

GENDER EQUALITY COMMISSION



Compilation of good practices
to reduce existing obstacles and facilitate
women's access to justice

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

GENDER EQUALITY COMMISSION

Compilation of good practices
to reduce existing obstacles and facilitate
women's access to justice

French edition:

Commission pour l'égalité de genre

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Introduction

Women's access to justice: Compilation of good practices from member States

Achieving gender equality is central to the protection of human rights, the functioning of democracy, respect for the rule of law and economic growth and sustainability. The respect and protection of human rights can only be guaranteed with the availability of effective remedies, adequate reparation and/or compensation. In this regard, equal access of women to justice is key to ensuring equality before the law, not only de jure but also de facto.

The Council of Europe's pioneering work on human rights and gender equality has resulted in a solid legal and policy framework which has greatly contributed to fighting inequality and to better protecting women's human rights and dignity in its 47 member States. However, gender equality standards are far from being a reality for all women across the continent. Persisting inequalities between women and men, gender bias and stereotypes result in unequal access of women and men to justice. Women's limited access to justice is a complex social phenomenon that combines a series of inequalities at the legal, institutional, structural, socio-economic and cultural levels.

One of the five objectives of the Council of Europe Gender Equality Strategy for 2014-2017 is to work with member States towards guaranteeing equal access of women to justice in order to address this situation. The Strategy establishes that action in this area will include "the identification, collection and dissemination of existing remedies and good practices to facilitate women's access to justice".

This compilation of good practices is intended to provide examples of promising activities implemented in Council of Europe member States to reduce existing obstacles and facilitate women's access to justice. The presented initiatives are very diverse and cover different aspects of the justice chain and different fields of law. They include, among others, free counselling and legal assistance for women victims of violence, specialised centres to assist migrant women, women with disabilities and Roma women, free helplines, access to legal aid, training for the judiciary, support of pregnant women in discrimination disputes, data collection, campaigns to increase women's awareness of property and inheritance rights in rural areas, and online databases to access court decisions on gender equality cases in the employment sector.

Sharing of good practices provides a very useful reference tool for countries in the process of developing new initiatives or adapting existing ones. This compilation constitutes an important resource for all stakeholders working to reduce obstacles and facilitate women's access to justice.

Sergiy Kyslytsya

Chairperson of the Gender Equality
Commission of the Council of Europe

Armenia

Good practice

Legal aid for women

Target group

Women-victims of domestic violence and women of distant regions and remote communities.

Description of good practice

1. In 1997, the **Women's Rights Centre (WRC)** launched the **National Hotline** service providing free psychological counselling, legal assistance and social help to women victims of domestic violence and their children. When telephone consulting is not enough to assist them, they are invited to a **Women's Support and Drop-In Centre (WSDC)** where they are provided with face-to-face psychological counselling, legal assistance, social help and attorney support in court. Confidentiality is the primary and the most important principle according to which the National Hotline and WSDC services are provided. In different periods, from 2002 until 2014 WRC operated four Women's Support and Drop-In Centres not only in Yerevan, but in the centres of four of the biggest regions (Vanadzor, Gavar, Ljevan, Kapan), and **Emergency Shelter and Transitional Housing** for women who were victims of domestic violence, and their children.

All services provided by WRC serve as a basis of data for case studies to find out the scales, forms, geography, causes and consequences of domestic violence for further use in the advocacy and lobbying process through mass media.

WRC holds **Women's Support Groups (WSG)** for women victims of domestic violence who have applied for WRC services. The aim of WSG meetings is to provide regular psychological group therapy for women victims of domestic violence. This kind of therapy has proved to be very effective. Participation in WSG can be a key to unlocking the loneliness, shame and isolation that surround women victims threatened by domestic violence. WSG meetings are held under the slogans "You are not alone" and "It is not your fault", and fight this isolation on a number of different levels. Also periodic participation in these meetings stimulates the rehabilitation of women's psychological balance. The concluding part of the meetings is a consultation with lawyers about women's legal rights and Q&A sessions for participants.

WRC has implemented different awareness-raising actions and educational campaigns to increase knowledge of our society on violence against women generally, and domestic violence in particular. These activities serve as a link between society and WRC by explaining what domestic violence is and the services provided in this regard. They also play a significant role in transforming social stereotypes, promoting certain social behaviour patterns and values.

WRC also considers the involvement of men in the prevention of domestic violence process highly important. One of the most significant achievements of WRC has been creation of the Men against Violence against Women (MAVAW) Network in January 2012. It is strongly believed that combating domestic violence should and must be done with the participation of men, and that men can be friends and associates in the everyday work towards having society without violence and women and children protected from domestic violence particularly. The actions and events implemented by WRC, as well as future ones, have a core aim to break the stereotypes and change the widespread and incorrect opinion according to which only women should struggle for women's rights. Therefore, the collaboration with men and their involvement in WRC activities is a ground breaking step for changing the attitude towards the issue of domestic violence among different layers of society.

Starting in 2010, WRC organises and facilitates Travelling Conferences in 10 marzes (regions) of Armenia. These meetings are intended to reveal the level of awareness of the population in the marzes, marz officials and police about domestic violence and the situation in Armenia, and their involvement in the resolution of domestic violence as well.

2. The **Foundation Against the Violation of Law (FAVL)**, has worked in the field of human rights protection since 1991. The organisation's mission

is the promotion of international humanitarian norms, human rights and fundamental freedoms; strengthening of civil society of distant regions; and facilitating the people, especially the women's access to the justice.

FAVL partnered with Oxfam in Armenia to create 5 **Civic Centres** in the regions of Yeghegnadzor, Vayk, Sisian, Kapan, and Meghri. Since 2005, these centres serve 20 adjacent beneficiary communities. Their target groups are women, youth, socially vulnerable families, disabled, and pensioners.

As an active legal aid organisation, FAVL and its Civic Centres seek to raise the awareness of citizens regarding their rights, which is an important tool in combating law violation. Citizens are also provided with free legal consultations, assistance in filing claims and complaints, as well judicial representation. In 2014, 745 citizens were given free legal assistance, 361 of whom were women.

Experience throughout various communities has shown that women are the most vulnerable when it comes to activism, employment and awareness. It is for this reason that the majority of FAVL's events are geared specifically towards raising the participation, awareness and protection of rights of women.

The most common issues for which FAVL face in assisting women are divorce, alimony, child visitation and custody, division of property acquired during marriage, lack of shelter for women and children after divorce, child care benefits, inheritance acceptance, housing ownership rights, and repayment of loans after marriage. Other issues include challenging utility charges, taxes and other fees, unpaid wages, unlawful termination, and involvement in shadow economy activity.

Results: First and foremost, women who have received legal assistance or attended FAVL seminars and film screenings have felt that they are not alone when it comes to their rights. In addition, by becoming more aware, they have gone on to show greater support to their fellow citizens and villagers.

Useful links

<http://www.wrcorg.am>

<http://www.favl.am>

<http://www.oxfam.org.uk/Armenia>

<http://www.womennet.am>

Useful contacts

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Comments

In Armenia, there are a number of strong and well-known NGOs dealing with woman rights-related issues, but the women's access to justice can be much more effectively ensured through consistently increasing the number of women working in the justice system, meaning those who have high level positions as advocates, prosecutors, judges, policepersons and others. Moreover, there are no gender-disaggregated statistics in this area at the national level. The women representation in the above-mentioned positions in Armenia is very, very low, and in some of those positions, maybe there are no women at all.

Austria

Good practice

Advice and assistance for women and girls

Target group

All women and girls.

Description of good practice

The Federal Ministry of Education and Women's Affairs offers online advice to women and girls around the clock. Women receive information and counselling within 48 hours of their request. They can remain anonymous when claiming assistance.

The Office of the Ombudsperson for Equal Treatment advises and assists women who feel discriminated against and accompanies them in proceedings before the Equal Treatment Commission.

Another measure is a Helpdesk for Women and a special Helpdesk for Migrant Women (in several languages), where they receive information by phone.

There are many other subsidised Assistance Centres for Women and also special centres, for dealing specifically with, for example, migrant women, women with disabilities, Roma women, etc.

For women with disabilities, information is provided barrier-free (including through use of sign language).

Useful links

www.frauenberatenfrauen.at

www.mona-net.at/helpdesk; www.ninlil.at (women with disabilities)

www.orientexpress-wien.com (against forced marriage and FGM)

www.migrant.at

E-mail: ministerium@bmbf.gv.at

www.gleichbehandlungsanwaltschaft.at

Good practice

Protection against violence act

Target group

Victims of violence.

Description of good practice

The «Protection against Violence Act» is a Federal Act on the Protection against Domestic Violence which took effect on 1 May 1997. This act created the statutory prerequisites for fast and efficient protection of victims of domestic violence.

The Protection against Violence Act authorises the police to impose a barring order against an endangering person and to evict him from the domicile of the endangered person in case of refusal to leave. The underlying principle, «Whoever hits must leave», allows the endangered individual to remain in her/his familiar surroundings.

If prolonged protection against the endangering person is required, the endangered person can apply for a court injunction. Depending on the violent or endangering situation, this application can request that the endangering person:

- ▶ be banned for a defined period from entering the home and its immediate neighbourhood - «Protection against violence in apartments»; and/or
- ▶ be banned for a defined period from staying in certain places and from contacting the endangered person - «General protection against violence»; and/or
- ▶ refrain from any encroachment on the endangered person's privacy - «Protection against invasion of privacy».

An interim injunction can also be issued irrespective of a barring order imposed by the police and vice versa.

To ensure comprehensive support of endangered persons, so-called Violence Protection Centres (Intervention Centres against domestic violence) were set up in all Federal States - partly with regional offices.

Barring and eviction order imposed by the police

The police are authorised to forbid an endangering person to enter the domicile of the endangered person and its immediate neighbourhood, as well as to evict him if he refuses to leave. If the endangering person doesn't comply, (police) force can be used. Such measures are contingent on the foreseeable risk (e.g. based on previous violent acts) of his committing a dangerous assault on the life, health or freedom of a person who lives in this apartment. The protection extends to all persons living in the domicile irrespective of kinship and the ownership situation (wife, live-in partner, children, relatives, but also sub-tenant, co-inhabitants, etc.).

It is possible to impose a barring order on any person who is potentially dangerous and evict him in case of refusal to leave, if necessary by police force - i.e. the owner of the domicile, as well as an ex-boyfriend who «appears» in the domicile.

In such cases, the police will confiscate the endangering person's keys to the domicile and request him to give an address for the delivery of judicial writs.

The barring order extends to the domicile and its immediate surroundings (e.g. stairway, drive, garden, underground car park). The police will define the protection zone in such a way as to ensure effective protection, and will inform the endangering person about the details. The barring order is issued for a period of two weeks, with the police supervising compliance with the order within the first three days. If within these two weeks an application for an interim injunction is filed according to section 382b, the validity of the barring order is extended to four weeks. This gives the court time to decide on the application and ensures constant protection for the endangered person.

For the validity period of the barring order, the endangering person is prohibited from entering the domicile and the defined protection zone, even with the permission of the endangered person.

In the event of non-compliance, the endangering person will be fined up to 500 euro for committing a regulatory offence and can be arrested if non-compliance

continues. If he threatens or injures the endangered person, he will be prosecuted under criminal law.

Violence Protection Centres/Intervention Centres against Domestic Violence

«Violence Protection Centres and Intervention Centres against Domestic Violence» (*Gewaltschutzzentren/Interventionsstellen gegen Gewalt in der Familie*) are facilities – provided by law and publicly financed – that specialise in comprehensive support for victims of domestic violence and stalking.

When the police have imposed a barring order, they notify the local Violence Protection Centre/Intervention Centre. The Violence Protection Centre/Intervention Centre will then contact the endangered person, offering active help. Offers include preparing a safety plan, providing legal advice (e.g. applying for an interim injunction), as well as psychosocial support.

Also, in cases of stalking, the police can notify the Violence Protection Centre/Intervention Centre, which will actively contact the endangered person. Naturally, persons affected by domestic violence or stalking can also directly contact a Violence Protection Centre/Intervention Centre, i.e. without prior police intervention.

However, legal advice is important for preparing all documents required by the court to make a decision. Documents include «attestations» to prove the use of violence, such as medical evidence or photos. Further attestations are testimonies made by the affected woman or by witnesses. Legal advice is also provided by workers at the Violence Protection Centres/Intervention Centres, women's shelters or women's advice centres. The endangered person is entitled to attend the questioning in court with a trusted third party.

Interim injunction pursuant to section 382b EO «Protection against violence in apartments»

If the endangered person cannot be expected to tolerate any further cohabitation with the endangering person because the latter has physically assaulted or threatened her with such assault, or subjects her to considerable psychological strain, she can apply for an interim injunction for the «Protection against violence in apartments (Schutz vor Gewalt in Wohnungen)». A further requirement is that the apartment must be urgently needed by the endangered person.

In such cases, the court can:

- ▶ order the endangering person to leave the domicile and its immediate neighbourhood; and
- ▶ ban the endangering person from returning to the domicile and its immediate neighbourhood.

Such injunctions can be issued for a maximum of six months. However, in the event of any of the proceedings listed in the Act being instituted within this period, for example, divorce proceedings, it is possible to apply for an injunction to cover the period up to the termination of the proceedings.

Interim injunction pursuant to section 382e EO «General protection against violence»

If the endangered person cannot be expected to tolerate any contact with the endangering person because the latter has physically assaulted the endangered person or threatened her with such assault, or seriously harms her psychological health, she can apply for an interim injunction for the «General protection against violence». A further requirement is that this application does not conflict with any significant interests of the endangering person. It is not a requirement for the endangered person ever to have lived with the endangering person.

In such cases, the court can:

- ▶ ban the endangering person from being in precisely defined places (for example, workplace of the endangered person, school or kindergarten of the children); and
- ▶ order the endangering person to refrain from meeting or contacting the endangered person.

Such injunctions can be issued for a maximum of one year; in the event of non-compliance by the endangering person, their validity can be extended for up to one more year. In the event of a concurrent application for an interim injunction «Protection against violence in apartments» and the opening of any of the related proceedings provided by law (such as divorce proceedings), the interim injunction for the «General protection against violence» can also cover the period up to the termination of the proceedings.

Regardless of the above, it is possible to bring an action to restrain the endangering person from meeting the plaintiff (the endangered person); this action can also extend the validity of the interim injunction until the court has taken its decision.

Interim injunction pursuant to section 382g EO for the «Protection against invasion of privacy» (stalking injunction)

Another option that may be used under certain conditions is an interim injunction for the Protection against invasion of privacy (Schutz vor Eingriffen in die Privatsphäre), the so-called stalking injunction. However, a barring order cannot be extended to four weeks if it was followed only by an application for a stalking injunction.

Violation of an Interim Injunction

If the endangering person violates an interim injunction «Protection against violence in apartments» he will be fined up to 500 euro for committing a regulatory offence. The same regulations apply if the endangering person violates an order to keep away from specified areas, to avoid an encounter with the endangered person and/or violates an order to refrain from getting into personal contact with that person or to stalk the person. In case of persistent violation he can also be arrested.

The criminal offence «Persistent perpetration of violence»

Along with the Second Protection against Violence Act, the criminal offence «persistent perpetration of violence» was introduced. It allows for the examination of acts of violence (for example, serious threats, maltreatments, physical violence) that took place over a longer period - as they regularly do in cases of domestic abuse - in their entirety and provide for more severe punishment.

The law stipulates imprisonment for up to three years. Cases of aggravating circumstances are subject to (much) higher penalties, for example, sexual violence, persistent violence against children (up to 14 years), frail persons or handicapped persons and/or especially long duration or severe consequences of the violent acts.

Stalking (psychological terror)

Stalking - originally associated with hunting - has become the established term for acts of persistent persecution that cause its victims psychological strain. They include daily phone calls to victims' homes (also during night-time) or workplaces, «waylaying», bombarding with letters, emails and SMS messages, unwanted gifts, as well as spreading disparaging rumours, psychological harassment, threats, physical violence and sexual assaults.

Stalking victims are entitled to support. As far as required for the victims' protection, the police can call on the local Violence Protection Centre/Intervention Centre, which will then promptly and actively contact the endangered person. Naturally, persons affected by stalking can also directly - i.e. without prior police intervention - contact the Violence Protection Centre/Intervention Centre.

Good practice

Report on the implementation of the equal treatment act

Description of good practice

Every two years, the Minister of Social Affairs, Labour and Consumer Protection has to report to the National Assembly about the implementation of the Equal Treatment Act. This Act applies to equal treatment of women and men at work and to equal access to and supply of goods and services. (It also includes discrimination on the grounds ethnic origin, religion or beliefs, age and sexual orientation).

This report contains the cases brought to the Equal Treatment Commission, a report by the Ombudsperson for Equal Treatment about her work and also Court Cases in the field of Equal Treatment.

The claimants are segregated by sex and the report helps to realise implementation gaps and also gaps in the access of women to justice.

Useful link

www.bmbf.gv.at/frauen/publikationen

Good practice

Assistance in court proceedings

Target group

Victims of violence.

Description of good practice

As of 1 January 2006, persons who are victims of violence or serious threat of violence or whose sexual integrity has been violated (for example, by rape) are, under certain conditions, entitled to claim assistance in court proceedings.

While this statutory right applies in cases of deliberate acts, occurrence of special damage is not a requirement.

Stalking victims are also eligible for assistance in court proceedings.

Besides, family members (parents, spouses, domestic partners, children, grandchildren, siblings) of a person killed as the result of an offence, as well as other family members (nieces/nephews, cousins) who witnessed the offence, are also eligible to claim assistance in court proceedings.

Assistance in court proceedings is one of the essential rights accorded to victims in criminal proceedings.

Generally, assistance in court proceedings is two-part («dual assistance in court proceedings») - firstly, psychosocial assistance before, during and after police and judicial questioning, and secondly, legal assistance, i.e. legal advice and representation in court by lawyers.

As of 1 June 2009, psychosocial assistance in court proceedings was also made possible in civil proceedings, provided that the latter are related to criminal proceedings. In particular, civil proceedings dealing with claims for damages and/or damages for pain and suffering are concerned with divorces, possibly also with proceedings for custody and visitation rights.

However, there is no right to legal assistance in civil proceedings. Representation by a lawyer is only free of charge if - and to the extent that - affected persons are eligible for legal aid.

Victims entitled to claim assistance in court proceedings must be informed about this right upon their first contact with the police or the court. As a rule, assistance starts when an offence is reported, in exceptional cases even earlier on, for example, counselling related to the reporting of an offence.

For victims, assistance in court proceedings is invariably free of charge, irrespective of the outcome of the criminal proceedings. In the event of a conviction, the convicted person can be ordered to pay up to 1,000 euro towards court fees. If the defendant is acquitted, the costs will be borne by the state.

Experts at the Violence Protection Centres/Intervention Centres against Violence, women's shelters and women's emergency helplines offer free psychosocial and legal assistance in court proceedings for women.

The Women's Helpline against Violence 0800/222 555 (no charge within Austria, 24/7, anonymous and free of charge) informs about the nearest facilities that offer assistance in court proceedings.

Useful link

www.gewaltschutzzentrum.at

Good practice

Violence protection centre/women's helpline against violence

Target group

Women victims of violence.

Description of good practice

Experts at the Violence Protection Centres/Intervention Centres against Violence, women's shelters and women's emergency helplines offer free psychosocial and legal assistance in court proceedings for women.

The Women's Helpline against Violence 0800/222 555 (no charge within Austria, 24/7, anonymous and free of charge) informs about the nearest facilities that offer assistance in court proceedings.

