 2002. The occurrence of family violence against women was analysed according to various violence forms, forms of relations between the abuser and the victim. The condition of family violence victims was also evaluated as well as comparative analysis with the previous researches on the issue was carried out. The main data source for the research was a representative survey. One thousand 18 to 74 year Lithuanian women were interviewed during October 2008.

It is difficult to give exact numbers about the number of shelters, as each crisis centre has a possibility to provide temporary accommodation for the victims of violence (usually there is at least one room that can accommodate up to 3-4 women). In most crisis centres the multi-language service is not available; the most spoken languages are Lithuanian and Russian.

Lithuanian women organizations and the crisis centres mostly financed by the projects on national and international levels, thus they do not have the constant financial/institutional support from the State.

Only 3 crises centres are getting financial support from their Municipalities. During the year 2008 the financial support from the State has been granted via projects to 19 NGOs working in the field of DV.

It has been noted that municipalities in each Lithuanian region have different perception of domestic violence against woman problem and as well have different approach to its solving. In most regions of Lithuania there is still lack of initiatives to support activities of women NGOs and to develop the infrastructure of women crisis centres. There is still a tendency for Municipalities to establish institutions, offering "mixed social services", however this does not guarantee that a woman, who experienced DV will get special assistance: often women victims of DV are accommodated together with their children at the shelters, where they stay together with persons belonging to "social risk" groups, such as homeless, people who left imprisonment institutions and others.

The biggest database of women NGOs is presented on internet by "Women Information Centre" ([www.lygus.lt](http://www.lygus.lt)). It includes 130 NGOs operating in Lithuania and uniting women with its activities (Data taken from the research on violence against women in family and evaluation of state of domestic violence victims, carried out by BGI Consulting under the request of the Ministry of Social Security and Labour, 2008). 55 of women NGOs are active in combating violence against women providing different services to the victims of DV. Not all organizations have their own websites; therefore the data derived from "Women Information centre" remains one of the main sources of information. Another source of information is the website [www.bukstipri.lt](http://www.bukstipri.lt), created in 2008 by the Ministry of the Interior as one of the measures protecting women against violence, foreseen in the National Strategy for Combating Violence against Women. This website indicates the list of 28 women crisis centres and other organizations, providing assistance to women victims of domestic violence. 3 men crisis centres providing assistance to men are also listed (<http://www.bukstipri.lt/lt/kur-kreiptis>).

There are several networks operating in Lithuania aimed at prevention of domestic violence as well to assist the women victims and survivors of domestic violence:

- ▲ Lithuanian Coalition of Non-Governmental Organizations for Protection of Women's Human Rights, established in 2000 and uniting around 50 NGOs (<http://www.women-coalition.webinfo.lt>), which acts on lobbying on implementation of CEDAW recommendations covering also the problems with DV in Lithuania;
- ▲ Network "Women's Rights Are Human Rights" (initiated in 1999 as a network of NGO Crisis Centres, active in different regions of Lithuania and lead by Vilnius Women's House. It's main activities are lobbying for better legal protection of women victims of domestic violence and creating friendly environment for the NGOs to run Crisis Centres, which are the main providers of the services for abused women);
- ▲ Coalition "NO to Domestic Violence", established in April 2005 by 2 women crisis centres (Kaunas and Alytus), Klaipeda social and psychological support centre, Women Activity Center of Marijampole District, Women Information centre and Vilnius Shelter for Women and Children, supported under the Baltic-American partnership programme. These crises centres are the main providers of the services for abused women.

As Lithuania is a rather small country, all information is provided on national level. Most institutions involved are cooperating closely in attempt to provide women who experienced domestic violence possibility to get shelter and support. Women Crisis Centres have close contacts with local police institutions, lawyers and women's shelters, especially this is noticeable in smaller towns.

## Portugal

According to the II National Action Plan Against Domestic Violence (2003-2006), it is understood by domestic violence all physical, sexual or psychological violence that occurs in familiar context and includes, but is not limited to, maltreatment, women and children sexual abuse, rape between spouses, passion crimes, female genital mutilation and other harmful traditional practices, incest, threats, arbitrary deprivation of liberty and sexual and economic exploitation. Although mostly performed on women, also affects, directly or indirectly, children, elderly and other vulnerable people such as disabled (Ministry Committee Resolution nº 88/2003 of July 7<sup>th</sup>).

Recognising Domestic Violence as a serious violation of Human Rights, as defined on the Beijing Declaration and Platform of Action (UN, 1995), where violence against violence is considered a barrier to achieve the equality, development and peace, it is being implemented since 1999 **National Action Plans to prevent and combat the Domestic Violence**. Actually, Portugal has been implementing during the period of 2011-2013 the 4<sup>th</sup> National Action Plan Against Domestic Violence.

This Action Plan intends to prevent and combat domestic violence, the development of actions to promote new masculinity and femininities. It establishes a set of measures structured in five main strategic intervention areas, namely:

1. Inform, aware and educate;
2. Protect the victims and promote the social integration;
3. Prevent the relapse – intervention with perpetrators;

4. Qualify the professionals;
5. Investigate and monitor.

In Portugal there are several services available to support survivors of violence. There are two helplines, namely:

- ▲ Social Emergency National Line (LNEs) – 144
- ▲ Information Service to Victims of Domestic Violence – 800 202 148

Regarding the services available, there are 137 services, in Portugal, composed by Center and Nucleus, Offices of Victim Support, Municipalities and NGOs. These services/entities provide several types of services, such for example: individual counselling, psychological support, legal counselling. Taking into account the women needs, some organizations also implement services such as supported employment and housing finding, psychological support for children, self-help groups and training programs for women and professionals. Most organizations working in this field provide these services for free.

Besides, there are 37 shelters and 9 Insertion Communities (the last ones are not so specific to domestic violence survivors) at national level. The total number of beds available is 632, not having a defined number of emergency beds since this is managed by each institution. Most of the shelters have 24 hours services.

The national networks working in this field is the shelters national network, which AMCV is involved. Moreover there are several local (formal and informal) networks in this field. AMCV has been collaborating in some: Montijo, Sintra, Loures, Torres Vedras.

Nowadays, as an upcoming issues there is a discussion, based on the victims needs, about the duration of the legal process – they take too long unless the risk of death is very high, which could have some implications to the victims, such for example new injuries or attempts of injuries, stalking or even, in extreme cases, the death.

Although it is foreseen the procedure of declarations for future memory, this procedure is not being used or rarely, which would be important in some cases for the preservation of proofs (supporting the conviction of the perpetrator), as well as to avoid the secondary victimization of the victim and even the witnesses.

Besides, not always is applied the Witness Protection (children and relatives, in some cases neighbours, co-workers, boss), being stalked and threatened by the perpetrator.

Regarding the Risk Assessment, the law enforcement and legal practitioners apply it, which is vital for the protection of survivors and adequate services/support.

## Legal application in case of domestic violence

### Austria

With the Austrian Federal Law on protection against domestic violence (Gewaltschutzgesetz), which came into force on 1st May 1997, Austria has created the legal basis for a comprehensive set of measures for protection against domestic violence which is regarded as a "model of best practice" throughout Europe. The framework's success is based on a combination of legal and social measures with the close cooperation of the legal and social institutions, including the police, the family court and Austrian intervention offices, which offer direct help and support for victims of domestic violence.

In 1997 the Federal Act on Protection Against Domestic Violence came into force in Austria. This Act is based on the principle that victims of violence may stay in their homes and perpetrators have to leave the environment of the persons towards whom they have been violent.

This law was eventually a product of the continuous cooperation of Austria's women's shelters movement with the police and individual court representatives on the one hand and the former Minister of women, who had defined violence against women as one of the focuses of her work, on the other.

Women's organisations, and especially the Association of Women's Shelters in Vienna, were involved in the preparation of the Act from the very start.

The Act consists of three elements that are linked to each other:

- eviction order by the police: the perpetrator has to leave the flat for 10 days;
- interim injunction under civil law, which provides protection for a longer period;
- support of victims by domestic abuse in intervention centres.

The latter measure is most essential, because victims need active assistance to enforce their rights vis-à-vis the perpetrator.

There are intervention centres in all nine provinces of Austria, which pursue a proactive approach: the police communicate the reports on interventions in cases of domestic violence to the intervention centre in charge, and the centre actively contacts the victim and offers assistance.

The Austrian Federal Act on Protection Against Domestic Violence follows seven principles:

- ▲ Violence in the domestic environment is a public matter and has to be prevented in the sense of public interest;
- ▲ Principle of priority for the safety of those at risk of domestic violence;
- ▲ Principle to focus on the relationship of violence – since domestic violence is a result of an imbalance of power within the family;
- ▲ Principle of a 2-phase model: in the initial stage, intervention doesn't depend on the will of the victim, but is a statutory procedure. The second phase, however, relies more on the autonomy of the victim, and their will to change the situation;

- ⚠ Violence has to be banned – even if it is carried out in the private environment. Domestic violence has to be treated as a crime;
- ⚠ Emphasis on the perpetrators' responsibility;
- ⚠ Necessity to follow a holistic and multi-institutional approach.

On the 1st of June 2009, the Protection against Violence (Amendment) Act came into force, bringing with it important changes to the law.

The duration of the restraining order was extended from 10 to 14 days. A new offence was created: The new paragraph §107b stipulates that "continued exercise of violence" is now punishable. Repeated violence will therefore carry more severe penalties than 'one off' offences. This accounts for the fact that repeat offences of violence within the family are already very high.

Victims of violence, who have received in-court Witness Support, also have the right to free-of-charge social and psychological support under civil actions.

## Germany

Germany recognises that violence against women is part of everyday life in Germany and that it takes a wide variety of forms. Violence against women is not limited to assaults on the physical and emotional integrity of women alone, it includes subtle forms of behaviour which prevents a woman from developing and expressing her own will, and ignores her needs and well-being. The violence ranges from daily harassment in the street and interference in working life to various forms of disrespect, degrading women to objects, maltreatment and sexual abuse within the family and in public, rape, homicide and trafficking in women. Since 1997 marital rape is considered an official crime and not a private matter. In 2002 the law against violence has been implemented. It allows the endangered individual to remain in her/his familiar surroundings following the underlying principle: "Whoever hits must leave". Two years later, in 2004, the Protection Law was implemented and finally in 2007 an anti-stalking law came into force.

There are several national legal instruments applied in practice in case of domestic violence.

### Constitutional law

The constitution provides for comprehensive guarantees for the protection of all fundamental rights of all human beings, irrespective of nationality, descent, race, language, homeland or country of origin. Women, like all people, are guaranteed protection against any form of physical and psychological violence in accordance with particular needs.

These Constitutional provisions safeguard general rights that exist for the protection of the personality. This guarantee includes protection against psychological violence committed by the State and the State has an obligation to take suitable measures to counter psychological violence against women committed by society as a whole.

In 1997, the determination of penalties for offences against property and crimes of violence against persons was modified so that offences against property are no longer sentenced to a higher penalty than crimes of violence.

### Penal law

The German Penal Code sentences violence against women with high penalties.

### Safety report on domestic violence

The first periodic safety report of the Federal Government 2001 deals with the protection of women from violence. The report contains a current description of the development in criminality in the field of violent crimes with a special regard to sexual offences, sexual violence against children and trafficking in human beings. Following the statement of facts the report reflects the conclusions of the Federal Government in the field of criminal and justice policies.

### Criminal law

Violence against women is covered by general provisions of criminal law e.g. homicide, bodily harm, deprivation of liberty (e.g. by a state official) and coercion. These laws have broad application and provide protection from matrimonial and domestic violence. As part of the objective of ensuring that cases of domestic violence are not treated as "private" matters and dismissed by the police and the public prosecution office, the "Guidelines for Criminal Proceedings" contain provision to ensure that the public authorities deal with domestic violence, i.e. that the police and the public prosecution office institute legal proceedings when they become aware of ill treatment.

