



Enhancing the
professional capacity of
the Bulgarian Police
to deal with cases of
Domestic Violence and
Violence Against Women

Training of Trainers Manual

**IMPROVING THE EFFECTIVENESS
OF LAW ENFORCEMENT
IN COMBATING VIOLENCE AGAINST
WOMEN AND DOMESTIC VIOLENCE**

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The opinions expressed in this work are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

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INTRODUCTION

Before Bulgaria acceded to the European Union (EU) on 1 January 2007, many important changes to existing Bulgarian legislation and new legislation were implemented with a view to align to the EU equal opportunities and anti-discrimination standards. This included guarantees to the equal treatment for women and men and the protection of women's human rights.

The most relevant legislations introduced included the Law on Protection against Discrimination (2004), the Law on Countering Trafficking in Human Beings (2004), the Law on the Ombudsman (2004), and the Law on Protection against Domestic Violence, LPDV¹(2005). Since the LPDV entered into force in 2005, several amendments have been made. One of the amendments introduced in 2010 foresees a yearly Action Plan, addressing violence against women and domestic violence. At national level, many efforts are being put in place to give violence against women and domestic violence priority at legislative and policy level.

On the 21st April 2016 Bulgaria's Minister of Justice, Ms Ekaterina Zaharieva signed **the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (hereinafter, **Istanbul Convention**). Bulgaria became, at the time of writing this manual, the 40th member state of the Council of Europe to sign the Convention. In preparation for the ratification Bulgaria continues undertaking measures to address the requirements of the Convention, inter alia, by enhancing service provision, drafting and amending laws, establishing a co-ordination mechanism and through education and training of professionals, including police forces.

This training of trainers (ToT) manual aims at complementing such national efforts of alignment with the requirements of the Istanbul Convention, with a specific focus on improving the capacity of the law enforcement to respond to the needs of victims of violence, particularly of domestic violence by adopting a victim-centred approach.

Purpose and structure of the training of trainers (ToT) manual

The manual is a tool for developing training programmes for police trainers that can be used to sensitise professionals to the issues of violence against women and domestic violence and to expose them to good practices in their fields. In line with international requirements, in particular the Istanbul Convention, this manual focuses on an important approach for the police: risk assessment and risk management.

Several sources, as well as police feedbacks, report the lack of standardised procedures for intervening police officers in cases of domestic violence. These standards help to accurately evaluate the situation at hand, to assess the risk of future violence (recidivism), to implement, in coordination with other services, the most appropriate actions to protect victims from such further violence, and to reduce the risk of the perpetrator's recidivism.

¹ National Assembly of the Republic of Bulgaria (2005): Закон за защита от домашното насилие [Law on Protection against Domestic Violence] Prom. SG. 27/29 Mar 2005, amend. SG. 82/10 Oct 2006, amend. SG. 102/22 Dec 2009 (title also changed), amend. SG. 99/17 Dec 2010, suppl. SG. 50/3 Jul 2015), Sofia: National Assembly of the Republic of Bulgaria.

Evaluating the dangerousness the perpetrator by applying a wide discretion by the police is a sign of lack of understanding of gender-based violence. Discretion and underestimating the seriousness of these crimes also respond to lack of training, the absence of specialised forces, lack of resources to prevent crime and the existence of preconceived ideas about gender roles and views about women in general. Understanding what risk of recidivism of violence is, what poses such risk, and having a structured professional approach in performing risk assessment, leaves out *discretion*, interference of own stereotypes and prejudices even professionals might have, including the police. Nevertheless, legislations, methodologies or guidelines used by the police, on their own, are not enough if there is scarce interest and willingness to give meaning and dignity to policing, coupled with a State acting with due diligence to protect victims.

This ToT manual aims at fostering a victim-centred approach and at providing trainers with the necessary tools to apply it in their work with trainees. According to the Istanbul Convention, a **victim-centred approach** maintains a focus on the **needs and concerns of victims** as a priority and recognises that violence against women and domestic violence must be addressed through specific gender-sensitive measures. Police play a central role in addressing violence against women and in preventing its re-occurrence. Responses need to be **efficient** and tailored, within the legal framework, to the needs of victims and the risk of perpetrators.

By adopting a victim-centred approach, fostering respect for victims and a non-judgemental attitude, professionals will not only improve the **effectiveness** of their work, but they will also offer victims critical support in breaking free from violence. Victims will feel understood, believed, helped and supported, which is a way of **empowering** them as well as helping them to diminish their fear to report cases of violence, to collaborate with law enforcement and to avoid additional suffering and burden (also referred to as **secondary victimisation**).

This manual is developed to assist trainers to conduct training for police officers (training of the trainers, ToT), and it contains general information that trainers can adapt to a particular programme. It is recommended that trainers using this manual identify in it the educational requirements of a particular group of trainees (e.g. will the course be an introduction for new police recruits or a “refresher” for experienced officers or those already training) and then develop the appropriate modules that suits their specific needs.

The manual is therefore flexible, and different parts can be used according to the training needs. However, we recommend that it is used in its entirety as each part builds on what was presented in the precedent ones.

Building on the Ministry of Interior 2007 ‘Methodological Guidelines on Actions of the police authorities under the Law on Protection from Domestic Violence’, this Training of Trainers (ToT) manual is an additional, up-to-date and extensive tool that police trainers can use for a better understanding of domestic violence against women. It can also be disseminated at the National and Regional levels.

Part I of the manual introduces the concept of violence against women with a special attention to domestic violence against women using, as a framework, the definition provided by the CoE Istanbul Convention. This section also provides a context for violence from different perspectives: legal, sociological and psychological as well as criminological,

as an understanding of these can assist trainers in better transmitting the content and methodology of the training.

Part II is dedicated to the role of the police when dealing with cases of domestic violence, from the handling of the first call by the dispatcher police to the investigation stage.

Part III deals with risk assessment and risk management approaches, addressing the important role of the police in preventing the escalation of violence (recidivism) and in assessing and managing risk, including by protecting of the victim via safety planning.

Part IV covers training strategies addressed to the trainers. It also ensures that trainers are aware of their trainees' and own needs, emotions and beliefs. Recommendations on how to make the most of a training session are also provided.

A set of hands-outs, exercises and case studies are included as an Annex to this manual.

EXERCISE: How much do you know about domestic violence?²

Exercise: ³	Aim	Time	Procedure
What is my level of knowledge?	Reflect about your own ideas and experiences about domestic violence	30 minutes with discussion	Have all participants fill in the online questionnaire 'BODA: believes on domestic abuse': http://www.saracesvis.org/index.php?option=com_content&task=section&id=42&Itemid=168 and provide them with a 'pass' or 'fail' mark which indicates whether participants have preconceived ideas or not.
<p><i>This short 'test' is a good way to start the training and making trainees aware of their level of understanding of domestic violence. Ideally, it should be filled in online, in an anonymous form. If trainers realise this will not be possible to do during the training, then a paper and pencil version can be distributed. This is provided in the Annex together with the scoring code for the trainer to mark the trainees' responses.</i></p>			

² Refer to handout 1 in the Annex to facilitate this exercise.

PART I – UNDERSTANDING DOMESTIC VIOLENCE AGAINST WOMEN

1.1. Definition of violence against women and domestic violence

The following definitions are compatible with the definitions of CoE Istanbul Convention (Article 3).

Violence against women (VAW) is considered a violation of human rights and a form of discrimination against women. It means all acts of gender-based violence that result or can result in, (or are likely to result in) physical, sexual, psychological or economic harm or suffering to women. Also threats of such actions are considered forms of violence and they include: coercion, deprivation of liberty, intimidation. Victims can be affected both in the public and private spheres.

Gender-based violence (GBV) is violence that is directed against a woman because she is a woman or that disproportionately affects women.

Domestic violence (DV) includes all acts of physical, sexual, psychological or economic violence that take place within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

Note to trainers: Terms used in this manual

Note that in this manual, the term “**victim**” is used to refer to a person who is subject to domestic violence or violence against women. In many contexts, domestic violence experts prefer to use the term “survivor” to describe a person who has experienced violence because it is more empowering. However, in law enforcement, the term “victim” is used regularly to refer to the injured party (whether they have survived the violence or not). This manual, therefore, uses the term “victim.” The manual also refers to the “**petitioner**”- referring to a victim in the civil justice system (e.g. an applicant for a protection order).

When referring to the person who has committed violence, the general terms “**perpetrator**” or “**suspect**” (a person alleged to have committed violence) are used in this manual and when referring to the role of the police.

These definitions are in line with the definition provided by the Bulgarian laws. According to the 2005 LPDV and its subsequent amendments, **domestic violence** includes any **act of physical, sexual, psychological, emotional or economic violence**, as well as the attempt **threats**, the **coercive limitation** of personal life, personal freedom and rights, committed against relatives, or persons, who are currently or have been in a familial relationship or cohabitation (Art. 2, par. 1, LPDV). For children, domestic violence also includes any act of domestic violence, committed in their presence (Art. 2, par. 2, LPDV).

1.2. Forms of violence against women and the cycle of abuse and power

Violence against women and specifically domestic violence against women starts with coercive and controlling behaviours and attitudes that in most cases lead to physical violence. In abusive intimate or former intimate relationships, perpetrators use, or threaten to use, violence to coerce victims to comply with their wishes⁴. Domestic violence against women can include different acts of psychological, physical, sexual and/or economic violence. Articles 33 to 39 of the Istanbul Convention identify forms of violence that should be considered criminal offences.

- ✓ **Physical violence** refers to bodily harm suffered because of the application of immediate and unlawful physical force. It also includes violence resulting in the death of the victim.
- ✓ **Psychological violence** refers to any intentional conduct that seriously impairs another person's psychological integrity through coercion or threats.
- ✓ **Stalking** is any form of direct and indirect control and surveillance of the victim, with or without physical contact. It usually takes place after the end of the relationship, but it can occur while the relationship is still on-going. It includes threats and harassment both online or offline, following the person, spying causing the victim to fear for her or his safety.
- ✓ **Sexual violence, including rape** covers all forms of sexual acts performed on another person without her freely given consent and which are carried out intentionally. It includes non-consensual vaginal, anal or oral penetration of a sexual nature with any bodily part or object; other non-consensual acts of sexual nature; causing another person to engage in non-consensual acts of sexual nature with a third person. Unwanted acts of sexual nature between spouses are also covered.
- ✓ **Forced marriage** refers to physical and psychological force exerted on a victim to involuntarily enter into marriage. Luring a person to go abroad with the purpose of forcing this person to enter into marriage is also covered under the Istanbul Convention.

⁴ Walker, L (1979). Women's Hall of Fame. Ed D. Colorado.

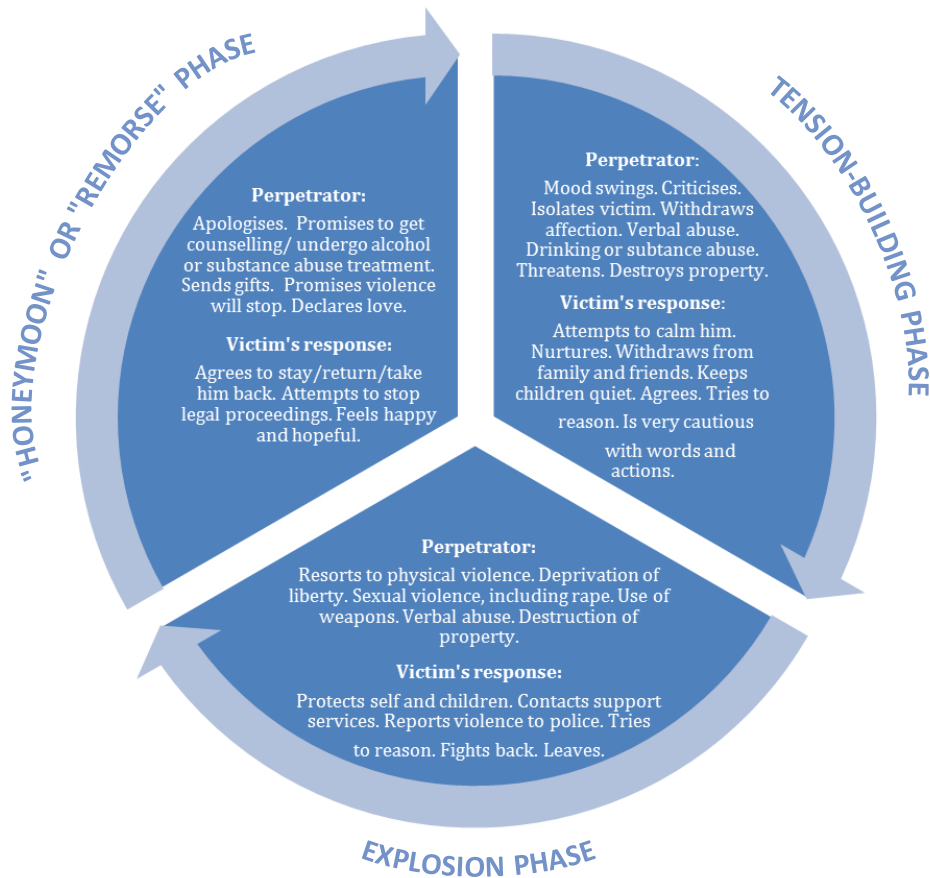
- ✓ **Female genital mutilation** consists of performing, assisting to perform or inciting, coercing or procuring the cutting, stitching or removal of part or all of the female external genital organs for non-therapeutic reasons.
- ✓ **Forced abortion and forced sterilisation** refer to the termination of a pregnancy or terminating a woman or girl's capacity to naturally reproduce without her prior and informed consent.
- ✓ **Sexual harassment** refers to verbal, non-verbal or physical conduct with a sexual nature and unwanted by the victim. Art. 40 of the Istanbul Convention gives States Parties the option to apply either criminal law or other sanctions (for instance, penalties under labour law).

The Bulgarian Criminal Code does not contain violence against women or domestic violence as specific crimes. It covers some of its forms fully (i.e. physical violence or rape) or partially (i.e. female genital mutilation as bodily harm) but they do not constitute specific crimes within the family or domestic context but crimes of general nature:

The cycle of violence

The cycle of violence (Figure 1) is an approach that can help the police to understand the dynamics of domestic violence when assisting the victim.

Figure 1: The cycle of violence: an abusive and recurrent mechanism



The length and evolution of each phase of the cycle of violence will vary from victim to victim depending on, for example:

- ✓ the nature and duration of the relationship;
- ✓ the victim's and perpetrator's socio-economic background;
- ✓ the type of abuse suffered by the victim;
- ✓ whether there are children or other people involved;
- ✓ whether there is substance and alcohol abuse;
- ✓ the help and support provided to the victim;
- ✓ the extent to which the victim is isolated.

As we can see in Figure 1, the stages and phases of the cycle of violence follow each other recurrently, until the cycle is broken by the woman herself or through some form of intervention or outside help and support provided to the victim⁵. Some stages may overlap, while some may take place after days, months or years. An abusive relationship may also not go through the cycle at all. It is important to remember that not all victims will experience violence in the same way. Some will not get to the stage of physical violence and might never contact either the police or the judicial system. However, economic and emotional abuses are serious and invalidating and are considered a crime that needs to be investigated.

What is important to understand is that victims usually tend to contact the **police** or social services at the peak stage of the cycle, after a **physical or sexual attack** has taken place. They seek help when they feel and are in danger and look for immediate help. During the cycle of violence, the violent partner may swing between affectionate, apologetic and calm behaviour to periods of tension that grow into physical, sexual or psychological violence. The perpetrator holds the woman responsible for what he claims she made him do. He might threaten to take the children away, or threaten to use physical force or kill her if she tells anyone or does anything. This is when it is likely that the victim will return to the perpetrator, or withdraw the police report; and when victims are at their most vulnerable. The victim may even deny or minimise any violence. At this stage, risk assessment and subsequent risk management and victim safety planning are of extreme importance in order to understand the victim's needs. Victims can make choices based on realistic and concrete options and solutions to the violence they are experiencing. If these options are not present and supported, it is very difficult to break the cycle.

Domestic violence: an issue of power and control

There are many theories attempting to explain the reason why some men abuse their partners. The most recognised one, which is also supported by research and day-to-day practical experience, is that of **power and control**. This is based on the assumption that some men still hold strong misogynist concepts and think of their partners not as independent beings who can make decisions on their own and have their own lives. These men, of all ages, socio-economic status and nationalities do not accept that their partners can leave them, have friends or react to criticism, make their own choices and step out from the pre-set social norms of male and female roles. Violence is a mechanisms of power and control to keep women in their 'role' and to conform to social norms regulating sexist's attitudes. When threatened and abused women become scared, fear escalation, or even death, but are usually embarrassed to talk about it. They might also minimise and justify the violence since it is difficult to admit that their partner is abusive because this would also affect their self-esteem.

