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**METHODOLOGY ON COMPLIANCE OF THE STATE STANDARDS
WITH THE COUNCIL OF EUROPE CONVENTION
ON PREVENTING AND COMBATING VIOLENCE
AGAINST WOMEN AND DOMESTIC VIOLENCE**

Belgrade, 2014

Methodology on compliance of legislative and strategic documents with the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence has been created for the selected articles of the Convention, in total 51 articles, with the aim to determine the baseline and to ease monitoring of the implementation of the Convention. Methodology has been created within the regional project “Coordinated efforts – toward new European standards in protection of women from gender-based violence”, which is being implemented during the period of 2012-2014 by: **Autonomous Women’s Center**, Belgrade, Serbia; **Association SOS helpline for women and children victims of violence**, Ljubljana, Slovenia; **Centre for Women War Victims – ROSA**, Zagreb, Croatia; **United Women**, Banja Luka, Bosnia and Herzegovina; **National Council for Gender Equality**, Skopje, FYR Macedonia; **Women against Violence Europe - WAVE**, Vienna, Austria; and **European Women’s Lobby**, Brussels, Belgium.

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□ **Explanation of the terms/guidelines:**

Term violence against women (VAW) and domestic violence (DV) equalizes with “all forms of violence covered by the Convention”.

Term legislation covers laws, bi-laws, including rules and regulation, protocols etc.

Questions related to financial resource includes: budgets (state, regional, local), international funding resources, corporative funding, public donations etc.

Term “state authority” covers state, local, regional institutions, organizations or other entities exercising public powers and jurisdiction. Please always specify which of these (or others) are relevant to the subject matter.

When legislation or policy documents are used for information or analysis purpose, please quote the resource.

CHAPTER I

PURPOSES, DEFINITIONS, EQUALITY AND NON DISCRIMINATION, GENERAL OBLIGATIONS

■ Article 3 – Definitions

For the purpose of this Convention:

a. “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

b. “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;

c. “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d. “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

e. “victim” shall mean any natural person who is subject to the conduct specified in points a and b;

f. “women” includes girls under the age of 18.

a. Is there definition on **violence against women** in the state, regional or local legal and/or policy framework (laws, statutes, rules and regulates or other by-laws documents, state strategic document and/or state action plans)? If yes, please provide exact definition and specify legal/policy source and compare it with the one from the Convention. Please comment on any existing incompliance with the Convention’s definition; in particular whether definition includes specific recognition of violation of human rights and discrimination against women, and types of violence enlisted. If there is more than one document encompassing definition on violence against women, are they consistent (same, similar of different) with each other? Please comment any inconsistencies and, if appropriate, the legal hierarchy regime of the documents.

b. Is there a definition on **domestic violence** in the state, regional or local legal and/or policy framework (laws, statutes, rules and regulates or other by-laws documents, state strategic document and/or state action plans)? If yes, please provide exact definition and specify legal/policy source and compare it with the one from the Convention. Please comment on any existing incompliance with the Convention’s definition; in particular whether definition includes specific recognition of violation of human rights and discrimination against women, and children and types of violence enlisted. If there is more than one document encompassing definition on domestic violence, are they consistent (same, similar of different) with each other? Please comment any inconsistencies and, if appropriate, the legal hierarchy regime of the documents.

c. Is there definition on **gender** in the state, regional or local legal and/or policy framework (laws, statutes, rules and regulates or other by-laws documents, state strategic document and/or state action plans)? If yes, please provide exact definition and specify legal/policy source and compare it with the one from the Convention. Please comment on any existing

incompliance with the Convention's definition. If there is more than one document encompassing definition on gender, are they consistent (same, similar or different) with each other? Please comment any inconsistencies and, if appropriate, the legal hierarchy regime of these.

d. Is there definition on **gender based violence** in the state, regional or local legal and/or policy framework (laws, statutes, rules and regulates or other by-laws documents, state strategic document and/or state action plans)? If yes, please provide exact definition and specify legal/policy source and compare it with the one from the Convention. Please comment on any existing incompliance with the Convention's definition; in particular whether definition includes specific recognition of violation of human rights and discrimination against women. If there is more than one document encompassing definition on gender based violence, are they consistent (same, similar or different) with each other? Please comment any inconsistencies and, if appropriate, the legal hierarchy regime of these.

e. Is there definition of **victim in general, and/or definition of victim of violence against women, and/or domestic violence** in the state, regional or local legal and/or policy framework (laws, statutes, rules and regulates or other by-laws documents, state strategic document and/or state action plan)? If yes, please provide exact definition and specify legal/policy source and compare it with the one from the Convention. Is there another term for victim of violence against women or /and domestic violence used by laws or policy documents (person who suffered damages, or witness)? If yes, please provide comment on scope of the terms used – definitions used.

■ Article 5 – State obligation and Due Diligence

1. Parties shall refrain from engaging in any act of violence against women and ensure that state authorities, officials, agents, institutions and other actors acting on behalf of the state act in conformity with this obligation.

2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-state actors.

a. f there are definitions on violence against women and domestic violence (hereinafter VAW and DM), what kind of the state responsibility they imply? Is it **positive obligation** - to prevent, investigate, punish and provide reparation for victims with due diligence (to protect victims of the commission of these acts by non-state actors) or **negative obligation** - to refrain from these actions when acting on the behalf of state?

b. Is there any procedure **to ensure due diligence standards** are followed by the authorities responsible for: a. preventing, b. protecting, c. investigating, d. punishing or/and e. providing reparation for acts of VAW and DM? If there is, please specify the type of procedure, including the second instance body to review work performance, who initiates procedure, and on what grounds, what type of the procedure is in place – administrative or court procedure, is there court protection available for victims of negligence and/or abuse.

c. In the last two years, has there been **initiated any proceedings against individuals** – state officials for violation of due diligence standards in the VAW and DV cases? If yes, please

specify the case/s of VAW and DV in question and the procedure undertaken (the type of the procedure, the body responsible for handling the case of due diligence, the outcome of procedure, and the year it was held).

d. Is there any **relevant document drafted** (such as protocols, professional guidelines etc) **to ensure due diligence standards** are respected in the cases of VAW/DV? Who drafted documents: a. relevant authorities directly in charge for protection, prevention and prosecution of VAW and DV, b. authorities with supervising or monitoring roles relevant ministries - ombudsman, commissioner for equality etc. Are they a. internal standards, b. general or specific protocols, c. guidelines, d. recommendations etc? Please comment on legal hierarchy, and whether they are legally binding. Please provide comment.

e. Has there been taken any VAW or DV case before **state court for violation of due diligence** standard in the cases of VAW/DV? **Have there been cases before interstate body** (Council for Europe Court for Human Rights and CEDOW Committee) for violation of human rights of the victims?

f. Has there been any survey on **professional's attitudes**, including stereotyping on violence against women, gender based violence and/or domestic violence? If yes, please provide the information on the sample of the research and methodology, results and recommendations, if appropriate.

