



**FIRST**  
Action Against  
Violence

Co-funded by the Rights,  
Equality and Citizenship (REC)  
Programme of the European Union



## Project FIRST – Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence

### Review of established guidelines and legislation



*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



# Comparative Research on the Country-Specific Legal Framework, Policies and Procedures in Place for Victims of Domestic and Gender-Based Violence

---

## INTRODUCTION

The FIRST Project – Capacity Building for First Points of Contact for Victims of Domestic and Gender-Based Violence – aims to increase the level of awareness of the general public regarding domestic and gender-based violence. Its main objective is to establish national networks of first point of contact for victims of domestic and gender-based violence. Specifically, it aims to do this through identifying the first layer of help for victims of violence. This will allow early discovery of incidents of domestic and gender-based violence, and enable the provision of appropriate levels of support to victims.

The first step in this project was to provide field overview and analysis. The AIRE (Advice on Individual Rights in Europe) Centre, as the leading partner of this work stream, compiled the fundamental concepts and theoretical basis report of the FIRST project, whose aim is to cover the next two years of activity of the project and to identify any potential problems.

The second step towards mapping the FIRST operation field was to review and compare, where possible, the national legislation in the project participating countries, namely Bulgaria, Croatia, Slovenia and the United Kingdom (UK).

The objective of the present report therefore is to provide a snapshot of established guidelines and legislation on domestic and gender-based violence in each partnership country, so that a solid ground for the development of further project work streams is created. To this end, a questionnaire, aiming to cover as many legal and policy areas as possible, was distributed to the FIRST project partner organisations. The latter completed and delivered the required information where available. The main body of this report is comprised of fifteen sections, each corresponding to questions and headings of the questionnaire completed by the partnership organisations.<sup>1</sup>

All reasonable efforts have been made to present the main findings of this “mini-survey” in a comparative way where possible so that a better understanding of the successes and deficiencies of each country in the respective areas is achieved.

---

<sup>1</sup> Disclaimer: Where the name of a country is used throughout this report, it should be read as, “The FIRST participating organisation reported that their country...” Usage of the country name in the context of this report should not be read here as to imply that this is the official response provided by the national government or other source than the response to the relevant FIRST questionnaire, as provided by the corresponding FIRST national partner organisation.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



At the end of this report, some preliminary conclusions are drawn in order to highlight in a comprehensive way the main findings and contribute to the main objectives of the project as demonstrated above.

## MAIN SURVEY FINDINGS

### I. National Legislation on Domestic and Gender-Based Violence

Based on the information provided to us through the completed questionnaires, it was found that the countries in question, namely Bulgaria, Croatia, Slovenia and the UK, have all adopted legislation relating to domestic violence. However, only the UK has been reported to have specific provisions in the national legislation touching upon issues of gender-based violence.

In **Bulgaria** the relevant law on domestic violence is the 2005 Law of Protection from Domestic Violence (the 2005 LPDV). The 2005 LPDV has defined the rights of victims, protective measures and enforcement procedures in situations of domestic violence. The purpose of the enforcement procedure is to provide the victims of domestic violence, including children who are in need of protection, with proper measures and legal alternatives, as well as to account for the liability of the violating offenders.

Domestic violence, according to the national law, refers to any act of physical, sexual, psychological, emotional or economic violence. It also covers any experience of such violence, forced restriction of privacy, personal freedom and personal rights committed against either family members or the partner in a relationship or in a de facto cohabitation.

In addition, any kind of domestic violence committed in the presence of a child is regarded as mental and emotional abuse to them in accordance with Article 2 of the 2005 LPDV and the Law on Child Protection designed to protect the interests of children. The relevant laws are as follows:

A perpetrator of domestic violence defined by Article 3 of the 2005 LPDV can be:

1. A spouse or a former spouse;
2. A person, who is or has been in a de facto marital cohabitation;
3. A person from whom they have a child;
4. Ascending line;
5. Descending line;
6. A brother or a sister, or a person who has family in line with the victim;
7. A relative by marriage to the second degree;
8. A guardian, a trustee or an adoptive parent;
9. A person with whom their parent is or has been in a de facto marital cohabitation.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



The rights of the victims of domestic violence are provided by Article 4 of the 2005 LPDV and include the following:

1. To search for the protection from courts of law;
2. To turn to the police for help in cases of direct or immediate threats to health;
3. To turn to each doctor who is obliged to issue a document.

Measures for Protection are provided by Article 4 of the 2005 LPDV:

1. Obliging the perpetrator to refrain from committing domestic violence;
2. Removal of the offender from the jointly occupied dwelling for a period determined by the court;
3. Banning the offender from approaching the victim, housing, workplaces and places for socializing and leisure under terms and conditions determined by the court;
4. Temporarily determining the domicile of the child at the residence of a victim parent or the parent who has not committed violence according to the decision of the court, if it does not contradict with the interests of the child;
5. Obliging the perpetrators of domestic violence to attend specialized programmes;
6. Directing victims to rehabilitation programmes.

The measures of paragraphs 2, 3 and 4 shall be determined by the court and the length of each term can be a period between three to 18 months. In all cases, the court is also empowered to impose on the perpetrator a fine of 200 to 1000 levs. If the court has failed to implement the order, the police authorities, who have previously investigated the infringement would have the power, based on Article 21 of the 2005 LPDV, to arrest the offender and to transfer them to the prosecution authorities, the punishment of which has been written in Article 296 of the Penal Code: "whoever prevents or frustrates any manner of enforcement of a judgment or does not fulfil an order for protection against domestic violence is punishable by imprisonment of up to three years or a fine up to five thousand levs."<sup>2</sup>

In **Croatia**, the main legal text regulating issues of domestic violence is the Law on Protection against Domestic Violence (LPDV), a misdemeanour law, adopted in 2003. Domestic violence is also included as a criminal offence in Article 179A of the Criminal Code.

In **Slovenia**, the related legislation on domestic violence is the Family Violence Prevention Act (*Zakon o preprečevanju nasilja v družini*; Official Gazette of RS, no. 16/08); Action Plan for Implementation of

---

<sup>2</sup> The Law on Protection from Domestic Violence, accessed at <<http://www.lex.bg/laws/ldoc/2135501151>>, was adopted and published in 2005 (State Gazette № 27 of 29 March 2005), amended in 2006 (State Gazette № 82 of 10 October 2006), 2009 (State Gazette № 102 of 22 December 2009) and 2010 (State Gazette № 99 of 17 December 2010) and supplemented in 2015 (State Gazette № 50 of 3 July 2015), published in the State Gazette, which is the formal edition for all laws and regulations.

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."



Family Violence Prevention Act 2012–2013 (*Akcijski načrt za preprečevanje nasilja v družini 2012–2013*); Resolution on the 2009-2014 National Programme on Prevention of Family Violence 2009-2014 (*Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009-2014*; Official Gazette of RS, no. 41/09); Criminal Code, Article 191- Family Violence (Kazenski zakonik Republike Slovenije (KZ-1), Člen 191 – *Nasilje v družini*, Official Gazette of RS, no. 55/08). There are also several sets of rules that provide guidelines in relation to domestic violence.<sup>3</sup>

In the **UK**, domestic and gender-based violence are regulated primarily in the Family Law Act 1996, the Domestic Violence, Crime and Victims Act 2004, the Protection from Harassment Act 1997, the Sexual Offences Act 2003 and its amendments following the Anti-Social Behaviour, the Crime and Policing Act 2014 and the Serious Crime Act 2015. Also, reference should also be made to the December 2015 Statutory Guidance Framework on ‘Controlling or Coercive Behaviour in an intimate or Family Relationship’<sup>4</sup>.

In Wales, the Violence against Women, Domestic Abuse and Sexual Violence Act became law on 29 April 2015. The act improves the public sector response in Wales to violence against women, domestic abuse and sexual violence. It provides a strategic focus and ensures consistent consideration of preventive, protective and supportive mechanisms in the delivery of services. The act raises the profile of violence against women, domestic abuse and sexual violence in Wales through the creation of strategies; provides a strong strategic direction, promoting consistency and best practice; and ensures ownership of the issue at a strategic level with the appointment of a ministerial adviser (the National Adviser) on gender-based violence, domestic abuse and sexual violence.

When providing the above-presented domestic legal framework, three of the states (Bulgaria, Croatia and Slovenia) noted the limits of this legislation and highlighted the negative impact of the lack of legislation on gender-based violence.

The **Croatian** contribution stressed that there is a fundamental lack of understanding of the term ‘violence’ and what this encompasses, as well as the absence of a comprehensive and coordinated

---

<sup>3</sup> Rules on the organisation and work of multidisciplinary teams and regional services and on actions of the social work centres in dealing with domestic violence:- Pravidnik o sodelovanju organov ter o delovanju centrov za socialno delo, multidisciplinarnih timov in *regijskih služb pri obravnavi nasilja v družini*, Official Gazette of RS, no. 31/09; Rules on procedures for dealing with domestic violence in the implementation of health activities - Pravidnik o pravilih in *postopkih pri obravnavanju nasilja v družini pri izvajanju zdravstvene dejavnosti*, Official Gazette of RS, no. 38/11; Rules on police cooperation with other bodies and organisations in the detection and prevention of family violence - Pravidnik o sodelovanju policije z drugimi organi in *organizacijami pri odkrivanju in preprečevanju nasilja v družini*, Official Gazette of RS, no. 25/10; Rules on the Treatment of Domestic Violence for Educational Institutions - *Pravidnik o obravnavi nasilja v družini za vzgojno-izobraževalne zavode*, Official Gazette of RS, no. 104/09.

<sup>4</sup> For further information please see: Gov. UK, Statutory Guidance Framework on ‘Controlling or Coercive Behaviour in an intimate or Family Relationship’, available at <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482528/Controlling\\_or\\_coercive\\_behaviour\\_-\\_statutory\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf)>

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."

approach towards the issue of violence. Furthermore, the legal framework in relation to the protection afforded to women victims of violence was characterised as unsatisfactory and insufficient. **Slovenia** pointed out that although the law is up-to-date there are still problems in practice. In **Bulgaria** the only problem detected is the ineffective protection available in terms of criminal procedures.

## II. The Definition of Domestic and Gender-Based Violence in Law

All the countries in question appear to have adopted **some version of the definition of domestic violence**. However, as a result of lack of legislation on matters of gender-based violence, three of the states, namely Bulgaria, Slovenia and Croatia, reported that there is no definition of gender-based violence in their domestic jurisdiction.