This theory is reflected in the well-known '**Wheel of power and control**'⁶ shown in Figure 2. The wheel explains different forms of abuse and how these interact with each other and how power and control are related. This model helps explain the dynamics of abuse between partners.

⁵ Walker, L (1979). Women's Hall of Fame. Ed D. Colorado.

⁶ The wheel of power and control was developed in the United States by the Domestic Abuse Intervention Project (DAIP). For more information visit: www.theduluthmodel.org/training/wheels.html

Figure 2: The wheel of power and control⁷



⁷ The 'power and control' Wheel, Duluth Model

1.3. Consequences and impact of domestic violence on women and on children

As a result of the abuse suffered, victims of domestic violence and their children may face short and long-term consequences. Domestic violence leads to physical, emotional/psychological damage, as well as loss of material property and reduced quality of life. The severity of the impact of domestic violence depends on personal (internal, e.g. prior history of abuse, lack of resiliency, low self-esteem, coping strategies) and social (external, e.g. presence of children, help received, social isolation, dangerousness of the perpetrator, access to services) circumstances. These factors will make it harder or easier for the victim to break the cycle of violence. Regardless of their role in the response and support mechanism, all professionals dealing with cases of domestic violence should be aware of the impact of different forms of gender-based violence, including domestic violence on women and their children, so to avoid acting in an unprofessional and damaging way towards the victim (i.e. secondary victimisation⁸). Some of the devastating effects of domestic violence on victim's lives are explained below.

Physical impact

The physical harm resulting from violence can include any of the following: bruises and welts; lacerations and abrasions; abdominal or thoracic injuries; fractures and broken bones or teeth; sight and hearing damage; head injury; attempted strangulation; and back and neck injuries⁹. The consequences are not only related to direct blows or attacks. Ailments referred to as 'functional disorders' or 'stress-related conditions' are far more common. These include irritable bowel syndrome/ gastrointestinal symptoms, fibromyalgia, various chronic pain syndromes and exacerbation of asthma. In the World Health Organisation (WHO) multi-country study¹⁰, it emerged that abused women were twice more likely than non-abused women to report poor health and suffer from physical and mental health problems, regardless of when the abuse took place.

Psychological impact

In addition to the above damages, psychological harm can have a devastating impact on a woman's state of mind. Women can regain control of their lives and move on if helped, supported and believed. Dealing with the psychological consequences of violence is not only under the responsibility psychological professionals, law enforcement and judicial officers also need to understand the psychological and emotional impact of violence in order to better deal with these cases. Figure 3 outlines the range of consequences that domestic violence against women can have on a victim's psychological well-being.

⁸ Full explanation about what secondary victimisation and what the police should be aware of, can be found in section 1.D on 'Myths and stereotypes'.

⁹ Heise L, Garcia Moreno C. Violence by intimate partners (2002). In: Krug EG et al., (eds). World report on violence and health. Geneva, World Health Organization. 87– 121.

¹⁰ Garcia-Moreno C et al. (2005) WHO multi-country study on women's health and domestic violence against women: initial results on prevalence, health outcomes and women's responses. Geneva: World Health Organization.

Figure 3: Psychological consequences of domestic violence against women ¹¹



Police should be aware of the possible consequence of victims' who can become angry, aggressive towards others could also be a consequence of violence to bear in mind, especially towards children and other family members. Aggressive and violent behaviour is an indicator of exhaustion, feelings of powerlessness and of extreme fear and desperation. A well-trained professional, recognising the reasons for such behaviour, should not blame the victim, or doubt her credibility, but on the contrary, use extra caution and adopt a supportive attitude since aggression can make the victim more vulnerable and at heightened risk of re-victimisation.

Victim blaming, self-blaming and reduced credibility underlie the assumption that victims are responsible for the perpetrator's behaviour. However, the mechanism is quite the opposite. It is the perpetrator who subjects the victim to psychological violence for months or even years, telling her that she is worthless, stupid, that she makes him react the way he does hitting, insulting or segregating her because it is her fault, she deserves it, she did not do or say what she was 'supposed to'. In other cases, perpetrators simply deny any violent behaviour. They tell everyone the woman made it up because she is crazy, mentally unstable or because she wants to take advantage, for example, during a divorce, concerning child custody, or for financial matters. Perpetrators might even claim that she is inventing everything to justify another relationship.

In addition to the perpetrator, friends, family members, and even the police, prosecutors or judges tend to blame victims even if they might not be aware of doing so openly. For instance, when women report years of abuse after never having reported before or left the

¹¹ The pictures in the graphs are paintings by artist Alberto Giuseppini and represent three of the stages of the cycle of violence. The owner of the paintings has authorized reproduction in this manual.

perpetrator, they might wonder why she continued to have a relationship with him, and might ask her, questions like: ‘why didn’t you leave’, ‘what did you do to him that he reacted in that way?’, ‘what did you tell him to make him so angry?!’, “why don’t you try to forget and go on with your life?”

Self-blaming in combination with victim blaming by others leads to loss of hope, and the victim’s tendency to minimise and justify what has happened. Following the perpetrator’s apologies, the victim might decide not to report, or to withdraw any reports/complaints that she has already made. Victims tend to deny or minimise any violence and contradict themselves and act ambiguously. For example, they might contact or even meet the perpetrator even if a protection order has been issued. Some victims leave the perpetrator but might then go back to live with him. This is the well-respected ‘learned helplessness theory’¹², where having tried to end the cycle of violence and having failed to do so, the victim comes to believe that it has all been in vain. She is now weaker, more isolated, frustrated and hopeless. Unfortunately, few law enforcement professionals know of or fully understand these mechanisms, and consequently they can underestimate these crimes. This is why, in any training the full dynamics of domestic abuse and violence between partners must to be taught and fully understood by trainees.

The impact of violence might lead to increased isolation with family and friends being unaware of what is happening. The perpetrator strives to convince them, as well as professionals, how unreliable his partner is, impugning her credibility.

If, because of the abuse, the woman also has to leave her job and limit contact with colleagues, this will increase the power and control the perpetrator has over the victim enhancing the risk of re-victimisation. It is a vicious cycle: the more the woman becomes powerless and isolated, the more the perpetrator feels strong and powerful. Fortunately, the cycle can be stopped and the police have a central role to play.

The consequences of violence might also constitute an obstacle for the woman to **end the relationship** and reduce her capacity to identify risk and protect herself and her children. Besides the physical and psychological impacts of violence, there are other key reasons why a woman might not ‘*just leave*’: lack of alternatives, economic dependency, small children, joint custody, being a migrant, not speaking the language or knowing her legal rights in her country of residence, unemployment, and a lack of services where she resides. Any of these reasons can also be a consequence of violence, deepening the isolation, the fear and, at the same time, giving more power to the perpetrator.

Impact on Children

When we talk about the impact of domestic violence on children, we refer to the different forms of violence that affects them. The most common is that perpetrated by a man (usually the father of the child/children) over his partner (usually the mother of the child/children). However, in a domestic context, other forms of violence can take place that fall under the definition provided by the Istanbul Convention of ‘domestic violence’.

Children can be exposed to violence against their siblings, against a grandparent or another person sharing the same residence. Multiple exposure to violence in addition to direct

¹² Janoff-Bulman, R., & Brickman, P. (1982). Expectations and what people learn from failure. In N. T. Feather (Ed.), *Expectations and actions: Expectancy-value in Psychology*. Hillsdale, NJ, Erlbaum.

violence inflicted over the child is called 'poly-victimisation'¹³. When the abuse is committed by someone the child loves and trusts, the impact is not only short term (fear, anxiety, sleep and eating disorders, etc.) but it is more profound as it affects the capacity of the child to grow in a safe and protected environment and build positive and secure attachment bonds. The negative impact on children living in families affected by domestic violence has been demonstrated by many studies¹⁴. Children can be exposed directly (as primary victims) or indirectly (as secondary victims) to the violence. Even when children are not direct witnesses to all the episodes of violence, they are still exposed, aware and negatively affected by it.

In violence between partners, women victims of domestic violence tend to underestimate the consequences on their children, and believe their children are not aware of all the violence, claiming the attacks took place in the absence of children, while at school, asleep or simply in another room. This is often a defence/protection mechanism; she does not want to face what is actually happening nor acknowledging the damage that the abuse is causing not only to her but also to her offspring. For these children this is an additional burden, because they not only have a father who is abusive towards their mother (causing anxiety and a state of fear at home as well as danger), but they also might have a depressed and frustrated mother who will not be able to protect and nurture them as she should¹⁵.

The extent and gravity of the consequences of domestic abuse in children also depend on age, on protective factors, on their own resiliency¹⁶, and whether the child is still living in the abusive context or not.

Possible symptoms of exposure to domestic violence of children:

- Anxiety and depression, withdrawing from peers
- Sleeping disorders and nightmares or flashbacks
- Frequent complaints of physical symptoms, such as stomach aches
- Bed-wetting
- Behaving in a childish way (symptoms of regression)
- Bullying, school victimisation, truancy
- Low school performance
- Lower sense of self-worth
- Self-blaming for the violence
- Development of an eating disorder.

When dealing with these cases, and when hearing children, the police (as well as the judiciary, and social services) need to be aware of the devastating effects of domestic violence in order to better understand children's reactions in such situations and act according to their needs. It is important to bear in mind that the children themselves might be minimising, denying the violence, or having contradictory feelings.

¹³ Finkelhor, D. Ormrod R. K., Turner H. (2007). Poly-victimization: A neglected component in child victimization, *Child Abuse and Neglect*, 31, 7-26.

¹⁴ Among others: <http://www.apa.org/pubs/books/4317253.aspx>

¹⁵ Hester, M, Pearson, C, Harwin, N & Abrahams, HA, (2007), *Making an Impact: Children and Domestic Violence*: 2nd edition, Jessica Kingsley.

¹⁶ Resiliency is defined as any capacity to face the impact of negative events and restore the original condition.

When interviewed by police, **children may not want to take sides**, or may take sides in favour of the perpetrator. As mentioned, children may also deny that any violence has occurred or provide inaccurate information. They may even act out against the police and behave restlessly or aggressively out of fear of seeing the abusive parent go to jail, or their mother being killed. The perpetrator might have threatened that if they speak or take sides, he will harm their mother. These children need to be protected, particularly by those who have the power to do so.

If the perpetrator is the father of the child, the police but also the judicial system, have to assess whether the child's testimony is necessary or will be reliable, since the child might perceive the testimony as a betrayal to that parent. In the event of the extreme form of domestic violence, homicide, children may be sent to a foster home or orphanage, for example if the mother is murdered and the father is sent to jail or has committed suicide. This is a devastating consequence that is very much underestimated¹⁷. Any action and decision should be always made in the best interest of the child.

1.4. Myths as obstacles to violence against women and domestic violence cases: challenging perceptions and stereotypes

Key concepts

- ✓ Myths about domestic violence are incorrect thoughts that are not based on evidence but on preconceived ideas and stereotypes.
- ✓ Myths about domestic violence are indicators of poor training and a lack of professionalism.
- ✓ Myths negatively affect job performance and victim's satisfaction and will impede her collaboration with the criminal justice system.

There are many myths and stereotypes about the causes and consequences of domestic violence and violence against women in general which can have a serious negative impact on the assistance and protection provided to victims. The presence of these myths leads to secondary victimisation. These false conclusions, which are not based on evidence or research, are often reinforced by society and the media¹⁸. It is, therefore, important that professionals in regular contact with victims acknowledge the attitudes and perceptions they have on violence against women in order not to cause additional damage and suffering.

¹⁷ Consult the European Project: www.switch-off.eu

¹⁸ Baldry, A. C., Pagliaro, S. (2014) Helping Victims of Intimate Partner Violence: The Influence of Group Norms Among Lay People and the Police, *Psychology of Violence*, 4(3), 334-347.

In some instances, stereotypes and myths, even if confronted with conflicting and contradictory evidence, are hard to eliminate.

On the positive side, once individuals and especially professionals are aware of what these myths are, why they exist, and what they might imply, they can be addressed and eliminated or at least reduced. It is of high relevance to make sure that professionals dealing with cases of domestic violence are not influenced, when performing their jobs, by so called 'extra-legal' factors, stereotypes and pre-conceived ideas when making their choices and taking actions.¹⁹

Myths can also cause secondary victimisation. Secondary victimisation occurs when a victim rather than being treated with respect, confidentiality and professionalism is not believed, or is told she is making the abuse up for some personal or legal advantages, or she is asked irrelevant or even intrusive questions. Secondary victimisation can take place when law enforcement, as well as other professionals shift their role: instead of being supportive, objective and making the victim feel at ease and protected, they question her actions and doubt her credibility. Nevertheless, secondary victimisation can be avoided and prevented by addressing and learning about most common stereotypes and myths surrounding domestic violence and its dynamics.

In order to effectively tackle myths and stereotypes, a comprehensive training portfolio must be in place and be regularly delivered. There is no single training that will be effective if those called to take action to protect victims are not made accountable and if the relevant bodies do not monitor police and the judicial system regarding their errors that can also lead to secondary victimisation.

¹⁹ Baldry, A.C. (1996). Rape victims' risk of secondary victimization by police officers. *Issues in Criminology and Legal Psychology*, 25, 65-68.

Myths and Truths about violence against women

Statement: Violence against women and especially domestic violence between partners is rare.

Answer: **False.** According to the European Union Agency of Fundamental Rights (FRA) study in 2014²⁰, in Bulgaria, on average one in five women have been psychologically, sexually or psychologically abused by their current or former partner since the age of 15. Victims, however, report in less than 1/4 of the cases due to fear of retaliation, stigma, and judgment, because they do not know what to do and where to go or they hope that the perpetrator will change.

Statement: Domestic violence and violence against women in general affects only poor or poorly educated women, or women from ethnic minorities and migrants.

Answer: **False.** Domestic violence and violence against women affects women from all levels of society, whether rich or poor, educated/uneducated, regardless of migrant status, religion, sexual orientation and ethnicity. Perpetrators can also come from any background. Violence against women is also committed by professionals: professors, doctors, judges and even police officers. Though poverty and low education can influence the likelihood of violence occurring, any violent act is a deliberate choice regardless of individual or social circumstances.

Statement: Violence between partners is a private matter.

Answer: **False:** Most criminal codes acknowledge violence between two individuals as a crime and do not distinguish whether they are intimate or not. Some legislations considers the fact that it is private as an aggravating factor, and that it is a societal and community responsibility to prevent it and address it.

Statement: Violence takes place in people who make use of drugs and alcohol.

Answer: **False.** Drugs and alcohol can increase the risk and lower barriers of control in some violent people but they do not cause the violence. Abusive men are so regardless of being intoxicated or not. Drugs and alcohol can be considered risk factors and victims as well as perpetrator might refer to them to explain and justify the violence, but they are not the cause.

²⁰ http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-oct14_sk.pdf.

Statement: Women as well as men are violent.

Answer: **False.** In domestic violence, the most frequent forms of abuse are those perpetrated by a male partner over his female partner (95% vs. 5%). Controversies about these figures are because women do use violence against their partner often as a reaction or defence to the abuse. Some might even get to the point of killing them. International surveys have shown that to better understand the presumed egalitarian proportion of violence between males and females, women should be asked about who started the fight and what happened. This does not preclude that any form of domestic violence needs to be addressed including men victims of violence, who might feel embarrassed and judged negatively.

Statement: Even if acts of violence take place in a relationship, these are isolated episodes.

Answer: **False.** Every single episode of violence needs to be properly investigated, and if necessary prosecuted, and those affected by it need to be offered help and support. However, domestic violence may constitute a pattern of on-going physical, psychological, sexual or economic violence (Article 3(b) of the Istanbul Convention). Domestic violence is characterised by a cycle of violence that consists of intimidating and degrading behaviour, threats, attacks, control, day after disempowering and lowering the self-esteem of the victim. Domestic violence is characterised by an increase in frequency and severity of actions putting the victim at higher risk. It is very unlikely that the perpetrator will stop since he does not believe or does not want to believe that his actions are wrong.

Statement: Domestic violence is the result of a mental health problem, violent men are ill.

Answer: **False.** Although mental health, psychiatric impairment or a personality disorder play a role in abuse and are considered risk factors, the majority of men who abuse or even kill their partner are mentally sane. They are aware of what they do; some of them might think their behaviour is 'normal' since for some of them it is normal to infra-humanise women, which means that they think women are inferior and do not have the same feelings as men do, and so violence will not affect them²¹.

²¹ Baldry, A. C., Pagliaro S. & Pacilli. G (2014). She's not a Person, She's Just a Woman! Infra-humanization and Intimate Partner Violence. *Journal of Interpersonal Violence*, online-first, 1-16, DOI: 10.1177/0886260514540801

Statement: Men who are violent have been abused as children.

