

RECOMMENDATIONS FOR THE DEVELOPMENT OF THE SLOVENIAN NATIONAL PROGRAMME ON PREVENTING AND COMBATING DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN

Challenges, gaps and best practices report



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Acronyms

ANVC	Association for Nonviolent Communication
CoE	Council of Europe
DV	Domestic Violence
DVPA	Domestic Violence Prevention Act
EIGE	European Institute for Gender Equality
EU	European Union
EUFRA	European Union Fundamental Rights Agency
GBV	Gender Based Violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
IC	Istanbul Convention
IWG	Interdisciplinary Working Group
MoH	Ministry of Health
MoJ	Ministry of Justice
MoLFSAE0	Ministry of Labour, the Family, Social Affairs and Equal Opportunities
NGO	Non-governmental organisations
RoS	Republic of Slovenia
SO	Statistical Office
SWC	Social Work Centre
VAW	Violence Against Women

1. Report Background and Purpose

Since 2017, the Council of Europe has co-operated with the MoLFSAE0 in supporting their institutional setting and practices related to combat violence against women and domestic violence.

This targeted support has included several training activities and seminars to the Interdisciplinary Working Group in charge of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the launch of the Council of Europe online course on violence against women and domestic violence developed by the European Programme for Human Rights Education for Legal Professionals (HELP).

The present report responds to the request to provide to the Slovenian authorities with the gaps, challenges as well as successes of the Slovenian measures dealing with violence against women and domestic violence as well as with updated information on best practices across Europe. This report is intended to feed into the preparations of the Slovenian Resolution on the Slovenian National Programme on preventing and combating domestic violence and violence against women.

2. The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)

2.1. Purposes of the Istanbul Convention

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as Istanbul Convention, IC), is the first legally-binding standard in Europe to prevent violence against women and domestic violence, protect its victims and punish the perpetrators. It was opened for signature on 11 May 2011, in Istanbul, Turkey. As of November 2018, the Convention has been ratified by 33 states.

The Istanbul Convention fills a significant gap in human rights protection for women. It frames the eradication of violence against women in the wider context of achieving substantive equality between women and men and thus recognising violence against women as a form of discrimination. It establishes the link between achieving gender equality and the eradication of violence against women. Based on this premise, it recognises the structural nature of violence against women and that it is a manifestation of the historically unequal power relations between women and men¹.

¹ Council of Europe, 2011. *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*. Istanbul: Council of Europe Treaty Series - No. 210, Council of Europe.

The IC covers a broad range of measures, including obligations ranging from awareness-raising and data collection to the obligation to criminalize and prosecute different forms of violence. Unlike other international treaties for tackling VAW, the IC provides for the implementation of comprehensive and coordinated policies between national and governmental bodies involved in prevention, prosecution, and protection activities².

The Istanbul Convention defines violence against women as including “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts” (Art. 3.a IC). The Convention defines the term “gender” as “socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men” (Art.3.c IC). Thus, the Council of Europe’s Istanbul Convention is the first binding instrument of international law to contain a definition of ‘gender’. The Istanbul Convention goes beyond any previous human rights document in its inclusion of economic harm or suffering among the results of acts of violence in its definition of violence against women. The Istanbul Convention addresses violence against women in both the public and the private sphere; and domestic violence is explicitly identified as a form of violence against women.

2.2. The four pillars of the Istanbul Convention

1. *Prevention of violence* through sustained measures that address the root causes of violence against women and aim at changing attitudes, gender roles and stereotypes that make violence against women acceptable. Prevention measures are particularly strategic in a long-term vision of ending violence against women, as they aim to ensure far-reaching changes in attitudes and, ultimately, behaviours. No interventions to reduce violence against women can be effective without a change in mind-sets. Articles 13 to 16 outline this obligation more specifically by calling for detailed preventive measures in the area of awareness raising, education, training and perpetrator treatment programmes, with the aim of promoting changes in the social and cultural patterns of behaviour of women and men in order to eradicate prejudices, customs and all practices based on negative gender stereotypes.

2. *Protection and support for victims of VAW and DV* in particular by setting up specialist support services for victims and their children (shelters, round-the clock telephone helplines, rape crisis or sexual violence referral centres, etc). When preventive measures have failed and violence incidents have happened, it is important to provide victims and witnesses with protection and support. This means police intervention and protection as well as specialised support services such as shelters, telephone hotlines etc. It also means making sure that general social services understand the realities and concerns of victims of VAW and DV and support them in their quest to rebuild/resume their lives. It is important victims have an easy access to clear and concise information on their rights and know where and how to get help, in a language they understand.

² Jurviste, Ulla, and Rosamund Shreeves. 2017. *The Istanbul Convention: A tool to tackle violence against women and girls*. EPRS - European Parliamentary Research Service.

3. *Prosecution, investigation and protection*: including enabling criminal investigations and proceedings to continue, even if the victim withdraws the complaint. The IC defines and criminalises various forms of VAW as well as DV. These include domestic violence, psychological violence, sexual violence and rape, forced marriage, female genital mutilation, stalking, forced sterilisation, forced abortion and sexual harassment. State parties will have to take a range of measures to ensure the effective investigation of any allegation of violence against women and domestic violence. This means that the law enforcement agencies will have to respond to calls for help, collect evidence and assess the risk of further violence to adequately protect the victim. Furthermore, according to the IC, state parties will have to carry out judicial proceedings in a manner that respects the rights of victims at all stages of the proceedings and that avoid secondary victimisation.³

4. *Adopting and implementing state-wide “integrated policies” that are effective, co-ordinated and comprehensive*, and that they encompass all relevant measures to prevent and combat all forms of violence against women. The IC addresses the need to co-ordinate measures and to implement them by way of effective co-operation among all relevant actors playing a role in preventing and combating violence against women and domestic violence - the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations (NGOs) and other relevant organisations and entities. Article 7 (1) IC requires that comprehensive and co-ordinated policies should be adopted and implemented so as to permit a holistic response to all forms of violence against women and domestic violence covered by the Istanbul Convention.

3. Country context

According to the EU Gender Equality Index, Slovenia qualifies among the EU Member States with the above-average gender equality rate. Slovenia scores better than the EU average in the domains of work (participation, segregation and quality of work), money (financial resources, economic situation), knowledge (educational attainment and segregation, lifelong learning) and time (care activities, social activities), while performs below average in the domains of power (political power, economic power) and health (status, access)⁴.

The general legal non-discrimination framework providing for gender equality was adopted in the process of the Slovenian accession to the EU. In 2002, the National Assembly adopted the Equal Opportunities for Woman and Men Act. The aim of the act is to determine common ground for the improvement of the situation of women and the creation of equal opportunities for women and men in political, economic, social and educational fields as well as other fields of social life. In 2004, the National Assembly adopted the Implementation of the Principle of Equal Treatment Act, the umbrella act in the field of non-discrimination, “irrespective of personal circumstances such as nationality, racial or ethnic origin, sex, health state, disability, language, religious or other conviction, age, sexual orientation, education, financial state, social status or other personal

³ <https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief>

⁴ Humer, Živa, and Saša Panić. 2015. *The Policy on Gender Equality in Slovenia*. Brussels: European Union.

circumstances”⁵ 6. In 2016, the General Assembly adopted a new general anti-discrimination law, which prohibits inter alia direct and indirect discrimination on the grounds of any personal characteristics, including sex, in any sphere of social life.

The groundwork of dealing with domestic violence in Slovenia started primarily by non-governmental organisations at the end of the 80s. Their work filled the gaps caused by the still limited institutional response and the lack of knowledge about violence against women. In 1989, the Association SOS Help-line for Women and Children – Victims of Violence, the first non-governmental organisation to aid women victims of violence was created, followed in 1994 by the creation of the Women’s Counselling Service and the Association against Sexual Abuse, in 1997 by the establishment of the Association for Non-violent Communication, the first Slovenian non-governmental organisation, establishing a program of advisory assistance to people perpetrating violence. The first women’s NGO safe house was opened in 1997 by the Association SOS Help line⁷.

The first safe house for women and children who are victims of violence opened in 1991 under the auspices of Krško Social Work Centre and the second one in 1996 under the auspices of Maribor Social Work Centre. Other regional safe houses opened during the 2000s, under the auspices of women’s NGOs, other NGOs and SWCs. The network of safe houses (16) is at present combined with crisis centres (3) and maternal homes (12) with capacity all together 449 beds. One of the safe houses is specialised for drug addicted women victims and one of them provides space for physically disabled women and their children⁸. Overall, Slovenia is developing a network of counselling services for victims of violence and programmes for comprehensive treatment, comprehensive assistance and support to victims of sexual abuse.

On 8 March 1999, the first one-year Slovenian awareness-raising campaign against violence against women entitled *Kaj ti je, deklica?* (What Is Wrong, Girl?) took place⁹. This is the first campaign to make violence against women a public issue.

On the side of the government, in 2001, the Women’s Counselling Service and the government’s Office for Equal Opportunities¹⁰ issued the publication, “*Nasilje nad ženskami – odgovornost policije*” (Violence against women – the responsibility of the police). It is the first publication in Slovenian language which gives the police guidance as of how to deal with women who are victims

⁵ Ibid;

⁶ Robnik, Sonja. 2016. *Gender Equality– The (Still) Unfinished Story: Review of developments in the field of gender equality in Slovenia 1991–2016*. Ljubljana: Ministry of Labour, Family, Social Affairs and Equal Opportunities.

⁷ Ibid.

⁸ Data from the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

⁹ The campaign was organised by a steering committee gathering governmental (Office for Women’s Policy and the Commission of the National Assembly for Equal Opportunities Policy) and non-governmental organisations (Association SOS Help-line for Women and Children – Victims of Violence, Association for Non-violent Communication, Feminist information cultural centre F-iks) (Robnik 2016).

¹⁰ The Government Office for Equal Opportunities replaced in 2001 the Office for Women’s Politics (founded in 1992 as the first gender equality institution). In 2011, the Government Office for Equal Opportunities was closed and its tasks transferred to the Ministry of Labour, Family and Social Affairs (currently named Ministry of Labour, Family, Social Affairs and Equal Opportunities) (Humer and Panić 2015; Republic of Slovenia 2014).

of domestic violence. That was followed by the amendment to the Police Power Act in 2003 that gave to the police the right of issuing a restraining order to prevent further contact with a particular place or person.

In 2007, the government's Office for Equal Opportunities, the Foundation for Funding Disability and Humanitarian Organisations¹¹ and the American Embassy in Slovenia financially supported the handbook: *Nasilje! Kaj lahko storim?* (Violence! What Can I Do?). The handbook contains useful advice on what victims of violence can do and to what authorities they can turn to. It was drafted by non-governmental organisations (Amnesty International Slovenia, Society Ključ, Association for Non-violent Communication, Association SOS Help-line, Women's Counselling Service, the Emma Institute). It was issued as a supplement to the weekly *Ona* and the Slovenian daily newspaper, *Slovenske novice*.

In 2010, the first national survey on the incidence of violence in the private sphere and in partnerships was conducted by the Faculty of Social Work. It showed that 56 per cent of women had experienced one of the forms of violence since the age of 15, most commonly psychological violence, followed by physical and economic violence, restriction of movement and sexual violence. The main perpetrators of violence were men, 91 per cent. Most of the perpetrators have secondary education and full-time jobs, only 1 per cent of them were unemployed. In 77 per cent of cases the violence is reported by the victim, and very rarely (3 per cent) by institutions, such as social work centres or health-care institutions. When reporting violence, all victims indicated that violence had been happening for a long time or for several years. The most common reason for not reporting the violence was fear of the perpetrator and shame because of their situation.

In 2014, a European wide survey on violence against women was published by the European Union Fundamental Rights Agency¹². It showed a similar picture to the previous Slovenian national survey. Accordingly, 46.7 percent of women since the age of 15 were exposed to sexual harassment. Physical and/or sexual violence in Slovenia was experienced by 22 percent of women; 12 percent of women reported to have been victims of physical violence by a partner¹³.

In 2008 the first comprehensive legal measure addressing domestic violence is passed in Slovenia: the Domestic Violence Prevention Act (DVPA). One year later, the Resolution on the 2009-2014 National Programme on Prevention of Family Violence (hereinafter referred as Resolution 09-14) was approved. Slovenia ratified the Istanbul Convention on February 2015.

11 Fundacija za financiranje invalidskih in humanitarnih organizacij v Republiki Sloveniji (www.fiho.si)

12 European Union Fundamental Rights Agency, 2014. Violence against Women: An EU-wide Survey. Luxembourg: Publications Office of the European Union

13 "Violence against women occurs daily, everywhere." Statistical Office, Republic of Slovenia, 11.18.2015, <http://www.stat.si/StatWeb/en/News/Index/5585>

4. Assessment of the Slovenian response to VAW and DV according to the pillars of the Istanbul Convention

4.1. Integrated and Comprehensive approach

Article 7, paragraph 1 of the IC requires from all Parties to take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of the Istanbul Convention and to offer a holistic response to violence against women. Legal and policy frameworks dealing with VAW and DV as well as their implementation (i.e. prevention, protection and prosecution) cannot be done only by one institution but through effective co-operation among all relevant agencies, institutions and organisations. Consequently, a comprehensive and integrated approach to VAW and DV is crosscutting through this report.

4.1.1. Legal framework and definition of VAW and DV

As mentioned above, in Slovenia, the most important year in terms of the legal measures against VAW and DV is 2008 with the adoption of the DVPA, a systemic non-criminal act covering this field. The Act defines domestic violence and family members and determines special protection for children, including when they witness violence. The DVPA was amended in 2016 introducing a more detailed definition of domestic violence, broadening the definition of family members and improving the coordination and communication between all competent institutions and authorities as well as the procedures addressing domestic violence¹⁴.

The DVPA as amended defines the forms of domestic violence - physical, sexual, psychological, economic violence, neglect and stalking. It provides the measures to protect victims of domestic violence, the domestic context being defined very broadly, including numerous interpersonal contacts and redefining family member status to include former partners, children of partners, and cohabitating partners¹⁵.