In **Croatia**, domestic violence has been divided into two areas of law, first a misdemeanour provided in the Special Law, namely the LPDV, and second a criminal offence prescribed in Article 179A of the Criminal Code. It is decided by the Police on a case-by-case basis whether the intensity of violence in a certain case amounts to a criminal offence or misdemeanour.

In **Bulgaria**, the available legal definition is the following:

‘Domestic violence is any act of physical, sexual, psychological, emotional or economic violence, and the experience of such violence, forced restriction of privacy, personal freedom and personal rights committed against persons who are or were in a relationship, family members or in de facto marital cohabitation.’<sup>5</sup>

The definitions of “violence” against a child have been stipulated in the Regulation for implementing the Law on Child Protection as ‘any form of domestic violence committed in the presence of a child is considered to be mental and emotional abuse’, where “violence” in this context can be any types of physical behaviour, psychological or sexual violence, neglect, commercial or other exploitation, which has resulted in an actually or potentially harmful influence to children’s health, life, development or dignity as a consequence. “Neglect” refers to any kinds of failure of the parent, the guardian or the person caring for the child to ensure the child’s development in one aspect or more from the following areas: health, education, emotional development, nutrition, providing home and safety when they are able to do so.

The places where the perpetrators commit violence against a child can be in a family, a school or any social environment. Violence against a child can be divided into “physical violence” and “psychological violence”. “Physical violence” refers to the bodily harm which has caused pain or suffering without serious health damage, under the category of which “sexual violence” means to abuse a child for the purpose of sexual satisfaction. “Psychological violence” includes all actions that

---

<sup>5</sup> Law on the Protection of the Child, Article 18(1), accessed at <<http://www.lex.bg/laws/ldoc/2134925825>>  
"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."

may have a destructive influence on children's mental health and their development, taking the forms such as underestimation, mocking, threats, discrimination, rejection or other negative attitude and the inability of the parent, guardian or the person who is responsible for the caring for the child by providing an appropriate and supportive environment.

"Child at Risk" can be a child:

- (a) whose parents are deceased, unknown, whose parental rights are limited or deprived, or if the child is left without parental care;
- (b) who is a victim of abuse, violence, exploitation or any other inhuman or degrading treatment or punishment committed inside or outside his family;
- (c) who is undergoing a risk of harm to his physical, mental, moral, intellectual and social development;
- (d) who is suffering from disabilities or diseases that are difficult to be healed, as identified by specialists;
- (e) who has dropped out of school or for whom there is a risk of dropping out of school.<sup>6</sup>

In **Slovenia** there are definitions of domestic violence in the Family Violence Prevention Act (Article 2) (Definition of family members), and Article 3 (Definition of family violence) - this Act is currently undergoing review and changes - and in the Criminal Code under Article 191 (Family violence).

"Domestic violence" means any act of physical, sexual, psychological, emotional or economic violence, as well as the attempt of such violence, as well as forced restriction of privacy, personal freedom and rights committed against persons who are in a relationship, persons who are or have been in a family relationship or de facto material cohabitation. Inter alia, any conduct of domestic violence committed in front of children is considered as mental and emotional violence against children, which has also been mentioned in the Law on the Protection from Domestic Violence enforced on April 1 2005, providing judicial protection against domestic violence.<sup>7</sup>

In Slovenia, "domestic violence" is defined in Article 3 (Definition of family violence) of the Family Violence Prevention Act:

'(1) Family violence (hereinafter: violence) denotes any form of physical, sexual, psychological or economic violence exerted by one family member against the other, or disregard of any family member as found in Article 2 of this Act (hereinafter: victims) regardless of the age, sex or any

---

<sup>6</sup> *Ibid*

<sup>7</sup> Law on Protection from Domestic Violence, accessed at < <http://www.lex.bg/laws/ldoc/2135501151>>

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."

other personal circumstance of the victim or perpetrator of violence (hereinafter: perpetrator of violence).

(2) Physical violence denotes any use of physical force that causes pain, fear or shame to the family member regardless of the fact of whether injuries were inflicted.

(3) Sexual violence pertains to handling with sexual intent that is opposed by one family member, or if he or she is forced into acting them out or because of his or her stage of development they do not understand their meaning.<sup>8</sup>

(4) Psychological violence denotes such actions with which the perpetrator of violence exerting them against a family member induces fear, shame, feelings of inferiority, endangerment and other anguish.

(5) Economic violence is undue control or setting of restrictions of any family member concerning disposing of one's income or in other words managing the financial assets with which the family member disposes or manages, and it can also mean undue restricting of, disposing of, or managing the common financial assets of family members.

(6) Disregard falls under those forms of violence in which a person does not provide due care for the family member who is in need of it due to illness, disability, old age, developmental or any other personal circumstances’.

The definition of “family members” indicated in this context has been explained by Article 2 (Definition of family members) of this Act. However, the Act is currently going through the process of review and codification. Another relevant legislation is the Criminal Code (KZ-1), Article 191 (Family violence) of which has defined domestic violence as:

‘(1) Whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years.

(2) The same punishment shall be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community.

---

<sup>8</sup> The wording of this sentence is taken from the official English translation.



(3) If the act under paragraph 1 is committed against a person with whom the perpetrator lived in a family or other permanent community, which fell apart, however this act is connected to the community, the perpetrator shall be sentenced to imprisonment for not more than three years'.<sup>9</sup>

In the **UK**, the Government's definition of domestic violence and abuse, contained in policy and guidance is:

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members<sup>10</sup> regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

'Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.<sup>11</sup>

The above definition embraces the decision, announced in September 2012, that the Government definition of domestic violence would be widened to include victims aged 16 and 17, as a result of a Government consultation where this change was overwhelmingly called for by the respondents concerned. The title of the definition was changed to 'domestic violence and abuse' and the relevant

---

<sup>9</sup> English translation of Article 191 of the Criminal Code in Slovene, as reference to Slovene translation: Nasilje v družini (191. člen)

(1) Kdor v družinski skupnosti z drugim grdo ravna, ga pretepa ali drugače boleče ali ponižujoče ravna, ga z grožnjo z neposrednim napadom na življenje ali telo preganja iz skupnega prebivališča ali mu omejuje svobodo gibanja, ga zalezuje, ga prisiljuje k delu ali opuščanju dela ali ga kako drugače z nasilnim omejevanjem njegovih enakih pravic spravlja v skupnosti v podrejen položaj, se kaznuje z zaporom do petih let.

(2) Enako se kaznuje, kdor stori dejanje iz prejšnjega odstavka v kakšni drugi trajnejši življenjski skupnosti.

(3) Če je dejanje iz prvega odstavka storjeno proti osebi, s katero je storilec živel v družinski ali drugi trajnejši skupnosti, ki je razpadla, je pa dejanje s to skupnostjo povezano, se storilec kaznuje z zaporom do treh let.

<sup>10</sup> Family members are: mother, father, son, daughter, brother, sister and grandparents; directly-related, in-laws or step-family.

<sup>11</sup> Home Office 'Domestic violence and abuse' (last updated 8 March 2016), accessed at <<https://www.gov.uk/guidance/domestic-violence-and-abuse>> on 27 May 2016.



wording was amended to reflect coercive control. These changes were implemented from 31st March 2013<sup>12</sup>.

There is no specific legal definition of domestic violence and/or abuse in UK law. The Government's definition is used by police in identifying incidents of domestic violence and abuse, by the Crown Prosecution Service in its prosecution of such cases and more generally by Government departments to inform their own policies.

### III. Legal Remedies against Domestic Violence and Gender-Based Violence

All of the contributing states to this study have reported that legal remedies are in place in their respective jurisdictions for victims of domestic violence. Common remedies highlighted include the removal of the offender from the common residence, the adoption of restriction orders that prevent the abuser from approaching the victim and the support services offered to the victim.

In **Bulgaria**, the legal remedies available to victims of domestic violence are provided by the 2005 Law on Protection from Domestic Violence (LPDV), allowing them to apply for protection before regional courts. Article 2 of the 2005 LPDV, as aforementioned, contains a definition of domestic violence. The measures of protection can be sought by victims of domestic violence if the perpetrators are:

1. the spouse or former spouse;
2. a person, who is or has been an in de facto material cohabitation;
3. person with whom they have a child;
4. ascending;
5. descending;
6. person, with whom there is kinship under lateral line up to the fourth degree included;
7. person, with whom there is or has been in affinity up to the third degree;
8. guardian, trustee or adoptive parent;
9. ascendant or descendant of the person, with whom they are in a de facto marital cohabitation;
10. person, with whom a parent is or has been in a de facto marital cohabitation.

---

<sup>12</sup> For further information please see the Gov.Uk domain, Guidance on the Definition of Domestic Violence, accessed at <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/142701/guide-on-definition-of-dv.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/142701/guide-on-definition-of-dv.pdf)>

The submission of the application should be within one month from the date of the act of violence. However, Bulgarian law does not specially prescribe the form of application. The doctor is obliged to issue a document of proof of injury in writing or signs of violence. Initial applications will not be charged. The amount of fees to be paid by the applicant or the defendant is decided by the outcome of the case. The court that has been applied to for protection must schedule a hearing within thirty days. In special cases of direct, immediate or consequent risk exposed to life or health of victims, they can apply for immediate protection, where the court shall decide within 24 hours in a closed session. The procedure for issuing an order for protection may be formed at the request of:

1. the injured person, if above 14 years of age or placed under partial guardianship;
2. brother, sister or a person who is in kinship in a straight line with the victim;
3. guardian of the victim;
4. Director or Directorate of "Social assistance" when the victim is a minor, is placed under guardianship, or is with disabilities.

Access to justice via the law is easier for victims because the law has stipulated that in the absence of other evidence, the court shall issue a protection order based solely on the statement of the victim, the allegations described in the application relating to domestic violence. If a protection order is issued, the defendant must pay a fine of 200 to 1,000 levs.