Aid facilities, contacts, guidebooks and other publications

Independent of contacting the police, women who are threatened or affected by violence can turn to a large network of facilities offering legal and practical help.

In addition to women experts providing support around the clock on the free women's helpline, counselling centres for sexual violence are available in the event of rape, and Violence Protection Centres/Intervention Centres have been set up to provide help in violence situations occurring in families and/or the social environment. Women's shelters provide safe accommodation for women and their children who are at risk of or affected by violence.

Women and girls who are threatened or affected by forced marriage are given support and emergency accommodation in a safe place by the counselling agency Orient Express.

Women who are victims of human trafficking or cross-border prostitution trade are given support at the Intervention Centre for Victims of Women Trafficking.

There are a number of specialist counselling centres for migrant women. Also the women's helpline offers advice in various languages and refers callers to the nearest specialised facility.

Furthermore, many of the above mentioned aid facilities offer counselling in the victim's native language or will use interpreters where necessary.

The brochure «Frauen haben Recht(e)» (in German) lists the options available to women seeking protection and trying to assert their rights, summarises the major procedures and offers an insight into the collaboration between police, judicial authorities and aid facilities.

To enable women to access any kind of help available, the following descriptions give an overview of the aid facilities that focus on the protection of victims.

Violence Protection Centres/Intervention Centres against Domestic Violence

Violence Protection Centres/Intervention Centres offer active help and support for affected persons, free of charge and confidentially – in particular after police interventions in the event of domestic violence and stalking. Their primary task is to protect the victims and enhance their safety.

These victims' aid facilities serve as hubs for all institutions involved (e.g. security authorities, courts, youth welfare authorities, women's shelters).

Violence Protection Centres/Intervention Centres provide a wide range of services:

- ▶ help with improving protection and safety for women and their children;
- ▶ information and support especially after an eviction, the filing of a complaint or arrest of a perpetrator, or after a dispute settlement by the police;
- ▶ assistance with the phrasing and filing of applications with a court and help with contacting authorities;
- ▶ assistance during police questioning and court proceedings;

- ▶ psychosocial and legal assistance in court proceedings;
- ▶ if necessary, referral to other facilities (women's shelters, counselling centres for women and families, child protection facilities, psychotherapists, etc.);
- ▶ if necessary, counselling in the native language of affected persons or use of interpreters.

Each federal state has its own Violence Protection Centre/Intervention Centre. Some federal states also have regional centres.

Women's shelters

Women's shelters offer immediate help, without any red tape, for endangered or abused women and their children, including protection, accommodation/safe living quarters, meals and counselling. Women's shelter workers counsel, accompany and support affected persons in dealings with authorities, alimony and custody matters, divorce issues, finding a job and a place to live. Advice is provided regardless of nationality, religious belief or income.

Women's shelters provide a wide range of services:

- ▶ emergency aid;
- ▶ protection and accommodation;
- ▶ crisis intervention;
- ▶ psychosocial and legal counselling;
- ▶ psychosocial and legal assistance in court proceedings;
- ▶ help with filing applications;
- ▶ follow-up care;
- ▶ referral;
- ▶ on-call service around the clock;
- ▶ care and advice for children and adolescents;
- ▶ if necessary, native-language counselling or interpreting service.

Information Centre against Violence of the Association of Austrian Autonomous Women's Shelters

The Information Centre was created with the goal of preventing domestic violence against women and children and ensuring effective co-operation of all societal institutions. The Information Centre carries out projects for the prevention of violence against women/domestic violence.

The services provided by the Information Centre target the media, police, courts, medical employees, students, educational institutions, etc., and include:

- ▶ producing and supplying information material;
- ▶ information provided by telephone or in person, referral to aid facilities;
- ▶ information for various target groups: media, police, courts, medical workers, students, educational institutions, etc;
- ▶ preparing and holding seminars for training/advanced training;
- ▶ providing women experts and instructors for events;
- ▶ advice and support with the launching of initiatives to combat violence against women.

Orient Express – counselling and emergency accommodation for women and girls affected by forced marriage

A team of six female experts offers counselling and support for girls and young women (16-24), who are threatened or affected by forced marriage. Also (anonymous) online-counselling is being offered.

Since August 2013 emergency accommodation is available in cases of imminent danger – the address of which is kept secret for safety reasons.

Orient Express offers the following services:

- ▶ counselling for affected girls and their parents;
- ▶ crisis intervention in cases of imminent forced marriage;
- ▶ support to solve conflicts (with parents, ...);
- ▶ contact to the Youth Welfare Office in charge;
- ▶ support in moving out of the parent's apartment;
- ▶ temporary emergency accommodation with native-language care and counselling;
- ▶ help, if legal steps are necessary in the country of origin (to look for a lawyer specialised on divorce and marriage annulment).

For detailed information please see Orient Express.

Intervention Centre for Trafficked Women (IBF)

The Intervention Centre for Trafficked Women (*Interventionsstelle für Betroffene des Frauenhandels (IBF)*) provides comprehensive advice and support for women

who have been trafficked into or within Austria, to be exploited in prostitution or marriage, in the household or in other fields of work (for example, cleaning industry, agriculture, tourism). The IBF closely co-operates with government authorities and private institutions and also maintains contacts with non-governmental organisations abroad, with the aim of informing female migrants in their home countries about violence prevention and co-ordinating service options for affected women and girls in the countries of origin, transit and destination countries.

Useful links

www.frauenratgeberin.at

www.gewaltschutzzentrum.at

www.aoef.at

www.orientexpress-wien.com

Belgium

Good practice

Circular on criminal policy with respect to violence in couples

Target group

Police and judiciary.

Description of good practice

Since 2006, a joint circular issued by the Minister of Justice and the Board of Prosecutors General on criminal policy with respect to violence in couples (COL4/2006) has helped to improve the existing arrangements for combating domestic abuse. Through this circular, a standard criminal policy on violence between partners has been developed. Because it is part of a multi-disciplinary approach, however, it is not confined to criminal measures alone, with considerable emphasis being given, for example, to protecting victims and recognising them as such.

The circular has a number of objectives:

- ▶ to determine the guidelines for criminal policy;
- ▶ to develop a standard system for identification and registration by the police and the prosecution service;
- ▶ to determine the minimum measures to be applied in all districts and to encourage specific initiatives at local level;
- ▶ and lastly, to provide the police and the judiciary with reference tools to support them in their work.

District-based action plans concerning action against domestic violence are drawn up for the police and the prosecution service (current state of play, options for dealing with victims and perpetrators, co-operation procedures, etc.).

A contact prosecutor is appointed in each judicial district to liaise with the police, legal advice centres, institutions, government agencies and private associations, and ensure that the circular is widely publicised. A contact police officer is also appointed for each police district. As well as ensuring that staff are familiar with the circular, the contact provides police officers who are likely to encounter victims with all the information they need in order to respond appropriately. There is interaction between the two contact persons, with the police contact, for example, notifying the contact prosecutor of any problems experienced in carrying out instructions.

The circular lays down various rules for handling cases involving violence in couples, both as regards the response of the police and the prosecution service and as regards the victim and the partner who is suspected of abuse. Police officers, for example, are required to ask the victim whether they would like help from the victim support service, to gather all the necessary evidence, including photographic evidence, to use a sexual assault kit in cases involving sexual violence, to take steps to avoid the victim having to leave the family home, etc. At the same time, police officers can, for example, ask the suspect whether they are willing to leave the family home and stay elsewhere for a certain period, or suggest that they attend an accountability programme on a voluntary basis.

Measures have also been put in place to protect victims, including from secondary victimisation caused by the justice system. For example, the circular recommends making a recording of the interview with the victim, preferably an audio-visual one, firstly to show the victim's psychological state and secondly to reduce the need for further interviews.

During the interview, the police officer informs the victim about his/her rights, the fact that there is a victim support service and the options for receiving medical treatment, counselling and/or social assistance. The victim must also be notified by the victim support service or, in an emergency, by the police, of any decision to release the perpetrator or not to detain them. This requires, therefore, that the information in question be passed on to the victim support service and the police by the judiciary.

When presented with a partner abuse case, the prosecutor can recommend a procedure that includes the possibility of mediation between the perpetrator and the victim, medical treatment, therapy or education, such as participation in an accountability programme for perpetrators of domestic abuse (see Article 216ter of the Code of Criminal Procedure). In mediation in criminal matters in particular, there is an underlying assumption that each party is free to participate in the process or not, something the judicial assistant will need to bear in mind, especially if they are planning to use methods that involve face-to-face contact between the parties.

In December 2009, COL 4/2006 was judged to be an effective instrument for protecting victims of violence in couples and for dealing with perpetrators, which serves primarily to prevent reoffending and is not merely punitive. There has been a noticeable improvement in attitudes since the circular was introduced. The police now systematically record all forms of domestic violence and prosecutors are paying more attention to cases of this kind. There is, however, still some room for improvement or adjustment in the current arrangements and the Board of Prosecutors General is working on this.

Useful links

Circular on criminal policy with respect to violence in couples:
http://www.om-mp.be/omzendbrief/4017098/omzendbrief_col_4_d_d__01_03_2006.html

Institute for equality between women and men:
<http://igvm-iefh.belgium.be>

Useful contact

Institute for equality between women and men:
E-mail: egalite.hommesfemmes@iefh.belgique.be

Good practice

Leaflet “break the silence before it breaks you”

Target group

Migrant victims of violence between partners.

Description of good practice

Because of their particular circumstances, women migrants tend to be more vulnerable to partner abuse: risk of isolation, difficulty in accessing institutions, language barrier, lack of awareness about what support is available, etc.

Hence the decision by the Institute for Equality between Women and Men to publish a leaflet in 2011 entitled "Break the silence before it breaks you". Available in various languages, the leaflet has been widely circulated in order to inform specifically victims from foreign backgrounds about the problem and the support and remedies available.

The leaflet aims to steer victims towards agencies where they will receive a sympathetic hearing in their own language as well as help and advice.

The leaflet contains addresses of places offering specialised assistance and gives advice both for victims looking for help (with or without their partner) and for victims trying to decide whether to stay or leave.

The leaflet has been published in 17 languages: Dutch, French, German, English, Arabic, Chinese, Greek, Italian, Lingala, Polish, Portuguese, Romanian, Russian, Serbo-Croat, Spanish, Swahili and Turkish.

The translations have been done by volunteers from the ethnic communities concerned. For each ethnic group, moreover, the leaflet explains where victims can go for help in their own language. Training courses have been run for the staff that operate the relevant helplines.

Since it was first published in 2011, more than 80,000 copies of the leaflet have been handed out. Recipients include both general bodies and more specialised institutions which work with people from immigrant backgrounds.

Useful links

Leaflet "break the silence before it breaks you":

http://igvm-iefh.belgium.be/fr/publications/breek_de_stilte_voor_je_zelf_gebroken_bent.jsp

Institute for equality between women and men:

<http://igvm-iefh.belgium.be>

Useful contact

Institute for equality between women and men:

E-mail: egalite.hommesfemmes@iefh.belgique.be

Good practice

A new circular aims to ensure uniform development of the investigation and prosecution policy regarding discrimination and hate crimes

Target group

The police, prosecutors, social inspection services, institute for equality between women and men, the inter-federal centre for equal opportunities.

Description of good practice

The joint circular COL 13/2013 issued by the Minister of Justice, the Minister of the Interior and the Board of Prosecutors General to the Court of Appeal entered into force on 17 June 2013.

In seeking to ensure uniform development of the investigation and prosecution policy regarding discrimination and hate crimes and providing for the collection of statistics, the circular gives greater prominence to this issue. The move is indicative of a wider attitude that will hopefully make women more willing to take legal action.

The circular introduces a system of close co-operation between the various players, namely the police, prosecutors, social inspection services, the Institute for Equality between Women and Men and the Inter-federal Centre for Equal Opportunities. It calls for interaction, awareness raising and information sharing between these different parties.

Police officers, for example, must inform the victim about their rights and the possibility of receiving legal aid from the Institute and/or the Centre. Training courses for prosecutors and police officers on the relevant legislation regarding discrimination and hate crimes are run by the Institute and the Centre. In addition, the co-ordinating prosecutor designated by the Board of Prosecutors General ensures the dissemination of court rulings and statistics.

Useful links

Joint circular of the minister of justice, the minister of the interior and the board of prosecutors general – circular relating to the investigation and prosecution policy regarding discrimination and hate crimes (including gender-based discrimination): <http://www.om-mp.be/omzendbrief/5198967/omzendbrief.html>

Institute for equality between women and men:
<http://igvm-iefh.belgium.be>

Useful contacts

Secretariat of the board of prosecutors general:
E-mail: secr.colpg@just.fgov.be

Institute for equality between women and men:
E-mail: egalite.hommesfemmes@iefh.belgique.be

Good practice

Training for the judiciary

Target group

Members of the judiciary.

Description of good practice

Training courses for the judiciary give special attention to new legislation, new directives and the use of mediation in criminal matters as an alternative to judicial proceedings. Belgian prosecutors continue to receive training, in particular on violence in couples, forced marriage and trafficking in human beings. Examples of recent training courses delivered to lawyers include: "The Commission for Financial Support for Victims: who's it for, how and why?" (November 2013); protection of vulnerable persons and the law of agency (December 2013); multidisciplinary approach to sexual abuse (January 2014); combatting social fraud, labour exploitation and trafficking in human beings (December 2013); sessions on female genital mutilation (FGM) issues in connection with asylum (June 2013).

Useful link

Judicial training institute:
www.igo-ifj.be/fr

Useful contact

judicial training institute:
www.igo-ifj.be/fr/webform/176

Good practice

Training and awareness-raising for the police

Target group

The police.

Description of good practice

I. Dealing with victims

Dealing with victims is included in the basic training programmes for members of the operational cadre of the integrated police (Ministerial Decree of 24 October 2002 introducing general rules concerning the basic training of members of the operational cadre of the police, Belgian Law Gazette, 10.12.2002, p. 55117 – consolidated version).

Basic training programme for police officers (Course code = EDA 2139)

The trainee handles the initial contact with the victim. They are taught how to help the victim, how to respond appropriately to their requests and how to break bad news (module 6, point 1 – minimum course length: 38 hours). In this context, the trainee learns how to identify victims' needs and the different kinds of victims, and how to direct them to the appropriate support or emergency services.

Basic training programme for the base-level cadre (inspectors) (EDA 2140)

In module 5 on dealing with common phenomena, the trainee inspector plays an important role in dealing with victims and directing them to the appropriate support centres/services, in various situations (minimum of 120 hours): crimes and offences against persons (module 5.1), sexual crimes and offences (module 5.2), missing persons (members of the public wishing to report a missing person / found persons) (module 5.3), discrimination and racism (module 5.4), thefts and property-related offences (module 5.5), youth protection (module 5.6), cases involving the mentally ill (module 5.7), foreigners (module 5.9) and drug addicts (module 5.10).

In module 6.5, the trainee learns how to intervene discreetly in cases involving suicide or attempted suicide and to alert the relevant services as quickly as possible.

Basic training programme for the middle-level cadre (EDA 806)

The chief inspector acts as an intermediary (module 2, point 2), meaning that they identify the limits of the police response in any given case and the partners best qualified to deal with situations that fall outside the police's remit. The chief inspector can handle the initial contact with victims of offences and refer them. They also know the various partners whose job it is to look after victims.

There are also numerous general in-service training courses which deal with support for victims (whether male or female).

The following new course deserves a special mention, however:

EDA 4760 "Support victims of sexual violence" (24h)

The idea is to teach participants how to "deal" with sexual abuse victims, and to communicate efficiently and effectively at the initial contact stage. Participants are introduced to the concept of victimisation and secondary victimisation.

The course is intended for first-contact staff, including administrative and logistics personnel.

Lastly, as an example of the special attention given to further investigation, mention should also be made of the following:

EDA 1729: Initial investigation involving adult victims of sexual offences (40h)

After the initial contact, the next stage in dealing with adult victims of sexual offences is to take witness statements and gather evidence. Participants are taught interviewing techniques, how to use a sexual assault kit, how to write up a report and how to enter data in the VICLAS database so as to create a record of sexual offences and assemble a profile of the suspect.

The course is intended for first response staff.

Once again, this is a new course that has been introduced in police academies.

II. Violence within the family

As regards violence within the family, the basic training programme for the base-level cadre (inspectors) (EDA 2140) tackles this subject in module 5.1. Participants are taught to identify crimes and offences against persons and learn how to respond and make the relevant observations. The course examines crimes and offences against persons in the context of violence within the family and between partners, and explains the consequences thereof.

In the next basic training programme for police inspectors, there is a module on how to respond in particular situations. More specifically, participants are taught how to implement the appropriate statutory and regulatory procedures in given police operations, including notably in domestic violence cases.

The subject of violence within the family is also addressed in in-service training. A wide range of courses are available in this regard:

EDA 1469 “Violence within the family” (8h)

This course was designed in consultation with the provincial co-ordinators responsible for combating violence.

The aim of the course is to teach participants how to interact with victims and perpetrators of violence within the family and to enable them to understand the cycle of violence, to spot risk factors, to recognise the process and escalation of violence, etc.

EDA 1808 “Violence within the family - harassment and police response” (8h)

In this course, participants learn how to put together a profile of abusers and victims. It gives an outline of how violence is constructed and looks at the legal and criminal procedure aspects.

EDA 3467 “Violence within the family - judicial aspects” (3h)

The aim of this course is to familiarise participants with circulars III and IV issued by the Board of Prosecutors General to the Court of Appeal and to enable them to apply their knowledge.

EDA 3468 “Violence within the family – civil aspects” (3h)

The aim of this course is to help participants develop a knowledge and understanding of the various civil remedies available in domestic violence cases; to

teach them how to provide victims of domestic abuse with useful information about these different remedies and refer them to the Justice of the Peace.

EDA 3469 “Violence within the family – police aspects” (3h)

The idea here is to teach students the appropriate attitudes to adopt towards victims of domestic violence and how to handle police procedure tools, and to sensitise them to the needs of children who have witnessed and/or suffered domestic violence.

EDA 4863 “Violence within the family – practical aspects of police response” (4h)

Referring to the basic legal principles laid down in COL3/2006 and COL4/2006, this course focuses in greater depth on the judicial and human treatment of victims and persons suspected of domestic abuse in the context of the police response.

III. Trafficking in human beings

Raising awareness of people trafficking and placing it in its socio-economic context is part of the syllabus of all the basic training courses.

The topic is examined in more detail, however, in the following “functional” courses:

EDA 4835 – Judicial functional training -- Part 1

In the “crimes and offences against family order and against public morality” module, trainee investigators look at rape, indecent assault, child pornography and prostitution (9h).

In the “crimes and offences against persons” module, they learn about the various types of trafficking in human beings.

786 people attended this course between 2009 and 2013

EDA 3488 – Judicial functional training -- Part 2

One module is devoted to trafficking in human beings and related issues (7h).

341 people attended this course between 2009 and 2013

The subject of human trafficking is also more specifically addressed in the following in-service training course:

EDA 4735 – Smuggling and trafficking in human beings (8h)

The aim is to give participants an understanding and grasp of sexual exploitation as a phenomenon, to observe developments in the environment in which procurement takes place and to identify the needs of prosecutors in the conduct of proceedings. Attention is also given to the economic aspect of human trafficking.

The course is intended for specialised personnel.

Introduced in 2013, 164 people have undergone this training to date.

One final point: in association with the smuggling and human trafficking division of the Directorate General of the Criminal Police, police academies have been issued with teaching material on this subject.

