



**General Protocol for Action and Cooperation
of Institutions, Bodies and Organisations in the
Situations of Violence against Women within the
Family and in Intimate Partner Relationship**

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1. Introduction

Any form of violence threatening or damaging a person's physical, psychological or moral integrity represents the violation of one of the fundamental human rights in the United Nations Declaration on Human Rights – the right to life and security.

Having in mind that domestic violence is a specific form of violence perpetrated through abuse of power, which violates fundamental human rights and dignity of the victim, but also of the entire community, it is necessary to establish uniform and comprehensive procedures for and cooperation of institutions, bodies and organisations in situations of violence against women within the family and in intimate partner relationship (hereinafter: the participants).

The security of all citizens and persons suffering violence based on the provisions set out by the Constitution, positive regulations and strategic documents in power, is the ultimate goal of the Republic of Serbia, as well as a duty taken on by joining and ratifying international human rights treaties. The Republic of Serbia respects, supports and promotes human rights. Ratifying the Convention on the Elimination of All Forms of Discrimination against Women, Republic of Serbia accepted, inter alia, to ensure the policy of elimination of discrimination against women and their protection from all forms of discriminatory behaviour. To this end, the Republic of Serbia will undertake activities to develop social and cultural customs regarding the behaviours of men and women in order to eliminate both prejudice and usual or any other practice based on the perception of inferiority or superiority of one or the other sex or the traditional roles of men, or women.

Implementing the provisions of the Convention on the Elimination of All forms of Discrimination against Women, the Republic of Serbia introduced a number of basic legal and strategic documents and long-term policies to ensure a non-discriminatory environment for women: Family Law, Criminal Code, Law on Gender Equality, Anti-Discrimination Law, National Strategy for the Improvement of the Position of Women and Promotion of Gender Equality and National Strategy for Prevention and Elimination of Violence against Women within the Family and Intimate Partner Relationship.

Basic guidelines for institutions, bodies and organisations in the Republic of Serbia for the prevention of gender-based violence are set out in the National Strategy for the Improvement of the Position of Women and Promotion of Gender Equality, together with the conclusions from the National Conference on Combating Violence against Women. In this respect, Republic of Serbia has undertaken to:

- Strengthen the capacities of institutions dealing with victims of violence
- Establish and apply mechanisms for action in accordance with international human rights obligations in the area of sexual and gender-based violence
- Strengthen the legal framework in the area of protection of violence victims, and
- Raise public awareness of violence as an unacceptable model of behaviour with the aim to help form a social environment that would have a preventive function

In order to implement the abovementioned guidelines as one of the instruments, it is necessary to adopt and implement the General Protocol of Conduct and Cooperation of Institutions, Bodies and Organisations in Situations of Violence against Women within the Family and in Intimate Partner Relationship, which defines in detail: duties of the participants as well as other stakeholders in detecting and eliminating violence and providing protection and support to victims of domestic violence; forms, methods and contents of cooperation between relevant institutions, bodies and organisations, as well as other participants in detecting and eliminating violence and providing protection and support to victims of domestic violence; other activities and duties related of the institutions, bodies and organisations as well as other participants in detecting and eliminating violence and providing protection and support to victims of domestic violence.

2. General Protocol Aim

Men and women can be the perpetrators of violence, but in the family, the gender dimension is its main characteristic. According to data available about the situation, dynamics and features of domestic violence in the Republic of Serbia, most commonly the victims of violence are women of different ages and family status, and the most common perpetrators are men, current or former married or unmarried or intimate partners. A comprehensive, continued and timely intervention of different stakeholders in the process of victim protection is a precondition for full respect of women's rights and ensuring gender equality.

Violence against women in the family happens in all socio-economic groups and all cultures.

Violence against women is harmful and significantly disables women in exercising their human rights, especially the fundamental rights to life, security, freedom, dignity and physical and psychological integrity. Violence



against women does not threaten only women, but it also poses a threat to the society as a whole, thus demanding an adequate response from the society. Certain groups of women are exposed more to the risks of physical, sexual and psychological violence, neglect and negligent behaviour and exploitation within and outside the family. Women from minority groups, women with disabilities, girls, refugee or internally displaced women, migrant women, women living in poverty – especially in rural and remote areas, women in institutions or custody, women with psychologically altered behaviour, women of different sexual orientation, women dependent on alcohol, drugs or medicines, elderly women, women returnees, etc. are in a higher risk of victimisation by violence.