The judge may also order one or more of the measures for protection against domestic violence provided by the 2005 LPDV as follows:

1. oblige the perpetrator to refrain from committing domestic violence;
2. the removal of the offender from the jointly occupied dwelling for a period determined by the court;
3. ban the offender from approaching the victim, housing, workplaces and places for social Contacts and leisure of the victim under terms and conditions determined by the court;
4. determining temporarily the domicile of the child with the parent who is victim or the parent who has not committed violence under terms and conditions determined by the court, if it does not contradict the interests of the child. This measure is not necessary in pending legal cases between parents for custody, for determining the residence of the child or the regime of personal relationship.
5. Obliging the perpetrator of violence to attend specialized programmes;
6. Directing victims to rehabilitation programmes.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



Measures under paragraphs 2, 3 and 4 can be imposed for a period of between three to 18 months. The order is immediately enforceable. The police are responsible for execution of the order issued by the measures of paragraph 1 to 3 mentioned above. It is the state's responsibility to introduce programmes into prevention of domestic violence, to assist victims, to select and train personnel who would specialize in protection from violence, to cooperate with the individuals and legal entities registered under the Social Assistance Act, and to support non-profit organizations in activities of promoting the implementation of the LPDV.<sup>13</sup>

The annual funding for projects run by non-profit organisations is allocated within the budget of the Ministry of Justice and within the State Budget of the Republic of Bulgaria if the projects have met the following thematic requirements:

1. programmes for prevention and protection from domestic violence;
2. programmes providing assistance to victims of domestic violence;
3. training of professionals who carry out protection under the law;
4. specialized programmes for persons who have committed domestic violence, social and psychological counselling included.<sup>14</sup>

From the available information, according to Article 5, the measures for protection from domestic violence are mostly focused on punishing the perpetrator, and there seems to be limited care for the victims themselves such as the provision of directing victims to rehabilitation programmes. Measures include: obliging the perpetrator to refrain from committing domestic violence; removing the offender from the jointly occupied dwelling for a period determined by the court; banning the offender from approaching the victim, and the housing, workplaces and places for socializing and leisure of the victim under terms and conditions determined by the court; temporarily determining the domicile of the child at the victim parent or parent who has not committed violence under terms and conditions determined by the court if it does not contradict the interests of the child; obliging the perpetrator of violence to attend specialised programmes; and directing victims to rehabilitation programmes.

**Croatia** has reported that it has one of the most elaborate systems for legal remedies available to the victims of domestic violence and victims of trafficking.

---

<sup>13</sup> Law on Protection from Domestic Violence, accessed at <<http://www.lex.bg/laws/ldoc/2135501151>>

<sup>14</sup> Final Report on the Project: Better Protection of Children against Domestic Violence and Gender-Based Violence by Sharing Good Practices between Norway and Bulgaria Grant Contract No BG 01- 007 / 06. 07. 2015, accessed at <<http://www.alliancedv.org/uploads/docs/Final%20report.pdf>>

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



In relation to domestic violence victims, LPDV<sup>15</sup> provides both urgent (emergency) and long-term protective measures focused on victim safety, including eviction, stalking and harassment measures, restraining orders, and confiscation of weapons. It also provides two measures directed at offenders' behaviour, including psychosocial treatment and addiction treatment. While a victim may, on his/her own, apply for protective measures under the law, most often, police file for these measures on behalf of victims. The law's jurisdiction lies in the misdemeanour system, whose judges decide whether to issue the protective measures and for what term, as well as whether to impose a jail sentence or fine on the offender. A violation of the protective measure is punishable by a fine or imprisonment of at least ten days. At the urging of Croatian women's NGOs, the Croatian government amended the Misdemeanour Law to provide temporary precautionary measures for the duration of LPDV proceedings, the violation of which is punishable by fine. However, it was stressed that while the adoption of these laws and policy documents is a positive step, there are serious problems with their implementation that negatively impact victim safety and offender accountability in Croatia.

The **Slovenian** FIRST partners noted that victims are provided with professional help and support from the Centre for Social Work, where they draw up a plan of help for victims with their assistance and further convene a multidisciplinary team, which helps to provide guidance for better treatment of victims. According to the Family Violence Prevention Act, the Rules on organisation and work of multidisciplinary teams and regional services and the Rules on actions of the social work put emphasis on cases connected to domestic violence. The victims have, additionally, the right to be accompanied in all procedures regarding domestic violence.

Victims in Slovenia have the possibility to propose concrete measures in court in legal civil procedures (since there is no criminal procedure available) to guarantee their safety and the right to stay in their family home. Victims have the right to free legal aid for these procedures. Currently, the victims have in their disposal the following judicial remedies against the perpetrator, in particular to request that the Court prohibit the perpetrator:

- to enter the apartment where the victim lives;
- to stay in a certain vicinity of the apartment where the victim lives;
- to stay and approach the place where the victim lives (job, school, kindergarten ...);
- to establish contacts with the victim in any way, including by means of distance communication;
- to establish any contact with the victim.

---

<sup>15</sup> Ibid 13

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



The victim may also propose to the court to decide on the release of a shared apartment, where the court may require that the perpetrator of violence leave the shared apartment for the exclusive use of the victim.

The **UK**, being particularly active in the area of domestic violence, has implemented over the years a series of legal remedies that are available to victims.

In relation to gender-based violence, the courts have under the Family Law Act 1996 the power to make an occupation order (the abuser is temporarily excluded from the family home and the surrounding area or the victim's place of work) or non-molestation orders (to protect those who have or had 'an intimate relationship of significant duration with a legally associated person' against molestation by the abuser) to help protect the victims. Additionally, under the Protection from Harassment Act 1997<sup>16</sup> the court has the power to make restraining orders against abusers to prevent harassment, stalking, and putting people in fear of violence.

With regard to domestic violence, Domestic Violence Protection Orders (DVPOs) were launched across England and Wales on 8 March 2014. DVPOs enable a senior police officer to issue a domestic violence protection notice (DVPN) to enable a victim of domestic violence to get immediate protection where the police consider that there are no other legal avenues of redress available to protect the victim. A DVPO is applied for by the police and is made by the Magistrates' Court. An application hearing will be held for a DVPO within 48 hours of the notice being issued (unless on a public holiday or a Sunday). A court order may then be made which imposes any of the following restrictions (in any combination):

- non-molestation of the victim;
- preventing the perpetrator from evicting or excluding the victim from specified premises;
- restricting a perpetrator from entering the premises;
- requiring the perpetrator to leave the premises; and
- preventing the perpetrator from coming within a set distance of the victim (non-contact).

If the order is made, it can last for a minimum of 14 days and a maximum of 28 days.

The aim of DVPOs is to give the victim time, space and support to consider their options by placing the above conditions on perpetrators.<sup>17</sup> The victim can potentially be removed from the entire process of applying for a DVPN/DVPO. Although the views of the victim are an important consideration for the

---

<sup>16</sup> Amended to include specific offences of stalking in 2012: Protection of Freedoms Act s. 111

<sup>17</sup> L Kelly et al, Evaluation of the Pilot of Domestic Violence Protection Orders, Home Office Research Report 76, Nov 2013, accessed at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/260897/horr76.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf)

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."



courts, the process is driven by the police at every stage, with the victim's consent not being required. Moreover, the separation period granted by a DVPO can be invaluable in terms of allowing the victim to weigh up more permanent measures with greater consideration and thought.

Breach of a DVPO is treated as breach of court order (civil contempt of court). A perpetrator may be arrested and punished by a fine or up to two months' imprisonment.

An additional protection measure is afforded by the Sexual Offences Act 2003 in relation to gender-based violence and sexual offences. Sections 20-29 of the Act create offences where the offender is a member of the family, which is frequently the environment where gender-based violence occurs. This Act gives the power to the court to make Sexual Harm Prevention Orders (civil orders against a person who poses a risk of sexual harm to the public and who has been convicted of or cautioned for a sexual or violent offence whereby the offender may be placed on the sex offenders register and be subjected to any restriction the court deems necessary). The Act also provides for Sexual Risk Orders; these are civil orders that can be applied for by the police or the National Crime Authority where a person has performed an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for such an order to be made, even if that person has not committed an offence, whereby the court may impose any restriction it deems necessary on the offender. Such orders run for a minimum of 5 years and failure to comply with an order is a criminal offence punishable by up to 5 years' imprisonment.

#### IV. Transposition of European Legislation in National Legal Orders

Data collected in the framework of this research indicates that the level of transposition of European law into domestic systems is relatively low. The Council of Europe's Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) has been signed by all the countries in question, but only **Slovenia** in 2014 has ratified and implemented it through domestic legislation.<sup>18</sup>

The Bulgarian Government has signed the Istanbul Convention on April 21, 2016. A working group at the Ministry of Justice was formed by Ordinance of the Minister of 25 May 2016 in order to ratify the Istanbul Convention. The working group aims to incorporate the principles and requirements of the Istanbul Convention into national legislation by the end of the year of 2016.<sup>19</sup>

---

<sup>18</sup> The Croatian authorities did not ratify the Istanbul Convention and therefore there was no official transposition yet.

<sup>19</sup> Final Report on the Project: Better Protection of Children against Domestic Violence and Gender-Based Violence by Sharing Good Practices between Norway and Bulgaria, accessed at <<http://www.alliancedv.org/upload/docs/Final%20report.pdf>>



The **UK** Government has confirmed that it remains committed to ratifying the Istanbul Convention but it will not do so until the UK fully complies with all articles and that amendments are required to domestic law to take extra-territorial jurisdiction over a range of offences (as required by Article 44) before it is fully compliant.<sup>20</sup> However, the UK Government has also said that the UK already complies with the vast majority of the Istanbul Convention's articles.<sup>21</sup>

**Slovenia** has taken the following steps to ensure that its domestic legislation is in line with the European rules:

*A coordinated body as required under Article 10 of the Istanbul Convention*

The Ministry of Labour, Family, Social Affairs and Equal Opportunities (as the ministry assigned to the area of family violence) is in the process of establishing a coordinated body for elaboration and implementation of policies related to violence against women, as required under Article 10 of the Istanbul Convention. The coordinating body will be comprised of all relevant ministries and representatives of NGOs working in the field of preventing family violence.

*Working group for preparing relevant legislation in the field of prevention of family violence*

In 2015, the Ministry of Labour, Family, Social Affairs and Equal Opportunities established a working group for preparing relevant legislation in the field of prevention of family violence:

- The Resolution on the 2015-2020 National Programme on Prevention of Family Violence,
- The 2015-2016 Action Plan for Prevention of Family Violence,
- And a proposal for amendments to the Family Violence Prevention Act.

The working group comprises all relevant ministries and representatives of NGOs working in the field of preventing family violence.