Useful link

Training division of the belgian police, www.police.ac.be/menu_35.htm

Useful contact

Training division of the belgian police, http://www.police.ac.be/menu_contact.htm

Good practice

Temporary barring order in domestic violence cases

Target group

Police, judiciary and domestic abuse victims.

Description of good practice

Since the introduction of the law of 15 May 2012 on temporary barring orders in cases of domestic violence, the Crown Prosecutor can issue a barring order in domestic violence cases if it is felt that the presence of a particular adult in the home poses a threat to the safety of one or more other people living under the same roof.

The individual in question is in that case obliged to leave the home immediately and is barred from returning, or coming within the vicinity of the home, for the duration of the order. The Crown Prosecutor can also impose a ban prohibiting contact.

Before the Crown Prosecutor can issue a temporary barring order, several conditions must be met:

- ▶ only adults can be barred;
- ▶ the danger must be serious and immediate, meaning that a barring order cannot be issued if the danger is merely potential;
- ▶ a person may only be barred from a residence if it is shared by the person being barred and the person who is at risk. The term “residence” is wider than “official domicile” and requires merely a degree of permanence.

One of the major advantages of this law is the timeframe within which everything gets done. The justice of the peace is required to decide within ten days whether the bar should remain in place. The Crown Prosecutor must send the temporary barring order as quickly as possible to the Justice of the Peace who must then, within 24 hours, set the time and date of the hearing at which the case will be decided. The order may then be lifted or extended by a maximum of three months.

While the order is in place, the parties can also ask the Justice of the Peace to impose emergency and provisional measures.

The law of 15 June 2012 introduces liability for failure to comply with temporary barring orders in domestic violence cases.

Both laws entered into force on 1 January 2013 and their implementation is governed by Circular 18/2012 of the Board of Prosecutors General, the Minister of Justice and the Minister of the Interior.

This circular is designed to clarify the law of 15 May 2012 and to ensure that it is implemented in a consistent manner, by introducing a framework to be applied on a case-by-case basis. It also makes clear the role of the various parties involved (prosecution service, police and victim support) and the arrangements regarding their involvement. It also states that prosecutors are urged to proceed cautiously, and that exceptional measures of this kind are to be taken following reflection, on the basis of firm evidence.

Useful links

Law of 15 May 2012 on temporary barring orders in cases of domestic violence: www.violenceentrepartenaires.be/sites/default/files/downloads/bs-wet%20tijdelijk%20huisverbod.pdf

Joint circular of the minister of justice, the minister of the interior and the board of prosecutors general on temporary barring orders in cases of domestic violence: www.om-mp.be/omzendbrief/5042488/col_18-2012_dd__20_12_2012.html

Institute for equality between women and men:
<http://igvm-iefh.belgium.be>

Useful contact

Institute for equality between women and men:
E-mail: egalite.hommesfemmes@iefh.belgique.be

Good practice

New legislation on sexism and publication of an information leaflet on the content of the law and how to assert one's rights

Target group

Victims of sexism, members of the judiciary and information services for victims.

Description of good practice

Belgium is aware of the fact that sexism is one of the barriers that stand in the way of women exercising their rights. After noting that there was a gap in the legislation, Belgium passed a law making sexism a criminal offence. Since punitive measures are a potent symbol of a society's unwillingness to tolerate certain behaviours, it is now very clear that sexism is considered unacceptable in Belgium.

The law of 22 May 2014 to combat sexism in public life and amending the law of 10 May 2007 to combat discrimination between women and men in order to punish such discrimination came into force on 3 August 2014. From then on, any public gesture or act which expresses contempt for a person because of their sex may result in a court summons and, ultimately, a prison sentence ranging from one month to one year and/or a fine of between 50 and 1,000 euros.

The new legislation has been the subject of an awareness campaign, including a widely circulated leaflet explaining the aims and content of the law and how to assert one's rights (vis-à-vis prevention services, police victim support

services, legal advice centres, the prosecution service, social partners, women's groups and associations combating violence against women, etc.).

Useful link

Institute for equality between women and men:
http://igvm-iefh.belgium.be/fr/publications/anti-seksisme_gebruiksaanwijzing.jsp?referer=tcm:337-255486-64

Useful contact

Institute for equality between women and men:
E-mail: egalite.hommesfemmes@iefh.belgique.be

Good practice

Front-line service in the institute for equality between women and men. staff are trained to listen to and deal with members of the public, whether they are victims of discrimination or simply seeking information

Target group

Victims of discrimination and people seeking information on the relevant legislation.

Description of good practice

Belgium has an Institute for Equality between Women and Men. The main task of this "equality body" is to promote and ensure compliance with the principle of equality between women and men and to combat any form of inequality or discrimination based on sex.

To this end, the Institute provides information about the law, helps anyone seeking advice on the scope of their rights and responsibilities, directs them to existing services, organises mediation and, if necessary, institutes proceedings under the law of 10 May 2007 to combat discrimination between women and men and other gender equality laws.

To facilitate access to the aforementioned legal services and improve their availability, a front-line service with staff specially trained to listen to and deal with members of the public and victims of discrimination was set up in 2010.

This service can be accessed free of charge by telephone (0800/12.800) or email (egalite.hommesfemmes@iefh.belgique.be).

The front-line staff carry out an initial assessment of the enquiry or complaint to see whether the Institute is qualified to deal with it and, if necessary, redirects the person to the appropriate agency. As well as entering the enquiry or complaint in a database which identifies the relevant points and allows entries to be categorised and statistically analysed, the front-line staff inform the person about the procedure and the status of their application. Where necessary, the front-line staff will also help victims fill out the form used to report discrimination.

Other services then carry out a legal assessment of the matter and notify the individual accordingly, informing them about the scope of their rights and how to assert them. They can also provide support if the case goes to court.

Useful link

Institute for equality between women and men:
http://igvm-iefh.belgium.be/fr/introduire_une_plainte/

Useful contact

Institute for equality between women and men:
E-mail: egalite.hommesfemmes@iefh.belgique.be

Bulgaria

Good practice

Legal advice for persons victims of violence

Target group

Persons falling into the scope of the legal aid act.

Description of good practice

The Act for the amendment of the Legal Aid Act was adopted in March 2013 (amended and supplemented, SG No. 28/19.03.2013) (LAA). The main focus is the broadening of the target people to whom legal aid shall be granted. The right to the assistance of a lawyer is a constitutional right and for that reason the Republic of Bulgaria guarantees the observance of the principle of provision of legal aid, free of charge, to the target group people listed in the law – children, victims of gender-based violence and trafficking, and other persons to whom the legal aid shall be provided according to other national laws: the Child Protection Act, the Act on asylum and refugees, Foreigners in the Republic of Bulgaria Act, Combating Trafficking in Human Beings Act.

Free legal aid is granted to categories of persons depending on their social and economic status, and in accordance with the general national and European principles and guidance for access to legal aid. In setting up the categories of persons for whom legal aid is free of charge, the national legislation is in accordance with the European regulations and especially with Regulation/EU/Nº 4/2009 of 18 December 2008 regarding the competence, the applicable law, the recognition and the implementation of Court judgments and the co-operation on issues related to alimony obligation, where, in this regard, Art.

22 of the Legal Aid Act was amended and shall include persons as per Art. 144 of the Family Code and young adults up to 21 years.

Art. 22, para 1, item 7 of the Legal Aid Act regulates particularly that legal aid shall be granted to victims of domestic or sexual violence or of trafficking in human beings, who are unable to pay and wish to avail themselves of the assistance of a lawyer.

Useful link

Legal aid act:

<http://www.justice.government.bg/17/>

Useful contacts

Directorate "Legislative council", Ministry of Justice:

<http://www.justice.government.bg/>

Legal Aid Bureau:

<http://www.nbpp.government.bg/>

Croatia

Good practice

Women's access to justice – raising awareness through education, support of victims and data collection

Target group

Judicial officials and advisors in judicial bodies, women victims, victims of sexual violence in the homeland war.

Description of good practice

Education

The Judicial Academy has been operating as a public institution whose objectives include efforts to create conditions for the implementation of initial training programmes for trainees in judicial bodies and candidates for judges and deputy prosecutors (the State School for Judicial Officials programme) and to ensure on-going professional training for judges and deputy prosecutors. Its vision is an independent, expert and professional judiciary as a guarantor of the rule of law and the fundamental human rights. The institution continuously implements trainings on, for example, human rights, gender equality law, family law, especially family violence and sexual violence. These trainings do not only deal with specific issues in certain legal areas; but also serve as a platform for gender sensitisation of the target groups. Therefore the added value of these trainings is a raised awareness of certain specific issues or methods that need to be taken into consideration during legal procedures involving, such as, women as victims. Last but not least, the judicial academy

regularly follows obligations established in national strategies and action plans regarding priorities in trainings.

Support of victims

Within the Ministry of Justice, the Independent Service for Victims and Witnesses Support is established. The Independent Service achieved good co-operation with civil society organisations so that it refers victims to those organisations to get additional professional help and support. Also, the Independent Service refers victims to organisations that provide free legal aid.

Furthermore, the training for professionals who work with criminal and misdemeanour domestic violence cases called «Introduction - domestic violence» took place. This training was held for judges and deputy prosecutors of the courts and prosecutors' offices in Zagreb, police officers, medical employees-general practitioners, employees of primary schools.

Seven departments for support to victims and witnesses were founded at seven county courts in Zagreb, Rijeka, Zadar, Osijek, Vukovar, Split and Sisak. Those Departments provide support also at the municipal courts for all criminal offences and at misdemeanour courts - in cases of domestic violence. Through departments to all victims and witnesses, including women, emotional support and practical information is ensured.

Victims and witnesses with the subpoena receive notification of the existence of the departments for support, so they can contact the officials of the department and obtain the necessary information and support before their arrival at the Court.

The departments for support are provided with a waiting area in order to avoid the meeting of the victim with the offender and to ensure additional safety for victims and witnesses.

Further co-operation with the State Attorney's Office and the police is established:

- ▶ The State Attorney's Office when examining victims as witnesses shall give them advice about their rights and inform them about the existence of the support departments. In cities where departments for victims support are not established, the victims should be referred to national call centre for victims of crimes and offences (116 006). Such instruction was sent to county state attorneys;

- ▶ Police give the victims written instructions about their rights. This information includes the contact details of support departments, the National Call Centre for Victims of Crime and Misdemeanours and civil society organisations operating in their county.

The above mentioned procedure ensures that victims can, as early as possible, after the crime get information support.

The national call centre for victims of crimes and misdemeanours

The Ministry of Justice, in co-operation with the Association for support to victims and witnesses, and with the financial assistance of the UNDP, established a national call centre for victims of crimes and misdemeanours - 116 006. This was done in accordance with the Decision 2007/116/EC of the Commission of 15 February 2007: on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value.

National call centre service provides free information and advice to victims in Croatian and English on weekdays from 8am to 8 pm.

Compensatory damage for victims

According to the Law on compensation to victims of crime, victims who have suffered serious bodily injuries or their health is severely damaged as a result of criminal acts of violence, are entitled to:

- ▶ reimbursement of medical expenses, provided they do not have compulsory health insurance, up to the amount of the health standards of the mandatory health insurance in the Republic of Croatia;
- ▶ the compensation for loss of earnings up to the amount of 35,000.00 HRK;
- ▶ a person who is a close blood relative of a deceased victim is entitled to compensation for the loss of a statutory maintenance up to the amount of HRK 70,000.00 HRK;
- ▶ in case of death of the victim, the person who paid the funeral expenses shall be entitled to compensation up to the amount of 5,000.00 HRK.

Also, the Independent Service for support to victims and witnesses since January 2013, informs the victim or the injured person or their families about the release of prisoners, and that in cases of certain crimes (against sexual freedom and sexual morality, against life and limb or criminal offence with violence). Notification is carried out by telephone. In the case of child victims,

such information shall be conveyed to the parents or the competent social welfare centre. When the victim expresses fear, anxiety or perceived threats by convicts, the police are contacted by the Independent Service.

The procedure has started for the adoption of the Act on the Rights of Victims of Sexual Violence in the Homeland War of the Ministry of Veterans. It defines sexual violence in the Homeland War, regulates the rights of victims of this form of violence and the proceedings for the exercise of those rights, the improvement of co-operation between competent institutions in the prosecution of crime, the renewal of the dignity of victims and an increase in the quality of their life by ensuring psychosocial, medical and financial assistance. The final proposal for this Act will be submitted to the Croatian Parliament and it is expected to be adopted in the first half of 2015.

Data Collection

Ministry of Justice of the Republic of Croatia collects data on cases regarding the Antidiscrimination Act and Act on Protection against Domestic Violence segregated by gender.

Useful link

www.pak.hr

Useful contact

E-mail: zrtve.i.svjedoci@pravosudje.hr

Good practice

Women's access to justice through free legal aid

Target Group

Low-income citizens.

Description of good practice

The free legal aid system in the Republic of Croatia allows the low-income citizens to hire lawyers and to obtain legal aid for specific legal actions and equal access to judicial and administrative procedures.

Types of legal assistance are primary legal aid and secondary legal aid.

Primary legal aid includes:

- ▶ general legal information;
- ▶ legal advice;
- ▶ drafting of submissions before the public authorities, the European Court of Human Rights and international organisations in accordance with international agreements and rules of procedure;
- ▶ representation in proceedings before government agencies; and
- ▶ legal assistance in out-of-court settlements of the dispute.

Primary legal assistance is provided in all legal matters, without determining the assets of its beneficiaries. The primary legal aid is provided by state administration offices, authorised associations and legal clinics.

Secondary legal aid includes:

- ▶ legal advice;
- ▶ drafting submissions in the proceedings for the protection of the employees' rights before the employer;
- ▶ drafting of submissions in court proceedings;
- ▶ representation in court proceedings; and
- ▶ legal assistance in the amicable settlement of the dispute.

This secondary legal aid is provided by attorneys. Secondary legal aid includes also: exemption from payment of legal costs and exemption from payment of court fees.

There are 35 organisations, currently registered by the Ministry of Justice, mandated to provide primary legal aid in the Republic of Croatia.

The reports of the state administration offices show that over 50% of the applicants for legal aid are women and that the applications were submitted mostly for family and legal relations (divorce procedures, maintenance, and division of marital property).

Requirements where the applicants are victims of domestic violence are dealt with as a priority. As an example of good practice, a case can be mentioned, in which the applicant is granted access to justice through the granting of legal aid in the form of representation in court proceedings and the exemption from payment of court fees in full scale, even though the person has not complied with the criteria prescribed by Law on Free Legal Aid.

Non-governmental organisations as providers of primary legal aid, point out that everyone is immediately provided with primary legal assistance and that the victims more easily contact NGOs than the institutions of the criminal justice system or welfare institutions. Once they get all the necessary information and instructions, they exercise their rights easier and safer in the institutions.

The NGOs carried out training with the police and courts in order to help the process to be less stressful for the victims.

Cyprus

Good practice

Legal aid

Target group

Women and men discriminated in their employment and vocational training or in their access to them.

Description of good practice

The Gender Equality Committee in Employment and Vocational Training-EIF, according to Article 23.2 (ia) of Law 205(I)2002 regarding the Equal Treatment Among Men and Women in Employment and Vocational Training, provides independent legal aid/advice to victims who request it at the time of making their complaints.

This legal aid is provided free of charge in an effort to encourage people to complain and create Cypriot legislation on gender equality in employment, which is very poor. The Commission does not have a specific budget for this purpose, but it constitutes part of the fund that is granted by the state for implementation of its actions. To date, no issues have arisen.

The EIF has a list of legal experts by region from which the victim chooses a legal professional. The list has been compiled through the Government Gazette following a public announcement calling for candidate lawyers to submit their name to the list. The list is reviewed every three years.

Since 2011 to the present day, the EIF has provided legal aid to 90 people, of which 89 were women. Specifically legal aid was granted:

- ▶ to 70 women where the discrimination concerned gender discrimination in career development, due to direct discrimination in the regulations of the National Guard, which stipulated that in cases of equal qualifications, experience, etc., between men and women, it is considered that men should prevail. These regulations were amended just recently. While the trial has not been completed yet, it is expected that these women will get justice;
- ▶ in only two instances where there was a complaint of sexual harassment; the cases are in the final stage of the judicial procedure;
- ▶ to two female primary education teachers to appeal to the Supreme Court with a complaint of discrimination in their career development, because of the accreditation system of male colleagues who have served two years military service. The trial has not yet completed;
- ▶ to a non-appointed male teacher, who complained of discrimination in access to employment due to military service, which resulted in the appointment of women who graduated from university in the same year as he did, while he had to wait due to compulsory period of two years military service.

The rest of the cases concern dismissals due to motherhood, pregnancy or childbirth. Some have been completed and some have not.

Useful link

www.genderequality-cyprus.com

Denmark

Good practice

Legislation in a gender neutral manner whenever possible

Description of good practice

Criminal legislation.

It is a basic principle in Denmark that the provisions in the Danish Criminal Code and the Administration of Justice Act are drafted in a gender neutral manner whenever possible. Thus, the provisions in most cases apply irrespective of the gender of the victim.

For example:

Section 244 of the Danish Criminal Code:

“Any person who commits an act of violence against or otherwise assaults the person of another is sentenced to a fine or imprisonment for a term not exceeding three years.”

Section 216 of the Danish Criminal Code: “A penalty of imprisonment for a term not exceeding eight years for rape is imposed on any person who –

1. uses violence or threats of violence to have sexual inter-course; or
2. engages in sexual intercourse by duress as defined in section 260 or with a person who is in a state or situation in which said person is incapable of resisting the act:

- (2) A penalty of imprisonment for a term not exceeding 12 years for rape is imposed on any person who has sexual inter-course with a child under 12 years of age;
- (3) The sentence for violation of subsection (1) may increase to imprisonment for 12 years if the rape was committed in a particularly dangerous manner or in otherwise particularly aggravating circumstances;
- (4) When determining a sentence, it must normally be considered an aggravating circumstance if the victim is a victim of trafficking in human being."

The Danish Criminal Code is available in Danish on the website www.retsinformation.dk.

Support to victims of criminal offences

Pursuant to the Administration of Justice Act section 741(e), the police and the prosecution inform the victim of his or her legal position, the expected progression of and important steps in handling the case. This includes information on the victim's rights and duties as a witness, the victim's right to seek compensation, as well as information of the perpetrators arrest and remand in custody.

According to the Administration of Justice Act section 741(a), victims of certain offences in the Criminal Code – predominantly offences involving elements of violence, deprivation of personal liberty or of a sexual character – may be appointed a support attorney. The support attorney is appointed by the court unless the victim has declined an attorney.

A support attorney's task is to provide advice and guidance to the victim while the case is investigated and during a possible criminal proceeding. Thus, the support attorney tasks can include explaining the procedures, informing victims about access to psychological and social support and the right to compensation, assisting them in court, handling the compensation claim and providing assistance if the victim applies for asylum or residence.

According to the Administration of Justice Act section 741(b), the police must inform the victim of the possibility of obtaining a support attorney. The information must be given prior to the first police interview with the victim and must be repeated in connection with the second police interview.

Pursuant to the Administration of Justice Act section 741(c), the support attorneys are entitled to participate in the police questioning of the victim and can ask follow up questions to the victim. Furthermore, the support attorney has access to the victim's police statement as well as other documents regarding the victim.

Support attorneys are assigned free of charge for the victims unless the expenses are covered by a legal expense insurance or other insurance.

Useful link

Support attorney and information to victims of crime:
www.anklagemyndigheden.dk (Danish only).

Administration of Justice Act: www.retsinformation.dk (Danish only).

Estonia

Good practice

Supporting parents and pregnant women in seeking justice in discrimination cases through labour dispute committees

Target audience

Parents of small children and pregnant women.