Additionally, it determines the role, tasks and cooperation of various state authorities and non-governmental organisations when dealing with domestic violence. According to DVPA non-governmental organisations cooperate with authorities and other organisations when dealing with individual cases of victims and perpetrators of violence. The possibilities of action by the competent authorities, i.e. the Slovenian Police and courts, were defined in more detail as well. Among the authorities and organisations that are obliged to report the violence, other service providers within the social protection, health care, education and training sectors are included and assigned a role

¹⁴ Robnik (2016).

¹⁵ US State Department. 2017. Slovenia Human Rights Report. <https://www.state.gov/documents/organization/265686.pdf>

and responsibilities in addressing domestic violence¹⁶¹⁷. Centres for social work are required to organise this inter-institutional cooperation.

Following the adoption of the DVPA, five implementing regulations were adopted, relating to the actions of various authorities and services in the case of domestic violence (Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence; Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence; Rules on procedures for dealing with domestic violence in the implementation of health activities; Rules on the treatment of domestic violence for educational institutions; Rules on restraining orders).

The DVPA also tackles multi-agency cooperation not only between governmental institutions but also with non-governmental organisations. Furthermore, the DVPA specifies that budget need to be allocated for the completion of a list of specific tasks including training and education of professionals on violence, “in particular violence against children”; “drafting, inter-departmental coordination and implementation of violence prevention programmes”; conduction of “scientific and research activities in the area of violence prevention”, etc. The DVPA includes provisions related to the prevention of violence and protection of victims. Particular elements of the DVPA will be further expanded and analysed across the various topics of this report.

The other key law regarding VAW and DV is the Criminal Code, adopted in 2008 and amended in 2015. The Criminal Code covers the offences of domestic violence (Art. 191), forced abortion (Art. 121), rape (art. 170) and sexual violence (art. 171). Article 170 also includes intimate partner rape, but in this case the “prosecution shall be initiated by a motion”¹⁸. The amendment made to the Criminal Code in 2015 introduced the criminal offences of stalking (134a) and forced marriage (art 132a)¹⁹.

Another significant piece of legislation in relation to VAW and DV is the Police Tasks and Powers Act (2013) ²⁰ which replaced the Police Act. The new act amended the police enforcement of restraining orders and enable the police to detain offenders who do not respect restraining orders (Art. 60 and 61 - Prohibition of approaching and Extension of prohibition of approaching) ²¹.

Additionally, harassment and sexual harassment were included as crimes to the Protection against Discrimination Act (2016). The Victims’ rights provisions are planned to be included in the Criminal

¹⁶ Ministry of Labour, the Family, Social Affairs and Equal Opportunities, *Proposed changes to Domestic Violence Act*, 2016, <http://www.mddsz.gov.si/nc/en/newsroom/news/7857>

¹⁷ Ministry of Labour, the Family, Social Affairs and Equal Opportunities, *The Government adopted a draft amendment to the Family Violence Prevention Act*, 28. 7. 2016, <http://www.mddsz.gov.si/en/newsroom/news/7968/>

¹⁸ Criminal Code, Article 170 (4), (Official Gazette of the RS, Nr. 50/12 – Officially consolidated text 6/16).

¹⁹ European Institute for Gender Equality. 2016. Combating violence against women – Slovenia. Vilnius: EIGE.

²⁰ Robnik 2016.

²¹ Police Tasks and Powers Act, Uradni list RS (Official Gazette of the Republic of Slovenia), no. 15/13, <https://www.policija.si/eng/images/stories/Legislation/pdf/PoliceTasksAndPowersAct.pdf>

Procedures Act as a further step toward the harmonisation of the Slovenian legislation with EU directive 2012/29/ but it is still unclear if and when these provisions will be adopted.

The Slovenian legal framework (i.e. DVPA and Criminal Code) covers most of the forms of VAW and DV as per the Istanbul Convention with the exception of female genital mutilation (FGM). Forced sterilisation is mentioned in the Criminal Code in the framework of Crimes against humanity (art. 101) and War crimes (art. 102).

In order to harmonise national legislation with the Istanbul Convention Slovenia has prepared amendments to the Foreigners Act in order to ensure that victims whose residence status depends on that of the spouse or partner are granted an autonomous residence permit irrespective of the duration of the marriage or the relationship in the event of the dissolution of the marriage or the relationship. The amendments are expected to be adopted in the beginning of 2019.

4.1.2. Policy framework

Slovenia has approved several strategic documents which define programmes for the prevention of violence and the measures for the protection of victims. In 2009, the first Resolution of the National Programme of Family Violence Prevention 2009-2014 (hereinafter referred as Resolution 09-14) was approved as a result of the adoption of the DVPA in 2008. The Resolution determined the objectives, strategies, activities and the main authorities in charge to prevent and reduce family violence. The fundamental objectives of this document were to connect the measures of various sectors and to ensure efficient activities to reduce family violence at the level of identification and prevention. As of 2017, in line with the Family Violence Prevention Act, Slovenia is preparing the adoption of a new Resolution on a national programme on preventing and combating domestic violence and violence against women.

The objectives of Resolution 09-14 were to:

1. decrease family violence and violence in society in general;
2. increase sensitivity towards the problems of family violence;
3. ensure harmonised operating of competent authorities and organisations;
4. encourage variety, uniform accessibility, development and quality implementation of programmes for helping victims;
5. encourage variety, uniform accessibility, development and quality implementation of programmes of working with the perpetrators of violence;
6. ensure systematic awareness of children, youth and adults of their fundamental human rights and obligations as well as education for life in a society without violence, for harmony of all generation and respect of all individuals;
7. encourage awareness of those who are exposed to family violence about the possible forms of assistance and ensure their accessibility across the country;

8. ensure regular financing sources for assistance programmes²²

Resolution 09-14 focused primarily on the identification and prevention of family violence. Even though protection and prosecution were also tackled in this Resolution, the main focus was directed toward prevention. Measures toward a more integrated approach were emphasised through the entire text of the Resolution (i.e., better multi-agency cooperation including the NGOs, coordinated collection and production of comparable data on family violence; establishment of harmonised protocols of multi-agency collaboration, etc.).

Other strategic documents include:

- Resolutions on the national social assistance programme 2006 – 2010 and 2013 – 2020, which define programmes for the prevention of domestic violence, support for victims of violence and work with perpetrators of violence.
- the Resolution on the National Programme for Equal Opportunities for Women and Men 2005 – 2013 that included the issue of violence against women, trafficking in women and sexual exploitation (for purposes of prostitution and pornography) and sexual violence;
- Resolution on the National Programme for Equal Opportunities for Women and Men, 2015 – 2020. In this document it is specified that in order to avoid unnecessary duplication with Resolution 09-14 on Family Violence, the area of violence against women is only covered by the general objective of prevention, (i.e. reducing the incidence of violence against women, which includes measures aimed at improving awareness and the provision of information about all forms of violence against women). Differently from Resolution 09-14 that refers to 'family violence' avoiding any gender-based reference, the Resolution on the National Programme for Equal Opportunities for Women and Men, 2015 – 2020 focusses explicitly on 'violence against women'.

4.1.3 Gender sensitive approach to VAW and DV

One of the most important messages and novelties of the Istanbul Convention is that it explicitly recognises “the structural nature of violence against women as gender-based violence”. This means that it roots VAW in the unequal power relations between women and men and prevailing gender inequality, existing stereotypes, gender roles and discrimination against women. Combating VAW requires responding to this complex phenomenon with a gender-sensitive lens.

In the case of Slovenia, the gender-blindness of the legal (DVPA) and policy documents (Resolution 09-14) was pointed out by the representatives of the NGOs and academics met during the CoE fact finding mission in Ljubljana 13 – 14 June 2018. These documents in Slovenia focus on domestic violence and not on violence against women. That avoids a gender- based approach of the violence by equalling its prevalence and effect to all members of a family. The Slovenian legal and policy

²² Government of Slovenia. 2009. Resolution on the 2009-2014 National Program on Prevention of Family Violence. Ljubljana.

framework on DV fits into the Degendered Domestic Violence Frame.²³ This frame treats domestic violence mostly as a human rights and criminal justice issue but not as a specific gender equality problem, avoiding the structural gender inequality causes of violence.²⁴ Although gender neutral definitions of domestic violence are no necessarily against the Istanbul Convention, they might indicate a lack of gender perspective or gender-based understanding of violence²⁵.

Often, the discussions on violence revolve around violence against children. This is both a crucial and underestimated topic that needs to be faced accordingly. However, mixing VAW and DV with violence against children or children's sexual exploitation deters the adoption of a gendered approach of the VAW and DV and risks to shift the attention from women to children. As reported in various meetings with the involved authorities' and institutions' representatives, the inter-institutional cooperation appears to be better functioning in cases of violence against children or when children are involved/witness in the violence against their mothers. This shows a disbalanced consideration of cases of violence against children or women, where the latter are again underestimated and in the 'back plan'.

BEST PRACTICES

Spain's Organic Act 1/2004 of 28 December on Integrated measures against Gender-Based²⁶ Violence (hereinafter referred as the Organic Act) adopted a gender sensitive approach to addressing male domestic/partner violence against women. As such, the Act focuses specifically on the rights of female victims of domestic violence occurring between current or former spouses or partners, regardless of whether they share a residence or not. At the level of the measures it implements, the Organic Act also reflects a structural gender sensitive approach. It not only addresses the symptoms of intimate partner violence against women, but also tackles the traditional, differentiated manner in which women and men are socialised, with a view to achieving greater gender equality. Also, the Organic Act provides a legal framework for a three-tiered approach, prevention, protection and prosecution.

Spain's National Strategy on Violence against Women (2013-2016) complements and goes beyond the scope of the Organic Act by addressing the *elimination of violence against women* more broadly. The Strategy devotes a specific general objective (No. 4) to providing support regarding and raising the visibility of other forms of violence against women such as forced marriage, female genital mutilation, trafficking women and girls for sexual exploitation, and sexual harassment and sexual violence. In this respect, the measures comprise the inclusion of information on different

²³ Krizsan, Andrea, Maria Bustelo, Andromachi Hadjiyanni, and Fray Kamoutsi. 2007. "Domestic Violence: A Public Matter". In Mieke Verloo (ed). *Multiple Meanings of Gender Equality: A Critical Frame Analysis of Gender Policies in Europe*, 141-185, CEU: Budapest.

²⁴ Within this frame the victim and perpetrator have no sex and no gender. The perpetrator is seen as violent and dangerous. The victim is portrayed as dependent and can include anybody of dependent status (even institutionalized children, elderly, or disabled people). The issue is represented in gender-neutral terms...". Krizsan et al. 2007.

²⁵ GREVIO, "Baseline evaluation report Denmark", Council of Europe, 2017.

²⁶ This report focusses on Violence against Women and Domestic Violence. The term gender-based violence is used only on those cases when cited or referring to another document.

manifestations of violence against women in several key regulations, awareness-raising among service providers, increasing collaboration with migrant associations, and promoting the implementation of sexual and gender-based harassment prevention measures at the central administration level²⁷.

LESSONS LEARNED

Spain case fits into the “Gender Equality Frame”²⁸. This means that the Spanish legal and policy framework focus on addressing gender inequalities not only in term of causes of violence but also in the support provided to women. This gender-equality sensitive approach put the emphasis on protecting the victims in their homes and empowering them to gain their independence, rather than just providing shelters. That guarantees tackling DV/partner violence in a more substantial and sustainable way.

4.1.4 Multiagency cooperation and coordination

As provided for in the Istanbul Convention, comprehensive and co-ordinated policies are required to eliminate VAW and DV, encompassing all relevant legislative and other measures to prevent such violence (Art. 7 IC). Effective multi-sectoral and multi-agency interventions require that all policy sectors and actors are engaged and held accountable, namely law enforcement, the judiciary, health, social welfare and child services, employment, education, and general and specialised services for victims.

Multi-agency cooperation is tackled at legal and policy level in Slovenia albeit further operationalisation of co-operation for individual cases is still not effective and uniform across the country. The DVPA obliges authorities, organisations and non-governmental organisations to consider instances of violence on a priority basis, and to provide mutual information and assistance intended to prevent and identify violence, as well as eliminate the causes and aid the victim in establishing safe living conditions. The DVPA also specifies the establishment of multi-agency cooperation in terms of victims’ protection: *“Multidisciplinary teams shall be formed at social work centres to deal with instances of domestic violence. Participation in the team shall be obligatory for all invited persons.”*

Resolution 09-14 clearly specified the importance of multi-agency cooperation. It introduced the current lack of multi-agency cooperation (e.g. *“In the current practice, cooperation of state authorities (SWCs, counselling services in schools, police, prosecutor’s office, health care services) and the non-governmental sector is already being carried out, but so far it hasn’t been efficient enough.”*) Lack of cooperation between various authorities was mentioned as one of the problems in the field

²⁷Krizsán, Andrea, and Eniko Pap. 2016. *Implementing a Comprehensive and Co-ordinated approach: An assessment of Poland’s response to prevent and combat gender-based violence*. Strasbourg: Council of Europe.

²⁸ Krizsán et al. 2007.

of “reporting and treatment of domestic violence”²⁹. To face this problem, Resolution 09-14 included a specific strategic measure on “Efficient inter-institutional cooperation” to be implemented through the tasks of *“creation of uniform guidelines for the operations of regional coordinators for the prevention of violence; - formation and adoption of common and harmonised institutional tasks and measures for the reduction and prevention of family violence and work with the perpetrators of violence; - implementation of treatment protocols by institutions (health care, social sector, schools, police) and non-governmental organisations; - creation and adoption of a uniform inter-institutional protocol”*.

The assessment of the situation in Slovenia based on available legal and policy documents as well as on the CoE fact finding mission in Ljubljana³⁰ supports the understanding that cooperation between individual organisations (governmental and non-governmental) for individual cases is to some extent left to good or bad practice and even good or bad personal contacts between individual professionals. Often, in practice inter-institutional cooperation remains insufficiently effective and systematic.