*Amendments in the domestic legislation, which have already been passed to harmonise legislation with the Istanbul Convention*

In July 2015, the new Penal Code KZ-1C (Official Gazette of RS, no. 54/15) has been passed, which, in accordance with the convention defines two new criminal offences, namely:

- The offence of stalking - a new Article 134a, and

---

<sup>20</sup> Parliamentary Response: PQ 26764 [on implementing the Istanbul Convention], answered on 22 February 2016

<sup>21</sup> Parliamentary Response: PQ 10888 [on ratifying the Istanbul Convention], answered on 14 October 2015

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."



- The offence of forced marriage or the establishment of similar community - the new Article 132, and
- The offence of Threatening Behaviours is amended so that prosecution for the offence shall be initiated upon a motion and not upon a private action anymore.

### European Union

The EU has ranked domestic violence as a priority on its agenda, as evidenced by Declaration 19 of Art 8 of the Treaty on the Functioning of the European Union. Protection of victims is a key family law priority for the next five years as decided by the EU in June 2014. Both the Council and Parliament of the European Union have passed resolutions calling for specific action.

The Council Framework Decision on the standing of victims in criminal proceedings from 2001<sup>22</sup>, establishes basic rights for victims of crime within the EU. The Member States had to adapt their legislation in line with the requirements of the Framework Decision by 2006. Implementation reports published in 2004<sup>23</sup> and 2009<sup>24</sup> however concluded that this EU legislation had not been effective in achieving minimum standards for victims across the EU.

In 2011, the Commission therefore put forward a legislative package to strengthen the legal framework on victims' rights including a proposal for a directly binding and effectively enforceable Directive establishing minimum standards on the rights, support and protection of victims of crime.

### **The EU Victims Directive**

The Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime<sup>25</sup> was adopted on 25 October 2012 and entered into force on 15 November 2012. It encouraged cooperation between Member States and steps to be taken to strengthen the rights of victims. Directives are not automatically law in Member States and invariably set a three-year timetable for introduction of law. The EU Member States are required to implement the provisions

---

<sup>22</sup> Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA), accessed at <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001F0220>>

<sup>23</sup> Report from the Commission on the basis of Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings {SEC(2004)102}, accessed at <[http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925037721&uri=CELEX:52004DC0054R\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925037721&uri=CELEX:52004DC0054R(01))>

<sup>24</sup> Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA), accessed at <<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421924909350&uri=CELEX:52009DC0166>>

<sup>25</sup> Directive 2012/29/EU of the European Parliament and of the Council on Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, and Replacing Council Framework Decision 2001/220/JHA of 25 October 2012, accessed at <<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>>

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



into their national laws by 16 November 2015. DG Justice of the Commission has issued a guidance document<sup>26</sup> to assist Member States in this process.

The new Directive replaces the 2001 Framework Decision and includes the minimum standards that were established there on the rights to access information, support, protection and basic procedural rights in criminal proceedings. The Directive brings significant added value compared to the previous legal framework since it contains more concrete and comprehensive rights for victims and clearer obligations for Member States.

### **The 2011 Directive on the Criminal European Protection Orders**

This Directive (2011/99) has its core object in respect of criminal law and cross-border recognition of protection orders and implementation in the criminal law context.

### **The EU Protection Orders Regulation**

This EU Regulation (606/2013), binding on Member States, provides for the mutual and automatic recognition of protection measures across the EU. A protection order made in one Member State will be treated as if ordered in the Member State where recognition is sought. No special procedure or declaration of enforceability is required. A protection order imposes obligations on the person causing the risk with a view to protecting another person where that latter person's physical or psychological integrity may be at risk. It can include a prohibition or regulation on entering the place where a protected person resides, works or regular visits or stays, a prohibition or regulation of contact in any form and a prohibition or regulation on approaching the protected person closer than a prescribed distance. It is fairly widely drafted.

Enforcement measures are left to the Member State where it is occurring, which may be more than where the protection order was granted. There are limited grounds for refusal of recognition or enforcement, as with other EU family law legislation. There is provision for legal aid to improve access to justice. The protection order is often limited to 12 months but can be extended. The Regulation came into force in January 2015.

### **The Istanbul Convention**

The above provisions are EU Directives and Regulations. The Istanbul Convention emanates from the Council of Europe. This is separate to the European Union. It has 47 Member States, as distinct from the 28 Member States of the EU.

The Istanbul Convention signed in May 2011 aims to provide a comprehensive legal framework and approach to combat domestic violence. It has a strong emphasis on prevention of violence with measures to give police power to remove perpetrators of domestic violence from the home, setting up telephone helplines and accessible shelters and increasing availability of rape and sexual violence

---

<sup>26</sup>DG Justice Guidance Document Related to the Transposition and Implementation of Directive 2012/29/EU, accessed [at <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwiVycjcnZ7PAhVCAsAKHXx0DdlQFggqMAI&url=https%3A%2F%2Fjustice.europa.eu%2FfileDownload.do%3Fid%3D05758a3a-9e2e-49a5-a7ec-3737c3ad6876&usq=AFQjCNG-6F11AMc\\_he45jaQa70BeFpNtyA>](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwiVycjcnZ7PAhVCAsAKHXx0DdlQFggqMAI&url=https%3A%2F%2Fjustice.europa.eu%2FfileDownload.do%3Fid%3D05758a3a-9e2e-49a5-a7ec-3737c3ad6876&usq=AFQjCNG-6F11AMc_he45jaQa70BeFpNtyA)

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



crisis centres. It defines and criminalises various forms of domestic violence. Member States are required to introduce new criminal offences and co-ordinated policies. It encourages states to work to eliminate cultural justifications for violence such as 'tradition' or 'honour'. Member States should provide good, understandable and accessible information to help victims of domestic violence.

The Istanbul Convention entered into force in August 2014 and a number of European countries have ratified it, including 12 EU member states, which do not include the UK. A further 13 Member States have signed it but not yet ratified. More signatures and ratifications are expected.

On 4 March 2016, the EU Commission proposed that the EU itself ratify the Istanbul Convention. The EU accession should mean a mandate for better data collection at the EU level, accountability for the EU at the international level and encourage remaining Member States to ratify or at least introduce appropriate domestic provisions. It should be noted that the EU is not a member of the Council of Europe but following the Lisbon Treaty, which gave the EU much greater powers and autonomy to enter into international conventions and treaties, it now enters in its own right and power into conventions such as the European Convention on Human Rights and now soon the Istanbul Convention.

At Member State level, with regard to Directives 2012/29/EU (Victims' Directive) and 2011/99/EU (European Protection Orders) Bulgaria is reported to have partially transposed Directive 2012/29.

The EU Victims' Directive 2012/29/EU was adopted by the **UK** in 2012 and all European Union (EU) countries had to fully implement the directive by November 2015. Transposition of the directive in the UK national legislation has been achieved via three separate processes:

- England and Wales: The Ministry of Justice introduced a Code of Practice for Victims of Crime in 2013. The 2015 version expands the scope to cover competent authorities who were not previously subject to the code. It sets out how victims of crime should be treated by the criminal justice system;
- Scotland: The Scottish Executive have implemented the EU Directive via the Victims' Rights (Scotland) Regulations 2015;
- Northern Ireland: The Department of Justice in Northern Ireland have implemented the EU Directive via the Victim Charter (Justice Act (Northern Ireland 2015)) Order 2015.

Also, there is a new Part 38 of the Family Procedure Rules and Practice Directions of the Ministry of Justice to make procedural provisions for incoming and outgoing protection measures under the EU Protection Measures Regulation (606/2013). This provision is similar to other domestic rules implementing EU family law legislation.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



## I. Criminalisation of Acts

The Istanbul Convention requires the states bound by it to criminalise the acts of: psychological violence (Article 33), stalking (Article 34), physical violence (Article 35), sexual violence including rape (Article 36), forced marriage (Article 37), female genital mutilation (Article 38), forced abortion and forced sterilisation (Article 39) and sexual harassment (Article 40).

With the exception of **Bulgaria**, which has criminalised only sexual violence and bodily injuries, all other states under this project have reported to have taken steps towards the criminalisation of forms of gender-based violence as described in the Istanbul Convention, despite the fact that most of them are not legally bound by it.

**Slovenia**, the only state under the FIRST project that has both signed and ratified the Istanbul Convention, has criminalised all forms of gender-based violence included in the Istanbul Convention with the note that harassment is a sexual offence only if it occurs in the workplace.

More specifically, psychological violence is criminalised in the Criminal Code (KZ-1) under Article 296 (Violent Conduct) and under Article 135 (Threat). Psychological harassment in the workplace is covered by the criminal act of hazing in the workplace in Article 197 of the KZ-1. Stalking and forced marriage, after the amendment to the Criminal Code (KZ-1C), are criminal offences of stalking in Article 134.a. and 132.a respectively. The Criminal Code also criminalises the different intensities of physical violence in a number of articles (both in Chapter Crimes against life and body, as well as outside, eg. Violent Conduct in Article 296, Family Violence in Article 191, Threatening Behaviours in Article 135). Sexual violence is also included in the KZ-1 which criminalises rape. In relation to female genital mutilation according to dr. Filipčič (2014), female genital mutilation (all forms listed in Article 38 item a) is represented in the Slovenian criminal legislation as “injury”. In the context of serious or grievous bodily harm, the offence is also punishable because of the intensity of the interference in body and the multiple consequences of female genital mutilation. Forced abortion and forced sterilisation, although not specifically criminalised, are encompassed by the provisions with regard to offences of serious injuries.

**Croatia** and the **UK**, despite the lack of ratification of the Convention, have also criminalised all forms of violence.

The Criminal Code of **Croatia** criminalises the acts of: psychological violence (which is also punished under the Misdemeanour Act as an act of “Domestic Violence” defined by Article 4 of Law on Protection from Domestic Violence); stalking; physical violence; (in the form of Bodily Injury (Article 117), Heavy Bodily Injury (Article 118), Especially Heavy Bodily Injury (Article 119) and Heavy Bodily Injury with a Death Outcome (Article 120) and only with intent); sexual violence; forced marriage; female genital mutilation; forced abortion and forced sterilisation; sexual harassment (also included

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



in the Law on Protection from Domestic Violence, Act on Gender Equality and Law on Elimination of Discrimination in the Republic of Croatia).

