



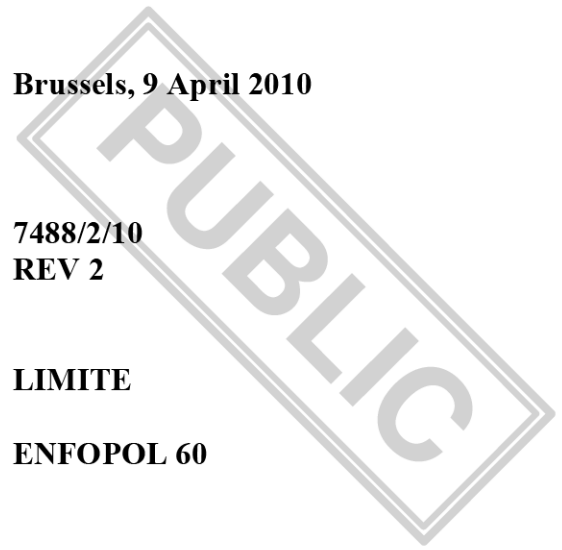
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NOTE

from: Presidency
to: Police Cooperation Working Party

Subject: European Union Handbook of best police practices on tackling violence against women

Delegation will find attached the European Union Handbook of best police practices on tackling violence against women as it was agreed at the Police Cooperation Working Party on 6-7 April 2010.

EUROPEAN UNION HANDBOOK OF BEST POLICE PRACTICES ON TACKLING VIOLENCE AGAINST WOMEN

INDEX¹

- Definitions
- I.** Introduction
- II.** Objectives
- III.** Establishment and organisation of police services specialising in the area of violence against women
- IV.** Preventive actions
- V.** Welfare measures
- VI.** Victim protection measures
- VII.** International cooperation
- VIII.** Conclusions

Definitions

For the purposes of this Handbook, violence against women^{2 3} means “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. It is, however, recognised that Member States may use alternative definitions in accordance with their national requirements.

¹ Member States' contributions on best police practices will be compiled in an annex to this handbook (to be issued).

² UN Declaration on the Elimination of Violence against Women, adopted by the General Assembly in the Resolution 48/104, dated 20th of December, 1993. This definition remains in the scope of the definition given by the recommendation n°2002 (5) on the protection of women against violence adopted by the Council of Europe (Committee of Ministers) on 30th April 2002 and the work ongoing of the Ad Hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO) which is in charge of the drafting of the first European Convention on this issue.

³ Putting special emphasis on any violations related to the violent assault on a woman, we should also take into account the situation of other categories of victims. Therefore, organising a system of protection and support for women experiencing violence, it should be noted that if necessary it should also be used for any other category of victims of violence.

Good police practice in the field of violence against women is any activity or set of police actions framed within a strategy or global action plan that, in accordance with the principles of efficiency, quality and excellence in the service, is aimed at preventing violent behaviour against women and at coordinating the protective and welfare measures necessary to prevent the victim from suffering further attacks.

In this Handbook, police services are the units of police forces or agencies responsible for protecting or enforcing the law, regardless of the nature or status of the said institutions.

1. INTRODUCTION

Violence against women is a highly complex phenomenon with global scope, which threatens the lives and rights of women worldwide. Its specific characteristics make it different from any other kind of interpersonal violence, since it is rooted in historically based unequal relations between men and women. This inequality is, in turn, upheld by the offenders' violence against women. Hence, it is important to develop and implement comprehensive policies that tackle the causes of this inequality and that provide answers in terms of prevention and protection in favour of the victim as opposed to the offender.

The Stockholm Programme, adopted in December 2009 by the European Council, has stated that focusing on the interests and needs of the citizens, ensuring respect for fundamental freedoms and integrity, will be one of the political priorities of the Union for the coming years. Vulnerable people will be given special consideration, since the EU and its Member States must provide them with a safe environment, and this applies to women who are victims of violence because “all forms of discrimination remain unacceptable”.