Albeit good cooperation practices were highlighted between Police and Social Work Centres (SWC), they appear to vary across the country depending on the concrete individuals in charge rather than on an institutional generalised cooperation.

For example, the SWC representative met during the mission reported that there is very good cooperation with the Police, even though in some areas of the country that might depend on informal good relationships. In her constituency, there are regular meeting with the police, and protocols are in place. The Police alert the SWC in most of the cases especially when there are children involved. Cooperation seems more challenging with the health care system, courts and prosecutors. There is a perception that VAW and DV concern the Police and the SWC exclusively. Consequently, the participation of intersectoral teams of working with DV tends to be low for the healthcare³¹ and judiciary sectors.

In order to provide strategic guidance on multi-agency cooperation and coordination a specific body could be set up (such as the Intergovernmental group set up in April 2016 to co-ordinate the implementation of the Istanbul Convention). This possibility was also mentioned in the text of Resolution 09-14, as a best practice and an example to be followed by Slovenia³². However, the text did not further expand on the specific objectives and tasks of such a body.

²⁹ The text of Resolution 09-14 emphasises that there are “not enough planned activities and measures that would be inter-institutionally arranged and harmonised,” and the “inter-institutional cooperation between authorities and institutions is not organised and protocolised in a uniform way, especially in preventing and reducing family violence and for the social rehabilitation of the perpetrators of acts of violence.

³⁰ 13 – 14 June 2018.

³¹ Krilić, Sanja Cukut, and Melita Zver Makovec. 2015. Coping with domestic violence: experiences of victims in the health care setting. POND project.

³² The text of Resolution 09-14 pointed to the example of Norway and specifies that “it would be meaningful to establish an intermediary group in Slovenia, which would take care of the changes in this area [prevention of family violence]. Following the Norwegian example, the group would include representatives of ministries, would harmonise general actions for the prevention of family violence, would bring about some changes in

In 2018, an inter-ministerial working group (IWG)³³ started working on the process of drafting a new Resolution on preventing and combating domestic violence and violence against women.

BEST PRACTICES

In 2017, **Malta** adopted the new “Gender-Based Violence and Domestic Violence Strategy and Action Plan”. It is the first national framework in Malta to ensure that legislation, policies and services address victims’ needs holistically and as a societal concern. The core of the Gender-Based Violence and Domestic Violence Strategy is the report presented by the Inter-Ministerial Committee (IMC) that was set up soon after Malta ratified the Istanbul Convention in 2014 to propose legislative amendments and policy measures that align with the IC and its four pillars.

Further, the “Gender-Based Violence and Domestic Violence Bill” (2015) proposed the establishment of a coordinating body that will have several responsibilities and powers including also:

- “to monitor and oversee the effective implementation of the Action Plan developed by Government; to engage any relevant stakeholders, including civil society, in the effective implementation of the action plan”;
- “to determine the appropriate financial and human resources required for the adequate implementation of the integrated policies, measures and programmes to prevent and combat all forms of GBV and DV covered by the scope of the law”;
- “to support research in the field of GBV and DV in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention”;
- “to monitor standards and protocols for professionals in the areas covered by the scope of the law and organise specialised training for the said professionals”;
- “to comprehensively collect and collate relevant disaggregated statistical data at regular intervals on cases of all forms of violence covered by the scope of the law from the state, public sector, agencies and other relevant entities, as appropriate”;
- “to conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including those in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations to increase awareness and understanding

the legislation and would give more attention to the education of professional workers, who deal with family violence and perpetrators of violence.

³³ The IWG is composed of the representatives of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (Family Directorate, Equal Opportunities Department, Directorate for Social Affairs), Ministry of Education, Ministry of Health and National Institute for Public Health, Ministry of Justice, Ministry of Culture, the Police, Supreme Court (observers), State Prosecutor's Office, Statistical Office, Association of Social Care Centres and 3 NGOs dealing with VAW and DV.

among the general public of the different manifestations of all forms of GBV&DV and the need to prevent and address such violence;” etc.

LESSONS LEARNED

The Maltese example points toward several positive aspects to be taken in account while working on a new strategic document about VAW and DV. First of all, the Maltese strategy is drafted in line with the pillars of Istanbul Convention by encompassing all the measures from prevention to prosecution and protection of women victims of violence. Second, the strategy embraces a gendered approach which helps to tackle the various forms of violence against women in a more comprehensive way. Most importantly, the new Maltese strategy highlights the importance of a coordinating body in charge of the implementation of the planned measures and actions by detailing its tasks. Such a body with clear tasks can coordinate the multi-agency cooperation but also monitor the implementation of the specific objectives and tasks of the Strategic document.

4.1.5. Role of the NGOs and Academia

The Istanbul Convention recognises the experience and expertise of non-governmental and civil society organisations. Article 9 IC, for example, requires parties to establish effective co-operation with non-governmental and civil society organisations and involve them not only in-service delivery but also in the formulation and evaluation of policies and responses. Furthermore, Article 11 IC requires efforts be made to step up data collection and research on the various forms of violence against women so that future policies and measures may be based on a sound knowledge base.

In the Slovenian legal context, the role of the NGOs is mostly linked to service delivery. The DPVA specifies *“Non-governmental organisations shall provide protection and psychosocial assistance to victims, organise programmes for perpetrators of violence and cooperate with authorities.”*

Furthermore, the Resolution 09-14 indicated the role of the NGOs and Academia in several aspects linked to identification, prevention of DV and support. In the context of “efficient inter-institutional cooperation” it denoted that *“it is necessary to establish systematic, planned and permanent inter-institutional cooperation and cooperation of institutions with non-governmental organisations”*.

The role of the NGOs has been crucial in the fight against VAW and DV. It was due to the work of the NGOs since the end of the 80s and beginning of the 90s that domestic violence started to become visible to society. NGOs have pushed not only towards the visibility of DV but also towards a stronger response and sanctioning of perpetrators.

It is a positive point that NGOs are part of the current IWG in view of drafting the new Resolution on the prevention of domestic violence and violence against women. Also, there appear to be a good collaboration between NGOs and the MoLFS&EO and between the Police, NGOs working on VAW and DV and the SWCs. However, there are some differences when it comes to central and local level. At the local level, local NGOs report to not cooperate so well with the SWCs and often the

cooperation is mostly based on personal relationships. These differences between the central and the local level are also shown in the uneven distribution of NGOs working on VAW and DV in Slovenia, as most of them are based in Ljubljana or other major urban centres³⁴.

Academia has played a central role in providing national information about VAW and DV. Slovenia's first national survey in the area of violence against women in the private sphere was conducted in 2010³⁵ by researchers in the Faculty of Social Work. For example, Resolution 09-14 stressed the importance of research undertaken by the Faculty of Social Sciences in Ljubljana to examine the portraying of domestic violence in the Slovenian media³⁶.

However, interviews during the CoE fact finding mission in Ljubljana point to the lack of systematic involvement of Academia in the institutional steps towards combating VAW and DV, for example in the process of drafting the new Resolution.

The relevance of research and analysis were included in Resolution 09-14 in the form, among others, of a specific objective (5.2.1) *"Development of research program in the field of family violence with the emphasis on evaluation of various areas and approaches"* and also as a specific task under the strategic measure *"National research strategy on family violence and its periodical implementation"*. This measure envisioned resources for the periodical implementation of its findings every five years. Resolution 09-14 also foresaw a specific budget to cover research in the field of domestic violence. However, no other research or survey has been conducted since 2010 and no periodic research or survey has been prepared as per the Resolution's 09-14 objective and strategic measure.

BEST PRACTICES

In some countries, NGOs are members of interdisciplinary groups (i.e. the State creates and funds a structure with formalised procedures for the involvement of civil society actors). **In Germany**, for instance, an Advisory Board on Inclusion was established for the purpose of involving NGOs in the coordinating mechanism under the UN Disability Rights Convention. This body brings together NGOs and disabled people's organisations from all relevant fields. It is charged with advising the independent Federal Commissioner for People with Disabilities and is assisted by expert committees, which work on specific aspects of the Convention and formulate proposals for governmental action to be put forth by advisory board. The board's regular meetings are arranged by the Office of the Federal Commissioner for People with Disabilities, which is attached to the Ministry of Employment and Social Affairs. Rules of procedure have been developed to govern the work of the Advisory Board on Inclusion, its procedures and quoracy. Travel expenses of those attending are covered.

³⁴ Resolution 09-14.

³⁵ Vesna Leskošek, Mojca Urek, and Darja Zaviršek. 2010. Nacionalna raziskava o nasilju v zasebni sferi in v partnerskih odnosih. Raziskovalno poročilo. (National research on violence in private sphere and partnerships. Research Report), Ljubljana, Faculty of Social Work.

³⁶ It refers to a research conducted by the Social Communication Research Centre at the Faculty of Social Sciences in Ljubljana that analysed the emergence of family violence in Slovenian media in the period from 1985 to 2006.

In **Portugal**, NGOs are part of the Advisory Board of the Commission for Citizenship and Gender Equality (CIG). The CIG is the Portuguese national mechanism in charge of the implementation of policies against domestic violence, non-discrimination and promotion of equality between women and men, established by Regulatory Decree in 2012 under the Office of the Presidency of the Council of Ministers. According to its basic law, the CIG is supported by an Advisory Board that is currently composed of three sections: (1) NGOs working in the field of women's rights, gender equality, citizenship and non-discrimination; (2) representatives of each Ministry (the inter-ministerial section); 3) and a technical and scientific advisory group. CIG regularly cooperates with academia and NGOs by commissioning research analysis about various topics related to VAW and DV.

LESSONS LEARNED

NGOs can take integral part of the interdisciplinary mechanisms and groups working on gender equality, VAW and DV, or in other issues where their expertise is essential. The forms of these mechanisms might be different, but it is key that the role of NGOs within them is duly recognised and formalized by the respective laws or regulations and that their participation, where appropriate, is duly funded in order not to overburden in particular the smallest grassroots organisations.

Recommendations

- To draft a National Programme on VAW and DV that gives due consideration **to all three pillars of action** (prevention, protection and prosecution) and follow a comprehensive approach for each of the three pillars, with a clear definition of the roles and responsibilities of all stakeholders involved.
- To establish/reinforce a **coordinating body** that would first work on the alignment of the new Resolution with the IC and that will make sure that there are mechanisms for inter-institutional cooperation and that the institutions follow commonly established procedures. In Slovenia there is already such an entity: the Intergovernmental group set up in April 2016 to co-ordinate the implementation of the Istanbul which could be further strengthened and given the appropriate legally binding authority, institutional mandate, resources and staff. The existence of such a coordinating authority would have a positive role in improving the cooperation between institutions both at the central and local level.
- To allocate **adequate financial resources** and specific budget lines that will serve both as an indicator of State commitment and as a prerequisite and guarantee for implementation of the measures contained in the National Programme for VAW and DV. The lack of allocated budget would compromise its implementation, as well as its monitoring and evaluation.
- To strengthen the **participation of the NGOs** in the policy making processes and to increase the role of **academia** particularly in terms of research and analysis for evidence-based policy making. Having a prominent role of the NGOs in the policy making process would also help to further

include the victim's perspective when drafting policies and legislation. The cooperation with Academia would provide periodic and substantial insight on various issues related to the implementation of various provisions, to the dynamics of VAW and DV and help in addressing the right measures, etc.

- The documents analysed and the discussions undertaken with national stakeholders have often focused on the **violence against children and/or child survivors of sexual abuse**. The latter is a crucial and an underestimated issue, however, mixing this phenomenon with VAW and DV does not help in adequately addressing neither of the issues. Sexual abuse and exploitation of children require a comprehensive multidisciplinary approach on its own which requires addressing sexual abuse and exploitation of children also outside of the domestic context (child trafficking, pornography, sexual abuse by authority figures). Due to the importance of providing an overarching response to both phenomena, it would be preferable to have two separate resolutions, one focusing on VAW and DV and the other on children's protection. This approach gives due specific attention to both issues and helps in being more effective in implementing targeted legislative and policy measures. If to be included in the same Resolution, the suggested approach would be to respond to the issue of children's victims of domestic violence in line with Article 2 paragraph 2 of the Istanbul Convention. This article encourages signatory parties to apply the Convention to all victims of domestic violence, including children. However, particular attention should be given to victims of gender-based violence committed against women.

4.2. Prevention policies and measures

Prevention is one of the main pillars of the IC (Chapter III). Preventing VAW and DV requires far-reaching changes in the attitudes of the public at large, overcoming gender stereotypes and raising awareness. Local and regional authorities can be essential actors in implementing these measures by adapting them to their specific realities. The provisions under the prevention pillar include measures and programmes related to awareness raising, education, training of professionals, preventive intervention and treatment programmes for perpetrators and participation of the private sector and the media.

4.2.1. Awareness raising campaigns, education, training of professionals, private sector, media, etc.

4.2.1.1. Awareness raising programmes and campaigns

One of the main elements for prevention is awareness raising. According to the IC (Article 13), signatory parties shall promote awareness raising campaigns and programmes, including in co-

operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of the Convention, their consequences on children and the need to prevent such violence.

In the context of Slovenia, measures related to awareness raising programmes and campaigns were included in Resolution 09-14, under the strategic measure "*Implementation strategy of preventive campaigns for life in society without violence*" that particularly emphasised the implementation of awareness raising programmes and campaigns, in cooperation also with the media. The task was assigned to the Ministry of Labour, Family and Social Affairs, the Ministry of Health, the Ministry of the Interior, the Ministry of Culture and the Government Office for Equal Opportunities. NGOs were not included as implementing or cooperating actors.

However, NGOs have often been part and/or have initiated the campaigns against VAW and DV in Slovenia. For example,³⁷ in 2009, in cooperation with the Alliance for Non-violence (Association SOS Help-line for Women and Children – Victims of Violence, Association for Non-violent Communication, Society Ključ and the Women's Counselling Service), the Ministry of Interior implemented the *Slišite? (Do You Hear?)* campaign, which was intended to encourage anyone who detected violence in their surroundings not to ignore it, but to report and take an active role in the fight against violence³⁸.