CHAPTER II

INTEGRATED POLICIES AND DATA COLLECTION

■ Article 7 – Comprehensive and coordinated approach / policies

1. Parties shall take the necessary legislative and other measures to adopt and implement state-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.

2. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.

3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the state, regional and local parliaments and authorities, state human rights institutions and civil society organisations.

a. Are there laws, bi-laws such as rules and regulations, specific protocols or other legal or policy documents (state strategies, state action plans, regional / local strategic documents etc) that define **roles and responsibilities for particular institution/actor** in a. protecting, b. preventing and/or c. prosecuting VAW and DV cases? If yes, please specify it/them, and provide an overview of the roles and responsibilities. Are these documents legally binding or more of the instructive nature? Who has responsibility for implementation of these standards? Who and in what manner, monitors the implementation of these standards?

b. Are there any laws, bi-laws such as rules and regulation, general protocols or other legal or policy documents (state strategies, state action plans, regional /local strategic documents etc) that define **cross sector, and /or inter governmental cooperation and coordination** in a. protecting, b. preventing and/or c. prosecuting VAW and DV cases? What is the goal of these measures/adopted procedures? Please state definition of their goal, if possible. Please specify who takes a part in this integrated approach, as defined in relevant documents. Please provide an overview of their roles and responsibilities in relation to cooperation and communication aspects. Are they legally binding documents or more of instructive nature? Who has the responsibility for ensuring that joint efforts are made, and communication and cooperation has been realized? Please provide definition, if possible. Do these policies require joint work on **individual cases, or /and on strategic policy and/or legislative level**? Is there obligation to report on joint progress made, and if yes, to whom? Is the coordination body established to oversee the integrated response to VAW and DV? What kind of mandate the coordination body has? What kind of measures coordination body can take in the cases of failure to communicate and cooperate?

c. **Are victim needs and rights treated as priority** in the course of the actions of institutions, groups and bodies defined in these adopted laws and policies? Have these adopted laws and regulating policies of **the coordination bodies been victim center oriented** in a way to deal with victim's needs and rights as priority? Please identify specific aims and tasks as defined in the relevant documents or measures undertaken to clarify your analysis/comments.

d. Is there obligation driven from the legal or policy documents or it is of the instructive nature **to include all relevant state and non state actors**? Could you please specify the institutions, state and non-state actors (judiciary, police, Parliament, state institutions for human rights, NGOs etc) been identified in document/s that set up the integrated approach in preventing and combating VAW and DV? Please specify who has been active in creating, monitoring and/or implementing these documents? Have NGOs and other non state relevant actors been active in creating, monitoring and/or implementing these documents?

■ Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

a. Have adopted laws and policies on integrated approach been followed by the **proper assessments on the costs of their implementation**? Please specify how much it was required and effectively allocated for implementation of these laws/policies. Who were ultimate beneficiaries of these funded activities? To whom funding was assigned (state institutions, regional or /and local, NGOs, independent institutions etc) – please specify. Was funding ensured from the public funding resource? If yes, has it been from state, local or regional budget? Was it (co)funded by interstate donor community, corporate business money, public donation campaign, other? Please specify.

b. If there has been change in the last two years in terms of **source of funding of the integrated policies**, please specify and comment on it.

c. Have adopted laws and policies on integrated policies been followed by **adequate human resourcing**? Have these measures been followed with opening new positions, redesigning of the responsibilities, hiring new people for implementing new tasks, or/and was followed by new assignments, task and responsibilities within the existing infrastructure. Please specify.

■ Article 9 – Non-governmental organizations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

a. Is there law regulating the work of NGOs, and /or civil society? What is the status of NGOs? Is there law or bi-laws regulating the **work of NGOs regarding combating and preventing VAW and DV**? Have NGOs been recognized within the state, regional or local legislation framework as service providers, carriers of state wide public funded campaigns, or other kinds of active players -stakeholders in this field (for instance, with the monitoring or reporting roles etc)? Please specify the legislation and roles given to NGOs.

b. In general, have NGO community been active in this field? Could you provide information on number of organizations dealing with VAW and DV issues, type of the work they undertake (service providers, watch- dogs, research or / and policy oriented etc), number of clients served etc? Are there state, regional, and local networks of these NGOs? What is their role?

Do NGOs cooperate with state/other actors to protect, prevent, prosecute, punish, and/or facilitate restitution of these victims? If yes, please specify the aspect of their work? If there is coordination and cooperation between NGOs and state authorities, is it institutionalized within the legal or policy documents or it is more of the informal nature? Please specify.

■ Article 10 – Co-ordinating body

1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.

2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.

3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

a. Is there one or more **coordinating body/ies** as defined in art. 10 paragraph 1? Is it on state, regional and/or local level? Please specify its roles and responsibilities (coordination, implementation etc), including the reporting role. If they have reporting responsibility, please specify to whom they report.

b. Do they have mandate to collect data on all forms of violence covered by the Convention from relevant resources, analyse them and/or disseminate its results? Has this body/ or these bodies exercise their mandate, and collected, analysed and disseminated its results publicly? Could you provide key findings and recommendations and publicly discussed?

c. Does this body/bodies have access to general information with exemption of protected personal data of interstate cooperation activities, including mutual legal assistance in civil and criminal cases?

d. Does this body have mandate to communicate directly and share experience and knowledge with their counterparts in other countries, in particular Parties to the Convention? If yes, please provide some examples of cooperation established, nature and outcome of it.