Resolution 58/147 on the elimination of domestic violence against women, adopted by the UN General Assembly, states that domestic violence occurs within the private sphere, generally between individuals who are related through blood or intimacy (relations of affection) and that this is one of the most common and least visible forms of this type of violence but with consequences which can pose a risk to safety, health, life or wellbeing. This is why States must adopt the legal and penal measures necessary to protect victims and prevent violence.

The authorities in many EU Member States have already launched important programmes specifically aimed at combating violence against women, by adopting laws in line with their national policies, introducing prevention, rehabilitation and reeducation programmes and establishing legal, police and social measures to protect women who are victims of violence.

The best way to ensure effective results in each State's fight against this scourge, as well as an effective and joint response throughout the European Union, would be to achieve a commitment by all Member States to combat all forms of violence against women and to carry out coordinated action in terms of the resources, procedures and best practices implemented by the various police services.

As highlighted by the European Commission in the Roadmap for equality between women and men 2006-2010¹, women are the main victims of violence, and this constitutes a violation of the fundamental rights to life, security, freedom, dignity and physical and emotional integrity. Prevention by the institutions is essential and requires education and knowledge, networking, cooperation and exchange of best practices.

The Council of Ministers recognised in November 2006² that most acts of gender-based violence are committed by men, and urged Member States and the European Commission to combine punitive and preventive measures and establish specific programmes for victims and offenders, mainly in the case of domestic violence.

The Daphne II programme promotes innovation and the possibility of sharing States' experiences in the fields of preventing and combating violence. Member States are encouraged to choose their spheres of action carefully and select projects that can show the said experience, as well as to disseminate innovative ideas in the framework of an interdisciplinary approach. Thus, together with other measures, the Council has proclaimed that the EU will provide practical support and will promote best practices to protect against and avoid violence and discrimination against vulnerable groups, which includes women who are victims of violence.

This “European Union Handbook of best police practices on violence against women” is intended as a reference framework for the police services combating this scourge from a holistic perspective, promoting the exchange of information, knowledge and experiences among the various Member States.

¹ COM (2006) 92 final

² 14845/06

2. OBJECTIVES

This Handbook is the result of common work based on the exchange of experiences and knowledge among professionals and experts who work in police services in different Member States in the areas of prevention, protection and combating violence against women.

It is intended as a reference framework for police performance, with the following objectives:

- a. Sharing, disseminating and applying experiences and best police practices in the prevention and investigation of these crimes and the protection of women, providing a joint, homogeneous and coordinated response by the different police units in the Member States.
- b. Ensuring effectiveness, quality and excellence in the performance of police services dealing with monitoring, assisting and protecting victims.
- c. Optimising the necessary police resources to prevent, investigate and eradicate violence against women and to protect women victims and the minors who live under their protection and care.
- d. Helping where there is a need to develop and implement innovative procedures and tools to estimate and foresee the level of risk of further violence faced by victims which can contribute to the establishment of appropriate protective measures.
- e. Strengthening and promoting collaboration and cooperation among different actors (the judicial system, police units, health and welfare services and civil society), establishing flexible and effective systems of information exchange.
- f. Promoting the training, empowerment and specialisation of police professionals who work with women victims of violence.

3. ESTABLISHMENT AND ORGANISATION OF POLICE SERVICES SPECIALISING IN THE AREA OF VIOLENCE AGAINST WOMEN

3.1. Establishment of police services to combat violence against women

It is desirable that specialised units and services are already in place or are set up in police bodies or law enforcement agencies of the Member States for the prevention and investigation of criminal offences in relation to violence against women and for the protection of women victims of such violence.

These specialised units - which would operate in close cooperation with the other police units as well as with social and welfare services, both public and private - would ensure a network covering all the territory of each country.

It is advisable that the structure of the different police bodies in the Member States encourages the units and services dealing with violence against women to be as efficient as possible. In order to achieve this, the structure should allow the following police services to work in an integrated and coordinated way:

- Specialised units handling complaints, investigation, assessment of risk levels and collaboration with other professionals (psychologists, health workers, social services, etc.), as well as specific follow-up of cases of violence against women, providing support and coordination to other police units.
- Units dealing with general crime prevention and maintenance of public security which are responsible, among other things, for implementing measures to protect women victims.