In addition to the fact that violence against women, including domestic violence, has been recognised as a specific gender related phenomenon, it is also important to understand that men and boys can also be victims of domestic violence and that this violence also requires adequate response.

In order for women victims of violence to exercise their rights, it is necessary to establish a system that will enable, in situations of domestic violence and especially violence among intimate partners, to initiate a prompt, efficient and coordinated procedure that would end the violence immediately, protecting the woman from further violence and ensuring adequate legal and psycho-social intervention that would provide for her rehabilitation and integration.

Domestic violence, protection and support to victims of violence is a complex process and to establish good cooperation among professionals from all socially organised systems (health care system, education, social and family legal protection, police, judiciary) is the main prerequisite for establishing an efficient multisectoral system of support and protection. In order for the intersectoral approach to victim protection to function well, it is necessary that:

- All participants have a clear idea of the common goal in the process of victim protection
- All participants know their roles and the roles of other sectors well, as well as their professional duties in relation to these roles – rules, limitations, modes of operation
- All participants know well the methods and instruments of information exchange and consultations within and between sectors, followed by appropriate written documents and feedback.

The aim of this General Protocol is to ensure in an integral and comprehensive way, that each stakeholder in organising the protection of women victims of violence within the family and between intimate partners can act in accordance with their legal competencies and duties, in order to promote victim safety and perpetrator accountability.

The aim is also to give fast and efficient protection to women victims of violence immediately after the incident, during the criminal or other proceeding, upon finalisation of the proceeding, or independently of these proceedings. This ensures elimination of domestic violence by prevention (issuing a clear warning that this is unacceptable behaviour not to be tolerated by the society) and repression (by punishing violence and emphasising that the perpetrator is the only one responsible for it). It is also necessary to re-socialise perpetrators by introducing special programmes for the perpetrators of violence against women and domestic violence, in order to achieve a permanent change in attitudes and behaviours of violence perpetrators and prevent reoccurrence of domestic violence.

2.1. General Protocol Objectives

General Protocol Objectives are:

- Design and provide general and unique guidelines for conduct, good practice and cooperation between various government bodies, organisations and other interested legal entities and persons in cases of domestic violence
- Improve victim and potential victim protection, reduce the number of undetected cases of domestic violence and increase the proportion of sanctioned cases
- Improve the position of the victim and ensure that all actions undertaken during the protection process are made in the best interest of the victim
- Avoid actions leading to secondary victimisation of the victims of domestic violence
- Reach common understanding of the purpose, objectives and main principles of protection
- Provide prompt, timely and efficient protection to victims of violence immediately after the violence occurs, during the legal proceeding and after the proceeding
- Ensure comprehensive approach to organising the process of protection and support to women victims of domestic violence, including all their assessed needs, through the adoption of special protocols of action in cases of violence against women within the family and in intimate partner relationship, which will more closely regulate the actions of all participants in providing protection to the victims
- Raise awareness of the phenomenon of domestic violence among all institutions and stakeholders in the system of protection against domestic violence
- Reduce negative social consequences of domestic violence



3. Normative Framework

3.1. International Documents Underlying the General Protocol

International documents underlying the General Protocol are the following:

- United Nations Universal Declaration of Human Rights (1948)
- United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) represents the most important international treaty on women's rights. The 1992 General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) requires undertaking all necessary measures to eliminate discrimination against women and eliminate violence against women, including the adoption of specific legislation on all forms of violence against women, criminal penalties for violence perpetrators, civil remedies, preventive and protective measures.
- United Nations Declaration on the Elimination of Violence against Women (1993) specifies actions to be undertaken by the states in order to eliminate domestic violence, which include appropriate criminal legislation, development of national action plans, provision of services and resources for women victims of violence, training and gender sensitisation of public servants, as well as allocation of resources in the government budgets to combat violence against women
- Resolution 2003/45 of the United Nations Commission on Human Rights on the elimination of violence against women encourages governments to introduce: "affirmative duty to promote and protect the human rights of women and girls and must exercise due diligence to prevent, investigate and punish acts of all forms of violence against women and girls"
- United Nations Convention on the Rights of the Child (1989) highlights the states' duty to take "all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence"
- Article 6 of the United Nations Convention on the Rights of Persons with Disabilities (2006) states that member states recognise that women and girls with disabilities are exposed to multiple discrimination and in this regard they shall take measures to ensure full and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities
- The Beijing Declaration and Platform for Action (1995) – in the area of domestic violence, recommends as priority issue to review and

revise legislation and take other necessary measures, including the establishment of appropriate mechanisms in order to ensure that all women enjoy protection from domestic violence which should be treated as criminal offence sanctioned by the law (P. 124-126)