■ Article 11 – Data collection and research

1. For the purpose of the implementation of this Convention, Parties shall undertake to:

a. collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;

b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.

2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the

information collected pursuant to this article in order to stimulate interstate co-operation and enable interstate benchmarking.

4. Parties shall ensure that the information collected pursuant to this article is available to the public.

a. Does your country collect data on all forms of violence as specified in the Convention? Please specify. Does it collect on regular basis, if yes please specify intervals. What are resources of data? Please specify institution that collects data (statistical office, health institutions, social welfare, police, judiciary, including prosecutors, NGOs etc).

b. What type of data has been collected? Please bear in mind that number of cases, data on victims and perpetrators – sex, age, type of violence, relationship with perpetrator, geographical location, conviction rates and no of protection orders, and other factors such as disability are minimum statistical requirements for public authorities (such as judiciary, police and social welfare). If there are other types of data collected, please specify (severity of violence, incidents, impact of violence, marital status of victims etc).

c. Have there been population based surveys on VAW and DV in your country in the last two years? If yes, please specify the type of violence covered, geographical coverage, who did it, and when. Who financed research? What was the goal of the research –to estimate prevalence, nature, determinants and consequences etc? Was it on state, regional and/or local level?

d. Have these data been available to the experts groups in order to stimulate co-operation and enable interstate benchmarking? Did experts participate in interstate forums/bodies and contribute to interstate benchmarking of VAW/DV?

e. Have information based on surveys and/or collected data on VAW and DV been available to public? If some, please specify how (campaign, website, roundtables, media coverage, publications etc)? Were there any public discussion on its findings, conclusions and recommendations for future actions?

CHAPTER III

PREVENTION

■ Article 15 – Training of professionals

1. Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.

2. Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

a. What kind of professional training is provided to above-mentioned or other groups (NGOs for example)? Please specify whether these training include the aspects of: a. prevention and detection of particular type of violence, b. principles of equality between women and men, c. needs and rights of victims, and/or d. how to prevent secondary victimisation. Is it initial vocational training or in service trainings?

b. Have trainings for professionals included the topics on coordinated multi-agency approach/cooperation? Has it provided skills for professionals on multi-agency cooperation and/or referral mechanisms available? Have these programs been accompanied or followed by particular protocols, guidelines, code of practises etc in the cases of VAW/DV?

■ Article 16 – Preventive intervention and treatment programmes

1. Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.

2. Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

3. In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

a. Have there been any programmes for perpetrators of VAW/DV in your country? When did they start? Who runs these programmes? Is programme accredited, and if it is, please specify who accredit it. Have these programmes been monitored and/or evaluated and by whom? Please specify. Who funds these programmes? How many perpetrators did participate in the programmes? How long the programs last? Who are the trainers (by profession, experience requirement, have they gone through specific trainings as requirement, are they male or female trainers)?

b. Does the program encourages perpetrators to take responsibility for their actions and does require to examine their attitudes and believes towards women? What is theoretical/ conceptual framework on violence against women and domestic violence used in this programme? Is VAW /DV has been addressed from the gender inequality perspective and has it been explicitly recognized as violation of human rights and form of discrimination? Does it address the broad range of consequences on victim, family particularly children and society in general?

c. Do the professionals/trainers who design/run the program cooperate with women support services, law enforcement agencies, judiciary, probation services and child protection services in order to ensure that victim safety and children safety? If yes, please explain the manner of cooperation (regular consultations, preparation meetings, ad hoc events etc). Does coordination happen before, after or during the program?

d. Is the participation at the program voluntary or it is requirement defined by the court or other state body decision? Before perpetrator starts with the program, does anyone from the relevant authorities or organizations make assessment about victim safety and security in advance? If yes, who makes assessments and based on what criteria.

e. Who monitors the perpetrators after they complete program? If yes, please explain how and what are the grounds for monitoring the perpetrator (court decision, law etc). Please specify. Are perpetrators obliged to report to professionals, participate in another type of programs, etc? Please explain. How information on perpetrator's behaviour after the completing program is collected? Is victim contacted in this respect? If the victim is contacted, please explain by whom and how.

f. Is the program part of the sanction for committed act of VAW/DV? Is it possible to participate in the program before conviction (during investigation or trial for instance)? Can potential perpetrators join the program before actually commit registered crime and/or conviction made?

g. Has there been statistics on re-offending rate of these perpetrators who undertook the program? Could re-offenders join the program for the first time and/or again (after they had completed program and had committed violence again)?

h. Is there data on thee offenders who enter the programme and data on those who complete the program (age, profession, type of violence, previous convictions, employment status, social background etc)?

CHAPTER IV

PROTECTION AND SUPPORT

■ Article 18 – General obligations

1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.

2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.

3. Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- aim at avoiding secondary victimisation;
- aim at the empowerment and economic independence of women victims of violence;
- allow, where appropriate, for a range of protection and support services to be located on the same premises;
- address the specific needs of vulnerable persons, including child victims, and be made available to them.

4. The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

5. Parties shall take the appropriate measures to provide consular and other protection and support to their states and other victims entitled to such protection in accordance with their obligations under interstate law.

a. What kind of procedures and services are available for victims of VAW and DV in your country in order to protect them from further acts of violence on its' territory? Please specify the type of procedure/s, and type of the cases.

b. Have any legislative or other measures been adopted for ensuring the **proper and effective co-operation** between judiciary, public prosecutors, law enforcement agencies, regional and local authorities, and/or NGOs, or other relevant actors in order to protect and support victims? Are these mechanism institutionalized (created by official protocols or other documents) in place, or they are result of informal settings (established at the meetings, roundtables etc)? Please also provide information on the level of the cooperation (state, regional, local, etc), and nature (type of cases, policy matters etc).

c. Are these **measures in compliance with standards set by the Convention**, art. 18 paragraph 3. Important: this article extends to witnesses so special attention should be given to children as witnesses while assessing these mechanisms. Also, the term "vulnerable victims" including

following: pregnant women and women with young children, persons with disabilities, persons living in rural or remote areas, substance abusers, prostitutes, persons of state and ethnic minority background, migrants, including undocumented migrants and refugees, gay men, lesbian women, bi-sexual and transgendered people, HIV positive, homeless, children, elder (see paragraph 87 of the Explanatory report). Are these measures (procedures and services available) free of charge? Please specify the type of costs, if appropriate. Who funds these measures? Public budget, interstate community or/and other else.

d. Does victim have to cooperate with authorities, i.e. testify against perpetrator or press the charges in order to get these services such as accommodation, help, or information on mechanism available? Are decisions on legal aid granted are connected with cooperative aspect of victims behaviour?

e. Are victims – nationals and citizens of other counties entitled to these services? If yes, please specify countries covered by the specific measures, if possible. What is the status of asylum seekers, persons without citizenship or legal residence etc?

■ Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

a. Are victims of all forms of violence covered by the Convention **entitled to be informed** about services and procedures available in order to get help and support? If yes, please specify whether is it granted in the legal or/ and policy documents (legislation, state/regional/local strategic documents, internal rules and regulation, memorandum of understanding). Please provide specific rule on delivering information, and comment it. In what languages information could be provided? If foreigners are entitled to services, would translation on their language be ensured or would it be translation into widely used language?

■ Article 20 – General support services

1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

a. Have victims of VAW/DV been granted following services: **legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment**. Please specify the institution and type of services granted. Are there additional services available, if yes please specify. Are they free of charge? Are victims of VAW/DV been specifically recognized within the legislation, internal procedural documents, protocols or guidelines, as the group which needs special attention or priority in order to have effective access to such services? Is there specific rule or recommendation that victims of VAW/DV need to be treated in supportive manner and their needs should be properly addressed? If yes,

please specify. Is there rule on maximum visits, or time constrains for providing such help, or other regulation that might have negative effect on support and protection of victims? If yes, please clarify.

b. Are there legal grounds or other measures (procedures) to ensure that victims of VAW/DV have access to **health and social services**? Have these victims been specifically recognized in the legislation, internal or other procedures/documents? Have professionals in health care and social services been trained how to deal with victims of VAW/DV, in particular a. what are the victim needs and rights and b. how to use the referral mechanism in order to ensure adequate support? Are professionals required to refer victim to police, prosecutor, or other relevant services? Are professionals from justice sector trained to refer victims to the health and social service? Are the health care and social services properly equipped (with adequate financial and human resources) to provide long term help such as concealing, health care and financial support? Is there rule on maximum visits, or time constrains for providing such help? If yes, please clarify.

■ Article 21 – Assistance in individual and collective complaints

Parties shall ensure that victims have information on and access to applicable regional and interstate individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

a. Have your **country signed or ratified** relevant **interstate instruments** regarding human rights and women's rights (Council of Europe Convention on human rights and fundamental freedoms, CEDAW, European Social Charter, Convention on preventing and combating violence against women and domestic violence, European Convention on Compensation for Victims of Violent Crimes)? Please specify the status. Were the reservations to specific articles made? Please specify.

b. Is there obligation under state law to provide **information on interstate bodies** that could be addressed by victims, after she/he exhausts state remedies? If yes, does this information provided covers information on admissibility rules and procedural requirement related to applicable complaint? Who is responsible to provide such information under the state law? Is it free of charge? Who monitor their work and ensure that sensitive and knowledgeable advice has been given?

c. Do state authorities (for example police, prosecutors etc), bar associations, legal aid municipal offices, NGOs, or other **actors provide assistance, and/or legal advice on complaint mechanisms**? Please specify. Is it free of charge? Who monitor their work and ensure that sensitive and knowledgeable advice has been given?

■ Article 22 – Specialist support

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

a. Please list each of the above mentioned services that exist in your country. Provide brief information on geographical distribution of each service (nation-wide, regionally, locally organized). Who provides these services: state authorities (please specify), local institutions, NGOs, others (specify). Are they free of charge? Who monitor and evaluate these services and how? Please specify whether they are available to all victims of VAW/DV, please clarify. Who funds these services? Who and how does accredit them?

■ Article 23 – Shelters

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

a. Are there shelters for victims of VAW/DV in your country? Please specify the victims entitled to this accommodation (according to type of violence). How many shelters there are? What are the capacities – number of places available in total? Could you specify the ratio of number of places with no of inhabitants – standard is one family place to 10.000 population.

b. Are these specialized shelters for victims of VAW/DV or shelters with general purpose (providing accommodation for other victims, homeless people etc)? Who run the shelter/s? How shelters are financed? Are services provided in shelters are free of charge?

c. Are they open 24 h 7 days in a week? Is there standardized procedure for entering the shelter? Please explain. What are conditions to be met for permitting staying in the shelter? How long victims can stay? Can they bring their children? Do shelters have technical security plan, such as cameras, police or other professional protection, etc to ensure safety of other victims and staff engaged? Could you provide information on cooperation with police – is it institutionalized or informal (result of specific protocols, or internal formal/ informal agreement)? Do shelters cooperate with social welfare centres, or NGOs? Please explain the type of cooperation (formal, informal, etc).

d. How old should be the victim to stay in shelter? Are minors allowed to stay? Is there special shelter for minor victims of VAW/DV? Does the staff make individual plan for victim's safety, and if appropriate for their children? Does a staff receive training before getting hired?

e. How information on shelter is distributed to victims – through police, social worker centres, NGOs etc?

f. How many victims have been accommodated in the shelters over the last two years?

■ Article 24 – Telephone helplines

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

a. Is there any state wide telephone helpline for all victims of VAW/DV? Please specify the victims targeted? Is there any regional / local helpline? Does it/they provide only information

or has also the counselling role? What kind of information and/or counselling is provided (philological, legal etc)? Is the line free of charge? Is it open 24h 7 days in week? Is it confidential or victim needs to provide personal data? Are there any confidentiality rules? Please explain. Is there data on number of victims served in the last two years?

b. Who provides these services? Have staff being trained for these tasks? How telephone helpline is financed?

■ Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

a. Are there rape crisis centres in your country? If yes, please provide information on number of crises centres. What kind of counselling they provide? Are they run by state authority or NGOs (please clarify)? Are they independent or they are attached to other institutions/NGOs that provide other type of services also. Please explain.

b. Are they provide short, medium or long term physiological “face to face” counselling? Do they work in a form of support groups? Do they provide psychological support during the trial? Do they have referral function? To whom they refer victims?

c. Are there sexual violence referral centres providing immediate medical care, and/or forensic practise (collect evidences) and/or have crises intervention role (such as placing the victim in safe house)? Please explain their roles and responsibilities and provide number of such centres in your country. Are they run by state authority or NGOs (please clarify)? Are they independent or they are attached to other institutions/NGOs that provide other type of services also. Please explain. Do they have referral function? Please explain.

d. If victim is referred by rape crisis centre or by sexual violence centre to forensic examination, would victim or centre itself be required to report violence to the police?

e. Have services provided by rape crisis or sexual violence referral centre free of charge? Who funds them?

■ Article 26 – Protection and support for child witnesses

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.

2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

a. Are providers of different kind of protection and prevention services are obliged by legislation or other policy documents to address the needs and rights of children as witness?

Have children who witnessed the violence (saw and/or heard it) or been exposed to violence for longer period of time, been treated as victims of such violence i.e. been granted special services and support such as physiological counselling? Have they been granted special rights inside and outside the court (social service, health protection, witness/victim protection, independent representation before court etc)? Please provide definition, if any on special treatment or special considerations been taken regarding children as witnesses.

b. Has there been any research on institutions' interpretation of the standard "best interest of the child" in the context of violence against women? If yes, please provide explanation on methodology, scope of survey, key findings and recommendations. Has there been any follow up survey or assessment on the situation?

■ Article 27 – Reporting

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

a. Are there any special measures, rules or regulations to encourage those who a. witness the commission of acts of VAW/DV or/and b. have reasonable grounds to believe that VAW/DV happened **to report it**? To whom they could report it. Are there cases where individuals are obliged to report VAW/DV? Please specify. Could reporting be done anonymously? Must they witness the case/s, or they can report it when they obtain indirect information/evidences? Can person who report VAW/DV suffer negative consequences of reporting, such as complain can be filed or prosecution initiated?

■ Article 28 – Reporting by professionals

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

a. Is there any case where professionals are obliged to report VAW/DV (medical professionals, police, social worker centres etc). Please specify the cases relevant rule/regulation, the required conditions should be met, to whom reporting should be done. Can they claim professional code on confidentiality in order not to report on VAW/DV? If there is no obligation for professionals to report the VAW/DV, could they report it claiming the waiver of the confidentiality rule? If yes, please specify the required conditions, if any, in order to report the case/s (seriousness of the act, probability to repeat the act, consent of the victim etc).

b. What are professions that could claim and later be waived from the "confidentiality rule"?

CHAPTER V

SUBSTANTIVE LAW

■ Article 29 – Civil lawsuits and remedies

1. Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.

2. Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of interstate law, with adequate civil remedies against state authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

a. What kind of civil law suits could be initiated by victim against perpetrator? Are these lawsuits set up to protect victim from further violence, or compensate for damages or they have other purpose? Please also specify the steps should be taken to initiate and finalize proceedings. Please answer who collects and submits the evidences, who pays for court fees, expert opinions, whether the both party has to be present for each trial, who can assist during the proceedings etc. Could the lawsuits be initiated by third party and/or ex officio? If there is ex officio law suit, is the victim consent a kind of condition for initiating the proceedings? Please specify also the court with jurisdiction to rule on these matters (specialized family court, civil court etc). In the case of death, does victims' descendants have right to file civil lawsuit?

b. If there is special proceeding for discrimination, it is applicable to violence against women cases? Please clarify the position of the victim: who initiate proceedings, nature of the proceedings, decisions of authority (Commissioner, courts etc).

c. What kind of remedies is available for victim/third party, including authority with ex officio power in the proceedings against perpetrator?

d. What kind of remedies are available for victim/third party in the case of state authorities failure to undertake the necessary preventive or /and protective measures within the scope of their powers? What kind of requirements should be met to initiate this procedure (gross negligence, abuse of power etc)?

■ Article 30 – Compensation

1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.

2. Adequate state compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or state-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

3. *Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.*

a. Do all victims of VAW have a right to claim compensation against perpetrator? Is it before civil or / and criminal court? If it is part of criminal proceedings, is decision on compensation part of sanction or just verdict? Does compensation include material or immaterial (non peculiar damage)? Please specify the execution procedure in relation to decision on compensation (who initiates it, whos' responsibility is and how it is done).

b. Has your country ratified the European Convention on Compensation for Victims of Violent Crimes? Can victim submit their claim to insurance companies? Can they be compensated from state funded health insurance schemes?

c. Is there special state fund for compensation for victims of violent crime, including VAW victims? If yes, what kind of damages it covers (material, non material etc)? What kind of procedure should be led in order to get state funded compensation (administrative, court etc)? Does it cover bodily injuries, serious damage to health etc? In the cases of state compensation, does state reimburse from perpetrator the actual costs? Do victims non – states have access to state funded compensation? Please specify.

d. Is there any rule to ensure that decision on compensation will be taken in a reasonable time?

e. Has your country made reservation to this article (art 30 of the Convention)? Please specify.

■ Article 31 – Custody, visitation rights and safety

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.*

a. While deciding on temporarily or permanent custody and visitation rights, do courts take into consideration the incidents of violence that children may witness or be affected by? If yes, is this a matter of law (specific requirement in process of assessment prescribed by law or any other legal/policy document) or is it matter of judge discretion power/ opinion of higher instance court? Please specify. If it matter defined in legal or other document, please specify resource.

b. Is this is a matter covered by the standard “the best interest of the child”? Please specify the legally binding documents and provide clarification on institutions involved, including their duties with regard to incidents of violence. Are there any data/ research showing how the standard “the best interest of the child” has been interpreted in the context of VAW? Please specify who did it, and the key findings.

c. Are there any special measures that are taken into account and if necessary applied to ensure that visitation and custody rights do not jeopardize victim rights, and safety, and

children rights and safety? Please specify. Who is responsible authority to ensure the application of these measures (police, social wealth centres, judiciary or the others)? Is there available statistics on number of these measures granted in relation to the number of families with decisions on visiting / custody rights?

d. Besides the domestic violence cases, have these special measures been applicable to other forms of violence (sexual violence, physical violence, forced marriages etc)? If yes, please specify.