In 2002 the Guidelines were amended. In addition to the Protection against violent act a public interest in prosecuting bodily harm is assumed in those cases where the victim cannot be expected to make an application for prosecution because of the personal relationship between victim and offender".

### Separate right of residence for wives of foreign nationals

In 1997, the regulation concerning an independent right of residence for foreign spouses was amended in the Alien's Act. In cases of special hardship (including domestic violence), the wife can obtain an independent right of residence without having to comply with a time limit. In the past, a conjugal community had to have existed for at least 4 years in Germany. This regulation resulted in that a foreign woman who wished to separate from her violent husband within this period had to count of expulsion. Amendment from year 2000 to the same regulation lowered the general period a marriage had to exist to 2 years.

### The law providing the liability for the rape in marriage

In July 1997, after years of debate and several attempts in the German Bundestag, rape in marriage was criminalised. The previous law only defined extramarital rape as a crime, whereas sexual intercourse forced on the wife by the husband could only be prosecuted as coercion or bodily harm.

### International conventions

The Federal Republic of Germany is a signatory to European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Furthermore, Germany has adopted a number of international conventions aiming to protect women from violation of human rights, in particular the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). With the ratification of the CEDAW Optional Protocol the communication procedure and an inquiry procedure are recognized.



The Federal Republic of Germany is one of the states that has always urged and supported the establishment of a special commissioner at the UN Commission on Human Rights responsible for human rights violations in form of violence against women.

Anyone who is beaten at home needs help. This may involve talking about the different options for protection in the first instance, such as those offered by special assistance facilities, e.g. advice centres or women's refuges. The police offer assistance in situations of acute danger. They are obliged to come immediately upon receiving an emergency call. They will document this visit and pass on their notes to the courts (criminal courts and civil courts) upon request.

If a punishable offence has taken place, such as physical assault, coercion, rape or encroachment on freedom, the police are required to file a complaint. If they are called to the scene of the offence, they will file the complaint there and investigate accordingly. However, victims may also go to the police station and file a complaint there.

As part of criminal proceedings, this complaint is forwarded to the public prosecutor at a local court or to the prosecutor-general, who then decides whether to press charges.

As well as or instead of criminal proceedings, anyone who has become a victim of violence can apply for the following protection measures under civil law:

- ▲ protection orders,
- ▲ allocation of the home,
- ▲ compensation and damages,
- ▲ sole custody of the children,
- ▲ prohibition of or restriction on contact.

With the introduction of the Protection against Violence Act, Gewaltschutzgesetz (civil right) in 2002 the police can evict the abuser from the living quarters for several days and may forbid his return. In cases of corresponding danger, they may also take the man into custody.

Some Federal Länder have explicitly authorised the police in their police laws to carry out such "apartment evictions" for several days to enable victims to obtain advice during this time and, if necessary, take steps under civil law and obtain court protection orders. Applications have to be made for these protection orders from the family court without delay so that there is no gap in protection because the police eviction order only applies for a few days. In a few cases, the Land police laws make provision for the perpetrator to be required to name an address or a person authorised to receive the protection order so that it can be served in a way that is legally valid.

Allocation of the home:

According to the Protection against Violence Act, in an acutely endangering situation, women can apply that the common living quarters be temporarily turned over to them for sole usage. The duration of this allocation is dependent on questions concerning rent and ownership of the residence.

Moreover, there is also the Schutzanordnung, Protection order, also called "off limits zone" (Bannmeile): It is possible to prohibit the abuser from contacting the woman - near her place of work, kindergarden, school, or apartment - so he cannot molest or threaten her.



Suspension of his right to be with the children (Aussetzung des Umgangsrechts):

If there is a danger that the father uses his visiting rights (Besuchsrecht) to abuse the woman or the children, the woman can submit an application for suspension or revocation of his right to be with the children. Alternatively, the woman may request that a member of the youth welfare office or a similar institution be present during his visits

Compensation for pain and suffering (Schmerzensgeld):

Victims of DV may claim this as personal compensation and for pain caused by injuries.

Compensation for damages (Schadensersatz):

Victims of DV can demand this compensation for: medical treatment, loss of earnings (Verdienstaustausch), torn clothes, and damaged objects.

A lawyer or victim protection organisation - such as the "Weißer Ring" - can help in this case. "Weißer Ring" quickly offers help to victims of crime and provides information about government aid as stated in the Crime Victims Compensation Act (Opferentschädigungsgesetz).

Germany is a federal state therefore there is a clear separation between the state and the federal state level (land). In some areas it is at federal state level that laws are ratified and implemented, thus there is no uniform legislation in the 16 federal states. In other areas it is at state level that laws are ratified and implemented. When it comes to domestic violence, there is the Action Plan II (see above) that was ratified and implemented at state level: it was the national government to ratify it. As far as the implementation at operational level is concerned it is up to the federal states to see to it.

This is why there is a general tendency to try to improve the cooperation between stakeholders at state level, land level and municipality level (state institutions) and NGOs that are active in the field.

## Lithuania

Violence against women is recognized in Lithuania as the violation of human rights; it applies international legislation obliging the State to defend the rights of its female citizens. The National Strategy for Combating Violence against Women and a Plan of Implementing Measures 2007-2009, approved by Lithuanian Government on 22nd of December 2006 (Valstybės žinios (Official Gazette) No 144-5474, 2006) gives the following definition of violence and domestic violence:

"Violence against women in the family or domestic violence is all intentional physical, psychological, economical, sexual acts against one family member, usually intentional acts of a man against a woman, if those acts violate woman's rights as a citizen and natural person, as well constitutional rights and liberties and cause economical, physical, psychological or moral harm".

However, the analysis of the real situation shows, that violence against women is still not perceived as an issue of public importance. Until December 2011 the violence against women was considered as a "private" matter leaving the protection and defence of own rights to the victim herself. In December 2011 a new Law on Domestic Violence came into force providing special protection for women who are victims of domestic violence. The new Law foresees the exclusion and prohibition of entry to the victim's home and immediate surroundings by the offender and establishes then new centres for victims of violence, which will be funded by the state and run by NGOs. These centres

will follow a proactive approach, contacting the vulnerable persons immediately after the exclusion of the perpetrator. This law's passage is a significant step forward for women's rights in Lithuania, but still much remains to be done.

The other legal acts that have been applied till now in case of domestic violence:

### **Criminal Code**

#### Chapter XVII. Crimes against human life

Art. 129. Murder

#### Chapter XVII. Crimes against human health

Art. 135. Severe Health Impairment

Art. 138. Non-Severe Health Impairment

Art. 139. Non-Severe Health Impairment through Negligence

Art. 140. Causing Physical Pain or a Negligible Health Impairment

#### Chapter XX. Crimes against human liberty

Art. 148. Restriction of Freedom of a Person's Actions

#### Chapter XXI. Crimes and misdemeanours against freedom of a person's sexual self-determination and inviolability

Art. 149. Rape

Art. 150. Sexual Assault

Art. 151. Sexual Abuse

In Criminal Procedure Code articles 407-409 name criminal activities (which could be related to the cases of domestic violence) for which a person should be held liable only if a complaint is filed by the victim or a statement by his authorised representative or at the prosecutor's request.

Art. 1321. An obligation to the perpetrator to live separately from the victim

### **Civil Code. Book Three – Family Law**

#### Chapter IV. Dissolution of marriage

Section four: Divorce on the basis of the fault of one or both of the spouses

Art. 3.65. Provisional protection measures

The other legal instrument applied is the National Strategy for Combating Violence against Women (starting 2007- ending 2015) and its measures for the implementation of the National Strategy for

Combating Violence against Women for the years 2010-2012. The priority directions foreseen in the Strategy for 2012 is to provide the complex assistance to women victims/survivors of domestic violence, provide assistance to perpetrators, implement preventive actions against domestic violence against women, support work of women NGOs operating in the field.

## Portugal

In Portugal domestic violence is defined as all physical, sexual or psychological violence that occurs in a familial context and includes, but is not limited to, maltreatment, sexual abuse of women and children, rape between spouses, passion crimes, female genital mutilation and other traditional practices, incest, threats, arbitrary deprivation of liberty and sexual and economic exploitation mostly performed on women, affecting directly or indirectly, children, elderly and other vulnerable people such as disabled.<sup>13</sup>

Since 2007, domestic violence was, for the first time according to the Portuguese Criminal Code, officially recognised as a crime. The new Criminal Code altered the nature of the offence, including ill-treatment involving, for instance, former spouses, people (of the same or opposite sex) having lived in spouse-like situation and people in spouse-like relationships who do not live together. It also deems there to have been an offence following the occurrence of a single serious act of maltreatment, whereas the previous legislation only did so following repeated maltreatment.

The **Law nº 112/2009** of 16<sup>th</sup> September of 2009 is specific to the domestic violence situation. This Law establishes the legal regime applied to the domestic violence prevention, the protection and assistance to the victims. It identifies the concept of "victim" and "victim especially vulnerable", namely:

- ▲ 'Victim' means a natural person who has suffered harm, including an attack on physical integrity or mental, emotional suffering or economic loss, directly caused by action or omission within the crime of domestic violence referred to in Article 152. of the Code criminal/Criminal Code (Article 2.º a))
- ▲ "Victim particularly vulnerable" is the victim whose special weak result, namely from its small or advanced age, her/his health or whether the type, degree and duration of victimization resulted on injuries with severe consequences on its psychological balance or in the conditions of its social integration (Article 2º b)).

This Law aims to establish a set of measures that intend to:

- a) develop policies to raise awareness in the fields of education, information, health and social support, giving the public adequate tools to achieve these ends;
- b) devote the rights of victims, ensuring their celerity and effective protection;
- c) establish protective measures to prevent, combat and punish domestic violence;
- d) consecrate an integrated social services and emergency assistance to victims, ensuring quick and effective access to these services;
- e) protect the rights of workers who are victims of domestic violence;
- f) ensure the economic rights of victims of domestic violence to facilitate their autonomy;
- g) establish policies to ensure the protection rights of victims of domestic violence;

<sup>13</sup> Ministry Committee Resolution 2003.

- h) ensure a quick and effective judicial and police protection to victims of domestic violence;
- i) ensure the application of coercive measures and restraining penal measures for the perpetrators of domestic violence, promoting the application of complementary measures for prevention and treatment;
- j) encourage the creation and development of associations and civil society organizations that aims to combat domestic violence, promoting their collaboration with public authorities;
- l) ensure the provision of adequate health care to victims of domestic violence.

There are **other specific Laws** in the field of domestic violence, namely:

- ▲ DL nº 61/91 of August 13<sup>th</sup> - establishes the protection to women victims of violence;
- ▲ Portaria nº 220-A/2010 of April 16<sup>th</sup> – establishes the systems of *Teleassistência* (specific support through helpline) and electronic surveillance.

The judge or, during the investigation, the prosecutor determines the protection of victims of domestic violence through *Teleassistência* where this is deemed essential to their protection and asks to CIG (Commission for Citizenship and Gender Equality), by letter accompanied by a copy of the decision determining the extent and model 2 – Adherence Form to *Teleassistência* Service, the early steps leading to the insertion of the victim in the program.

The decision may only be taken after the victim give the consent.

This service has the main objectives:

- Ensure appropriate and immediate action in emergency situations;
  - Decrease anxiety levels, increasing and strengthening a sense of protection and safety of victims;
  - Improving victims life quality;
  - Minimize the vulnerability of the victims, contributing to increase their autonomy and (re) integration into society;
  - Mobilising the proportional police resources to the type of emergency.
- ▲ Law 104/2009 of September 14<sup>th</sup> - establishes the regime of financial compensation to victims of domestic violence;
  - ▲ Law 42/2010 of September 3<sup>rd</sup> – establishes the application of measures for the witnesses protection in penal processes.