One of the recent national campaign is the *Vesna – living a violence-free life* project (2013-2015). The Vesna project was a two-year national campaign (2013–2015) carried out by the Directorate for the Family at the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of the Interior/ the Police, the Ministry of Justice and the Ministry of Health and the State Prosecutor General of the Republic of Slovenia. The key objective of the campaign was to draw attention to the problem of violence against women and girls and to raise awareness of both women with experience of violence (and potential victims) as well as the professional and the general public³⁹.

Since 1 July 2017, the EU project CYBERVAW targets cyber violence and harassment against women and girls. The general objective of the project is to address cyber violence and harassment as a form of violence against women and girls and a manifestation of historically unequal power relations and

³⁷ On 8 March 1999 the first one-year Slovenian awareness-raising campaign against VAW entitled *Kaj ti je, deklica? (What Is Wrong, Girl?)* begins. This is the first campaign to make violence against women into a public issue. In 2002, the Office for Equal Opportunities financially supported an awareness-raising campaign on the problem of violence against women entitled *Stopnice (The Stairs)* – a joint action of three cities (Ljubljana, Slovenia, Utrecht in the Netherlands and Antwerp in Belgium). In 2006, Slovenia joins a two-year awareness-raising campaign of the Council of Europe on the fact that violence against women is a violation of human rights and a result of social imbalances of power between women and men.

³⁸ Robnik 2016.

³⁹ Ibid.

to develop a systematic gender sensitive approach to prevent gender-based cyber violence and harassment⁴⁰.

Despite the number of the awareness raising campaigns, most of them have not been holistic in terms of messages and they were one-off and short-term. Furthermore, there has been no assessment of the results of these campaigns, for example, any post campaign survey that would inform about potential changes in attitudes among the population.

BEST PRACTICES

In 2010, the **French** Government, declared violence towards women as the “Great National Cause”, a status which enables non-profit organisations to make free broadcasts on public radio and television and to collect funds from the public. A total of 25 associations working on violence against women formed a collective and presented a project by which they had access to free media time. This was of particular importance for the members of the collective, which lacked communication departments or budgets.

The overall aim of the campaign was to raise awareness among the public, perpetrators and victims that violence against women is not acceptable (i.e. making violence against women visible, addressing inequalities between women men and social gender relations between girls and boys, promoting support structures for women and strengthening support for associations involved in the fight against violence across France). The concrete message was to make the national helpline number 3919 known.

The campaign adopted a multi-sectorial and multi-level approach which covered all areas of society and all occupational categories. The 25 associations carried out extensive consultations to define violence and the way the public understands it. Starting in January 2010, they undertook media campaigns on specific topics, a year-long program of seminars and conferences across the country based on the film “*La Domination Masculine*” (*Male domination*), local initiatives and a closing research seminar and celebration evening. The campaign benefited from the support of film-makers and photographers who developed communication tools for free.

Media channels included television, cinema and radio spots, radio interviews publications, a film, public events and a website. A 30-second TV spot was broadcast three times in prime time (before

⁴⁰ The project’s objective will be achieved through raising awareness on combatting and preventing gender-based cyber violence and harassment; by organising and implementing systematic awareness raising and education programmes; by developing tools for informing (potential) victims about their rights and available support services; with introducing special measures and activities for preventing and combating gender-based cyber violence and harassment into National Action Plan on preventing and combating domestic violence and violence against women; and by organising events to share experiences and good practices to learn about the different practices/approaches for preventing gender-based cyber violence and harassment in selected European countries.

The project will be implemented in partnership between Ministry of Labour, Family, Social Affairs and Equal Opportunities (leading partner), The University of Ljubljana (co-beneficiary partner) and Ministry of the Interior – the Police and Ministry of Justice – Judicial Training Centre (JTC) as associate partners (Report of the Office of the High Commissioner for Human Rights on ways to bridge the gender digital divide from a human rights perspective – response of Slovenia. Available at:

<http://www.ohchr.org/Documents/Issues/Women/WRGS/GenderDigital/SLOVENIA.docx>

or after the news). In addition to its entitlement of 12 free slots on public channels, the collective negotiated additional airtime on private channels. Videos were published on the site of the “2010 Great National Cause” and on YouTube and Dailymotion. The Internet was brought into play through the ‘Stop cycles of violence’ website, which presented videos and testimonies from victims and associations, as well as social network accounts on Facebook and Twitter⁴¹. The evaluation of the campaign showed that the message of inciting victims to report violence and make the 3919 helpline number known had successfully passed: the number of calls to the 3919 helpline number had doubled during the campaign year.

The 2010 campaign continued the following years. In 2012, the focus was on sexual harassment. In 2013, the campaign re-emphasised the message about the 3919 national helpline number by encouraging women to seek help and report violence. Again, the campaign was followed by an increase of the number of calls to the national helpline number⁴².

LESSONS LEARNED

The campaign’s success rests on strong political will and involvement, a strong communication strategy, the active involvement of media professionals and the press and a multi-level approach that involved many different stakeholders. Also, a successful awareness campaign needs to be evaluated and consistent.

4.2.1.2. Education

The IC (Article 14) stresses on the importance of taking the necessary steps to include teaching materials on issues such as equality between women and men, non-stereotyped gender roles, gender-based violence against women and the right to personal integrity, in formal curricula and at all levels of education.

Resolution 09-14 included a specific strategic measure about the “*Preventive action in preventive actions in education and schooling*”. However, no reference was made to issues such as equality between women and men or gender- based violence. The measures remained in general and gender-neutral terms. The text of Resolution 09-14 specified “*It is necessary to ensure the conditions that the ethical orientation of kindergartens and schools and the entire operation of schools are directed towards the encouragement of pro-social behaviour, where non-violent communication and constructive settlement of disputes will become a self-evident practice and working principle of all individuals who are involved in education and schooling*”. Additionally, the task assigned following this measure employed the same terms, where no reference was made to gender equality, gender stereotypes, etc.

The same strategic measure comprised the tasks of including “programs for awareness of family violence issues in teacher training programs” and including “contents on the prevention,

⁴¹ EIGE. 2015. Preventing domestic violence: Good practices. Vilnius.

⁴² Heisecke Karin. 2014. Raising Awareness of Violence against Women: Article 13 of the Istanbul Convention. Strasbourg: Council of Europe.

identification and consideration of family violence in education programs for health care workers at the secondary, higher and university levels”. Despite the importance of including these programmes tackling domestic violence, no reference is made to gender equality or gendered base of domestic violence and they only reach out to the higher levels of education or for teachers, not students⁴³.

Evidence gathered from the CoE meetings with Academia and NGOs representatives show that there is no uniform binding strategy and no continuity regarding the introduction of measures mentioned in Article 14 IC in the education curricula. There is no specific programme that deals with topics such as gender equality or non-stereotyped gender roles in the pre-university curricula.

Also, VAW and DV are marginalized topics at the university level. Often, it depends on the good will of the professor/lecturer to include it in the curriculum. VAW and DV are part of the Pedagogy department but absent from the Psychology Department for example. Also, there is no cooperation within Academia itself, for example between the Faculty of Law and Faculty of Social Work where the most of topics about VAW and DV are addressed.

BEST PRACTICES

In **Iceland**, according to Article 23 of the Act on Equal Status and Equal Rights of Women and Men No. 10/2008, as amended by Acts No. 162/2010 and No. 126/2011 and to the various Education Acts, gender mainstreaming must be included in the work of schools and educational institutions, including sports and leisure activities. At all levels of the education system students shall receive training on gender equality issues. Emphasis shall be placed, amongst other things, on preparing both genders to play an equal role in society, including work and family life. Educational materials and textbooks have to be designed in such a way as not to discriminate against either gender. The aim is to promote changes in traditional attitudes that contribute towards violence against women by addressing the cultural subordination and devaluation of women. The Ministry of Education, Science and Culture monitors compliance with gender equality in schools and educational institutions including sports and leisure activities. Based on this legal framework, the Icelandic Ministry in charge of education has prepared the national curriculum frameworks both for pre-school, compulsory (6-16) and upper-secondary education (16-20) levels. The implementation of such policies has been funded by the municipalities and the state for the pre-school and compulsory level, and by the state for the upper-secondary education level⁴⁴⁴⁵.

In **Austria**, concepts of gender equality and non-violent conflict resolution in interpersonal relationships are integrated in the formal curricula of primary and secondary education. Teaching materials on these and other related issues are made available by Polis, a government funded centre for civic education. Their variety of brochures includes information on international standards such as the Istanbul Convention, suggestions for age-appropriate reading material and links, as well as explanations on how to teach in class. The areas covered include violence against

⁴³ Resolution 09-14.

⁴⁴ UNESCO. 2012. World Data on Education – Iceland. 7th Edition. Paris: International Bureau of Education, UNESCO.

⁴⁵ Ministry of Education, Science and Culture. 2014. The Icelandic national curriculum guide for compulsory schools - with Subjects Areas. Reykjavik.

women and children, violence against children and youth with disabilities, female genital mutilation, forced marriage, gender equality, women's rights as human rights, boys and masculinities, mobbing in schools and women and armed conflict. This material is regularly accessed by teachers and others online, with demand seemingly highest for the brochures on mobbing in school, gender equality and women's rights as human rights. A total of 6500 printed copies of all available brochures were provided to teachers and multipliers across Austria from 2014 to 2016⁴⁶.

LESSONS LEARNED

In Iceland the law establishes that the principles of gender equality are integral part of the school curricula in all educational levels. This ensures sustainable socialisation of children and adults with such principles focusing on gender equality and human rights. The implementation of such a measure is monitored and controlled by the state.

Beside the formal requirement of integrating gender equality and non-violence conflict resolution in interpersonal relationships, age-appropriate materials about specific topics related to VAW are made available for teachers in Austria. The teaching materials are produced by a specialised and state-funded entity.

4.2.1.3. Media

Article 17, paragraph 1, of the Istanbul Convention calls on states parties to encourage the information technology sector and the media, with due respect for freedom of expression and their independence, to play an active role in preventing and combating violence against women by participating in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent VAW and to enhance respect for their dignity.

In the Slovenian context, the role of the media was mentioned in Resolution 09-14, but there were no specific objectives or tasks regarding working with journalists including informing, training or providing guidelines for reporting on VAW and DV.

Media reports are primarily related to tragic events, especially deaths of women at the hands of their partners/spouses. Media reports tend to be inappropriate, victim-blaming and sensationalistic when reporting on cases of VAW and DV which creates a false image of the violence that women experience and the reasons behind the violence. Reporting is reduced to the display of truncated stories. It restricts the causes to the supposed psychological characteristics of the perpetrator and blurs the real dynamics and roots of gender-based violence. At the same time, such reporting is insensitive and thus very harmful to the relatives of those involved, including minor children. Children are also victims of intimate partner murders, and due to inadequate and insensitive reporting, they often experience secondary victimisation, which additionally complicates the process of their rehabilitation. Whereas a few trainings of journalists on reporting on VAW and DV have taken place they remain sporadic.

⁴⁶ GREVIO. 2017a. Baseline Evaluation Report – Austria. Strasbourg: Council of Europe.

BEST PRACTICES

The CIG, the **Portuguese** national mechanism for equality of women and men in partnership with the Professional Training Centre for Journalists (CENJOR) has been promoting a 12-hour training module entitled "Gender and Information" addressed to journalists. It comprises topics such as gender-based violence as an expression of power asymmetries between men and women; violence against women; domestic violence as an example of gender-based violence; and media coverage of homicide in the context of intimate relationships. This training is provided by journalists and/or researchers in the areas of gender and media. Furthermore, CIG has been promoting an initiative entitled "Are news gendered?" in close cooperation with some higher education institutions that offer degree diploma courses in media/journalism. This initiative consists of a 3-hour session promoted by a journalist renowned for her work and reflection on gender equality in Portugal⁴⁷.

LESSONS LEARNED

The training sessions rely on four trainers. Two of the trainers are responsible for two major observatories on gender and media. One of them is the researcher responsible for the international Global Media Monitoring Project in Portugal. The other is a coordinator of the Observatory of Murdered Women, a structure created by a gender equality NGO that analyses all journalistic works and news in the press focusing on homicide cases in the context of intimate relationships. The third trainer was the President of the Deontological Council of the journalists Trade Union. The fourth trainer was a renowned journalist, having been the first woman television reporter on war scenes and one of the first to hold a leadership position in the state television. The profile of the trainers is one of the key factors for the success of this initiative. They are well known and respected, they inspire experience and expertise in the same time. Moreover, their experience and expertise help in providing knowledgeable but also attractive trainings for journalists. Other success factors include the presentation of current real examples of gender discriminatory news and the provision of practical guidance on how to develop a gender sensitive professional performance.

4.2.1.4. Training of professionals

In the context of prevention measures, the IC (Article 15) encourages training of relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of the Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation. Again, Article 15 points to the training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of VAW and DV.

⁴⁷ CIG. 2014. Portugal National Report on the implementation of the Beijing Declaration and Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000), April 2014.

In Slovenia, training of the professional staff is included in the DVPA: *“Professional staff who perform tasks in the field of violence, shall, as part of their lifelong learning, self-improvement and training regularly educate themselves”*.

Training of professionals was a significant aspect addressed in Resolution 09-14 particularly in the strategic measure *“Education and training of professional workers”*. This strategic measure foresaw specific tasks to be implemented concerning the continuous training of professionals under an inter-disciplinary and inter-ministerial perspective (i.e. *“the ministries must provide the development, professional training and further education of experts who have contact with persons who experienced family violence. ...The programs must be formed in a multidisciplinary and inter-ministerial manner, since this consequently leads to more efficient operating and cooperation of disciplines”*).

In practice, the multi-disciplinary dimension of training programs has been lacking so far. Each institution appears to develop and conduct its own training programs on domestic violence. The General Directorate of the Police informed that training of police officers on domestic violence are organised at all levels of their education in the police school. Furthermore, the Research and Social Skills Centre provides training on gender equality and domestic violence, and also training of trainers.

