



ASSESSING AND MANAGING RISKS IN CASES OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

Strengthening Risk Assessments, The Risk Management
System and Inter-Agency Coordination in Turkey



ACTION ON FOSTERING A COMPREHENSIVE
INSTITUTIONAL RESPONSE TO VIOLENCE
AGAINST WOMEN AND DOMESTIC
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**Strengthening Risk Assessments, the Risk-Management System
and Inter-Agency Coordination in Turkey**

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23 October 2020

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1 Introduction

The report “*Assessing and Managing Risks in Cases of Violence Against Women and Domestic Violence: Strengthening Risk Assessments, The Risk Management System and Inter-Agency Coordination in Turkey*”¹ was produced as part of the joint European Union and Council of Europe (CoE) Action: “*Fostering a Comprehensive Institutional Response to Violence against Women and Domestic Violence in Turkey*”². The information presented herein was drawn from three previous CoE assessments, namely: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO’s) Baseline Evaluation Report for Turkey from 2018, and two recent reports produced by CoE experts assessing the current Registration Form used by the police and gendarmerie.³ It is also based on information presented by participants during the two-day workshop on “*Strengthening Risk Assessment and Safety Planning Capacities of Law Enforcement in Turkey: Revision of Case Registration Form (5 - 6 October 2020)*” organised by the joint Action, in co-operation with the Ministry of Interior and UNFPA. (The agenda for the Workshop can be found in Annex A).

This report thus draws on both the current legal and regulatory framework, as well as its *de facto* implementation by the authorities as described during the Workshop. Its aim is to provide recommendations for short-, medium- and longer-term adjustments to the current risk assessment and management system in light of international norms and good-practice standards. Turkey has already made significant strides in its development of a risk-assessment form and inter-agency cooperation in victim protection and assistance. At the same time, the evolution of international standards and current challenges identified by practitioners require an ongoing tailoring of risk assessment practice.

¹ This review, its findings and recommendations are based on “*Registration Form for Domestic Violence and Violence against Women Cases within the scope of Law no 6284*” used by the law enforcement authorities in Turkey at the time of drafting this report (October 2020). Since then, the Registration Form had been revised and a new updated form “*Registration and Risk Assessment Form for cases of Domestic Violence and Violence Against Women under Law no. 6284*” was adopted in January 2021 by the Ministry of Interior. The new form is currently in use for risk assessment and registering cases of violence against women by the law enforcement.

² The Action/Project is implemented under the Horizontal Facility for the Western Balkans and Turkey (Horizontal Facility II) 2019-2022, a joint programme of the European Union and the Council of Europe. For more information: *Fostering a Comprehensive Institutional Response to Violence Against Women and Domestic Violence in Turkey* (coe.int)

³ Report on Risk Assessment Form of the Ministry of Interior Directorate General of Turkish National Police and General Command of Gendarmerie in Turkey and Report on “*Registration form for domestic violence and violence against women cases within the scope of Law 6284*” by Lori Mann and Zehra Tosun, respectively.

2 Basic concepts and principles

Understandings of the dynamics involved in diverse forms of violence against women and domestic violence have evolved and continue to do so. In addition to the challenges posed by the public/private dichotomy in the law that can render violence committed in the private sphere of the home beyond the reach of the law, the criminal justice system's treatment of individual violent incidents has impeded full recognition of the continuous nature and cycles of violence against women and domestic violence, and thus victims' meaningful access to justice for the specific manifestations of violence that they disproportionately face.

The term "**coercive control**," criminalised in the U.K. and other countries, aims to more accurately reflect the dynamics at issue in the cycle of domestic violence. Coercive control has been defined as: "A strategic course of oppressive conduct that is typically characterised by frequent physical abuse and sexual coercion in combination with tactics to intimidate, degrade, isolate and control victims".⁴ It is the "course of conduct" nature of the offense, as well as its non-physical manifestations, that have proven a challenge for criminal justice systems to effectively capture.

Violence against women also operates along a continuum, in which diverse forms of violence (economic, physical, psychological, sexual, harmful practices and exploitation) can occur throughout the relationship, serving to normalize violence and often escalating with time. This calls for early identification and intervention, in order to prevent additional violence as well as its escalation.

This report thus offers recommendations for the systemic adaptation needed by the criminal justice system in its approach to addressing the particular risks at issue in violence against women and domestic violence, without which victims are denied access to effective protection and justice on discriminatory grounds.⁵

A few risk management principles arose during the Workshop as particularly relevant. First, it is important that **the risk management system does not establish hierarchies between the victims**. Although the risk management process aims to categorise risks in order to ensure that scarce resources are provided to victims in need rather than provide the same level of protection to all victims irrespective of the actual risk, at the same time, **it aims to break the cycle of violence prior to its escalation**. This means **working effectively with victims facing all levels of risk**, including low and medium risk, in order to prevent their facing high-risk situations. Furthermore, the assistance should be provided to all victims in need, not based on the specific category of violence suffered.



Report recommendations

- Changes to risk management should take into consideration the continuous nature of domestic violence in line with the concept of coercive control
- Changes to risk management should eliminate hierarchies of victims
- All levels of risk should be managed, not just high-risk cases.

⁴ Stark, E. 'The dangerousness of danger assessment', *Domestic Violence Report*, Vol. 17, No 5, pp. 65-69, 2012.

⁵ European Court of Human Rights (ECtHR), *Opuz v. Turkey*, Application No. 33401/02, 2009, para 198.

3 Assessing the risk

Article 51 of the Istanbul Convention calls for risk assessment and risk management as constituting a critical element of preventing and combating of violence against women and domestic violence. Its importance is underscored by Article 22 of the EU Victims' Rights Directive (Directive 2012/29/EU), which also provides for an "individual assessment of victims to identify specific protection needs".⁶

In practical terms, risk assessments are conducted for a number of reasons. These include:

- Evaluating the risk of re-assault for a victim
- Evaluating the risk of homicide (lethality)
- Providing evidence-based information to service providers and criminal justice actors
- Delivering tailored and immediate risk management interventions in *all* cases identified as low, medium and high risk;
- Supporting women to understand their own level of risk and the risk to children and/or to validate a woman's own assessment of her level of safety;
- Developing a shared language among services providers and criminal justice actors; and,
- Establishing the basis from which a case can be monitored.⁷

3.1 The central role of police/gendarmerie

As the entry points to the criminal justice system, law enforcement authorities have a critical role to play as first responders to incidents and complaints involving domestic violence and violence against women. It is the police who ensure meaningful protection to victims and provide the criminal justice sector with the evidence necessary for judges and prosecutors to ensure victim protection through all stages of the criminal justice process, as well as the evidence needed to secure victims' access to justice by preventing perpetrator impunity.

At present, it appears that after conducting a risk assessment, the police forward the form and refer the victim to ŞÖNİM, which then re-interviews the victims to confirm the assessment and monitors the medium and high-risk cases. The police are also required to refer preventive and protection measures taken to a judge for approval, to inform the prosecutor of the risk assessment findings for further instructions, and to inform the Violence Prevention and Monitoring Center.⁸ Participants at the Workshop indicated that the police also monitor the implementation of precautionary measures. There is an increased role to play by police in the process in a number of areas of risk management. It is important to highlight the **particular role of law enforcement in restraining perpetrators in high and medium risk cases**, a function that cannot be delegated to another agency.

The need for clearly documented elements of risk and violent crimes was expressed by participants from the Ministry of Justice during the Workshop. The role of risk assessments in criminal justice adjudication

⁶ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

⁷ See, e.g., Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework, 2012, p. 37.

⁸ Guidelines for Law Enforcement Officials, 2017-2018, pp. 26-27.

was also clearly articulated by the European Court of Human Rights (ECtHR) in the recent case *Levchuk v. Ukraine*.⁹ In that case, the Court found a violation of Article 8 of the European Convention of Human Rights (ECHR) because “judicial authorities did not conduct a comprehensive analysis of the situation and the risk of future psychological and physical violence faced by the applicant and her children”.¹⁰ While courts can and should conduct their own risk assessments, most often such assessments draw upon those previously performed by law enforcement, which have assessed the risk since the case was registered and throughout all stages of the criminal justice process.

Effectively fulfilling these roles requires that police officers **work closely and effectively with victims: i) in identifying immediate risks and protection needs, and ii) in documenting as specifically as possible incidents of violence, gathering all available evidence of the specific violent incident at issue, as well as any history of violence**.¹¹ The identification of risks and individualised protection needs cannot be performed without a clear understanding of the nature and the history of the violence. These two roles have important implications for the questions and methodology of the risk assessment form, as discussed in greater detail, below.

The centrality of law enforcement’s roles in assessing and managing risk require the application of a **victim-centered, gender-sensitive and human-rights based approach**. More than abstract concepts, these approaches translate into specific procedures, actions and attitudes when working with victims. In addition to facilitating effective interventions to ensure protection in specific cases, these approaches foster increased trust and confidence in the criminal justice sector by victims more generally. While several of these procedures and actions are detailed in this report, other actions and attitudes are best addressed in pre-service and in-service training programmes and opportunities, including trainings foreseen in the subsequent phases of this project.



Report recommendations

- Law enforcement has a clear mandate to work closely with victims to:
 - Identify immediate risks and protection needs
 - Documenting incidents of violence and gathering an array of evidence regarding the history and nature of the violence
- All procedures should adopt a human-rights based, victim-centred, gender-sensitive approach.

3.2 Linking risk assessment to risk management

Risk assessments are an important part of an overall risk management system. Yet, having an excellent risk tool does not mean that risk will be managed well. For this reason, it is recommended that the current review of the Registration form carried out by the Ministry of Interior should be considered together with the strengthening and development of a broader risk management system.

While use of a risk assessment form has become operational in Turkey, as acknowledged during the Workshop, there is a current gap in practice when moving from assessing to managing the risk. As noted by the European Institute for Gender Equality (EIGE): “Risk management by the police **involves enforcing the law and pursuing criminal justice sanctions against the perpetrator** as well as **undertaking safety planning**

⁹ ECtHR, *Case of Levchuk v. Ukraine*, Application No. 17496/19.

¹⁰ ECtHR, *Case of Levchuk v. Ukraine*, Application No. 17496/19, para 90.

¹¹ See, Guidelines for Law Enforcement Officials, 2017-2018, p. 28, providing instructions on the examination of the crime scene and taking *ex officio* protective and preventive measures.

with the victim.¹² It is important to underscore that risk management is required for *all* victims and their children, regardless of their level of risk. Taking a proactive response to the perpetrator is central to the risk management process.