Description of good practice

The Gender Equality and Equal Treatment Commissioner is an independent and impartial expert who acts independently, monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act and performs other functions imposed by law. The law tasks the Commissioner to also advise and assist persons upon filing of complaints regarding discrimination.

Starting in 2013, the Office of the Commissioner has actively been supporting parents and pregnant women in discrimination disputes held in labour dispute committees, by providing advice and assistance in preparing complaints and acting as a representative of the applicant before the Committee. Labour dispute committees resolve disputes over financial claims not exceeding 10,000 euros.

This possibility is very important to parents of small children and pregnant women because, first of all, they get a representative who is an expert in this field. Secondly, they do not have to pay for lawyer in order to get a quality legal aid (the Commissioner's Office provides it free of charge). Thirdly, in the future it also helps to avoid high legal costs.

During the years 2013 to 2015, the Commissioner's Office has represented ten persons in ten cases (one case is pending). In four cases the decision of the Committee has been in favour of the applicant, and in two cases a settlement was reached between the parties. The issues have ranged from refusal to allow the employee to return to her position after child care leave to voiding of the employment contract cancellation because of a discriminatory ground (e.g. pregnancy of the employee). The sums of compensation have ranged from 1,000 to 23,000 euros (settlements included).

In some cases, the Commissioner's Office acts as an independent adviser to the person and his/her lawyer. Since 2013, the Commissioner's Office has also been counselling seven persons during their court proceedings or settlement procedures.

In the framework of a Norway Grants project «Promoting gender Equality through Empowerment and Mainstreaming,» which the Commissioner is carrying out in 2013-2015, an additional support mechanism has been provided by the Commissioner's Office – strategic litigation. It has an effect on supporting the formation of “case law” supporting effective implementation of the principle of equal treatment based on sex and relevant legislation.

Useful link

www.vordoigusvolinik.ee/?lang=en

Useful contact

E-mail: info@svv.ee

France

Good practice

Interdepartmental protocol on information, provision and support for women victims of domestic violence, directed at police and gendarmerie staff (justice - interior - women's rights)

Target group

Women victims of violence committed by a partner or ex-partner.

Description of good practice

Findings: Victimization surveys demonstrate that only 10% of women who have suffered domestic violence lodge complaints. Furthermore, many of them discontinue any court actions which have been brought. One reason for this non-reporting and these discontinuances is the victims' unfamiliarity with their rights and with the existing arrangements particularly in the legal, social, medical and psychological spheres.

To assist in informing women victims of violence committed by their partner or ex-partner, a further step was taken with the signature of a national Protocol on the processing of police records and judicial information by the Ministries of Justice, the Interior, and Women's Rights. It is intended to organise official action around a shared operational principle: no reported violence must remain without a criminal and social response. This interdepartmental protocol is placed in the context of the inter-ministerial committee on women's rights and gender equality convened by the Prime Minister from 30 November 2012 onwards, and of the 4th interdepartmental plan on preventing and combating violence against women (2014-2016). This protocol defines and organises multi-partner support and service provision, thereby enhancing women victims' access to rights and justice. It guarantees the organisation and co-ordination of the social response and the criminal law response.

The main aims of the protocol are:

- ▶ to reaffirm the principle of lodging a complaint followed by a judicial investigation, and the exceptional character of the statements made on a police report (main courante - MC) or a record of judicial information (procès verbal de renseignement judiciaire - PVRJ);
- ▶ to make it compulsory to inform the victim, in connection with the MC and the PVRJ, of the differences between a complaint and a statement on the MC and the PVRJ, of her rights and of the care and support arrangements;
- ▶ to organise a short circuit of information from the security forces to the public prosecutor;
- ▶ to propose systematic referral to a social partner (social worker, association, etc.).

In order to improve information for women victims of domestic violence on their rights and on the existing arrangements (legal, social, medical and psychological) provided by the police and gendarmerie, an innovative approach is introduced at the time they make their deposition:

- ▶ information on rights provided by the security forces.

Whatever the legal context of the disclosure (lodging of a complaint or MC-PVRJ), the investigator should inform the woman victim of the difference between a complaint and a statement on an MC or PVRJ, her rights, the procedures to set in motion in order to assert them (particularly an application for a court order of protection as prescribed by Articles 515-9 et seq. of the Civil Code) and the help which she may receive. The investigator gives her the number of the national platform Violences Femmes Info 3919 and hands her a national or local information leaflet on domestic violence, including the names and contact details of victims' associations or specialised associations.

- ▶ and systematic referral to a welfare facility for a subsequent interview with the victim.

Owing to the many items of information received upon her deposition, it appeared important for a deferred social response to be routinely actuated in order to consolidate the woman victim's information on rights and access to justice. Thus with her consent these particulars are transmitted to the social partner (social worker, psychologist, association, etc.) whose responsibility it is to arrange an interview. The aim of this appointment is to take stock with the victim of the reported situation, any procedures remaining to be carried out, and steer her towards the existing aid and support structures so that provision can commence promptly. This routine referral to a welfare support

structure enables the victim to break free of domination and if appropriate to benefit from social protection measures. This social response will help her bring and/or continue legal actions before both civil and criminal courts. Should the situation worsen or no contact be established, the investigative services will be notified.

The co-ordination and involvement of criminal justice and local agents of social welfare and prevention (social services, voluntary networks), encouraged by the public prosecutor, ensure better information on women victims' rights and access to justice for victims.

To guarantee nationwide coverage, département-level agreements are signed between the various partners to specify the practicalities of implementing this framework protocol (information sharing methods, frequency, etc.) while taking the local circumstances into account. A model département-level partnership agreement was proposed to public prosecutors by the inter-ministerial task force for the protection of women against violence and combating trafficking in human beings (MIPROF).



Useful links

Femmes.gouv.fr
stop-violences-women.gouv.fr

Useful contact

Mission interministérielle pour la protection des femmes
contre les violences et la lutte contre la traite des êtres humains:
E-mail: miprof@miprof.gouv.fr

Georgia

Good practice

Gender equality training for judges

Target Group

Judges.

Description of good practice

The High School of Justice has prepared a gender equality-oriented curriculum (in partnership with the Judicial Independence and Legal Empowerment Project (JILEP), UNDP, UN Women).

The curriculum was prepared in co-operation with foreign and Georgian experts. Training-of-trainers was provided for the judges at the High School of Justice (2 training courses). A two-day training module was created and two more training sessions for judges are planned in 2015. The curriculum was included into a programme for the professional education of judges and other employees of the system. The High School of Justice is planning to continue a long-term retraining process of current judges, as well as other employees of the judiciary system.

Useful link

http://www.hsoj.ge/geo/study_programs/professional_trainings_of_current_judges/

Good practice

Gender equality in state institutions

Target Group

Employees of state institutions.

Description of good practice

Employees of numerous ministries and state institutions are actively involved in training on gender equality issues which aim to improve the gender equality knowledge of the employees, which raises awareness of gender sensitive issues and thus supports women's access to justice. The training includes:

- ▶ the Training Centre of the Ministry of Penitentiary and Probation in co-operation with non-governmental organisations "Peoni" elaborated a training method based on the "Bangkok Rules", which integrated issues on treatment of women prisoners. Based on this methodology and training curriculum, employees of Ministry of Penitentiary and Probation will undergo training;
- ▶ the Training Centre of Ministry of Penitentiary and Probation also conducted trainings for employees who work for women prisoners. Training was conducted for 20 employees;
- ▶ lawyers of Parliamentary Committees were trained on gender-oriented analysis of the existing legislation. The training module was supported by UNDP;
- ▶ financial departments of the ministries were trained on the gender budgeting methodology (supported by UNDP);
- ▶ a training for women candidates in local elections (85 women took part; the training was initiated and supported by the Training Centre of Central Election Commission);
- ▶ a gender monitoring group was created in the Ministry of Defence, which aims to review gender-policy issues, investigate gender discrimination causes, evaluate implemented gender politics and elaborate recommendations for strengthening it. The Gender Monitoring Group actively co-operates with 43 gender advisors in the Ministry of Defence;
- ▶ employees from the state authorities which are involved in the implementation of gender equality politics actively participate in trainings and seminars organised by relevant international or national organisations.

Good practice

Gender equality campaigns through media

Description of good practice

Public Broadcaster is the major channel which is actively involved in broadcasting gender equality issues through media. By showing programmes about, for example, how victims or potential victims of violence can defend themselves, how they can receive legal consultations and so on, they raise awareness about access to justice.

Activities fulfilled by the Public Broadcaster in 2014 (according to the Law on Public Broadcaster, Article 16) included the following:

- ▶ programmes dedicated to the topic of violence against women;
- ▶ discussions (“Woman and religion”, “Successful women against violence” and others);
- ▶ TV spots on the gender equality (“No to violence”, “Family” and others);
- ▶ radio programmes (“Rural women”, “Who is afraid of feminism”, “Women in politics” and others).

Good practice

Gender equality in law enforcement

Target group

Law enforcement state authorities.

Description of good practice

Promotion of Gender equality is one of the main priorities of the Ministry of Interior Affairs (MIA). MIA has already defined the priorities and elaborated the 2014-2016 Action Plan on Gender Equality issues by taking into consideration the recommendations of international organisations. The Police Women Association has been founded in two regions of Georgia and it is planned to enlarge the association.

For the last two years, the Police Women Conference has been organised in Tbilisi with the support of the U.S. State Department’s Bureau of International

Narcotics and Law Enforcement Affairs (INL). Women police officers attend the conference to discuss, among other issues: women in management positions, mentoring skills, women rights, etc.

Qualification improvement and capacity-building activities are among the top priorities for MIA. In July 2014, trainings were conducted for police officers on the issue of eliminating domestic violence and gender-based crimes. This training was conducted throughout Georgia and 452 police officers attended. In addition, 600 patrol officers completed the training on domestic violence issues – the trainings was organised by the MIA and the Public Defender's Office. With the initiative of the United States Embassy and Academy of MIA, a one-day training was conducted for inspector-investigators on domestic violence issues.

For effective investigation of gender-based crimes and domestic violence, MIA has appointed two community police officers for each community, from which one is female and one male.

Trainings on domestic violence are also regularly organised for prosecutors. 64 prosecutors were trained in 2013. In 2014 four trainings were conducted in co-operation with the US Embassy to Georgia and UN Women, in which 28 participants took part. In 2015, the Chief Prosecutor's Office organised two trainings in co-operation with UN Women for 40 participants and a number of trainings are on the agenda within which around 100 prosecutors will be trained. Apart from that, it is planned that domestic violence will be part of the curriculum for intern and newly appointed prosecutors.

Good practice

Implementation measures of the Istanbul Convention

Description of good practice

For the purposes of implementation of the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), numerous amendments were conducted in legislative acts. One of the most important amendments was on strengthening women's access to justice. This amendment has entered into force in the Georgian Law on Legal Aid and it provides free legal consultation and legal aid in civil and administrative proceedings for the victims of domestic violence.

In addition, women's access to justice was strengthened by the amendments in the Law on elimination of domestic violence and assistance to victims of violence. It provides free legal aid, urgent psychological and medical assistance to the victims.

Another crucial amendment which was conducted in the framework of implementation of the Convention was the criminalisation of forced marriages. Such an amendment is a significant step towards protecting women and especially girls from forced marriages and violence.

Good practice

Institute of advisor on gender equality

Target group

Women living in the regions/villages.

Description of good practice

All self-governing cities and municipalities in the country received a recommendation from the Ministry of Regional Development and Infrastructure to appoint an advisor on Gender Equity to support implementation of the Law on Gender Equality and the action plan.

As a follow up, gender advisors were appointed (currently, 45 persons) at local authorities and trained, in co-operation with UN Women and local NGO "Women Information Centre".

Germany

Good practice

Helpline “violence against women”

Target group

Female victims and survivors of any kind of violence.

Description of good practice

Since March 2013, the Helpline “Violence against Women” – 0 8 000 116 016 - provides counselling for women who are victims or survivors of any kind of violence. The Helpline is based on a law (Hilfetelefongesetz) and is fully funded by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Key elements of the Helpline are:

- ▶ accessible 24 hours every day;
- ▶ no charge;
- ▶ counselling is always anonymous, confidential and takes into account all data protection requirements;
- ▶ barrier-free access;
- ▶ instant translation in 15 languages (within one minute);
- ▶ calls can be signed for deaf women;
- ▶ helpline provides online and chat-counselling as well;
- ▶ counsellors are all female professionals with a special training;

The helpline provides counselling, crisis intervention and referrals to regional and local services. The helpline aims to reach especially those women who so far only rarely have made use of the existing supporting resources. The main aim is empowering the victims to seek professional help, refuge and/or legal assistance. The empowering process should enable the callers to take further steps towards a life free of violence. In this context the knowledge of the legal framework that protects women is one important factor. Therefore the helpline is one substantial module in the integrated response towards gender-based violence.

Useful links

www.hilfetelefon.de

Information in English:

<https://www.hilfetelefon.de/en/about-us.html>

Useful contact

Bundesamt für familie und zivilgesellschaftliche aufgaben

German Federal Office for Family and Social Affairs

Sibille-hartmann-straße 2-8

D-50969 Köln

Telefon: +49 221 3673-0

E-mail via website: www.hilfetelefon.de

Good practice

Sex-disaggregated police statistics

Description of good practice:

The police crime statistics (Polizeiliche Kriminalstatistik (PKS)) comprises crimes and misdemeanours processed by the police, including punishable attempted crimes and misdemeanours on the basis of the PKS crime catalogue, and the suspects as identified by the police. Since 2009, it has been based upon the supply of anonymous individual sets of data and has been augmented by other registration parameters. For certain crimes, the victims' sex and age, for example, is registered. That way, one can find that men form the bulk of robbery and assault victims, while the number of female persons as victims of crimes against sexual self-determination is much higher than the

number of male victims. And relationships between victims and perpetrators can also be registered, for example, if a partnership existed between them and what kind of relationship (marriage, same-sex civil union, common-law marriage or former partnership) existed at the time of the crime. Victims and perpetrators' nationality is also registered. The PKS is a database with which one can shed a light on crime-related questions by correlating, for example, the aforementioned parameters.

Useful links

Police crime statistics (also in English):

http://www.bka.de/nn_248962/DE/Publikationen/PolizeilicheKriminalstatistik/pks__node.html?__nnn=true

http://www.bmi.bund.de/DE/Themen/Sicherheit/Kriminalitaetsbekaempfung/Daten-zu-Kriminalitaet/daten-zu-kriminalitaet__node.html

Useful contacts

Bundeskriminalamt
Federal Criminal Police Office
KI 12
65173 Wiesbaden
Tel.: +49 (0)611 55-0
Fax: +49 (0)611 55-12141

Bundesministerium des Innern
Federal Ministry of the Interior
ÖSI 1
Alt-Moabit 101D
10559 Berlin
Tel.: +49-(0)30 18 681-0
Fax: +49-(0)30 18 681-2926

Good practice

**Gender-appropriate migration advice
service for adult immigrants**

Target group

Female migrants.

Description of good practice

Within the framework of the Migrationsberatung für Erwachsene Zuwanderer (immigration advice service for adult immigrants (MBE)), which on behalf of the Federal Office for Migration and Refugees (BAMF) is run by the central associations of the voluntary welfare organisations, the counsellors are subject to restrictions when it comes to giving legal advice.

An MBE counsellor does, of course, have specialist knowledge regarding foreigners and social law and the pertinent Land-specific legal provisions. However, while associations, on a regular basis, refer the MBE counsellors to the Legal Services Act (Rechtsdienstleistungsgesetz, RDG) as applicable to extrajudicial legal services, there are no specific provisions pertaining to advice given by an MBE.

A general provision regarding gender mainstreaming in the BAMF's funding approval for the MBE is contained in the following clause:

"The MBE will implement gender mainstreaming. Gender-specific services should help taking account of men and women's different situations in life, reduce disadvantages and promote equality between men and women. The recommendations and obligations set forth in the Federal Government's National Integration Plan will be taken into account."

Useful link

Website of the federal office for migration and refugees:

http://www.bamf.de/SiteGlobals/Forms/Sprachumschaltung/DE/Sprachumschaltung_Formular.html

<http://www.bamf.de/EN/Willkommen/InformationBeratung/ErwachseneBeratung/erwachseneberatung-node.html>

Useful contact

Federal Office for Migration and Refugees
(Bundesamt für migration und flüchtlinge)
D - 90343 Nürnberg

Good practice

Psycho-social trial support

Target group

Female victims of violence; including women with disabilities.

Description of good practice

Through the 2nd Victims' Rights Reform Act (Opferrechtsreformgesetz), the Code of Criminal Procedure now includes a mandatory reference to advice and psycho-social support during a trial.

The latter is available to all witnesses in a criminal trial.

For women, however, it is of the utmost importance, especially when they have reported (sexual) violence or a rape and there is a criminal trial. In such a trial, they need the best advice and emotional support to enable them to give testimony, on the one hand, and to cope with this new encounter with the perpetrator, on the other. For that reason, women's hotlines and women's advice centres have provided psycho-social criminal trial support for women in Germany for more than 30 years now.

For women with handicaps (women with learning disabilities or emotional disorders in particular), psycho-social support is almost a necessity in order to familiarise them with how a criminal trial is run and to support them during such a trial:

- ▶ the Bundesverband der Frauenberatungsstellen und Frauennotrufe in Deutschland bff e.V. (federal association of women's advice centres and women's hotlines) has prepared quality standards for the support of women and girls in criminal trials: <https://www.frauen-gegen-gewalt.de/qualitaetsstandards-fuer-die-psychosoziale-begleitung.html>;
- ▶ the Institut für Opferschutz im Strafverfahren e.V. (institute for the protection of victims in criminal trials; "Recht würde helfen" (the law would help)) provides an annual psycho-social-support-during-criminal-trials training course. This advanced training is for all pertinent professionals who want to support victims of abuse and sexual and domestic violence in criminal trials.

Noteworthy is the wide range of the training that is included in the “inclusion” module with specific reference to (sexual) violence against disabled people and migrants, refugees and victims of human trafficking. Info: www.rwh-institut.de.

Useful links

Bundesverband der Frauenberatungsstellen und Frauennotrufe in Deutschland bff e.V. (federal association of women’s advice centres and women’s hotlines): <https://www.frauen-gegen-gewalt.de/home.html>

Institut für Opferschutz im Strafverfahren e.V. („Recht würde helfen“): (institute for the protection of victims in criminal trials; “Recht würde helfen” (the law would help)): www.rwh-institut.de

Useful contacts

See above.

Good practice

Information on access to justice in plain and in sign language

Target group

Women with learning disabilities, deaf women.

Description of good practice

In Germany, quite a number of brochures have now been specially created for women with learning disabilities in plain language or for deaf women in sign language that inform about (sexual) violence, on the one hand, and outline ways of how the police can help them and how to report a crime, on the other.

Useful links

Plain language:

<http://www.big-berlin.info/medien/haeusliche-gewalt-ist-nie-ordnung-0>

Sign language:

<http://www.big-koordinierung.de/dgs>

Useful contacts

See above.

Germany - Freie und Hansestadt Hamburg

Good practice

Recruitment procedures, promotions, reconciliation of family and working life

Target group

Female judges, public prosecutors.

Description of good practice

The justice and equality authority (Behörde für Justiz und Gleichstellung) is bound by the principle of equal treatment and performance when recruiting employees.