Answer: **False.** Being exposed as a child to domestic violence or being directly abused is a damaging experience which can have long lasting consequences. In eight cases out of ten, men who abuse were abused as children.²² Being abused as a child, increases stress and the risk of repeating this behaviour. This is called intra-generational transmission of violence²³. However, most children who live in abusive homes have strong resiliency or have a good relationship with at least the other parent or family member and will not become violent in future relationships. In this regard, it is important to protect these vulnerable children and remove them as soon as possible from a violent environment to reduce exposure to a negative model of behaviour and build up protection and affection with the non-abusive parent, if feasible.

Statement: If women were truly abused and really wanted to leave, they would do so.

Answer: **False.** Being subjected to domestic violence does not immediately result in the victim leaving the abusive partner, regardless of the severity, frequency and duration of the violence. There are social and individual factors that can prevent this immediate step. First, as the cycle of violence shows, violence is not constant. The abusive partner alternates between threats and attacks, and apologies and promises, keeping the victim in a constant state of tension and uncertainty and fear. Abusive partners can be loving and attentive and manage to be forgiven. This makes any plan of the woman wanting to leave vanish. If the victim has left the perpetrator, she might even return. Unfortunately, this is only a tactic and as soon as the woman tries to free herself from any further control, the cycle of abuse will follow the same pattern, like in a spiral worsening each time. The woman is more threatened, and more depressed each time, alone, and feeling guilty, powerless and ashamed. Other people in the community might also be involved or be aware of the violence but rather than doing something, they increase the isolation even more. Often the victim does not leave the abusive partner due to a lack of alternatives, social and economic support, unemployment or housing. Women who are subjected to domestic violence and who do not leave should be asked if they are afraid about what could happen if they leave. Research shows that abusive men are more likely to kill their partners when the victim has ended or has tried to end a relationship or if she talked about a separation.

²² Widom C.S. (1989), "Does violence beget violence? A critical examination of the literature", *Psychological Bulletin*, 106, 3-28.

²³ Widom C.S. (1989). "The cycle of violence", *Science*, 244, 160-166.

Statement: When a man is violent it is because he cares about the woman, and women tend to like it and feel it is good for them when a man behaves in such a way.

Answer: **False.** Violence is the opposite of love and respect. Conflict can happen in any couple, but conflict is different from violence.

Statement: With time and patience, things will get better and the abuse will end.

Answer: **False.** The violence does not end by itself, unless the perpetrator decides to do so, but this is rare. With time, the violence becomes more intense, more frequent, and more dangerous. The perpetrator feels invincible because no one is holding him accountable for his behaviour. The sooner the cycle of violence is stopped, the less the damage, consequences and the costs associated with it will be. Trying to mediate, to underestimate the seriousness of any violent act, even for acts that do not leave bruises, can be very dangerous. Violent men appear differently to the outside world than what they actually are; police officers and judges have to be aware and attentive.

Statement: Violence is women's fault/ women provoke violence.

Answer: **False.** No one deserves being abused or victimised. Even if there are cases in which women act in ways that men perceive as offensive or infringing their masculine honour, this cannot justify, or explain, violent acts. Most violent men, when caught using violence shift the responsibility to the victim, making it seem they could not avoid it. Common social norms also support this way of thinking, and according to the Just World Theory²⁴ "bad things happen to bad people", so we tend to blame those who suffer and are in pain.

Statement: If men were really violent with their partner, they would always be so, instead they are really nice men, according to friends and colleagues

Answer: **False.** Men who use physical and psychological violence are perfectly aware of what they do, they are very clever in making sure to the outside world that the woman is making it up or exaggerating. They are like 'chameleons' and change in an opportunistic and manipulative way. Not all perpetrators fall under this typology²⁵, but it is a very common one. This capacity of changing behaviour and attitude is what these abusive men do with their partners to make them confused. By showing this 'double side,' women hope that the nice and charming one is the correct and true one, minimising and underestimating the other one. This is very risky for the victim and increases their vulnerability.

²⁴ Lerner (1980). The Belief in a Just World: A Fundamental Delusion. Plenum: New York.

²⁵ Holtzworth-Munroe A., Stuart G.L. (1994), "Typologies of male batterers: Three subtypes and the differences among them", Psychological Bulletin, 116, 476-487.

Statement: There is no point in helping women because they go back to the perpetrator.

Answer: **False.** Women victims of violence are not masochistic. If and when they return to their abuser it is because they have not been helped sufficiently and found it more difficult to undertake any actions and make decisions on their own, than to go on suffering in silence. If the police or the judiciary encounter a case where a woman has gone back to the perpetrator, they should not interpret this act as evidence that the abuser has really changed; such a case is very rare. Instead, they should ask what went wrong in protecting this victim. Therefore, instead of blaming her, they should work with her to identify what she really needs in terms of protection. No one enjoys a life full of violence, suffering, denigration, isolation and fear. It is the right of all people to have their rights respected. It is the responsibility of the state to ensure this without making any distinctions based on sex, gender, ethnicity or religion. It is in fact important to acknowledge that women victims might be more vulnerable.

EXERCISE: Myths and truths about domestic violence

Exercise: ²⁶	Aim	Time	Procedure
What is true, what is a myth?	Reflect about your own ideas and experiences about domestic violence	30 minutes with discussion	Address each of the statements and ask trainees whether they are true or not and provide explanations, comments based on answers. The aim is to reason about ideas participants might have that are not based on evidence.
Myths to address and discuss	<p><i>Violence against women and especially domestic violence between partners is rare.</i></p> <hr/> <p><i>Domestic violence and violence against women in general affects only poor or poorly educated women, or women from ethnic minorities and migrants.</i></p> <hr/> <p><i>Violence between partners is a private matter.</i></p> <hr/> <p><i>Violence takes place in people who make use of drugs and alcohol.</i></p> <hr/> <p><i>Women as well as men are violent.</i></p> <hr/> <p><i>Even if an act of violence takes place in a relationship, these are isolated episodes.</i></p> <hr/> <p><i>Domestic violence is the result of mental health problems, violent men are ill.</i></p> <hr/> <p><i>Men who are violent have been abused as children.</i></p> <hr/> <p><i>If women were truly abused and really wanted to leave they would do so.</i></p>		

²⁶ Refer to handout 2 in the Appendices to facilitate this exercise.

Myths to address and discuss

When a man is violent it is because he cares about the woman, and women tend to like it and feel it is good for them when a man behaves in such a way.

With time and patience, things will get better and the abuse will end.

Violence is women's fault/provocation.

If men were really violent with their partner, they would always be so, instead they are really nice men, according to friends and colleagues.

There is no point in helping women because they go back to the perpetrator.

1.5. Extent of domestic violence in Bulgaria

There are no official data on prevalence of violence against women and domestic violence in Bulgaria. No national surveys on violence against women have been conducted at the Governmental level. On the other hand, available data on reported crimes are not able to distinguish gender and relationship between the victims and the perpetrators. Due to these limitations, it is difficult to establish the prevalence and incidence rate of violence against women and domestic violence. In addition to these data shortage, most victims of violence against women will never report. Therefore policies and legislation in Bulgaria as in many other places, lack a true representative pictures of which are the needs and risks for victims.

Some information about the incidence and prevalence of violence against women is nevertheless available thanks to the survey conducted in 2011 and published in 2014²⁷ by the European Union Agency for Fundamental Rights (FRA).

The FRA Survey was conducted in 28 EU countries. In Bulgaria, 1,501 women aged 18-60, and randomly selected, completed telephone interviews on different aspects of violence against women and on beliefs and understanding about the phenomena²⁸. Of all women interviewed, 6% report that in the previous 12 months they have experienced **physical** and/or **sexual violence**²⁹ by their current partner, 5% by their former partner and 3% by a non-partner. Looking at prevalence rates, since the age of 15 years old, 11% of the

²⁷ http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-factsheet_bg.pdf.

²⁸ http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf.

²⁹ Physical violence was measured with by questions related to experiencing pushing or shoving, slapping, throwing objects, grabbing or pulling, kicking, strangling, burning, cutting, stabbing, or head banging. Sexual violence was assessed with questions on forced sexual intercourse (forced oral sex, anal or vaginal penetration) or on forcing to participate in unwanted sexual activity.

Bulgarian women interviewed reported having been physically and/or sexually victimised by their current partner, 38% by their previous partner, 14% from a non-partner, for a total estimate of 28% of women who have experienced physical and or sexual violence by any partner and/or non-partner in Bulgaria.

With regard to **psychological violence** (controlling behaviour, economic violence, abusive – verbal behaviour, blackmail with/abuse of children), 25% of interviewed women had ever experienced psychological violence during the relationship, and 58% from the previous partner.

With regard to **stalking** (measured with different forms of behaviours such as damage to property, following or loitering) since the age of 15 10% of women interviewed reported having been stalked, and 4% in the last 12 months.

According to the FRA survey, since the age of 15, 19% of interviewed women in Bulgaria referred being **sexually harassed**³⁰ in the most severe types of harassment³¹. When referring to the last 12 months, the percentage drops to 9%. Compared to the other 27 EU member states Bulgaria has the lowest prevalence rate of sexual harassment. There are several reasons that can explain this rate other than the fact that the actual prevalence rate is in fact low. These include cultural perceptions with regard to this behaviour (i.e what kind of sexual attention is unwanted) or the likelihood of people reporting that they were subjected to harassment.

Overall, Bulgaria reports around half of the EU average prevalence of physical and/or sexual violence. This finding is of a certain interest. Attempting to explain this fact goes far beyond the scope of this manual, However, as mentioned above, there are factors that can influence this low prevalence rate including a low willingness to disclose certain acts as they are embarrassing, or because of fears on the part of the victim Only more in-depth studies could provide more meaningful answers.

From the data provided by the FRA survey, it is interesting to note the percentage of victims who indicate that the most serious incidence of violence came to the attention of the police, corresponding to 17% (28->EU, 20%). With regard to non-partner violence, the percentage rises only slightly (22%, (28->EU, 22%).). With regard to the most serious case of stalking brought to the attention of the police, 28% said the police was informed.³²

To increase the number of reporting to the authorities, it is extremely important that the quality and effectiveness of the services provided by the police is set as a priority. Attrition rates should be addressed and reduced. This is of true especially with regard to psychological violence that the police themselves tend to underestimate and consider of less relevance.

³⁰ The six most severe forms of sexual harassment classified by FRA were: “unwelcome touching, hugging, or kissing”, ‘Sexually suggestive comments or jokes that made you feel offended’, ‘Somebody indecently exposing themselves to you’, ‘Sexually explicit emails or SMS messages that offended you’, ‘Sending or showing sexually explicit pictures, photos or gifts that made you feel offended’, ‘Someone made you watch or look at pornographic material against your wishes.

³² The Advocates for Women’s Rights. Retrieved from : <http://www.stopvaw.org/bulgaria2>.

1.6. International, regional and national legal framework for responding to violence against women

International and national law set forth the duties of law enforcement actors to promote and protect the rights of victims and to prosecute perpetrators of violence. While police work primarily within the domestic legal system, as agents of the state, they should also be aware of and be ready to uphold the international and regional human rights standards that apply to violence against women. Knowledge of human rights principles is also an important prerequisite to adopting a victim-centred approach. This section provides only an overview of key documents. When designing a training, however, a module on the legal framework could be expanded or even condensed further to suit a particular group of trainees. More details can be found in National documents or publications.

1.7. Relevant international, regional and national legal standards

For many years, violence against women, and more specifically domestic violence, was considered outside the realm of state responsibility because perpetrators are usually private persons – in many cases husbands, partners, brothers, fathers or sons – rather than actors working on behalf of the state. Since the 1990s, however, violence against women, including domestic violence, has received increasing attention by the international community and, subsequently, in international law. This surge in attention has resulted in the adoption of several crucial international and regional instruments on which the Istanbul Convention was drawn, including:

- ✓ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, and the decisions and recommendations adopted by the CEDAW Committee (especially General Recommendations No. 19 [1992] and No. 33 [2015] on violence against women and women's access to justice, respectively);
- ✓ UN Declaration on the Elimination of Violence Against Women, 1993;
- ✓ Beijing Declaration and Platform for Action, 1995;
- ✓ Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belem do Pará Convention), 1994;
- ✓ Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to Member States on the protection of women against violence; and
- ✓ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003.

These standards articulate the concept of **due diligence** in the context of violence against women. Under this standard, the public/private dichotomy that exists in international law cannot be used to justify state inaction. On the contrary, the state has an obligation to ensure that all human rights violations are treated as illegal acts, that they are investigated, and that perpetrators found guilty are punished and victims are compensated.

Insights about a country's due diligence towards protection of rights can be measured by different indicators³³. According to that information, Bulgaria still ranks low in its regional context and there is room for improvement including in several areas related to the work of law enforcement, for instance, the respect of the principle of no discrimination in the criminal justice system.³⁴

In this framework, within the broader due diligence standard, States must **ensure that women have access to justice** when their rights are violated.³⁵ When speaking about cases of violence against women, the concept of "justice" includes the criminal and civil justice systems, including any administrative role and responsibility held the police.

These legal instruments have also been essential in bringing about a **change in attitudes**: from regarding violence against women – and especially domestic violence in intimate relationships – as a private matter committed with widespread impunity, to treating the issue as a problem of public concern. The presence of international and regional standards put pressure over governments to ensure that actions are taken to improve legislations, access to justice and support for victims.

Key messages

- ✓ **Under international law, domestic violence is considered as:**
 - A fundamental rights violation;
 - A humane discrimination about equality recognised by Constitutions of any democracy;
 - Violation of freedom of expression and being and to have a safe family life.

- ✓ **Individual basic principles rights of use for the context of domestic violence:**
 - The right to life and personal integrity;
 - The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
 - The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
 - The right to liberty and security of person;
 - The right to due process/equal protection under the law;
 - The right to equality in the family;
 - The right to the highest standard attainable of physical and mental health;
 - The right of freedom of choices of education, work, cures.

³³ Constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice, from «The Rule of Law Index» <http://worldjusticeproject.org/rule-of-law-index>.

³⁴ <http://data.worldjusticeproject.org/#/groups/BGR>

³⁵ Committee on the Elimination of Discrimination against Women, General Recommendation on women's access to justice, CEDAW/C/GC/33, 23 July 2015, para. 14.

The Istanbul Convention

The 2011 **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention) is the most far-reaching development in the long line of instruments and standards at international and regional level (see Section 2.A) and provides the most condensed and detailed blueprint for action in this field.

The Istanbul Convention is a comprehensive and complex treaty³⁶. It is, at the same time, a human rights treaty and a criminal law treaty, but it is also an instrument for promoting greater gender equality. The Istanbul Convention answers the basic question of “what are the minimum standards and measures state authorities need to implement in order to effectively respond to violence against women and domestic violence?”

What makes the Istanbul Convention so ground breaking?

- ✓ It is the first treaty to provide a legally binding definition of violence against women as a violation of human rights and a form of discrimination against women (Article 3).
- ✓ It's the first treaty to integrate the due diligence standard in the field of violence against women.
- ✓ It requires states to criminalise the various forms of violence against women, including physical, sexual and psychological violence, stalking, sexual harassment, female genital mutilation, forced marriage, forced abortion and forced sterilisation.

Core principles of the Istanbul Convention

❖ The due diligence standard

Like in other international instruments seen above, the Istanbul Convention requires that states act with **due diligence** to promote and protect individuals' rights and to ensure that all human rights violations are treated as illegal acts. Under this standard all law enforcement officers are obligated to diligently prevent and investigate acts of violence, to punish violence under national law, and to provide reparations to victims (Article 5).

❖ Gender equality as crucial for the prevention of violence against women

The measures articulated in the Istanbul Convention are firmly based on the premise that violence against women cannot be eradicated without investing in greater equality between women and men and that in turn, only real equality between women and men and a change in power dynamics and attitudes can truly prevent violence against women. The key to combating violence against women is not merely crime control. It is making sure that women and men are equal, have the same rights and responsibilities, the same opportunities and that their contribution to society is equally valued and respected. Consequently, the Convention contains a number of provisions which aim at advancing the status of women in society *de jure* and *de facto*.

³⁶ The Istanbul Convention is open to accession to non-member states of the Council of Europe.

Prejudices, customs, traditions and other practices based on the inferiority of women or on stereotyped roles for women and men abound. Naturally, they influence gender interpersonal relationships but also how women are treated by public institutions including the police and the judicial system (see section 1.D). For this reason, the Istanbul Convention aims at changing attitudes and eliminating stereotypes not only at the level of individuals, but also at the level of institutions. It does so, for example, by placing the obligation on States Parties to conduct regular awareness-raising campaigns (Article 13), introduce teaching material at all levels of education (Article 14), regularly train all professionals in contact with victims including legal professionals and the police (Article 15), set up perpetrator programmes (Article 16), and involve the private sector and the media as partners in tackling violence (Article 17).

❖ **The human rights, needs and safety of the victim come first**

The Istanbul Convention makes it clear that in order for victims to receive the most effective support possible, their rights, needs and safety must be placed at the forefront of all interventions. This means offering protection and support when women at risk need it most, treating them with respect and sensitivity, and empowering them to make informed decisions that best reflect their interests. This requirement is further reinforced by the prohibition to discriminate on any grounds when providing protection and support to victims (Article 4, paragraph 3).