In order to ensure and promote collaboration and coordination among all actors involved, specialised police services should be integrated into the network made up of all institutions involved in combating violence against women.

It is advisable to ensure proper information flows among these actors.

It is important to obtain a homogeneous police response, regardless of the time or place, and according to the protection needs of the victim in each situation.

The authorities of the Member States should aim to:

- Providing victims with the fastest and most effective police response in risk situations.
- Providing a police response with the highest sensitivity, quality and efficiency in relation to the care and protection of the victims and avoiding actions that represent an increase in victimisation, especially avoiding duplication or repetition of interventions.
- Providing victims with clear and accessible information on their legal rights and the legal remedies available.
- Encouraging victims, and witnesses to report these crimes to the authorities and to contribute to their investigation and prosecution.
- Facilitating the exchange of relevant information for the protection of victims between law enforcement agencies and judicial bodies.
- Ensuring police coordination and collaboration using public and non-governmental resources for the legal, welfare and psychological support of victims.

3.2. Professional profile of specialised police units

In the selection of police officers to work directly and continuously with this type of victim, certain attitudes and personal, psychological and professional skills to deal with these situations should be taken into account.

It is advisable that these police officers have social, communicative and listening skills, a high degree of empathy, and an ability to handle emotions.

3.3. Training for police officers

Member States should ensure that all police officers receive complete and sufficient training in the subject, by setting up and implementing specific training curricula providing the officers with legal expertise and setting standards of professional conduct and procedures for police intervention.

Where possible, and in accordance with national structures and requirements, a distinction should be made between two types of training: specialised training for those police officers who are directly involved in fighting and preventing violence against women and more general training, aimed at units for general crime prevention and preservation of public safety.

3.4. Standards to be met by rooms used by police when dealing with women victims of violence

All current knowledge (based on criminological and habitability considerations) on the design of physical spaces in police stations where women victims of violence and witnesses are received and assisted should be taken into account, with the aim of avoiding possible secondary victimisation.

Waiting rooms, places for the registration of complaints and for any other type of intervention or police action should ideally be differentiated and adapted to the particular needs of each situation, the aim being always to try to ensure confidentiality and enable complete separation of victim and aggressor.

Moreover, there should be places especially designed for accompanying minors.

When there are special circumstances in which victims must be transported, this should be done using vehicles appropriate for the purpose, and proper arrangements should be made for the transport of any accompanying minors.

4. PREVENTIVE MEASURES

Prevention is one of the keys to combating violence against women. A necessary tool is the promotion of gender equality through awareness-raising campaigns for young people and the population in general.

To achieve this goal, police services need to collaborate and cooperate closely with all institutions, mainly with educational and welfare bodies, in general campaigns and in specific awareness-raising activities and training for young people.

It would be desirable for police units to implement preventive measures for the early detection of cases of violence against women, aimed at reducing and avoiding the repetition of violent acts and at minimising their consequences.

Police services should identify the causes of violence against women and determine what vulnerability factors may have an impact on the safety and quality of life of the victims and the children living in this context of violence.

Having identified a case of violence, police services should intervene immediately to minimise the damage to women, and for any children or other people dependent on them.

It should also be necessary to take into account the circumstances of women who are in especially vulnerable circumstances.

Finally, and as a preventive measure, it is advisable to step up the fight against trafficking in human beings aiming at sexual or labour exploitation.

4.1. Prevention among young people

It is desirable that specialised police units actively participate and cooperate in training programmes to be implemented in schools, focused on raising young people's awareness of the importance of relationships of equality and the need to eradicate violence.

Follow-up and assessment of ongoing training activities are therefore recommended, so that adjustments can be made where progress is inadequate.

4.2. Prevention among the immigrant population

It would be worthwhile to include in the training programmes of police forces activities designed to promote prevention and awareness of equality among immigrant groups.