Moreover, there is specific **legislation** regarding the **services** in the field of domestic violence, namely:

- ▲ Despacho nº 6810-A/2010 of April 15<sup>th</sup> – establishes the role of victim support professional;
- ▲ Portaria nº 229-A/2010 of April 23<sup>rd</sup> – establish the official models of proof documents regarding the ascribe of victim status;
- ▲ Decreto Regulamentar nº 1/2006 of January 25<sup>th</sup> – establishes the organization and functioning of shelters;
- ▲ Law nº 112/2009 of September 16<sup>th</sup> – also establishes the intervention principles, guidelines and roles in the field of domestic violence

Regarding the **criminal measures**, the domestic violence is a public crime established under the Portuguese Penal Code:

- ⚠ Domestic Violence takes on the nature of public crime, which means that the prosecution is not dependent on the victim complaint, the complaint or the knowledge of the crime is enough for the prosecutor to promote the process. The prosecution begins with the notice of the crime, and can take place through a complaint by the victim herself/himself, or by any person or entity, Police forces or directly in the Prosecution Office.
- ⚠ Furthermore, the Article 152.º of the Portuguese Penal Code (Law 59/2007 of September 4<sup>th</sup>) defines the types of violence (physical and psychological maltreatment, including corporal punishment and sexual offenses), including offenses against minors.

It also includes unmarried couples cohabiting, as well as identifies the nature of relationships, as presented following:

1. Who, repeatedly or not, inflicts physical or psychological abuse, including corporal punishment, deprivation of liberty and sexual offenses:
  - The spouse or former spouse;
  - The person of another or the same sex with whom the agent maintains or has maintained a relationship similar to spouses, even without cohabitation;
  - The parent of a common direct descendant; The person particularly helpless, due to age, disability, illness, pregnancy or economic dependence, with whom the parson cohabits; Shall be punished with imprisonment from one to five years if a more severe penalty is not applicable by virtue of other statutory provision.

If there are minors involved in domestic violence situations, this Article also refer the aggravation of the penalty, as follow:

2. In the case of the preceding paragraph, if the perpetrator commits against a minor, in the presence of a minor, in common domicile or residence of the victim, is punished with imprisonment from two to five years.

Nevertheless, there are other types of crime (of the Penal Code) that could be related or accumulated with the domestic violence crime, such as:

- ⚠ Qualified Murder/Homicide – Article 132º, nº2, points a) and b)
- ⚠ Qualified offenses to the physical integrity – Article 145º
- ⚠ Threat – Article 153º
- ⚠ Coercion – Article 154º, n.º4
- ⚠ Kidnapping – Article 158º
- ⚠ Rape – Article 164º
- ⚠ Sexual crimes against minors – Articles 171º a 176º
- ⚠ Aggravation depending on the quality of the agent – Article 177º

Last but not least, one of the measures that the court can apply in cases of domestic violence, along with sentence of financial penalty and/or imprisonment, is the Programme for Perpetrators (PAVD). This Programme is a structured response directed at perpetrators of domestic violence that aims to promote awareness and taking responsibility of violent behaviour and use of alternatives to it, aiming the reduction of relapse.

## Risk assessment and management at national level

### Austria

In Austria there are no official risk assessment tool foreseen by law.

The Austrian “Gewaltschutzzentren” which are the first institutions to work with victims of domestic violence use specific methods /software for risk assessment but there is no law regulating what kind of tool to use.

As examples of the tools used for risk assessment the following methods/software could be mentioned:

- DYRIAS (a new software which is going to be implemented in the work of the Austrian “Gewaltschutzzentren”);
- DEBECKER;
- Campell analysis;
- DAIP model;
- Calhoun model

It depends on circumstances of the individual case when to use what kind of risk assessment tool!

The Vienna Intervention centre has a special approach to work together with the “Männerberatung” an organisation for the work with perpetrators (also offering special trainings for perpetrators). These two institutions are closely linked together in their work so that they can exchange information and experiences with the work on the one hand the victim – on the other hand the perpetrator.

With the Austrian Federal Law on protection against domestic violence (Gewaltschutzgesetz), which came into force on 1st May 1997, Austria has created the legal basis for a comprehensive set of measures for protection against domestic violence which is regarded as a "model of best practice" throughout Europe. The framework's success is based on a combination of legal and social measures with the close cooperation of the legal and social institutions, including the police, the family court and Austrian intervention offices, which offer direct help and support for victims of domestic violence.

The most important aspect of the Austrian Federal Law on protection against domestic violence is the strong interlink of public authorities:

- ▲ Intervention centres
- ▲ Family law court
- ▲ Youth welfare law
- ▲ Prosecution service
- ▲ Police

In Austria there are no official minimum standards to set up a safety plan

A safety plan is seen to be a very individual measure and it is worked out in a current process with the victim.

The biggest problem which is often to face it that victims have problem to define “Violence” because often they don’t see violence when it already happens to them.

## Germany

There are no official risk assessment tools that are applied as a general rule in Germany, but there are different approaches applied by professionals during the intervention and prevention of domestic violence, for example by the police.

It is very common to use checklists combined with indicators for assessing the risk of re-assault. E.g. the Ministry for Family, Seniors, Women and Youth offers on its website the BIG26 checklist as well as a pattern to establish an individual safety plan that victims of DV can use to get themselves and their children to safety – The basis for this safety plan was taken from the »Separation Safety Plan« of the Metropolitan Nashville Police Department and thus is not a national one.

The federal state situation in Germany makes it even more difficult to find national approaches, as in many cases the proceedings are under federal state law and not under national law.

According to the above mentioned Action Plan II, the federal states are obliged to put the Plan at operational level. For example, Göttingen is located in Lower Saxony, where the following approach has been implemented in order to improve the cooperation and to identify high risk cases with a multi-agency approach:

High Risk Case-Management:

- ▲ Integration of the knowledge about the individual victim in the process of decision
- ▲ Definition of a framework for High-Risk-Cases
- ▲ Definition of rules for cooperation
- ▲ Definition of rules for data protection
- ▲ Documentation
- ▲ Monitoring

The pro-active way of handling cases of DV starts with the police reporting on cases of DV to the helpline who in turn takes all the subsequent steps (assesses the risks, establishes safety plan, and contacts other stakeholders to be involved).

There are no national approaches to risk assessment or safety planning in Germany, but one can find a number of websites run by stakeholders (NGOs, helplines, authorities, Ministry of Justice etc.) from the field of DV offering concrete (online) tips and information on how women and children can protect themselves from abuse. Moreover, concrete indicators can be found that help women/professionals to assess the dangerousness of a perpetrator, e.g. possession of firearms, threats of suicide or murder, alcohol and drug consumption, pathological jealousy.

## Lithuania

As a result of the comprehensive desk research as well as interviews performed with the professionals working in the field, it is possible to assume that there are no any national approaches to risk assessment or safety planning. The national Law on domestic violence as well as other legal acts applied do not include any concrete regulations or steps regarding risk assessment of domestic violence neither for the professionals nor for the victims/survivors of domestic violence.

As informed the police officers working in the prevention division, the police is obliged to assess the situation of domestic violence upon arrival at the place of the event, however the assessment is done not using any special check-lists or other forms, but more on personal evaluation of the situation and filling in the protocol with all the statements on the base of which the decision of the further actions (use of protection orders, allocation from home, prohibition or restriction to have contact with the victim, etc.) is taken.

As reported by the professionals working in NGOs dealing with women victims/survivors of domestic violence, the risk assessment of the domestic violence situation in which woman appears or risks to experience is usually assessed during the verbal communication with the victim, considering also the past records of the family (in most cases women experiencing domestic violence seek help in the specialised crises centres more than one time so the situation in that particular family might be familiar to the specialists and they can make corresponding decision based on that information).

However, Kaunas women crises centre reported that the SARA (Spousal Assault Risk Assessment) instrument is being applied in the prisons to assess the risk to commit violent acts of the convicts. More detailed information about this practice is not officially available.

## Portugal

There is no official Risk Assessment Tool foreseen by National Law. Nevertheless, several professional groups or institutions apply instruments to assess the risk on domestic violence.

The security forces, after the initial contact/interview has to assess the risk for the victim and family members, considering some factors, namely:

- ▲ Perpetrator behaviour (for example: inability to control, mental disorder, alcohol or drug abuse, possession of weapons, threats ...);
- ▲ Attitude and state of the victim (for example: shock, prostration, depression) and its first declaration;
- ▲ The conflict itself.

The security forces use the Annex of the Report called “Auto de Notícia”, which is a written document that contains the offense and facts about it (date, hour, local and circumstances and potential data of the offenders, as well as means of proof known such as potential witness).



The teleassistência, as a service available for women survivors of violence (please for more information consult other specific Laws), also makes an assessment of the risk for the victims. To do so, it uses a proper form, based on the DASH model (Wales). This instrument is composed by 15 questions, combining closed with open questions. It collects information about the perception of the victim, the incident(s), cultural issues and isolation, violence history/types of violence, alcohol and drug use, mental/psychological disorders.

The Commission for Citizenship and Gender Equality – CIG, is the governmental mechanism responsible for the Gender Equality. The mission of this agency is to ensure the implementation of public policies in the context of citizenship and the promotion and protection of gender equality.

In their publication “*Violência Doméstica: encaminhamento para casa de abrigo*” (Domestic Violence: forwarding to shelter), CIG has developed an instrument of Risk Assessment which is directed to professionals of referring entities, such as the one identified in the Decreto Regulamentar 1/2006 of January 25th (Article 8.º, nºs 1 and 3):

- a) CIG through the information offices;
- b) Support centres and nuclei provided in Law No 107/99, August 3rd;
- c) Social Security Offices;
- d) Social services of municipalities;
- e) Other shelters.

This Checklist is composed by 25 questions, in which 24 are closed – multiple choice (Yes, No or Do not know) and 1 open question.

Taking into account the risk level that the victim/survivors and its family members face, according to the risk assessment made (independently of the use of instrument), there are some legal procedures that could be applied, namely:

- ⚠ Penal Code – Article 52.º;
- ⚠ Victim Status (established by the Law 112/2009);
- ⚠ Testimony by video conferencing;
- ⚠ Temporary suspension of the process;
- ⚠ Custody/preventive imprisonment of the perpetrator;
- ⚠ Arrest of the perpetrator;
- ⚠ Frequency of Perpetrators Programmes;
- ⚠ Restraining and protection orders, such as: contacts prohibition, perpetrator departure;
- ⚠ Teleassistencia;
- ⚠ Electronic surveillance;
- ⚠ Entrance at the shelter;
- ⚠ Financial compensation to the victim.

Similar to the risk assessment tools and procedures of implementation, there are no legislation or official guidelines/minimum standards for the risk management and elaboration of the safety plan, besides the legal measures that could be combined with the safety plan.

Nevertheless the booklet of CIG “*Violência Doméstica: encaminhamento para casa de abrigo*” (2009) gives some tips to professionals regarding the safety and protection of the victims, applied in a shelter context.

CIG has also published a small booklet named “*Como aumentar a minha segurança – planos de segurança pessoal*” (How to increase my safety – personal safety plans), directed to victims, as a practical guideline to increase the safety of the victim in the several contexts related to the domestic violence (house, work, street,...).