The risk assessment form should constitute one part of a broader, multi-agency mechanism¹³ designed to protect victims from the threat of additional violence through the issuance of protection orders, the creation of individualized safety plans and a range of other support services. The former refers to placing restraints on the rights and freedoms of perpetrators; the latter refers to individualised safety planning and assistance based on the victim’s needs. These aims should be conveyed with greater clarity on the form itself and through the creation of a protocol.

As indicated in the Explanatory Report to the Istanbul Convention, States are obliged to:

ensure that all relevant authorities, not limited to the police, **effectively assess and devise a plan to manage the safety risks a particular victim faces on a case-by-case basis**, according to **standardised procedure** and in cooperation and co-ordination with each other.¹⁴ (Emphasis added).

3.2.1 Triggering the risk assessment procedure

As apparent from the Registration form and discussions during the Workshop, the risk assessment process is often triggered by an “application” or a “complainant”.¹⁵ Workshop participants indicated that the form was originally designed for police station-based complaints. While victims of violence may have reasons for wanting to file a complaint at the police station, such as for fear of stigma in their community, the police should also be available as first responders to the scene of the violence, and thus not require the victims to come to them. Police response and involvement has been shown to have a deterrent effect.¹⁶

Police are currently equipped with “kits,” enabling them to respond to, and conduct a risk assessment at, the scene. A printer is embedded in the kit, by which statements can be printed out and signed. Unlike station-based complaints, police do not have immediate access to data on the issuance of existing or prior protection orders or their violation by the perpetrator, requiring response to these questions to be obtained at a later time, or by calling colleagues to obtain the relevant information.

In sum, risk assessments should be conducted by police as first responders to violence against women incidents, complaints and requests for protection. The form should be revised to distinguish whether the assessment was made as part of a complaint filed by the victim or as part of the police’s engagement as a first responder to the violent incident.

¹² EIGE, A guide to risk assessment and risk management of intimate partner violence against women for police, p. 15. (Emphasis added).

¹³ In many countries, risk management refers to an integrated service system to respond to and reduce family and domestic violence. Therefore, all mainstream, legal/statutory and specialist family and domestic violence service providers across the service system may potentially be involved in risk management. This range of service providers can include, but is not limited to: police, child protection services, courts, family law services, legal services, correctional services, drug and alcohol services, mental health services, crisis accommodation, advocacy services, and behavioural change programs for perpetrators. Multi-agency coordination and involvement is discussed in greater detail below.

¹⁴ Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, (Explanatory Report), CETS No. 210, 2011, para 260.

¹⁵ See also, the workflow presented in the Guidelines for Law Enforcement Officials, 2017-2018, pp. 44-50.

¹⁶ A. Jolin, W. Feyerherm, R. Fountain and S. Friedman, *Beyond Arrest: The Portland Oregon Domestic Violence Experiment Final Report*, U.S. Department of Justice, NCJ 179968, 1998, available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/179968.pdf>; E. Lyons, *Special session domestic violence courts: Enhanced advocacy and interventions, Final Report Summary*, U.S. Department of Justice, NCJ 197860, 2002; E. Lyons, *Impact evaluation of special sessions domestic violence courts: Enhanced advocacy interventions*, U.S. Department of Justice, NCJ 210362, 2005.



Report recommendations

- Risk management requires police to assess and implement protection orders, and to develop safety plans with victims
- Law enforcement should be encouraged to respond to the scenes of violent incidents, not requiring victims to come to the station to report
- Risk assessment forms should be revised to indicate whether the victim brought the complaint or the police responded to a call concerning a violent incident

3.2.2 Performing risk assessments

As reflected in the current Registration form and practice, risk assessments involve the following three elements:

- the victim's assessment of the risk;
- consideration of key risk factors; and
- professional judgement.

The current risk assessment form and process centres on the victim's perception of the risk: a principle source of information. In many cases, victims themselves are the best judges of the level of risk, because they are most familiar with the perpetrators' patterns of behaviour. However, it is important to note that victims can also under-estimate their own risk.

The form itself contains most of the recognised key risk factors. A list of additional high-risk indicators, such as strangulation, which can be added to the form, are indicated below.

The process further requires expert input from the responding officer based on as much evidence as available. As indicated in the Spanish guidelines for police risk assessments, as an example:

the form should be completed by the agent assigned to the case in response to all of the information gathered, including in past interventions, from the victim, the perpetrator, other implicated persons (family members, neighbors), other services (from judicial databases), and the content of other reports or documents (e.g., ocular inspections, medical reports on physical lesions, social services and psychological reports).¹⁷

A blank space should be provided on the Registration form for the officer to note any additional factors that were considered in light of the specific facts in the case. For example, the officer may indicate factors that make the victim more vulnerable, increasing the risk to her safety, such as: disability, an unwillingness to engage with support services or geographical isolation.



Report recommendations

- The risk assessment form and process should be amended to encompass a more detailed assessment of a wider scope of evidence
- The risk assessment form should be amended to include a blank space for additional factors considered by the officer.

¹⁷ Institute of Forensic Sciences and Security, Ministry of Interior, VioGén: *Police risk assessment in cases of intimate partner violence*, 2018, p. 110. (*Instituto de Ciencias Forenses y de la Seguridad, Ministerio del Interior, VioGén: La valoración policial del riesgo de violencia contra la mujer pareja en España*).

3.2.2.1 Interviewing victims

The continuous and cyclical nature of violence against women and domestic violence, and the fact that it is often those closest to the victims who are perpetrators of the violence, differentiate it from other forms of violent crimes. Unlike other victims of crimes, victims of violence against women and domestic violence face particular challenges to reporting and effectively collaborating with criminal justice actors, due to, among other factors: their economic dependence on the perpetrator, the effects of trauma and concern for the well-being of their children. They may be reporting the violence only after being convinced by a family member or friend. The attitude of the law enforcement officer should thus be encouraging in order to foster the victim's collaboration throughout the criminal justice process.

Taking a gender-sensitive, human rights-based approach to working with victims of violence against women and domestic violence is best covered in trainings with law enforcement staff, as foreseen in this project. The aim of this aspect of the training is to ensure that the victim experiences the risk assessment process as respectful, collaborative, responsive to her needs, and as attentive to her individual circumstances, inclusive of diversity. Gender-sensitivity training also aims to prevent inadvertent collusion with perpetrators' deflections, minimisations or victim blaming within the criminal justice response. A brief description of some of tactics to be utilised by law enforcement authorities are set forth here, and they should also be incorporated into a protocol or guide for conducting risk assessments.

As currently designed, the Registration form is completed by the police officer in conversation with the victim. Although the possibility of interviewing the victim and the perpetrator is contemplated on the current form, this should be amended, as **the victim should always be interviewed separately from the perpetrator**. This recommendation is particularly relevant in police deployments as first responders to violent incidents in which the entire family or neighbors might be present. Each victim should be interviewed separately, and by using a gender-sensitive, child-rights approach. As described below, the officers should also interview (separately) the perpetrator, other family members and neighbors or witnesses as a means of obtaining greater information on the situation as it relates to risk, but also as a means of gathering important potential evidence in the case.

Moreover, the right to privacy requires that the victim not be interviewed in the presence of anyone, unless a support person is needed or requested. In this regard, the victim should be informed of the possibility of being interviewed by a female officer, depending on her preference.

The Spanish guidelines on performing risk assessments indicate, for example, that the officer should describe to the victim the procedure for taking her statement, her right to access services, the protection options available to her and the procedures that will follow. They specify that the forms should never be handed to the victim to fill out herself. **Nor should the risk factors on the risk assessment tool be addressed to the victim in a survey-style one-by-one questionnaire.** Rather, they should be woven into a conversation that explores her experience of the violence, and her level of fear for herself and her children. The Spanish guidelines counsel to let the victim express herself spontaneously, without interruption, regarding the facts in the case, facilitating as an exhaustive account of the facts as possible.¹⁸

At the Workshop, the Spanish Inspector emphasised the need for the intervening officer to obtain information about the **history of the violence**, particularly as a means of understanding how long the violence has been going on and how close to escalation the victim may be in the cycle. In this regard, it is very common that the victim decides to report the violence long after it has occurred, in some cases after years of enduring such violence. Again, **the officer should be required to facilitate as comprehensive of a**

¹⁸ Institute of Forensic Sciences and Security, Ministry of Interior, VioGén: *Police risk assessment in cases of intimate partner violence*, 2018, pp. 110, 115, 117, 118, (*Instituto de Ciencias Forenses y de la Seguridad, Ministerio del Interior, VioGén: La valoración policial del riesgo de violencia contra la mujer pareja en España*).

statement as possible by the victim regarding the history of the violence, and consider this history, rather than a single incident, in performing the risk assessment. In this regard, concerns were expressed by participants in the Workshop regarding a risk assessment tool that relies solely on a point system, rather than on a holistic picture of the case.

The victim should not feel pressured by the officer to complete her statement quickly, but rather perceive by the officer's attitude that she or he will be available however long it takes. The victim should receive personalised and professional treatment from the officer, who introduces himself or herself and refers to the victim by name. The officer needs to engage in active listening, maintaining eye contact, an empathetic attitude and avoid prolonged periods of looking at the notebook or computer. Officers need to be sensitised to the emotional state of the victim, letting her unburden herself emotionally without censure, or allowing for pauses in her statement as she might be re-experiencing emotions as she relates the violent incident(s).¹⁹ Follow-up questions can be undertaken by repeating the language of the victim as a means of getting her to elaborate further. Law enforcement officers should never minimise the violence experienced by the victims or her fears regarding her perceptions of current risk.



Report recommendations

- A protocol should be developed for law enforcement actors on how to engage in a gender-sensitive approach in interviewing victims for the purpose of conducting a risk assessment.
- The proposed protocol should list the rights to be explained by the officer to the victim prior to conducting a risk assessment, including the types of protection available, services accompaniment, and the risk assessment process.
- Law enforcement must not conduct the risk assessment by asking victims a series of questions survey-style, but rather engage in a more holistic conversation to understand the violent incident in the context of the history of the violence.

3.2.2.2 Gathering additional evidence

Performing a risk assessment effectively requires not only interviewing the victims, but also gathering additional evidence related to any criminal incident and past incidents of violence. Conducting a risk assessment and investigating the situation for indicia of the commission of crimes requires active and comprehensive police engagement. The role of law enforcement authorities cannot be limited to conducting a single risk assessment, issuing an injunction without further monitoring and referring the victim to ŞÖNİM/ASPİM for assistance and/or temporary shelter. The scope of police engagement should be significantly wider than what appeared to be the current practice from the comments by participants in the Workshop.