Likewise, it is advisable for victims to be dealt with and given information in their mother tongue and for cultural idiosyncrasies to be taken into account.

It is also recommended that support networks be established for groups of immigrants, creating 'cultural mediators' (people in these groups that serve as intermediaries between immigrants and police services).

4.3. Monitoring systems for cases of violence against women

The use of new technologies makes it possible to design monitoring, information and intelligence systems for cases of violence against women. These computer systems can help to coordinate activities among the participating institutions, objectively determining the potential risk to the victim and enabling implementation of police protection measures according to the level of risk.

5. WELFARE MEASURES

5.1. Dealing with the victim. Providing welfare resources

Whenever possible, it is advisable to listen to the victim if she wishes to express her feelings, and to try to avoid secondary victimisation. A soon and thorough interview of the victim about the facts and its circumstances will improve the chances of a successful investigation and prosecution of the crime.

It is recommended that police stations have an updated list of public and private organisations and welfare services for women who are victims of violence, as well as addresses and telephone numbers of those services. It is also desirable to centralise access to all those resources via single point or telephone.

Police officers involved should inform the victim who brings the complaint of all her rights and the services she is entitled to. They should encourage her to make contact with the social and welfare services of the various bodies involved, so that she can receive complete and detailed information.

Finally, it will be useful in order to avoid doubts and questions that the victim may have at the time of filing a complaint if police officers hand out brochures describing in detail the actions that can constitute a criminal offence in the area of violence against women.

5.2. Previous attention and information on legal assistance to victims

It is recommended, where this is in accordance with national legal arrangements, that any woman victim of violence should have immediate access to legal assistance, without needing to prove that she lacks financial resources.

In the framework of the laws of each State, and in order to mitigate the position of powerlessness of the victim, institutions should inform and advise her on her right to specialised legal assistance.

5.3. Registering the complaint

Those in charge of registering the complaint should collect the minimum data necessary in order to, where provided for by national law, define and decide on protection measures for the victim, identification and, if necessary, the restraining of the offender, and the subsequent police and judicial monitoring of the case.

The data to be gathered should be clearly defined, ensuring that those who register complaints have enough experience and proper training to do so correctly. For this purpose, it is very useful to formally record the minimum content of the complaint and the police report using questionnaires that have been previously drafted.

Whenever a case of gender violence is identified, police activity should also be directed towards determining:

- The factors relating to the violence suffered by the victim.
- The relationship with the offender.
- The offender's background and his environment.
- The family, social, economic and work circumstances of the victim and the offender.
- If there are children living in this context of violence.
- Other circumstances that may affect the evolution of the case (filing or withdrawal of complaints, the decision to live together again, etc).

This information would help to determine the level of risk and the measures to be taken in each case to ensure protection.

In order to reduce the effects of the attack on the woman and to avoid subsequent victimisation, a decision should be taken on the ideal time to register the victim's complaint, and an attempt should be made to take the witnesses' testimony as soon as possible and in a very comprehensive way.

Likewise, inspection at the crime scene should be conducted as soon as possible, since in many cases it will make it possible to detect hard evidence of violence by the offender at that place.

5.4. Assistance to children in risk situations

It is advisable to give relevant support and if necessary extend psychological help to children who have been victims or witnesses of violent situations of this type. To this end, police officers will try to refer such children as soon as possible to the relevant actors, for example social or psychological services.

Whenever there is the slightest suspicion that a child is in a situation of risk or has been abandoned, "immediate action" by police units is essential. If the victim cannot take care of a minor under her responsibility, the police will assess whether the relatives or people designated by the victim could be trusted sufficiently to assume custody and, if not, refer the child to welfare services for minors.

5.5. How to proceed in case of possession of firearms

Urgent police action to reduce the risk to victims includes establishing whether the offender has firearms and other dangerous instruments so that preventive withdrawal or their seizure can be carried out, in accordance with national Law.

In the event that the offender, due to his status or professional situation, is authorised to carry guns, police officers should inform their superior of the offence he has been involved in so that he/she can withdraw the offender's firearms.