- Millennium Development Goals, adopted at the UN Millennium Summit (2000). Millennium Development Goal Three refers to promoting gender equality and empowering women.
- Recommendation No. R (90) of the Council of Europe Committee of Ministers on social measures concerning violence within the family recommends specific measures in the area of information, early detection of violence, reporting violence, giving assistance and therapy (emergency telephone lines, crisis services and counselling centres), measures for children, measures for women, measures for the perpetrators of violence, education measures (e.g. creating preventive programmes for children in schools), etc.
- Recommendation 1582 (2002) of the Council of Europe Parliamentary Assembly on domestic violence against women calls on the member states to recognise that they have an obligation to prevent, investigate and punish all acts of domestic violence and to provide protection to its victims
- Recommendation 1905 (2010) of the Council of Europe Parliamentary Assembly, adopted in March 2010, suggests the necessity to protect children who witness domestic violence, referring to its Resolution 1714 (2010) on children who witness domestic violence
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- Council of Europe Recommendation REC (2002)5 of the Committee of Ministers to member states on the protection of women against violence
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2010)
- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (2011)

3.2. National Legal Framework

The national legal framework is the following:

- Republic of Serbia Constitution provides that the state shall guarantee the equality of women and men and develop the policy of equal opportunities, prohibit direct and indirect discrimination on any basis, especially on the basis of sex, guarantee the right to equal legal protection, legal aid, right to rehabilitation and compensation of material and non-material damages caused by unlawful or irregular work of the government or other bodies, legal human and minor-



ity rights protection guaranteed by the Constitution; guarantee the inviolability of physical and mental integrity, prohibit slavery and servitude, as well as all forms of human trafficking, guarantee the protection of children from psychological, physical, economic and all other exploitation or abuse and guarantee special protection of families, mothers, single parents and children.

- Criminal Code (Official Gazette RS, No. 85/05, 88/05, 107/05, 72/09 and 111/09)
- The Criminal Procedure Code (Official Gazette SRY, No. 10/01 and 68/02, Official Gazette RS, No 58/04, 85/05, 115/05, 46/06, 49/07, 122/08, 20/09, 72/09, 76/10)
- Family Law (Official Gazette RS, No. 18/05 and 72/11)
- Law on Public Peace and Order (Official Gazette RS, No. 51/92, 53/93, 67/93, 48/94, 85/05 and 101/05)
- Law on Minor Offences (Official Gazette RS, No. 101/05, 116/08 and 111/09)
- Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (Official Gazette RS, No. 85/05)
- Law on the Protection Programme for Participants in Criminal Proceedings (Official Gazette RS, No. 85/05)
- Law on Execution of Criminal Sanctions (Official Gazette RS, No. 85/05, 72/09 and 31/11)
- Law on Police (Official Gazette RS, No. 101/05 and 63/09)
- Law on Public Prosecution (Official Gazette RS, No. 116/08, 104/09 and 101/10)
- Law on Weapons and Ammunition (Official Gazette RS, No. 9/92, 55/93, 67/93, 48/94, 44/98, 39/03, 85/05, 101/05 and 27/11)
- Law on Gender Equality (Official Gazette RS, No. 104/09)
- Anti-Discrimination Law (Official Gazette RS, No. 22/09)
- Law on Social Protection (Official Gazette RS, No. 24/11)
- Law on Personal Data Protection (Official Gazette RS, No. 97/08 and 104/09)

4. Definitions

4.1. Violence against women within the Family and in Intimate Partner Relationship

Violence against women in intimate partner relationship is the result of the unbalance of power between men and women. According to the United Nations Committee on the Elimination of Discrimination against Women General Recommendation 19, violence against women is the form of violence with regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and should be considered a serious violation of women's human rights. Discrimination includes gender based violence, that is, violence directed against a woman only because she is a woman, or that which disproportionately affects women. It includes all actions leading to the infliction of harm or suffering of physical, mental or sexual nature, including threats with such actions, as well as coercion and other forms of the restriction of freedom. Gender based violence represents violation of specific provisions of the Convention, regardless of whether these provisions refer to violence specifically.