By way of example, the Spanish *Action Protocol for Security forces and bodies and coordination with judicial bodies for the protection of victims of violence against women and domestic violence* lists the actions that must be taken by police officers upon being informed of facts that could be considered crimes involving violence against women. These include:

1. Investigative actions to determine the existence and intensity of any risk
 - Inform the victim of her right to free legal aid
 - Take an immediate and exhaustive statement of the victim and any witnesses

¹⁹ See, e.g., Institute of Forensic Sciences and Security, Ministry of Interior, VioGén: *Police risk assessment in cases of intimate partner violence*, 2018, p. 115, 116, 117.

- Upon observing any indicia of a criminal infraction, urgently collect information from persons involved (family members, co-workers, schools, social services, office of victims' services, etc.) regarding past violence from the perpetrator and his personality
 - Verify the existence of prior complaints or police interventions related to the victim and/or the perpetrator, including any past convictions of the perpetrator and the documentation of any physical injuries by the victim
 - Verify the existence of any prior protection orders in the centralized database on the protection of victims from domestic violence
 - Establish communication mechanisms between the victim and police to ensure fluid and permanent contact with the aim of obtaining information enabling a risk assessment at any time
 - By providing the victim with a 24/7 telephone number to an officer with specialized training
2. Once the facts have been gathered and a risk assessment conducted, determine the application of any measures to protect the life, physical integrity, rights and interests of the victim and her family members, including:
 - Personal protection, up to 24-hour physical protection, depending on the level of risk
 - Provision of information on self-protection measures
 - Provide clear and accessible information to the victim on the content, process and effects of the protection order and other forms of protection provided by law, as well as information on social services, victims' services offices, etc.
 - For victims with irregular migration status, provide information on their right to regularize their situation on humanitarian grounds
 3. Proceed to confiscate weapons and/or other dangerous instruments within the family domicile or accessible to the perpetrator
 4. If the facts of the case and risk assessment so require, detain the perpetrator.²⁰

The Protocol further sets out an extensive list of the minimum information that must be obtained by the police involving 18 types of information and actions.

In this regard, the Registration form could be amended **to include a question on the sources of information**: with boxes to be checked for the victim, the perpetrator, witnesses, and other (encompassing medical reports, etc.) This question would then provide an indicator with respect to the level of comprehensiveness of the evidence considered in assessing the risk, as well as the performance of due diligence investigatory responsibilities by police.

While women and children should be the primary source of information on the risks to their safety and well-being posed by the perpetrator, it is possible through engagement with the perpetrator to gather previously unknown information relevant to risk. For example, through contact with the perpetrator the police may glean that he knows the victim's whereabouts, or he may disclose that he has started to drink more heavily. Engagement with the perpetrator (separately) as part of the risk assessment process can allow for police to:

- reinforce the perpetrator's responsibility for the violence;
- monitor risk factors;

²⁰ Action Protocol for Security forces and bodies and coordination with judicial bodies for the protection of victims of violence against women and domestic violence, 2005, pp. 5-7.

- increase opportunities for scrutinising perpetrator behaviour;
- encourage the perpetrator to take active steps to cease the violence; and
- augment the risk assessment conducted with the victim(s).

Where sources contradict each other, such as the statements of victims and perpetrators, the account and information provided by the adult victim should be privileged. In cases where they both present as victims/perpetrators, an attempt should be made to determine the primary aggressor, including by evaluating the diverse forms of violence at issue, such as economic and psychological violence.



Report recommendations

- A protocol should detail a comprehensive list of actions to be undertaken by law enforcement upon indications of domestic violence and violence against women, including a list of the types of evidence to be gathered
- The risk assessment form should be amended to indicate the sources of information (e.g., documentation, witness statements, perpetrator statements, etc.)

3.2.2.3 Child victims

Both the current form and practice with respect to risk assessments need to be adjusted to take into account the special needs of child victims. Children are often both direct and indirect victims of domestic violence. It is imperative that their safety needs are addressed as part of the risk assessment process. **The risks for children should not be assumed to be the same as the risks for the adult victim.** As observed by EIGE: “Their experiences of violence are different from those of their mothers, by virtue of their stage of development, their different relationship to the perpetrator and their level of dependence on adult caregivers.”²¹ Whether as direct or indirect victims, they should be the subject of a separate risk assessment, as indicated on the form.²² The Registration form should indicate into which category the child falls (direct or indirect), which may be difficult to discern, and may change over time.

The EIGE recommends that the perspectives of children affected by domestic violence constitute a greater priority for police. In particular, children and young people should be supported to participate in assessment and decision-making processes in an age-sensitive and developmentally appropriate manner in line with children’s rights standards.²³ Collaboration with child protection specialists and children’s rights organisations could guide the creation of a tailored protocol for conducting risk assessments with/of children. Specific risk assessment tools have already been developed for children in Northern Ireland and the U.S., which can be used as models.²⁴ Furthermore, the proposed protocol should clarify the process for the involvement of child protection authorities.

Considerations for risk assessments involving children can include:

- current functioning at home and school and other social environments;
- relationships with family members (extended, siblings) and peers;

²¹ EIGE, *A guide to risk assessment and risk management of intimate partner violence against women for police*, 2019, p. 28.

²² In line with the definition of victim in Article 2(1)(e) of Law No. 6284.

²³ EIGE, Risk assessment and risk management by police, available at: <https://eige.europa.eu/gender-based-violence/risk-assessment-risk-management/principle-5-considering-childrens-experiences-intimate-partner-violence>.

²⁴ Referred to respectively as Bernardo’s Model and Safe and Together.

- their own views of their needs, safety and well-being;
- their relationship with the perpetrator;
- relationship with the victim; and
- developmental history, including other experiences of violence, abuse and neglect.

Because child visitation often constitutes an occasion for the escalation of violence, against both the victim and the children, Article 31 of the Istanbul Convention provides:

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.
2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

In this regard, the **suspension of visitation and custody rights should be added to the list of preventive measures to be taken by the police**, depending upon the level of risk. Other possible actions could include: **applying specific protection measures on behalf of child victims**, where appropriate; and **sharing information relevant to the level of risk posed by perpetrator to children with other service providers**. Finally, indicia of child abuse, neglect or imminent safety concerns will require an *ex officio* referral to child protection services.

In this regard, it is important to reassure the victim that she is not being held responsible for the children's experiences, as the violence and its consequences for the children are the responsibility of the perpetrator. At the same time, it is important that the adult victim understands the impact of the family and domestic violence on any children in her care. Victims may need support to increase their understanding of the effects of the violence on their children.



Report recommendations

- Separate risk assessments should be conducted for child victims (direct or indirect)
 - Separate protective measures should be considered for children
- The procedures, risk factors and other considerations for conducting child risk assessments should be outlined in a protocol, including information sharing with child protection authorities
 - Children should have the right to participate in their own risk assessments in an age-sensitive, developmentally appropriate manner
- Indicia of neglect and child abuse mandate referrals to child protection agencies
- Immediate suspension of custody and visitation rights should be considered in high-risk cases.

3.2.3 Revisions to the registration form

As recommended in prior appraisals of the Registration form, it could be revised in several ways, namely:

- Accompaniment should not only be provided to victims of sexual violence, but available to all victims in need; (a separate form should be designed for sexual violence victims)
- A space on the form should indicate the name of the experts and institutional affiliation of those accompanying the victims

- A space on the form should be made to indicate the name and institutional affiliation of an interpreter for foreign nationals
- Additional questions could be added:
 - Has the perpetrator caused damage at the place of residence, or damage to property?
 - Has the perpetrator engaged in provocative and/or disregarding behaviour towards authorities, police officers, or other persons representing police services or justice bodies, as well as towards the victim in the presence of the above-mentioned persons?
 - Has the perpetrator engaged in strangulation? (Indication of high risk)
 - Physical violence resulting in injury
 - Violence during pregnancy
 - Jealousy (controlling, isolating)
- The victim left home recently
- The perpetrator is unemployed
- The perpetrator committed violence outside of the home.

The section on involved persons should also make reference to other family members who may be direct or indirect victims of violence, including elderly parents or other family members co-habiting with the victim or the perpetrator or who provide support to the victim.

The Registration form provides three options for each answer: yes / no / I don't know. The "I don't know" reflects the answer/point of view of the victim. For example, it can be contrasted with the Spanish form, in which the three options are: yes / no / unknown. In other words, the Spanish form reflects the requirement that it is the officer who fills out the form based on all of the information sources available to him or her, not exclusively upon the answers provided by the victim. In this way, it adopts a more victim-centred approach by not solely relying on the response of the victim (who may be traumatized and is likely in an emotionally agitated state), but rather on the efforts of the law enforcement officer, who in fact bears the due diligence obligation to investigate.

A revision of the list of questions is recommended, both in terms of the order and substance of the questions.

Questions 1, 7 and 8 should be separated into distinct questions related to each kind of violence (physical, sexual, psychological or economic) and each factor for risk enhancement.

In light of the apparent existence of a database for risk assessments and protection orders, police officers should be able to obtain information on the existence of any current or prior protection order or performance of a risk assessment. Related questions²⁵ need not be posed to the victim. This will have the added benefit of reducing the number of questions to be asked of the victim.

Given that the methodology for determining the risk depends upon the order of the questions, those indicating a high risk of violence should come first on the list. The Council of Europe recommends that first responders specially focus on the following risk factors:

- violence;
- threats;

²⁵ Specifically, the question in section one on the people involved that reads: "Is there an injunction Previously Taken Within the Scope of Law No. 6284?" and, questions 2-6 of the risk assessment questions. Question 13 on the violation of a protection order should be asked as there may have been a violation of the order about which the police was not notified.

- escalation;
- violation of protection orders;
- alcohol and/or substance abuse;
- psychological problems; and,
- access to weapons.²⁶

This will require a re-ordering of the list of questions. For example, questions 11, 13, 19, are indicative of higher risk and should be moved to the top of the list. Questions could be added as to whether there are any judicial proceedings related to protection orders, divorce or child custody. Question 19 refers to separation or divorce; a sub-question might be added related to upcoming judicial proceedings related to divorce; custody hearings should also be included.

Question 21 could be revised to be more specific. For example, has the perpetrator had previous conflicts with the law, in particular involving the use of violence?