While until the end of 2014 job advertisements expressly asked women to apply, from January this year this “encouragement clause” has been adapted and now mentions the underrepresented gender. It is pointed out now that – with regard to skills, suitability and qualification - equally qualified members of the underrepresented gender will be preferred. When assessing the skills, suitability and qualification, skills and experiences acquired in family life also have to be taken into account, if these permit any conclusions on how the applicant may meet the job specifications.

All advertisements will also mention that all jobs, including management positions, are also available as part-time positions, unless there are important factors to the contrary.

Regarding promotion opportunities for men and women, part-time work is of great significance. When looking at the courts, we see a positive picture. At the first promotion level, for example, (R2) the share of women is 43.6 %, more than 40 % thereof working in part time.

In 2012 and 2013, the bulk of the promoted staff at the R2 level in the judicial system were women. Staff promoted to even higher levels also included a gratifying number of women.

Given this positive starting point, the Behörde für Justiz und Gleichstellung thinks more action is required regarding a reconciliation of family and working life for the higher judicial civil service levels (höherer Dienst).

Some good practices:

- ▶ promotion jobs are always advertised also as part-time jobs;
- ▶ men and women working part-time are explicitly asked to apply for such jobs;
- ▶ in case of long leave, prior to a resumption of work, a placement in advanced trainings is supported (at Deutsche Richterakademie, Nordverbund, Behörde für Justiz und Gleichstellung).

Useful links

<http://www.hamburg.de/contentblob/3876940/data/gleichstellungspolitisches-rahmenprogramm.pdf>

<http://www.landesrecht-hamburg.de/jportal/portal/page/bsha-prod.psm1;jsessionid=8991D708DF7B3495BF9DD12592EB41A5.jp45?nid=0&showdoccase=1&doc.id=jlr-GleichstGHA2015rahmen&st=null>

Germany - Schleswig-Holstein

Good practice

Promotion of women in the judicial system based upon the public service equality act (*Gesetz zur Gleichstellung der Frauen im öffentlichen Dienst (Gleichstellungsgesetz - GStG)*) of 13 December 1994 (GVOBl. Schl.-H. S. 562)

Target group

Female judges and public prosecutors in particular.

Description of good practice

The Equality Act promotes equality between men and women through, in particular:

- ▶ working conditions that permit a reconciliation of family and working life for both genders;
- ▶ compensating for disadvantages sustained by women, in particular as a result of a gender-specific division of labour, and
- ▶ a fair participation by women in all pay grades and bodies.

The statutory equality measures have helped to almost double the share of female judges and public prosecutors over the past 15 years (from 25.9 per cent in 1999 to 47.4 per cent in 2013).

In 2013, women occupied four out of the five top positions at the highest courts. The Oberlandesgericht, Landessozialgericht, Landesarbeitsgericht and Oberverwaltungsgericht each have a female chief judge.

Useful link

http://www.gesetze-rechtsprechung.sh.juris.de/jportal/portal/t/j9m/page/bss-hoprod.psm/action/portlets.jw.MainAction?p1=2&eventSubmit_doNavigate=searchInSubtreeTOC&showdoccase=1&doc.hl=0&doc.id=jlr-GleichstGSHpG1&doc.part=G&toc.poskey=#focuspoint

Useful contact

Ministerium für soziale, gesundheit, wissenschaft und gleichstellung des landes Schleswig-Holstein (Schleswig-Holstein Ministry for Social Affairs, Health, Science and Equality):

Tel.: 0431/988-0

E-mail: poststelle@sozmi.landsh.de

Germany – Lower Saxony

Good practice

Fighting domestic violence and stalking – action plan III to fight domestic violence in partnerships

Target group

Victims of domestic violence and stalking.

Description of good practice

For the government of Lower Saxony, it is of special importance to fight domestic violence and stalking, which both affect mostly women. In order to support and implement the Violence Protection Act (Gewaltschutzgesetz), in 2001 the Land Action Plan to fight domestic violence was therefore developed as a supra-departmental concept. This concept was then revised and made more detailed in 2006 and passed by the Cabinet as Action Plan II. This second plan reaffirmed the interventionist approach and highlighted new aspects like stalking.

In order to implement the Land Action Plan, a co-ordinating office (Koordinierungsstelle) was installed at the Land prevention council (Landespräventionsrat). It is the information hub between the judicial system, the police, counselling services, youth services, etc. and between the Land and the local authorities. One of its main responsibilities is to support pertinent offices and local and supra-regional networks in activities (intervention and prevention of domestic violence). It also focuses upon the conceptualisation and organisation of information and advanced training services for various target groups.

In 2011, the Koordinierungsstelle, after consultation of the inter-ministerial “domestic violence” working group, came up with an external evaluation of the measures set forth in the Land Action Plan. The results showed that there was a permanent and huge demand for information and advanced trainings here.

On that basis, in 2012, the Action Plan III to fight domestic violence in partnerships was prepared and passed by the Cabinet. Its prime intent and objective is to fight domestic violence against women, which due to its intensity and volume requires a number of co-ordinated measures. The establishment of special domestic violence desks at the public prosecutors’ offices in Lower Saxony has made for a specialised approach there. The judicial system has also been better and regionally networked. The special desk officers have been continually trained and received extra training.

Useful link

<http://www.ms.niedersachsen.de/startseite/>

Useful contact

Nds. ministerium für soziales, gesundheit und gleichstellung (Lower Saxony Ministry for Social Affairs, Health and Equality) Postfach 141, 30001 Hannover

Good practice

Imprisoned women’s access to justice

Target group

Imprisoned women.

Description of good practice

Imprisonment places a particularly huge burden on women. Imprisoned women are more marginalised by their social environment like family or neighbours than imprisoned men. Most imprisoned women have low self-esteem and not much stamina; only a few have completed their school education or vocational training. They find it very hard to come up with a perspective for the time after their release.

If women commit a serious crime, this is mostly a conflict crime, ensuing from a situation subjectively deemed hopeless. It will mostly be a domestic, familial crime.

Women having committed a crime often had violent fathers and partners who didn't provide for their families or only poorly, often sexually abused their wives and daughters or committed acts of violence against them. This gender-specific development and socialisation usually means that problems are dealt with in resignation: alcohol and drug abuse, physical illness, serious emotional disorders and deviant, sometimes very criminal, behaviour are such symptoms.

The women's prison in Vechta/Lower Saxony tries to compensate for the disadvantages sustained by imprisoned women through, for example, a close (contracted) co-operation with external education institutes and others (ambulatory judicial social service, contact points for criminals and the police and courts as regional network partners). There is a focus upon women's special needs and interests and these determine the range of education courses and counselling and advice services. Prison staff will establish a counselling relationship with the imprisoned women and thus lower the inhibition threshold, which is needed to make them trust others in problematic situations. The prison will report suspected crimes against imprisoned women to the competent public prosecutors' offices. Social workers and heads of prison departments will get women in touch with the police and the courts and support them within the framework of social help in matters of red tape, for example, applications for legal aid and in legal custody, maintenance and tenancy matters.

Useful link

justizvollzugsanstalt für frauen in vechta (vechta women's prison):
http://www.jva-fuer-frauen.niedersachsen.de/portal/live.php?navigation_id=24003&psmand=179

Useful contact

See above.

Good practice

**Pilot project "pro-evidence network"
(modellprojekt "netzwerk probeweis").**

Target group

Victims of violence.

Description of good practice

The pilot project “pro-evidence network” (Modellprojekt “Netzwerk ProBeweis“) was started in 2012, funded by Lower Saxony. Its initial term was three years and it has the objective to permit especially women who have become victims of physical and/or sexual and/or domestic violence to conserve the evidence as courts would require it later without having to report the crime forthwith. This is to improve the victim’s legal position and usable evidence during a later trial. Until the end of 2014, a network of 18 walk-in victims’ centres was established that all have free offers of securing evidence in cases of rape or violence, etc.

The objective is to expand this network and to further establish it. The project will be renewed for another three years.

Useful link

<http://www.mh-hannover.de/probeweis.html>

Useful contact

Nds. ministerium für soziales, gesundheit und gleichstellung (Lower Saxony Ministry for Social Affairs, Health and Equality) Postfach 14, D-30001 Hannover

Germany - Hesse

Good practice

Marburg model: court assistance support of women who have become victims of violence

Target group

Female victims of violence.

Description of good practice

Protecting people from domestic violence is a public responsibility. Hesse's 2nd Action Plan against domestic violence sets forth implementation measures (use of resources, PR, a co-ordinated procedure, intervention by the police, protection under civil law, criminal justice, advice and support services, health, training and advanced training, prevention). In order to co-ordinate said implementation, the co-ordinating office against domestic violence (Landeskoordinierungsstelle gegen häusliche Gewalt) was established in 2006 at the Hesse Department of Justice.

The Marbourg model: court assistance support of women who have become victims of violence is a best-practice easier-access-to-justice model. It wants to draw upon the increased public and political demand for a better protection of victims and take account of it.

Victims' individual situation and needs are to be considered and action strategies prepared.

Procedure:

After an act of domestic violence, the police will pass on the (investigation) report including the personal data of the victim and suspect to the court assistance office (Gerichtshilfe) in a timely fashion.

Interviewed by the Gerichtshilfe, the victims will get an opportunity to talk about their current familial and domestic situation, how the relationship went, their financial situation, etc. In addition, they will report the crime in detail. They can also talk about their fears and other burdens instilled by the incident. During the interview, the victims' individual needs and support can be discussed. They will also be placed with specialist and advice centres like "Frauen helfen Frauen" (women help women), debt advice services or marriage and family counselling services. An emergency plan can also be drawn up.

The Gerichtshilfe will report the contents of the interview to the public prosecutors' office and, if need be, propose an interview by a judge. The Gerichtshilfe will then contact the suspect, who is also given an opportunity to talk about the incident from his perspective. He is confronted with the deed and action strategies are prepared as to how in future such a situation could be dealt with. Again, the Gerichtshilfe will write a report for the public prosecutor's office and also issue a statement on how the suspect may be punished in an appropriate fashion.

These are the potential results:

- ▶ victim empowerment through the Gerichtshilfe representing the judicial system;
- ▶ life situation and conflict details are taken down;
- ▶ victim's co-operation in the criminal trial, for example, early information if the victim wants to give testimony;
- ▶ possible support and help: an individual emergency plan, discussion of various support measures.

Useful link

www.lks.hessen.de

Useful contact

Isabelle Weber (social worker)

Tel. 06421 / 91 21-23

E-mail: isabelle.weber@sta-marburg.justiz.hessen.de

Greece

Good practice

Support to victims of domestic violence and trafficking

Target group

Women victims of domestic violence and trafficking.

Description of good practice

Ministry of Interior & Administrative Reconstruction.

General Secretariat for Gender Equality

As part of measures to combat violence against women, included in the «National Programme for the Prevention and Combating Violence against Women 2009-2013», the General Secretariat for Gender Equality (GSGE) operates Counselling Centres that provide free information and counselling services to women. The Counselling Centres of the GSGE operates in the capitals of administrative regions (Athens, Patras, Tripolis, Lamia, Larissa, Komotini, Ioannina, Corfu, Heraklion, Crete, Mytilene, Syros, Thessaloniki, Kozani and Piraeus). In order to support and facilitate the access of women victims of violence to justice, the GSGE has established a formal co-operation with Bar Associations in the aforementioned cities (signature of co-operation protocols) with the aim of providing free legal aid to women victims of violence.

Law 3500/2006 introduced measures to protect victims of domestic violence, while Article 28 par. 2 of Law 4055/2012 («Fair trial and reasonable trial duration») abolished the obligation of victims of domestic violence to pay a fee for a lawsuit.

In August 2013, the GSGE, in co-operation with the Greek Police, updated a Police Order to all police services on «Handling of domestic violence cases and strict application of provisions of the Law 3500/2006». The Police Order contains guidance to all country police officers for dealing with victims.

Greek Police Headquarters – Safety Sector*

The Directorate of Public Security of the Greek Police Headquarters, in tackling crimes against women, has at times sent to all Police Services of the country a large number of orders and instructions to inform and sensitize police personnel dealing with such cases.

To facilitate dealing with cases of trafficking in human beings, an order has been forwarded to all Services about the application of the law on the fight against human trafficking, and a newsletter with useful information about victims' rights has been translated into 13 foreign languages.

In addition, the website of the Greek Police (www.astynomia.gr) publishes information and useful advice for the safety of citizens, and specific advice for women.

Useful links

www.astynomia.gr, www.isotita.gr

* The term «Safety Sector» applies to a subdivision of Greek Police Headquarters and refers generally to services that have to do with public security (security forces and police departments) – it refers to all victims of crime.

Italy

Good practice

Law no. 119/2013

Target group

Women victims of domestic violence.

Description of good practice

The Italian Law No. 119 of 15 October 2013 converting Decree Law No. 93 of 14 August 2013 establishing “Urgent provisions on security and for the fight against gender-based violence, as well as on civil protection and compulsory administration of provinces” addresses both stalking and gender-based violence, which had been already regulated, through three conceptual pillars based on prevention, punishment and protection, and by taking into consideration the references to the Istanbul Convention ratified by Italy by Law No. 77 of 19 June 2013.

In compliance with the Istanbul Convention, the law provides for the granting of legal aid for women victims of sexual violence, stalking, maltreatment within the family and other similar types of offences, whose income exceeds the income limits fixed by the national legislation.

In particular, according to the abovementioned law, the victim of violence has the right to immediately receive information about the possibility to appoint a

lawyer in compliance with article 96 of the Italian Code of Criminal Procedure and to access legal aid irrespective of their income.

Such a provision is in line with the legislator's intention to guarantee to victims of gender-based violence immediate access to justice and technical assistance by specialised professionals, who are able to immediately inform them about all their rights in the criminal proceedings, also with regard to their request for compensation to be paid by the perpetrator.

Legal aid can be obtained by the victims within ten days from the submission of a specific filled in application form through a decision made by the Judicial Authority.

Malta

Good practice

1. Investigation of complaints (national commission for the promotion of equality)

2. Court accompaniment by social workers

3. Harmonisation of data on domestic violence

Target group

Women who are discriminated against on the grounds of: gender, family responsibilities, sexual orientation, age, religion and belief, racial or ethnic origin and gender identity in employment, education, bank and financial institutions; as well as access to and supply of goods and services on grounds of gender and racial or ethnic origin; victims of domestic violence.

Description of good practice

1. Any person who feels discriminated against on the grounds detailed above, can lodge a complaint to the NCPE for investigation. In its operating procedures for the investigation of complaints, a number of procedural aspects can be highlighted as good practice in facilitating women's access to justice. These include:
 - ▶ the possibility of support and assistance to complainants in filling out the Complaints Form;
 - ▶ the possibility of translation/cultural mediation when needed;

- ▶ the principle of confidentiality – any information which is considered sensitive by the Commissioner or on request made by the parties involved including the complainant, may have its circulation restricted. Information is shared only with those who have a legitimate need to know;
- ▶ any parties, including the complainant, have access to all evidence gathered by NCPE throughout the investigation;
- ▶ burden of proof shifts to the person/s against whom the complaint is filed once the complainant establishes primary facts that the incident/situation occurred or exists.

2. The Domestic Violence Unit within Malta’s national psychosocial support agency ‘Appogg’ provides accompaniment to court for women who experienced domestic violence and who need to attend sittings at the Family Court. Social workers attend hearings on domestic violence at the Family Court and this has strengthened collaboration between both entities. This service has been in place since 2012 and is still on-going. As a result of this collaboration, the victims feel more supported when accompanied by the social workers and they also feel safe and reassured. Furthermore, social workers attending court cases are also reaching out to those individuals who have never made contact with Appogg. The Magistrate at the Family Court consults with the Social Workers and cases are referred to the Domestic Violence Unit or other services within Appogg.

3. The Commission on Domestic Violence in collaboration with the Malta Police, Agenzija Appogg (service provider) and the General Hospitals harmonises data on domestic violence that is collected by these three entities on an annual basis. The purpose of this exercise is to gain a better understanding of the issue of domestic violence and also to explore the services being accessed by victims of domestic violence.

This harmonisation process started in 2013 and is now being extended to NGOs working in the field of domestic violence. The variables collected are as follows:

- ▶ last 3 digits of an identity card;
- ▶ date of birth of the victim;
- ▶ gender of the victim;
- ▶ age of the victim;
- ▶ victim-perpetrator relationship;
- ▶ location where violence took place;
- ▶ gender of perpetrator;

- ▶ type of violence: physical, psychological, sexual, economic;
- ▶ severity of violence;
- ▶ timeframe: in the past 12 months;
- ▶ timeframe: in a lifetime;
- ▶ type of report being lodged;
- ▶ level of education;
- ▶ occupation.

The harmonisation of data also sheds light on the victims' trajectory through the services in a given year. This tends to reflect the long journey and pattern of abuse; where the victim (mainly female) finds herself struggling to set herself free from the perpetrator and accessing services when the victims need support. This harmonised data also ties in with Malta's ratification of the Istanbul Convention, as stated in Article 11 – Data collection and Research.

Useful links

<https://socialdialogue.gov.mt/en/NCPE/Pages/Complaints.aspx>
www.appogg.gov.mt
www.domesticviolence.gov.mt

Useful contacts

National Commission for the Promotion of Equality (NCPE):
E-mail: equality@gov.mt

Commission on Domestic Violence:
Block C Beltissebh, Floriana FRN 1700 Malta
Tel: +356 2568 7253

Comments

NCPE continually provides training and awareness-raising to various groups in society and through such, NCPE promotes its services and gives information on equality-related issues.

Republic of Moldova

Good practice

Protection of vulnerable victims witnesses, especially children

Target group

Children victims of sexual abuse, exploitation and violence.

Description of good practice

Background: In 2013, the International Center La Strada made public the report “Improving legal protection mechanisms to ensure the rights of trafficked persons especially children” within the project “Rule of Law Institutional Strengthening Program of the USAID ROLISP”. The main conclusions and recommendations are available at http://lastrada.md/publicatii/ebook/Analiza_dosarelor_Branded_EN.pdf.

During 2012-2014, relevant legal amendments have been made under the working group created and co-ordinated by the Ministry of Justice referring to Pillar VI of the Action Plan of the Justice Sector Reform Strategy (JSRS) 2011-2016. The amendments were approved by the Parliament in 2014 following a large consultation with all actors involved (governmental structures and civil society).

Legal framework: In June 2014, the Parliament of the Republic of Moldova adopted Law No. 163 of 18 July 2014 concerning the modification and completion of the Criminal Procedure Code of the Republic of Moldova No. 122-XV of 14 March 2003, whereby article 1101 gained a new enunciation. The new amendments provide that the hearing of minors aged up to 14 “in criminal cases concerning sexual offences, trafficking in children or domestic violence” shall be performed by the investigating judge “in special rooms, equipped with audio/video recording, via an interviewer” within restricted terms, “separated from the investigation judge and other persons participating in the proceedings”.

Child victims-witnesses shall be heard through the intermediary of a specially trained expert, this being the only person to have direct contact with the child and to mediate the hearings through audio and video, thereby replacing the hearing of the child in court. The amendments approved also provide for the exclusion of the abuser from the child's interview room, but he or she could address questions based on video records and pass this question to the instruction judge.

The importance of the new amendments lies in the fact that they consider the supreme interest of the child and ensure a broader system of protection of victims-witnesses of violence, trafficking and/or sexual abuse who are minors, when they are involved in legal proceedings, releasing them from the situation where they were required to tell repeatedly the incidents of abuse, reliving the emotional state related to the abuse and continue to be traumatised. Sometimes, the victims-witnesses were intimidated (even threatened) by the perpetrator, who was in the same room during the hearing.