The 1993 United Nations Declaration on the Elimination of Violence against Women defines key forms of violence against women, stipulating that such violence may be physical, sexual or psychological, and when it occurs within the family it can manifest as battering, sexual abuse of female children, marital rape, and as other forms of violence.

Violence against family members has specific characteristics in relation to the violence outside of the family. Violence within the family always represents the abuse of power and control over those family members who have less power or resources. In the majority of societies, especially in traditional and patriarchal communities, men have significantly more power, not only physical, but also economic and social power.

Having in mind that certain aspects of violence against women and combating these forms of violence are the subject of other special acts, as well as that certain forms of violence within the family and their prevention and elimination have also been the subject of special strategic documents and action plans, the General Protocol shall primarily serve to provide guidelines for action and cooperation of institutions, bodies and organisations in the situations of violence against women within the family and in intimate partner relationship.

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence defines domestic violence as any act of physical, sexual, psychological and economic violence occurring



within the family or domestic unit or any other partner or intimate relationship, regardless of whether the perpetrator shares the same residence with the victim.

The Family Law defines violence within the family as behaviour by which one member of the family violates physical integrity, mental health or the serenity of another family member.

Family members as defined in the Family Law are: spouses or former spouses, children, parents and other blood relatives, persons in in-law or adoptive relatives or persons involved in foster care; persons living or having lived in the same domestic household; common-law partners or former common-law partners; persons who have been or are still involved emotionally or sexually, or persons who have a child together or child on the way, even though they have never shared a domestic unit together.

The criminal code sets out the criminal act of domestic violence perpetrated by anyone who by way of force, threat to attack the life or body, insult or ruthless behaviour threatens the serenity, physical integrity or mental state of a member of their family.

Family member is defined somewhat differently in the Criminal Code than in the Family Law, as spouses, their children, spouses' first bloodline ancestors, common-law partners and their children, adoptive parents and adopted children, foster parents and foster children, as well as siblings, their spouses and children, former spouses and their children and former spouses' parents if they share the residence, whereas persons having a child together or a child on the way are considered family members even if they have never lived in the same domestic unit.

In 2005, the Government adopted the General Protocol for the protection of children against abuse and neglect, defining the entire process of protection of children against abuse and neglect, including the protection of children against domestic violence.

This General Protocol defines abuse of power, trust and dependence within the family as violence, which threatens the survival, security and wellbeing of another family member or members. It includes different forms of abuse, such as violence between partners, abuse and neglect of the elderly or other adult dependents, abuse and neglect of children, abuse of parents and witnessing and exposure to abuse over another family member.

Violence among intimate partners includes a pattern of violent behaviour in a current or former intimate partner relationship such as marriage, common-law marriage, other emotional or sexual relationship or between persons who have a child together or child on the way, although they have never shared a domestic household, including same sex partners.

5. Detecting Violence

Violence in intimate partner relationship includes different forms and manifestations:

Physical violence is the deliberate use of physical force that can cause pain, injury, disability or death. It includes behaviour such as scratching, pushing, hair-pulling, shaking, slapping, hitting, kicking, biting, strangling, stabbing, inflicting burns, physical restraint, battering and killing, not excluding other manifestations.

Sexual violence is a sexual act without consent or the ability of the victim to choose to give consent, regardless of whether the act has been performed; sexual act or attempt of this act when a person is not in the position to consent or refuse participation due to illness, disability, influence of psychoactive substances, age, that is, because of intimidation, blackmail or pressure; painful and humiliating sexual act. Intimidation, blackmail or pressures to participate in the unwanted sexual act include using words, gestures, objects or weapons expressing intention to cause pain, injury or death.

Psychological violence is the violation of victim's serenity through behaviour, threats and applying methods of intimidation with or without using tools and weapons that can inflict physical injuries. It includes the humiliation of victims, controlling their behaviour, withholding information, embarrassing and degrading, blaming, isolating the victim from friends and family, manipulating children and degrading the victim as parent, denying access to money and other resources influencing the victim's mental and emotional state.

A specific form of psychological violence is controlling the victim by way of following or stalking, with repeated use of harassment and intimidation, such as stalking a person, appearing at their place of work or residence, making disturbing phone calls, sending letters and messages and destroying the victim's property.