The relevance of question 15 as to any attempt or threat by the victim to commit suicide remains unclear. While the age of the victim at marriage can be an important indicator (early marriage is often associated with increased incidence of domestic violence), questions remain regarding the relevance of other information pertaining to the marriage of the victim.

Finally, at the Workshop it was noted that police officers have the discretion to raise the level of risk from that indicated on the form, but do not have the discretion to lower the level of risk from that indicated by the form. This discretionary decision to raise the level of risk should also be indicated on the revised risk assessment form, and could be clarified in a protocol.

A helpful model form developed by the Spanish authorities can be found in Annex C.



Report recommendations

- The above-bulleted list of amendments should be made to the current Registration form
- The form should reference other family members, not just children
- The form should be amended so that the optional answers to the questions read: yes/no/unknown, rather than "I don't know," to signal that is the officer's duty to obtain the information rather than to rely on the victim's response to the question
- Police should be required to obtain information regarding the status of current or past protective measures and orders, without having to question the victim
 - The question concerning the violation of protective measures and orders should be posed to the victim
- Questions regarding up-coming judicial proceedings should be included
- The form should be amended to note any discretionary increase in the level of risk as determined by the officer.

²⁶ See, CoE, *Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers*, 2016, p. 40.

3.2.3.1 Supplementary forms

Other countries, such as Denmark and the U.K., have developed additional, more tailored risk assessment forms for other categories of violence against women, such as for honor-based crimes, harmful practices, such as FGM, and stalking. It is recommended that similar tailored forms should be developed for use to ensure an effective evaluation of the risk.



Report recommendations

- Supplementary, tailored risk assessment forms could be developed for specific forms of violence against women, such as: stalking, FGM and honour-based crimes.

3.2.4 The need for protocols

As suggested throughout this report, a more comprehensive protocol to guide implementation is thus recommended. A protocol (beyond the existing data-sharing protocol) will be necessary to give greater clarity to all aspects of performing a risk assessment, such as on interviewing the victim, addressing the specific rights and needs of child victims, data sharing, data protection and evidence collection, among others.²⁷ Internal guidelines and protocols also foster uniformity and consistency in the application of risk assessments and risk management across the country.

The Spanish Protocol cited above is one of several that were developed to guide the police, prosecution and judiciary in the effective assessment of risk and implementation of measures to ensure the victims' protection. It is offered as a model for replication of aspects that may support the development of a risk management system in Turkey.



Report recommendations

- Develop one or more protocols to guide criminal justice sector actors in conducting risk assessments and engaging in risk management.

3.2.5 Expanded scope of operational measures

One of the most significant limitations of the current legal framework in enabling the criminal justice system to effectively manage the risk is the limited set of operational measures contemplated on the form and in the relevant legislation. The scope of available measures should foster an integrated approach to prioritising the safety of victims, while holding perpetrators accountable for their use of violence. Currently, preventive measures targeting the perpetrator are limited to injunctions only, constituting a limitation to the possible measures to be taken, particularly in high-risk cases. In contrast, the protective measures for victims are limited to highly disruptive techniques that should only be employed in high-risk cases.

Furthermore, when considering expanding the scope of operational measures to employ in violence against women and domestic violence cases, it is important to **target operational measures on the restraint of the perpetrator, rather than on measures that curtail the lives of the victims**—a critical ele-

²⁷ See, GREVIO, para 287, recommending the creation of guidelines.

ment of taking a victim-centred approach.²⁸ For a risk management strategy to be effective, **there must be a commitment to perpetrator accountability**. As aptly described by the Council of Europe, the concept of emergency barring orders requires a “paradigm shift:”

Rather than asking victims to seek a place of safety from violence. It shifts that burden to the perpetrator, who is ordered to leave the residence of the victim or person at risk and not to contact her or him.²⁹

Measures that function to constrain the lives of victims impede their ability to escape the violence and rebuild their lives. The ECtHR and the CEDAW Committee have also been clear that in the context of the right to life (Article 2 of the ECHR) “in domestic violence cases, perpetrators’ rights cannot supersede victims’ human rights, in particular, to physical and mental integrity”.³⁰ With this in mind, **the scope of operational measures should be expanded to ensure a less intrusive approach to working with the victim, and additional legal means to restrain violent perpetrators.**

Another overall aim of such measures is to **prevent the escalation of violence**, not to intercede only after the violence has already escalated. Yet, there currently remains a significant gap with respect to tools to address medium and lower risk—the majority of—cases.³¹

The Spanish protocol on police operational measures by risk-level can be found in Annex D.



Report recommendations

- Expand the scope of operational measures available to law enforcement to restrain violent perpetrators and protect victims through legislative amendment, protocols and an amendment of the Registration form.
- Increase the scope of measures targeted to address low- and medium-risk cases.
 - Clarify in protocols and trainings that the aim of such measures to prevent the escalation of violence.

3.2.5.1 Preventive measures

The preventive measures listed on the Registration form can be applied without delay by the police officer. However, the benefits of immediate implementation are somewhat undermined by the limited scope of measures. Four preventive measures are listed, all of which constitute a type of injunction. Questions remain about the extent of the monitoring of their implementation by officers in practice. Guidelines currently indicate the following actions to monitor the situation:

This control is ensured in the following ways:

- the visit of the residence of the protected person at least once a week,

²⁸ Additional protective measures that can be contemplated by a judge are also highly disruptive to the victim’s life. They involve options such as a change of workplace, entry into a witness protection programme and a change of identity. These may be necessary in some cases.

²⁹ Council of Europe, *Emergency Barring Orders in Situations of Domestic Violence: Article 52 of the Istanbul Convention*, 2017, p. 43.

³⁰ *Opuz v. Turkey*, Application No. 33401/02, 2009, para 147; see also, CEDAW, *A.T. v. Hungary*, Communication No. 2/2003, CE-DAW/C/36/D/2/2003.

³¹ The English translation of the relevant documents indicates the necessity of undertaking interim preventive and protective measures “when delay is inconvenient”. The standard should reflect an “imminent threat of violence”.

- Contacting relatives of the protected person, including second degree,
- References to knowledge of neighbors,
- Getting information from the headman of the residence,
- Research in the vicinity of the residence.³²

According to CoE standards, preventive measures (emergency barring orders) are not intended to function as a replacement for an array of other measures, such as: arrest, detention and prosecution. Additional preventive measures should be contemplated, which would require amendments to both the Registration form and to the law.

i) Confiscation of firearms

In cases involving a moderate to high risk in which the perpetrator owns or has access to a firearm, it should be removed, pursuant to Article 5(1)(g) of Law No. 6284. Moreover, firearms should not be returned to perpetrators upon the expiration of the preventive measure. States maintain differing legislation as to the length of times for which firearms should remain confiscated.

ii) Arrest, pre-trial detention and restricting visitation rights

For cases involving a high risk to the victim, arrest and preventive detention also constitute common measures employed to protect victims of imminent threats of violence. To provide one example, the statute in Oregon in the U.S. set forth the following statutory standard mandating the arrest of a perpetrator under specific circumstances:

a police officer must arrest in misdemeanor domestic violence cases when:

1. the officer is at the scene
2. the officer has probable cause to believe that an assault has occurred [or restraining order was violated]; or,
3. the officer has probable cause to believe that one of the persons has placed the other in fear of imminent serious physical injury.³³

In cases involving an imminent threat of violence to the victim, the police Spain are also obliged to arrest the perpetrator and to maintain him in custody until a judicial protection order is issued (within 72 hours). Currently, arrest of the perpetrator requires a decision by the Family Court.³⁴

Law No. 6284³⁵ and the Registration form should be amended to contemplate the immediate arrest of perpetrators under specific circumstances.³⁶ Pre-trial detention and restricting or suspending visits to dependent minors³⁷ should also be considered.³⁸

³² See, Guidelines for Law Enforcement Officials, 2017-2018, p. 41.

³³ ORS133.055, enacted in 1977.

³⁴ See, Guidelines for Law Enforcement Officials, 2017-2018, p. 43.

³⁵ Requiring an amendment to Article 8(5) of Law No. 6284, as a warning may be not be sufficient to prevent additional violence by the perpetrator.

³⁶ The Spanish Criminal Code provides for immediate arrest for the violation of a protection order as a precautionary measure. See, Articles 153.3, 173.2(2), 171.4, 171.5, 172.2 and 468, Criminal Code. An immediate appearance before the specialised courts will assess: the specific incident involving the violation, motives, the gravity and circumstances.

³⁷ As contemplated in Article 5(1)(ç) of Law No. 6284.

³⁸ See, CoE, *Preventing and combating domestic violence against women: A learning resource for training law enforcement and justice officers*, 2016, p. 75.



Report recommendations

- Legislative amendment will be required to expand the scope of preventive measures. They should include:
 - Arrest and detention in high-risk cases, based on clearly defined standards
- Proactive law enforcement engagement in monitoring the implementation of preventive measures and protection orders, including:
 - Contacting the perpetrator to indicate police are following the case
 - Monitoring the whereabouts of the perpetrator.

3.2.5.2 Protective measures

Law No, 6284 and the Registration form provide for only two measures to be undertaken by law enforcement authorities without delay. These include being placed in a shelter, or “taken under temporary protection,” for a 24-hour period via electronic devices—measures usually employed in high-risk cases. Removing the victim to a shelter causes significant disruption to victims’ lives and the lives of their children. For example, relocation to a shelter can disrupt employment and schooling, with significant potential negative consequences. As signalled by CEDAW General Recommendation 35: “Protection measures should avoid imposing an undue financial, bureaucratic or personal burden on women victims/survivors.”³⁹

It is highly significant to note that no protective measures are contemplated for medium and lower-risk cases.⁴⁰ **A range of operational measures should be added to those that can be employed by police for all levels of risk.**

Spanish law requires specific operational measures to be undertaken, depending upon the level of risk. Examples of the required operational measures include:

Level 1 (low risk):

- Provide the victim permanent contact telephone numbers (24 hours) with the nearest police bodies;
- Sporadic telephone contacts with the victim;
- Informing the aggressor that the victim has police support for her protection;
- Recommendations on self-protection and ways to avoid incidents;
- Provide accurate information on the mobile remote assistance service.

Level 2 (medium risk): Application of the mandatory measures for Level 1 plus:

- Occasional monitoring at the home, workplace and entrances and exits of schools;
- Accompany the victims in as many proceedings, either judicial, administrative or for assistance, as is required;
- Train the victim in self-protection measures;
- Seek to provide the victim with a mobile terminal (remote assistance service).

³⁹ CEDAW General Recommendation 35, CEDAW/C/GC/35, para 40(b).