6. VICTIM PROTECTION MEASURES

6.1. Risk assessment

In the process of risk assessments, it would be useful for police services to have - as indicated in section IV –monitoring systems which include management information tools helping police officers to identify and predict the level of the victim's risk of suffering further attacks.

The information on which the risk assessment is based should come not only from the victim's statement. This should be supplemented from other sources, such as the police inspection of the scene, statements by police officers involved, the offender's statement, testimonies of people involved or witnesses, technical reports, historical records of the case, etc.

These assessment tools should establish, according to objective criteria, different degrees of risk, and each degree level will have its corresponding measures.

Within the periods agreed, police services should, where appropriate, conduct regular reviews of the level of risk each victim has been assigned and, if necessary, modify the protection measures.

6.2. Monitoring and protecting the victim by police units

A proper management of the available information is essential in this regard. Information should be adequately integrated, continuously updated and easily accessible to police officers responsible for the follow-up of victims, taking into account national laws on protection of personal data.

As highlighted above, the information management on automated basis might help police officers to better follow-up and monitor each case of violence against women.

In the other hand, special attention to the appearance of new circumstances around the victim, such as the complaint's withdrawal, her decision to live again with the aggressor or the refusal of the granted protective measures, should be taken into account since they may affect considerably the woman's level of risk.

6.3. Treatment of offenders

It is recommended that studies be conducted on the basis of the available data in order to identify behavioural patterns of offenders, especially in cases of high risk. This would make it possible to coordinate the appropriate preventive measures.

As a guarantee of protection to the victim, work with offenders should be of two types:

- Firstly, they should be informed about the legal consequences of their violent behaviour to deter them from committing further acts of violence.
- Secondly, they should participate in rehabilitation and reeducation programmes, designed to raise awareness and change their behavioural patterns.

It is necessary to have full coordination among all bodies responsible for protecting victims, mainly the police and correctional services.

When an offender is serving a prison sentence the temporary permission given by the judge may create a risk for the victim. For that reason, a system of efficient warning and notification procedures to the institutions involved and possibly to the victim should be established.

The use of teleprocessing tracking devices can provide an effective means for the real protection of the victim, and it has a clear deterrent effect on the offender. The introduction of these automated monitoring systems should, where appropriate and in accordance with national laws, be arranged through procedures which coordinate the performance of police officers and the relevant institutions.

It is also desirable for all orders and protective measures to have a start and an end date.

7. INTERNATIONAL COOPERATION

Given the high mobility of the population in the EU, it will be very useful for the protection of victims to achieve coordination and effective exchange of information among the different Member States. International cooperation, including the sharing of information while respecting the rules for personal data protection would contribute to join forces in order to optimise the human and material resources involved in combating violence against women.

International conferences and meetings where experts from police services and other fields and institutions in different EU countries can display and share their experiences in relation to violence against women are of primary importance.

8. CONCLUSIONS

It is considered that the measures collected in this Handbook of best police practices has a number of advantages among which the following should be highlighted:

8.1. Related to the victims:

- It introduces improvements in the areas of prevention, assistance and protection of victims.
- It makes the victims the main focus of police activity designed to combat violence against women.
- It reduces their level of vulnerability thanks to a continuous exchange of information between victims and the police services.
- It sets specific guidelines for each situation, involving more successful and positive responses at each stage, which allows that all victims receive professional and appropriate attention.

8.2. Related to police performance:

- It proposes work methodologies that enhance and improve police performance in cases of violence against women and promotes specialised training of police officers in this area.
- It optimises the use of human and material resources.
- It draws up coordination mechanisms with other institutions, generating a multidisciplinary approach.

8.3. Related to public administrations:

- This Handbook can serve as a model for other institutions and/or Public Administrations.

Finally, as outlined in the Declaration of the European Parliament on the campaign “Say NO to violence against women”, dated 22nd of April 2009, “violence against women and girls is a universal problem of pandemic proportions.” It is up to us to tackle it, and finally solve it, by promoting mechanisms of action such as this “Handbook of best police practices”.