■ Article 32 – Civil consequences of forced marriages

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

a. Does legal framework provide the grounds to voidable, annulled or dissolved marriage concluded with the use of force? Please specify and describe the procedure. Do victims have to pay any fees, or provide other evidences, besides testimonies? Do victims have different status in the procedure based on the grounds to end the forced marriage? If yes, please specify.

■ Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

a. Is psychological violence as defined in the art. 33 of the Convention recognized as criminal offence? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences, in particular whether it can be one single incident or should it be pattern of behaviour.

b. If is it criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.

c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

d. Has your country made reservation to this article, providing civil lawsuits instead? If yes, do measures established for the civil lawsuits meet criteria of effectiveness, proportionality, and dissuasiveness?

■ Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

a. Has stalking as defined in the art 34 of the Convention been criminalized in your country? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences.

b. If it is criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.

c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

d. Has your country made reservation to this article, providing civil lawsuits instead (for example restraining orders)? If yes, do measures established for the civil lawsuits meet criteria of effectiveness, proportionality, and dissuasiveness?

■ Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

a. Has physical violence as defined in art. 35 of the Convention been criminalized? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences.

b. If it is criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.

c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

d. Has your country made reservation to this article, providing civil lawsuits instead (for example restraining orders)? If yes, do measures established for the civil lawsuits meet criteria of effectiveness, proportionality, and dissuasiveness?

■ Article 36 – Sexual violence, including rape

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

a. engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;

b. engaging in other non-consensual acts of a sexual nature with a person;

c. causing another person to engage in non-consensual acts of a sexual nature with a third person.

2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.

3. *Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.*

a. Has sexual violence as defined in art. 36 of the Convention been criminalized? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences.

b. If it is a criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.

c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)? Does the fact that the victim is spouse or partner (including the former one) make a difference with regard to prosecution or in any other stage of the proceedings?

■ Article 37 – Forced marriage

1. *Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.*

2. *Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or state other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.*

a. Has forced marriage as defined in art. 37 of the Convention been criminalized? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences, in particular whether the forced marriage must be concluded. Also, what kind of force should be used – physical only or physiological too? Is there difference in requirement when victim is minor?

b. If it is a criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.

c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

■ Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

a. *excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;*

b. *coercing or procuring a woman to undergo any of the acts listed in point a;*

c. *inciting, coercing or procuring a girl to undergo any of the acts listed in point a.*

- a. Has female genital mutilation (FGM) as defined in art. 38 of the Convention been criminalized? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences.
- b. If it is a criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.
- c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

■ Article 39 – Forced abortion and forced sterilisation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. performing an abortion on a woman without her prior and informed consent;*
b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

- a. Has forced abortion and forced sterilization as defined in art. 39 of the Convention been criminalized? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences.
- b. If it is a criminal offence, how many convictions have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.
- c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

■ Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

- a. Has sexual harassment as defined in art. 40 of the Convention been sanctioned by criminal, civil or /and labour law or within discrimination legislation? If yes, please specify definition, prescribed sanction, resource, and compare it with definition of the Convention. Please provide comment if there are any differences.
- b. If there are statistics, please provide number of convictions/cases have been made in the course of last two years? Please specify it on the yearly basis. What are the most common sanctions imposed? Are there available data on perpetrators, and victims: gender, age, relationship with victim? If yes, please provide relevant information.
- c. If it is criminalized, who initiates prosecution (public prosecutor or private prosecutor/victim)?

■ Article 41 – Aiding or abetting and attempt

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a, and 39 of this Convention.

2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

a. Please compare the definitions on VAW in particular whether they include sanctions for aiding, or abetting and attempt as defined in art. 41.

■ Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

a. Have there been any grounds in criminal or other legislation that could be used for justification of VAW as defined in the Convention based on culture, religion, or other form of personal reason?

b. If VAW has been committed by child, has instigator been criminally liable for such crimes? Please provide comment.

■ Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

a. Does type of the victim-perpetrator relationship preclude some or all enlisted offences? Please specify.

■ Article 44 – Jurisdiction

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

a. in their territory; or

b. on board a ship flying their flag; or

c. on board an aircraft registered under their laws; or

d. by one of their states; or

e. by a person who has her or his habitual residence in their territory.

2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their states or a person who has her or his habitual residence in their territory.

3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the state of the place where the offence was committed.

5. Parties shall take the necessary legislative or other to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his stateity.

6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7. Without prejudice to the general rules of interstate law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

a. Is your country established jurisdiction over the offences covered by the Convention on the territorial principle? Can it establish jurisdiction regardless of the nationality of perpetrator?

b. Do laws allow prosecution for offences from the Convention committed on other's territory against the perpetrator – its states or with residential status? Have there been make any reservation regarding residential status?

c. Do laws allow prosecution for offences from the Convention based on state or residential status of the victim?

d. Is there a rule which eliminates the conditioning prosecution with dual criminality (act must be recognized as offence on both territory where there is act committed and state of perpetrators) in the cases of art 36, 37, 38 and 39? Please check reservations on this.

e. Are there additional requirements for these 36-39 articles regarding condition of reporting the crime by victim or relaying on information of the state authorities from the country in which territory offences are committed?

f. Can parties to the Convention consult each other in order to establish the most appropriate jurisdiction for prosecution?

g. Is there any other grounds for establishing jurisdiction over VAW according to interstate law? If yes, please specify.

■ Article 45 – Sanctions and measures

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2. Parties may adopt other measures in relation to perpetrators, such as:

- monitoring or supervision of convicted persons;
- withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

a. Please provide information on proscribed and actual sanctions for each of the offences within the scope of the Convention. Please comment the proscribed and actual penal policy with regard to criteria of effectiveness, proportionality and dissuasiveness. Do proscribed sanctions meet criteria for extradition of perpetrator (the Convention on Extradition no 24. follows the rule of one year or more sanction and request for dual criminality).

b. Are there any measures to monitor and supervise the convicted persons? Please specify the grounds, authority responsible etc.

c. Are there any provisions that enable responsible authority to change, including withdrawing the parental rights, while assessing the situation of VAW, in particular domestic violence? Is victim safety a necessary part of the process of assessment and if yes, is it based on particular legal document or it is matter of discretion power of responsible institution/ authority? Please specify.

■ Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b. the offence, or related offences, were committed repeatedly;
- c. the offence was committed against a person made vulnerable by particular circumstances;
- d. the offence was committed against or in the presence of a child;
- e. the offence was committed by two or more people acting together;
- f. the offence was preceded or accompanied by extreme levels of violence;
- g. the offence was committed with the use or threat of a weapon;
- h. the offence resulted in severe physical or psychological harm for the victim;
- i. the perpetrator had previously been convicted of offences of a similar nature.

a. Please provide information whether some of the enlisted circumstances are part of the constituent element of the offence. Please list, if possible, the regular aggravating/ mitigating enlisted by the law or other legal document (rules and regulations, protocols etc). Have these enlisted circumstances part of any prior assessment of seriousness of the offence done by law enforcement, judiciary etc?

b. Has there been any survey done to identify the most common aggravating circumstances in court practice? If yes, please specify the key findings and recommendations.

■ Article 47 – Sentences passed by another Party

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

a. Does the legal framework provide for the possibility to take into account final sentences passed by another country as defined in art 47?

■ Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

a. Does the legal framework, both civil and/ or criminal, provides the grounds for alternative dispute resolution (thereafter ADR) applicable to the all VAW cases? If yes, please specify. Is ADR process mandatory step in the cases of VAW in any of the relevant procedures? If yes, please specify.

b. Please provide the information on victim status during the ADR: who runs the procedure, what kind of protection and support victim can get, etc. If victim refuse ADR, are there any consequences related to her status, and in particular access to rights in the following legal procedure?

c. Before court decides on fine, will it take into consideration the effect on the victim material status (such as for instance alimony)? Is it legally binding standard, or it is matter of the court practice? Please also provide information on compensation: who is firstly compensated (state, victim, others).

CHAPTER VI

INVESTIGATION, PROSECUTION, PROCEDURAL LAW AND PROTECTIVE MEASURES

■ Article 49 – General obligations

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

a. Are there measures taken to ensure procedures will be carried out without delay as defined in art 49 para 1? Are there any specific deadlines (urgency measures) proscribed for these cases? If yes, please specify the time frame work and legal resource. Have these deadlines been respected in practise?

b. Are there any specific rules or measures that imply gender sensitive and victim centred approach, while undertaking investigation or judicial process? If yes please specify.

c. Are there any specific rules or recommendations as regard to VAW in order to reach maximum effectiveness possible? Are VAW cases have been treated differently in any manner than other offences?

■ Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

a. Please specify the rights and duties of the law enforcement agencies with regard to VAW cases (for instance do they have right to enter the place where person in risk is present, give advice to victim about help services etc)? Do police have specially trained officers to deal with victim? What is ratio between male and female officers in the police, including the high ranking officials? What are the rules on collection of evidences, hearing – (please check paragraph 258 of the Explanatory report)?

b. What kind of measures law enforcement agencies could employ in order to protect victims and prevent VAW?

■ Article 51 – Risk assessment and risk management

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2. Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

a. Is there obligation for one or more authorities to make risk assessment of the particular VAW situation? In particular will this assessment cover lethality risk, seriousness of violence/situation and the risk of repeated violence? Are they obliged to make plan to manage the risk in case by case basis, according to the standardized procedure and involving all relevant authorities? If yes, please provide detailed information.

b. Does risk assessment always include the information on **possession (legal or illegal) or access to** of firearms? Who can confiscate firearms and on what grounds? In the situation of VAW, is it possible to confiscate the firearms (temporarily or permanently) even if it is legally possessed or access to?

■ Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

a. Are there measures for granting emergency orders as defined in art 52? Can they be issued in 24 hours from establishing immediate danger for victim? Who decides on these orders? What kind of procedure it is (judicial, administrative etc)? Can perpetrator appeal? What kind of criteria should be met in order to grant emergency orders? What is the maxim time/length?

b. How many emergency orders were issued in last two years, please specify, if possible, on yearly basis? Who was ordered to leave home (victim or perpetrator)?

■ Article 53 – Restraining or protection orders

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:

- available for immediate protection and without undue financial or administrative burdens placed on the victim;
- issued for a specified period or until modified or discharged;
- where necessary, issued on an ex parte basis which has immediate effect;
- available irrespective of, or in addition to, other legal proceedings;
- allowed to be introduced in subsequent legal proceedings.

3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

a. Are there measures available for victims of VAW for granting restraining or protection? Are all victims of VAW could get restraining or protection orders? Please specify. Who can decide on restraining order, and in what kind of proceedings (civil, criminal, etc)? Who can initiate the proceedings – only victim or third party also? Please specify, including the requirements to be met for initiating restraining order. If the restraining order could be granted in different procedure, are there any correlation between (access to information and evidence sharing for example)? Please specify the legal resource/s and definitions, including the type of protection/ measures could be taken (restraining contact, prohibition to enter the household, etc).

b. What are the deadlines for issuing order? Is there any deadline or urgency rule defined in the legal framework in order to ensure immediate protection? Are there any financial costs that should be covered by the victim or third party, if applicable, for initiating or leading the procedure for obtaining order for protection (court fees, evidences etc)? What kind of evidences must be submitted in order to meet legal requirements? How long the proceeding can last (one hearing, or more)? Once issued, how long the restraining order can last?

c. Could restraining order be issued without presence of perpetrator? If yes, please specify the conditions should be met. Does the person against whom is order for protection issued, have right to appeal? If yes, who represent the second instance authority? Please describe the proceedings to appeal (responsible authority, time framework, etc).

d. Must motion for protection order be part of other proceedings (divorce, criminal proceedings, custody etc) or it can be submitted and granted independently?

e. Is breach of the restraining order subject to criminal or other legal sanctions?

f. If there is statistic available, please provide the number of restraining order issued in the in last two years, please specify, if possible, on yearly basis? Please provide information on numbers against female and male alleged perpetrators. Does legislation provide the grounds for assessing “provocative behaviour” (victim contribution to the crime for example) while authority decides on restraining order? Or is it a part of the practise – consideration of the competent body anyhow?