Ensuring that victims' needs are met also implies taking into account the needs of women made vulnerable by particular circumstances (Articles 12, paragraph 3 and Article 18, paragraph 3). Vulnerable groups may include³⁷ pregnant women and women with young children, disabled women, including those with mental or cognitive impairment, women living in rural or remote areas, substance abusers, sex workers, women of national or ethnic minority background such as Roma women, migrants – including irregular migrants and refugees, lesbian, bisexual and trans-women.

❖ **Domestic violence affects women disproportionately**

In line with the recognition of the structural and gendered nature of violence against women, the Istanbul Convention requires State parties to apply a gender lens when addressing domestic violence as the overwhelming majority of victims of domestic violence are women and girls. This does not mean that men do not experience domestic violence or that they do not need support. In fact, the provisions of the Istanbul Convention have been drafted in gender neutral language, which means that any of its provisions can be implemented with a view to supporting and protecting men and boys who experience any of the forms of violence covered by the Convention, with the exception of female genital mutilation and forced abortion (Article 2, paragraph 2).

❖ **Addressing the needs of children as victims and witnesses of violence against women (including domestic violence)**

While it is important to recognise that most victims of domestic violence are women, it is equally important to recognise that many of these women have children. In some cases, the violence is directed at both, women and children. In other cases, children are not targeted themselves but witness violence against their mothers (see section 1.C). For this reason, the

³⁷ This is not an exhaustive list of women made vulnerable by particular circumstances.

Istanbul Convention requires all measures of protection to take into account the relationship between victims, perpetrator, children and their wider social environment. The aim is to avoid a situation where victims and their needs are addressed in isolation or without acknowledging their social reality (Article 18, paragraph 3). The Istanbul Convention also calls for specialist support for children in such situations (Articles 22, 23 and 26) based on their needs.

In line with the Council of Europe Guidelines on Child-friendly Justice, the Istanbul Convention requires State parties to afford child victims and child witnesses special protection at all stages of investigations and judicial proceedings (Article 56). The best interest of the child must be the guiding principle when children come in contact with the law enforcement system.

❖ **Co-ordinated and multi-agency approach**

Due to the complex nature of gender-based and domestic violence, no single agency or institution can successfully tackle such violence on its own and isolated policies are not sufficient in responding to such a complex and multi-faceted problem. Good practice examples show that results are enhanced when law enforcement authorities, the judiciary, victim support services, child protection agencies, non-governmental organisations and other relevant partners join forces to develop a comprehensive and co-ordinated response to combating gender-based violence.

The Convention addresses the need to co-ordinate measures and to implement them by way of effective co-operation among all relevant actors (Article 7, paragraph 2). More specifically, the Convention requires that in providing support to victims and witnesses, State parties must provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities (Article 18, paragraph 2). It also recognises the work and expertise of non-governmental organisations in this field and asks States Parties to co-operate effectively with these organisations (Article 9).

Monitoring of the Istanbul Convention

The Convention establishes a monitoring mechanism to assess how well its provisions are put into practice. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the States Parties to the Convention. Their findings and recommendations will help to ensure states' compliance with the Convention and guarantee its long-term effectiveness.

Further reading

- ✓ More information and publications on the standards and measures included in the Istanbul Convention can be found using the following link: www.coe.int/conventionviolence
- ✓ The Bulgarian version of the Convention is available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046246f>

Developments at the European Union level

To date, the European Union (EU) has not adopted any definition or legally binding instrument covering violence against women in all its forms nor has it regulated the substantive criminal law provisions contained in the Istanbul Convention³⁸.

There have been however some important developments in the field of rights for victims of crime, cross-border application of protection orders (both civil and criminal), and other forms of cross-border co-operation covered in the scope of the Istanbul Convention:

- ✓ **Directive 2011/99/EU of 13 December 2011 on the European Protection Order**, allows victims of violence – notably those who have suffered domestic violence or stalking - to have any restraining, protection, and barring orders issued in one EU member state to be quickly and easily recognisable across the EU through simple certification.
- ✓ **Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime**, establishes a series of rights, support and protection that a victim of crime - including gender-based violence – is entitled to receive before, during and for a period after criminal proceedings.

Bulgarian law regulating violence against women and domestic violence

This manual focuses on internationally recognised good practices, and it is not within its scope to provide a detailed review of the Bulgarian legal and policy framework relevant to violence against women. Still, the most significant legislative and policy developments are noted here.

Bulgaria is in the process of ensuring that its legislation is aligned to international standards and notably, to the Istanbul Convention. In this regard, the Government has set up a task force that by the end of 2016 has to propose changes in the criminal law and criminal procedure law and at the administrative level. Any amendments will pave the way to the ratification after Bulgaria signed the Istanbul Convention in April 2016. The amendments to criminal law and procedure will include increased punishment for repeated acts of

³⁸ The Istanbul Convention provides for the signing and the ratification of the Convention also by the European Union. The EU can accede to it to the extent of its competences. The EU is currently examining this possibility.

domestic violence by the same perpetrator and expansion of the scope of protection orders for victims.

When current trainers implement their trainings to the police in the future, they will need to ensure that both the criminal and the civil justice systems are reviewed accordingly.

While police have greater engagement with the criminal justice system, proper communication and co-ordination requires an understanding of civil remedies as well, especially in relation to the granting of protection orders which is a particular kind of civil procedure in Bulgaria. Similarly it occurs when administrative procedures are adopted.

The following table lists key areas of the law that should be addressed in a comprehensive training module on the national legislative framework relevant to domestic violence.

Justice sector	Topics with relevance to domestic violence
Constitutional law	<ul style="list-style-type: none"> • Equality between women and men; basic rights
Criminal law and procedure	<ul style="list-style-type: none"> • Crimes against life and health; premeditated murder; manslaughter; rape; sexual assault; intentional injury; threat; stalking; etc. • (Pre)-trial measures that could be used to protect victims (e.g. evidentiary issues; request for closed trial; video testimony, etc.) • Sentencing/ probation • Parole review • Protection orders (prosecutor-initiated)
Civil law and procedure	<ul style="list-style-type: none"> • Protection orders • Civil damages for personal injuries
Administrative law	<ul style="list-style-type: none"> • Act on the Police Force: issuing short-term eviction/protection orders
Family law	<ul style="list-style-type: none"> • Divorce hearings • Child custody/ visitation/ support orders • Child protection
Specific legal acts	<ul style="list-style-type: none"> • National Law on Domestic Violence (when enacted) • Act on the Provision of Legal Aid for People in Material Need

In relation to the role of the **police**, Article 20 of the LPDV covers a very important aspect. It states that the order for protection shall be subject to **immediate execution**. According to Article 21 (1), the police bodies shall follow the fulfilment of the order when the measures mentioned in Article 5, (1), items 1, 2 and 3 have been imposed.

Article 21 (2) establishes that when a measure under Article 5 (1) item 2 (removing the perpetrator for the shared residence) is imposed and the perpetrator refuses to undertake such provision, the police will expel him from the shared residence with the assistance of the police authorities of the district department of the Ministry of Interior at the location of the residence. The police should not have discretion into whether deciding to arrest the person or not.

Article 21 (2) states that when the protection order measure set up by the civil court is breached the police has to notify the prosecutor's office.

PART II – EFFECTIVE RESPONSES IN ADDRESSING DOMESTIC VIOLENCE AGAINST WOMEN

Domestic violence between current or former partners is a serious crime. It involves women of all ages, cultures, education. It also has a ripple effect on personal relationships, psychological and physical health, job opportunities and social life. The police can contribute to ending the cycle of violence by enforcing the law and providing an effective deterrent for future violence.

Effective police intervention in dealing with these cases requires special training to understand the dynamics of abuse and to ensure the best response. The role of the police in dealing with violence between partners goes from prevention to intervention. As the present manual has been created for training the law enforcement and justice officers on how to handle cases of domestic violence against women, it does not address the role that the police can have in addressing prevention of violence between partners through campaigns or general community and/or school intervention.

This part of the manual explains the different stages in which the police are involved when dealing with domestic violence, and enables the police officers to:

- ✓ understand what has happened;
- ✓ intervene to protect any person at risk;
- ✓ identify if a crime has been committed - and report it to the prosecutor's office;
- ✓ adopt immediate procedures to assess the risk of recidivism and identify what measures are legally available with regard to the prevention of escalation of violence, re-occurrence of crime or murder or suicide.

The different phases where the police is involved when dealing with domestic violence are:

- ✓ The first call: the police dispatcher;
- ✓ Intervention at the sight of the alleged crime/attack;
- ✓ Interview phase onsite or at the police station with the victim, suspect, children, and witnesses;
- ✓ Investigative phase for the collection of evidence and transfer of information to the public prosecutor's office.

2.1. The first call: the police dispatcher

Key concepts

- ✓ Domestic violence cases should be treated as serious, life threatening crimes and be given high priority.
- ✓ The role of the police from the first call is vital for stopping domestic violence. Dispatcher officers should be sure they have a full picture of what has happened to protect the victim and the responding officers.
- ✓ The police dispatcher should pay attention to background noise, ask relevant and useful questions for immediate assessment of danger.

The Police calls at the National Police emergency number 112 for so called 'family disputes' are very common. The police dispatcher answering these phone calls has an important role because it may be the first (and only) contact the victim or neighbours or other people at the scene of the abuse might have. The way these calls are handled can have enormous consequences for the safety of the victim and children (if any) and for any other people involved. What is said over the phone is recorded and can be used as evidence for prosecution and during a trial. The police dispatcher has also a fundamental role in creating the best and most effective link between the victim (or the caller) and the intervening police ensuring the safety for both. At this stage, even with limited information, the police do an initial assessment of risk which helps identify any high risk case.

The following **minimum steps** should be followed by the police dispatcher when receiving a domestic violence call.

- ✓ **Step 1: give priority** regardless of whether there is clear evidence that lives are in danger; a police car/motorbike and at least two officers should intervene.
- ✓ **Step 2: gather information.** The dispatcher should not ask the victim on the phone what she wants to do, press charges or not, but instead gather as quickly as possible **relevant information** by posing **clear and firm questions on:**
 - place of the emergency, address, apartment number, other information to find the location, contact number;
 - who is on the phone, name, age;
 - what happened;
 - presence of injured people. If so, call an ambulance at the same time if not already done so;
 - presence of children;
 - use or threats of use of fire arms or knives or any objects;
 - whether the perpetrator is under the effect of drugs or alcohol;
 - whether the alleged perpetrator is still at that address. If not ask where he could be, if known;
 - whether the police have been called other times;
 - presence of a restraining/protection order issued by the court.

- ✓ **Step 3: find background information.** The police dispatcher should be able to find out information from the police files (usually in electronic format) and provide the intervening officers with information about any prior calls and interventions at same address, same victim/perpetrator, when and a brief summary of what happened (regardless of what the person says on the phone) and the recorded presence of fire arms.

And all through the process, the dispatchers should be aware that these calls are usually made by someone who is desperate, scared, emotionally confused, threatened even injured, or who tends to minimise the seriousness of the event also due to the presence of the alleged perpetrator nearby. The victim might not be able to speak openly or she might pretend she is calling a friend or a family member rather than an emergency number.

It is important to ask relevant questions where the victim, children or whoever is in danger can reply with just a yes/no answer, or by providing an answer on a scale from 1 to 5 asking the victims whether she needs the police to intervene and say a number where 1 is no, and 5 absolutely yes (see the hand-out). The dispatcher who is handling the phone call should try to calm the victim down but also communicate to her that someone is arriving at the given / provided address. The dispatcher officers should recommend the victim, if feasible, to wait at a neighbour's house or stay on the phone until the police arrive.

While on the phone, the dispatcher should be attentive and record any **background noises** such as shouts, screaming, crying, the sound of breaking objects etc. This is useful for assessing the level of immediate danger to be given to the responding officers. As mentioned earlier, such recordings might prove to be important evidence in a criminal trial.

EXERCISE: How to handle first calls

Exercise	Aim	Time	Procedure
A possible call	Learn to understand what happens when confusing statements are provided on the 166 line; the best course of action for the dispatcher police officer; what to communicate to the victim; what information to gather for the police intervening needs	30 min for each case: 10 min role playing 20 min group discussion and discussion for final recommendations	This is a case study with an optional role-playing exercise. Distribute the case and ask a group of participants to perform the roles. The other participants observe. Following role-playing the group discusses: right and wrong questions, how to look for clues to understand what is going on, what to ask the respondent, how to act when in an emergency or when children are involved and identify risk, things to say.
<p>Case 1 <i>A female voice is calling 166, stating that there is a family fight going at the following address: 119 N Tsarigradsko Shosse Blvd.</i></p> <p><i>Because some people speak in general terms, the dispatcher police officer has to determine what the caller means by “family fight.” In some cases, the caller might provide more information, if not it is up to the police officer to ask explicitly what is going on. If the caller says that a woman at the scene is screaming, upon further probing, she might add that the woman, for instance, is screaming about ‘stabbing’ or shooting’. The responding officers should also have this detailed information for the intervening policemen’ safety, since several different scenarios and possible consequences exist. Through detailed questioning, the dispatcher can save lives of citizens but also of colleagues.</i></p>			

Case 2

A phone calls emergency police number saying she is being beaten up by her husband.

The alleged victim may be speaking in general terms. It is the dispatcher's responsibility and role to determine what the caller really means. The expression "being beaten up" can reflect different levels of risks: How is she being beaten? While the general conclusion is that when the word "beaten" is used it means physically beaten. However, this may not be true. A person can be beaten with an object, such as a chair, a glass, a potentially killing object or not.

Sometimes, a person will not accurately state the problem. What the victim may be trying to say that she is being assaulted with a knife. The police dispatcher must constantly keep in mind that the person who is calling may be in a highly emotional state and may not be able to describe what is actually happening. A skilled dispatcher, however, should determine the nature of the problem and inform the responding officers so that they can be prepared and prevent loss of lives or escalation of violence.

Case 3

A woman calls stating that her husband is threatening her but the voice is not clear and there are noises in the background.

The police dispatcher needs to determine: how the husband is threatening her. Is he threatening her with a weapon? If so, ask what type of weapon? Where is the weapon? Are there other people in the room? Are there children? Has the husband been drinking or taking drugs? Tell the victim to take prevention measures until the responding officers arrive at the provided address.

Case 4

A young boy calls the police screaming that daddy is hurting mommy.

A skilled dispatcher is needed to handle these situations. The dispatcher must be able to methodically and patiently attempt to gather detailed information from the child without adding stress or asking difficult questions. The child might be witnessing a violent episode. The dispatcher needs to understand who is involved, if there are fire arms, knives, if there is somewhere the child can go safely. The dispatcher first needs to make sure that he or she has obtained the needed relevant information. The dispatcher should recommend that if possible the child should go to someone where he/she can be protected bearing in mind that the child might not want to leave his/her mother and wants to try to 'protect' her.

Case 5

A child calls crying, reporting that her daddy is killing her mommy.

The role of the dispatcher here is vital to save lives. The dispatcher has to be quick but patient at the same time. He or she has to gather all relevant information in a very brief amount of time from a young child who is apparently witnessing a dramatic event: her father is “killing” her mother. The child is seeing and hearing the two people she loves and depends on in a life threatening struggle, potentially with blood, broken objects and the father with a gun or a knife or other lethal object.

The dispatcher has to be able to ascertain from the child: what is happening (what is “killing”), is a weapon involved? Is the father drunk? Have both parents been drinking? Has her mother been injured? Is the mother saying something? Where does the child live? Is there someone next door the child can go to?

Concluding points

Have the trainees, divided into small groups, come up with some general rules (see check-list and processing card in the hand-out in the next session).

2.2. Interviewing victims (women, children) and perpetrators

Key concepts

- ✓ Police officers' conduct during the interview will determine the victim's willingness to cooperate. Watch out for fearful victims minimising or denying need for the police.
- ✓ Victims' interviews require special techniques in order to gather relevant information without losing sight of the safety of the victim and making sure she trusts the police. Avoid secondary victimisation with leading or judgmental questions. No irony, ambiguous or indirect questions.
- ✓ When at the site of the offence, separate the parties. Listen to the victim in a quiet and safe place in the house. Never use the kitchen. Allow the victim some time, if there is no threat of life or immediate need to go to the hospital.
- ✓ When interviewing children, reassure them about their safety and the safety of the ones they love. Children are susceptible to leading questions to please the officer. Make sure the children know what happened and that what will happen next does not depend on them.

2.2.1. General considerations when the police interacts with victims and suspects

The Istanbul Convention gives special attention to the role and responsibility of the police in all stages of involvement. According to Article 50 the police has to “respond promptly and appropriately by offering adequate and immediate protection to victims” and also, by promptly and appropriately providing “preventive operational measures and the collection of evidence”.