Capacity-building activities: In 2014, National Institute of Justice and International Center "La Strada" in partnership with the International Organization of Migration Mission in Moldova, and the OSCE Mission in Moldova, held six workshops on «Hearing child victims-witnesses of abuse/sexual exploitation» for psychologists, prosecutors, instruction judges and representatives of multidisciplinary teams from the local authorities, experts who participated in the hearing of child victims-witnesses. 166 specialists were trained during these training sessions: 37 judges, 46 prosecutors, 73 psychologists, 10 coordinators of multidisciplinary territorial teams.

Practical results: During 2014, seven regional hearing rooms were opened and equipped within the District Prosecutors' Offices; the functioning of these rooms is covered financially by the state budget. In order to ensure the access of minors to the hearing rooms, eight units of transport were purchased. The means of transport are to facilitate their movement and those persons accompanying them. The General Prosecutor offices ensure the functioning and financial monitoring of the rooms.

It should be mentioned that in the country there are two hearing rooms for minors that are run by NGOs: National Center for Prevention of Child Abuse «Amicul», which specialises in the assistance of child victims of sexual abuse, and International Center «La Strada» which provides specialised support for child victims of child trafficking and commercial sexual abuse. All in all, nine hearing rooms are functioning in the country.

Useful links

<http://sigurantacopii.lastrada.md/en/child-friendly-hearing-of-victimswit-nesses-has-become-a-law/>

<http://www.procuratura.md/md/newslst/1211/1/5487/>

<http://antitrafic.gov.md/index.php?l=ro>

<http://antitrafic.gov.md/libview.php?l=ro&idc=94&id=314&t=/Presa/Stiri-si-Evenimente/Republica-Moldova-face-inca-un-pas-spre-justitia-prietenoa-sa-copiilor>

Useful contacts

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E-mail: iurie_perevoznic@mail.ru

Good practice

Training of justice professionals

Target group

Judges, prosecutors, lawyers.

Description of good practice

The importance of judicial training in Moldova is incontestable in the context of reforming the justice system. The fact that it is highlighted in the Action Plan on the Implementation of Justice Sector Reform Strategy shows that skilled professionals are crucial and are an essential stake towards changing attitudes, developing skills and competencies in the justice system.

Continuous training of judges, prosecutors, and lawyers, both private and from the national System of Free Guaranteed State Legal Aid, including paralegals,

represents an important objective of the Strategy on the development and building of institutional, management and research capacity of the National Institute of Justice for the years 2012-2016, and the Action Plan on Strategy implementation.

Since 2009, the National Institute of Justice, in partnership with the OSCE Mission in Moldova has trained around 400 judges, prosecutors and lawyers (women and men) on issues pertaining to prosecutors, and lawyers on combating trafficking in human beings and efficient examination of cases of domestic violence. In 2012-2013, 50 public lawyers and 25 paralegals were trained on how to counsel in cases of domestic violence. In 2014, around 175 judges and prosecutors were trained on how to handle cases of trafficking in human beings, and issuance and execution of protection orders in cases of domestic violence.

Also, in 2014, as a pilot project, the OSCE Mission, in partnership with the National Institute of Justice, the Ministry of Labour, Social Protection and Family, and NGO Gender-Centru organised a workshop on promoting gender equality and non-discrimination based on gender for around 20 judges and prosecutors, both women and men.

The agenda included among others: International Standards on Gender Equality, general overview of international instruments on gender equality (e.g. CEDAW, Optional Protocol to CEDAW, European Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)). Also, the situation on gender equality in Moldova was discussed with a focus on the legal normative framework, the institutional mechanism and public policies. Presentations were made on the legal liability (civil, criminal and contraventional) for violations of gender equality norms. The participants analysed case studies of gender-based discrimination in the labour market and cases of sexual harassment.

In November 2014, a group of Moldovan judges and prosecutors completed a Train-the-Trainers course to enhance the capacity of the Moldovan judiciary system to prevent and combat domestic violence. During the three-day training, organised by the OSCE Mission to Moldova in partnership with the National Institute of Justice and the Women's Law Centre, 25 officials were trained by four specialists from the US NGO Advocates for Human Rights.

The training focused on applying civil and criminal provisions in cases of domestic violence, reconciliation and mediation, rehabilitation for aggressors and legislative reform in the field of domestic violence, along with other topics.

The goal of the Train-the-Trainers course was to train a pool of experts who will share the knowledge they gained in the training with their peers throughout Moldova through a series of further national trainings.

Useful links

http://www.inj.md/files/u1/4_2014.pdf

<http://www.osce.org/moldova/126608>

Useful contacts

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Good practice

a. Capacity building of law enforcement bodies to ensure effective response to cases of domestic violence

b. Ensuring access to justice to women victims of domestic violence and potential victims and their children by provision of legal advice and representation and holistic assistance for women victims of domestic violence or potential victims and their children; training of specialists of local multidisciplinary groups and ensuring access to information on legal remedies

Target group

- ▶ Police officers, chief of posts, criminal police, crime prevention officers;
- ▶ specialists from local multidisciplinary groups (social workers, family doctors and police officers); service providers and paralegals;

- ▶ women victims of domestic violence or potential victims and their children, beneficiaries of the women's law centre.

Description of good practice

- ▶ Training on effective response to cases of domestic violence (DV) for police officers.

There is a stringent need for a prompt response to cases of domestic violence (DV) based on best practices of response to domestic violence against women in Moldova. Law enforcement is an essential component of an effective legal system response to domestic violence. However, at the moment, the major challenges in the response to domestic violence are: lack of uniform application of the law, lack of information to victims about their right to protection and legal redress, insufficient awareness and understanding of the legal provisions on DV by law enforcement officials which leads to refusal or delayed initiation of the criminal investigation by the prosecutors and delay in issuing protection orders by judges and refusal to issue protection orders in many cases. Moreover, in practice, women are left alone to bear the consequences of the legal steps taken.

In October 2013, the UN Committee on Elimination of Discrimination against Women in its Concluding Observation for the Republic of Moldova¹ expressed concern regarding the following: the inconsistent application by the courts, prosecutors and police of laws aimed at combating domestic violence, which undermines women's trust in the judicial system, as well as the lack of awareness among women of existing legal remedies; the failure of the police and prosecutors to give attention to low level injuries and that it often takes repeated acts of violence to initiate criminal investigations; the ineffectiveness of protection orders against alleged perpetrators which are either not issued by courts or issued with delays; the failure of police officers to enforce protection orders; and the lack of sufficient support services to victims from rural areas including shelters; and the non-coverage by the state system of legal aid to victims of gender-based violence.

The Committee has urged the national authorities to strengthen enforcement of the Criminal Code and Law on Preventing and Combating Domestic Violence to ensure that women are protected from violence and have access to

1. Concluding comments of the Committee on the Elimination of Discrimination against Women: Republic of Moldova, 18 October 2013.
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEAW%2fC%2fMDA%2fCO%2f4-5&Lang=en

immediate means of redress and ensure that perpetrators are prosecuted and punished; to expedite efforts to amend the Law on Preventing and Combating Domestic Violence to introduce a system of police-ordered emergency protection orders, remove any impediments faced by women in gaining access to justice and ensure that legal aid is made available to all victims of violence, encourage women to report incidents of domestic violence and provide adequate assistance and protection to women, etc.

During 2013-2014, as part of a joint effort by the national stakeholders – the Police Academy and General Police Inspectorate of the Ministry of Internal Affairs (MIA) with the Women’s Law Center - a victim advocacy organisation facilitated 25 training workshops for police officers from all over Moldova on effective police response to cases of DV for 700 front line police officers (chiefs of posts, criminal police and crime prevention officers). As a result, the first curriculum on effective police response to DV was developed through a joint effort between a victim advocacy organisation, namely the Women’s Law Center, and the General Police Inspectorate and Police Academy. The curriculum focusing on gendered understanding of domestic violence has been used during the subsequent training workshops by the national trainers. As part of the training, police officers were provided with an overview of relevant laws, DV dynamics and community co-ordinated responses to such cases. According to the evaluation of the workshops, participants showed an increase of at least 26% in the knowledge of the subject, and at least 61% of the participants demonstrated adequate knowledge regarding the effective police response to cases of DV at the end of the training. As a result, trained police officers have better skills and knowledge on the dynamics and root causes of domestic violence, and are able to more effectively identify and respond to cases. The developed curriculum is being used by the Police Academy and General Police Inspectorate in continuous training of police officers on effective response to cases of DV.

Monitoring police response on DV cases in pilot districts of DV and development of risk assessment tools

During 2014, the Intervention and Victim Advocacy Center approach was used by the Women’s Law Center (WLC), as part of a project covering two pilot districts in Chisinau. As a result, more than 15 police sections were monitored by WLC on the effectiveness of police response in specific cases of DV; more than 50 women victims of DV have been assisted and at least five protection orders have been issued on the assisted cases. This model proved

to be successful and it needs further development so as to enhance support for victims, violence prevention measures and co-ordination of the intervention. As part of the piloted model, women victims and their children received professional holistic support offered by the victim advocacy organisation in all matters concerning their protection and securing their rights in civil and criminal lawsuits.

- ▶ Ensuring access to justice to women victims of DV and potential victims and their children by provision of legal advice and representation and holistic assistance for women victims of domestic violence or potential victims and their children; training of specialists of local multidisciplinary groups and ensuring access to information on legal remedies.

Provision of legal advice and representation for women victims of domestic violence or potential victims and their children based on a holistic approach

WLC launched its legal service in September 2012 and as a result, at least 100 women per year, victims of DV or potential victims, had access to free quality legal advice and representation. The majority of cases were cases of DV and there were two cases of rape. The legal services consisted of counselling and representation in the courts to obtain a protection order, or representing beneficiaries' rights in civil cases dealing with divorce, separation of property and custody of children. Several cases involved international jurisdiction and dealt with a case of domestic violence against a Moldovan woman by a Turkish national. In the process of legal assistance, WLC sent numerous letters and made official requests to represent victims' rights, including to the MIA and General Prosecutor's Office. In order to reach out to more women, WLC has developed a website primarily for women victims of domestic violence about their rights, remedies under the law and available services, including on-line legal advice. The website is also used as a resource for other interested users, such as the community at large, service providers, central and local authorities, multidisciplinary teams, researchers, etc.

Training of local multidisciplinary teams, service providers and paralegals

During the implementation period, ten workshops for multidisciplinary teams were conducted, through the National Referral System operated by the Ministry of Labour Social Protection and Family (MLSPF). Five trainings were implemented in the regions of Riscani, Ungheni, Briceni, Leova and

Soroca and in the five sectors of Chisinau: Botanica, Buicani, Centru, Ciocana and Riscanova. The target group for the workshops was the multidisciplinary team members which comprised social workers, police officers, doctors and NGOs active in the field.

As a result, a total number of 284 specialists have been trained, showing an increase of 15% of knowledge on effective response to DV cases and 55% of specialists showed an adequate level of knowledge on DV.

Enhancing access to information on legal remedies under the DV legislation

The Women's Law Centre launched its <http://cdf.md/> website - the first legal information page in the Republic of Moldova dedicated to persons concerned by domestic violence. The website is an innovative resource for individuals and organisations seeking solutions to situations involving domestic violence. The website aims at providing legal information to persons affected by domestic violence, by providing information and assistance in obtaining access to justice, thus facilitating the protection of their rights in cases of domestic violence. Additionally, the website provides resources to professionals working in this area such as policemen, prosecutors, judges, social workers, family doctors, psychologists and other. During 2013-2014, WLC developed information brochures listing the rights of women under the law and procedure to obtain protection orders. Guidelines for professionals about handling domestic violence, in the form of a brochure, accompanied by a compilation of normative acts and cases, were developed and distributed. More than 15,000 copies of the brochure and 5,000 copies of the compilation were printed and successfully disseminated throughout Moldova during training events for multidisciplinary teams, service providers and police officers in Chisinau, and at the local level.

Useful links

http://cdf.md/files/resources/3/RO_Bloc_Interior-Violenta_250x125mm_26-02-13.pdf

http://cdf.md/files/pages/64/Compilatie_BO_2.pdf<http://cdf.md/rom/drepre-noi>

<http://www.cdf.md>

<http://www.igp.gov.md/ro/content/politisti-instruiti-cum-sa-se-comporte-cazuri-de-violenta-familie>

<http://www.igp.gov.md/ro/content/continua-instruirea-ofiterilor-de-sector-domeniul-prevenirii-violentei-si-abuzului-domestic>

Useful contacts

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Good practice

Development of state-guaranteed legal aid

Target group

Individuals who are in need to legal assistance, victims of family violence victims and potential victims of human trafficking.

Description of good practice

The Republic of Moldova is one of the first countries from Eastern and Central Europe that redesigned its legal assistance system. The fundamental principle of this reform was represented by the Law regarding state-guaranteed legal assistance, which was adopted on 26 July 2007 and entered into force on 1 July 2008. The mission of the state guaranteed that legal assistance is the protection of the right to a fair trial, established by article 6 of the European Convention for the protection of human rights, including the provision of free and equal access for all persons to legal assistance by organising and providing legal assistance guaranteed by the state, as well as reducing economic and financial impediments in achieving access to justice. The system of granting legal aid guaranteed by the state tends towards free and equal access for all persons to effective legal aid under a cost-efficient, affordable and non-discriminatory legal assistance guaranteed by the state.

Its provisions aim to ensure equal access to justice for the citizens of Moldova, as well as for foreigners and stateless persons involved in proceedings conducted by the Moldovan authorities, establishing two types of legal assistance:

- ▶ primary legal assistance-legal information and assistance in drafting basic various acts, offered by paralegals and specialised NGOs;
- ▶ qualified legal assistance, legal advice and representation before the bodies of prosecution, or in court, the civil and criminal procedure, contravention, representation before public authorities, provided by lawyers, regardless of which category they belong (private or public).

Individuals who are in need of legal assistance for criminal cases, but do not have sufficient means to pay for this service, are eligible to receive state-guaranteed legal assistance. The legislature provides the same criteria relating to the lack of funds for civil cases, and criminal and administrative law. State-guaranteed legal assistance shall be granted on the principle of equality of all persons covered by it.

Law No. 45 with regard to the prevention and combating of domestic violence guarantees protection of rights and legitimate interests of victims, and one of the essential rights is the entitlement to state-guaranteed legal aid. In spite of the legal provisions, that every victim has a right to free legal assistance, according to the study conducted by the International Centre La Strada -"Existing practices of access to justice for victims of domestic violence and the realization of their right to legal assistance in the Republic of Moldova", only a small fraction of the victims, about 4%, fail to contact experts in the field. For the purposes of the legal provisions, victims of domestic violence receive qualified legal assistance guaranteed by the state only if they confirm, with documents, that they do not have sufficient means to pay the services of qualified legal assistance.

Therefore, the state has a positive responsibility to provide access to justice for indigent individuals by developing a system of free legal aid, accessible to all disadvantaged persons, either economically or socially.

At the same time, the National Center for State-Guaranteed Legal Aid has approved the establishment of specialised lists of lawyers providing legal assistance guaranteed by the state to victims of crime. Thus, appointed lawyers are designated regional offices within the National Center for State-Guaranteed Legal Aid to victims of criminal offences, including women victims of violence in the family. This fact contributes to the provision of state-guaranteed, quality legal aid.

In a bid to enhance access to justice, the legislature has provided for the introduction of alternative service providers of state-guaranteed legal aid. The National Council for State-Guaranteed Legal Aid, whose central mission is to provide and ensure access to justice, improved co-operation and has established partnerships with public associations aimed at the promotion and protection of human rights. At the same time, trained and sponsored paralegals were appointed to ensure legal support in 23 communities within the project «Ensuring good governance in Moldova by increasing Public Participation», implemented by the Soros Foundation Moldova (SFM) with the financial support of the Swedish Government (December 2009 - January 2012). The project was developed in partnership with the Ministry of Justice, the Ministry of Labour, Social Protection and Family and the National Council for State-Guaranteed Legal Assistance. The project was unique in terms of creating at community level completely new institutions within the social and legal services in the Republic of Moldova.

One of the successes following the project was the nationwide expansion of the paralegal network which currently has 32 paralegals operating in 30 communities. The notion of “paralegal” is provided in the Law on state-guaranteed legal aid, and means someone who enjoys high esteem from the local community, with incomplete legal studies or complete higher education, who does not practice as a professional lawyer, but after special training is qualified to assist community members in primary legal aid, and is covered by the funds for state-guaranteed legal assistance, according to a regulation on the status and qualification of a “paralegal”.

Paralegal services are required in Moldova, in particular in regions outside the capital and other big cities, where there are far fewer lawyers and specialised NGOs that can provide legal aid services. Paralegal activity in the Republic of Moldova is oriented towards three main goals: training communities in terms of their rights and how claims can be made, legal assistance and facilitating the involvement of the primary community members in decision-making processes in activities of common interest. Paralegal roles therefore overlap with various areas in the social life of the Republic of Moldova. They contribute to better information about their rights and to an increased confidence in the justice system among residents of rural areas and of vulnerable social groups. As a result of the paralegals work, they also reduce the volume of complaints arising from misunderstanding of the law and legal procedures, they promote good governance and they reduce the poverty perspective in

rural communities, as a result of the active engagement of communities in identifying and solving their own problems.

In order to prepare paralegals for their work, two manuals were produced for the project: “Basic legal guide for citizens” and “Methodological guide for the paralegals». These manuals served as the main sources for initial training and guidance in the work of paralegals. There was also a training system consisting of six workshops (the first was a two-week workshop and the following five were for one week; in total seven weeks of training).

The National Council for State-Guaranteed Legal Assistance has approved a set of regulations designed to optimise the activity of suppliers of primary legal assistance guaranteed by the state:

- ▶ mechanism of the paralegals to direct the legal beneficiaries of assistance to the territorial offices of National Council for State-Guaranteed Legal Assistance and other institutions/ individuals;
- ▶ quality standards of paralegals, which provide the minimum requirements in the quality of services provided by the legal aid beneficiary;
- ▶ the code of conduct of the paralegals lays down the rules of conduct and the ethical responsibilities of persons to lead the activity undertaken as a paralegal;
- ▶ regulations of the paralegal activity, which contain the method of selection and training of the paralegals, principles of activity and legal assistance to the beneficiaries, relations with National Council for State-Guaranteed Legal Assistance, the territorial offices of the Council and lawyers, reporting, monitoring and evaluation of the paralegal work and the regulations concerning the grounds for cancelling the contract with paralegals.

From 2010-2014, paralegals provided legal aid to about 10,817 beneficiaries. Thanks to the collaborative platforms established by the National Council for State-Guaranteed Legal Assistance and NGOs, and the creation of paralegals networks, it increased the access to legal service for beneficiaries. According to statistics, the number of appeals of women for state-guaranteed legal assistance has risen from 9.2% in 2011 to 38% in 2014 (one semester).

The National Council for State-Guaranteed Legal Assistance is a partner of the project «Strengthening the criminal justice system’s reaction to the trafficked people, by providing legal assistance to victims and potential victims and prevent domestic violence and hate crime in Moldova» which is implemented

by the International Organization for Migration (IOM) mission in Moldova. Individual legal assistance (advice, representation in court and documentaries) were provided for 25 victims and potential victims of human trafficking, to help restore their rights and to facilitate their recovery and reintegration.

Useful links

<http://www.cnajgs.md/ro/>; <http://parajurist.md/>
http://www.lastrada.md/publicatii/ebook/a5-raport_dv_24_02_2015.pdf

Useful contacts

Victor Zaharia – Chairman of the National Legal Aid Council,
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Olga Rabei – Secretary National Legal Aid Council:

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Daniela Misail-Nichitin, President, International Center “La Strada”:

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Diana Donoaga, IOM Mission in Moldova:

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The Netherlands

Good practice

Pink in blue police team

Target group

LGBT victims.