Economic violence is a form of psychological violence which includes unequal access to joint resources, denying or controlling access to money, prevention of employment or education and professional advancement, denying rights to property, forcing renouncement of property, alienating property without consent, not excluding other manifestations.



6. Child and Other Vulnerable Family Members Witnessing Violence against Women within the Family and Intimate Partner Relationship

Children are considered victims of violence in the family not only when they experience it directly, but also when they are exposed to acts of violence that one family member performs against another family members as witnesses. Witnessing and exposure to violence traumatises children, regardless if they watch the violence directly, or hear sounds, thumps or screams from a close range, when they know that violence is occurring or can occur, or when they subsequently see the consequences of violence among family members.

Recent studies confirm that exposure to physical, sexual or psychological abuse and violence between parents or other family members have a serious impact on children and other vulnerable family members. Such exposure causes trauma and negatively influences the child's development and security and the position of other vulnerable family members such as persons with disabilities, elderly family members, persons with severe health or development problems.

This is why it is necessary to ensure that children's rights and needs are taken in consideration when providing services and assistance to victims of domestic violence when they are witnesses of violence. The term "child witness" does not only relate to children who witness the act of domestic violence directly, but also to the children exposed to violence indirectly. In these cases it is necessary to apply complementarily the General Protocol on the Protection of Children from Abuse and Neglect.

When giving assistance to victims of domestic violence with vulnerable members as violence witnesses, it is necessary to take measures of protection that meet the needs of these persons, considering that they are not in the situation to protect themselves without the help of others.

All services to children witnesses of domestic violence and other vulnerable family members need to be provided in accordance with their best interests.

7. Participants

Under this Protocol, the Participants in organising protection and support to women victims of violence within the family and in intimate partner relationship are institutions, bodies and organisations, with statutory responsibilities or programmes to implement activities focusing on detecting cases of domestic violence, stopping the violence, ensuing safety, support and empowerment to the victims, rehabilitation of women victims of domestic violence and sanctioning violence perpetrators. In accordance with positive legislation, the following actors are responsible to act in cases of domestic violence:

- the police
- social protection institutions and other service providers in the social protection system
- health institutions and other forms of health services
- institutions in the education system in cases when children are involved as witnesses of violence
- public prosecutor's office
- regular and misdemeanour courts

In the process of prevention, providing legal and psycho-social assistance and representation in accessing community services designed for victims of domestic violence, the associations with defined activities of assistance and support to victims of violence within the family and in intimate partner relationship have an important role. With the aim to avoid secondary victimisation, the responsible parties are required to act in a manner respecting their dignity. When acting with victims of domestic violence, all those responsible are required to act in a gender sensitive manner.

8. General Principles in the Protection of Victims of Domestic Violence

All experts involved in organising the protection and support for women victims of domestic violence need to uphold to the following general principles:

1. Victim's security (safety) is the priority in the work of professional services.
2. Ensure the safety and wellbeing of the child by ensuring safety and supporting the independence of the non-violent parent.



3. The perpetrator is solely responsible for violent behaviour.
4. All interventions should take into account the inequality of power between the victim and the perpetrator of domestic violence.
5. Respect the needs, rights and dignity of the victim.
6. Emergency of procedure is in accordance with the assessed danger of the situation and vulnerability of the victim.
7. Institutions, within their roles, competencies and missions, shall be responsible to stop violence and take protection measures.
8. Raise professional competencies through planned education and affirmation of best practice examples.

9. Victim Protection Process

A number of international documents recommend the multisectoral approach to dealing with violence. Cooperation between institutions, bodies and organisations is an important precondition for organising the protection of women victims of violence within the family and in intimate partner relationship.

Involving different services in the process of protection against domestic violence is based on the following assumptions:

1. The participants who are the main actors in the system of protection against domestic violence have different competencies and scope of responsibilities and therefore they can resolve issues concerning violence more efficiently only through multisectoral cooperation.
2. The participants who are the main actors in the system of protection against domestic violence have the duty to put the victim's rights in the centre of all measures implemented through effective cooperation, in order to fulfil their legal obligations and the purpose of the intervention provided. In this respect, the cooperation between institutions, as well as their individual and coordinated intervention, must be clearly defined in order to avoid potential shift of responsibility from one to another service.