In the **UK**, there are several criminal offences, which may be committed in the context of domestic and gender-based violence, Psychological violence has recently been criminalised by s76 of the Serious Crime Act 2015, making it an offence to engage in controlling or coercive behaviour. With regard to physical violence, there are a broad range of offences for which an offender could be prosecuted: acts of physical violence (such as actual bodily harm or grievous bodily harm under the Offences Against the Person Act 1861<sup>27</sup>), murder or manslaughter under common law and rape or sexual assault under the Sexual Offences Act 2003<sup>28</sup>, amongst any other criminal acts. The Protection from Harassment Act 1997 has criminalised harassment<sup>29</sup>, putting a person in fear of violence<sup>30</sup> and stalking<sup>31</sup>. The Protection from Harassment Act 1997 also provides that breach of a restraining order (a civil offence) made under it is a criminal offence<sup>32</sup>. It should also be noted that breach of a non-molestation order made under the Family Law Act 1996 constitutes a criminal offence<sup>33</sup> and similarly breach of a Sexual Harm Prevention Order or a Sexual Risk Order made under the Sexual Offences Act 2003 (as amended by the Anti-Social Behaviour, Crime and Policing Act 2014) is a criminal offence<sup>34</sup>. Forced marriage<sup>35</sup> and female genital mutilation<sup>36</sup> are also both criminal acts.

## II. Case Law on Domestic and Gender-Based Violence

Looking at the case law development in the FIRST partnership countries, some successes were reported, especially after the recent amendments in respective domestic legislation, but the common theme amongst the national reports received was that some judgments on new legal provisions are still being awaited.

**Bulgaria** highlighted that about 1,500 cases are brought yearly of applications for civil orders for protection, without providing specific successful case law.<sup>37</sup>

---

<sup>27</sup> Offences Against the Person Act 1861 ss. 18-20 and s.47

<sup>28</sup> Sexual Offences Act 2003 ss.1-3

<sup>29</sup> Protection from Harassment Act 1997 s.2

<sup>30</sup> Protection from Harassment Act 1997 s.4

<sup>31</sup> Protection from Harassment Act 1997 ss. 2A and 4A

<sup>32</sup> Protection from Harassment Act 1997 s.3

<sup>33</sup> Family Law Act 1996 s.42

<sup>34</sup> Sexual Offences Act 2003 Part 2

<sup>35</sup> Anti-Social Behaviour, Crime and Policing Act 2014 s.121

<sup>36</sup> Female Genital Mutilation Act 2003 ss. 1-4

<sup>37</sup> The data was collected by the NGOs of the relevant sphere, including informal statistics provided by the Alliance for Protection against Gender-Based Violence, accessed at <<http://www.alliancedv.org>>

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



Although the experience of the local NGOs was said to be very negative, **Croatia** noted the following relevant case law on domestic and gender-based violence: ST-1-2015/Centar ROSA (on forced marriage), AŽKZ/26/6/215 (on domestic violence and psychological violence, physical violence, economic violence, threats), AŽKZ/14/01/2015 (on domestic violence: psychological, physical, sexual, economic, threats). The above-mentioned case law was reported to include some positive elements yet nevertheless does not provide helpful guidance for good practice.

Successful cases provided by the **Slovenian** FIRST partners include the following: VSM Decision I Cp 1003/2014, VSL Decision IV Cp 489/2010, VSRS Case I Ips 52403/2011-277, Case XI Ips 48327/2012-90 (on domestic violence); VSL Case I Kp 138/2005, VSL Decision III Kp 41520/2012, Case I Ips 9556/2010-113 (on sexual violence). There were no cases provided for stalking and forced marriage as these provisions were newly introduced into the Slovene legislation and thus have not been litigated at the time of writing this report.

In the **UK** in 2014/15 there were 68.601 convictions for domestic violence related offences, which reflects an increase in the number of convictions from 2013/2014.<sup>38</sup> This may demonstrate that there is an increasing number of domestic violence cases being prosecuted and an increase in the number of offenders being convicted. Most of the key case law developments date back some years (for example, R v R [1991] UKHL 12 which abolished the marital exemption to rape). The most significant case of recent times affecting the domestic and gender based violence landscape was the Queen (on the application of Rights of Women) v The Lord Chancellor and the Secretary of State for Justice [2016] EWCA Civ 91, which relates to legal aid and is referred to in section III below. Most of the legislation in the UK relating to gender-based and domestic violence is well established and frequently prosecuted, however the **UK** is still waiting to see the impact of the new criminal offence of controlling or coercive behaviour introduced by the Serious Crime Act 2015.

### III. Problems Faced by Victims of Domestic and Gender-Based Violence

All of the four contributing organisations in the FIRST Member States identified a main problem: lack of training on the side of the investigatory authorities, the police and other professionals working with the victims that impedes early and effective identification. **Bulgaria, Croatia** and **Slovenia** also highlighted that this lack of awareness may lead to re-victimisation of the victims in the court. Furthermore, all contributing organisations reported difficulties on the side of the victim to obtain financial aid that would break the dependency on the abuser as well as safeguard their right to legal representation.

In the **UK**, victims have to prove that they are victims of domestic violence in order to qualify for Legal Aid. Victims are asked to obtain evidence such as written confirmation of cautions and convictions

---

<sup>38</sup> House of Commons Library, Briefing Paper, Domestic Violence in England and Wales, see: <http://researchbriefings.files.parliament.uk/documents/SN06337/SN06337.pdf>, published on 6 May 2016.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



and letters from GPs confirming injuries. There was a time limit placed on this evidence and anything over 2 years old was not taken into account. However, due to a decision of the Court of Appeal these time restrictions have been revisited by the Ministry of Justice. Interim legislation is currently in place while a formal review of the legislation takes place and from the 25<sup>th</sup> April 2016, the time limit in relation to evidence of domestic violence will be extended from 2 years to 5 years. In addition, provisions for the assessment of financial abuse have been introduced. With better access to legal representation, survivors of domestic violence will have better access to justice.

Other problems that were identified are: difficulties in the issue of medical documents (**Bulgaria**) in the sense that some victims do not have access to insurance under public health policy, General Practitioners or health care. Furthermore, victims may not be able to afford private medical checks or medical bills which may lead to failure to provide the necessary documents for court procedures; poor application of the legislation (**Slovenia**); no uniform protection and access to rights in all the regions of the country (**Slovenia**); the issue of housing for victims after their stay in shelters (**Slovenia**); the lack of proper mechanisms addressing the needs of vulnerable people such as Roma, elderly, people with disabilities, etc. (**Slovenia**)

The important issue of 'dual arrests' was reported to be occurring in **Croatia**. Dual arrests, the practice where the victim is arrested alongside the offender, are widespread throughout Croatia partly due to the language of the LPDV and also the ineffectiveness of the police in identifying the primary aggressor in domestic violence cases. The LPDV classifies psychological and economic violence as domestic violence in very broad terms, and this provision is implemented against the victim regardless of the danger or threat the perpetrator poses to the victim's safety. This means that a victim who has verbally insulted her offender can be prosecuted and held accountable alongside her abuser who has physically beaten her. The impact of arresting and charging a victim of domestic violence for attempting to defend herself can be devastating for the victim as after she has been punished once for seeking help, she is not likely to access the justice system again.

Another point raised by the **Croatian** partner organisation is the court practice of holding the victim accountable for the children witnessing domestic violence. The Family Law provides that parents are accountable for abusing their parental responsibilities if they expose a child to violence amongst the adult family members. In practice, Centre for Social Welfare (CSW) employees and family and criminal law judges also reported that their primary focus in domestic violence cases is on ensuring the well-being of the children. Fears of losing their children if they report the violence can deter a victim from coming forward to seek help.

In many cases, police, judicial, CSW and other actors' practices also reflect a fundamental misunderstanding of the dynamics of domestic violence and how best to address it. Interviews indicate that many of the state responses focus on children's well-being to the marginalisation—and sometimes the exclusion—of victim safety. For example, domestic violence cases in Croatia are handled by a law enforcement unit that is primarily responsible for juvenile delinquency and crimes

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*

against children. While this expertise is important, it is also critical that those who respond to domestic violence cases have knowledge and training on the dynamics of violence against women. In addition, some misdemeanour judges see domestic violence as limited to violence against the children.

Family Law requires couples undergoing divorce proceedings to complete mediation as part of the divorce process. Monitoring revealed that Centre for Social Welfare employees conducting mediation do not screen for domestic violence in these cases, nor do they proactively offer separate mediation to mitigate the potential harm to a victim of domestic violence being forced to meet with her abuser. Mediation in domestic violence cases can be counterproductive and even dangerous. It assumes that both parties are equal, yet an offender often holds tremendous power over a victim, who may be afraid to voice her concerns. Even in stages when mediation is not mandated, Centre for Social Welfare workers have reportedly still encouraged victims to reconcile with their offender.

#### IV. Access of Victims of Domestic and Gender-Based Violence to Rights

**Croatian** and **Slovenian** contributions reported a lack of research with regard to the effective assertion of rights on behalf of victims of domestic and gender-based violence. In **Bulgaria**, the partner organisation stressed the lack of effectiveness of the criminal justice system, as domestic violence cases are not considered a criminal offence if they do not involve sexual violence that has been proved beyond a reasonable doubt, which results in victims accessing their rights only in private law court cases.

The **UK** FIRST partner organisation reported that there is research in relation to access to justice for victims of domestic and gender-based violence that highlights the existent deficiencies.

The UK Government introduced legal aid changes in 2013, which foresaw over-strict tests required to bring evidence to satisfy the broader statutory meaning of domestic violence. The Law Society challenged the lawfulness of these changes, which are preventing victims of domestic abuse from getting legal aid, even when it is clear there has been violence, or there is an on going risk of violence, describing them as 'yet another example of the draconian cuts affecting vulnerable clients'.<sup>39</sup>

In the meantime, two women are killed each week by a current or former partner and 500 recent victims of domestic violence commit suicide every year.<sup>40</sup>

---

<sup>39</sup> Rights of Women, 'Court deals blow to rights of domestic violence survivors to access justice,' accessed at <<http://rightsofwomen.org.uk/court-deals-blow-rights-domestic-violence-survivors-access-justice/>> on 27 May 2016.

<sup>40</sup> *Ibid.*

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."