Practical and useful examples of what this means for the police are the following:

- ✓ having the right to enter the place where a person at risk is present;
- ✓ treating and giving advice to victims in an appropriate manner;
- ✓ hearing victims without delay by specially trained, and where appropriate female, staff in premises that are designed to establish a relationship of trust between the victim and the law enforcement personnel; and “provide for an adequate number of female law enforcement officers, including at high levels of responsibility”.

Overall, police officers should have a **reassuring** approach in handling these cases but also one that reflects the understanding of the severity of the offence and the impact on other

people. Irrelevant, intimidating and ironic questions should be avoided as these may lead to the victim feeling frustrated, disbelieved or scared and as a result will be less collaborative.

These very general considerations to avoid secondary victimisation are of relevance for officers intervening at the site of the abuse and at the police station. Also for officers in charge of investigations, gathering evidence and interacting with the judiciary system and who might have direct contact with the victim.

- ✓ **How the officer conducts the interview will determine the victim's willingness to co-operate** (or not) with the police. If she feels safe and believed, it is more likely that she will trust the police and provide more extensive and useful information for the investigation. Effective and effective investigations will allow the police to perform better, be more satisfied with their interventions and have an increased chance of saving lives and reducing further violence towards victims and their children.
- ✓ Violence should never be mediated, so when dealing with these cases, **the police should not justify the violence** or minimise its seriousness. Perpetrators should never find allies in the police, especially male officers. This does not suggest that the police collude with the perpetrator, but even a gesture or absence of intervention after a possible crime has been detected, might give the perpetrator more power. Understanding the cycle of violence (that was presented in section B above), the impact, the consequences of violence, the victim's reactions and her fears and needs will enhance the capacity of the police to handle these complex crimes.
- ✓ **The police should not be misled by victims' behaviour.** There are cases when the woman behaves 'hysterically', or minimises or denies what happened. The victim may say to the police that everything is fine and might even try to interfere with the police's work to prevent the perpetrator from being arrested or banned from the house. The police should assess the situation and act to protect any vulnerable victim of violence who in certain situations may not be capable of understanding and assess the risks (see Part III).

In Bulgaria, in cases when there are indications of imminent threat for the life and health, the LPDV allows (Article 4(2)) for the victim to address police authorities and submit a request for introduction of urgent measures. The authorities of the Ministry of Interior will then send the request to the court accompanied with an explanation by the suspected perpetrator, if any, and the record of proceedings including the measures in place and identifying the circumstances that require immediate court protection. Measures that the police can take when intervening include transporting the victim to a safe location or arresting the suspect if considered aggressive and have him in detention for 24 hours. It is crucial that the immediate risk of escalation or recurrence of violence is prevented. The Istanbul Convention (Article 52 on emergency barring orders) specifies that the competent authorities should have the power to remove a perpetrator of domestic violence from the residence "in situations of immediate danger and that priority shall be given to the safety of victims or persons at risk".

This type of provision, of immediate action in the power of the police, is foreseen in the Ministry of Interior law (72/2015) that specifies all the functions and roles of the police. With regard to the role of the police Article 65 (1) establishes that the police bodies shall issue a verbal or written warning to persons, in regard to whom sufficient information exist and it is supposed that he/she would commit a crime or a violation of public order.

As per Article 65 (2) written warnings shall be included in a notice to the person informing him/her of the liability related to the respective crime or violation of the public order.

According to Article 65 (3) the notice of warning shall be issued in the presence of the person and one witness, and signed by the police body, the person and the witness after being read by them. Should the person refuse to sign the notice, the fact shall be certified by signature of the witness. In cases of domestic violence a copy of the notice of warning shall be made available to the victim upon request”.

Being able to perform at this stage risk assessment would be an additional procedure for the police to best evaluate what action to take (risk management). These warnings can be issued before any protection orders since they are a decision the police can take immediately, regardless of whether the victim will apply for a protection order. Emergency protection orders, when issued, can last up to 24 hours and eventually be extended for an additional 72 hours, based on the decision of the judge.

Violation of Article 65 of Law 72/2015 does not imply a criminal offence, but has an administrative consequence (a fine). Violation of a protective order however does constitute a violation of a court order and implies arrest.

2.2.2. At the scene of the incident/crime: safety issues when interacting with victims, suspects and witnesses

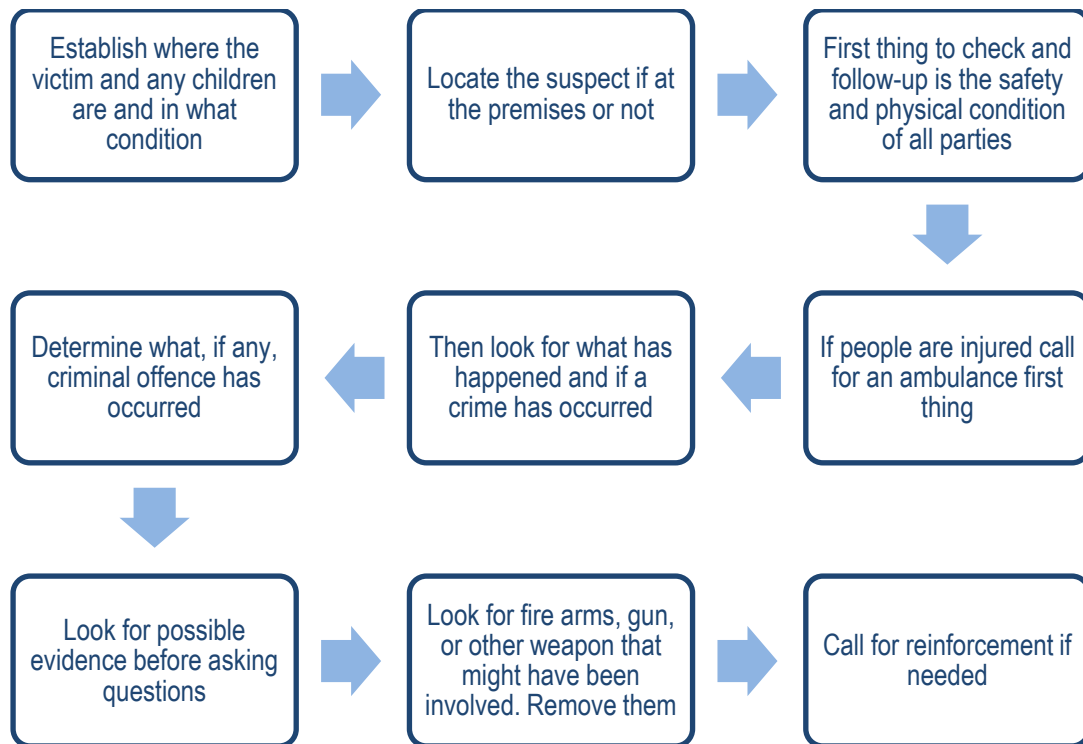
The response of the police at the scene of domestic violence lays the foundations for the criminal case and can have a huge impact on the victim’s safety. Applying a victim-centred approach is likely to increase the safety of the victim and it is a clear message for the perpetrator that his behaviour is not acceptable. A prompt intervention is not only recommended but required by the Istanbul Convention (Article 52).

There should always be two officers arriving at the scene of the incident/crime. They should have been informed in advance about what has happened and how dangerous the situation is. However, domestic violence calls to the police bring along a certain degree of unpredictable outcomes. Even if the call has been classified or identified as ‘low’ risk by the dispatcher officers, because there were no elements of high risk, or because the risk was not well ascertained, it can happen that the risk is high and it was hidden, and the risk of serious violence might still prevail.

Fortunately, over half of ‘family disputes’ do not imply serious violence nor do they pose a lethality risk, but even these ‘lower’ level of risks deserve the best and most effective police response by well trained and prepared officers, also to prevent their escalation. This is why it is important that all police officers entering the police force have within their basic training, modules related to domestic violence.

Agreeing on specific procedures and steps to follow minimises the risk of further violence and ensures the safety of the victim. The agreed steps should cover all stages of intervention, starting, as described in the previous section, with the emergency phone call.

Figure 4: Steps to take at the scene



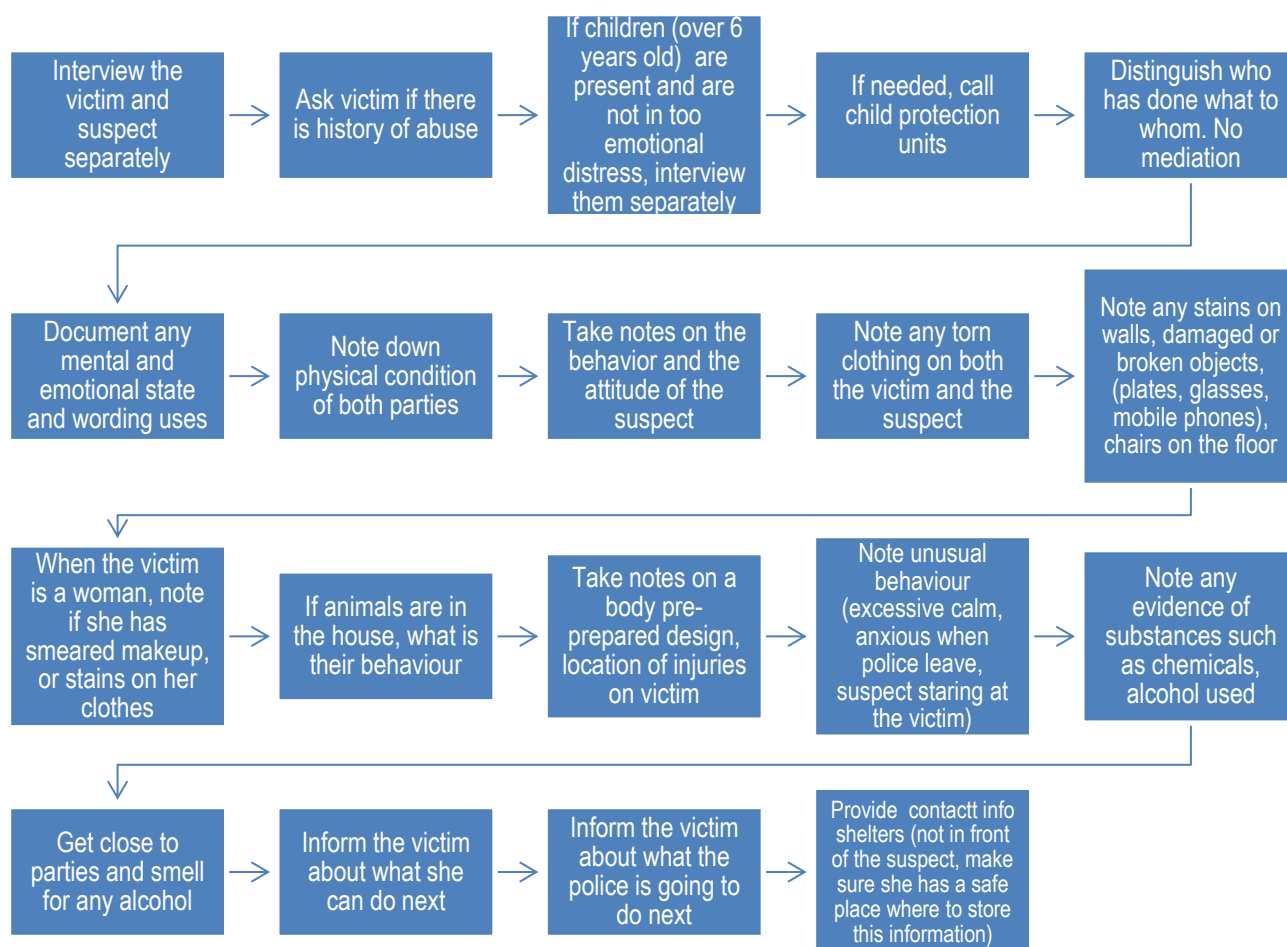
As soon as the officers arrive at the address provided, they should find out who is present and whether there are injured people who need immediate medical assistance. When entering the premises where the incident has taken place, it is not sufficient to ask who is present but the police need to check the premises themselves. If both the victim and the perpetrator are present, the first thing to do is to separate them and interview them individually. The female police officer talks to the alleged victim and the male officer to the alleged perpetrator, if present. It could be that, for safety reason, the police have to modify the scene of the crime (by moving objects or pushing obstructing furniture).

The officers should then pay attention to the conditions the apartment/house or other premises where the incident took place, trying to gather evidence of what happened. This requires first searching for guns or other weapons, and if present, removing them immediately. In some circumstances, if more people are involved, or a high-risk situation has been ascertained, it is advisable to call for reinforcement. The interviews should take place only after the high-risk situation has been cleared and victims are safe.

2.2.3. Conducting victim interviews: avoiding secondary victimisation

The next figure summarises the steps that the police will take to conduct a useful and respectful interview with the victim. These standards reflect the principles of Art. 15.1 of the Istanbul Convention that requires member states to provide training to professionals on the needs and rights of the victims in order to avoid secondary victimisation.

Figure 5: Asking questions and gathering evidence



When conducting an interview with victims, open-ended questions are most useful to obtain relevant and reliable information for any future investigation. They enable talking to gather information without influencing the parties and without putting pressure on them. It is recommended not to interfere with the victim's flow of thoughts and only once the victim stops or does not know how to continue, then it is advisable to make more specific close-ended questions.

The following questions can be asked:

- Please tell me what happened
- Has anything like that happened before? Has this person (your partner) hit you before? Since when?
- How were you hit? With a hand? Open or closed hand?
- With an object? Which object? Please, show it to me.
- In which part of your body were you hit? Do you mind showing it to me? Can I take a photograph?
- Can you show me on the diagram (show a 'body shape' image) which part of the body was hurt?
- Shall we get medical help for that? Did you visit an emergency room before?
- Were you threatened in some way? What were you told? Can you repeat the words for me?
- Are there any weapons in the house (beside knives)? Were they used? Can you show me where they are?

Some questions to avoid in the interview:

- What did you say to make him so angry?
- What did you do to make him react in this way?
- [Questions that are ambiguous or rhetorical]: are you ok? Is everything fine? People tend to confirm, when asked these questions, even if they are in shock or in a state. It is preferable to ask specific questions, which help the victim to focus her attention on any part of her body which is harmed and act accordingly. This will result in increasing willingness of the victim to collaborate.

Strategies that the police can use for a good interview:

- Police officers should adopt a calm direct tone of voice and way of talking
- When a victim or a suspect is angry or shouting, the officers should ask her/him to calm down and reduce their tone of voice . It is a peaceful way to force the person to calm down, as otherwise he/she will not be able to understand what the police say.
- Repeat questions and statements as many times as needed until it is clear what needs to be understood.
- Call people (the victim) by her name, this will help her focus and pay attention to what is being asked or said
- Make sure different and contradictory messages are not sent out by the officer. The body language can convey feelings of irritation, disbelief about what is heard or a judgmental attitude.
- Questions should be informative and non-accusatory
- Because the motives that led to the attack are not relevant, since violence should never be committed, victims should not be asked about what went wrong in the relationship.
- It is not up to the police to decide what happened and why, but to find out if a crime has been committed and act accordingly.

2.2.4. Victim's ambivalent attitudes and behaviour when interacting with the police

Police officers should be aware that the victim might not act in a logical way when they arrive at the location of the abuse and she may do or say things that are incoherent and contradictory. The victim might be in denial, minimising, saying that they had the TV on with a lot of people shouting, or that she fell and that is why she is bleeding or that objects are broken because she was cleaning. This could also be due to embarrassment, fear, or underestimation of the severity of what has happened. The victim might blame herself and feel isolated. These reactions and conditions are plausible and should not interfere with the duty of the police and what they have to do.

In any of these circumstances, **the police officers could:**

- Reassure the victim but without promising something they cannot fulfil and explain what will happen and what the victim can do
- Avoid asking the same question if he or she sees the victim might be in shock, terrorised and be unable to say or do anything
- Reassure the victim that it is not her fault and that many women experience violence between partners.

Still, even with well-prepared officers, you might find that **some victims are not cooperative**. This is also due to lack of faith in the criminal justice system, confusion about what will happen afterwards, and what might happen to the children, if any. The victim might not be able to know what she can do and how, since there are many obstacles to taking the decision of 'just leaving'. Women victims of abuse simply want the abuse to stop and any other decision might seem impossible to reach or very difficult to follow.

The officers cannot solve the whole problem, but their role is very important at this stage. In order to encourage and give strength to the victim, **the officer might:**

- Explain to the victim that what has happened is a crime and that she should not underestimate it.
- Provide the victim with telephone numbers and reference to services and counselling for victims
- Underline that she cannot solve the problem on her own and that she needs help and support
- Explain to the victim that it is not her responsibility to change the man and his behaviour. It is for him to change.
- Explain to the victim that in most cases the violence takes place over and over again and it gets worse and that the perpetrator will not just stop.