■ Article 54 – Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

a. Are there legal or other measures to ensure that evidences of sexual history and sexual conduct of victim can be used only when it is necessary and relevant? Are these measures applicable in criminal or / and civil proceedings? What are the sanctions for breaching this rule? Are these protection measures parts of the procedural guarantees or matter of power of discretion of ruling judges? Please specify.

■ Article 55 – *Ex parte* and *ex officio* proceedings

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependent upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

a. According to the relevant legislation, could all enlisted offences in the art 52 para 1. be prosecuted *ex officio*? Is it possible to continue to lead *ex officio* procedure for offences listed in 35-39 articles in the cases when the victim refuse or withdraw to press charges or participate further in the trail? If there is statistic available, please provide information on the number of cases where public prosecutor dropped the charges during the investigation and/or judicial proceedings? If available, please specify the reasons, including withdraws of the victim.

b. With regard to art 35 (physical violence), did your country make reservation to pressing *ex officio* changes for minor offences? If yes, please specify the procedure available.

c. Are representatives of the victim organizations, such as councillors, allowed to assist and support the victim (with exemption of providing legal aid) during the investigation and judicial proceedings? Is it matter of legal guarantees, or discretion power of judge / competent authority? Please specify.

■ Article 56 – Measures of protection

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

a. providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;

b. ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively ;

- c. informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;*
- d. enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;*
- e. providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;*
- f. ensuring that measures may be adopted to protect the privacy and the image of the victim;*
- g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;*
- h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;*
- i. enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.*

2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

a. Are there witness protection programs or / and other special protection measures introduced in order to ensure victims safety? Can other witnesses or family members apply for protection measures? Are these measures applicable to forms of VAW or just some? Please specify. Also, provide information on the conditions should be met to grant it, who is entitled to seek protection (whether it can be done ex officio), what kind of measures are available (protection of identity, special witness procedural guarantees etc) who discharges special measures, how long they can last etc. Please provide, if possible the number of cases where the witness protection programs are granted in the last two years. Also, if applicable, please provide information on VAW victims have been granted this kind of protection, and how many of them.

b. Are there legal and other measures to ensure that victims are informed about perpetrator's release as defined in art 56 point b. If there are measures, please provide information on authority responsible and how victim is informed. Also the legal grounds for these measures should be quoted.

c. According the relevant legislation, is victim party in the criminal proceedings? Can victim submit evidences and influence the procedure? Is there relevant authority whose responsibility is, according to legal framework or standardized procedures to "inform victims, under the conditions provided by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case". If yes, please specify the authority, the kind of information victim must be provided with and the available procedure in place.

d. Having in mind the obligations defined from d – i , please provide information on those guaranteed by the internal legal framework, specifying whose responsibility is to ensure the access to information and access to rights, procedures available for victims, and possible consequences in the cases of failure to provide relevant information or grant the services as required by internal law. Please provide also information on the following: is interpretation free of charge, could hearing be undertaken without presence of the perpetrator (if yes, who seeks for this, and what kind of additional requirements should be met, if any), could hearing

seeks for this, and what kind of additional requirements should be met, if any), could hearing or whole trial be closed for public, is confrontation obligatory in some cases, and if yes, please specify.

e. Do children have to testify against perpetrators, or there are exemption granted by the internal law? Please specify. Are there special legal measures set up to protect children as victims and / or witnesses (special procedural guarantees such as prohibition of confrontation, use of technical equipment for testimonies, providing special support from child rights expert etc)?

■ Article 57 – Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

a. Does your country have the state funded and managed legal aid system? Is there law on free legal aid? Is legal aid provided only in criminal or/ and in civil case matters? Who provides legal aid? What are the criteria for granting legal aid free of charge? Are victims of VAW entitled to free legal aid? Who informs victims on access to legal aid? Is it obligation of the competent authority or matter of discretion?

■ Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

a. According the internal law, is it possible that children who suffered offences defined in art 36-39 of the Convention, to report the offences resulting in initiating the procedures when they turn 18? If yes, please specify the legal grounds for it, as well as conditions should be met.

b. Did your country make reservation to this article? If yes please specify.

MIGRATION AND ASYLUM

■ Article 59 – Residence status

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:

- a. where the competent authority considers that their stay is necessary owing to their personal situation;
- b. where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

a. Where their prior status depended on partners' status, can VAW victims seek and get residence permit independently and autonomously in the cases as specified in the paragraph 1 of art. 59 - event of particularly difficult situation, irrespective of duration of marriage or partnership?

b. Are there guarantees for VAW victim to be prevented from expulsion in the cases where abusive partner have been denied status or expelled? If yes, please specify the criteria that victim should met in order to seek and possibly get residence or humanitarian status?

c. What are requirements for renewable residence? Have they matched with those defined in the Convention article 59 paragraph 3?

d. What is the status of the victims of forced marriage who have been brought into another country to be married? Can they regain the status in your country if they were there habitually reside?

e. Did your country make reservations to this article? If yes, please specify.

■ Article 60 – Gender-based asylum claims

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for interstate protection.

a. Did your country ratify 1951 Convention relating to the Status of Refugees and 1967 Additional Protocol?

b. Has any form of VAW as defined in the Convention (on violence against women) been recognized as ground for obtaining refugee status? If yes, please specify.

c. According to internal law, can the criteria “well founded fear from persecution” or “harm suffered” from the Convention of refugees can be gendered interpreted / be applied to the situation of gender based violence? If yes, please clarify.

d. Are reception procedures for asylum seekers been gender sensitive? For example, are there indicators adopted to identify at early stage violence against women cases, are men and women are separated, or rooms can be locked, etc? Is determination procedure for asylum been gender sensitive? Are there any support services such as psycho-social or counselling centres, medical care etc? Are some gender sensitive guidelines or measures for dealing with asylum seekers has been adopted?

■ Article 61 – *Non-refoulement*

1. Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under interstate law.

2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might subjected to torture or inhuman or degrading treatment or punishment.

a. Does the legal system in your country recognize the principle of *non-refoulement* that state shall not expel or return an asylum seeker or refugee to any country where their life or freedom is or would be in threaten, including the non prohibition of access to territory of a country when arrive at borders. Please specify the criteria for *non-refoulement* principle according to internal law.

b. Did VAW victims been covered by this principle, including the cases when they might be subject to torture or inhuman or degrading treatment or punishment?



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