Description of good practice

The Pink in Blue Police Team is a network from the Amsterdam police which looks after the interests of people from the LGBT community. Team members help victims of discrimination, assault, maltreatment or other things on grounds of sexual orientation. The network assists by listening to the victim and by guiding the victim in the process of reporting a possible crime.

This network aims to improve accessibility of the police for reporting crimes against the LGBT community and to improve co-operation between the police and actors from civil society working for LGBT rights. The network contributes to access to justice for this specific group by lowering the barrier of going to the police after an incident has occurred.

Useful link

<http://www.politie.nl/themas/roze-in-blauw.html>

Norway

Good practice

Access to legal advice and handling complaints regarding discrimination

Target group

Persons who experience discrimination on the grounds of sex, ethnicity, religion and belief, language, sexual orientation, gender identity and gender expression, age and disability. In addition, intersectional discrimination and multiple discrimination due to the grounds mentioned above.

Description of good practice

The Equality and Anti-discrimination Ombud was established 1 January 2006. The former Gender Equality Ombud was one of three equality bodies merged into the new Ombud's office.

The Ombud's mandate is to promote equality and combat discrimination, in all areas of society, with respect to the above mentioned grounds. The grounds for discrimination have been widened several times, from the original protection against discrimination of women.

A majority of complaints and questions come from women, regarding a wide range of issues, such as discrimination in work life due to pregnancy or parental leave, harassment, sexual harassment, or questions regarding the social welfare system.

The Ombud gives advice, legal and general, to persons having been discriminated against, or who have questions regarding possible discrimination. The Ombud also gives advice to those being responsible for possible discrimination situations. Such advice to companies, employers, etc., is of great importance in order to prevent discrimination from happening.

The Ombud handles approximately 250 complaints each year, of which 50 per cent come from women, regarding discrimination on the ground of sex only, or two or more grounds of discrimination in combination. One example is a

Brazilian woman who was denied access to a hotel room. The hotel claimed that she might be a prostitute because several Brazilian prostitutes had reserved rooms in hotels nearby and offered their services. The Ombud stated that the hotel discriminated the woman, not only on the basis of her sex, but also because of her ethnicity.

A person who has been discriminated against is entitled to compensation for economic and non-economic loss. In most cases, the company or employer who has been found guilty of discrimination and the person discriminated against, come to an agreement regarding compensation. Should they not come to any agreement, the person discriminated against can opt to present the claim to the civil courts in order to receive compensation.

The Ombud is meant to be an alternative to the civil courts, and complaining to the Ombud is free of charge. The complaint will, in most cases, be processed faster, without the need of legal assistance.

Useful link

www.ldo.no

Useful contact

E-mail: post@ldo.no

Good practice

Legal advice for women (JURK).

Description of good practice

Legal Advice for Women (JURK) is a legal aid clinic for women. JURK employs two qualified lawyers, as well as 20 law students on placement from their university. All support from JURK is provided free of charge.

JURK contribute to increasing the legal protection of women in three ways:

Firstly, JURK offers advice and/or representation in individual cases. By only having female clients, JURK has built up over the course of several years' expertise in areas of legislation where women frequently experience problems. The areas of expertise include equality, discrimination and violence. Moreover, since its inception, JURK has run outreach programmes targeting vulnerable groups, including women in prison, women's shelters and immigrant women. These

groups have higher rates of legal problems, and yet they are in a weaker position when it comes to seeking help. The trust that JURK has built up over the years with these communities is an important reason why the organisation is able to reach some of the most vulnerable women.

Secondly, JURK provides information about rights. This is done as part of the mentioned outreach activities. Informing about rights is also done through producing lectures that contain information corresponding to the needs of women in different life situations. One example in this regard is lectures tailored to the needs of immigrant women. To have information about laws and rules are of crucial importance in order to be able to claim one's rights. A fundamental problem within many vulnerable groups is that there is a lack of knowledge about laws and rights. This in turn means a lack of awareness that their problem can be solved legally. This problem is clearly documented in both an international (see inter alia Commission on Legal Empowerment of the Poor) and a national (latest Juss Buss' report "Legal Aid 2013") context.

Finally, it is worth mentioning that JURK employs intern lawyers. Every year 20 law students, as part of their education, work full-time for the organisation. These students build specialised capacities and knowledge in areas of legislation that affect women, and gain the experience of having women from vulnerable groups as clients. The students bring the knowledge they gained from their experience at JURK with them when they go on to work in all different parts of the legal sector after graduation.

JURK's work is funded through a combination of public and private support, as well as through volunteers. The operations budget is mainly financed through government funds from the Ministry of Justice and Public Security, and by grants from various local governments. The information work of JURK receives project funds from the Directorate of Integration and Diversity (IMDi). In addition, JURK receives funding from various private funds. This funding is usually earmarked for different projects. JURK operations would not have been possible without the high degree of volunteering. All case workers only receive a part of a salary, however they gain valuable practice that contributes to progress in their studies.

Useful link

www.jurk.no

Useful contact

E-mail: post-mottak@jurk.no

Poland

Good practice

Additional protection measures in criminal procedure for witnesses who are victims of sexual violence

Target group

Victims of sexual violence (predominantly women).

Description of good practice

On 27 January 2014, the amendment to the Penal Code and the Code of Criminal Procedure entered into force. The new regulation provides for special protection measures and procedural mechanisms aimed at improving the procedure and strengthening the rights of victims of sexual crimes. Besides implementing a new ex officio procedure of prosecution of criminal offences specified in Chapter XXV of the Act of 6 June 1997 - Penal Code (i.e. rape - Art. 197, sexual assault through abuse of a relationship of dependency or abuse of critical situation - Art. 199 § 1 and sexual assault through the abuse of another person's helplessness or mental illness – Art. 198), new solutions were introduced in regard to witness interviews of victims of crimes against sexual liberty, in order to prevent dual victimisation and to lessen the hardship and the negative experiences of victims.

In accordance with the new provisions of Art. 185 c of the Code of Criminal Procedure, introduced by the amendment, in cases concerning offences referred to in Articles 197-199 of the Penal Code, the report of the offence submitted by the victim should be limited to the most important facts and evidence. The examination of the victim in the capacity of a witness is conducted by a

judge in a hearing. The public prosecutor, defence counsel and the victim's lawyer may attend/witness the interview, but are not present in the interview room (but may ask questions through the judge). Since the examinations should be carried out in adequately adapted rooms which ensure maximum privacy for the victim, they are either able to listen to and view the interview through a one-way mirror, or on a video and audio feed with a simultaneous transmission of sound and vision. The recording of the interview can then be used for evidentiary purposes during the trial.

The examination may also be carried out with the presence of an expert psychologist. At the request of the victim, it should be ensured that the expert psychologist is of the same gender as the victim. In cases when it is necessary to call the victim to repeat their testimony in their capacity as a witness and there is a justified concern that presence of the accused might hinder the witness's testimonies or have a negative impact on his mental state the examination is also carried out remotely by the use of technical devices allowing for simultaneous transmission of sound and vision.

Portugal

Good practice

Tele-assistance to domestic violence victims

Target group

Victims of domestic violence.

Description of good practice

General

Article 20 of the Constitution of the Portuguese Republic establishes that all persons shall have effective access to justice and to courts, in order to defend their legally protected rights and interests. Justice cannot be denied on the basis of financial constraints. Legal protection is granted for specific issues or enforceable judicial causes in case the person fails to have financial means and his or her rights are directly harmed or threatened.

Nationals and EU citizens, as well as stateless persons with valid EU residence permits, who demonstrate insufficient financial means, are entitled to legal protection.

The legal framework on legal aid aims at facilitating and assisting citizens in their access to courts, so as to ensure that nobody is denied the right to either enforce or defend their rights in a court of law due to economic insufficiencies or by reason of their social or cultural status.

Legal aid shall be granted regardless of the applicant's procedural position and of legal aid already having been granted to the counterparty.

The principle of equality is furthermore guaranteed by Article 13 of the Constitution.

Though our legal system seeks a non-discriminatory gender-based treatment, trying not to treat women and men differently in the Portuguese society, the fact is that in some fields the overwhelming majority of the persons who are in need of a stronger protection by the justice system are women. Therefore, even though the Portuguese legal system does not discriminate between citizens, it is vital in some fields to treat differently what is different. Regarding domestic violence issues, the fact is that most of the victims are women.

Domestic Violence

Domestic violence, expressly provided for and punished under the Criminal Code (Article 152.º), is prosecutable *ex officio* and constitutes a prevention and investigation priority in Portuguese crime policy. In February 2013, further legal amendments were introduced in order to extend the concept of domestic violence to dating and other intimate relationships without cohabitation.

In 2013, Portugal achieved the highest number of offenders sentenced to prison for committing the crime of domestic violence, on 31 December 2013, 427 persons were in jail, while on 31 December 2011, there were only 189.

Furthermore, a number of provisions have been introduced to regulate aspects covered by the Act on the prevention of domestic violence and on the protection of and assistance to its victims, adopted in September 2009, these include:

- ▶ the recognition of the status of the victim (to all alleged victims as soon as a domestic violence incident is reported);
- ▶ the urgent nature of domestic violence proceedings (a 2012 Constitutional Court decision has underlined the urgent nature of these cases);
- ▶ the use of remote surveillance as a means to control perpetrators and prevent contact between victim and offender under the crime of domestic violence (bracelets);
- ▶ assist victims through the tele-assistance system, which is an electronic surveillance device, free-of-charge and easy to use, that ensures protection in situations of risk;
- ▶ victim's right to redress;
- ▶ the provision of legal, medical, social and labour support (legal counselling to victims of domestic violence is provided by lawyers appointed by the Bar Association).

The victim has the right to be informed of, inter alia, how to file a complaint, procedures to follow, available public and private support services and compensation options.

Law enforcement authorities have been creating special teams to investigate crimes of domestic violence.

Public prosecution is also developing integrated responses to accelerate the investigation of crimes of domestic violence and adequately protect victims, including women, children and the elderly.

Guidelines and technical assistance are being provided to help courts, assess the risk of re-occurrence of domestic violence, and other national and international projects in this regard are on-going, including the reformulation and improvement of victim-identification and risk assessment forms, participation in several national and international working groups, dissemination of information and development of training materials for relevant professional groups.

Protocols among relevant public and private actors have been signed in order to facilitate reporting, victim identification and risk assessment.

Several measures have been adopted in the area of forensic medicine, such as training courses for medical experts dealing with domestic violence cases, scientific meetings and protocols to co-ordinate interventions in this area.

A number of provisions have been introduced to regulate aspects covered by the Law on the prevention of domestic violence, adopted in September 2009, which established important measures such as:

- ▶ the urgent nature of domestic violence proceedings (a Constitutional Court decision of 2012 has underlined the urgent nature of these cases, even without pre-trial detainees);
- ▶ the use of remote surveillance means to control perpetrators (mandatory since February 2013) and assist victims (with free-of-charge and easy to use devices, in direct connection with the police 24-hours a day);
- ▶ the possibility to arrest perpetrators even if not caught in the act.

Tele-assistance to domestic violence victims

This programme arose from the need to ensure protection and security to victims of domestic violence and decrease their risk of re-victimisation and is co-ordinated by the Commission for Citizenship and Gender Equality (CIG), which is the Government agency responsible for installing, securing and

maintaining technical systems in operation. It aimed at increasing the protection and security of the victim, ensuring an adequate response to emergency and crisis situations, 24 hours a day and free of charge.

Victims of domestic violence had access to this programme whenever they were at-risk of re-victimisation, had specific security needs and a Criminal Court decided her/his protection by tele-assistance. The decision could only be taken after the victim's consent. The psychosocial support and protection by tele-assistance were operated for a period of time not exceeding six months, renewable by a Court decision.

It was considered that tele-assistance was especially suited for the following situations: re-victimisation risk; low social support; no cohabitation with the aggressor; lack of symptoms of severe psychiatric illness; no signs of alcohol or drug dependency; prior or simultaneous application or judicial measure of expulsion of the aggressor.

The programme appealed to appropriate technology, ensuring victim support a 24 hours a day/365 days a year for the following: information, emotional support and, if necessary, police protection. In addition to a telephone service, the technological support system allowed the victim's geographical tracking, fundamental in emergency/crisis situations. Equipment given to victims consisted of a mobile voice and Global Positioning System (GPS) device connected directly to a call centre, with technicians specifically prepared to give an appropriate response to every situation. This call centre accessed the victim's signal via a web platform, obtaining real-time information on the victim's position.

The service included the following elements:

- ▶ the call centre, from which all communications were managed, ensuring confidentiality;
- ▶ the mobile terminals used by victims, providing communication with the call centre, at any time and from any place, provided that the mobile equipment emergency button was pressed, and allowing to assess the geographical location of the victim;
- ▶ the Communications Centre that made possible the reception and sending of calls;
- ▶ the computer applications that allowed registration, systematisation and retrieval of all information concerning all cases, and the recording of calls for security reasons;

- ▶ the applications which translated GPS co-ordinates and facilitated the cartographic representation of the data and the automatic identification of resources to activate, depending on the geographical area in which the victim was;
- ▶ specialised human resources that guarantee the permanent service.

The geographical location of the victim was calculated directly through the GPS or, in its absence, those obtained by triangulation of LBS (Location Based System) antennas.

The call centre periodically contact the victims included in the programme in order to allow for a regular monitoring and verification of the appropriate functioning of the equipment. The call centre service also assists the victim regarding questions about the programme or the equipment, provide for emotional support in situations of crisis and support in emergency/urgency situations.

The identification of eligible victims could be made in co-operation with the competent Court of entities directly involved in the problems of domestic violence, when a formalised complaint for the crime of domestic violence had already been filed.

Termination of access to the programme is determined by judicial decision. The victims also can request voluntary withdrawal from the programme. CIG and the police forces may propose courts termination of access to the programme in the following situations: the victim resumed contact/living with the perpetrator, except in justified situations; non-compliance with the obligations and duties by the victim which prevented the provision of the service; when significantly decreased the risk of re-victimisation or when considered a misuse/inadequate service.

The service is completely free of charge.

The overall objective of the tele-assistance programme of protection is the prevention of situations of re-victimisation of domestic violence victims, after filing a formalised complaint for this type of crime.

In order to ensure a free service for 24 hours a day, increased security and protection, an adequate response to emergency situations of crisis, psycho-social support and provision of information, the following specific objectives were established:

- ▶ ensure appropriate and immediate action in emergency situations, through an expert team and the mobilisation of adequate technical resources (police, medical emergency) depending on the situation presented;
- ▶ reduce anxiety levels, increasing and reinforcing the feeling of safety and protection of the victim, providing support and ensuring communication 24 hours a day with a call centre;
- ▶ increase the self-esteem and the quality of life of the victim, stimulating the creation of and/or strengthening a social support network;
- ▶ minimize the situation of vulnerability in which the victim was, contributing to increase his/her autonomy and his/her (re)insertion into society;
- ▶ mobilize police resources proportionate to the type of emergency;
- ▶ build a network of partners to ensure the full implementation of the programme of protection;
- ▶ ensure the training of the technicians involved on the various phases of the programme of protection.

This was the first time that a measure of protection, determined by a Court, with the consent of the victim (and regardless of the will of the perpetrator, unlike, for example, in the implementation of the programme of Electronic Surveillance for Domestic Abusers), can be monitored using a technological system that allowed, at the same time, the contact between the victim and a specialised call centre and her/his GPS location in order to be able to intervene if needed.

Since 2011 this programme has allowed the use of 567 devices (564 women and 3 men).

Useful link

<http://www.cig.gov.pt/teleassistencia-a-vitimas-de-violencia-domestica/>

Useful contact

Marta Silva
Marta Silva, Commission for Citizenship and Gender Equality:
E-mail: marta.silva@cig.gov.pt

Good practice

Data collection

Target group

Public in general.

Description of good practice

Data collection in police statistics

Every year, the Ministry of Home Affairs produces an annual report regarding to Domestic Violence police registrations on domestic violence, with data disaggregated by sex.

A standard notification was created in January 2006, which makes it possible to gather more accurate and detailed statistics on domestic violence recorded by the police. This form allows the analysis of several variables characterising the victim, the perpetrator, the relationship, age, etc., and the context of the aggression thus allowing the production of reliable internationally comparable indicators on the extension and configuration of the phenomenon.

The data is available online on the website of the Ministry of Home Affairs.

Since November 2014, the police have used a new risk assessment tool for domestic violence cases.

Data collection in criminal justice statistics

National criminal justice statistics on domestic violence are collected in Portugal. The collected data is available on the website of the Ministry of Justice. Data is regularly collected and the statistics on domestic violence are sex-disaggregated for the victim and the perpetrator, the age of the victim and perpetrator is specified and the relationship, and other relevant variables (such place and hour of crime, if there were children present, if the perpetrator used any kind of weapon).

Useful contact

Marta Silva, Commission for Citizenship and Gender Equality:

E-mail: marta.silva@cig.gov.pt

Good practice

Training

Target group

Professionals.

Description of good practice

Training is provided to professionals involved in the area of domestic violence, in particular, to judges, security forces, health professionals and professionals from the children's protection commissions.

Within law enforcement authorities - for example, within the Public Security Police (Polícia de Segurança Pública - PSP), the National Republican Guard (Guarda Nacional Republicana – GNR) and the Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras – SEF) - awareness-raising and training activities on gender equality are undertaken. Furthermore, specific training on domestic and/or gender-based violence is provided to magistrates, law enforcement officials, education and health professionals, social workers, staff of local authorities, mediators and journalists.

The training of magistrates and law enforcement officers covers issues such as victim protection and assistance, remote surveillance, risk assessment, violent crimes, sex crimes and hate crimes against LGBT people.

Training activities have been also organised for media professionals and journalism students on the role of media in reporting domestic violence (in particular spousal homicide), rights of the child and elimination of stereotypes in information and advertising. In 2011, the Commission for the Protection of Children and Youngsters at Risk (CNPCJR) launched an online Guide for media professionals (http://www.cnpcjr.pt/Manual_Competicencias_Comunicacionais/default.html). It is a training resource for the promotion of the Rights of the Child and for the prevention of any type of violence against children or youngsters.

In 2012, specific training was provided to migrant support staff on “gender equality, gender-based violence and multiculturalism”.

In 2013 and 2014, both security forces (GNR and PSP) received training sessions on the new risk assessment tool for domestic violence cases.

Regarding the combat against a particular harmful practice that discriminates against girls and women - Female Genital Mutilation (FGM) – a Procedural Guide for Criminal Police Staff was published and training to judges and public prosecutors is provided in the Centre for Judicial Studies.

Useful contact

Marta Silva, Commission for Citizenship and Gender Equality:

E-mail: marta.silva@cig.gov.pt

Serbia

Good practice

Greater than leadership programme: inclusive and informed land administration in Serbia

Target group

Women in rural areas.

Description of good practice

Serbian legislature recognises equal rights for all citizens to acquire, inherit and register real estate without any discrimination. However, in practice, some categories might find it more difficult to access registration services because of disability, traditional reasons, generally complexity and lack of familiarity with the laws and information.

Therefore, the programme for the implementation of affirmative measures in favour of women, especially disabled, was launched in Serbia based on the Strategy for Improving the Status of Persons with Disabilities and Strategy for Improving the Status of Women and Promoting Gender Equality. The goal was to change the level of information and sensitisation of women and local communities concerning property rights. The complete programme was supported by the World Bank and it covered other Western Balkan countries, which have suffered by the same pattern in terms of land and real estate ownership favouring men traditionally.