Directed to victims/survivors there are several websites with tips to increase their safety and security, how to prepare, when possible, the process of leaving home. Examples of websites:

▲ Security Forces (Police)

[http://www.portalseguranca.gov.pt/index.php?option=com\\_content&view=article&id=2437%3Aproteja-se&catid=184%3Aproteja-se&Itemid=281](http://www.portalseguranca.gov.pt/index.php?option=com_content&view=article&id=2437%3Aproteja-se&catid=184%3Aproteja-se&Itemid=281)

▲ Gabinete Social de Atendimento à Família – GAF (Private institution)

<http://www.gaf.pt/intervencao/prevencao/intervencaoaviolenciadomestica/informacoes/planosseguranca pessoal.php>

▲ Madeira regional government

[http://violenciadomestica.gov-madeira.pt/index.php?option=com\\_content&view=article&id=62&Itemid=69](http://violenciadomestica.gov-madeira.pt/index.php?option=com_content&view=article&id=62&Itemid=69)

▲ Healthcare

<http://cuidadossaude.com/2010/06/violencia-domestica-contra-mulher-procurar-ajuda-numa-relacao-abusiva/>

Although there are not any official guidelines, there are some considerations to take into account when building the safety plan, such as:

- ▲ Each domestic violence situation is unique and requires an adequate intervention to its specificities;
- ▲ To build a safety plan is important to implement a risk assessment previously;
- ▲ It is important to valorise every kind of violence;
- ▲ It should include the children and/or relatives;
- ▲ Should be built with the victim/survivor;
- ▲ It should respect the decisions of the victim/survivor.

## Good practices

### Austria

As mentioned above in 2005, the Austrian legislation was recognised by the UN as an example of best practice, as well as the training programme provided by the European network WAVE, has been recognized as the best practice too.<sup>14</sup>

The new developed software DYRIAS has been mentioned as a best practice example for the risk assessment

On local level (Vienna) the intense cooperation between the “interventionsstelle” (working with victims of DV) and the Männerberatung” (working with perpetrators) is seen as a best practice model, because here both parties are taken into consideration in the process of support and counselling. In the risk assessment process both perspectives can be taken into consideration through the exchange of information between these two services.

### Germany

The German Action Plan II itself is considered as being an example of good practice. Apart from this the Göttingen multi-agency network is considered as being an efficient approach that put the women in the centre of the intervention in the Lower Saxony. BISS, Göttingen (Beratungs- und Interventionsstelle gegen Gewalt) network was established in Lower Saxony in 2006 by initiative of the Ministry for Social Affairs, Women, Family, Health and Integration in Lower Saxony. Its main aim is to implement legal provisions being part of the German Gewaltschutzgesetz. BISS cooperates closely with the police and offers also support to the women. BISS gives women legal advice, provides psycho-social support and carries out concrete safety planning.

### Lithuania

As it has been mentioned above, there are no national approaches to risk assessment nor are special risk assessment instruments known to be used. Nevertheless, as a good practice could be mentioned the cooperation between the legal prosecutors, police officers and the women crises centres in case of domestic violence act in sharing all information available about the family situation, the past records about the violent acts of the perpetrator, etc. All information combined helps the police to make the most appropriate decision in protecting the victim of domestic violence.

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<sup>14</sup> Protocol of the Expert Group Meeting “Violence against Women: Good practices in combating and eliminating violence against women”, hold by the UN Division for the Advancement of women, 2005.

## Portugal

There were identified several good practices on domestic violence situations, as are presented as follow:

A successful intervention due to the efficient and quick risk assessment procedure, cooperation between security forces and prosecutors, the short period of time during which the victim was heard and a risk assessment report (which determined the existence of weapons, the severity of violence and death threats) has been conducted. Then an urgent search warrant to weapons apprehension was issued, as well as the preventive arrest as a restraining measure due the dangerousness of the situation.

In another situation related to death threats caught in the act of committing an offence. An arrest warrant has been issued on the same day and as well the decision regarding the preventive prison has been considered. This resulted in the conviction of the perpetrator without the victim's testimony, since it is public crime and the family witnesses cooperated with the investigation.

The existence of a good community network is also mentioned as a good practice, allowing to 'control' the perpetrator and mobilize resources for victims, implementing successfully a safety plan. There were key elements identified that contributes for a good practice: not blaming the victims, respect their choices, valorise their perception, knowing to listen effectively their real needs.

A good risk assessment involves the application of appropriate enforcement measures, including perpetrator removal and prohibition of contacts and these measures should be assessed regularly. Another aspect is related to the urgent nature of the process and the need for a close articulation between the criminal and civil proceedings, so that responses are consistent and appropriate.

It was also considered that a standardize information analysis and procedures by the different organizations involved would allow to provide a coordinated and concerted response.

## Existing trainings on risk assessment for professionals and survivors of domestic violence

### Austria

There are some training offers but as professionals reported during the interviews they often use international trainings and seminars for further education, since trainings in Austria are often “victims” of budget cuts.

The main institutions providing trainings for professionals in the field of risk assessment are the following:

- ▲ Training offer from the federal ministry of justice;
- ▲ Training offers linked to EU Projects;
- ▲ Institute of violence research Vienna, AT;
- ▲ Institut für Psychologie und Sicherheit, Aschaffenburg, DE;
- ▲ Training offers by the Austrian Association of shelters.

On local /regional level special trainings in the field of DV are organised by “Gewaltschutzzentren” and shelters

All professionals whom I talked to want to improve their knowledge and are interested in further education and training on Risk Assessment but mentioned more in general and no specified topics. One exception: One professional working in a support centre for lesbian partnerships – this is a very special topic within domestic violence which is often neglected in training offers.

No special skills mentioned. All interviewees seem to be satisfied with the tools and methods they are using at the moment.

The special trainings for women victims/survivors of domestic violence are organized on local /regional level by “Gewaltschutzzentren” and shelters.

### Germany

There are no specific training offers related to risk assessment or to safety planning – neither for professionals nor for victims. Victims are individually counselled and it would be difficult to have group training on aspects of risk assessment and safety planning, since the training could not take into consideration the individual situation of the women. There are conferences for professionals on various topics (e.g. the one that was mentioned before – in June 2012 there will be the conference to introduce the proposed guidelines on case management).

There are many offers for women aiming at enhancing empowerment and recovery provided by various women's associations, among which also the Frauen Notruf etc.

In general, there are numerous offers available in all over Germany that often combine counselling with training for women survivors of DV. These offers or projects aim at empowering them, rebuilding a life without violence, overcoming the trauma etc.

At local level, there are also various offers available: e.g. the Göttinger helpline offering self-help group for women survivors of DV focusing on re-building a new life without violence. The offer includes ten sessions that are free of charge.

The Therapeutische Frauenberatung offers both individual support and group sessions for women with violence experience.

## Lithuania

There is no information regarding the existing trainings in risk assessment organized for professionals and especially for survivors of domestic violence. The interviewed police officers and women NGOs working in the field mentioned several trainings offered by the Ministry of Social Security and Labour (following the measures for the implementation of the National Strategy for Combating Violence against Women) and special courses organized by the Police School of Lithuania. The women crises centres situated in bigger towns (Vilnius women crises centre, Kaunas women crises centre) organize seminars for specialists as well; however all the trainings available are mainly concentrated on the general domestic violence issues. Nevertheless, according to the interviewees there are no specific training offers related to risk assessment or safety planning neither for professionals nor for victims.

There are training offers for women who experienced domestic violence, however such trainings are mostly offered by women crises centres who are providing victims' individual counselling as well group therapy, on their own initiative using the sources available and mostly aimed at their empowerments and recovery. There is no such topic as risk assessment included in the curriculum neither information is available for doing so.

All the interviewed specialists expressed their wish to get well-structured information on risk assessment procedures and their application in case of domestic violence. The women crises centres showed big interest in having all kind of training materials for work with women survivors of domestic violence comprising also the information about the risk assessment and safety planning as till now the centres have no any format for doing it.

## Portugal

The Article 83, nº 5 of the Law 112/2009, states that the requirements and qualifications of the specialized professionals in support to domestic violence victims are defined by the Government members responsible for the fields of citizenship and gender equality, justice and professional training.

Also the Ministerial Order noº 6810-A/2010 determines that the statutory requirements for the qualification of those professionals shall have, beside the formal education (university degree) or professional experience, a 90 hours specific training on Domestic Violence.

It is the competence of the CIG (Commission for Citizenship and Gender Equality) the definition of the Training references/standards in this field. However, as far as we know, the CIG Training references for qualified agents working in the field of Domestic Violence and/or prevention of victimization or revictimization are until now only for 30 hours. They are working in the references for 90 hours as established by the Law.

There are several offers, as well as, several organizations implementing internal training, either they develop their own contents or they request to experts or organizations to implement it.

Although there is a considerable training offer in the field of domestic violence, is still needed a training with a deepen approach to the issue of risk assessment and management. Notwithstanding this range of training, according to our experience, the professionals lack on time to participate in such trainings, since the organizations not always have enough resources that allow the participation of their professionals, despite the added-value that represent these trainings. Some of the trainings take too long time, removing from the workplace the professional during many days, which could compromise the intervention with women.

Despite all the above information the actual status quo of training in domestic violence in Portugal is in our opinion a complete chaos with all sorts of entities providing training with a lack of human rights references and gender awareness.

Being so, the need to combine different forms of training would be a basic requirement for the successful of further training. According to the AMCV experience, professionals are open to participate in blended learning courses, since they identify some needs for their professional intervention, including on risk assessment and management.

Concerning to the training for victims/survivors, the organizations that work with victims provide some training, but not in a regular basis. There are not much as desirable the offers of training for survivors in this field of domestic violence. Since there is not a regular offer, there is not identified the most “common” training or the most “needed”, since all are important. Notwithstanding, the offers reflect on empowerment, safety plan, recovery and domestic violence in a general approach.

Nevertheless, several studies reflect on the benefits of programmes, trainings for example, which promotes the recovery and empowerment of women survivors, since it promotes autonomy, self-being as well as self-esteem, among other benefits from this kind of programmes.

### 3.3 Focus Group with Women Survivors of Violence

Under the activity of Need Analysis, it was considered the implementation of focus group with women survivors of domestic violence. The focus group aimed to consolidate the data collected previously with professionals, and taking also into consideration that women survivors and their children are the final beneficiaries of the project products and activities.

The implementation of focus group was based on a semi-structured guideline, composed by 6 sections, namely: domestic violence, risk assessment, safety plan, support services and training. The guideline is composed by 21 questions and requires a TV Spot (AMCV spot on domestic violence: <http://www.youtube.com/watch?v=BXbs9HUrwoA>) which has the duration of 1 minute.

#### ***Participants***

It were implemented three Focus Group with women survivors of violence. Two focus groups were realized in AMCV, one with women participating in self-help groups and another in Self-Representative Group of Women Survivors of Domestic Violence. The other focus group was implemented in a shelter of other organization, namely APAV – Portuguese Association of Victim Support. In total 18 women survivors of domestic violence have participated in the focus group.

#### **Domestic Violence**

In the view of women is not easy to recognize that is living a domestic violence situation. There are several obstacles and difficulties that do not allow a critical consciousness and objective about the problem being experienced. For instance, one difficulty presented was related to the devaluing of the first signs of violence by the woman herself, believing that the violence was punctual, combined with the constant promises of change by the perpetrator. Shame, fear and disbelief by others (family, friends) and guilt are also aspects that affect this process of recognition.

There are several elements that do not facilitate the recognition process, such for example:

- ▲ The perpetrator behaviour inside and outside house, which seemed that he has a “double personality”;
- ▲ the sense of guilt by the situation and for everything that happens;
- ▲ devaluation of the situation, especially if it is only psychological violence, and taking responsibility for it;
- ▲ lack of participation in decision making process.

Nevertheless, women were requested to identify the signs of violence, which they did without any difficulty. They identified that the signs are present since the beginning of the relationship, giving several example, as well as the factors that could contribute to increase the violence episodes.

For the awareness process was crucial the access to information about violence and its types, resources and existing supports, as well as about victims' rights. Therefore, campaigns on domestic violence (including publicity and leaflets) and television programs on these matters were identified



as being important for individual recognition of the situation of violence. The existence of a supportive network, including family and/or friends was also mentioned as an important element.