The training of judges and prosecutors is covered by the Judicial Training Centre, part of the Ministry of Justice. The trainings on VAW and DV are not compulsory but are run based on the assessment of needs (yearly review). It is not clear how the assessment of needs is conducted. The trainers' level of specialisation on DV and VAW is also unclear. During the CoE Fact Finding Mission in Ljubljana, it was highlighted that most of the criminal judges need to go to specialised trainings because they lack knowledge on DV and VAW.

As a positive development, the Slovenian Judicial Training Centre in co-operation with the Council of Europe launched the European Programme for Human Rights Education for Legal Professionals (HELP) course on Violence against Women and Domestic Violence in Ljubljana on 22 March 2018. More than 30 participants (around 20% men) from various backgrounds - judges, prosecutors and criminal investigators from the police - have followed the course online for some three months.

On the other hand, the SWC professionals need further specialised training on VAW and DV. The SWC representative met reports that trainings for SWC employees are not mandatory, and many of the employees still lack specialisation on VAW and DV.

There is little information about the current situation of training of health care workers. Although health care professionals might be the first contact to whom the victims turn for assistance, they are very slow in reacting mainly because of low level awareness and unfamiliarity with the procedures to be followed⁴⁸.

NGOs representatives point out that the state is still faced with a serious lack of qualified experts on VAW and DV. Appropriate and practical trainings and educational programmes for professionals that are legally bound to offer services to survivors of violence are not systematic and continuous

⁴⁸ “Domestic violence is a public health issue”, <http://www.prepoznajnasilje.si/en/domestic-violence>

which is a precondition to ensure progress in treatment of survivors and to avoid stereotypes, prejudice, denial, or minimization of violence. Also, there is a lack of interdisciplinary and multiagency cooperation in terms of training of professionals, for example between the Police and the judiciary with Academia and NGO experts. Because of the lack of cooperation and comprehensive approach, it appears that most of the existing training programmes fail to address all forms of VAW and are not systematic and obligatory for the majority of professionals.

BEST PRACTICES

In 2006, **Spain's** national distance learning university, Universidad Nacional de Educación a Distancia (UNED) launched a Master's degree course entitled 'Los malos tratos y la violencia de género: una visión interdisciplinaria' ('Abuse and gender-based violence: an interdisciplinary vision'). The course brings a multi-dimensional and holistic approach to domestic violence into a formal university curriculum. It attracts a lot of professionals, and the number has increased over the years. It has a significant impact since the professionals attending the program - judges, senators, policemen and psychologists-, apply the knowledge they have learnt, from practising professionals into their professional lives. The course has a strong basis in human rights and gender analysis as well as a clear, appropriate and comprehensive definition of domestic violence. The course benefits from specialist expert trainers who deal day to day with the issues involved. The mix of online and on-site activities contributes to its reach and to its efficiency⁴⁹.

In terms of professional training, in August 2017 the **Swedish** Government decided to amend the qualification descriptors in the Systems of Qualifications for certain professional qualifications in higher education to include a learning outcome on male violence against women and domestic violence. The study programmes concerned are identified as leading to professions dealing with people who have been subjected to violence or have subjected others to violence. These include the Degree of Bachelor of Science in Physiotherapy, Degree of Master of Law, Degree of Master of Science in Medicine, Degree of Master of Science in Psychology, Degree of Bachelor of Science in Nursing, Degree of Master of Science in Dental Surgery, and Degree of Bachelor of Science in Social Work.

Regarding in-service training, institutions provide their specific training on various forms of VAW and DV. However, The National Centre for Knowledge on Men's Violence Against Women (NCK) at Uppsala University offers courses on various forms of VAW as part of their assignment by the Government to the university. In 2015 and 2016, over 3 500 persons took part in the external training activities offered by NCK. They reached staff at Sweden's Public Employment Agency, occupational therapists, midwives, probation officers, employees of shelters, attorneys, prison officers, counsellors, physicians, teachers, police officers, priests, therapists, physiotherapists, nurses, social workers, prosecutors and dentists⁵⁰.

⁴⁹ EIGE. 2015. Preventing domestic violence: Good practices. Vilnius.

⁵⁰ GREVIO/Inf(2017)9. 2017. Report submitted by Sweden pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report).

LESSONS LEARNED

In Spain, students learn how to implement methodologies in order to improve the protection of women at risk of domestic violence, which contributes to gender equality. The Master is attractive because it is positive career step, but also because it provides specialised knowledge useful for the in-practice work of various professionals such judges, senators, prosecutors, lawyers, psychologists, teachers and police officers (who are the main participants in this program).

The professional training on VAW in Sweden is solid since it is part of the university curricula, at the Bachelor or Master level of those professionals most probable to work with VAW. Secondly, besides the on-site training offered by various institutions, a specific body commissioned by the government provides complementary and interdisciplinary professional trainings on violence for all professions dealing with VAW.

4.2.2 Perpetrators' programs

In the context of prevention of VAW and DV, the IC requires states parties to invest in programmes for domestic violence perpetrators and for sex offenders (Article 16).

In the Slovenian context, article 19a of the DVPA “Referral to programs” specifies that *“the court may refer the perpetrator of violence to appropriate social security, educational, psychosocial and medical care programmes that are provided by authorities, organisations and non-governmental organisations”*.

Resolution 09-14 also addressed the issue of *working with perpetrators of violence*. It first pointed to the lack of “planned, systematic, concrete and inter-institutionally harmonised treatment for the perpetrators of violence after the served sentence or discharge from serving a sentence”. It also envisioned a strategic measure of *“Working with perpetrators of family violence”* by emphasising that *“various programmes for work with the perpetrators of family violence must be created and their inclusion in the existing programs encouraged”*.

The 2009 amendments to the Penal Code articles which include sanctions, especially the suspended sentence under protective supervision, have also been important for referring individuals to programmes for perpetrators. They enable the court to stipulate the appropriate instructions (mandatory treatment/therapy, attending psychological counselling or social skills trainings, etc.). Issuing such instructions in combination with suspended sentences has become increasingly frequent since 2010 and a great increase in users referred to the Association for Non-Violent Communication (ANVC) by the court has been documented. With the amendment of DVPA in 2016, the non- participation in mandatory programs constitutes an aggravating circumstance for a perpetrator in all procedures under the DVPA⁵¹⁵².

⁵¹ Mešič, Grega. 2017. *National Report 2017*. WWP European Network .

However, national uniform programmes of work with perpetrators are lacking. There is no planned, systematic, concrete and inter-institutionally coordinated work with the perpetrators of violence after they have served their sentence or their sentence is dismissed. No protocols are in place regarding the cooperation of all institutions involved in dealing with the perpetrators of violence (courts, prisons, SWCs, NGOs). The existing perpetrators program is supported by the MoLFSAE0 and run by the Association for Non-Violent Communication. In 2013 the Association prepared professional guidelines for dealing with the perpetrators of violence that can also be used by other institutions.

The ANVC representative met explained that the greatest obstacle/challenge for running perpetrators programmes has been a lack of resources for the number of perpetrators they work with. In 2016, seven employees worked with 580 perpetrators and from January 2017 to November 2017, with 643 perpetrators. Furthermore, the ANVC does not have its own offices in most of the towns where the Social Skills Training for male perpetrators programme⁵³ is carried out, exceptions being Ljubljana and Koper. The ANVC works in the facilities of SWCs which limits the places and services they can offer.

According to the ANVC there are not enough professionals trained to work with perpetrators. The ANVC is the only NGO working with perpetrators of violence in Slovenia. The professionals working in SWC work with perpetrators but are usually not trained and therefore not as efficient and even counterproductive if they do not address the root causes of violence and the links to gender inequality patterns and power relationships. The ANVC perpetrator program is not extended at national level, thus in some regions of Slovenia there are no programs for perpetrators at all⁵⁴.

⁵² The perpetrators can be sent to a perpetrators program by the court. It is mandatory and the perpetrator can be sanctioned if he does not attend. For example, the suspended sentence can be cancelled and the perpetrators may be punished with a prison sentence. The public prosecutor can send a perpetrator to a specific program and delay prosecution. The prisons can send a perpetrator to a specific program in the last part of the serving sentence; they can also give to the perpetrator instruction to attend a specific program during probation.

⁵³The Association for Nonviolent Communication has been providing Social Skills Training (SST) for male perpetrators of violence against women since October 2004. The program is based on the belief that violence is the result of a conscious and deliberate decision of the individual to abuse power (use any kind of violence) to take power to another person. SST takes place in seven Slovenian towns. Each year, there are two cycles of lectures in Celje, Slovenj Gradec, Koper, Novo mesto, Musrka Sobota and Nova Goriza. In Ljubljana, there are three cycles of lectures a year. Each cycle consists of 12 lectures. Approximate duration of one cycle is 3 months. (<https://www.drustvo-dnk.si/home.html>)

⁵⁴ Mešič 2017

BEST PRACTICES

37 non-governmental organisations working with violent men across **Germany** came together and in 2007 founded the Federal Association for Work with Perpetrators of Domestic Violence (BAG TäHG). Their main goal was to increase networking among the organisations working with perpetrators and develop harmonised standards for their work. The foundation of the BAG TäHG was the result of a 3-year process of consultation financially supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). During three years, representatives of all the 37 non-governmental organisations came to discuss and set the main standards for programs of work with perpetrators of DV. The process of consultation included also discussions with the representatives of the non-governmental Federal Association of counselling centres and helplines and the non-governmental Federal Association of women's shelters. The standards were based both on theory and everyday experience of the various professionals involved. Since 2007, a working group of the BAG TäHG has continued to work on these standards to adapt them to societal developments, new research and accumulated experience. The standards are disseminated through a 21-day training course for professionals nationwide.⁵⁵ The BMFSFJ is one of the main financial supporters of the BAG TäHG work.

LESSONS LEARNED

The German example shows that working with perpetrators with a multi-agency perspective (various NGOs and other institutions) is an important precondition for effective work. Secondly, it is important that the standards are developed in cooperation with women's counselling centres and shelters, to ensure the victims' perspective. Thirdly, the standards are not prepared in an abstract way but rather grounded in the experience of associations working with both perpetrators and victims. Finally, adequate state budget needs to be allocated to the respective organisations and authorities working with perpetrators in order to mobilise the needed resources.

Recommendations

- To take preventive measures a **wider, holistic response to violence against women** and not in isolation. One off awareness campaigns will not be successful as long as education and training, or media are not significant part of the preventive dimension.
- To ensure that **awareness raising campaigns** embody a clear and comprehensive definition of violence against women, are evidence-based and target specific preventive messages to specific groups. For example, they can be targeted at young people (dating violence), young women (situational safety advice initiatives), victims (regarding their rights and services available), perpetrators (to help change their behaviour) or the community as a whole (to raise awareness and challenge attitudes towards a particular form of violence). Campaigns should be conceived in a

⁵⁵ EIGE. 2015. Preventing domestic violence: Good practices. Vilnius.

longer-term structural perspective with consistent messaging across participating authorities and in co-operation with women's NGOs.

- To prepare **guidelines and manuals on media reporting** on VAW and DV and to organise periodic trainings of journalists on VAW and DV. It is important that trainers include experts in VAW and DV from academia or NGOs, as well as public journalistic figures attentive to VAW and DV, as well as gender stereotyping, etc.

- To **monitor media contents** (in journalism and advertising) on a permanent and systematic way, to identify sexist and stereotypical messages. That will help in preparing adequate guidelines/manuals for media trainings. Formalise the rules to be respected by the media to avoid stereotyped and discriminatory portrayal of women, VAW and DV. The work on media monitoring and training development could also be outsourced to an NGO or to a research institute, however it needs to be organised and periodic in order to ensure consistency and efficiency.

- To take the necessary steps toward the introduction of issues such as gender equality and non-violent conflict resolution in interpersonal relationships in **teaching material at all levels of education**, in a regular way. The collaboration within the MoLFSAE0, Ministry of Education, Academia and NGOs is crucial to address this step. Specific measures toward achieving solid education curricula on gender equality should be included in the upcoming Resolution as well as specific goals and measurable targets.

- To develop structures for adequate and regular **pre-service and in-service training for all relevant professionals**. Include more developed and detailed modules of VAW and DV in the university curricula for those professions that will be working in the field of VAW and DV. In-service training for professionals working with VAW and DV should be mandatory involving reputed trained professionals and, wherever possible, relevant NGOs and Academia.

- To introduce **systematic trainings** for judges and prosecutors, health care workers, workers in the SWC and police officers particularly in view of extending the trainings to the regional and local levels as well. It is advisable that online trainings are combined with face-to-face trainings.

- The **collaboration with NGOs and Academia in training** could be two-fold. First, NGO and academia experts could be invited as trainers for a specific specialised topic of interest in the respective in-service training programs (police, the health sector, judges and prosecutors, etc.). Second, an academic centre (e.g. the Faculty of Social work or another research centre working in the field) would complement the existing in-service trainings implemented by the particular institutions (e.g. Judicial Training Centre, or Police Research and Social Skills Centre, etc.). Strengthening the cooperation with NGOs and Academia would help ensuring that training programmes for all relevant professionals develop a gender-based understanding of violence against women, apply a victim-focused and human rights-based approach, enhance multi-agency co-operation and prevent secondary victimisation.

- To expand and provide **quality criteria and funding for perpetrators programmes**. Mandatory participation of the perpetrators to existing programmes should be complemented by the existence of nation-wide and multi-agency organised perpetrators programs (organisations working with

perpetrators, women rights NGOs, SWC, shelters, police, judges and prosecutors, health and education sector).

4.3. Protection of victims of VAW and DV

When preventive measures have failed and violence has been committed victims and witnesses are bound to be provided with protection and support. This means police intervention and protection as well as specialised support services such as shelters, telephone hotlines etc. It also means making sure that general social services understand the realities and concerns of victims of domestic violence and violence against women and support them accordingly. Chapter IV (Article 18-48) of the IC addresses particularly the issue of protection and support to victims.