⁴⁰ GREVIO Baseline Evaluation Report, para 289, finding “a lack of individualized application of protection measures” at the lower end of risk.

Level 3 (high risk)

- Frequent monitoring at the home, workplace and entrances and exits of schools;
- Insist that the victim moves to a shelter or stays with family members, especially if the perpetrator has not been detained;
- Electronic monitoring of the perpetrator

Level 4 (extreme risk): Application of the mandatory measures applied for Level 1 and 2 plus:

- Permanent surveillance of the victim during the urgent levels of threat until the circumstances of the offender are no longer considered an imminent threat;
- Encouraging the victim to move to a support centre or to the home of a relative if she has not done so yet, at least during the first days and especially if the offender has not been arrested;
- Intensive monitoring of the aggressor's movements until the threat of imminent violence has passed;
- Monitoring the entrance/exit of the children's school
- Design an individualised safety plan for all of the victims.⁴¹

While the above-listed measures are mandatory, additional optional measures are listed for law enforcement officers to consider, depending on the circumstances of the case. These include accompanying the victim to retrieve her belongings if she decides to move out of the joint residence; and, meeting with the social worker or municipal officer who is working with victim in order to identify additional measures of protection.

The incorporation of additional operational protection measures would be detailed in the proposed protocol, and would require amendments to Law No. 6284, including, *inter alia*, Article 10(3).

**Report recommendations**

- Expand the scope of protective measures to be taken in medium- and low-risk cases via legislative amendment and/or the establishment of official protocols. These can include many of the above-listed actions taken by the Spanish authorities:
 - Providing a 24/7 contact number
 - Sporadically contacting the victim
 - Monitoring victims' workplace, school entrances etc.

⁴¹ Institute of Forensic Sciences and Security, Ministry of Interior, VioGén: *Police risk assessment in cases of intimate partner violence*, 2018, p. 60. (*Instituto de Ciencias Forenses y de la Seguridad, Ministerio del Interior, VioGén: La valoración policial del riesgo de violencia contra la mujer pareja en España*).

3.2.6 Safety planning

Risk management requires not only the implementation of police operational measures to restrain the perpetrator and protect the victim, but also providing victims with assistance and guidance in protecting themselves. Safety planning thus constitutes a fundamental element of risk management. The process itself helps victims to be aware of the risks that they face and to increase their own and their children's safety. As described by EIGE: "The safety plan is composed of a set of measures designed with the victim and is intended to meet the victim's specific needs at different times in the cycle of the abusive relationship."⁴²

Both law enforcement and ŞÖNİM/ASPİM staff should be able to assist the victim in developing an individualised safety plan. Indeed, safety planning constitutes another element of inter-agency coordination.

Effective safety plans should be:

- **Personalised.** There is no one-size-fits-all safety plan because every situation is different. Every safety plan needs to reflect the specific details of the individual victim and the nature and level of the risk.
- **Supported by the victim's community.** Work through the plan with the victim, who can identify which family members, friends and community resources they feel comfortable in contacting when they feel in danger.
- **Realistic.** A safety plan won't work if it is difficult to follow. The plan needs to address the reality of the situation. In some cases, safety planning must recognise that some women will continue to cohabit with an abuser, that others might reunite after an arrest or prosecution and that others will continue to co-raise children despite the threat or presence of violence.
- **Holistic.** The safety plan should cover every aspect of the victim's life—at home, at school, at work, in transit, online and in social situations.⁴³

(A list of safety planning techniques can be found in Annex E.) Police and ŞÖNİM/ASPİM obligations and guidance on safety planning should be included in the proposed protocol.



Report recommendations

- Police and ŞÖNİM should both be capacitated to engage in individualised safety planning with victims facing low-, medium-, and high-risk cases.
- Safety planning should be mandated in the proposed protocols.

3.3 Re-evaluating the risk

Given the nature and the cycles of domestic violence, the risk of violence to the victim is dynamic and changes over time. Consequently, risk assessments should be periodically updated.⁴⁴ Escalations in risk will require increased monitoring and interventions by law enforcement to ensure effective protection. Identifying reductions in risk allows scarce resources to be dedicated to persons facing higher risk.

⁴² EIGE, A guide to risk assessment and risk management of intimate partner violence against women for police, p. 16.

⁴³ Adapted from: UNODC, *Handbook on effective prosecution responses to violence against women and girls*, 2014, p. 57.

⁴⁴ See, European Court of Human Rights (ECtHR), *Case of B. v. The Republic of Moldova*, Application No. 61382/09, 2013, para 56, finding an Article 3 violation (prohibition on torture and ill-treatment) based on the failure of the authorities to take into consideration the evolving risks.

As recognised in the current version of the Registration form, events such as separation or divorce, an upcoming court hearing or child visitation often prompt an escalation in the violence. A new risk assessment should be completed when law enforcement or other service providers become aware of a change in the circumstances that may affect a victim's safety.

3.3.1 The need for a second risk re-assessment form

The Spanish system for re-evaluations of risk was presented at the Workshop as an internationally renowned model. It establishes two options for reassessment: the first form is used in cases in which there has been a subsequent incident of violence, or the violation of a protection order; the second form is used in cases in which there has not been a subsequent violent incident, but a periodic assessment is required.

As a matter of logic, the questions set forth in these forms are distinct from those used during first risk assessment. For example, they inquire specifically into the re-incidence of violence (what form(s) of violence were involved, was there use of a weapon, etc.), whether the perpetrator's behaviour has changed since the last assessment, whether he has fled, etc.), the victim's level of cooperation (whether the victim has returned to the perpetrator or has retracted her statements/complaints), newly-arisen or the resurgence of vulnerability factors (e.g., illness, pregnancy, addiction, etc.). The full list of questions can be found in Annex B. While the authorities in Turkey may not opt for the Spanish model with its two additional forms, given the need to obtain distinct information upon re-evaluation, **it is recommended for the authorities in Turkey to develop a second form to capture the evolution of the situation.**⁴⁵



Report recommendations

- A second risk re-assessment form should be designed for follow-up assessments.
- The legislation and future protocols should contemplate the need for such assessments and require them.

3.3.2 Periodic re-assessment

The assessment of risk and identification of safety and protection measures should be conducted continuously: from the first meeting with the victim (i.e., upon registration), during the application of protection measures, all the way to a possible conviction of the perpetrator, as well as in connection with the perpetrator's release from prison.⁴⁶ **The frequency of re-assessment depends upon the level of the risk, and the occurrence of specific events.** The periodicity should be determined based on the safety needs of the victim, that is, in higher-risk cases, it should be evaluated more frequently; conversely, for lower-risk cases.

⁴⁵ Under the Spanish system, in a case becomes "inactive" due to lack of re-incidence and low-risk, if subsequent violence is committed by the same perpetrator, a new risk assessment form should be completed, instead of the re-evaluation form. See, Institute of Forensic Sciences and Security, Ministry of Interior, VioGén: *Police risk assessment in cases of intimate partner violence*, 2018, p. 64.

⁴⁶ ECtHR, *Branko Tomašić and Others v. Croatia*, Application 46598/06, 2009, Summary of the Judgement, finding a violation of Article 2 of the ECHR in a case in which the perpetrator had not "been examined immediately before his release from prison in order to assess whether he had posed a risk of carrying out his death threats against [his wife and one-year-old son] once free" and subsequently killed them and himself, available at: <https://hudoc.echr.coe.int/eng-press#%22item%22:%22003-2602993-2833362%22>}.

In Spain, which contemplates four categories of risk—extreme, high, medium and low—police are required to reassess the risk according to the following guidelines:

- extremely high = 72 hours;
- high = 7 days;
- average = 30 days;
- low = 60 days.⁴⁷

Currently, ŞÖNİM conducts follow-up interviews in cases, the frequency of which depends on the discretion of the professional staff member. During the Workshop, police indicated engaging in monitoring the implementation of precautionary measures, but no systematic approach was described.



Report recommendations

- Police and ŞÖNİM should be required to re-assess the risk faced by victims, depending upon the level of risk and the occurrence of specific events that may trigger changes in risk.
- The frequency of reassessments and other aspects of the re-assessment process should be detailed in a protocol.

⁴⁷ Institute of Forensic Sciences and Security, Ministry of Interior, VioGén: *Police risk assessment in cases of intimate partner violence*, 2018, p. 63.

4 Multi-sectoral coordination

Multi-sectoral coordination and communication emerged as the second principal theme of the Workshop, in addition to the need for risk management. Discussions centred both on strengthening existing inter-agency cooperation and on broadening coordination frameworks. Participants observed the existence of grey areas on information-sharing methods, the scope and frequency of the information to be shared and the lack of a clear delineation of tasks. These current challenges were most evident between law enforcement and ŞÖNİM, and between law enforcement and the Ministry of Justice, the primary actors in the current risk assessment system.

Strengthening communication and coordination systems should take into consideration the need for re-assessments due to the dynamic nature of the violence, as currently risk assessments are conducted only once. It becomes necessary, therefore, to not only update the information as risks change, but also to ensure that inter-agency information exchange is continuous. Although multi-agency conferences have been piloted in Ankara, as a general matter, increased communication between agencies on risk assessment and management, beyond forwarding the Registration form, is necessary.

4.1 Aims

It bears mentioning a few of the goals of multi-sectoral coordination as it relates to risk assessment and management. Inter-agency cooperation reduces the burden on any single agency to find solutions to the risks caused by the violence. It also supports the use of a common language related to the level of risk, fostering clearer inter-agency communication to ensure effective responses.

It should also be noted that in many cases it is difficult to divorce domestic violence from an array of multi-dimensional issues occurring in the home, including: child abuse, alcoholism or drug addiction, employment or housing instability and other illnesses. A siloed approach to any of these issues will likely bear little result. Consequently, establishing clear channels of cooperation between the police and social services, child protection authorities and civil society organizations among others, may serve to mitigate the effects of multiple stress factors on the family and their links to the violence. It would also serve to decrease pressure on all agencies by serving to balance workloads.

Multiple agencies should be engaged in the risk assessment process. Risk assessments may also be conducted by a range of other actors (shelters, prosecutors, courts, child protection authorities, CSOs, schools, etc.) To the extent other agencies complete risk assessment forms, they should be shared with the police as the gateway to the criminal justice system.

Finally, it should be underscored that those jurisdictions with the strongest risk assessment and management systems can be characterised by strong cooperation between women's CSOs and law enforcement. CSOs are currently not involved in the risk assessment and management process, but can have an important role to play in sharing expertise and in providing services and referrals, including safety planning, for victims.