In this process of leaving the violence situation, come into play all the difficulties involved in taking the decision to leave the violent relationship, related to the lack of financial autonomy and well-being and quality of life of children, which requires the courage to leave all life that was built. The isolation, the restriction of freedom movements even those of professional nature, and the discredit of the victims are part of a set of strategies developed by the aggressor.

In this context and from the perspective of survivors, although there is greater awareness about the existing responses and support, in the moment of leaving the violence situation, these supports are very difficult and inaccessible.

## **Risk Assessment**

Regarding risk assessment, women said that was difficult to recognize the real and actual risk when experiencing the violence, due the same reasons that it is difficult to recognize the violence itself previously presented, such for example that the situation will change, the isolation.

Women had identified several risk factors, such as: the severity of violence and its growing process, the frequency of aggression and the degree of distress shown by the victim are highlighted as key risk factors, achieved by a set of behaviours of the abuser. The thought of suicide by women survivors, was also pointed out as a serious risk factor, as well as direct violence against children, even if only psychological nature, often stimulating victims to leave.

The demand for support from organizations and presentation of complaints, as well as other reactive behaviours by women survivors are factors that can increase violence.

The sense of mastery and superiority by perpetrator regarding women, viewing them as objects, denying their individuality and their basic human rights such as their freedom, autonomy and dignity are also referred to as risk factors that must be taken into account in the risk assessment process.

Women stated that there is need for training in this field of intervention by the security forces, towards a better understanding and skills development in this field.

In addition, women stated that the fact of the perpetrator has sex with other women is also a risk factor for their health, regarding the Sexually Transmitted Infections, including HIV/AIDS.

## **Safety Plan**

Women reported to take several individual strategies aimed to increase their safety and the safety of their children at the time not only when they were living with the perpetrator, but also after that.

One of the strategies referred to be used within the domestic violence situation was the lack of action, not reacting in such situations, avoiding confrontation or answering to perpetrator provocations. Other strategies identified were the following:

- running away from home with the children, returning only when the situation was calmer;
- hide the existing weapons;
- present a complaint regarding violence and the existence of weapons.

Women were aware of a set of behaviours that should be taken to their personal safety and children, even after the breakdown of the relationship with the perpetrator. Women were also aware that for leaving the situation would be better to prepare it and consolidate the safety strategies. After leaving the situation, there are other personal strategies to complement to the ones already used.

The knowledge about support resources and their contacts (for example from police station, hospital or local services of social support) is also an important safety strategy used. The knowledge on domestic violence and the rights and support responses was also considered important to guarantee their safety.

## Support Services

Taking into account the question if in a first contact (telephonic or face-to-face) what would women expect, was considered that it would be important to:

- ▲ Receive technical information in this field;
- ▲ The professionals has the required competences for the function;
- ▲ Professionals have sensitivity and communication skills, including active listening, contributing for an empathetic relationship;
- ▲ Not be bureaucratic model of gathering information;
- ▲ In call centres, professionals should seek if the woman is able to speak freely or has any constraint, and guarantee confidentiality of the data provided;
- ▲ The call centres should run 24 hours per day;
- ▲ Should inform about resources and potential support strategies/measures.

Regarding the criminal justice system while a response in this field, was considered not enough protective of the victims, since women are still the ones who have to leave the home and go to another alternative, as a shelter or family residence, being treated as a criminal, the perpetrator behaviour is not so often condemned, and not always is ensured an effective removal of the perpetrator.

## Training

The training activities directed to women were considered as an opportunity to access information and develop knowledge about domestic violence in general and risk assessment, in particular.

It was appointed a set of key issues to be included in training activities, such as citizenship rights; signs of violence, risk assessment, protection strategies, both personal and children; the resources to support existing, appropriate ways to address children; the impact of violence in children, support

strategies from other women survivors of violence, strategies to strengthen the process of autonomy.

Regarding the format, it was considered appropriate to have the training twice per week but half a day (morning or afternoon), with the total duration of one month and a half months, taking into account the requirements, by the victims, insertion in the work, with a view to their autonomy.

In terms of training methodologies, was referred to the importance of diversification of methods, both as participatory expository/reflective, using concrete examples to better understand the content covered.

### 3.4 Outlines of the needs analysis

As the main point of this report based on national needs analysis one can say that the general feedback confirms the fact that there is a deficiency in training on risk assessment and safety planning in the field of domestic violence. Information collected from the partner countries revealed the following needs of training:

- ▲ The role of risk assessment in the prevention process
- ▲ Acquisition of knowledge on the different degrees of risk and legislation (national and international legal measures) in this field
- ▲ The description of risk assessment procedures and their role case of domestic violence (risk management)
- ▲ Identification of risk assessment instruments and their application during the risk assessment process
- ▲ The description of tools (checklist) combined with indicators for assessing the risk of re-assault
- ▲ The description of domestic violence risk factors that might influence the safety of women and their children
- ▲ The description of a pattern for establishing an individual safety plan for victims of DV
- ▲ Assessing risk of domestic violence and developing safety plan in case of partnerships between representatives of one sex (lesbian, gays partnership)

An additional interest in the EU project on domestic violence with special focus on risk assessment and safety planning was expressed by the local stakeholders, especially in Lithuania which is making the first steps in developing the tools and instruments of intervention of domestic violence and who are in particular interested in knowing how the risk assessment is performed in other European countries.

The national reports and interviews with the local stakeholders as well with women survivors of domestic violence showed that there is a need for the training programme on risk assessment, and there are only few examples of good practice for such kind of training provided. As for the training format, the interviews with professionals clearly expressed the request to have face-to-face interactions. Nevertheless, the professionals also mentioned the necessity of having the possibility to learn using the virtual environment thus having a possibility to work flexibly in their free time. Therefore, we can conclude that the blended learning approach comprising face-to-face sessions combined with e-learning modules should be taken into consideration while developing the manual on risk assessment for professionals.

Concerning to the training directed to women, the interviews with the Focus Group with women survivors of violence showed an interest into getting more information and knowledge in domestic violence in general as well in risk assessment.

With regard to the training content, women survivors of violence expressed a need for special trainings aimed at helping them to:

- ▲ Recognize the situation of domestic violence that they live in
- ▲ Identify the signs of violence and be aware about the violence and its types, resources and existing support
- ▲ Have knowledge about their rights

- ⚠ Recognize and assess the real and actual risk when experiencing the violence, especially the violence which itself has been already previously presented
- ⚠ Develop and apply individual protection strategies aimed at increasing their safety during their living with perpetrator as well as after leaving him
- Strengthen their process of autonomy

As per training format, there was suggestion to organize face-to-face training twice per week during the day (morning or afternoon), with the total duration of one month and a half months, taking into account the requirements, by the victims, insertion in the work, with a view to their autonomy.

In terms of training methodologies, the importance of diversification of methods has been emphasized, both as participatory expository / reflective, using concrete examples to better understand the content covered.

## 4. Conclusions of the online surveys

The on line survey involved 37 people. Trainers of victims gave back 16 responses while only 2 of the people interviewed work as trainers for perpetrators. There are no representatives from law enforcement, judge and medical care groups.

The 69.6% of interviewees deal with risk situations at their work.

Between the legal instruments available in professional practice, the interviewees indicated the Universal declaration of human rights as their point of reference. The CEDAW is mentioned by the 68.8% of the interviewees while more than 50% also follow the Beijing declaration and programme action, the Council of Europe Convention on preventing and combating violence against women and the Guidelines on violence against women and girls. Only the 15.6% of interviewees use the Lisbon treaty as a reference guide in their work.

75% of interviewees are familiar with risk assessment tools used in case of domestic violence in fact only the 14.8% had difficulties in conducting the risk assessment survey. The 63,2% also took part to some special training regarding assessment and management of risk in case of domestic violence.

The on line survey reveals that professionals working in domestic violence, are aware of legislations and plans available at national level (91.3%) but there is still a 30.4% who is not applying any kind of legal procedures or remedies against domestic violence during his intervention.

In addition to this, the interviewees (90.5%) know how to establish a safety plan for the victims and follow specific guidelines during the preparation (81%).

The interviewees are operating collaboratively with other institutions, in the field of domestic violence, through an informal exchange of information or as part of well-established networks and programmes. Only the 40% is using common instruments in case management, with their partner institutions and the majority of them (52%) can't provide good examples of successful risk assessment implementation.

The results of the on line survey also reveal that professionals are aware of the training offers for victims of domestic violence, available at a local level.

The 94.7% is interested in taking part in trainings about domestic violence but only the 15% would choose the e learning method. 57.9% indicated face to face seminars as the best option, while 26.3% preferred blended learning

To conclude 68.4% of professionals involved, will be available for a more comprehensive interview to identify the current practice and legal implications of risk assessment in their home country.

## Final remarks

The present need analysis is the result of national surveys that each partners was asked to prepare. The professionals involved in the interviews deal with the issue of domestic violence and support survivors, according to the legal instruments and tools for risk assessment and risk management available in their country.

Lithuania had no specific national legislations about domestic violence till December 2011 when a new Law on Domestic Violence came into force providing special protection for women who are victims of domestic violence. It was a very important step towards protection of women human rights and recognition of domestic violence as a public crime. However, this fresh new law still has gaps that need to be elaborated. Even if the new law foresees the exclusion and prohibition of entry to the victim's home and immediate surroundings by the offender, it does not include any guidelines regarding the risk assessment. The professionals who work in this sector use the instruments that they consider the most feasible according to their knowledge and experiences. The application of risk assessment and risk management in Lithuania is still not always a reality and further improvements are needed for the future.

In Portugal all the target groups were familiar with the risk assessment instrument called S.A.R.A. but mainly used some internal checklist about risk factors as a point of reference for the daily work. The lawyers interviewed outlined their doubts about risk assessment tool considering that the risk is contextual and the information collected could provide just a partial portrait of the situation. Each target group in Portugal is using a safety plan depending on the specific situation of the victims (if they are still with perpetrator or not, if they are in shelters, if they have children) only the prosecutors consider safety plan as procedures of security forces and not of the victims.

In Germany the target groups described a similar situation. Taking into account the lack of official risk assessment tools the professionals developed internal checklists to assess the risk of re assault and define concrete actions and safety plans. The regional Government of Lower Saxony has recently created some guidelines to give orientation in case of stalking and domestic violence. These guidelines will be officially presented in June 2012.

Austria outlined the same problems as the other partners of the project. In particular the professionals have no official standards to set up a safety plan and no specific trainings about risk assessment and management are available on national level. Despite of the lack of professional instruments Austria can provide examples of best practice thanks to the intense cooperation between the Interventionsstelle which works with victims and the Mannerberatung which works with perpetrators.

Despite the presence of legislations about domestic violence on European level (see appendix 7.5), the instruments available are still not efficient and mostly lack of risk assessment and risk management strategies. European countries generally provide legal instruments and national action plans against rape, sexual harassment and family or sexual violence but they don't provide a clear definition of preventing strategies which still reveals ambiguities.

This manual intends to represent a first step to plug the gap on risk management and assessment tools and thus increasing awareness about prevention and risk factors of both professionals and survivors.