In order to establish an efficient system of protection of victims of violence in intimate partner relationship and within the family, it is necessary to establish continuous multisectoral cooperation between the main social protection institutions. This involves cooperation between social protection institutions, centres for social work in particular, the police, judiciary, investigation courts and health institutions. The protection system needs also to include civil society organisations implementing programmes and activities related to services for victims of violence.

Ensuring safety and protecting the victim's rights, as well as stopping violence are primarily the role of the police and the public prosecutor, immediately after notification from citizens, institutions, bodies and organisations about domestic violence. Other services (social, health, educational institutions, etc.) provide support to victims, ensure recovery and preconditions for a productive life without violence.

9.1. Detecting and Reporting Violence against Women within the Family and in Intimate Partner

Relationship

Protection from violence in the family begins by detecting violence. Detecting violence is a part of all institutions' regular activities. Detection can be the result of the report by the victim to any institution within the protection system, or notice of physical, psychological or other traces and manifestations of violence by any official or professional or by a third party reporting the violence to the institution.

It is the right and duty of everyone to report domestic violence. Not reporting domestic violence is a criminal act. A person with knowledge of a criminal act of domestic violence has the duty to report it to relevant institutions and bodies.

The Family Law stipulates that everyone has, in accordance with the law, the right to protection from domestic violence. Health workers, professionals in social protection and education have a special duty to report domestic violence to the police and the public prosecutor.

According to official data, in the majority of cases domestic violence is reported by the woman victim of violence, followed by police officers, professionals in centres for social work and civil society organisations, as well as health workers.

In institutions and organisations in which the staff come across women victims of violence, they should keep in mind that traces of violence are not necessarily in the form of injuries, bruises or other physical manifestations. It is the professionals' duty to detect and recognise other signs of violence and express suspicion about it, as well as to document it appropriately. This can be achieved by asking certain questions during their regular activities and providing other services, that is, perform a check of violence in all indicated situations. Except in situations when traces of violence are visible, the check for violence must be performed upon a credible statement of the victim or a witness, or when there are other circumstances, medical or psychological symptoms indicating the existence of violence. Whenever possible, it is necessary to ask the usual questions about violence, whether



it is a police, health service or centre for social work intervention.

These questions shall be asked even in the situation when there are no adult male household members.

When detecting violence, other possible signs in the behaviour of the potential victim should also be considered, including direct and indirect signs such as:

- Anxiety, avoiding the subject, minimising, expressed attitudes that violence is “deserved”
- Expressing fear from behaviour of the perpetrator and fear for own safety
- Fear of deprivation of parental rights, fear that the perpetrator may harm the children, attitude that the children “need both parents”
- Fear for other household or family members
- Demonstration of shame and guilt, taking responsibility for violence
- Indication of economic dependence, isolation and lack of support from the extended family
- Fear of Police and other authorities

Factors indicating the occurrence or severe consequences of domestic violence:

- Multiple victims
- Experienced assault or repeated assault on the same victim
- Victim belongs to the group of vulnerable family members (with disabilities, mentally altered behaviour, different sexual orientation, dependence of psychoactive substances, elderly, etc)
- Other persons witnessing violence, e.g. relatives, and especially children or other vulnerable family members
- Additional humiliation and degradation of the victim (e.g. taking photographs, exposing the victim to the view of others after the violence has been committed and other)

9.2. Documenting Violence

Any institution that receives information raising reasonable suspicion of perpetrated domestic violence will document the information appropriately along with all the knowledge of important circumstances it has acquired.

The aim of documenting information is to make a report containing quality, accurate and reliable information about the event, its history and consequences.

Precise recording of information related to the identity of the person against whom violence was perpetrated, as well as the identity of the individuals that were at the same time directly or indirectly exposed to violence (e.g. children, relatives or others), the identity of the perpetrator, detailed description of events and history of violence (previous events, duration, frequency and escalation), the description of specific risk factors, detailed description of violence consequences (possible injuries and mental state), taking photographs of the person (injuries) and the scene of the event, recording statements of direct and indirect victims and witnesses of violence, reports on expert findings and assessments, documentation about earlier reported events and previous actions taken by the services are of utmost importance for the process of victim protection.

When collecting data on violence it is necessary to perform the interview with the victim without the presence of the perpetrator (in separate rooms and out of their eyesight). It is not recommended to ask the question “why”, because it indicates a search for causes that the victim need not understand and is associated with accusation and guilt.