2.2.5. Actions to take towards the suspect

The profile of perpetrators can vary, from low socio-economic class to high class, poor or rich. The address where the officers intervene could be from very poor area of the country, to a very rich neighbourhood. The officer should not be influenced by any of these elements and act according to the law. Some perpetrators might be very angry and shout because they entered the house without permission. Others might be very accommodating and charming, trying to persuade the officers that everything is fine or to minimise the accident (see Figure 2.3)

To avoid being manipulated by the suspect and be able to do their job properly, the police should:

- Allow the suspect to give his side of the story without accusing him. This will only make him more defensive and in denial.
- Not make any statement or provide nonverbal signals which imply agreement with what he is saying.
- Report his version of the story even if clearly absurd.
- Inform the perpetrator about his rights according to the legislation if he is being arrested or if he is going to receive a barring order.
- If the suspect has left the apartment, ask the victim if they know where he went, any addresses, location where she thinks he might have gone.

Figure 6: Steps and procedures towards the suspect



2.2.6. Interviewing children

Special attention should be dedicated by the police when interviewing children. Good coordination is also needed with services in charge of the protection of children³⁹. If children are present in the house, it is recommended that a psychologist carries out the interview. If this is not possible, the police officers can still ask the children questions to gather relevant information from them. Children themselves might feel like talking and being actively involved, and feel useful. They might also want to protect their mother, or other people in the house, or even an animal. The Istanbul Convention recognises that all professionals (including the police) will have to take special care and caution when dealing with children who are living in domestic abusive families. This implies taking the best interest of the children into account first.

As discussed in section 1.C there are cases where children will minimise what happened, or forgive and try to prevent the perpetrator (their father) to go to prison. Their father may even have threatened them that they will bear the consequences of his incarceration. When interviewing children, **the police should bear in mind** the following:

- Interview the children in a safe and quiet room.
- Speak to the child at eye level, by either bending down or sitting down, one next to each other.
- Explain to the child why they are there; avoiding making judgmental statements about the father and what has happened, but not minimising or saying they just came for a visit.
- Be friendly yet underline what they are there for. Children might very likely be relieved that the police have arrived to protect them and their mother, and in most cases, children know exactly what has been going on. Children might have witnessed many other incidents in the past.
- Ask questions in a non-leading way, trying to gather information about what happened and also if it happened in the past.

2.3. At the police station

For a victim, reporting against her partner is a difficult choice to make. Reporting against the man she loved and towards whom she still has feelings, and for whom she feels sorry, who might be the father of her children can be very devastating, shameful and embarrassing, sad and confusing. Victims simply want the perpetrator to stop and the police to stop his behaviour. Victims are not seeking imprisonment or revenge. Therefore, at the police station victims might provide a partial or contradictory story. The Police need to understand these mechanisms and be patient, reassuring and as empathic as possible.

Informing the authorities could also be dangerous for the victim because calling the police or going to the police station **might result in further acts of violence** or segregation or kidnapping of the woman or of the children if safety measures (risk management) are not

³⁹ Stanley, N., Miller, P., Richardson-Foster, H. and Thomson, G. (2011) Children's Experience of Domestic Violence: Developing an Integrated Response from Police and Child Protection Services. *Journal of Interpersonal Violence*, 25, 12, 2372-2391.

immediately implemented in high-risk situations. These are common scenarios women victims of violence are confronted with.

If the victim is interviewed at the police station, she might not feel at ease. On the other hand, when the victim is interviewed by the officers at home it might have been after a peak of violence and explosion which is not a representative situation of what usually happens or how the woman usually feels. At home, she might be too afraid to speak. The police should interview the victim in a hospital or in a shelter or wherever the victim prefers. It is preferable to let the victim decide.

At the police station, it is very important that there are specialised officers who can deal with the victims in a sensitive manner and gather all the information needed for the file. The police should check whether she has previously made a complaint, whether the police ever intervened at her house and if there is a recorded history of recidivism. As indicated by the Istanbul Convention whenever possible a female police officer should be present to make the woman feel more comfortable.

The following tips could be useful to provide an effective and respectful **victim-centred interview** at the police station:

- ✓ Choose an appropriate comfortable location for the victim;
- ✓ Provide refreshment;
- ✓ Allow time for questions, to express emotions and enough time for her to gather her thoughts;
- ✓ Ask victims if they want them to call a friend or a relative;
- ✓ Make sure that it is a good moment for the victim to provide her statement.

Make sure the following **problems** are avoided and if take place addressed effectively:

- ⊗ Prevent other officers coming in and out of the room or other activities taking place in the room;
- ⊗ No interruptions with phone calls or other tasks;
- ⊗ Avoid the victim having to repeat her statement to different officers.

2.4. Investigation, gathering information/evidence and reporting to the prosecutors

The last stage of the police activity in domestic violence cases is that of gathering the information and sending the whole report to the prosecutor's office. The same considerations and principles that were presented in connection with the other stages of police work are also applicable at this stage and therefore not repeated here.

This stage implies gathering proof and any elements to support the investigation of the alleged crime and actions. This includes any background information related to: prior violent attacks, presence of weapons, witnesses (friends, relatives, co-workers, neighbours, children living in the house), the existence of a restraining/protection or warning order, prior access to the emergency services. Some of this information can also be retrieved from police records; others will have to be gathered from interviews.

It could be useful to provide the police with a interview format or protocol on which information to gather and what to ask the victim. This procedure allows also police officers to not dismiss useful information, and also in order to help reluctant or anxious victim in providing their statement.

PART III – ASSESSING RISK OF RECIDIVISM IN CASES OF DOMESTIC VIOLENCE AGAINST WOMEN

3.1. Risk assessment

Risk assessment is the “decision-making process through which we determine the best course of action by estimating, identifying, qualifying, or quantifying risk”.⁴⁰ The CoE Istanbul Convention (Article 51) explicitly refers to the obligation of the relevant authorities to conduct ‘**risk assessment and risk management**’ in order to manage the risk and if necessary to provide co-ordinated safety and support”. Risk assessment should systematically take into account the possession or access to firearms by perpetrators of acts of violence covered in the Convention.

The CoE Istanbul Convention does not specify which risk assessment methods should be used, but it stresses what risk assessment is for: to have a shared ‘language’ that enables all parties involved in dealing with a case of domestic violence to have a similar understanding of which are the most problematic aspects of the case and that need to be addressed in order to increase the safety of the victim and to reduce the risk of reoffending and even eventually of murder.

The Bulgarian Law on Protection from Domestic Violence (LPDV) introduced two types of protection orders for the victims of domestic violence under a civil law procedure:

- ✓ **Immediate/urgent request:** In cases of imminent threat for the life and health, the victim can file a request for an emergency protection orders filed through the police. Art. 18. (1) of the LPDV establishes that when the request contains data about direct, immediate or following threat for the life or the health of the aggrieved person the district court shall, in a closed session without summoning the parties, issue an order for immediate protection in of the term of 24 hours after receiving the request. In this case, risk assessment can be useful to decide whether there is a risk and how severe it is.
- ✓ **Ordinary protective orders:** They are imposed under the procedure established in Article 7 LPDV and are imposed by the district court of the permanent or current address of the victim. They can be requested by the victim or several of her relatives defined in Article 8. Article 9 LPDV establishes that a declaration of the applicant shall also be attached containing details about the violence. The court could also require information about the criminal record of the perpetrator, the measures imposed under the LPDV and whether he is kept in psychiatric account.

According to the Article 296 of the Criminal Code, a person who obstructs or prevents the enforcement of a judgment or does not observe an order for protection against domestic violence or a European protection order in any way whatsoever shall be punished by

⁴⁰ Nicholls, T.L., S.L. Desmarais, K.S. Douglas, and P.R. Kropp. 2006. Violence risk assessments with perpetrators of intimate partner abuse. In *Family Interventions in domestic violence: A handbook of gender-inclusive theory and treatment*, eds. J. Hamel and T. Nicholls, 275-301. New York: Springer Publishing Company.

imprisonment of up to three years or a fine from up to BGN five thousand. However, there is still a lot of discretion at regional level with regard to how to act when a violation occurs and there is still some misunderstanding of what constitutes a violation of the protective orders.

What the LPDV requires to issue a protection order is assurances that they are based on objective grounds and criteria. The same objectivity is required for the immediate/urgent request procedure involving the police and to assess the risks of violation of protection orders. A risk assessment procedure is useful since it allows to base decisions on objective factors that can be shared between other services and professionals involved in the case.

Risk assessment can be utilized as a standardized yet flexible procedure to reduce discretion in the police evaluation of risk. This means that throughout the country, police officers will reduce the use of their own discretion when 'interpreting' a case of domestic violence. It will provide a uniform and effective response to each case. This will help reduce the risk of recidivism and re-victimisation and assist the police in their daily work. For the procedure to be most effective, it should also be shared between different professionals (not only the police but also judges and prosecutors).

A standardized risk assessment procedure helps understand the types of risk the perpetrator is posing to the victim and whether the risk is associated primarily with severe physical violence or to other forms of violence. A procedure that helps assess what is a risk, which are the risk factors, and how they interact, is of extreme importance for the prevention of future violence and/or homicide ⁴¹. The objective of risk assessment is to allow professionals to prevent:

- ✓ Reoccurrence of violence between partners / former partners
- ✓ Escalation of violence within partners / former partners;
- ✓ Murder of one of the partners.

EXERCISE: case study: assessing risk and danger

See appendix for the full exercise.

⁴¹ Robinson, A (2006) Reducing Repeat Victimization among High-Risk Victims of Domestic Violence, the Benefits of a Coordinated Community Response in Cardiff, Wales. *Violence against Women*, Vol.12. No. 8, 761-788.

3.1.1. Identifying risk and vulnerability factors of domestic violence against women

Key concepts

- ✓ There is no one single cause for domestic violence between intimate partners.
- ✓ Several static and dynamic risk factors play a role in influencing men's violent behaviour, increasing the likelihood of recidivism.
- ✓ Knowledge of risk and vulnerability factors for law enforcement helps improving job performance.

Violence against women and specifically domestic violence is not due to a single cause. Research has shown presence of **several individual, relational, community and societal characteristics** and circumstances play a role. If these are present, it is **more likely** that violence against women and in particular, violence against a partner will take place or re-occur.

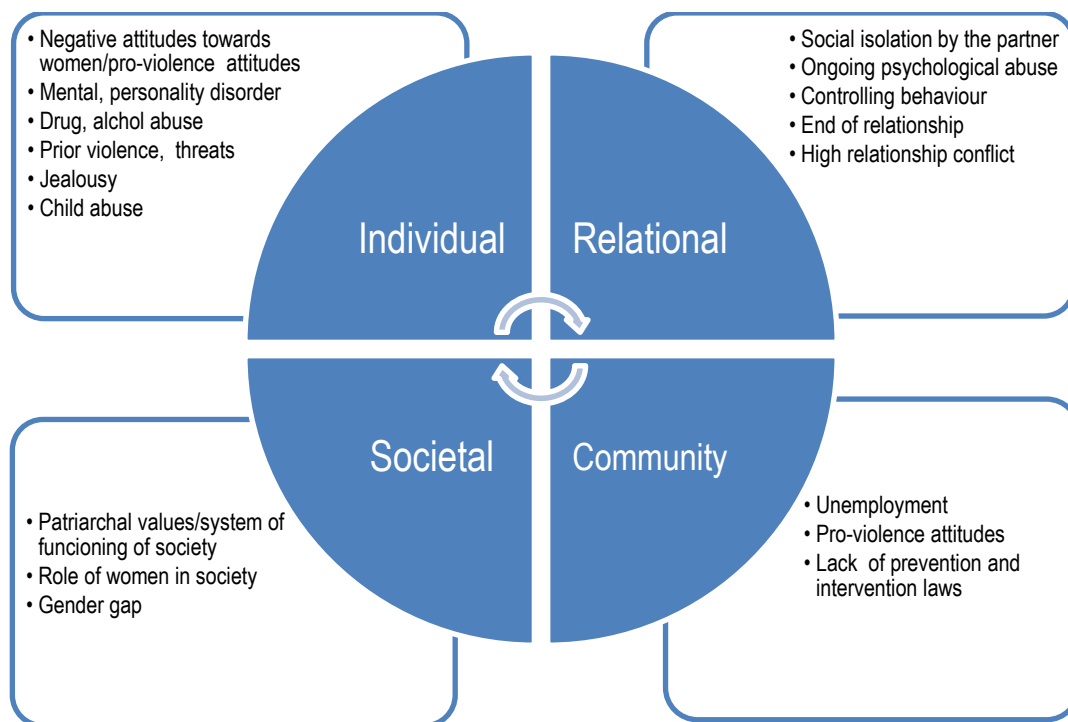
Based on the **socio-ecological model**⁴² it is clear that there is not one single factor that explains violence but a combination of them. There are several ecological levels of risk factors: the '*ontogenetic*' (individual), *microsystem* (relational), the '*mesosystem*' (community), and *macrosystem* (societal level) [see Figure 4].

A **risk factor** is a characteristic at any level (individual, relational, community or societal) whose presence increases the possibility of violence to occur or re-occur. Its absence does not exclude the risk but makes it less likely. Using this approach in policing and in the criminal and civil justice system can help a broader understanding of the complexity of domestic violence to better handle these crimes. Some risk factors are **static**, they do not change over time (e.g. child abuse, prior violence) others are **dynamic** (e.g. drug use, unemployment) and can change over time.

On the other hand, there are **vulnerability** factors associated with the woman/victim and her personal and contextual situation. Vulnerability factors make it easier for the perpetrator to use violence. **Risk factors do not explain why a man is violent nor can they predict what will happen in the future.** They enable us to understand under which circumstances the perpetrator has been violent and whether a particular victim might be exposed to the risk of being re-victimized or even killed (lethal violence).

⁴² Bronfenbrenner, U. (1986). Ecology of the family as a context for human development: Research perspectives. *Developmental Psychology*, 22(6), 723–742.

Figure 7: Risk factors for domestic violence and its recidivism according to the socio-ecological framework⁴³



For more than two decades, this model has enabled experts to strategically assess the risk of recidivism and to implement risk management strategies and safety planning for victims. Law enforcement officers are among the ones most benefitting from this approach in order:

- ✓ to assist in interpreting and reduce under-estimating of the severity of the risk;
- ✓ not to overlook warning signs;
- ✓ to increase victims safety and multi-agency collaboration.

⁴³ <http://www.cdc.gov/violenceprevention/overview/social-ecologicalmodel.html>

3.1.2. Approaches to risk assessment: clinical assessment, actuarial approach, and structured professional judgment

Clinical assessment

Risk assessment is done by the police every time they make decisions. The most common approach is the one based on 'experience', 'common sense', 'gut feeling', 'knowledge'. It is not necessarily incorrect. Police officers with a lot of expertise in dealing with domestic violence cases, with sensitivity, and lacking stereotyped ideas will be able to assess the risks and activate the actions required from the police to prevent such risk.

But clinical assessment can be subjected to:

- ✓ Prejudices.
- ✓ Stereotypes.
- ✓ False beliefs.
- ✓ Unsound knowledge or unsound information.
- ✓ Lack of motivation

Actuarial assessment approach

Risk assessment checklists are lists of risk factors based on validated research. Their number varies, depending on the instruments, usually ranging from 5 to 40 factors. They can provide a tool for the systematic consideration of possible risk factors in cases of domestic violence. The risk factors are often called 'actuarial' because they rely on a score above which the case is considered 'high risk' and worth monitoring. The cutting score (i.e. numbers of items necessary in order to consider the risk low, medium or high) helps determine who is at higher risk. In the next section, we will present the most used ones and illustrate their characteristics.

Professional judgment

Professional judgment, in this context, is when the police, use their knowledge, experience and expertise to make an objective risk judgment based on well validated standards and methods, looking at those risk factors which are known to be related to risk.

Judgments can be considered 'professional' if they:

- ✓ Are based on knowledge about the most accurate and useful risk factors.
- ✓ Are based on good interviewing and information gathering techniques from different information sources.
- ✓ Are based on guidance and training, supervision and constant update of the literature, legislation.
- ✓ Are capable to communicate to different professionals what the risk is, how it is presented and at what level.
- ✓ Are standardized and clear and preclude any interpretation or discretion.
- ✓ Include the victim's point of view about risk and fears.

3.1.3. Prediction or prevention? The 'four quadrant' risk assessment model

When dealing with domestic violence cases, risk assessment aims at identifying and evaluating possible risks of recidivism of future violence, escalation of violence or even lethal violence, that is, the probability that a violent action occurs again in the future. The theoretical assumption behind risk assessment is that violent behaviours (e.g. domestic violence) either physical, psychological or sexual violent actions in an intimate relationship are likely to be recurrent in time⁴⁴. They are committed willingly by the perpetrators.

There is debate among risk assessment experts on the purpose of risk assessment. Some argue that the goal of risk assessment is to **predict** future violence while others rebate that the aim of risk assessment is violence **prevention** and risk management⁴⁵.