## Annexes



## Annex 1. National legislation about domestic violence in Europe

	LEGAL PROTECTION FROM VIOLENCE	NATIONAL ACTION PLAN AND STRATEGY
<b>AUSTRIA</b>	Protection order law (1997) (2009)	No specific National plan
<b>BELGIUM</b>	No specific legislations available	National action plan on Domestic violence (2010-2014)
<b>BULGARIA</b>	Law on protection against domestic violence (2005)	National strategy for empowerment of women (section about gender based violence)
<b>CYPRUS</b>	Law 212 for violence in family (no gender specific)	National strategy for violence against women
<b>CZECH REPUBLIC</b>	No data available	Prevention of domestic violence 2009-2013
<b>DENMARK</b>	Protective orders 2001 (Expulsion Act)	No specific National plan
<b>ESTONIA</b>	No specific legislation to protect women from violence	No specific National plan
<b>FINLAND</b>	No specific legislation to protect women from violence	National Action plan 2010-2015
<b>FRANCE</b>	Protective order in Act 2010/769	National Plan 2011-2013
<b>GERMANY</b>	Violence Protection Act (2002)	National strategy to combat violence (it includes also migrant women and post conflict situations)
<b>GREECE</b>	Restriction orders form Code of Civil Procedure	National plan on preventing and combating violence against women 2011-2013
<b>HUNGARY</b>	Laws on protection measures (2006) (2009)	No National Plan available
<b>IRELAND</b>	Domestic Violence Act (1996)	National strategy to combat Domestic Violence (Cosc)
<b>ITALY</b>	Article 154;572;574 of Civil Law	National Plan for violence against women and stalking (2010)
<b>LATVIA</b>	No protective law available	National plan against domestic violence, rape and sexual violence 2008-2011
<b>LITHUANIA</b>	Law on Protection for Violence 2011	National strategy to combat violence against women 2010-2012
<b>LUXEMBOURG</b>	Protection orders 2003	National action plan for equality between men and women 2009- 2014
<b>MALTA</b>	Domestic Act (protective orders) 2006	National strategy to combat violence against women
<b>NETHERLANDS</b>	Restraining orders (Law of 2009)	Inter -ministerial working group specialized in Domestic Violence
<b>POLAND</b>	Protective orders art. 207 of the Penal Code	National Action Plan for Counteracting Domestic Violence (not in force yet)
<b>PORTUGAL</b>	Law 112/2009: Prevention of domestic Violence and protection and assistance for Survivors	The Forth National Plan on Domestic Violence 2011-2013
<b>ROMANIA</b>	Law 217/2003 protective measures for women	No National Plan or Strategy available

	survivors of Domestic violence	
<b>SLOVAKIA</b>	No specific law available	National strategy to combat Domestic Violence 2009-2012
<b>SLOVENIA</b>	Violence Prevention Act (2008)	No National Plan available
<b>SPAIN</b>	Gender Violence Comprehensive Protection Measures Act (2004)	National Action Plan on Preventing Violence against Women 2006
<b>SWEDEN</b>	Protection orders implemented by police	No current National Action Plan available
<b>UNITED KINGDOM</b>	Family Law Act (1997) Protection from Harassment Act (1997) Female Genital Mutilation Act (2003) Forced Marriage Act (2007)	National Action Plan to combat violence against women.

## Annex 2. Template – Analysis of the current situation in partner countries

**Objective:** the needs analysis aims to create a basis for the development of the training concept for the European Manual on Risk Assessment for professionals and the training modules for the survivors. The comprehensive research activities performed by all partners at local, regional, national and European level with possible involvement of local professionals to substantiate the findings. Information collected aims to identify the current practice and legal implications with view to risk assessment, analyze existing approaches on risk assessment and identify the field of improvement and good practice.

Some background information (facts and figures) is necessary in order to have the frame in which the work of the various institutions is embedded.

The template aims at providing the key points for further exploration and serves as guidelines for conducting the research activities. The template can be complemented with additional points that could be considered as relevant for the better results of the research.

<b>National level</b>	
<b>Country</b>	
<b>Short Socio-Demographic Information</b>	Population: Age composition , racial and ethnical composition, ethical composition (religion, cultural necessities), economic situation, employment  Numbers of female habitants – age 18 +
<b>CEDAW ratified</b>	Yes/No when ? Optional protocol of CEDAW ratified      Yes/No When ?
<b>Member of the Council of Europe</b>	Yes/No When ?
<b>Some Facts on DV in your country:</b>	Facts and figures from official country reports.
<b>Analysis of the current country DV legislation</b>	Officially: The Legal situation Upcoming tendencies, what is in discussion
<b>National policy</b>	Institutions responsible at a national level for promoting current actions Do You have a National Action Plan? If yes, please give a short outline.
<b>Basic information about DV in your country</b>	Information and statistics about the type of DV dominant in your country, if available: Physical abuse Sexual abuse Verbal/emotional abuse Financial abuse

	<p>Femicide</p> <p>Others: Please specify: _____</p>
<b>Services for Women Victims of Violence</b>	<p>Please give an overview of existing services ( e.g. helplines, shelters etc.)</p> <p>Please consider:</p> <p>Number:</p> <p>Crisis centres for women victims of DV:</p> <p>Shelters with 24 hour service:</p> <p>What kind of support can be given?</p> <p>Who are the women who contact these crisis centres/shelters? (Age, nationality, civil status, profession etc.)</p> <p>Further services for women survivors of violence such as:</p> <ul style="list-style-type: none"> <li>- psychological support</li> <li>- home finding services</li> <li>- training programmes</li> </ul> <p>Intervention centres:</p> <p>National networks of institutions in the field of DV?</p> <p>Regional/local networks working also on national level?</p> <p>Women organisations (NGOs)</p>
<b>Risk assessment in the field of DV in your country</b>	<p>Are there any official risk assessment tools foreseen by the law, specify..</p> <p>Common risk assessment approach (multi-agency) if any..</p>
<b>Legal implications</b>	<p>Are there procedures defined in case of risk of DV?</p> <p>To which institutions such procedures apply to (police, shelters, etc.)?</p> <p>Which legal procedures could be applied as a result of risk assessment (eg. Restriction orders, protection orders, etc.)?</p>
<b>Safety plan</b>	<p>What are the minimum standards for the safety plan?</p> <p>What are the procedures for development of safety plan, if any?</p>
<b>Trainings for professionals enabling them to make risk assessment of DV</b>	<p>Are there any trainings in the field of risk assessment of DV organized for professionals in your country? If yes, please provide short description.</p> <p>What institutions/organisations provide such trainings for professionals?</p> <p>What institutions/organisations are responsible for content of such trainings?</p> <p>What are the training/support needs of professionals for risk assessment?</p> <p>What skills and knowledge is needed for professionals who make the risk assessment?</p>
<b>Trainings for victims/survivors of DV</b>	<p>Are you aware if any kind of trainings (in the field of DV, empowerment, recovery, autonomy and life projects), offered to the survivors/victims of DV in your country/region/town?</p>

	If yes, please describe shortly.
<b>Best practice in risk assessment implementation and/or its identification (on global level)</b>	Good examples of successful risk assessment implementation or its identification? Please describe.
<b>Literature review</b>	Is there any literature that you would recommend or that has proven useful?

## Annex 3. Questionnaire for professionals

### 1. Identification of the interviewee

<b>Country</b>	
<b>Full name of the organisation:</b>	
<b>Type of organisation</b>	
<b>Scope of activities</b>	
<b>The experience working in the field of DV</b>	
<b>Cooperation / participation in networks</b>	
<b>Contact person (name, surname, role in organisation)</b>	
<b>E-mail address:</b>	
<b>Telephone / fax numbers</b>	

### 2. Risk Assessment

<b>International References</b>	<p>Are you aware of the instruments:</p> <ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights</li> <li>• CEDAW</li> <li>• Beijing Declaration and Programme of Action</li> <li>• Vienna Declaration and Programme of Action</li> <li>• Council of Europe Convention on preventing and combating violence against women and domestic violence [Istanbul, 11.V.2011]</li> <li>• Guidelines on Violence Against Women and Girls and Combating all forms of Discrimination Against Them (EU)</li> <li>• CoE Minim Standards for support services</li> <li>• Millenium Development Goals (United Nations)</li> <li>• Lisbon Treaty</li> </ul> <p>Would you be interested to learn more about any of the above mentioned international documents?</p>
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<b>Risk assessment procedure</b>	<p>Are you familiar with any risk assessment tools? If yes, please specify. Do you apply risk assessment tools at your organization/institution in cases of DV? If yes, please specify, which tools. Do you know if the instrument that you use was scientifically validated? Do you know actual (last five years) scientific studies on risk assessment? If yes, please specify.</p> <p>Do you have any procedure for risk assessment at your institution? If yes, please describe the most common situations and the ways the risk assessment tools are used. Do you have any difficulties in performing the risk assessment? What are the difficulties that occur most often?</p> <p>Are you aware about the factors that influence the risk? Could you mention 3 the most common ones from your experience?</p>
<b>Legal applications</b>	<p>Please introduce shortly the legislation in your country related to the domestic violence? Is this legislation related to the protection of the victims or penalty of perpetrators?</p> <p>Are you aware about the existing legal instruments that are used / could be used in case of DV in your country?</p> <p>According to the risk level, which legal instruments could be applied/used (restraining orders, protection orders, others, please specify...) Which instruments do you consider adequate to apply?</p>
<b>Risk management / safety planning</b>	<p>What are the most typical situations when you have to confront the domestic violence? Please describe.</p> <p>Are you preparing the safety plans after risk assessment? For whom are they intended (victims of DV, professionals)?</p> <p>Do you follow any guidelines/instruments for preparation of safety plan for victims/survivors of DV / professionals?</p>
<b>Cooperation</b>	<p>Do you work alone or in team? Do you have technical supervision? Do you work in multi/interdisciplinary networks?</p>
<b>Best practices</b>	<p>Can you provide cases of best practices of risk assessment/management (for victims / survivors of DV, professionals, perpetrators)?</p>

<p><b>Trainings</b></p>	<p>Have you participated in any special training regarding the assessment / management of risk in case of DV?</p> <p>If yes – who was organizer of the courses? If not – would you be interested to participate in such kind of courses / seminar/ workshop?</p> <p>What kind of training needs do you have in the field of D.V.?</p> <p>Do you know if there any trainings in the field of DV (like risk assessment / empowerment/ recovery / safety planning, etc.) organized for victims/survivors of DV? If yes – please provide more information about the organizer of such training, the content, etc.</p>
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## Annex 4. Questionnaire for online survey

### 1. Identification of interviewee

<b>E-mail address: (optional)</b>	
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Your occupation (please tick the most appropriate answer):

- ☐ Crisis centre
- ☐ Help line
- ☐ Shelter
- ☐ Police
- ☐ Law enforcement
- ☐ Judge
- ☐ Medical care
- ☐ Counselling/training for victims
- ☐ Counselling/training for perpetrators
- ☐ Other, please specify:

### 2. Risk Assessment

<b>International References</b>	<p>Which of the following legal instruments guide you in your professional practice? Please tick all relevant boxes:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Universal Declaration of Human Rights</li> <li><input type="checkbox"/> CEDAW</li> <li><input type="checkbox"/> Beijing Declaration and Programme of Action</li> <li><input type="checkbox"/> Vienna Declaration and Programme of Action</li> <li><input type="checkbox"/> Council of Europe Convention on preventing and combating violence against women and domestic violence [Istanbul, 11.V.2011]</li> <li><input type="checkbox"/> Guidelines on Violence Against Women and Girls and Combating all forms of Discrimination Against Them (EU)</li> <li><input type="checkbox"/> CoE Minimum Standards for support services</li> <li><input type="checkbox"/> Millenium Development Goals (United Nations)</li> <li><input type="checkbox"/> Lisbon Treaty</li> </ul>
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<p><b>Risk assessment procedure</b></p>	<p>Are you familiar with any risk assessment tools used in case of domestic violence?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, what kind of tools, please specify.</p> <p>If you apply risk assessment tools at your work, please describe shortly the procedure when and how these tools are used.</p> <p>Do you have any difficulties in conducting the risk assessment?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please specify.</p>
<p><b>Legal applications</b></p>	<p>Are you aware about the existing <i>legislation</i> (e.g. penal code, laws) or <i>national references</i> (e.g. national action plan) that are being used / could be used in case of domestic violence in your country?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please specify:</p> <p>Do you have legal procedures and remedies / domestic violence applications that you apply in your intervention (e.g. protection order, restraining order etc.?)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please specify:</p>