Report recommendations

- Consider expanding the scope of agencies engaged in the risk assessment process, such as prosecution, judicial and child-protection authorities, as well as CSOs
- Clarify in a protocol:
 - The roles of each agency in engaging in risk assessment practices
 - The information that needs to be shared (to prevent duplication of efforts)
- Ensure that information exchange is continuous.

4.2 Workflows

Within the scope of the EU-funded “Technical Assistance on women’s shelters for fighting domestic violence” project, which was implemented in Turkey between 2014-2016,⁴⁸ workflows were created for key institutions in order to increase the effectiveness of inter-agency cooperation. Risk assessments were not sufficiently detailed in these workflows. Moreover, since then, new mechanisms, such as Judicial Support and Victim Support Services Directorates have been created. Consequently, workflows should be updated to incorporate these new mechanisms and the performance of risk assessments in greater detail.



Report recommendations

- Update workflows to reflect the new risk assessment and risk management processes and the roles of newly-incorporated directorates.

4.3 Criminal justice system coordination

As described above, an effective communication and coordination system related to risk assessments needs to be operative throughout the criminal justice chain. For example, the prosecution may call upon the police to conduct a re-evaluation of the risk just prior to, or after, indicting the perpetrator and/or prior to the trial. Judicial actors need to have an assessment of the risk in determining in-court protection measures, such as having the victim testify by video conferencing, ensuring a police escort and/or accompaniment to and from the court and on court premises. Actors in all criminal justice institutions should have electronic access to the most updated risk assessments, the existence of any protection orders and their violations, if any (e.g., through UYAP).

It appears particularly important to clarify the roles and the scope of responsibilities between the police and ŞÖNİM as the key agencies involved in risk assessment and management in Turkey. Both appear to engage in risk assessments and to monitor the implementation of cautionary measures, with insufficient delineation of roles and communication between the two agencies, resulting in both gaps and unnecessary overlaps.

Currently, police risk assessment forms and the precautionary decisions taken by the police are forwarded to ŞÖNİM. Precautionary decisions ordered by courts can be seen by ŞÖNİM through the UYAP system. ŞÖNİM reportedly interviews victims in medium- and high-risk cases and monitors all pre-cautionary decisions. For cases that are determined to be high-risk by either law enforcement or ŞÖNİM, but an injunc-

⁴⁸ <https://eduser.com.tr/reference-database/technical-assistance-on-womens-shelters-for-combating-domestic-violence/>

tion was not judicially approved, ŞÖNİM files a second request for an injunction to the court. Significantly, high-risk cases are not flagged in the transmission of the risk assessment report, requiring ŞÖNİM to review the file. The only information exchange between the police and ŞÖNİM are the Registration forms transmitted over the electronic system. Up-to-date information regarding the cases monitored by the police, to the extent that it is documented, is not reported to ŞÖNİM.



Report recommendations

- A clearer division of labour should be delineated in a protocol between law enforcement and ŞÖNİM. It should not alleviate the police from working closely with victims on identifying and mitigating risks.
- The role of law enforcement and the functions of risk assessment for the needs of the entire criminal justice chain should be clarified in a protocol, including the needs for risk assessments during the prosecution and adjudication phases of proceedings.

4.4 Multi-agency risk assessment conference (MARAC)

A MARAC is an information-sharing and risk-management meeting attended by all relevant agencies, in order to address high-risk cases. It is victim-centred in that it “does not focus primarily on the risk (posed by the perpetrator) but on the needs and safety of the [victim]”.⁴⁹ MARACs involve regular meetings or case conferences by the relevant stakeholders, in order to facilitate, monitor and evaluate effective information sharing on protection measures. In a single, short meeting, MARAC can combine up-to-date risk information with a timely assessment of a victim’s needs, and provide a direct link to the provision of appropriate services for everyone involved in a domestic violence case: victim, children and perpetrator.

For victims considered to be at high risk of serious harm, calling a multi-agency case management meeting should be considered. The objective of MARAC is to implement specific actions quickly in order to increase safety levels for victims through close and regular collaboration between different institutions working in the area of domestic violence. Further objectives are to share the responsibilities between the involved agencies and organisations, to become aware of specific endangerments and to understand any differing results of risk assessments. Other aims include:

- to share information to increase the safety, health and well-being of victims – adults and their children
- to determine whether the perpetrator poses a significant risk to any particular individual or to the general community
- to identify outstanding aspects of risk assessment in regard to the victim, children or perpetrator that need referral or progress
- to develop a multi-agency risk management plan that provides professional support to all those at risk and that reduces the risk of harm
- to reduce repeat victimisation
- to reduce re-offending by the perpetrator
- to support the criminal justice system response to perpetrators

⁴⁹ CoE, Enhancing the professional capacity of the Bulgarian police to deal with cases of domestic violence and violence against women, 2016, p. 45.

- to improve agency accountability and
- improve support for service provider staff involved in high risk domestic abuse cases.

MARACs do not replace the work of individual service providers; nor do they eliminate the need for service providers to work in collaboration outside of the meetings. The frequency of MARAC meetings can vary. In the U.K., they take place every two to four weeks, in which 10-15 cases are discussed for approximately 10-15 minutes each.

In the U.K. and other countries, MARACs are chaired by the police. The other key component of the MARAC mechanism in the U.K. is the role of the Independent Domestic Violence Advisor (IDVA). The IDVA is usually a representative from a specialist NGO and his/her role is to:

- Coordinate the actions of involved agencies
- Represent the 'victim's voice', keep the multi-agency focus on her safety
- Bridge the gap between criminal justice goals and the victim's needs
- Emotional and practical support and advocacy for the victim and children
- Referrals to relevant agencies to meet the victims' needs
- Helping the victim to understand the police and judicial processes, conduct pre-hearing familiarisation visits
- Providing ongoing information on bail conditions and/or new risks.

It should be highlighted that the CoE Expert who presented the U.K. MARAC model observed that the evaluation of the project establishing MARACs in 2003 demonstrated that:

- Repeat victimisation had fallen from around 38% to under 10%
- Over 40% of survivors whose cases had been subject to a MARAC meeting suffered no further abuse after a year
- In 2001, there were 11 domestic homicides in the city, whereas 2006, this had reduced to 5.



Report recommendations

- Consider expanding the MARAC pilot in Ankara to other locations in the country
- Consider placing a specialised law enforcement as the chair of the MARAC process
- Consider establishing the post of the IDVA to provide on-going attention to necessary follow-up efforts and coordination issues, particularly as the MARAC process is getting underway.

4.5 Protocols

Like the risk assessment process, MARAC and other inter-agency mechanisms will require one or more protocols to give greater clarity to broader inter-agency coordination and communication with regard to risk assessment findings, each agency's respective obligations and the actual methods and standards to be employed in performing risk assessments and data sharing.⁵⁰



Report recommendations

- Establish a protocol to detail and provide guidance on the MARAC process.

4.6 Data exchange, protection and sharing

The sharing and transferring of information between law enforcement and other agencies is a key aspect of risk management. The failure to share information on risk can put the victims at increased risk of further harm. At the same time, the information must be shared in a way that protects the victims' privacy, confidentially and informed consent.

Wherever possible, service providers should seek informed consent from the adult victim prior to sharing any information with other agencies. Informed consent means that the victim understands the purpose of the request for information and the likely outcomes of sharing the information, and agrees to the information being shared. National legislation should indicate whether informed consent requirements apply in situations of imminent violence. No consent should be required to share information related to child protection concerns (violence, abuse and neglect).

The regular sharing of data on violence against women with the public is one of the means to ensuring community participation and to raise awareness. For example, Spain has established a violence against women observatory, where all data related to the number of reported cases, the number of protection orders implemented, the number of fatalities, among other critical data, disaggregated by age and geographical location, is available to the public.⁵¹



Report recommendations

- Update any data sharing protocols to reflect the increased scope of information to be detailed in the risk-assessment process and the widened scope of participating agencies to ensure data protection in line with national and international standards.
- Establish a data sharing platform on violence against women and domestic violence to raise awareness of the problem among the general public.

⁵⁰ See, GREVIO, para 287, recommending the creation of guidelines.

⁵¹ See, e.g., <https://violenciagenero.igualdad.gob.es/violenciaEnCifras/observatorio/home.htm>; and, <http://www.poderjudicial.es/cgpj/en/Subjects/Domestic-and-gender-violence/Spanish-Observatory-on-Domestic-Violence/>

4.7 Monitoring and evaluation

As summarized by EIGE:

Monitoring and evaluation systems are crucial for assuring the quality of risk assessment processes and in identifying weaknesses and areas for improvement. At the same time, they are also an important element in the process of ensuring that the police are accountable in carrying out their obligations to assess risk and respond to intimate partner violence within a multiagency framework. Effective supervision and performance management of police carrying out risk assessment of intimate partner violence should support this.⁵²

The monitoring and evaluation framework should be designed to capture gender-sensitivity, victim-centered and child-rights approaches. It should further be able to measure the effectiveness of inter-agency coordination and information sharing.

Establishing fatality review teams to examine the gaps that occurred in cases where victims were murdered despite protection measures being offered could provide important information for ongoing improvements. Assessments related to the needs and issues for women re-applying for an injunction can likewise contribute to the improvement of the process.



Report recommendations

- A monitoring and evaluation framework needs to be established that measures not only the issuance of protection orders, but also the scope of the investigations, gender-sensitivity, and any systemic gaps resulting in the fatalities of protected persons.

⁵² EIGE, *A guide to risk assessment and risk management of intimate partner violence against women for police*, 2019, p. 37.

V. Conclusion

Developing a risk assessment and management process remains a challenge for all States, including those that have been engaged in the process for many years. The systems must adapt as our understanding of the dynamics of domestic violence continues to evolve. This report contains several key recommendations for moving forward, from the simplest tasks in revising the current Registration form, to developing protocols to guide risk assessment and management implementation, as well as inter-agency communication and coordination. It recommends expanding the scope of engagement of the police to a more in-depth examination of the risk and the history of violence, as well as increased evidence gathering from the outset of contact with the victim. It emphasizes the needs to expand operational measures to be used by the police in low and medium risk cases, as well as to engage in safety planning. Finally, it recommends an expansion of inter-agency cooperation mechanisms, including toward the development of MARACs.