4.3.1. Information

In line with the Istanbul Convention, it is not enough to set up protection structures and support services for victims. It is equally important to make sure victims are informed about their rights and know where and how to get help (Article 19 IC).

In Slovenia, Resolution 09-14 envisaged the preparation of *“comprehensive information on the process of procedures before state authorities, and about the rights of victims and other participants (family members, witnesses, etc.) in procedures”*, under the strategic measure *“Assistance strategy for families and their protection”*. Currently, no such comprehensive guidance has been prepared. Only partial relevant information is available. The Police website has information about the procedures to be followed in case of domestic violence, about victim’s rights and what the police powers are in cases of family violence (restraining orders, etc.).⁵⁶ It also includes two brochures online: *“Nasilje! Kaj lahko storim?(Violence! What can I do?)”* issued by NGOs and *“Slišite? Prijavite nasilje nad ženskami 113! (Can you hear it?)”* issued by NGOs together with the Police, containing details on what to do in case of violence. The Police website also contains a quick exit button that directs to a neutral content webpage with no relation with the police department in case the victim is being watched by the abuser.

The only national helpline dedicated to victims of VAW and DV is provided by the Association SOS help line supported financially by the MoLFSAEO⁵⁷. It is a free of charge helpline providing counselling and information about the steps to follow in case of violence as well as about the available support services. However, the helpline is not a 24/7.

⁵⁶ <https://www.policija.si/eng/index.php/prevention/1691-domestic-violence-police-procedure->

⁵⁷ The SOS helpline is financed under the 7 years funding program of the MoLFSAEO. It can be renewed.

BEST PRACTICES

In 2013, the **German** Federal Ministry for Family, Senior, Women's and Youth Affairs set up a national, toll-free telephone helpline that offers victims of all forms of violence against women competent advice on demand. Around 60 specially trained counsellors provide confidential support in 15 languages, around the clock, 365 days a year and free of charge. If needed, they can point callers to appropriate local support options in their area. This new service filled a gap in the support structure in Germany and is an important tool in directing victims, relatives and friends, as well as professionals, to appropriate support resources across the country⁵⁸.

LESSONS LEARNED

The 24/7 nation-wide helpline is under the authority of the competent ministry, has a specific budget allowing for an adequate number of trained counsellors covering also language diversity in the country.

4.3.2. Support services (shelters, financial service, psychological services, access to professional support services for all, etc.)

Social Work Centres (SWC) are public social care institutions. As per the DVPA in each centre multidisciplinary team should be formed at each to deal with a particular case of family violence and "*the participation in the team shall be obligatory for all invited persons*". There are 16 SWC in Slovenia evenly distributed across the country, and 16 SWC regional coordinators for the prevention of family violence. Some of the tasks of the SWC according to the DVPA include:

- Ensuring the victim's long-term safety by eliminating the causes or circumstances in which violence is present, by resolving their social and material living needs.
- Referring perpetrators of violence to the relevant social security, educational, psychosocial or medical care programmes.
- Assisting the victim as well as to assess whether a long-term assistance plan for the victim (elaborated with the victim's help) is needed.

The role of the SWC was also highlighted in Resolution 09-14 in the context of the strategic measures of "*Resolving the housing issue in cases of domestic violence*", "*Helping victims of domestic violence*" and "*Adjustment of assistance to specific groups*".

The SWC regional coordinator met during the CoE fact finding mission reported that the cooperation with the Police in cases of domestic violence is standardised by protocols and guidelines. Cooperation of the SWC with the Police is proving to be efficient overall. However, challenges still exist in terms of cooperation, particularly with the judiciary and the health care

⁵⁸ <https://www.hilfetelefon.de/en.html>

sector. It appears that no protocols are in place for health professionals to deal with victims of rape and no specialised spaces to deal with such cases of violence are generally available at hospitals⁵⁹.

SWC intervention teams respond 24/7 to police needs in cases of domestic violence (situation of restraining orders, child crimes, etc.). However, not all of the participants of the intervention teams are trained or are specialised in VAW and DV and the establishment of these intervention teams is not operationalised at national level. Their composition and operation are under the authority of each of SWC regional coordinator.

In terms of protection and social services provided to victims of VAW and DV, as also specified by the law, the national network of SWC can provide, shelter to victims of DV up to one year, counselling and support (e.g. the establishment of a long-term assistance plan) and help in finding employment.

There are 16 women's shelters in Slovenia with about 272 beds available. The majority are run by women's NGOs with gender specific/ feminist approach, one by a faith-based organisation, and four by the state (SWC). Women's shelters are present in all regions of the country but none of them provide 24/7 access. However, there are three crisis centres for women and children victims of violence which offer emergency accommodation and 24/7 access.⁶⁰ There are also 12 maternity homes, with about 177 beds available mostly for pregnant women but which also accept women victims of DV⁶¹.

One of the main issues in Slovenia in terms of support services is the uneven distribution across the country. SWC are uniformly distributed nation-wide, as well as shelters. However, shelters run by women's NGOs are concentrated in central Slovenia.

Additionally, the longer-term needs of victims of VAW and DV, in particular, their need for accommodation still needs to be better met. In practice, the procedures (e.g. divorce, property issues, criminal process, etc.) are usually not completed within a year period leaving victims of violence in difficult conditions in terms of their accommodation.

Foreign women survivors of violence are in a discriminatory position when seeking a way out of violence. They are not entitled to social housing, to subsidies for paying rent, they cannot claim

⁵⁹ Health professionals (as well as the police and SWCs) are bound by the Act to appropriately respond to victims of domestic violence, prevent domestic violence and cooperate with other sectors. While the police force and SWC have implemented the provisions of the law, this has not been fully the case in health care services. Although the "Rules on the Regulations and Procedures for Responding to Domestic Violence in Health Care Services" entered into force in March 2011, it is still rare for health professionals to report incidences of domestic violence in practice and intersectoral cooperation with NGO representatives, SWC and the police force remains inadequate (<http://www.prepoznajnasilje.si/en/domestic-violence>).

⁶⁰ WAVE 2017.

⁶¹ The maternity homes are primarily designed for accommodation of pregnant women and women with (young) children, in social hardship, who have no or little means of living and need a place to stay. Their locations are not secret and there are no security measures taken. They also accept women victims of violence, but only if they are not in danger, or after they stay in a shelter but still have not resolved their housing problem (WAVE 2017).

maintenance from the maintenance fund⁶² (in the absence of a bilateral agreement) and they are not entitled to any other financial social subsidies/assistance by the State. Foreign victims of VAW and DV do have no independent rights to health insurance (i.e. their health rights are linked to residence/work permit), do not have access to help in their own language, etc. Furthermore, usually residence permits and work permits are bind to their status of married person (in the context of family reunification). The conditions for permanent residence without providing a permanent source of livelihood (normally ensured by the violent husband) cannot be fulfilled if they want to separate from the perpetrator of violence. Thus, they are in a vicious circle where foreign victims are materially dependent on a violent partner or husband.

BEST PRACTICES

The **Spanish** system against GBV guarantees a comprehensive set of rights for victims of DV/intimate partner violence. Victims have the right to receive tailor-made comprehensive information and advice from authorities concerning their rights and the assistance available to them. Victims are entitled, by law, to receive care, crisis support and shelter, and integrated recovery services based on the principles of 24-hour attention, urgent action, specialised care and professional multidisciplinary care. Multidisciplinary care in all cases involves the provision of information to victims, psychological assistance, social assistance, educational support for the family unit, as well as support in employment, training and integration matters. Minors under the authority or custody of the victim are entitled to integrated assistance through these services. Measures are in place for early detection and assistance to victims in healthcare facilities⁶³.

LESSONS LEARNED

The Spanish system gives specific attention to the economic independence and empowerment of victims: support measures exist in terms of employment and social security. Women victims who work are entitled to a reduction or reorganisation of working hours, geographical mobility, change of workplace, suspension of employment, and the termination of their employment contract. Special assistance is available for victims lacking sufficient economic resources or for unemployed victims. Women victims are also considered a priority group for access to subsidised housing and residences for the elderly

⁶² Maintenance fund is the fund from which the state pays maintenance for children in cases where the parent in charge does not comply with this duty.

⁶³ Krizsan and Pap 2016.

4.3.3 Protection and support for children witnesses⁶⁴

The IC addresses also the issue of the protection and support for child witnesses of all forms of violence covered by the scope of the Istanbul Convention (Article 26). It is stated that measures need to be taken including age-appropriate psychosocial counselling for child witnesses and giving due regard to the best interest of the child.

In the Slovenian context, the DVPA envisions special protection for children witnesses of violence in its Article 4 “Special protection and care”. The article (1) specifies that special protection against violence will be given to children, and that (2) *children are victims of violence even if they are only present where violence is perpetrated against other family members, or if they live in an environment where violence is perpetrated*.

Slovenia has specific commitments under the Lanzarote Convention as well as the EU Directives on Victim’s Rights (2012/29/EU) and Child Sexual Abuse (2011/93/EU) to prevent and combat sexual exploitation and sexual abuse of children, to protect the right of child victims and to promote national and international co-operation. The Slovenian authorities have already taken steps towards more effective justice system for children victims of crimes and committed to implementing the Barnahus (Children’s House) model to improve the state response towards child sexual exploitation and abuse. Barnahus is a child-friendly, interagency and multidisciplinary response model for child sexual abuse and offers services for child victims and witnesses of violence. The model ensures collaboration between different agencies (judicial, social and medical) in one child-friendly premise, in order to avoid any secondary victimisation of the child. The Barnahus model puts the best interest of the child at the heart of investigative procedures, while considering that the child’s disclosure is essential to identify and investigate child abuse both for criminal and for protective and therapeutic purposes⁶⁵. In October 2018 Slovenia adopted a declaration on the creation of a Children’s House for child victims of sexual abuse. In the Declaration, the parties have stated their commitment to a coordinated investigation of cases where children may have been victims of sexual abuse; to the provision of the least traumatic and disruptive investigative measures; to the coordination of medical and mental health interventions, as well as to the development of a child-friendly setting where interviews, treatment and other

⁶⁴ The IC does not cover children’s sexual exploitation and abuse, but only the case of children witnesses of violence. The sexual exploitation and sexual abuse of children by family members or others is covered by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No.201 or Lanzarote Convention, 2007) which defines sexual abuse of children in Article 18 as “engaging in sexual activities with a child who, according to the relevant provisions of national law has not reached the legal age for sexual activities” or “engaging in sexual activities with a child where:

- use is made of coercion, force or threats; or
- abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or
- abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence”. CETS No. 201, Council of Europe, Lanzarote 2007, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201>

⁶⁵ European Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence (Lind Haldorsson, PROMISE Project series, Council of the Baltic Sea States Secretariat and Child Circle, 2017).

services may take place for such children. The first Children's House in Slovenia is planned to open in the second half of 2019⁶⁶.

BEST PRACTICES

The **Danish** system of support services for children victims of violence is based on a comprehensive including multiple agencies. The Act on Social Services stipulates the obligation of all individuals to inform the municipality of any children displaying symptoms of abuse or suspected to be living in harmful conditions. Witnessing domestic violence is considered to constitute such harmful conditions.

Professionals working with children are under the obligation to report to social services any information on or suspicion of children witnessing or experiencing domestic violence. Educational and health professionals are attentive to and regularly report such cases. Following a notification, the municipalities have the legal responsibility to assess, within 24 hours, whether the child needs special support. In the affirmative, a child protection examination will be carried out and, subsequently, referrals be made to specialist support services.

The Children's Houses available across the five regions of Denmark offer professional support and psychological counselling for child victims of sexual abuse, and their child-friendly environment may be used by law enforcement agencies to carry out interviews with children who have witnessed domestic violence. Children who have relocated to a shelter with their mother receive psychological counselling from shelter psychologists during their stay.

Outside of shelters, children witness of domestic violence can receive psychological support and counselling from other specialised non-governmental organisations and by the support services offered by the municipality. Social workers and psychologists design individual counselling and therapy programmes for women and children, which last between six months and one year and may consist of individual and group sessions. It is available in Copenhagen and Aarhus and takes in children aged five to 14 years⁶⁷.

LESSONS LEARNED

The concern about children witness of violence is tackled in a comprehensive way, starting from early identification of such cases by those more in contact with children, such as health and educational professionals. The role of educational and health professionals and their collaboration with various support services is an essential element in addressing the protection of children witness of violence. The early identification of cases of children witness of VAW and DV is followed by various social and psychological support services (municipal and non-governmental ran services).

⁶⁶"Slovenia to get Barnahus by 2019", 08.06.2018, http://www.vlada.si/en/media_room/newsletter/slovenia_weekly/news/article/slovenia_to_get_barnahus_by_2019_61412/

⁶⁷ GREVIO. 2017. Baseline Evaluation Report - Denmark. GREVIO/Inf(2017)14. Strasbourg: Council of Europe.

Recommendations

- To establish or fund a **free of charge national helpline available 24/7** and ensure its financial and staff sustainability and adequate training of staff. The positive aspect is that there is already a national helpline whose sustainable could be included in the National Programme on preventing and combating domestic violence and violence against women and be further supported to offer a more complete service, not only in Slovenian but also in other minority languages and/or English.
- Multi-agency cooperation as a cross-cutting issue is relevant regarding support and protection of women. It is therefore recommended, to evaluate and eventually improve **multi-agency mandatory protocols** that specify the duties and steps of every institution involved in VAW and DV and ensure their use in practice.
- To implement **co-operation protocols and regular education/training** in particular for health workers on how to deal with VAW, DV and especially sexual violence.
- To establish a network of **free counselling programs for victims of violence across the country**, including the establishment of free specialised therapeutic programs for victims of violence. This could be done by SWC. In this case, the collaboration of SWC with other involved institutions (NGOs, Order of Psychologists, health care workers, etc.) should be strengthened; specialised trainings of SWC staff will need to be systematic; and adequate budget needs to be allocated.
- To ensure **specialised counselling services for children witnesses of violence** which could be integrated within the SWC or the NGOs working with victims of DV. Ensure that staff dealing with children is properly trained and appropriate safe and child-friendly spaces are created.
- To develop and implement **training manuals for health and education professionals** to increase their awareness regarding cases where children are witness of DV. These professionals also need to be trained on the specific measures to be followed (institutions to be alerted, etc.) in those cases where they doubt a child is witness of domestic violence (and therefore 'victim' as per DVPA).
- To promote the development of programs for the Roma community and programs for dealing with older, disabled and other women who need different services/approaches.
- Establish a **long-term assistance framework** that would not focus only on victims' accommodation issues but also on other life situation such as poverty, mental health problems, handicap, addiction, residential status, etc.