Collecting information about violence is a difficult and sensitive task, service-specific. In order to increase reliability of information, it is necessary to get to know the source of information well, to ask precise, detailed and clear questions, to carefully observe and record the appearance and behaviour of the victim and perpetrator of violence. Inconsistencies in the victim’s account need not mean that the statement is untrue. Inconsistencies often reflect confusion, problems understanding the question, remembering or emotional excitement because of recalled traumatic experience.

9.3. Collecting Information on Other Participants in the Process

The staff in all relevant institutions need to learn about the phenomenon of domestic violence and to have accurate and concrete information as to where and how the victim can be referred to other services and service providers in the community.

It is necessary to ensure that the victim of violence receives all the necessary support so that she would be encouraged to accept assistance and take steps to ensure her safety. It is important to build trust and unambiguously indicate that violence is unacceptable behaviour, and that the responsibility for it lies always on the perpetrator, and not on the victim. It is necessary to provide complete information about the actions, procedures and their outcomes, as well as about the available resources for help and support to the victim and other vulnerable family members.

In all cases it is necessary to give the victim detailed information about all



the participants and services in the community providing assistance and security. If possible, the victim shall be given a leaflet containing information she needs. This shall include: addresses, phone numbers and other details about the following participants: police station, centre for social work, health institution, emergency telephone line for victims of violence, shelter (safe house) and other organisations in the community specialised in domestic violence and violence against women.

In agreement with the woman victim, one of the above services can be contacted in order to ensure adequate assistance and develop a safety plan.

The participants should participate in developing a jointly produced information leaflet, describing basic rights and possibilities for the protection of women victims of violence within the family and in intimate partner relationship. The leaflet would immediately be presented to the victim by staff in bodies, organisations and institutions on first contact with the woman victim of violence within the family and in intimate partner relationship.

Wherever the language of national minorities is in use, the leaflet should be also printed on the languages in official use in these environments.

Staff in all institutions in the system of protection and support to women victims of domestic violence shall take care to inform the victims about the steps and measures taken, as well as the rights of the victim in each stage of the procedure.

9.4. Raising Awareness and Empowering the Victim

If the victim of violence will not speak of violence, it is necessary to respect her decision. The victim shall then be told that she can turn for assistance at another occasion and she is informed about the potential risks and available sources of assistance. It is necessary to document all the information learned during the interview with the victim and other persons involved, as well as of all the actions taken.

When, based on the interview, it is obvious that children or other vulnerable family members are exposed to domestic violence against women, it is necessary to report the case to the centre for social work.

9.5. Actions in Case of Immediate Threat of Violence

When the knowledge of the situation indicates that the life and security of the victim or other family members are in grave immediate danger, it is necessary to initiate activities by official duty. The knowledge of grave immediate danger can be acquired based on the statement or behaviour of the victim or other individuals, statements and behaviour of perpetrators, traces of violence and insight on the spot.

The officer, who in line of duty learns about grave and immediate danger from violence, shall act in accordance with the law and take and initiate actions to protect the victim against violence. In these cases it is necessary to report, without delay, the knowledge of danger from violence to the policy.

9.6. Assessment of Security Risks

The circumstances indicating there is grave immediate danger from violence against women within the family and in intimate partner relationship include one of the mentioned or more often a combination of several factors, in particular: threat of murder or suicide by the perpetrator, possession of weapons, divorce or departure, that is, separation from the violent partner, suicidal thoughts or behaviour of the victim, previous incidence of violence, existing mental illnesses, abuse of psychoactive substances, escalation of stalking or harassment of the victim, her family or friends, jealousy, conflicts around custody of the child or the ways of maintaining personal relations between the child and the parent perpetrating violence in the family, criminal history of the perpetrator, regardless of whether it is connected to the violence, existing court protection orders and history of failure to comply with them, experience of fear with the victim and her risk assessment of the violence occurrence or recurrence.

9.7. Report to the Police and Public Prosecutor

Violence against women within the family and in intimate partner relationship shall be reported to the police and the public prosecutor, in accordance with the law. It is necessary for the participants in the protection system to assess at each moment the risk to the victim and adjust their actions to provide maximum security for the victim.

The police shall, in all cases where there is reasonable doubt of domestic violence as a criminal offence, notify the prosecutor in charge and submit a report of the event or raise criminal charges against the suspect, in accordance with the Criminal Procedure Code. The foundation for criminal charge shall be assessed solely by the public prosecutor.