In relation to gender-based violence, P. Alldred and B. Biglia studied comparatively in Italy, Ireland, Spain and the UK the legal framework for combating gender-based violence. Amongst the findings was the absence of an effective legal framework and preventive measures, particularly in the UK.<sup>41</sup>

Many important findings were included in the 2015 Citizens Advice Bureau report entitled 'Victims of domestic abuse: struggling for support?'<sup>42</sup>

The report maintains, amongst other issues, that while Government has unquestionably improved the evidence requirements to make legal aid more accessible (see section III above for recent changes), victims are still struggling to access the support that they need to move on from abuse. Legal aid restrictions include financial contribution to the victim, which leaves large numbers of victims giving up on their rights to justice.

Nevertheless, according to S. Walby, UNESCO Chair in Gender Research Lancaster University, domestic abuse in the UK is estimated to cost society £15.7 billion per year. The author offers a series of implications for policy makers, national and local government, campaigners as well as other referral services:

- Financial and emotional abuse need to be better articulated;
- Policies which affect benefits, debt or housing, need to better consider the needs of victims of abuse;
- Financial institutions must develop consistent guidelines to allow victims to detangle their assets from abusers safely;
- The Ministry of Justice should revise evidence requirements;
- Civil society needs to be better equipped to recognise, support and refer victims of domestic abuse.<sup>43</sup>

## V. Level of Awareness of Victims of Domestic and Gender-based Violence of Relevant Legal Provisions

**Slovenian** and **Croatian** FIRST partner organisations reported that there is no research on the level of awareness of the law amongst victims of domestic and gender-based violence, while **Bulgaria** reported that victims have average awareness.

---

<sup>41</sup> P. Alldred and B. Biglia, 'Gender-Related Violence and Young People: An Overview of Italian, Irish, Spanish, UK and EU Legislation' (2015) 29(6) *Children & Society*, p. 662–675.

<sup>42</sup> I. Parker, 'Victims of domestic abuse: struggling for support?' (Citizens Advice Bureau, London 2015).

<sup>43</sup> S. Walby, 'The Cost of Domestic Violence update 2009' (Lancaster University, 25 November 2009)

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



In relation to the existence of set mechanisms assisting victims in knowing and asserting their rights there is a divergence in the practice that each state follows. In **Slovenia** and **Bulgaria**, the main bodies responsible for assisting victims in knowing and asserting their rights are the NGOs. However, this responsibility is very onerous due to lack of state contribution to this effect.

In **Croatia** there is an Independent Office for the support of victims and witnesses within the Ministry of Justice. This Office supports and informs victims of all crimes except for misdemeanours. Support and assistance to victims and witnesses is provided by departments at county courts in Zagreb, Vukovar, Osijek, Zadar, Split, Sisak and Rijeka. Croatia also established a system of providing legal aid through the adoption of the Free Legal Aid Act in 2008. The work of NGOs comes as an addition to the mechanism established by the state. NGOs usually provide information for victims about their rights or free legal aid and representation in court.

## VI. Policies towards Reducing Rates of Domestic and Gender-Based Violence

The **Bulgarian** FIRST member organisation reported that no policies to this effect are implemented at present in the country, as tackling domestic violence is not seen as a priority for the state.

**Croatia** on the other hand has been reported to be implementing the National Strategy of Protection against Family Violence for the period 2011-2016.<sup>44</sup> However, the National Plan for Combating Trafficking in Human Beings and the National Policy for Gender Equality, which were scheduled to run for the period of 2011-2015, have not been updated or replaced. The legislative framework also includes the Rules of Procedure in Cases of Family Violence and the Rules of Procedure in Cases of Sexual Violence. These Rules of Procedure define the roles of relevant institutions, which come in contact with abused women.

Other policy steps that were reported from **Croatia** cover the period of 2006-2008, when **Croatia** actively participated in the Council of Europe Campaign to Combat Violence against Women (2006-2008), including domestic violence, by conducting a national campaign. In 2006, a National Committee for the Implementation of the Campaign to Combat Domestic Violence against Women was established at the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity.

Currently **Slovenia** is reported to be in the process of amending the Family Violence Prevention Act and preparing the relevant documents: the Resolution on the 2015-2020 National Programme on Prevention of Family Violence and the 2015-2016 Action Plan for Prevention of Family Violence.

The **UK** introduced in England and Wales in 2014 the Domestic Violence Disclosure Scheme (DVDS).<sup>45</sup>

---

<sup>44</sup> For further information please see: <[http://narodne-novine.nn.hr/clanci/sluzbeni/2011\\_02\\_20\\_422.html](http://narodne-novine.nn.hr/clanci/sluzbeni/2011_02_20_422.html)>

<sup>45</sup> Home Office Policy Paper, '2010-2015 government policy: violence against women and girls (Updated 8 May 2015), accessed at <<https://www.gov.uk/government/publications/2010-to-2015-government-policy-violence->



The DVDS' main aim is to inform women that their partner may have a history of violence and thus protect potential future victims of domestic violence. The DVDS does not introduce any new legislation and operates within the existing legal framework; however, it:

- Introduces recognised and consistent procedures for disclosing information that enables the new partner of a previously violent person to make informed choices about how or whether to continue a relationship with that previously violent person;
- Creates the "right to ask". This is the right for an individual to ask police to check whether a new or existing partner has a violent past. If records show that an individual may be at risk of domestic violence from a partner, the police will consider disclosing the information. A disclosure can be made if it is legal, proportionate and necessary to do so; and
- Creates the "right to know". This enables an agency to apply for a disclosure if the agency believes that an individual is at risk of domestic violence from their partner. Again, the police can release information if it is lawful, necessary and proportionate to do so.

Under the DVDS, where all the tests are met, the police may disclose a person's unspent convictions or recorded cautions related to domestic violence. Where a new partner does not have the mental ability to understand the disclosure or would be put in danger by the disclosure, a disclosure may not be made to the new partner but may be made to the person best able to safeguard the new partner (e.g., a social worker or relative).

A Home Office assessment of DVDS was published in March 2016, which confirms that from the time of its implementation to 31 December 2014 a total of 4,724 applications had been made, and 1,938 disclosures made as a result of those applications. Reports about the scheme have been largely positive, however some concerns have been raised about inconsistencies in the information given in the disclosures and in the follow-up support given to those who were told there was no information to disclose.<sup>46</sup>

## VII. Identification of Victims of Domestic and Gender-Based Violence

As far as identification of victims of domestic and gender-based violence is concerned, the responses of the participating FIRST countries – with the exception of the UK – indicate a serious deficiency in this area.

---

[against-women-and-girls/2010-to-2015-government-policy-violence-against-women-and-girls](#)> accessed on 27 May 2016; and Home Office 'Domestic Violence Disclosure Scheme- Impact Assessment' accessed at <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/260899/DVDS\\_IA.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260899/DVDS_IA.pdf)> on 31 October 2013

<sup>46</sup> Home Office, 'Domestic Violence Disclosure Scheme (DVDS) One year on – Home Office assessment of national roll-out', March 2016

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



The **Slovene** FIRST partners reported that there are no specific methods in their country to identify victims of domestic and gender-based violence, while the **Bulgaria** representatives submitted that identification is limited to mere guidelines for the police.

The **Croatian** identification approach, as registered in the relevant contribution to the research questionnaire, makes a distinction between domestic and gender-based violence. As far as domestic violence is concerned, there are no mechanisms for the identification of victims. However, a special document, Rules of Procedure in Cases of Sexual Violence, that imposes obligations of relevant institutions in cases of sexual violence (police, health system, judiciary, centres for social care, educational institutions and non-institutional support), was adopted in 2014 in relation to sexual violence cases.

Moreover, there is in place the Law on the Rights of Victims of Sexual Violence during Armed Aggression against the Republic of Croatia in Homeland that was adopted in 2015 and provided for the establishment of a Special Commission for victims of sexual violence. This Commission is responsible of awarding the Status of victims of sexual violence during the war on the basis of evidence submitted by the victim.

In the **UK**, a list of indicators of domestic violence has been established to help health professionals in the UK identify domestic abuse and gender-based violence, that include amongst others: unexplained bruises, lacerations, burns, multiple sites of injury or multiple injuries in various ages of healing; injuries to areas hidden by clothing (chest, breast and abdomen); evidence of sexual abuse, e.g. injuries to genitals; explanation given by the service user, as to how her injuries have occurred, is inconsistent with those injuries; repeated 'accidental' injuries from the medical records; accompanied by an 'overprotective' partner; reluctance to speak or disagree in front of her partner<sup>47</sup>

Other organisations in the **UK** have also developed lists of indicators and early warning signs to help identify victims or potential victims of violence<sup>48</sup> and also children who may have witnessed and been affected by domestic violence.<sup>49</sup> These tend to focus on the actions of the perpetrator, for example whether any controlling behaviour is displayed, in addition to relying on the presentation of the victim. A parallel list of "early indicators" for trafficking situations has been developed in the framework of the European Union-funded *Upholding Rights! Early Legal Intervention Project*.<sup>50</sup>

---

<sup>47</sup> The full list of the indicators can be found here: Domestic Violence London, A Resource for Health Professionals, 'How To Deal and Recognise Patients Who Are Victims of D.V./Identify', accessed at <<http://www.domesticviolencelondon.nhs.uk/5-how-to-deal-with-and-recognise-patients-who-are-victims-of-d-v-/>> on 27 May 2016.

<sup>48</sup> See Refuge website: <<http://www.refuge.org.uk/what-we-do/campaigns/early-warning-signs/>>

<sup>49</sup> See NSPCC website: <<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/domestic-abuse/signs-symptoms-effects/>>

<sup>50</sup> Upholding Rights! Early Legal Intervention Project, see: <<http://www.earlylegalintervention.eu/>>

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."

## VIII. National Action Plan

The **Bulgarian** FIRST project partners reported having annual programmes for preventing and combating domestic violence and national action plans on gender equality.

The National Programme for Prevention and Protection against Domestic Violence for 2015 contains:

1. directions for the implementation of institutional mechanisms for prevention and protection against domestic violence;
2. raising awareness and sensitivity of the general public;
3. training and qualification of professionals who work in the relevant institutions;
4. measures for protection, rehabilitation and reintegration of victims of violence;
5. programmes for the perpetrators, legislation amendments, control and evaluation of the activities.

It was designed for cooperation between institutions, implementation of effective coordination mechanisms and working with NGOs on specific prevention and protection programmes as well as counselling of perpetrators.<sup>51</sup>

The national strategy of promotion of equality of women and men for the period of 2009-2015 has established the principal strategic document of the uniform policy for gender equality. The policy has advocated equal opportunities of women and men for complete and active participation in all fields of life and the prohibition of gender-based discrimination.