Annex A

Workshop on strengthening risk assessment and safety planning capacities of law enforcement in Turkey: revision of case registration form

5-6 October 2020

The joint European Union and Council of Europe Action “Fostering a comprehensive institutional response to violence against women and domestic violence in Turkey” is organising a workshop on Risk Assessment and Safety Planning Capacities of Law Enforcement in Turkey, in co-operation with the Ministry of Interior and UNFPA. The workshop brings together national and international stakeholders to discuss revision of case registration forms of law enforcement in Turkey in line with the national legal and policy framework and international standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) with its related recommendations.

Objectives of the workshop

The expected results of the workshop are the followings:

- Understand and discuss the general framework for case registration forms, risks assessment and safety planning used by law enforcement responding cases of violence against women and domestic violence in Turkey;
- Provide insight into various European models of risk assessment and safety planning and share experiences in this field;
- Based on experts’ comments and recommendations on the case registration form, discuss suggestions on revising the case registration forms and possible training needs for law enforcement on use of case registration forms, risk assessment and safety planning;
- Agree on the next steps of the revision process and follow up, such as trainings based on the revised forms.

Format

The workshop will be held online through KUDO videoconference platform. Technical guidance will be provided to all participants for the use of online platform and a trial session will be held before the meeting.

English-Turkish and Spanish-Turkish interpretation will be provided.

Draft Agenda, 5 October 2020, 10.³⁰-16.³⁰

- Moderator** Yasemin Kalaylıoğlu, *Council of Europe Ankara Programme Office, Senior Project Officer*
- 10.⁰⁰ - 10.³⁰** **Checking connections, microphones & videos of participants**
- 10.³⁰ - 10.⁴⁵** **Welcome and introduction of participants**
Cristian Urse, *Council of Europe, Head of Ankara Programme Office*
- 10.⁴⁵ - 11.¹⁵** **Current needs regarding case registration forms: short- and medium-term objectives**
Olca Erkiral Tavas, *Ministry of Interior, General Directorate of Provincial Governance*
- 11.¹⁵ - 11.³⁰** **Strengthening law enforcement's capacity on providing effective protection to women victims of violence**
Tarikhan Çetiner, *Deputy Head of Department in the Police*
- 11.³⁰ - 11.⁴⁵** **Questions and Answers**
- 11.⁴⁵ - 12.⁰⁰** **UN's work on risk assessment and safety planning**
Meltem Agduk, *UNFPA*
- 12.⁰⁰ - 12.¹⁵** **GREVIO's recommendations to Turkey on risk assessment and safety planning**
Sara Haapalainen, *the Council of Europe*
- 12.¹⁵ - 13.¹⁵** **Lunch break**
- 13.¹⁵ - 13.³⁰** **Risk assessment and safety planning from support services' perspective, current practice and cooperation with the law enforcement**
Mustafa Çadır, *the Ministry of Family, Labour and Social Services*
- 13.³⁰ - 14.⁰⁰** **Questions and Answers**
- 14.⁰⁰ - 14.¹⁵** **Risk assessment and cooperation with law enforcement by judiciary: Ensuring safety of victims, including protection orders and preventive measures**
Representative of the Ministry of Justice
- 14.¹⁵ - 14.⁴⁵** **Questions and Answers**
- 14.⁴⁵ - 15.⁰⁰** **Break**
- 15.⁰⁰ - 15.³⁰** **Overview of minimum standards, guiding principles and approaches to risk assessment and management by European countries**
Susana Elisa Pavlou, *Director of the Mediterranean Institute of Gender Studies*
- 15.³⁰ - 16.⁰⁰** **Questions and Answers**
- 16.⁰⁰ - 16.¹⁵** **Break**
- 16.¹⁵ - 16.³⁰** **Wrap up**

Draft Agenda, 6 October 2020, 10.³⁰-16.³⁰

- Moderator** Senem Gürol, *Council of Europe, Gender Equality Division, Project Advisor*
- 10.¹⁵ - 10.³⁰** **Checking connections microphones & videos of participants**
- 10.³⁰ - 10.⁴⁵** **Welcome**
By Olcay Erkıral Tavas, *the Ministry of Interior*
- 10.⁴⁵ - 11.⁰⁰** **Observations on existing case registration form used by law enforcement in Turkey**
Zehra Tosun, *Council of Europe national consultant*
- 11.⁰⁰ - 11.¹⁵** **Discussion**
- 11.¹⁵ - 11.³⁰** **Break**
- 11.³⁰ - 11.⁴⁵** **Risk assessment and safety planning in Turkey: gap analysis**
Lori Mann, *Council of Europe international consultant*
- 11.⁴⁵ - 12.⁰⁰** **Discussion**
- 12.⁰⁰ - 13.³⁰** **Lunch break**
- 13.³⁰ - 14.⁰⁰** **Promising practices on risk assessment and management I: UK model
Multi-agency co-operation on risk assessment and management
in the UK: MARAC model**
Eileen Chester-James, *Council of Europe international consultant*
- 14.⁰⁰ - 14.³⁰** **Questions and answers**
- 14.³⁰ - 15.⁰⁰** **Break**
- 15.⁰⁰ - 15.³⁰** **Promising practices on risk assessment and management II: Spanish model
Risk assessment and safety planning, tools and trainings
for law enforcement in Spain**
José Manuel Caro, *Inspector from the Spanish Police*
- 15.³⁰ - 16.⁰⁰** **Questions and answers**
- 16.⁰⁰ - 16.³⁰** **Next steps and wrap up**

Annex B

Performing risk assessments⁵³

- When undertaking a family and domestic violence risk assessment, never conduct the conversation in the presence of the person considered responsible for the violence or abuse.
- Provide a safe, comfortable and supportive environment, and conduct the risk assessment conversation in a private room or private space.
- If the risk assessment is conducted over the phone, prioritise the woman's safety. Clarify that she is alone and that it is safe to speak with you now.
- Exclude other family members, including children.
- Conduct the risk assessment alone with the woman.
- A request for the presence of a support person may be made by the victim. It is important to establish that there is no element of coercion in the presence of the support person, and that the person is an appropriate support to the victim.
- Do not rush the risk assessment process. Allow time for the woman to consider the questions. Listen carefully and validate the woman's experience.
- Be aware of the emotional distress and fear that disclosing experiences of family and domestic violence may cause. Understand that some questions may be intrusive and difficult for the woman to answer.
- Reinforce with the woman that the responsibility for the violence rests with the person using the violence.
- Conduct the risk assessment as part of a safe and accepting conversation. Ensure that the victim feels supported, and explain that you are asking for information because you are concerned for her safety.
- Make sure that the woman understands the purpose of the assessment, the possible outcomes of the assessment, and any responses or actions that may be taken after the risk assessment.
- Use prompting questions where needed to clarify the woman's experience of the violence.
 - Can you tell me a bit more about that?
 - Could you explain that a little more for me?
- Be mindful of only seeking information that is necessary regarding the violence. Avoid asking unnecessary questions if the information is already held or the woman has answered previously.
- Ensure that your risk assessment does not compound the impact of the family and domestic violence for the victim or collude with the perpetrator's narratives of the violence.

⁵³ Adapted from *Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework*, 2012, p. 40.

- Consideration of the immediate practical needs of the victim will also assist the assessment process; for example, physical needs, financial needs, arrangements for children, dependent adults and pets and so on.
- The diverse circumstances of victims must be considered in risk assessment; for example, refugee women and children, women and children from culturally and linguistically diverse backgrounds, women with a disability, and victims from rural and remote communities.
- The communication needs of victims must be ascertained before a risk assessment is commenced; for example, use of interpreters or communication aides.

Annex C

Police operational measures in Spain by level of risk

Risk level	Obligatory measures	Complementary measures
Un-assessed	<ul style="list-style-type: none"> - The same operational and assistance measures as for any reporting citizen, especially information on available rights and resources - Recommendations on self-protection measures 	<ul style="list-style-type: none"> - Provide phone numbers for emergency and specialised services
Low	<ul style="list-style-type: none"> - Provide the victim with 24/7 telephone numbers with the closest police services - Sporadic telephone contact with the victim - Communicate to the perpetrator that the victim has police protection - Recommendations on self-protections and ways to avoid incidents - Precise information on mobile tele assistance - Refer the victim to local social services, strongly recommending that she informs herself on those related to protection: shelters, meeting points, etc. - Inform the victim that for this level of risk a safety plan is designed - If the perpetrator has firearms, request that he voluntarily relinquish them to the police. Later request a judicial order to confiscate the firearms 	<ul style="list-style-type: none"> - Draft a file with relevant dates related to the victim and perpetrator to carry in patrol car - Accompany the victim to collect her belongings, if her relocation is judicially authorised
Medium	<ul style="list-style-type: none"> - Occasional and random vigilance of the victim's home and workplace - Periodic confirmation of perpetrators compliance related to school entrances and exits - Accompany the victim to judicial, administrative or social service appointments when the victim believes there might be a risk - Personalised interview with the victim by the head of the police unit responsible for her protection - Inform the victim that for this level of risk a safety plan is designed 	<ul style="list-style-type: none"> - Periodic confirmation of protection order compliance - Interview with involved social service provider or municipal services to identify additional effective protective measures - Transfer the victim to a shelter
High	<ul style="list-style-type: none"> - Frequent and random vigilance of victim's home, workplace and school entrances/exits - If she has not already done so, insist on the victim's transfer to a shelter or the home of a family member for at least the first few days, especially if the perpetrator has not been detained - Implement electronic monitoring of the perpetrator - Sporadic control of the perpetrator's movements - Inform the victim that at this risk level a safety plan is designed 	<ul style="list-style-type: none"> - Sporadic contacts with persons in the victim's and perpetrator's social environment (neighbors, family, co-workers, leisure)
Extreme	<ul style="list-style-type: none"> - Constant vigilance over the victim until the perpetrator ceases to pose an imminent threat - Intensive monitoring of the perpetrator's movements until he ceases to pose an imminent threat - Vigilance over the school entrance/exit - Design of a personalized safety plan for each of the victims with measures identified in safety planning catalogue 	

Annex D

Protokol on police records in Spain

Minimum content of the police attestation

1 Statement of the victim

At the very beginning of the statement, the victim is informed that they have the right to make a free and urgent request for an expert legal defense or a lawyer of their own choosing. If the victim requests for legal assistance, a lawyer from the 24-hour attorney unit will accompany them and allowing them to know the content of the statement.