4.4. Investigation and prosecution

Article 49 of the Istanbul Convention establishes that necessary legislative or other measures shall be taken to ensure that investigation and judicial proceedings in relation to VAW and DV are carried out without undue delay while taking into consideration the rights of the victim during all the stages of criminal proceedings.

4.4.1. Immediate response, emergency barring orders (EBO)

The Istanbul Convention is the first international treaty to include a specific obligation to protect women against violence exerted towards them through protection orders. The purpose of Article 52 of the Istanbul Convention is to put in place an effective measure of protection for victims in a situation of immediate danger of further acts of domestic violence being committed against them through emergency barring orders.

The 2013 Slovenian Police Tasks and Powers Act specifies that the police may issue a restraining order prohibiting the person from approaching a particular place or person (verbally on the spot or by serving a written order within six hours). The order is sent for judicial review *ex officio* (within 24hr) and stands valid for 48 hours. If the investigating judge upholds the restraining order he may impose the measure for up to 15 days. Before the expiry of the 15 days measure, appeal to the investigating judge to extend the measure to 60 days.

Upon receiving the order, the offender shall immediately vacate the place or area of prohibition and hand over the keys to the joint residence. The police also alert the competent SWC immediately so that the centre provides assistance to the victim. The order stands for 48 hours. The police send the order for review to the investigative judge for decision on the measure within 24 hours.

The first Police responsibility is to stop the violence, to protect the victim, to conduct an interview with the victims and collect evidence. There is a DV Unit in the criminal police at the central level and at the regional level there are experts trained on DV. There is a multidisciplinary approach through cooperation protocols/rules with SWC and NGOs working on VAW and DV. In the SWC, there are intervention teams working non-stop (situation of restraining orders, child crimes, etc.) and reachable 24/24 in order to answer to the needs of the police when intervening in a particular case. However, not all the members of the intervention teams are duly trained on VAW and DV.

All the procedures and the protocols are available in the Police Intranet where there is also information about the changes in the law, new regulations, etc. The police officers dealing with domestic violence are selected and trained specifically. Overall, according to General Police Directorate they show sensibility and understanding to the issue of DV. However, from the discussions with various police representatives, it appears that there is an issue in terms of sustainability of expertise on VAW and DV due to staff turn-over. It seems that no specific institutional incentives are in place to attract police officers to be part of this unit (e.g. emphasise

the importance of such a unit, or its novelty and perspective for career development). Moreover, certain complacency could be noticed among police representatives when presenting their work on DV. While the progress made so far is commendable, such complacency can bring the risk of missing the needed improvements in their work on VAW and DV. Another weakness is the lack of standardised coordinated data collection system (to be further expanded in the subsection 4.5.2). Police collects the most complete data on VAW and DV. However, the data is not shared with the other institutions working on VAW and DV.

Discussions with police representatives highlight again that more sensitivity is shown towards the cases of violence against children or in those cases where children are involved.

BEST PRACTICES

In **Austria**, the Domestic Violence Act came into force in May 1997. Three core measures were introduced: 1) EBOs issued by the police; 2) domestic violence intervention centres in all provinces to provide immediate and proactive support to all victims; and 3) civil law protection orders to be requested by victims to protect them after expiry of the police barring order or independently from an EBO. The Domestic Violence Act also established several other important protective measures such the right of every victim of violence to receive proactive, comprehensive and empowering support through so-called “Intervention Centres” established in each of the nine provinces (run by NGOs and fully funded by the state).⁶⁸ The Centres (also called Centres for Protection against Violence/ Gewaltschutzzentrum) were established in order to assist victims within the framework of police barring orders for perpetrators of domestic violence. offer crisis intervention, support, assessment of danger, building up a safety plan, support for applying an interim injunction, legal aid and accompaniment to the court, interventions in connection with the offender, psychological, psychosocial counselling and legal counselling (special lawyers are in charge with the counselling) before, during and after the criminal procedure.

LESSONS LEARNED

The Austrian police barring orders are part of an integrated approach and a multi-agency intervention system which includes legislative measures to protect victims from domestic violence and hold perpetrators accountable, as well as measures to support and empower victims and those affected by domestic violence.

4.4.2. Restraining and protection orders, judicial proceedings, etc.

As specified in Article 53, measures shall be taken to ensure that restraining or protection orders are available to victims of VAW and DV and without undue financial or administrative burdens on the victim.

⁶⁸ Logar, Rosa, and Johanna Niemi. 2017. *Emergency Barring Orders in Situations of Domestic Violence: Article 52 of the Istanbul Convention*. Strasbourg: Council of Europe.

In the Slovenian context, the DVPA specifies that a court may issue prohibition orders to a perpetrator of violence for not more than 12 months. The victim may propose an extension of the measures before the expiry of the period. The court may extend the validity of the measure several times, each time for 12 months. Other provisions include measures towards child protection and the exclusive use of the residence by the victim. Alternative dispute settlement is prohibited in cases of DV.

In practice, the fact that the perpetrator of violence is at the same time the father of a child is an important factor in sanctioning violence in criminal procedures. Sanctions are often less strict and contacts with children are encouraged, even when the father has already been convicted of criminal act of violence in the family. Parents are forced into shared custody even when there is a history of violence in the family. Often, judgments in various procedures are incompatible (e. g. restraining orders under the DVPA or in police procedures and order for contact with children at the same time)⁶⁹.

Practice also show that whereas restraining orders are not rare their extension is not commonplace. This often happens because the victims do not have information that prolongation is a possibility or when they can file a request. Institutions are not proactive toward providing detailed information to victims. However, there is still a lack of in depth analysis of restraining orders and their impact in domestic violence victims.

Resolution 09-14 aims to “*Reduce the time of reporting and identifying the perpetrators of acts of violence and provide efficient inter-institutional cooperation*” and “*Reduce the duration of judicial procedures*”. In the context of these objectives, it envisaged the “*establishment of specialised departments for the treatment of civil and criminal aspects of family violence in district courts*” but also the further education and training of “*all individuals who participate in pre-trial criminal and criminal procedure.*”

With the exception of Ljubljana there are no specialised court departments for domestic violence. The number of court experts specialised in DV and sexual abuse remains low. There are no guidelines for their work and the level of expertise in the field is not evaluated. In spite of several training initiatives, the general knowledge level of investigators, prosecutors and judges in relation to domestic violence remains low. The inter-institutional cooperation is not standardised, as envisioned in Resolution 09-14 or is lacking. Court proceedings are long and that may jeopardise the protection of the victim of VAW and DV and the resolution of the victim’s situation (in term of

⁶⁹ The Association SOS Help-line for Women and Children - Victims of Violence report a case that illustrates this practice as it follows: The violent male partner disappeared after the birth of the child and the victim of violence approached the SWC to arrange the necessary documents for child maintenance and child contact with the father. The SWC found the father and arranges for the father and child meeting also in presence of the mother because of the young age of the child. The former partner started to pressure and exert psychological violence against his former partner who filed for a restraining order fearing for herself and her child safety. In the same time, the court, basing on the positive report of the SWC worker about the father, decided the father could meet with the child twice per week despite the restraining order. The issue of the restraining order was not at all taken into account during the court hearing. The victim stated that she constantly felt that the SWC worker did not believe in the violence of her former partner but instead suggested to her to get rid of her “internal fear” because that her former partner was a good father and took good care of the child.

housing, subsidies, employment, etc.). It can happen that the victim is left unassisted, thus losing confidence in the rule of law and the effectiveness of the institutions that should offer support.

The IC establishes the principle that alternative dispute resolution could not be made mandatory in cases of violence against women. These mechanisms require that parties enter into them freely. In cases of VAW and DV, the presence of unequal power relations and control hinders freedom of consent in the victim. Article 22e70 of DVPA envisions that *“in proceedings carried out in relation to any form of violence, alternative dispute settlement shall be prohibited”*. Even if the IC only forbids mandatory conciliation, in order to implement the Slovenian law, clear guidelines should be issued in order to avoid any alternative dispute settlement methods in cases of violent relationships.

In district courts there is a civil law department, a criminal law department and a family law department which is primarily under the civil law department. In family departments the history of domestic violence is often not considered so women prefer not to talk about the violence because they are afraid of losing the custody of their children. In practice it has happened that when a mother victim of DV files a lawsuit for custody, alimony or right to visit, the judge does not take in consideration the history of violence. Additionally, there has been cases where SWC workers have underestimated and have not initiated proceedings in cases of domestic violence as required by the DVPA. In other cases, mothers are forced to cooperate with violent (ex) partners in upbringing children whereas less responsibility is expected from the fathers; there also exist cases where mediation is forced in violent relationships to arrange care for children, etc.

BEST PRACTICES

In Spain, the Organic Act of 2004 also provides for specialised “gender-based violence” courts established in all regions of Spain. The system of these specialised courts offers the advantage that the judge can impose a whole range of measures beyond just issuing EBOs and expelling the perpetrator from the home, which leads to assessing regularly whether there are criminal acts to be punished. According to the law, EBOs must be issued immediately and no later than 72 hours after the incident is reported. The “gender-based violence” court system in Spain is on call round the clock in order to be able to provide emergency measures. In Madrid, two gender-based violence courts are available 24 hours a day. These specific courts deal not only with criminal offences, but also with civil and family law. They can apply various measures to protect and support victims, and gives the judges of the specialised courts the possibility to issue integrated protection measures of criminal, civil and social nature.

The Spanish system foresees the co-operation of all agencies involved. Support is also provided by NGOs in co-operation with state agencies. Specific co-ordination measures have been established to ensure co-operation when EBOs are issued (EBOs coordination point)⁷¹. Additionally, the Organic Act lays down a prohibition of mediation for all cases coming under “gender-based violence”.

⁷⁰ Article 22e (Prohibition of alternative dispute settlement): In proceedings carried out in relation to any form of violence alternative dispute settlement shall be prohibited.

⁷¹ Logar and Niemi 2017.

LESSONS LEARNED

The “gender-based violence courts” brings together civil and criminal court department and tackle VAW and DV from a comprehensive point of view, including issuing of EBOs and further judicial proceedings. The judge in a “gender-based violence court” does not only take emergency measures, but can also consider the history of violence while dealing with issues of divorce or custody, etc.

4.4.3. Victims’ support and protection during investigations and judicial proceedings (legal aid, etc.)

The Istanbul Convention (Article 57) requires from the state parties to provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

Concerning free legal aid, the Slovenian DVPA specifies that free legal assistance for victims of violence shall be provided pursuant to the act governing free legal assistance. According to the DVPA, the persons assessed as being in danger shall be eligible to free legal assistance regardless of the provisions of the act governing free legal assistance. An evaluation on the danger to the person shall be issued by the competent SWC.

The MoJ representatives met in June 2018 reported that women victims of DV are unconditionally entitled to free legal aid as per the DVPA and the Legal Aid Act. Article 8⁷² of the DVPA establishes the right of victims to an advocate.

BEST PRACTICES

Austria introduced the right to not only legal, but also free psychosocial court assistance during criminal investigations and proceedings as a form of support for victims of violence. The key objectives of the policy are to safeguard the rights of victims and empower them in the context of court proceedings. Should civil proceedings result from the criminal act (for example, claims for damages but also divorce and custody proceedings in domestic violence cases), the psycho-social assistance continues while legal representation has to be sought elsewhere and paid for by the victim or through legal aid. Victims of all violent crimes, dangerous threats or sexual offences are eligible for court assistance as are dependents of victims of homicides. They must be informed of this support available to them at their first encounter with the authorities to ensure they benefit from it early into the process, including at the investigative stage. All psycho-social and legal court assistance is provided by non-governmental entities, mostly specialist support services, which are contracted and financed by the Austrian Ministry of Justice⁷³.

⁷² Article 8 (Right of victim to an advocate): Victims of violence shall have the right to an advocate, who shall, in accordance with special regulations, protect the victim's benefits in procedures and activities concerning the victim.

⁷³ GREVIO. 2017. Baseline Evaluation Report – Austria. Strasbourg: Council of Europe.

Feedback has indicated that psychosocial court assistance is an important and necessary support for victims to feel empowered and confident in the context of court proceedings. Victims of VAW and DV feel supported during the judicial proceedings.

The majority of beneficiaries of court assistance are adult women victims of VAW and DV and the total number of beneficiaries has more than doubled since 2008, indicating both the high demand and the high acceptance of this measure. Women's shelters, which offer psychosocial court assistance, report that, since the introduction of court assistance, there has been a significant increase in willingness among victims of VAW and DV to report to the police and make a statement in court⁷⁴.

Lessons learned

Psychosocial and legal court assistance empowers women survivors of violence enter court proceedings with greater confidence and helps prevent secondary victimisation or re-traumatisation. Furthermore, it creates a closer dialogue, greater trust and understanding between victim support organisations and the legal professions/judiciary. It is embedded in a strong network between all involved actors and institutions which are committed to working together to improve access to justice for women survivors of violence.

The precondition for the successful implementation of such policy is the government's commitment to ensure sustainable budgetary allocations and the presence of a network of non-governmental specialised victim support services that can provide such support and monitor the court assistance.