The national strategy can also be found in the corresponding instruments of European strategies. The strategy is executed via the implementation of annual national action plans for stimulation of gender equality, which commenced in the year of 2005 and is on behalf of the Council of Ministers. The plans including specific measures on the competency of various institutions and organizations and have been listed in priority orders:

1. the state's policy on gender equality; equal degree of economic independence; improved combination of professional, personal and family life;
2. stimulation of equal participation of women and men in the decision making process;
3. dignity, sanctity of the individual, and prevention of gender based violence;

---

<sup>51</sup> Ministry of Interior, accessed at <<http://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=959>>

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



4. elimination of gender based stereotypes and counteraction of multiple discrimination;
5. popularization and application of good European practices.

The results are presented in an annual report on gender equality, where the performance of specified measures and the progress of the conducted policy have been recorded. The MLSP prepares the report, in which the summary of the information is provided in representation of the involved institutions. The report has been passed by the Council of Ministers.

A process of execution is also under way for an inter-institutional Action Plan for the implementation of concluding recommendations towards Bulgaria, which is directed on behalf of the UN Committee on the Elimination of Discrimination Against Women (CEDAW) and was adopted by the Council of Ministers in 2013 (CMD No 438 dated 25.07.2013). The concluding recommendations dated July 27<sup>th</sup> 2012 towards the Republic of Bulgaria are in connection with the review of the consolidated IV-VII periodic report on Bulgaria (CEDAW/C/BGR/4-7), held on July 12<sup>th</sup>, 2012 in New York pertaining to the performance of obligations of Republic of Bulgaria on the UN Convention on the Elimination of All Forms of Discrimination against Women (in force for Bulgaria since 10.03.1982.. The recommendations are connected to the observation of the rights of women and gender equality in various fields – education, employment, healthcare, economic and social support, participation in political and social life, violence, people trafficking, stereotyped discrimination practices, temporary special measures, disadvantaged women, legal framework for equality, appeals submittal mechanism, national mechanism for attainment of progress by women, marriage and family relations, etc.<sup>52</sup>

The **Slovenian** contribution as to this question has highlighted that there is a relevant action plan, namely the Action Plan for Implementation of Family Violence Prevention Act 2012–2013 (*Akcijski načrt za preprečevanje nasilja v družini 2012–2013*) and the Resolution on the 2009–2014 National Programme on Prevention of Family Violence 2009–2014 (*Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009–2014*; Official Gazette of RS, no. 41/09), but they are currently out of date. However, a new Action Plan and Resolution are under way.

The **Croatian** contributors noted that a National Strategy for Combating Domestic Violence for the period 2011–2016 exists. The priority areas of this strategy are: training of experts working in the area of protection against domestic violence; psychosocial treatment of domestic violence perpetrators; analysis and implementation of the law dealing with protection against domestic violence; shelters and support to victims of domestic violence; improving the status of the victim in procedures in which he or she participates; and raising public awareness of the issue of domestic violence. However, there is no specialised National Action Plan to address gender-based violence. The Croatian National Policy for Gender Equality includes part No 5, *Removing Violence against Women*, but this Policy has now

---

<sup>52</sup> The Ministry of Labour and Social Policy, accessed at [http://www.mlsp.government.bg/index.php?section=POLICIESI&lang=\\_eng&l=308](http://www.mlsp.government.bg/index.php?section=POLICIESI&lang=_eng&l=308)

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."



expired and no new policy has been adopted since. The Croatian National Plan for Combating Trafficking in Human Beings, valid for the period 2011-2015, has also expired now and no new Policy has been adopted until the writing of this report.

The **UK** was reported to have the most comprehensive set of policies in the effort to tackle domestic violence. A major UK government policy action plan was published in March 2011, entitled *Call to End Violence Against Women and Girls: Action Plan, March 2011*,<sup>53</sup> which addressed a range of matters including: the inclusion of controlling or coercive behaviour in the Government's definition of domestic abuse; consideration of strategies to challenge practices and attitudes of individuals which foster violence against women; the importance of early intervention; training for those working in the sector; the value of government working with civil society; the need for legislation that supports policy initiatives; and the reduction of risk for victims and the rehabilitation of offenders.

On 8 March 2016, the Home Office published its 2016-20 strategy to end violence against women and girls, which extends the action plan published in 2011. This includes £80 million of dedicated funding to provide core support for refuges and other accommodation-based services, rape support centres and national helplines. From April 2017, a new Violence Against Women and Girls Service Transformation Fund will support local domestic abuse service provision.<sup>54</sup>

The government also undertook a major consultation in 2014 on the current state of the law and whether it needs reform:

- Strengthening the Law on Domestic Abuse, Consultation, August 2014;<sup>55</sup>
- Strengthening the Law on Domestic Abuse, Summary of Responses (including proposed new law), December 2014.<sup>56</sup>

Following the consultation, the new offence of domestic abuse was introduced by the Serious Crime Act 2015 (punishable by a maximum penalty of 5 years imprisonment, or a fine, or both) which explicitly criminalises patterns of coercive and controlling behaviour where it is perpetrated against

---

<sup>53</sup>HM Government, 'A Call to End Violence against Women and Girls, Action Plan 2014' (March 2014), accessed at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287758/VAWG\\_Action\\_Plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf) on 27 May 2016.

<sup>54</sup> HM Government, Ending Violence against Women and Girls Strategy 2016–2020, March 2016

<sup>55</sup> Home Office 'Strengthening the Law on Domestic Abuse - A Consultation', (August 2014) accessed at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/344674/Strengthening\\_the\\_law\\_on\\_Domestic\\_Abuse\\_-\\_A\\_Consultation\\_WEB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344674/Strengthening_the_law_on_Domestic_Abuse_-_A_Consultation_WEB.PDF) on 27 May 2016.

<sup>56</sup> Home Office 'Strengthening the Law on Domestic Abuse Consultation - Summary of Responses' (December 2014) accessed at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389002/StrengtheningLawDomesticAbuseResponses.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389002/StrengtheningLawDomesticAbuseResponses.pdf) on 27 May 2016.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



an intimate partner or family member.<sup>57</sup> The details of the Serious Crime Act 2015 are set out above in Section 1.3; however the consultation and summary are noted here as they contain useful guidance.

## IX. Training of First Points of Contact

In **Bulgaria** the FIRST partner organisation reported that no specific rules for training of the first points of contact are in place while the main work in this field is being conducted by NGOs.

In **Slovenia** it was submitted that the Family Violence Prevention Act and Resolution of National Programme of Family Violence Prevention 2009-2014 includes education and training of professional workers, and noted that programs of prevention are not financed by the state as a separate field. Prevention is therefore left to individual organisations that are providing it with different (EU) projects.

The **Croatian** contribution stated that the country has taken several positive steps and reported that the National Strategy of Protection against Family Violence for the period 2011-2016 incorporates several measures for training of professionals dealing with protection against domestic violence. Support to victims of violence includes training of specialised professionals. Additionally, there are regular training sessions and workshops organised for police officers, law enforcement officers, healthcare workers, social workers, tourism workers, diplomatic and consular personnel, military personnel and police officers who are sent to international missions, for civil society organisations, the media and other experts on the field. NGOs also are conducting training sessions.

In the **UK**, it has been found that the Home Office funds Coordinated Action against Domestic Abuse (CAADA) to provide Independent Domestic Violence Advisors (IDVA) with training places. The IDVAs provide support to survivors of domestic abuse living in the community who have been assessed as being at high risk of further domestic abuse. They provide vital domestic violence training to key agencies such as the police and the Crown Prosecution Service, which greatly improves the way they respond to domestic violence cases. Nevertheless, as raised above (Section III), there is a lack of violence-related education of the first-line responders. Thus, the staff members do not recognise and identify the victims of domestic violence. Concerning the police services, Her Majesty's Inspectorate of Constabulary (HMIC) did a study on the Police Response to Domestic Violence. Victims claimed that they were not taken seriously on the first call; they experienced a lack of interest or awareness; they felt little care or sympathy. In general, first-line responders may face additional obstacles: time constraints, stereotyping, fear of offending the victim or the partner, powerlessness, etc. All these factors show that there is a lack of training related to domestic violence for the first-line responders in general.<sup>58</sup>

---

<sup>57</sup> Serious Crime Act 2016, s. 76.

<sup>58</sup> For a more extensive account of the UK national context on this point, please refer to the Field Review and Analysis Report, compiled under the FIRST project, relevant section on Training.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*

## X. Monitoring Body and Monitoring Mechanisms

According to the answers that were given from the FIRST member organisations, it should be concluded that there is at the moment no functional mechanism in any of the FIRST project countries in the sense of a national or governmental body overseeing the national responses to issues of domestic and gender-based violence. In particular:

**Bulgaria** was reported not to have any such national and governmental body.

The **Croatian** contribution mentioned as a national monitoring body the National Team for the prevention and suppression of domestic violence and violence against women that was established in 2010. Members of the National Team are representatives of relevant ministries who signed the Agreement. There are no reports on the work of this team since the year 2012.

In **Slovenia**, FIRST partner organisations stated that the country, as a member state in the Istanbul Convention, is in the process of establishing a monitoring body by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

With regard to the monitoring mechanisms, the FIRST project country organisations reported the following:

In **Bulgaria** it was mentioned that that there is no state mechanism or official monitoring of all issues. The only data available is collected by the police and the courts.

The **Slovenian** contribution mentions that the country has a special regulation in relation to data collection on violence (Leskošek, 2013).<sup>59</sup> The definitions of violence as well as data collected at each institution are specified differently, and in accordance with the protection of personal data. Institutions have for the purpose of data collection set up special departments, which are responsible for data collection. Data are so not comparable and do not provide a clear picture on the prevalence of the violence.

Furthermore, the creation of a specific offence of family violence (Article 191) in the Criminal Code made it possible to monitor the number of cases dealing with family violence in official statistics, which previously, due to the "diversification" in the number of offences, was not possible.<sup>60</sup> It should be understood that the offence of family violence includes, in addition to psychological and economic violence, only mild forms of physical violence, whose victims have not suffered injury. Severe forms

---

<sup>59</sup> Leskošek, V. (2013) Final National report, Slovenia. On collecting administrative data. EIGE. Predavanje na delavnici Workshop on development of a joint proposal for unique administrative data base on GBV, 23. – 24. April 2014. Ljubljana: Društvo SOS telefon.