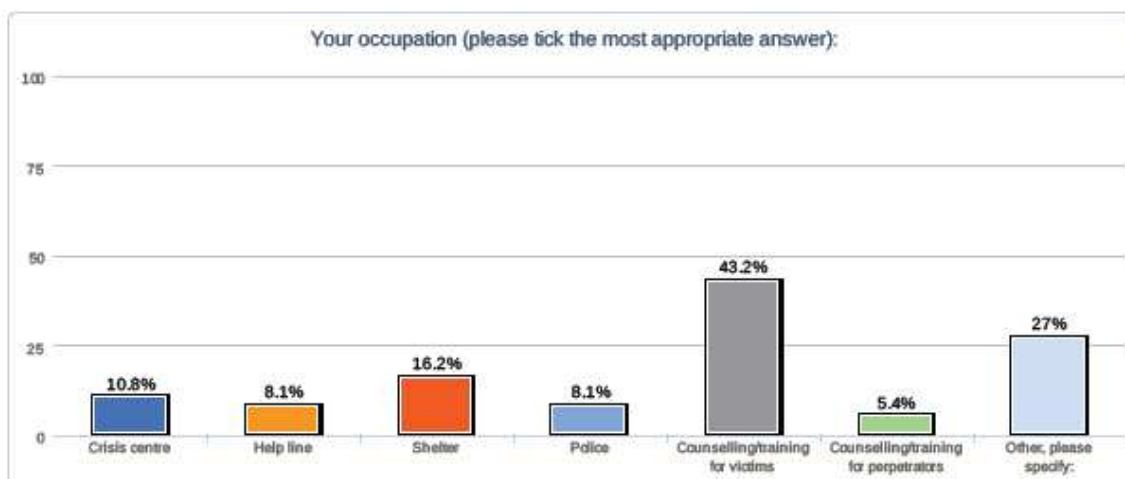
<p><b>Risk management / safety planning</b></p>	<p>Do you work with risk situations at your work (risk for victims/survivors, risk for your team, risk to you)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you know how to establish a safety plan after assessing the risk for victims/survivors of DV / professionals)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Do you follow any guidelines/instruments for preparing a safety plan for victims/survivors of DV / professionals?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please describe shortly.</p>
<p><b>Cooperation / exchange with other professional groups</b></p>	<p>Do you exchange or operate collaboratively with other institutions in the field of domestic violence?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, how? Please tick all relevant boxes:</p> <p><input type="checkbox"/> informal exchange of information <input type="checkbox"/> regular exchange in well established networks/programmes <input type="checkbox"/> common case management <input type="checkbox"/> other, please specify:</p> <p>If you cooperate with other professionals, do you have a common instrument with all professionals involved in a case management?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please specify:</p>

<b>Best practice</b>	<p>Can you provide good examples of successful risk assessment implementation or its identification?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please describe.</p>
<b>Trainings</b>	<p>Are you aware about any training offers in the field of domestic violence (like risk assessment / empowerment/ recovery / safety planning, etc.) organized for victims/survivors of domestic violence in your country/region/town?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please specify.</p> <p>Have you participated in any special training regarding the assessment / management of risk in case of domestic violence?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes – please describe shortly.</p> <p>Would you be interested to participate in such kind of courses / seminar/ workshop?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>What type of training would you prefer: e-learning, face-to-face, blended learning?</p> <p>What kind of training topics would you need in particular? Please list the topics that would interest you below:</p>
<b>Further interview possibility</b>	<p>Would you be available for a more comprehensive interview (by telephone or face-to-face) which would help us to identify better the current practice and legal implications with view to risk assessment in your country?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

## Annex 5. Summary of the online survey

### Summary Report - Mar 8, 2012

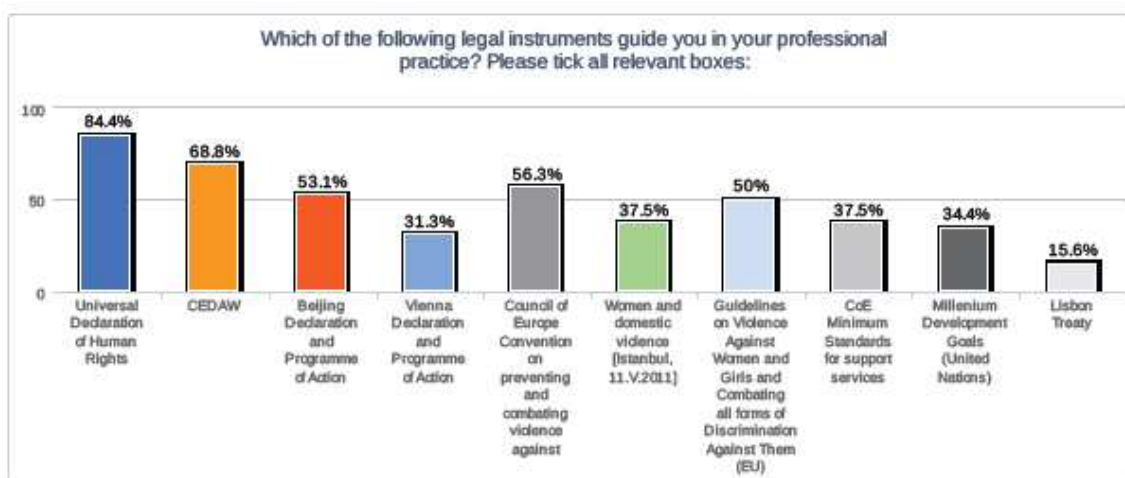
Survey: E-MARIA: European Manual for Risk Assessment - Questionnaire for professionals



#### 1. Your occupation (please tick the most appropriate answer):

Value	Count	Percent %
Crisis centre	4	10.8%
Help line	3	8.1%
Shelter	6	16.2%
Police	3	8.1%
Counselling/training for victims	16	43.2%
Counselling/training for perpetrators	2	5.4%
Other, please specify:	10	27%
Law enforcement	0	0%
Judge	0	0%
Medical care	0	0%

Statistics	
Total Responses	37



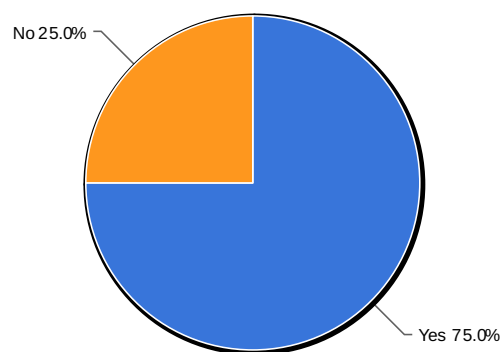
#### 2. Which of the following legal instruments guide you in your professional practice? Please tick all

## relevant boxes:

Value	Count	Percent %
Universal Declaration of Human Rights	27	84.4%
CEDAW	22	68.8%
Beijing Declaration and Programme of Action	17	53.1%
Vienna Declaration and Programme of Action	10	31.3%
Council of Europe Convention on preventing and combating violence against	18	56.3%
Women and domestic violence [Istanbul, 11.V.2011]	12	37.5%
Guidelines on Violence Against Women and Girls and Combating all forms of Discrimination Against Them (EU)	16	50%
CoE Minimum Standards for support services	12	37.5%
Millenium Development Goals (United Nations)	11	34.4%
Lisbon Treaty	5	15.6%

Statistics	
Total Responses	32

Are you familiar with any risk assessment tools used in case of domestic violence?

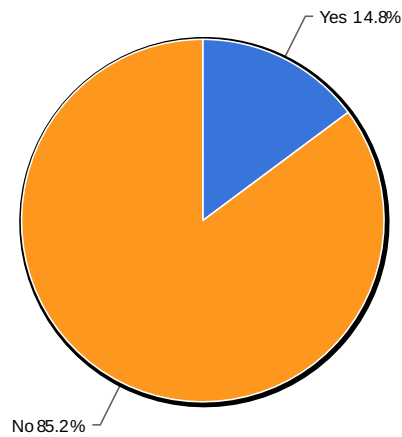


### 3. Are you familiar with any risk assessment tools used in case of domestic violence?

Value	Count	Percent %
Yes	24	75%
No	8	25%

Statistics	
Total Responses	32

Do you have any difficulties in conducting the risk assessment?



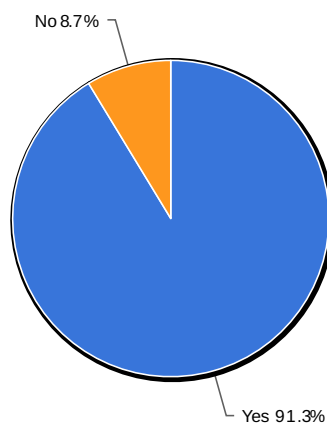
#### 6. Do you have any difficulties in conducting the risk assessment?

Value	Count	Percent %
Yes	4	14.8%
No	23	85.2%

#### Statistics

Total Responses	27
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Are you aware about the existing legislation (e.g. penal code, laws) or national references (e.g. national action plan) that are being used / could be used in case of domestic violence in your country?



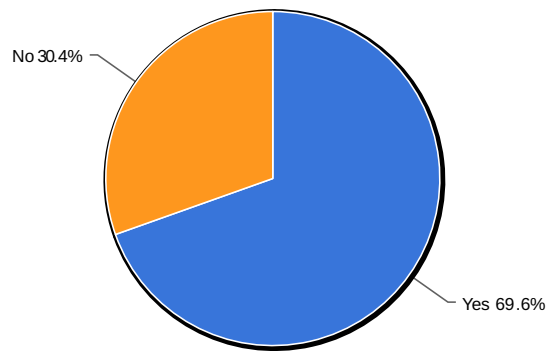
#### 8. Are you aware about the existing legislation (e.g. penal code, laws) or national references (e.g. national action plan) that are being used / could be used in case of domestic violence in your country?

Value	Count	Percent %
Yes	21	91.3%
No	2	8.7%

#### Statistics

Total Responses	23
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Do you have legal procedures and remedies / domestic violence applications that you apply in your intervention (e.g. protection order, restraining order etc.?)

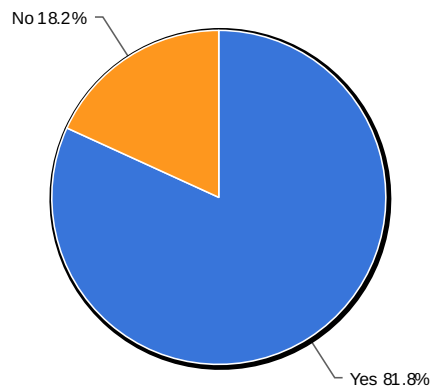


**10. Do you have legal procedures and remedies / domestic violence applications that you apply in your intervention (e.g. protection order, restraining order etc.?)**

Value	Count	Percent %
Yes	16	69.6%
No	7	30.4%

Statistics	
Total Responses	23

Do you work with risk situations at your work (risk for victims/survivors, risk for your team, risk to you)?



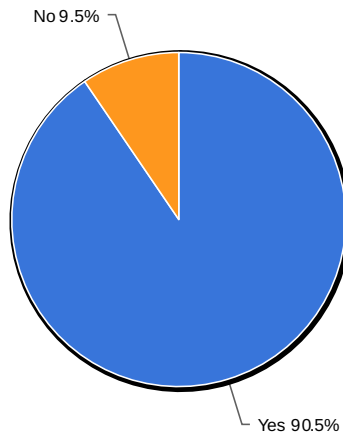
**12. Do you work with risk situations at your work (risk for victims/survivors, risk for your team, risk to you)?**

Value	Count	Percent %
Yes	18	81.8%
No	4	18.2%

Statistics	
Total Responses	22



Do you know how to establish a safety plan after assessing the risk for victims/survivors of DV/professionals?