The duration of the programme was 11 months (as from September 2013) in the town of Niš (the second largest city in Serbia), which is the administrative

centre for southern Serbia in terms of property registration (Field Unit). It was selected in order to:

- ▶ provide (organise mobile team) to women (with disabilities) easier access to services of the National Geodetic Authority in Niš;
- ▶ increase the number of women users of the National Geodetic Authority services in Niš by 5% in the last month of the programme's implementation.

The programme was conducted by the Gender Equality Directorate of the Ministry of Labour, Employment and Social Policy and the National Geodetic Authority (the HQ and Field Unit in Niš).

Through public awareness campaigns addressed to women from rural and suburban areas, as well as organising training of the National Geodetic Authority local officials – the sensitisation of local population, in particular women, was achieved on their property rights and their inheritance rights. In this regard, a separate media campaign on land tenure was conducted locally. In addition, an entrance and services of the Field Unit in Niš were adjusted for persons with disabilities making them more user-friendly.

As a result, the number of women registered to the Cadastre in southern Serbia has been increased. The percentage of registered women and the impact of the project can be followed on the National Geodetic Authority website. (www.rgz.gov.rs). Also, the latest edition of 'Women and Men in the Republic of Serbia' issued by the Statistical Office of Serbia in 2014, presents land owning through data on members and regularly employed labour force, and family holding by sex and age available in English.

Useful links

www.rgz.gov.rs;

http://webrzs.stat.gov.rs/WebSite/repository/documents/00/01/61/11/ZiM_engleski_web.pdf

Spain

Good practice

Legal aid for victims of gender-based violence

Target group

Victims of gender-based violence.

Description of good practice

Irrespective of whether or not the victims of gender-based violence have the financial means to litigate, the right to free legal aid will be granted immediately in proceedings that are related to, derive from or are a consequence of their condition as victims of gender-based violence.

The victim's status is granted following a report or complaint, or when the penal procedure begins. The status remains in place while the criminal procedure is on-going or until after its completion when/if a guilty judgment has been pronounced. The benefit of free legal aid will end in cases where there is a final not guilty judgment or a file of the penal procedure without the obligation to pay the cost of the benefits enjoyed until then.

The right to free legal aid includes, among others, the following services:

- ▶ free legal advice and guidance prior to the proceedings, and prior to filing a complaint;
- ▶ free defence and representation in judicial proceedings;
- ▶ free placement of ads or edicts during the proceedings in official gazettes;
- ▶ exemption from court fees and payment of deposits required for lodging appeals;
- ▶ the same lawyer will assist the victim throughout the proceedings;
- ▶ free expert assistance in the proceedings by technical staff attached to the courts.

In cases where the victim is deceased, this right will also be granted to the victim's dependents.

Good practice

Support services for victims of crimes

Target group

Victims of crimes.

Description of good practice

The support services for victims of crimes are a free public service providing aid and assistance to victims of violent crimes and sex related crimes.

These services are located in every autonomous community and province.

The victims support services are intended for all kinds of victims of crimes, but mainly for victims of violent crimes resulting in death, serious injury or damage to physical or mental health, as well as victims of sex related crimes.

As a general rule, these support services offer the following:

- ▶ provide information to direct and indirect victims about their rights;
- ▶ provide information about where to file a criminal complaint and guidance on its content and form, as well as the Court procedure;
- ▶ court accompaniment for those victims who request it;
- ▶ information about the benefits victims may be entitled to as a result of the crime, as well as information about the application procedure to the Department of Economy;
- ▶ information about existing social service programmes for victims;
- ▶ facilitate access to medical treatments, as well as psychological, social, and legal and criminological counselling, to victims of crime or persons who are considered to have a potential risk, provided their circumstances;
- ▶ enhance co-ordination among the involved institutions (judiciary, Public Prosecutor's Office, State Security forces, autonomous communities, local authorities, public or private associations, NGOs, etc.);
- ▶ referral of victims to existing social programmes and facilitate access to them;
- ▶ in cases of gender-based violence, victims support services provide specialised support and facilitate co-ordination with the Bar Associations to provide victims with free legal aid and expert advice.

Useful link

<http://www.mjusticia.gob.es/cs/Satellite/Portal/es/servicios-ciudadano/oficinas-asistencia-victimas>

Good practice

Women's information and advice service.

Target Group

Women, particularly disadvantaged women.

Description of good practice

The Women's Institute (currently called the Institute for Women and for Equal Opportunities) was created in Spain in 1983, with the primary purpose of pursuing effective equality between women and men, with state-wide responsibilities, through the Women's Information Centers (CIDEM). The Women's Institute has been attributed, among others, the role of promoting the provision of services for women, in particular to disadvantaged women in special need of help. The Women's Institute is also competent for receiving and channelling complaints made by women about specific cases of discrimination on grounds of sex.

Therefore, this advisory role has always informed the activity of the Women's Institute as one of its most effective tools to combat the lack of rights awareness and, therefore, to ensure that women are able to exercise those rights, even before the courts, overcoming inequality in different areas of society.

At present, the Institute continues its work of informing and giving independent advice, both to women and men, when they are victims of discrimination on grounds of sex.

This work is carried out by the staff of the Women's Institute through two channels. The first one is through a free telephone advice service regarding the rights of women and of victims of discrimination, to inform them about available resources at their disposal, within the framework of equality competences of all public administrations. The second one is the information and advice assistance that can be requested through the virtual mailbox INMUJER, hosted in the web site of the Women's Institute, and through the Institute's General Registry.

From the free assistance telephone line, women obtain information about available resources to access justice in general, such as information about requirements to benefit from legal aid for proceedings before the courts, information about existing legal advice services state-wide, information about police and specialised health units, general information about judicial procedures to defend their rights and against discriminatory decisions that affect them concerning the access to and supply of goods and services, and employment and social security matters, as well as issues regarding family and criminal law.

The number of queries received through the free telephone information service has remained stable for the last three years, reaching more than 12,000 in 2014. The evolution of the number of queries during these years is linked to a greater use of the telephone and face-to-face information services offered by the women's information centres in regions and municipalities.

As concerns the information and advice assistance, the General Secretary of the Women's Institute, through a group of public servants and experts in law, facilitates in writing, individual and specialised legal information on existing legislation and available legal resources in the Spanish legal system to defend before the courts the rights of the claimant of information and assistance. This is in addition to the information provided by the telephone service.

In the past three years the enquiries submitted through the virtual mailbox and the General Registry have progressively increased, almost doubling in 2014 (1,117) those which were received in 2012 (719).

With this good practice, among others, the Spanish State contributes in a precise manner to equal access of women to justice to defend their rights.

Useful link

<http://www.inmujer.gob.es/servrecursos/servinformacion/home.htm>

Good practice

Legal framework and support for NGO activities to facilitate women's access to justice

Target group

Women's NGOs and organisations, and women in general.

Description of good practice

Guaranteeing equal access of women to justice requires a good and effective information and advice system for women. It also involves, in cases of discrimination due to the woman's personal, labour, family or social circumstances, the possibility of receiving legal assistance from certain women's associations and of being represented and defended before the courts by professionals having specific knowledge and experience in equal opportunities.

This advice and comprehensive assistance has its origin in a good practice of the Woman's Institute (currently called the Women's Institute and for Equal Opportunities) which, since its creation, has contributed to financing programmes of women's associations to study and analyse court rulings that affected women. In Spain, any citizen finds judicial protection of his or her fundamental rights through the Public Prosecutor. Women victims of gender-based violence also had this protection. However, the examination and analysis of judgments in which one of the parties was a victim of this type of violence, revealed that in judicial proceedings in which the victims were defended by a professional lawyer and not only by the Public Prosecutor, the judgements were much fairer and solved the situation of these women in a more equitable manner. This conclusion had as a result the inclusion, in the Organic Act 1/2004, of December 28, on Integrated Protection Measures against Gender Violence, of immediate legal aid for the above mentioned women, without having to first prove that they did not have sufficient financial means.

These women's associations are, in addition, since the enactment of Organic Act 3/2007, of 22 March for effective equality between women and men, entitled to represent in court, victims of discrimination in civil and administrative proceedings when the parties affected constitute an indeterminate number of people (fifth and sixth additional provisions).

In this regard, the Women's Institute and for Equal Opportunities, since its creation more than thirty years ago, has been supporting the women's movement. Currently, this support is expressly included in the Strategic Plan for Equal Opportunities 2014-2016, master plan of the Government's equality policies, in its line of action 4.3.

The specific measures that develop the content of this line of action are:

- ▶ dissemination of European Union initiatives regarding European Funds, among women's associations, to encourage their participation;

- ▶ technical support to women's associations for the presentation and co-financing of projects in the different calls for proposals of the European Union;
- ▶ assistance to women's associations in the management of public subsidies;
- ▶ financial aid for the women's movement, through calls for subsidies;
- ▶ evaluation of achievements and impacts of the actions and programmes carried out by women's associations to develop the principle of equality between women and men;
- ▶ measures to give social visibility to contributions made by the women's movement in favour of equal opportunities and for the benefit of society;
- ▶ promoting young people's participation in the youth association movement, reinforcing the commitment to equal opportunities.

All these lines of action and concrete measures contribute to reach the discriminated women, (target persons of the activities carried out by many of these associations) so that they do not see their expectations of specialised help and assistance frustrated and can exercise their rights in the Spanish judicial system and, if it were the case, in the European one.

This good practice is thus an indirect but very effective way of achieving equal access of women to justice vis-à-vis men, regardless of the resources that Spain offers citizens in general to meet the constitutionally recognized right to judicial protection.

In addition, the actions included in the Strategic Plans for Equality, are evaluated at the end of their term to verify their degree of effectiveness, and correct, if necessary, the strategy in order to fulfil the objectives pursued.

Useful link

<http://www.inmujer.gob.es/movasociativo/portada/home.htm>

Sweden

Good practice

Training programmes for judiciary staff, support to victims of crime

Target group

Judges, prosecutors.

Description of good practice

Training programme for judges

Gender equality issues is to some extent integrated in all training programmes for judges since the legislation is neutral and gives equal rights to all, regardless of sex. However, there is also specific training for judges on how to act as chairman of the court, in order for everyone to be treated equally and in a good manner regardless of background.

The role of the judge

Good treatment, as well as a clear and active court procedure, is needed in order to guarantee the parties a fair trial and that they are listened to. Good communication during a hearing leads normally to more effective proceedings. The course covers the importance of good treatment at an oral hearing, as well as some ethical issues of importance for the chair of the court. Decisive factors and difficulties in professional treatment are addressed as well as mechanisms governing people in vulnerable situations. Part of the course is devoted to equality and discrimination issues, conscious and unconscious prejudices and

challenges in a multicultural society. It also includes questions of order and security in the courtroom. The course aims at giving the participants a deeper insight of the importance of good treatment and to provide them with tools to promote safe and effective management of cases and matters.

Sexual offences and violation of integrity

The course deals with the assessment of risk of recidivism and the offences gross violation of integrity, gross violations of women's integrity and unlawful persecution. Time is devoted to issues concerning victims and what importance the relationship between the victim and the offender may have for the risk of relapse into crime of violence. The course contains practical issues concerning the criminal act, accountability and evaluation of evidence in proceedings for sexual offences. The programme ends with a discussion of the treatment of victims of sexual offences. The course aims at providing the participants with a thorough knowledge of the specific difficulties associated with proceedings dealing with sexual offences and violation of integrity and the specific demands on respectful treatment of the judiciary in these types of cases.

There is also a course on "honour-related" problems, which, among other things, deals with concrete issues that may arise with honour-related problems. Particular attention is given to the judge's behaviour and attitude in different types of court cases and issues relating to young people's vulnerability and their need of and access to protection and assistance in family law matters and the matters of care. The course aims at giving the participants knowledge of basic structures of culture of honour and a greater understanding of what it might mean to deal with a case of "honour-related" problems.

Other training programmes

The Swedish Crime Victim Compensation and Support Authority has conducted training programmes for staff in the criminal justice system on the treatment of victims of sexual crimes. The purpose of the training programme has been to increase knowledge on how victims of sexual crimes react and thus eliminating prejudices and stereotypes about victims of crime.

The Swedish Prosecution Authority's courses on sexual and domestic violence teach how to ensure that women have equal access to protection by the judiciary. In recent years, the programmes have focused on sexual offences and domestic violence in methodology development and development of application of the law. Follow-up has affected the operational work and it

has also resulted in an increase in notifications and in prosecutions in terms of absolute numbers.

Witness support

Witness support is available in most courts and they will be able to assist the witness attending the court for a trial. A witness support person is a person working on a not-for-profit basis who assists witnesses and victims of crime with humanitarian support and practical information in conjunction with a criminal trial. A witness support person wears a 'Witness Support' badge and has sworn a moral promise of confidentiality. The witness support person will primarily be a fellow human being but can also explain how the criminal procedure is handled. They can also provide information about compensation and practical matters, such as the location of the cloakroom and toilet. The witness support person can also refer witnesses and victims of crime to other people and bodies that may also be able to provide support.

Aggrieved party counsel

In certain cases, the court can appoint an 'aggrieved party counsel', usually an attorney, who will assist in court. The aggrieved party counsel protects the interests of a victim of crime and can, for example, bring an action for damages on behalf of the party in the criminal case, if the prosecutor does not do so. The party can get aggrieved party counsel if she is a victim of a crime (aggrieved party) and have been subjected to, for example, a sexual offence, assault, unlawful deprivation of liberty, robbery or other offence that can lead to the imprisonment of the person who committed the offence. It is the court that appoints the aggrieved party counsel. The court can only do this when a preliminary investigation has been initiated. An aggrieved party counsel is paid by the state.

Crime Victim Compensation and Support

The Crime Victim Compensation and Support Authority can provide a victim with information about the legal process and her or his rights. The authority can also, after the legal process is concluded, pay government compensation, so-called 'crime injuries compensation', for an injury. It is not possible for all victims of crime to get this compensation, for example, property and economic losses can only be compensated under certain special conditions. Furthermore, all other possibilities for compensation (for example, insurance) must be exhausted before it is possible to get compensation from the Crime Victim Compensation and Support Authority.

Switzerland

Good practice

Online guide to cedaw for legal practitioners

Target group

Lawyers, judges, legal advisers.

Description of good practice

The purpose of the online guide is to make CEDAW more user-friendly for legal practitioners.

Published electronically, the guide provides information on the rights and duties contained in CEDAW, the tasks of the CEDAW Committee and the instruments available to it, as well as the impact of CEDAW in the Swiss legal system. Though 16 examples based on recent court cases in various fields (labour law, matrimonial law, social insurance law, domestic violence, etc.), the guide shows how the convention can support and complement the domestic-law arguments in different cases. It contains a glossary of terms relating to the convention.

The guide also explains the opportunities afforded by the international procedure for individual communications introduced by the Optional Protocol to CEDAW.

Useful link

<http://www.ekf.admin.ch/dokumentation/00596/index.html?lang=fr>

Useful contact

E-mail: ekf@ebg.admin.ch

Good practice

Online databases containing summaries of court decisions made under the swiss law on equality between women and men in the workplace

Target group

General public (workers, HR managers, executives, etc.), legal professionals.

Description of good practice

Leg.ch, gleichstellungsgesetz.ch and sentenzeparita.ch are online databases containing, in the three official languages (French, German and Italian respectively) summaries of court decisions made under the Swiss law on equality between women and men in the workplace.

Leg.ch contains summaries of decisions handed down by the courts in the French-speaking part of Switzerland, while gleichstellungsgesetz.ch contains summaries of over 650 cases in the German-speaking part. Both sites also provide information on the procedure for going to court.

The online databases allow workers, human resources managers and executives to learn more about Swiss labour law regarding equality, and about the relevant case law. They are also a very useful tool for members of the legal profession.

Useful links

<http://www.leg.ch/> ; <http://www.gleichstellungsgesetz.ch/>
<http://sentenzeparita.ch/>; <http://rweibel.wordpress.com>

Useful contacts

E-mail: egalite@etat.ge.ch

E-mail: info@gleichstellungsgesetz.ch

Good practice

“Salarium” wages calculator

Target group

General public (female/male workers).

Description of good practice

The “Salarium” personal wages calculator is an interactive application that allows users to obtain for a specific job (economic sector, region, occupation, etc.), and for a selection of individual characteristics (age, level of education, seniority, etc.), the following salary information:

- ▶ the gross monthly salary (median value);
- ▶ the salary dispersion;
- ▶ factors influencing the salary (table of salary variations by region, level of education, etc.);
- ▶ comparison with personal salary data.

Salarium is useful for employees wishing to compare their own salary or negotiate a better one. By showing women’s and men’s wages side by side for each calculation performed, it aims to promote transparency about actual pay levels in the Swiss labour market and about the risk of discrimination. This transparency thus helps to prevent gender-based wage disparities from becoming entrenched and provides a clear frame of reference for wage negotiations.

Salarium is targeted at Swiss workers, male and female. For employers, Switzerland has developed “Logib”, a software package available in 4 languages (French, English, German and Italian) which helps them determine whether their company’s wage practices are gender-neutral. This software is now being adapted for use by the European Union under the name “equal pace”.

Useful link

<http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/04/blank/key/lohnstruktur/salarium.html>

<http://www.logib.ch/>; <http://www.equal-pace.eu/>

Useful contact

E-mail: lohn@bfs.admin.ch

Ukraine

Good practice

Centres for social and psychological assistance

Target group

Victims of domestic violence

Description of good practice

The centres perform activities which:

- ▶ protect the rights of the victims of domestic violence, their rehabilitation and reintegration;
- ▶ assist in obtaining medical and psychological aid;
- ▶ provide employment assistance, education and re-qualification assistance, and;
- ▶ assist in registration or restoration of documents, etc.

Studies determining the extent of domestic violence in the country were carried out in the framework of the preparation of the Eighth State Report on implementation of the UN Convention on Elimination of All Forms of Discrimination against Women.

The main findings of the studies regarding female users of crisis centres indicated that the most prevalent forms of violence were physical (82%) and psychological (80%). The figures were lower regarding economic violence (51%) and sexual violence (11%). However, often the violence is complex,

with 43% of female users of crisis centres suffering from at least three types of violence (physical, psychological and economic).

The majority of female users of crisis centres belonged were economically active (79%) but only a small number of them were employed, and even fewer earned enough income to support themselves and their children. Many women were either on maternity leave or de facto unemployed, while 20% had no occupation and only 40% of the female users of the centres had their own dwelling. The lack of affordable social housing makes women tolerate domestic violence.

The studies further revealed that the parental family of women who have experienced violence are often antisocial; two out of three female clients had no family ties; and only half of the women had the support of a close social environment. The female users of the centres have low self-esteem, with 90% unsure of their abilities.

In most cases, the support provided by the centres had positive results: 96% of the women who used the centres received psychological assistance, and 91% improved their emotional state. Almost all who sought protection from the offender (89%) received it (86%).

The efficiency of the centres with regard to restoring or establishing social ties for the women, including family ones, and the improvement of childcare skills, is also high.

The women's stay at the centres also had an impact on the measures taken against the offenders: in 20% of cases the violence stopped; in 43% of cases the woman victim of violence and the offender stopped communicating; in 19% of cases the violence was reduced; and in only 7% of cases, the situation was unchanged.

Therefore, there are positive results from the activities of these centres that offer assistance to women victims of violence.

” Persisting inequalities between women and men, gender bias and stereo-types result in unequal access of women and men to justice.

Council of Europe Gender Equality Strategy 2014-2017

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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