<sup>60</sup> The Criminal Code (Kazenski zakonik), Official Gazette of RS, no. 55/08. Available in English, See: <<http://www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode2009.pdf>>, 4. 10. 2016.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



of violence and sexual violence remain in official statistics still "hidden" in the context of severe (general) criminal offences.

With the adoption of the Family Violence Prevention Act, the Social Work Centres became responsible for managing the data on all cases that they dealt with.

A national survey entitled 'The incidence of violence and responses to violence in the private sphere and partnership relations' (Pojavnost nasilja in odzivnost na nasilje v zasebni sferi in partnerskih odnosih) (Leskošek, Urek, Zaviršek, 2010) was published in 2010, while last year the EU-wide survey was published, compiled by the European Union Agency for Fundamental Rights – FRA (FRA, 2014)<sup>61</sup>.

In **Croatia**, the FIRST partner responded that the implementation of the Protection against Domestic Violence Act has been regularly monitored and that the findings demonstrate an increase in reported domestic violence from 2005 onwards, which may also be interpreted as a result of increased public sensitivity to this problem and better awareness that this is not just the problem of a particular family, but a problem of society as a whole. Police officers have been continuously trained to recognise all forms of violent domestic behaviour as a minor offence or a criminal offence. The Croatian Bureau of Statistics carries out statistical research on perpetrators of criminal offences and misdemeanours, according to the Annual Implementation Plan of Statistical Activities relevant for a particular year, and in accordance with the Official Statistics Act (Official Gazette, no. 103/03. and 75/09). The Croatian Bureau of Statistics conducted comprehensive statistical surveys on the perpetrators of crimes and minor offences of domestic violence, including an analysis of the socio-demographic characteristics of the perpetrators (sex, age, marital status, professional qualifications and occupation) and the decisions of criminal procedure bodies and misdemeanour courts. Domestic Violence: Legal Framework and Forms of its Occurrence 2007-2010, pp. 16-24.<sup>62</sup> Current data, as well as data from the earlier period of 2001-2006, prove that this phenomenon shows a growing trend both in terms of the number of reports and in terms of the number of persons convicted. The Ministry of Justice and the Commission for Monitoring and Improving the Work of Criminal Procedure Bodies and the Execution of Sanctions Related to Protection against Domestic Violence have been continuously collecting data from misdemeanour and municipal courts and from the State Attorney's Office of the Republic of Croatia. The Ministry of the Interior has also been statistically monitoring the occurrence of criminal and misdemeanour offences involving violent domestic behaviour according to the gender structure of the injured persons, in line with General Recommendation No. 19 of the UN Committee for the Elimination of Discrimination against Women<sup>63</sup>.

---

<sup>61</sup> Fundamental Rights Agency (FRA), *Violence against women: an EU-wide survey, Main Results*, (Luxemburg, Publications Office of the European Union, 2014).

<sup>62</sup> Further data on this issue can be found at: <[http://www.dzs.hr/Hrv/publication/studije/Studije-i-analize\\_111.pdf](http://www.dzs.hr/Hrv/publication/studije/Studije-i-analize_111.pdf)>

<sup>63</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), 'CEDAW General Recommendation No 19' (11th session, 1992).

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*

Save in respect of the ministerial adviser who has been appointed in Wales (referred to in Section 1 above), the **UK** does not have a dedicated national or government monitoring body. Issues of domestic and gender-based violence are dealt with by a combination of the police, the Crown Prosecution Service, the court system (namely the Specialist Domestic Violence Courts) and not-for-profit organisations such as Rights for Women, Women's' Aid or Refuge (amongst others).

It should be noted that, at the European Union Level, on 6 June 2016 the DG Justice and Consumers' Gender Equality Unit organised a meeting entitled "EU Projects on Violence Against Women – Learning for Meaningful Change", bringing together 55 managers of EU funded campaigns against violence and Daphne projects running from 2012 to 2015. This initiative aimed at assessing the impact and effectiveness of projects undertaken in various Member States in relation to the fight against gender-based violence<sup>64</sup>.

## XI. Domestic Violence against Men, LGB (Lesbian, Gay and Bisexual) and Transgender Persons

The **Bulgarian, Slovenian** and **Croatian** contributions noted that there is no data available on domestic violence against men, LGB or transgender persons.

The **UK** partner organisation reported that according to a study produced by ManKind Initiative in March 2016<sup>65</sup>, 13.2% of men allege to have been victims of domestic abuse since they were 16 and the same is true for 27.1% of women. For every three victims of domestic abuse in the UK two will be female and one will be male. These figures are the equivalent of 2.2 million male victims and 4.5 million female victims. One in four women and one in six men suffer from domestic abuse in their lifetime in the UK.

Further findings of the same report indicate that more than double the male victims (29%) than female victims (12%) would be reluctant to report a partner's abuse. Only 10% of male victims would report a partner's abuse to the police compared to 26% their female counterparts; 23% of male victims would contact a person in an official position while the equivalent percentage of female victims is 43%; 11% of male victims, compared to 23% of women would seek the assistance of a health professional.

Data from 2008/2009, indicate that the percentage of gay and bisexual men suffering from partner abuse (6.2%) was twice as high as that of heterosexual men (3.3%). The same pattern is observed

---

<sup>64</sup> Discussion can be found at: <[http://ec.europa.eu/justice/gender-equality/files/gender\\_based\\_violence/160705\\_summary\\_report\\_vaw\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/gender_based_violence/160705_summary_report_vaw_en.pdf)>

<sup>65</sup> ManKind Initiative, 'Male Victims of Domestic Violence and Partner Abuse – 30 Key Facts' (March 2016), accessed at <<http://new.mankind.org.uk/wp-content/uploads/2015/05/30-Key-Facts-Male-Victims-Mar-2016.pdf>> on 27 May 2016, in Report of: Office for National Statistics 'ONS BCS Focus on Violent Crime and Sexual Offences 2014/15', accessed at <<http://bit.ly/1p8CGl0>> on 27 May 2016.

"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."



between lesbians who suffered partner violence (12.4%) compared to heterosexual women (4.3%)

## XII. Support Services and the Difficulties Accessing Them

The primary support services that are in place in the FIRST member states, according to partner organisations' contributions, are helplines,<sup>66</sup> specialised crisis centres, counselling centres and shelters. Nevertheless, common problems which have been noted in all FIRST states are first that these services, with the exception of helplines, are operating in a regional level resulting in victims living in remote areas having impeded access to them, and second that these crucial services lack sufficient funding.

Other problems that were reported include the limited number of accommodation spaces (**Bulgaria**), the inadequate information available to victims about the availability of these services (**Bulgaria**), the fact that they are not free of charge (**Slovenia**), the problem of migrants or undocumented women that are not easily accepted (**Slovenia, Croatia**), the problem that institutions often direct victims of violence to a safe house, instead of removing perpetrators from the common home (**Slovenia**), the lack of confidence in the general public regarding the work of institutions that forces women to avoid reporting violence (**Slovenia**), as well as the absence of rape or sexual violence referral crisis centres (**Croatia**).<sup>67</sup>

Finally, it should be noted that the **Croatian** contribution highlighted the existence of 'state homes' which are institutions that offer care to both sexes, victims of domestic violence, substance dependent individuals, homeless persons, asylum seekers and migrants.

## PRELIMINARY CONCLUSIONS

This report has examined briefly the country-specific legal framework, policies and procedures in place for victims of domestic and gender-based violence in the countries-partners to the FIRST project, namely **Bulgaria, Croatia, Slovenia** and the **UK**.

This section makes an attempt to summarise the main findings of the report as well as draw some preliminary conclusions, as data from all FIRST participating countries will continue to be added and amended as the project moves forward.

This report highlighted the achievements as well as the main shortcomings of the FIRST countries in their effort to tackle domestic and gender-based violence, as captured by the FIRST participating organisations' completed questionnaires. The main areas of interest on which partner organisations

---

<sup>66</sup> However, it should be noted that it is not clear whether these helplines are available to all victims or only to women.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*



had to provide information were domestic legislation and remedies provided to victims, national responses to domestic and gender-based violence and mechanisms in place to monitor and reduce the incidents of violence.

As far as the first point is concerned, it was revealed that although FIRST countries have made an effort to put in place legislation on domestic violence, the case is not the same with gender-based violence, which is still not regulated by specialised legislation. Important shortcomings were found with regard to the transposition of European legislation into the respective domestic legal systems, as most of the significant legal documents have not been implemented. Crucially, the majority of the FIRST member states have not ratified the Council of Europe's Convention on preventing and combating violence against women and domestic violence (The Istanbul Convention), the most comprehensive set of rules on domestic and gender-based violence at European level.

However, it should be highlighted that it was reported that most FIRST countries have implemented, to a reasonable extent, legal remedies, at least in the conceptual level of legislation, and that all the acts and forms of domestic and gender-based violence included in the Istanbul Convention have been criminalised in national legislation. It was further highlighted in the contributions that all the FIRST countries have established support services for the victims of violence, which, despite their shortcomings, provide assistance to the victims who can effectively access them.

Among the findings of this report is the lack of research in the countries in question on many essential issues. The contributing organisations reported that national authorities undertake no or limited research on the effective assertion of rights by the victims, the level of awareness of the law amongst the victims of domestic and gender-based violence and the rates of domestic violence amongst men, LGB and transgender persons.

Another shortcoming highlighted in this report is the insufficient training of officials and professionals who act as a first point of contact. This lack of training impedes not only the early identification of the victims but also the effective implementation of the legal remedies available in practice.

As far as the States' responses are concerned, it has been found that the relevant policies in place towards tackling domestic and gender-based violence are overall not comprehensive enough and not always up-to-date in reality, a fact that in turn creates major obstacles in the battle against these forms of violence in many circumstances.

It is the purpose of this overview to help in the identification of good practices and the realisation of the problems and difficulties amongst the respondent states. It is hoped and intended that this report will contribute to further research being conducted in the framework of the FIRST Project which aims at establishing a comprehensive training tool for professionals working as the first points of contact in the participatory states.

*"This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Project FIRST-Capacity Building for First Points of Contact for Victims of Domestic and Gender-based Violence and can in no way be taken to reflect the views of the European Commission."*