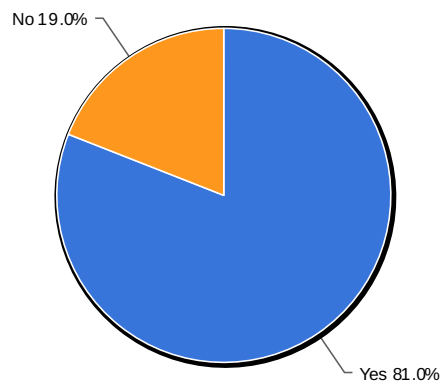


**13. Do you know how to establish a safety plan after assessing the risk for victims/survivors of DV/professionals?**

Value	Count	Percent %
Yes	19	90.5%
No	2	9.5%

Statistics	
Total Responses	21

Do you follow any guidelines/instruments for preparing a safety plan for victims/survivors of DV/professionals?

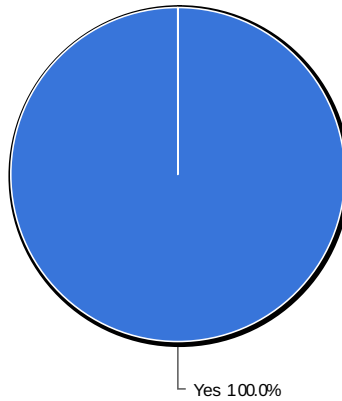


**14. Do you follow any guidelines/instruments for preparing a safety plan for victims/survivors of DV/professionals?**

Value	Count	Percent %
Yes	17	81%
No	4	19%

Statistics	
Total Responses	21

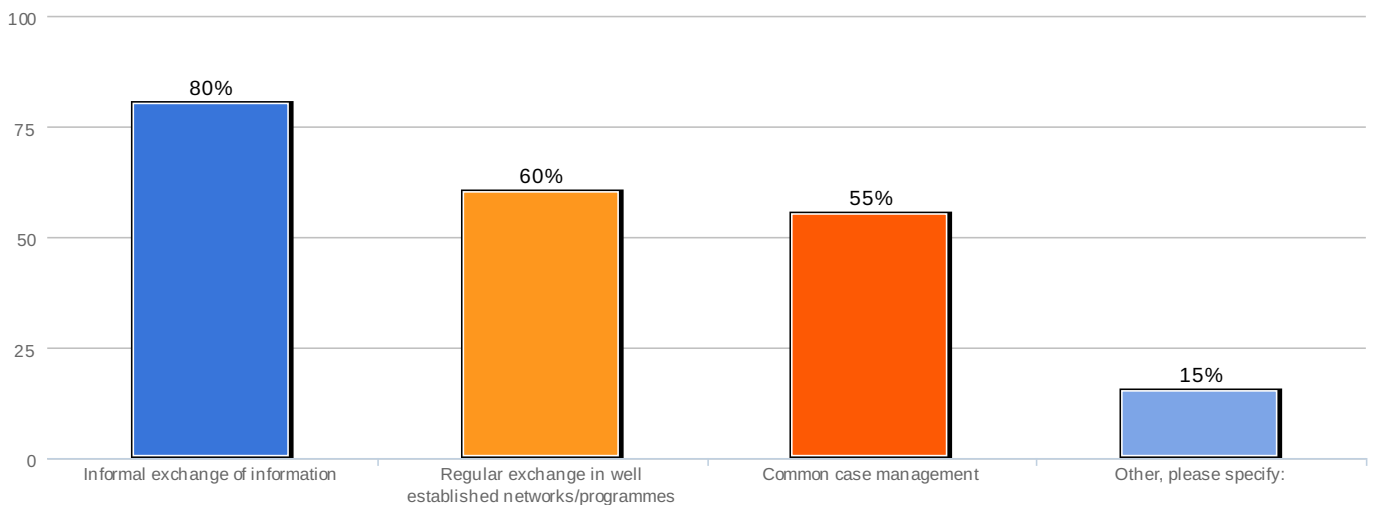
Do you exchange or operate collaboratively with other institutions in the field of domestic violence?



#### 16. Do you exchange or operate collaboratively with other institutions in the field of domestic violence?

Value	Count	Percent %	Statistics	
Yes	20	100%	Total Responses	20
No	0	0%		

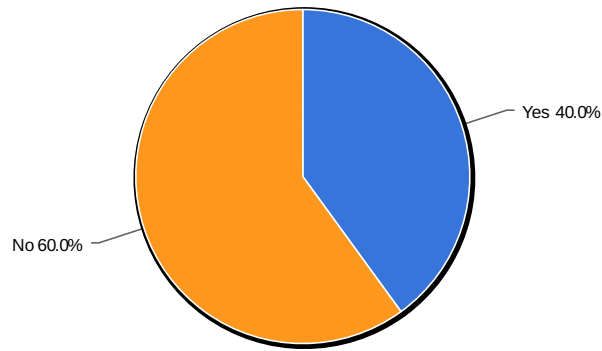
If yes, how? Please tick all relevant boxes:



#### 17. If yes, how? Please tick all relevant boxes:

Value	Count	Percent %	Statistics	
Informal exchange of information	16	80%	Total Responses	20
Regular exchange in well established networks/programmes	12	60%		
Common case management	11	55%		
Other, please specify:	3	15%		

If you cooperate with other professionals, do you have a common instrument with all professionals involved in a case management?

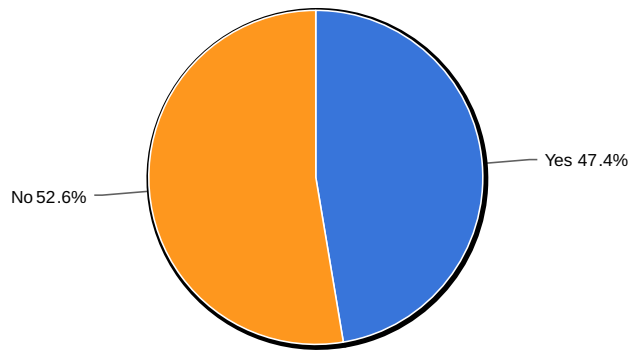


**18. If you cooperate with other professionals, do you have a common instrument with all professionals involved in a case management?**

Value	Count	Percent %
Yes	8	40%
No	12	60%

Statistics	
Total Responses	20

Can you provide good examples of successful risk assessment implementation or its identification?

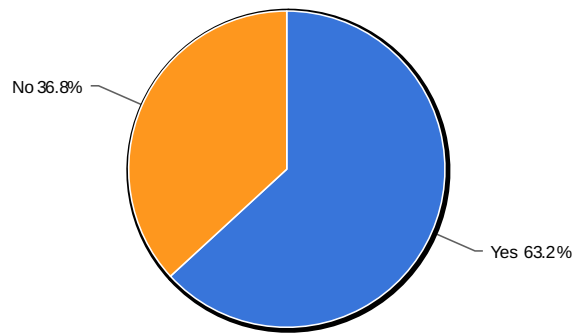


**20. Can you provide good examples of successful risk assessment implementation or its identification?**

Value	Count	Percent %
Yes	9	47.4%
No	10	52.6%

Statistics	
Total Responses	19

Are you aware about any training offers in the field of domestic violence (like risk assessment / empowerment/ recovery / safety planning, etc.) organized for victims/survivors of domestic violence in your country/region/town?

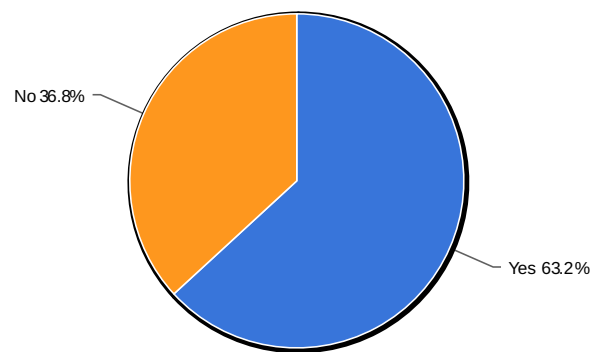


**22. Are you aware about any training offers in the field of domestic violence (like risk assessment / empowerment/ recovery / safety planning, etc.) organized for victims/survivors of domestic violence in your country/region/town?**

Value	Count	Percent %
Yes	12	63.2%
No	7	36.8%

Statistics	
Total Responses	19

Have you participated in any special training regarding the assessment / management of risk in case of domestic violence?

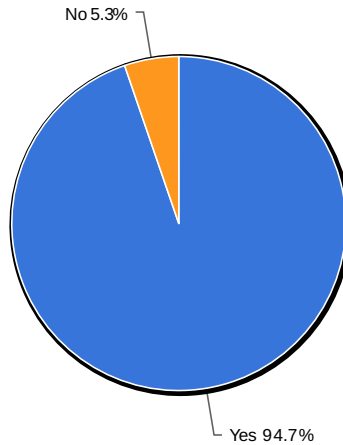


**24. Have you participated in any special training regarding the assessment / management of risk in case of domestic violence?**

Value	Count	Percent %
Yes	12	63.2%
No	7	36.8%

Statistics	
Total Responses	19

Would you be interested to participate in such kind of courses / seminars / workshops?

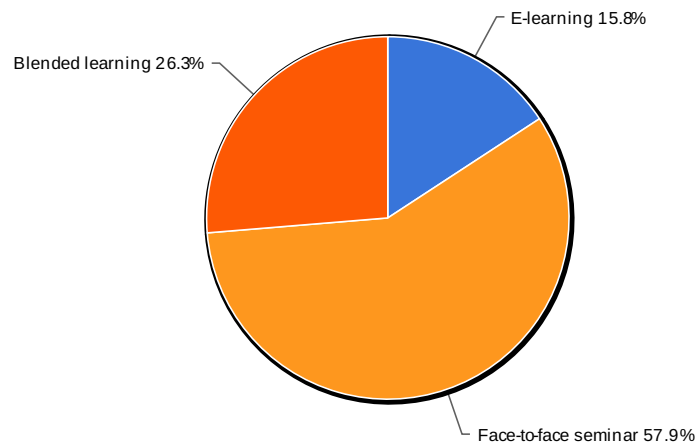


## 26. Would you be interested to participate in such kind of courses / seminars / workshops?

Value	Count	Percent %
Yes	18	94.7%
No	1	5.3%

Statistics	
Total Responses	19

What type of training would you prefer:

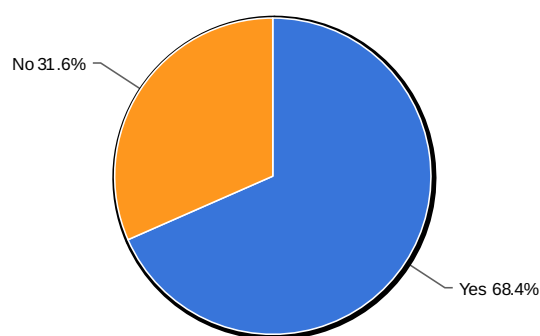


## 27. What type of training would you prefer:

Value	Count	Percent %
E-learning	3	15.8%
Face-to-face seminar	11	57.9%
Blended learning	5	26.3%

Statistics	
Total Responses	19

Would you be available for a more comprehensive interview (by telephone or face-to-face) which would help us to identify better the current practice and legal implications with view to risk assessment in your country?



**29. Would you be available for a more comprehensive interview (by telephone or face-to-face) which would help us to identify better the current practice and legal implications with view to risk assessment in your country?**

Value	Count	Percent %
Yes	13	68.4%
No	6	31.6%

Statistics	
Total Responses	19