In addition, the victim is asked if there are lesions on their body, and if so:

- 1 If the person has already been assisted in a health center and have a medical report, it will be attached to the complaint. It is asked whether they have visited any health center and received medical report, and if these occur, it is added to the statement.
- 2 In another case, they will be offered the possibility of being transferred to a health center to receive medical care, attaching the medical report issued to the complaint.
- 3 If the victim does not wish to be transferred to a health center, the lesions spotted will be reflected in writing, through diligence, and the victim will be asked to take photographs of them to attach them to the complaint.

The victim will also be asked if they have been assisted by social services (municipal social services, women's support centers, victim support centers) and, if so, the reports prepared by social workers and psychologists will be attached to the statement. These reports should be created by social workers or the victim themselves, with the victim's explicit consent.

Taking into account the emotional situation of the victim, it must be respected that they express themselves spontaneously, without being interrupted while describing incident(s), ensuring that the statement is as exhaustive and detailed as possible.

The victim will be first asked about the information that allows taking immediate steps to guarantee their own safety and that of their children and the arrest of the aggressor, if applicable.

Once the spontaneous statement of the victim has been made, the file must be completed with as much information as possible and, in any case, the related information will be required from it, without prejudice to the possibility of asking other questions that are considered necessary to complete the police investigation.

2 Data about the victim and the aggressor

- Affiliation of the person or persons abused.
- Address and contact telephone number.
- Affiliation of the aggressor or aggressors.
- Address and telephone / s.
- Family, emotional or other relationship between the victim and the aggressor.

- Co-habitation time.
- Profession and employment status of the aggressor.
- Workplace.
- Economic situation of the aggressor.
- Behavior of the aggressor in the fulfillment of family responsibilities.
- Description of the aggressor's temperament.
- Health condition (illnesses, medical treatments, etc).
- Addictions and harmful habits etc. of the aggressor.
- Places they visit frequently.
- Weapons they possess (if it is legal or illegal, and if they must carry weapons because of their work).
- Vehicle / s used by the aggressor.
- Updated photograph of the victim or victims.
- Updated photograph of the alleged aggressor.

3 Family data

- Information about family members, whether they have common children and whether they live with spouses. Identity and age information of these persons.
- Existence of civil procedures for separation or divorce and, in this case, the court in which they have been or are being processed and measures that have been adopted in relation to the use of home and the custody of children, if any.
- Work situation of the victim.
- Economic situation of the victim.
- Economic dependence, where appropriate, of the victim with respect to the aggressor.
- Employment situation of other victims who live with them (ancestors, descendants,...).
- Economic situation of other victims who live with them (ancestors, descendants ...).
- Situation of the minors who depend on them, if there are.
- Places frequently visited by the victim or victims (places of work, leisure, schools, etc).

4 Data about housing and property

- Marital regime (joint property, separation of property, ...), if they are married.
- Type of family home (ownership, rental, etc.).
- Security measures available at home.
- Situation of the home (in community or isolated).
- Other homes owned by the victim or the abuser.
- Vehicles owned by the victim.
- Family members or friends who can give the victim any kind of help.

5 Facts

- Description of the facts. The order of the events will be chronological, clear and precise. The victim will be asked to present the facts in their own words, without modifying their expressions in view of their possible harshness.
- The place of the incident.
- Date or dates when they occurred.
- Reasons put forward by the perpetrator.
- Type of abuse: physical, psychological or moral. The abuse caused must be stated with all kinds of details, avoiding generic expressions and reflecting as faithfully as possible the words used, the insults, the threats, etc ..., as well as the actions that have taken place.
- Methods used.
- Health condition of the victim (illnesses, medical treatments, etc).
- Similar previous cases, even if they have not been reported.
- Complaints made for previous events. If they remember, when and against whom.
- If there was any protection order.
- If the abuse has occurred in the presence of minors.
- If any other member of the family or partner has been, likewise, subject to mistreatment by the aggressor. If so, they will be informed of the possibility of requesting a Protection Order for such victims.
- Witnesses who can corroborate the facts reported (family, friends, neighbors, etc.).

6 Request for protection and security measures

In any case, the victim will be informed of the possibility of requesting a Protection Order or other protection or security measure, as well as the content, processing and effects thereof. If approved, request will be completed and sent to the competent court together with the statement.

7 Meeting the suspect and taking their statement

Their affiliation will be confirmed.

The statement of the suspect must be directed to a thorough knowledge of the facts to facilitate the police investigation, as well as decisions to be adopted by judicial authorities.

The answers provided by the victim must be compared with those provided by the suspect in order to clarify the facts that are the subject of the investigation.

8 Statement of the witnesses

Their affiliation will be confirmed.

The questions aimed at clarifying the facts and confirming the statements made by the victim and the alleged aggressor. And in any case, at least the following questions will be asked:

- If they were an eye witnesses
- Description of the facts known to them

- Knowledge of other similar cases that have occurred previously
- If previously they had to help the victim, at any time
- Habitual behavior of the victim and aggressor in the community where they reside, if the witness resides there too
- Relationship with the victim and the aggressor.

9 Statements of the police officers having supported the victim

It is essential that the detailed and individualised statements of each police officer who have helped the victim is recorded, indicating the procedures and actions carried out by each police officer involved.

When a statement taken following the victim being accompanied by the police officers who have intervened at their request or a request by a third party, this statement must appear at the beginning of the report.

10 Police measures for verification and confirmation of the complaint

The report must also include the procedures that are necessary to reflect the actions carried out by the Judicial Police and the Scientific Police for the investigation and verification of the denounced facts.

The inspection proceedings will be documented, whenever possible by means of photographs or other technical means (video, etc.) and it is ensured that the actions and the results of these actions are delivered to the judicial authority immediately.

As an integral part of these proceedings, a report is prepared based on information received from neighbors such as background information on the events that occurred. Specifically, on the conduct that encompasses the relationships between the aggressor and the victim, news about previous aggressions and public conceptualisation of a partner in society, citing the sources (personal identification is not necessary).

11 Arrest warrant and notification of rights

When the suspect or alleged aggressor is arrested, either as a consequence of the existence of reasonable indications that he is the person committed the alleged act(s), or because of the violation of a judicial restraining measure or as a result of the agreement that it poses a serious risk to the victim, a report/minute is drawn up regarding the arrest warrant and the notification of their rights.

12 Request for seizure of arms

This request is drawn up in order to seize the weapons belonging to the aggressor and to present these weapons to the judicial authority. Notwithstanding the foregoing, the Government Authority will be notified in case of revocation of the administrative authorization under the Arms Regulations. Likewise, in the case in which the alleged aggressor must carry weapons due to his job, either because they work for the Security Forces and Bodies, or because they carry out their work in the field of Private Security, the incidents that occur are reported to their hierarchy.

13 Request for criminal record of the aggressor

In this request all previous records about the aggressor appear in the police databases will be collected, and especially those that refer to gender-based violence will always be reviewed.

Likewise, the available information recorded in the Central Registry of Domestic Violence of the Ministry of Justice, in relation to the aggressor and the victim, with special reference to the criminal record and the

measures that may have been adopted previously as a result of a protection order or a judicial decision will be reviewed.

14 Request for medical, psychological and social reports

When the victim has received medical care, relevant medical report issued will be attached to the file.

Documents about psychological support provided to the victim by social services, women's centers, victim support centers or other administrative centers, interviews with the victim, their examinations and evaluations about the victim and their social environment, and the social or psychological reports given by the centers or by the victim are attached to the file.

15 Record of precautionary measures adopted to protect the victim

This record will inform the Judicial Authority of the police measures adopted in a precautionary manner to protect the victim, when they are at risk, until the corresponding decision is issued by the former.

In the event of changes address by victim, a new report is sent to the Judicial Authority with the victim's latest address information.

16 Record of risk assessment

When there is a special danger for the victim, taking into account the relevant data contained in the file, the police officer may express this situation by means of a supplementary record.

17 Record on submission of police statement to jurisdiction body

18 Documents to be attached

- 1 Medical reports and / or photographs of lesions found in the victim
- 2 Request for the protection order
- 3 Arrest warrant and notification of rights (if any)
- 4 Reports from social services, women's care centers or victim care offices drawn up by the referred centers or services or provided by the victim
- 5 Any relevant records that appears in the statement

Annex E

Safety planning for victims

Immediate safety needs

- Determine who to call for help in a violent situation. Note friends', relatives', neighbours', police and hotline numbers.
- Memorise emergency phone numbers or keep them on small cards in a safe place or save in mobile phone.
- If the abuser has a key to the house or apartment, change or add locks on your doors and windows as soon as possible.
- Practice getting out of your home safely. Identify which doors, windows, elevators, or stairs would be best. Avoid rooms with no exits, like a bathroom, and rooms with weapons, like the kitchen.
- Decide and plan where to go upon leaving the home in an emergency situation. Have a packed bag ready and keep it in a secret but accessible place in order to leave quickly.
- Identify a neighbour, family member or friend and ask them to call the police if they hear a disturbance coming from the home. Create a signal for them to call the police—like if a certain light is on or a shade pulled down—or a code word.
- Get medical attention if hurt in any way.
- Speak with a social worker or advocate from the local domestic violence program who can provide information on rights and options.

Protective orders

- Make extra copies of the protective order and keep them with you at all times. Also keep copies in a safe place such as: your car, at friends' or relatives' homes, at work, and at your children's day care or school.
- Inform family, friends, neighbours, employers, your physician or health care provider, and your children's day care or school that you have a protective order in effect.
- Screen calls. Keep a record of all contact a batterer makes, such as phone calls, text messages, voice mail messages, and emails.
- If moving to another town or state, register the protective order in your new town with the police.
- Call the police if the perpetrator violates the protective order.

Safety in public and at work

- Change the route from and to work frequently.
- Provide an employer with a current picture of the abuser.
- Determine who can help while at work or in the public. Try to find a "safe" person at work. Provide a picture of the abuser if necessary.
- Get an escort to the car, the bus or train.

- Create a plan for what you would do if something happened while in public.
- Have a co-worker screen incoming telephone calls, and document anything harassing.
- Make sure employer has up-to-date emergency information.
- When you are out in public, be aware of your surroundings.

Digital safety

- Use a public computer instead of personal computers, such as one at a local library, a friend's computer or a computer at work may prevent the perpetrator from tracking online activities. Clear the browsing history as frequently as possible.
- Consider getting a new phone if it was provided by the perpetrator.
- Check your cell phone settings to see if it has an optional GPS location service, and try to turn it off if it does.
- Change email passwords to something no one will be able to guess or create a new email account.
- If being stalked, the perpetrator might have placed a GPS Tracking device in the car. Routinely check both inside and outside of the car for any suspicious objects.

MORE INFORMATION

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