9.8. Filing the Petition to Impose Domestic Violence Protection Orders

In order to ensure immediate protection of the woman victim of violence within the family and intimate partner relationship and other family members exposed to violence, the public prosecutor and custody body shall, in accordance with the law, file the petition to impose domestic violence protection orders.



Monitoring adherence to the imposed domestic violence protection orders require that the participants in the system exchange information and take appropriate actions, in accordance with the law.

9.9. Victim Assistance and Monitoring

Officers who come in contact with the victim of violence shall offer her assistance and support they are authorised to offer and shall ensure adequate repeated contact and monitoring. For planning of services and protection measures for women victims of violence and other family members exposed to violence, the case conference shall be summoned. The case conference shall be scheduled by the case leader (professional in the centre for social work), unless agreed differently.

All participants shall by way of cooperation contribute to the development of individual plan of integrated services ensuring comprehensive, coherent, effective and efficient protection for the woman victim and non-violent members of her family. The plan of protection must ensure the victim's safety, stop the violence and prevent recurrence, protect the victim's rights, enable free decision-making in their best interest, ensure they receive services in support of their recovery, empowerment and independence. Planned measures need to be mutually well coordinated and focus on avoiding secondary victimisation.

Service provision must not depend on the victim's preparedness to file charges or testify against the perpetrator.

The plan for protection of the woman victim of violence within the family and in intimate partner relationship also determines the monitoring and evaluation of adequacy of measures planned and undertaken, including deadlines for re-evaluations. These procedures shall also be implemented in cooperation (coordinated action) of all participants.

Depending on the assessment of results, decisions shall be made about revising measures (when planned measures have not produced desired outcomes) and decisions on further protection and monitoring measures. In case when the protection objectives are achieved, primarily security, recovery and empowerment, the decision to close the case can be made.

All institutions shall make sure that the woman victim of domestic violence is provided with free legal aid, by one of the institutions providing free legal aid (local self-government, chamber of commerce or association).

10. General Protocol Implementation and Monitoring

10.1. Introduction of the General Protocol

All participants in the procedure of protection of women victims of violence within the family and intimate partner relationship shall introduce the General Protocol and its content to the staff, as well as the activities as part of its implementation and monitoring.

10.2. Adoption of Special Protocols

For the purpose of consistent implementation of this General Protocol, all the participants shall adopt special protocols of action in cases of violence against women within the family and in intimate partner relationship up to 12 months after the adoption of the General Protocol, which shall be harmonised with the content of this Protocol.

In the aim of establishing efficient intersectoral cooperation, the ministries for internal affairs, social protection, health and justice should:

- Develop in the special protocols internal procedures within each system in more detail, in accordance with the basic principles and objectives of the General Protocol
- Within their jurisdictions, recommend to institutions and other organisations to develop in more detail their procedures for better protection of women against violence in the family and intimate partner relationship
- Encourage entering into cooperation agreements on the local level between the necessary institutions and other organisations in order to efficiently implement the protection of women against violence within the family and in intimate partner relationship. Measures and plans for the improvement of cooperation and implementation of this Protocol should be considered during meetings with the representatives of different institutions on the local self-government level.

10.3. Training for the Implementation of the General and Special Protocols

All participants shall provide continuous process of staff training, in order to develop and maintain staff capacities in the area of domestic violence. Staff training and development programmes shall be implemented in accordance with the principles in this General Protocol.



The participants shall, in accordance with their abilities, provide training of appropriate number and structure of staff in the institutions within the system for implementation of the General and special protocols of action in cases of violence against women within the family and in intimate partner relationship. All employees in the police, the prosecutor's office, centres for social work and health institutions should have basic knowledge of the phenomenon of violence against women within the family and be acquainted with the procedures laid out in the General Protocol.

The participants shall, in accordance with their abilities, train individuals or teams (specialised training) to act in cases of violence against women in the family in accordance with the principles of this Protocol.

10.4. Monitoring Protocol Implementation

In order to improve actions taken in cases of violence against women within the family and intimate partner relationship, the ministries in charge of internal affairs, social protection, health and justice shall monitor the implementation of the General and special protocols, as well as the effects of actions.

11. Records of Information on Cases of Domestic Violence

Participants in the system of protection of women victims of domestic violence shall keep records of cases of domestic violence in accordance with the law.

The participants shall monitor the effects of procedures in cases of violence against women within the family and intimate partner relationship and ensure data processing as well as their availability to the public.