It should be clear that risk assessment is not a procedure that allows for future prediction *per se*. It is impossible to know, by definition, who is going to be violent in the future. Risk assessment **does not predict** future violence; it provides a level of probability range, in order to 'prevent' now the risk associated to this probability. Probability levels of risk are based on the validated data. The cut-off percentage above and below which the risk is assessed as low or high, refers to the likelihood.

The model is similar to the one used in medicine to establish the best (medical) treatment. It does not mean that this is what is going to happen in the future, since it is designed on probability. The model, presented in Figure 6, refers to what it risk assessment is for: to have a statistically and evidence based approach to go beyond the 'probability by chance' (recidivism yes/no) and to avoid making a wrong assumption about future risk. The aim is to have the best ratio of true positives and true negatives. This model can help to put in place the best strategies to prevent re-occurrence of violence.

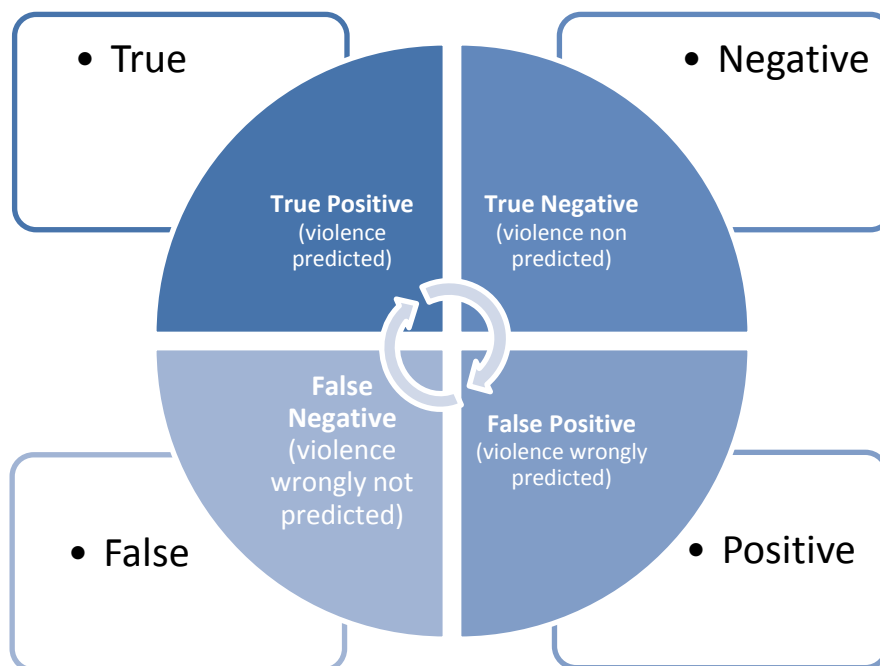
Risk assessment, therefore, provides a reference point for the police to know what to look at, what to search and what to set up as risks. If this becomes a systematic approach, it is helpful to understand what possible future outcomes can emerge in cases of violence between partners.

This well-established method of risk assessment allows decisions to be made on risk management and safety planning in a more systematic and structured/scientific way. Following a methodology reduces the probability that police officers, who may have little experience or have preconceived ideas about these crimes, miss critical elements in order to intervene.

⁴⁴ Baldry, A. C. & Winkel, F. W. (2008). Assessing risk of spousal assault. An international approach to reduce domestic violence and prevent recidivism. Nova Science Publisher, US.

⁴⁵ Douglas, K.P., and P.R. Kropp. (2002). A prevention-based paradigm for violence risk assessment: Clinical and research applications. *Criminal Justice and Behaviour* 29: 617.

Figure 8: Quadrant model of risk assessment



3.1.4. How to do risk assessment by the police: possible methods

It is important that risk assessment instruments are country specific. They should be validated depending on the specific cultural context, legal framework and they should be supported by research.

Depending upon the purpose of the risk assessment, different instruments exist to assist the police. Some risk assessment tools provide information “regarding the nature, form, and degree of the danger” of violence⁴⁶, while others allow the user to make a probability assessment regarding the likelihood of recidivism^{47 48}

⁴⁶ Kropp, P.R. 2004. Some questions regarding spousal assault risk assessment. *Violence Against Women* 10: 676.

⁴⁷ Hilton, N.A., and G.T. Harris. 2005. Predicting wife assault: A critical review and implications for policy and practice. *Trauma, Violence, and Abuse* 6: 3.

⁴⁸ Hilton, N.Z., G.T. Harris and M. Rice. 2010. Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services. Washington, DC: American Psychological Association.

There are at least 120 instruments⁴⁹ used in different contexts and countries.

- ✓ Some establish clear cut levels of risk. Some of the most widely used (Ontario, Danger Assessment, Dash⁵⁰).
- ✓ Others are used as guidelines for the interview with victims/perpetrators and the gathering of information. The most used guideline instrument is SARA and its reduced version, the B-SAFER. SARA (Spousal Assault Risk Assessment⁵¹) is based on 20 risk factors. Subsequently, a 10 item version was developed for the police in Sweden (B-SAFER)⁵² and used in other countries (i.e. Greece, the Czech Republic, Italy). The SARA-S version used in Italy⁵³ consists of a total of 10 risk factors related to the perpetrator plus an additional 5 'vulnerability' factors related to the victim (see below).

Good practice note

The SARA-S version used in Italy consists of a total of ten risk factors related to the perpetrator and five "vulnerability" factors related to the victim.

Risk factors:

- ✓ Prior physical or sexual violence;
- ✓ Use of threats;
- ✓ Escalation of violence;
- ✓ Breaching orders;
- ✓ Attitudes supporting violence against women;
- ✓ Prior criminal records;
- ✓ Break-ups in the relationship;
- ✓ Financial, work related problems;
- ✓ Drug and alcohol abuse;
- ✓ Mental health problems.

Vulnerability factors:

- ✓ Ambivalent attitude towards the perpetrator;
- ✓ Extreme terror towards the perpetrator;
- ✓ Lack of services, support;
- ✓ Children in common, working in the same place, reduced mobility, social isolation;
- ✓ Mental or physical disability.

⁴⁹ Nicholls, T., Pritchards, M., Reeves, K. & Hilterman, E. (2013). Risk Assessment in Intimate Partner Violence: A Systematic Review of Contemporary Approaches, *Partner Abuse*, 4, 76-168.

⁵⁰ Op. cit.

⁵¹ Kropp, R. & Hart, S. (2000). The Spousal Assault Risk Assessment (SARA) Guide: Reliability and Validity in Adult Male Offenders, *Law and Human Behavior*, 20(1), 101-118.

⁵² Kropp, P. R., Hart, S. D., (2004). The Development of the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER): A Tool for Criminal Justice Professionals. Family Violence Initiative / Department of Justice Canada.

⁵³ Baldry A. C. (2016). *Dai maltrattamenti all'omicidio. La valutazione del rischio di recidiva e dell'uxoricidio*. (From domestic violence to uxoricide. Risk assessment) Milano: Franco Angeli, 6th edition.

The guideline instruments include a list of risk factors related to the perpetrator, the victim and the characteristics of the relationship. Based on this list, the police officer has to provide a level of risk (low, medium or high, or even extreme/lethal). With this structured approach, everyone involved in making the risk assessment looks at the same factors and translates them into a level of risk. To be able to apply them correctly, however, a thorough training is required.

The advantage of using a 'cut-off' score tools, instead, is that of minimising discretion when assessing risk. The disadvantages of such approach is that it considers the risk of recidivism based on the **quantity** of risk factors (*e.g* scoring the presence of 10 factors implies more risk than when there are 8 factors,) when, in fact, risks can vary. Sometimes, a case might score positively on only a few risk factors but these might be **critical** or even associated to lethality, that they alone are increasing the total level of risk assessed. This is why the qualitative aspect of risk should be taken into account and especially in relation to how an offender acts and thinks and the dynamics of the relation with the victim, how she reacts and how vulnerable she is. Risk factors are **dynamic** and change over time; risk assessment is therefore a **dynamic procedure** that should take this dynamicity into account (see Hand-outs).

EXERCISE: Assessing lethal risk

Exercise	Aim	Time	Procedure
Practice lethal risk assessment	Improve learners' awareness of 'high risk cases' based on the red flags" for danger in a true case scenario. Trainees learn about the extreme lethal cases and will discuss about intervention.	60 minutes (with 15 minutes for large group discussion)	Work with a true case history of murdered women and another abused: outcome blind to participants. Use small and large group discussion.
Instructions	<p><i>Divide the participants into an even number of small groups, give them one of the two cases (See Hands-out . Case Ivan – Elena & Petar – Maria, as a sample) and ask them to discuss the following questions:</i></p> <ul style="list-style-type: none"> • <i>Which event/s represent(s) the most risk?</i> • <i>What would you define as critical risk factors ('red flags')? List them in order.</i> • <i>Who could be in danger?</i> • <i>Which method do I use to assess danger and what is the rationale?</i> • <i>What other information do you want to know about the perpetrator and/or the victim?</i> <p><i>Allow the groups to discuss their answers and then reconvene as a large group making sure they are divided according to one or the other 'outcome'. Ask a reporter from each group to indicate which are the red flags and compare them between the two groups (lethal vs. non-lethal) and record the answers on a flip chart.</i></p> <p><i>Give participants the 'lethality checklist' (Hand-out) and ask them to compare the criteria with their own lists. Discuss any criteria they missed.</i></p> <p><i>In concluding, ask the participants to recall the facts and identify specific opportunities where risk assessment could be conducted.</i></p>		
Resources	Flip chart/white board; Hand-outs		
Concluding points:	<p><i>It is recommended that one real-life case history be used that involves very serious bodily harm and another one that involves an homicide. It is important that trainees doing this exercise learn about lethality risk factors and how to identify and asses them. This exercise is important to help police officers to identify the high risk/dangerous cases.</i></p>		

3.2. Risk management: the four pillars

Risk management is the stage that immediately follows risk assessment. Risk assessment is useless if it is not followed up with risk management. Risk management refers to the proper selection of strategies to reduce violence and mitigate risk.

There are four main actions the police have to be aware related to risk management:

- i. monitoring
- ii. supervision
- iii. protection of the victim/safety planning
- iv. offender treatment

Not all of them imply direct responsibility of the police. However, it is important that the police is aware of all of them since an efficient way of reducing risk and preventing recidivism is to involve different agencies/stakeholders.

The strongest predictor of **future violence** is **past violence**, but domestic violence is a much more complex phenomenon than a set of risk factors and criminal behaviour. It has to do with male and female relationships, with coercive control, etc. Therefore, when talking about risk management and protection the police need to have **three main goals**:

- 1) Ensure that the measures available by law are applied and that the perpetrator is less likely to be able to re-offend because his freedom is limited and access to the victims' surroundings is banned.
- 2) Risk management can be effective in reducing recidivism if the police perceive consistent behaviours and attitudes when dealing with domestic violence cases. Underestimation or justification of the violence must be avoided. They will only give more power to the perpetrator, and an increased sense of frustration, loneliness, and powerlessness on the side of the victim.
- 3) Any measure with the perpetrator can be lasting in terms of reducing the risk of recidivism or even of escalation of violence if the victim is assisted by an experienced dedicated service, which will help her to identify the best option in terms of increased safety and control of her own life.

3.2.1. Monitoring

Even after protection actions are taken by the police, the relevant court, or by social or victims' services, the role of the police does not end. Not all perpetrators, once banned, will stop using violence. The fact that the perpetrator is in prison, or a protection order is issued, this does not mean that the risk of violence has been completely eliminated. **Risk** is **dynamic**, it can change over time and in different circumstances and it needs constant monitoring and update. It has been reported⁵⁴ that protective orders are often violated but victims are not assisted and police fail to take actions if there are no serious violent incidences.

⁵⁴ Andrej Nonchev, Slavianka Ivanova, editors. National Study on Domestic and Gender-Based Violence (DGBV) and Elaboration of a Victims Support Model (VSM) (2015). Center for the Study of Democracy:

Often there are situations where the victim does not feel threatened, abused or stalked by the perpetrator and thus wrongly assumes that the behaviour of the perpetrator has changed. As a result, she might want to remove the protection order to allow the perpetrator to go to work, to return to the shared residence and to see his children.

Evidence shows however that permanent changes in the behavioural patterns of the perpetrators are not easily achieved. The perpetrator needs to commit to and invest in a long-term change path and to rebuild his masculine identity without resorting to violence. This implies that the police needs to be well-trained in order to observe any behaviour which might increase the current risk, pre-empt the violence and take measures to ensure the safety and protection of the victim. In this regard, monitoring implies frequent contacts with the victim, to ensure that any actions taken to reduce the risk are effective. If there are new elements or new needs emerged, the police, in conjunction with other relevant agencies, should proceed with a new assessment of risk and act accordingly.

3.2.2. Supervision

Supervision is related to both the police role as well as that of the criminal and civil justice system. It implies supervising the offender once actions to prevent recidivism are in place. It is broader than monitoring and can take place outside the specific justice solution provided.

Supervision is particularly essential for criminal cases where the offender is either incarcerated or following a community programme on probation. Supervision is also related to the respect of protection orders. In some countries this is made also with electronic bracelets or by confining the offender in a municipality distant from the one where the victim lives. Supervision requires additional time and resources by the police; it is often not performed as the police 'waits' for the victim to contact the police if she is still threatened or attacked by the offender. This is a wrong way of looking at supervision, because supervision is a preventive measure to reduce the risk of re-offending and should be planned on the basis of the risk assessment and the needs identified.⁵⁵

3.2.3. Victims' safety planning and victims' protection: the role of the police

In many cases, women 'just' want the abuse to end; they might not want the perpetrator to be removed from the house, or to go to prison. When victims call the police, they wish that the police will make him stop. If the perpetrator is employed or is the father of her children, this might increase the probability that she does not want her partner to be socially shamed or financially damaged. The victim also might want to protect her image and wealth. Or she is afraid of what will happen to her if he is evicted, brought to the police station or even to jail.

The reasons for victims' fears after a police intervention are multiple. But ensuring victim's **safety** is not just a question of **protecting the victim from the risk of re-assault**. Safety is a about living a life free from violence, a life with good physical and mental health and a life where the woman can make her own choices and not fear for her own life and that of any children under her custody.

⁵⁵ Baldry & Winkel (2008). Ibidem.

Attention to victim safety is at the heart of all domestic violence interventions.

There are two facets of ensuring victim safety:

- ✓ undertaking risk assessments. (Article 51, Istanbul Convention)⁵⁶.
- ✓ working with the victim to develop a personal safety plan.

In many instances, victims are assisted by a social worker or an advocate or legal counsel to develop a detailed and personalised safety plan. Where victim services are underdeveloped or difficult to access, however, this may not take place. In any case, different agencies including the police and the judicial system, according to the Istanbul Convention, have the legal obligation to protect high-risk victims. Law enforcement should also be involved in supporting the victim in devising a safety plan and providing the required support.⁵⁷ To that end, risk assessment should be done jointly to ensure co-ordinated actions and a victim-centred approach.

As stated above, the purpose of using uniform risk assessment criteria is to come to a uniform decision on risk and to outline the actions that need to be taken by different parties. Therefore, after concluding their risk assessment the police should share information with welfare services, NGOs, child welfare services, the judiciary and probation officers. The international model MACC (Multi Agency Coordinate Conferencing) is a relevant method of partnership to share victim's information and the risk factors identified in order to act in the best interest of the victim while respecting the rights of the suspect⁵⁸. Any change of risk should follow a new risk assessment and an update in victims' safety planning.

The MACC does not focus primarily on the risk (posed by the perpetrator) but on the needs and safety of the women. This means that any decision about protection and safety should be taken in conjunction with the victim and not imposed to her. This requires professionalism, training but also accountability and liability mechanisms.

When risk assessments are properly co-ordinated and adopted following a victim-centered approach, the procedure can be lifesaving.

⁵⁶ See Council of Europe. 2011. Explanatory Report to the CoE Istanbul Convention. paras. 260-263.

⁵⁷ Ibid.

⁵⁸ WAVE network (2004) *Away From Violence*: http://www.wavenetwork.org/images/doku/manual-druck_eng_pdf.pdf, pp. 66-69 and pp.116-117.

Note for trainers: Questions to stimulate discussion on a victim's centred safety planning

- ✓ What is a safety plan activated by the police in the interest of the victim and in her protection?
- ✓ What is a safety plan taking into consideration also the protection of any children, relatives, or friends at risk?
- ✓ How this should work in a cost/effective manner?

