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MJU-29 (2009) RESOL. 1 E

29th COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE

(Tromsø, Norway, 18 -19 June 2009)

RESOLUTION No. 1 on preventing and responding to domestic violence

THE MINISTERS participating in the 29th Conference of the Council of Europe Ministers of Justice (Tromsø, Norway, 18 -19 June 2009),

1. Welcoming the report of the Minister of Justice of Norway on “Breaking the silence - united against domestic violence” and the contributions made by other delegations;
2. Recalling the Committee of Ministers’ recommendations Rec (2002) 5 on the protection of women against violence and Rec (2006) 8 on assistance to crime victims;
3. Having discussed the problems and possible solutions related to domestic violence;
4. Recognising that domestic violence is still widespread in European societies and that there is an urgent need to combat this phenomenon and its negative consequences for all victims, in particular women and children;
5. Recognising that domestic violence mainly affects women and deserves integral and efficient answers including the promotion of de jure and de facto equality between women and men;
6. Recognising that domestic violence seriously violates and impairs the enjoyment of human rights and fundamental freedoms;
7. Recalling that states have a positive obligation to secure the enjoyment of human rights, in particular to protect the life and the physical and psychological integrity of every person, including in the sphere of the relations of individuals between themselves, while ensuring respect for private and family life as guaranteed by Article 8 of the European Convention on Human Rights;
8. Recognising the continuing necessity to take adequate preventive measures and provide effective remedies to potential victims of domestic violence;
9. Recognising that there exist forms of domestic violence, in particular against children and the elderly, which are insufficiently known and considered;

10. Recognising the need for increased protection and support for particularly vulnerable categories of victims of domestic violence;
11. Welcoming the Council of Europe Campaign to Combat Violence Against Women Including Domestic Violence;
12. Expressing their support for the work of the Ad Hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO);
13. Recalling Resolution No.1 on victims of crime adopted at the 27th Conference of European Ministers of Justice in Yerevan (12-13 October 2006) and its follow up;
14. Mindful of the need to respect both the rights of victims and those of alleged offenders in the investigation and the criminal proceedings, in full respect of the European Convention on Human Rights;
15. Emphasising that special attention should be paid to the status and the rights of victims in criminal proceedings when preparing relevant future Council of Europe criminal law conventions:

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16. AGREE that there is a need to secure a safe environment for victims who have suffered domestic violence and to ensure appropriate assistance and remedies for them;
17. RECOGNISE that there is an urgent need not only to prosecute and punish perpetrators of domestic violence, but also to ensure that in particular those responsible for serious and repeated acts of domestic violence are offered treatment aiming at preventing re-offending;
18. UNDERLINE the importance of providing an appropriate legal framework, not limited to criminal law, and practical measures for assisting and protecting victims of domestic violence;
19. AGREE that state authorities should pay particular attention to the prevention of secondary victimisation;
20. UNDERLINE the importance of ensuring special training for professionals dealing with domestic violence, in particular judges and prosecutors, members of the police and the medical and social services;
21. INVITE the Committee of Ministers to promote existing standards and work of the Council of Europe by informing victims of domestic violence not only of the available criminal but also the civil and administrative remedies, to ensure that they receive sufficient protection;
22. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC), in cooperation with the European Committee on Legal Co-operation (CDCJ) and the Steering Committee for Human Rights (CDDH), to examine the following objectives to be taken into account for inclusion in common rules related to the status and rights of victims in criminal proceedings:
 - a. ensuring, throughout the criminal justice process, respect for the personal situation, rights and dignity of victims and protection against any intimidation, harassment or abuse;
 - b. recognising and improving the status of victims in the investigation and the criminal proceedings;
 - c. ensuring effective access to justice by the provision of information, legal advice and, where appropriate, legal aid;
 - d. ensuring specific assistance and protection to the most vulnerable victims;
 - e. in cases where it is decided not to prosecute an alleged offender, considering ways for victims to have the decision re-examined;

- f. providing for compensation schemes, including expenses incurred in relation to criminal proceedings;
23. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC), in co-operation with other competent bodies of the Council of Europe, to examine existing best practices in member states, in full respect of human rights, related to:
- a. the assessment of the risk of re-offending and the danger to victims and society posed by perpetrators of acts of domestic violence;
 - b. the supervision and treatment of such perpetrators in serious and repeated cases, in closed settings and in the community, including surveillance techniques;
 - c. programmes and measures aimed at helping perpetrators improve self-control and behaviour-management and, where possible, repairing the harm done to victims;
24. INVITE the Committee of Ministers to entrust the European Committee on Legal Co-operation (CDCJ), in co-operation with the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH) and the Steering Committee for Equality between Women and Men (CDEG), in the light of the results of the work by the *Ad Hoc* Committee on preventing and combating violence against women and domestic violence (CAHVIO), to examine, taking into account the need to protect both the rights of victims and those of perpetrators:
- a. forms of domestic violence directed in particular against children and the elderly, and propose responses to them;
 - b. challenges faced by victims of domestic violence and propose targeted solutions to increase their protection and reduce their vulnerability;
 - c. the effectiveness of existing civil and administrative legal remedies and measures and propose further ones aimed at preventing domestic violence or responding to it;
25. ASK the Secretary General of the Council of Europe to present a report on the steps taken to give effect to this Resolution on the occasion of their next Conference.