Recommendations

- To create an **integrated system of protective measures** for victims of violence within criminal procedures (hearings through videoconference, use of safe rooms, informing the victim about the detention and release of the perpetrators, access to free legal aid and an advocate, etc.). And ensure information sharing in criminal and civil procedures.
- It is important that the history of violence is taken into account when dealing with **custody or alimony lawsuits**. In the example of Spain, the VAW judge can consider both aspects in the same time, including adjudicating alimony, custody, etc. Although creating new specialised courts in VAW and DV might be difficult and costly to be envisaged at this stage, procedural measures could be taken to ensure that judges take in consideration the history of violence in the family while dealing with custody or other civil issues.
- Clear guidelines for police, judges, prosecutors and SWC should be issued in order to make clear that there should not be **alternative dispute settlement** in cases of violent relationships
- Additional **systematic and nation-wide training of judicial operators** is needed to tackle their still low-level knowledge on VAW and DV.

⁷⁴ FuturePolicy.org. Austria's Support for Victims of Violence in Court Proceedings. 2014.
<https://www.futurepolicy.org/rights-and-responsibilities/austrias-support-for-victims-of-violence/>

- To take measures to obtain relevant data as well as conduct qualitative analysis on the **extension of restraining orders** by courts and the police. According to current practice, such extensions of restraining orders are rare, thus more in depth and consistent analyses is needed to explore and reveal the reasons behind such a phenomenon and what measures could be needed.
- Emphasis should be given to **interagency cooperation** (Police, judiciary, SWC, NGOs, health sector, etc.). Lack of interagency cooperation is one of the most highlighted issues both from desk research as well as from the meetings with experts. Tackling it in a more legally bound and formalised way is paramount for the successful implementation of the upcoming Resolution on the prevention of VAW and DV.

4.5. Monitoring and evaluation

Article 10 of the Istanbul Convention obliges State parties to establish one or more government structure to carry out specific functions to ensure comprehensive and effective efforts to combat violence against women. Paragraph 10.1 of the Istanbul Convention sets down the main four functions of such co-ordinating body: (i) co-ordination, (ii) implementation, (iii) monitoring and (iv) evaluation of state measures taken to combat violence within the meaning of the Istanbul Convention, at national, regional and local level. These tasks of coordination, implementation, monitoring and evaluation need disaggregated relevant statistical data at regular intervals on cases of all forms of violence defined by the IC as well as population-based surveys and periodic research analysis about VAW and DV. In this section we will focus on monitoring and evaluation as well as the coordination of data collection.

4.5.1. Monitoring and evaluation

According to the Istanbul Convention, ‘monitoring’ means observing how and how efficiently policies and measures against VAW and DV are implemented at national, regional and local level⁷⁵. The regular monitoring, evaluation and review of legislative, policy and other measures addressing different forms of violence against women are key to well-functioning comprehensive interventions.

Monitoring was also foreseen by Resolution 09-14 which specified that the *“Ministry of Labour, Family and Social Affairs is competent for the monitoring of the national program implementation; namely, on the basis of carried-out activities within the framework of action plans, and for the periodic reporting to the National Assembly of the Republic of Slovenia every two years.”*

In Slovenia however, no systematic monitoring or evaluation of the existing legislative and policy measures concerning VAW and DV has been undertaken.

⁷⁵ Rabe and Ünsal, 2016.

BEST PRACTICES

Some countries outsource parts of the tasks of monitoring and evaluation to independent bodies outside the state administration. This can take place through issuing a mandate to a specific institution or institutions to perform specific tasks, or through the commissioning of individual studies. In Sweden, for example, the National Centre for Knowledge on Men's Violence against Women (NCK), an institute of the University of Uppsala (**Sweden**), was established as early as 1994 and is in charge of monitoring and evaluating the National Strategy to Prevent and Combat Men's Violence against Women⁷⁶.

LESSONS LEARNED

Having academia and/or NGOs conduct the specific tasks of monitoring and/or evaluation has the added value of relying on an independent observer to assess the impact of measures and policies adopted by public authorities.

4.5.2. Data collection

Article 11 of the IC requires signatory parties to put efforts in establishing sustainable systems of statistical information gathering on all forms of violence against women, to run extensive research to gain understanding the phenomenon and to embody research findings in long-term strategies to prevent violence against women. The IC recognises the importance of administrative data gathering and data dissemination and it also requires national surveys at regular intervals to assess the situation of VAW and DV. It also specifies that the national co-ordinating bodies (Article 10) shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.

Resolution 09-14 pointed to the need of nationally comparable data about domestic violence by including several measures such as *"Creating a comparable registration methodology"*. One of the tasks for the implementation of this measure is the documentation of *acts of violence according to the content of relationships and gender, since this sort of data collection would be more transparent and would ease the research of this issue*.

The Resolution also contained provisions toward the running of a *"National survey on domestic violence and its periodic implementation"* and the *"Establishment of a national database and comparable indicators"*. More particularly, it required the collection of harmonised and comparable data including victims, perpetrators, age, sex, victim-perpetrator relationship, etc.

Evidence shows that so far there is no comparable methodology for recording VAW and DV acts, victims, perpetrators, their gender and relationship. There is no correlation between police, judicial and administrative records. According to Leskošek (2018), administrative data sources are not

⁷⁶ Rabe and Ünsal. 2016.

related to each other. Institutions record incidents in a different manner which makes impossible the comparison of the data and the follow up of the history of a specific case.

Data about domestic violence is available in Slovenia but it is not shared and not comparable among the various institutions working on VAW and DV, as envisioned by Resolution 09-14. Currently, the Police has the most complete database on DV. It gathers statistics disaggregated by age, gender of both victim and perpetrator and relationship between victims and perpetrators. The Police shares and compare data with SWCs once per year. SWCs collect their own data, as does the justice system.

The State Statistical Office (SO) gathers data from prosecution and from courts. It collects criminal data about offenders, but not about the victims and their relationship. The data is not recorded as dealing with VAW and DV specifically. There are no data collected on incidents of VAW or DV in the health system.

The lack of cooperation between the institutions makes it impossible in practice to follow the violence history, to compare between cases reported and cases prosecuted and sentenced, etc.

Regarding surveys on VAW and DV, the only survey conducted by the Statistical Office was the one organised at a multi-country level by the FRA in 2014. Currently, the SO is working on a new national based survey. The pilot will be conducted in autumn 2018 and the full national scale survey in 2020. The new survey will cover VAW and DV in line with the IC and the SO is cooperating with the NGOs and academia to develop the questionnaire.

BEST PRACTICES

Denmark has administrative statistics concerning the use of public services by victims of violence, which are collected together in a series of “registers”. These registers are linked with ID numbers (Statistics Denmark). These registers include statistics on: crime (police recorded crime and court verdicts); hospital patients; cause of death; and use of shelters/refuges.

Statistical information about criminal acts originates from police records and is contained in the Crime Register and the Victim Statistics administered collaboratively by Statistics Denmark and the police. The police administrative system combines information about the crime (section of the penal code), the perpetrator (age and gender), and the victim (age and gender) by the personal ID number of victim and perpetrator. The crime register also contains data about the court sentences and is updated in accordance with changes during investigation and court procedures.

The Danish National Patient register is a set of administrative statistics used to monitor health services. The register records all discharges from hospital health care for patients identified by their personal ID number. All hospital admissions due to violence can be identified because the record of the reason for admission includes that of violence/intentional injury. The specific nature of the injuries are coded by WHO's ICD 10 (International Classification of Diseases, 10th revision) allowing to have data on violence against women, but not specifically on domestic violence.

Another register relates to the use of shelters by victims of domestic violence. Based on public funding, 46 shelters gathered under the National Organisation of Shelters for Battered Women and

their Children (LOKK). Information about each instance of contact is collected in a one-page and an additional six-page questionnaire is filled out if the woman chooses to stay at the shelter. Data is registered by the woman's personal ID number, and encrypted data can be linked to other data sources, such as the National Patient Register and various population registers in Statistics Denmark⁷⁷.

LESSONS LEARNED

The various "registers" are linked which makes it possible to follow the experiences of the same person through the various administrative systems by using the person's unique ID number. Databases established by linking registers are stored at Statistics Denmark, and researchers get online access to encrypted, anonymous datasets that do not enable the identification of individuals. The harmonised database provides information on the age, sex, relationship of the victim and perpetrator as well as on the court verdicts.

Recommendations

- For successful **monitoring and evaluation** adequate and targeted budget allocation to each of the measures included in the Resolution is required. This will allow tracking of the goals achieved and serve as a basis for planning of future Resolutions.
- Monitoring and/or evaluation could also be **outsourced to other institutions**, mainly NGOs or academic institutions with long term expertise in working with VAW and DV and of monitoring and evaluating national policies. Another option would be to outsource it to an ad-hoc team of experts in monitoring, evaluation and costing of such strategic documents. Lastly, the task could also be carried on by the IWG itself. In this case IWG should have a wide institutional mandate as well as sufficient resources assigned to it including staff and dedicated budget. The staff should also be strengthened with experts (also ad-hoc contracted experts) in monitoring and evaluation.
- It is crucial that **monitoring and evaluation** is duly considered in the process of **drafting the new Resolution**. It would also serve to better focus and target the proposed measures in view of their concrete implementation.
- There is an urgent need for the **coordination and harmonisation of data collection**. The coordination and harmonisation of the data could be done through the establishment of an official coordinating body or through an existing one, such as the Intergovernmental group set up in April 2016 to co-ordinate the implementation of the Istanbul Convention. The Statistical Office could provide to all the relevant institutions the templates as of how the data needs to be collected, or provide the guidelines about the collection (by age, gender, relationship between victim and perpetrator, form of violence, etc.). Data disaggregation by sex and the collection of information on

⁷⁷ Walby, Sylvia. 2016. *Ensuring Data Collection and Research on Violence against Women and Domestic Violence: Article 11 of the Istanbul Convention*. Strasbourg: Council of Europe.

the different forms of VAW and the relationship between victim and perpetrator are the minimum requirements to be met as per the IC requirements. Once per year, the SO could collect the data from relevant institutions and build a national database with comparable indicators on VAW and DV to be analysed and disseminated by the Intergovernmental group.

- The **same definitions on VAW and DV** and the same **indicators** should be used while collecting data so that they are comparable. Police, Public Prosecutor and courts should collect data on the outcome of cases (conviction, appeal, release, recidivism). These measures would serve to assess institutional responses and to better monitor and evaluate legislative and policy measures.

- It is also important to highlight the importance of public access to data particularly for in depth research purposes while respecting confidentiality and privacy principles.

6. Conclusions and final recommendations

Slovenia has taken important steps to prevent violence against women and to improve the protection and support given to victims of VAW and DV. These include the adoption (2008) and the amendments (2015) of the Domestic Violence Prevention Act, the amendments to the Criminal Code (2016) and the adoption of the Police Power Acts (2013). The Slovenian legal framework (i.e. DVPA and Criminal Code) covers most of the forms of VAW and DV as per the Istanbul Convention with the exception of female genital mutilation (FGM). Forced sterilisation is mentioned in the Criminal Code in the framework of Crimes against humanity (art. 101) and War crimes (art. 102). Furthermore, the Slovenian government adopted the first Resolution of the National Programme of Family Violence Prevention covering the period 2009-2014 and is currently working on a new national programme.

Slovenia has made a notable progress in expanding the provision of shelters for those experiencing domestic violence and is now one of only four countries in the EU that exceed the recommended minimum of shelters per head of population. Several NGOs are involved in the work toward prevention of VAW and DV and protection of victims through conducting awareness-raising campaigns, running the national SOS helpline and counselling services and shelters, etc. Furthermore, there appears to be a good cooperation between Police and Social Work Centres concerning the intervention and immediate protection of victims of domestic violence. In terms of protection of children victims of violence and sexual exploitation, in line with the Lanzarote Convention, Slovenia has committed to the implementation of the Barnahus Model. Nevertheless, a number of gaps and further challenges concerning the work against VAW and DV still exist in Slovenia.

The Slovenian legal and policy framework treats domestic violence mostly as a human rights and criminal justice issue but not as a specific gender equality problem, avoiding the structural gender inequality causes of violence. However, the legal and policy frameworks lack a comprehensive and multi-agency approach, a crucial component emphasised by the Istanbul Convention. The lack of comprehensive and multi-agency approach is noticed in the tendency of the Resolution 09-14 to

focus on the prevention measures rather than tackling the issue from a prevention, protection and prosecution approach. The lack of such approach influences negatively in the cooperation between various governmental and non-governmental actors as highlighted often in this report. Furthermore, there is still a lack of awareness and regular and substantive professional training of the various professionals working with cases of VAW and DV. That risks an inadequate treatment of the cases of VAW and DV in terms of protection and prosecution and potential secondary victimisation of women victims of VAW and DV.

In view of what has been analysed across this report, final recommendations would include the need to align the legal and policy framework with the Istanbul Convention and its four pillars; also, providing for a gender-sensitive approach to VAW and DV in legislative or policy documents to help better target preventive measures, awareness campaigns or education programmes with a view to target the structural nature of gender inequality and its consequences in VAW and DV.

It is important as well that the national strategy to prevent and combat VAW covers all forms of violence included in the Istanbul Convention and addresses the links between these forms in a coherent and consistent manner, as a human rights violation and as a form of gender discrimination. A comprehensive and integrated approach would make the work toward VAW and DV more effective particularly because it would tackle it from a prevention, protection and prosecution perspective and it would emphasise the significance of an improved multi-agency cooperation. The multi-agency cooperation includes a stronger involvement of NGOs, academia, media, in various measures of the prevention-protection-prosecution circle. A stronger multi-agency cooperation component would also help in assessing the gaps and needs in terms of further measures to be taken and further training of professionals working with cases of VAW and DV.

Such a comprehensive approach would require the reinforcement of an existing body (such as the Intergovernmental group created in April 2016 to oversee the implementation of the Istanbul Convention) or the establishment of a new body. Such coordinating body would not only ensure a better cooperation between the various institutions involved but would also be in charge of the monitoring and evaluation of the measures envisioned in the new Resolution. These tasks urgently require also the collection of more detailed and harmonised data on VAW and DV.

Finally, adequate budget needs to be allocated for interventions specific to VAW and DV related to prevention, protection and support services, systematic training of professionals, coordination activities and monitoring and evaluation.

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