EXERCICE: Basic safety tips

Exercise	Aim	Time	Procedure
Basic Safety Tips	To focus on the importance that safety actions are coordinated and shared.	Individual groups work for 20 minutes, with 10 minutes of general discussion.	Divide participants into groups of 4 or 5. Assign different roles and have each participant brainstorm on what primary safety planning is and what it involves.
<p>Instructions <i>Safety planning should be based on the risk emerging from the risk assessment procedure, addressing at least the following points:</i></p> <ul style="list-style-type: none"> ✓ <i>Safety in the dwelling of the victim(s) (safe doors, better locks).</i> ✓ <i>Safety of the children, safety measures to prevent abduction by the perpetrator, legal actions for the safety of children.</i> ✓ <i>Safety at the workplace, neighbours, friends</i> ✓ <i>Safety at other places (school, kindergarten)</i> ✓ <i>Safety when victims continue to live together with the abusive partner.</i> ✓ <i>Safety when victims leave the perpetrator (preparation for separation, safe shelter, identify minimum items needed, documents, putting together an 'emergency bag').</i> ✓ <i>Safety in potentially dangerous situations (court hearings).</i> ✓ <i>Applications for legal protective measures, and strategies for their effective implementation and monitoring.</i> 			

3.2.4. Treatment of perpetrators

As a measure to prevent violence from reoccurring, the Istanbul Convention requires member states to set up or support programmes that ensure that perpetrators adopt non-violent behaviours in their interpersonal relationships (Article 16). The safety and support of the victim must be central to any perpetrator programmes, and ideally, such programmes would be conducted in close co-operation with victim support services. In Bulgaria, the LPDV foresees the possibility that the civil judge, when issuing a protection order, also mandates the perpetrator to attend treatment programmes (Article 5 (1).5 LPDV).

Although treatment programs are not the direct responsibility of the police, they should be aware of their existence, their potential, as well as their limitations. Also, the police should be informed if a perpetrator is attending a treatment program, but this does not exempt them from implementing victim's safety planning. For treatment programs to have some positive long term, they require acknowledgement of their behaviour, dedication, and willingness to change on the side of the perpetrator. These elements are not so frequent. Neither the victim nor the police should take the fact that the perpetrator is attending a treatment programme as a clear indicator that the risk is reduced. In fact, there is limited evidence of the elements necessary for the success of offenders' treatment programmes.

Very often victims do not want the perpetrator to be convicted or jailed but, but would prefer rehabilitation. While rehabilitation of the perpetrator is a critical component of preventing further violence, the court should not order the perpetrator to attend a programme as an alternative to criminal sentencing. Attending a particular **programme should be part of the conviction or the protection order** but not an alternative to legal sanctions.

Anger management programmes and relationship counselling or couple therapy are not appropriate for domestic violence cases. They do not address the serious nature of the violence itself or the dynamics of power and control that underpin domestic violence. Victims should not have the burden of responsibility of any improvements or change of the offender and she should not be exposed to any further risk. The police, should make the victim clearly aware. Where such programmes have been studied, they have been found ineffective in preventing court mandated perpetrators from re-abusing or committing new offenses after completion of the programme.⁵⁹

Referrals to programmes on **alcohol or substance abuse** or to improve parenting skills, or anger management, or gambling addiction, for example, may be appropriate in individual cases but they should be considered as additional to programmes specifically aimed at perpetrators of domestic violence, but not as a core component of the therapy/therapeutic model.

Remember that attending a treatment programme should not interfere with any police work or subsequent judicial path the perpetrator will have to and that **completion of the programme does not guarantee the safety of the victim** or of other people who might be at risk.

⁵⁹ See UNODC, Handbook on Effective Prosecution Responses to Violence Against Women and Girls, 2014, p. 125.

3.2.5. Risk management and the police role in conjunction with other agencies / institutions

Risk assessment, as stated above, should be undertaken together with other agencies in order to effectively assess and devise a plan to manage the safety needs of a particular victim on a case-by-case basis and according to standardised procedures. The police should share the relevant information (within the legal framework applicable) and make sure that each party is in charge of specific risk factors that need to be addressed. Even if the police is not in charge of certain decision or actions, they should be involved in all stages when the risk is assessed and decisions are taken with regard to safety planning, monitoring, supervision or any other measures taking into account both the victim and the perpetrator. After sharing information, they should all agree on the steps to undertake for safety/risk management.

Delays in handling a report or in reacting following a violation of a protection order increase the time that victims are exposed to risk- both of retaliatory violence and of pressure to drop the case or not to co-operate with authorities. The police should, therefore, handle such cases **effectively** and with no delays, in order not to infringe the victim's safety. When delays occur, the victim should be informed, so that she and the people close to her can take additional precautions in terms of safety. It is important to remember that the safety of the victim should not be a burden for the victim, but she should be waved from any additional material and emotional damage.

The '*defensible decision*' model⁶⁰ helps to identify the steps to undertake to insure an effective risk management. The decisions the police take and share should have validated grounds, and based on objective grounds.

What are defensible decisions?

Defensible decisions are rooted in best practice. They ensure that good standards in decision making are reached. To make a defensible decision the police as well as other agencies involved in a case, must meet all of the following 10 steps⁶¹:

1. Ensure decisions are grounded in evidence.
2. Use reliable risk assessment tools.
3. Collect, verify and thoroughly evaluate information.
4. Record and account for their decision making.
5. Communicate with relevant agencies and seek information they do not have.
6. Stay within agency policies and procedures.
7. Take all reasonable actions necessary.
8. Match risk interventions to the risk factors.
9. Provide services commensurate with the risk of harm.
10. Respond to escalating risk.

⁶⁰ Kemshall, H. (1998) Defensible Decisions for Risk: Or It's the Doers Wot Get the Blame. *Probation Journal*, June issue, 45, (2) 67-72.

⁶¹ The 10 principles are from Kemshall (1998).

EXERCISE: How to do risk assessment

Exercise	Aim	Time	Procedure
Case study Risk assessment	Increase skills on risk assessment.	10 minutes for introducing the case. 20 min: detailed risk assessment. 10 min to discuss management strategies and safety planning and role of the police.	This is a case study with a video and a written case involved. You need to prepare a case or use the examples provided here in the manual. Make sure the cases are presented in such a way that all the required information is available. Have the trainees split into small groups and fill in a 'risk assessment' form and a 'risk-planning' form. Use examples from previous exercises, or new ones presented here.
<p>Case 1</p> <p><i>Miriana is estranged from her husband Andrej but he keeps harassing her. One day Andrej comes to Miriana's house and assaults her in front of their two children, saying he will kill her if she doesn't come back to him.</i></p> <p><i>When he arrives at the house, the two of them start having a fight about the right of access to the children and the sounds of broken objects and a woman screaming attract the attention of neighbours who call the police. When the police arrive, she tells them about the verbal abuse, the fight and the broken glass. Yet, she refuses to say if it is the first time, if he has a gun, if he has threatened her or her two kids, or even tell the police what happened in the past, for fear that Andrej will find out and hurt her again.</i></p> <p><i>How should the police act in this case?</i></p> <p><i>What risk assessment procedure is advisable? What level of risk would be ascertained?</i></p>			
<p>Concluding points:</p> <p><i>Have the trainees, divided into small groups, come up with some general points regarding risk assessment, when questions should be asked and by whom, what problems intervening officers could face and what limits they may have in doing a risk assessment. Have trainees also discuss limits of risk assessments and how to engage victims in doing a risk assessment.</i></p>			

3.3. Protecting privacy and confidentiality and dealing with domestic violence. Police accountability and oversight

Key concepts

- ✓ Privacy and confidentiality means not revealing personal information of cases followed and respecting the victim's will.
- ✓ Police officers have specific roles that should be a priority over privacy when lives are in danger.
- ✓ Police officers not conforming to their role have to be held responsible and actions should be taken against them. This is even more important in cases of domestic violence in a police officer's relationship.

3.3.1. Privacy and confidentiality

Privacy and confidentiality are key issues when the police is dealing with cases of domestic violence and is exposed to the private lives of the persons concerned. It is the duty of the police to gather many confidential personal details in order to conduct a thorough investigation and ensure that the prosecutor has enough evidence for a criminal case. It might include personal details, records, photographs and reports relating to all the victims, witnesses and perpetrators, involved in such cases. This information shall be kept confidential, unless the performance of duty or justice requirements strictly require otherwise.

Confidentiality throughout the procedure includes:

- ✓ Avoiding going into the private life of the victim, unless related to the event or alleged crime and only in what is strictly necessary
- ✓ Collecting evidence and information that are only directly related to the investigation.
- ✓ Ensuring that the name, addresses and other identifying information of victims and other witnesses are not released to the media without the informed consent of the victim.
- ✓ Ensuring that the hospital provides visits and examinations in a safe and private setting and are conducted by women medical personnel.
- ✓ Making sure that any evidence from medical examinations is collected for forensic evidence.
- ✓ Ensuring that any documentation or police reports will be viewed only by justice officials/law enforcement directly involved in the case.

3.3.2. Police accountability and oversight

As a part of the criminal justice system, police are held accountable for their actions and decisions in the community they work. This is of particular relevance for cases of domestic violence. Art. 5 of the Istanbul Convention establishes that member states have an obligation to ensure that their authorities, officials, agents, institutions or other actors acting on its behalf **refrain from acts of violence against women**. This obligation also implies that the state has to take action when a crime has been committed. Failing to do this, will make both the individual perpetrator as well as the state responsible. This obligation of due diligence of the state is extended to acts committed by non-state actors.

This implies that in identifying the responsibility of a perpetrator the same rules apply if the perpetrator is part of the state (including police officers). Police officers can be involved in domestic violence like any other men. A victim of domestic violence whose perpetrator is a police officers might be more vulnerable because they are afraid of not being believed, or fear that an abusive police officer will be protected by his colleagues. Police officers might have manipulative skills and know how to commit a crime without leaving evidence, such as hitting women leaving bruises or sending written threats with untraceable email accounts or mobile phones. These attitudes and behaviours are negative because they contribute to increasing the feeling of mistrust towards the police, even more so if a police officer is directly involved in the homicide of one's partner or case of domestic violence.

The concept of **police accountability** is essential to the concept of modern, democratic policing where due diligence by the state is essential and required. Police officers are expected to apply the law, and to act according to their role and power and to use the legislation at their disposal with professionalism and not at their own discretion. If they fail to act according to their level of responsibility, they should and could be held accountable.

It is also important to make sure that police officers are aware of the **police oversight system** and their zero tolerance towards these crimes. Police should be informed that any 'colluding' attitudes, any minimising or judgmental behaviour will be followed up and that if a 'wrongful' act is detected the police force will deal with such cases and, if needed, take actions.

PART IV – PREPARING FOR A TRAINING

4.1. Tips and Methodological Guidance: the Trainers' Toolbox

In addition to general techniques for adult education, trainers using this manual might find it useful to review the following recommendations specific to working with law enforcement and justice sector actors.

- ✓ **Use varied and participatory approaches.** When training professionals in groups it is effective to give them many opportunities to work out solutions for themselves (in small groups is preferable), instead of telling them the correct process. Trainers should guide the work by suggesting issues to consider and best practices. Trainees should be provided with checklists and guides in forms that they can easily apply to their work after the training.
- ✓ **Use peer-to-peer teaching.** Law enforcement and justice sector actors respond well to training by peers. Even if it is not possible for trainers from the same professional background to run the full program, peers that can model good practices could be invited to give mini-presentations. If trainers represent different fields, they can still work to create an atmosphere that acknowledges the difficulties of dealing with domestic violence cases.
- ✓ **Create realistic case studies.** Exercises should be concrete and tailored to the work experience of the particular trainees. It is best to avoid long presentations of abstract information and preferable to use mini lectures interspersed with work on realistic case studies. When drafting case studies, trainers can work with case files and with victim advocates from crisis centres or shelters to create sample materials that conform as closely as possible to local practice.
- ✓ **Anticipate and address challenges and disruptions during the training.** Ideally, trainees will voluntarily and with interest attend the training. However, it is possible that some learners will make challenges or be oppositional during the training. Some commonly-raised issues include the following:

✍ **Men are also victims of domestic violence so why we are talking about women all the time?**

RESPONSE: This is a true statement but global statistics, as well as data from Bulgaria, indicate that in the vast majority of cases men are perpetrators of domestic violence and women are victims. This is the reason the training is focused on violence against women, which is a specific form of gender-based violence.

✍ **There are problems in the laws on domestic violence and when those weaknesses are addressed, the system will be improved.**

RESPONSE: It is not possible to legislate for every situation, and no country has found the “perfect law” to address domestic violence. Practitioners must work diligently and creatively with the laws on the

books to protect victims and ensure access to justice. Additionally, the trainers themselves are experts and are, therefore, in a position to participate in legal reform processes to improve legislation.

✍ We don't have time/ we are busy/ we have more serious crimes to deal with.

RESPONSE: This is a myth that domestic violence is a private or family matter that only impacts the people involved and is therefore not as “serious” as other crimes. Although domestic violence usually takes place in the private sphere, it is one of the most damaging crimes in terms of impact on the victim, her children and her family, and for society as a whole (in terms of financial losses due to lower work capacity and expenditures related to the provision of services through law enforcement and legal systems, healthcare, social services, etc.). When not addressed effectively, domestic violence can have a high recidivism rate. Preventing violence against women is also more cost effective than responding to violence once it has escalated. The law enforcement and judicial systems play a key role in prevention and should make responding domestic violence a priority.

✍ The problem is that group X is not doing their job properly.

RESPONSE: This kind of statement refers to the tendency of each group to shift responsibility for breakdowns in the system to another professional group (i.e. police say prosecutors underestimate risk. Prosecutors say police investigation is inadequate). The trainer should emphasize that no single group bears responsibility for the functioning of the system but that these kinds of frustrations emphasize the necessity of co-operation and co-ordination. The purpose of the training is to improve the response at each stage of the justice chain.

- ✓ **Recognise diversity.** Trainer and trainees should keep in mind that victims of domestic violence are not a homogenous group. While there are common reactions to and consequences of domestic violence, other factors and characteristics of individual victims also play a role. For example, women from ethnic minority groups (Roma women, for example), elderly women, women who have mental health issues or learning difficulties, or women with physical disabilities all have distinct vulnerabilities and all would require a special response from the law enforcement and justice systems (e.g. provision of translation and interpretation, the use of specially-trained advocates, modifications in the courtroom, etc.). From time to time, encourage participants to consider the types of additional measures of protection that could be used to ensure the safety of victims who are particularly vulnerable.

4.2. Acknowledging Emotions and Personal Experiences of Violence

Any person working around a case of domestic violence, even if experienced, will face a multitude of emotions and feelings:

- Anger
- Sadness
- Frustration
- Detachment
- Fear

And they might have different reactions when dealing with these cases, such as:

- Judgments about how the victim behaved
- Considerations about the roles of the victim and perpetrator
- Own considerations based on prior professional and personal experience and training

Because all of these cases deal with situations which are not rare or uncommon, it is important that the trainers themselves are aware of what they personally think about these cases, whether they themselves have pre-conceived ideas and imagine how these might interfere during the training, consciously or unconsciously.

Law enforcement and legal officers, before being professionals, are all human beings. In the section of this manual on stereotypes and myths we addressed some misconceptions that should also be reviewed by both the trainers and with the trainees, even before starting the actual training.

This brings up another sensitive topic which is an individual's own history of violence either *witnessed* at home, or *perpetrated* or *directly experienced* as victims. Among all trainees (and trainers) there might be some victims or former victims as well as perpetrators. Even if this might not be overtly known and revealed for obvious reasons, it is important to know that **domestic violence can involve anyone**. If during the training, or during breaks, or afterwards, the trainers notice someone who is emotionally touched by what has been said, or she/he leaves the training room suddenly, interrupts the training constantly by posing unneeded and judgmental comments, or is extremely over-reactive, or, more explicitly, cries or says things like 'these women all deserve what they get', these might all be signs that something is happening or has happened in the life of these people.

What is best to do in these cases? It is not wise to ignore or pretend nothing has happened. So it is important that during the first available moment, a break, lunch time, or at the end of the day, the trainer approaches this person and with a calm and empathic approach asks him or her to share his or her concerns to make sure that everything is fine. It is possible to ask this person whether s/he is fine to continue with the training or would rather have a break. If an on-going abuse is revealed, make sure the trainee/victim receives enough information, and support if not already supported and monitored by someone else.

It would be advisable to introduce this aspect explicitly at the beginning of the training, mentioning that the topics that will be addressed during the training might currently or in the past affect some of the present trainees. Domestic abuse affects one in four women, so it is likely that in a training room there are victims of domestic violence. It is important to say

that is perfectly fine to feel emotions about the cases discussed and the topics addressed, and that if needed, support can be provided.

PART V – APPENDICES

Case studies

Hand-outs

1. BODA: Believes about Domestic Abuse entering questionnaire
2. List of Myths on Domestic Violence
3. Quick Risk Factors Checklist
4. Quick Vulnerability Factors Checklist
5. Processing Card for Intervening Officers at the Scene of the Assault
6. Interview Format / Outline for Vulnerable Victims
7. Risk Assessment Format for the Police
8. Case study with Assessing Risk and Danger
9. Lethality risk assessment instrument

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