

Specific Needs and protection Orders – Final Conference

Conference Documentation

On 14th September 2016, the SNaP international final conference was held in Berlin, gathering experts from various fields related to domestic violence and women with specific needs to discuss the results of the project, identify further needs for improvement, and generate strategies for policy development.

Programme

Specific needs and protection measures – a comparative view of national findings

Starting from previous research on violence against older women in intimate partnerships (IPVoW; MtG) and the extent to which domestic violence victims' needs are being met during criminal proceedings (INASC), the SNaP project team focused their research on the effectiveness and adequacy of emergency barring orders (EBO) and protection orders (PO) for victims with specific needs. Both EBO and PO are being used as the basic protective measures of many national efforts to combat domestic violence and protect victims within Europe. However, both protective measures work by spatially separating victim and perpetrator, which may make them less or entirely unsuitable for victims in certain situations (e.g. dependency on care/assistance, economic support).

The project results show that EBO and PO are sometimes not only inadequate for victims with special needs: the study of their implementation in general revealed that there are smaller and larger gaps and deficits that affect most or even all victims of domestic violence. Despite differences in the national legislations on which these protective measures are built, the factors that constitute specific needs for victims of domestic violence showed to be very similar in the countries under study. The specific needs identified were strongly related to the availability of financial means, accommodation, a social network, help and support for facilitating independence from the perpetrator. Thus, the availability of economic and social support is crucial, but these differ widely between the countries studied.

Speaker:

Barbara Nägele (Zoom e.V.): [Specific needs and protection measures – a comparative view of national findings](#)

Short presentations of national findings

Using interviews with experts and case file analyses, the national teams in the participating countries identified different groups of victims for whom matters of accessibility, dependency, cultural norms, and situational characteristics worked together to create certain specific needs.

The teams found that making use of emergency barring orders and protection orders is not only an issue for victims with specific needs: in some countries, emergency barring orders are not available, while in others, both types of orders are being widely used, but compliance is not enforced.

Matters of general applicability are even more difficult when it comes to victims with specific needs. The teams found groups of victims clustered along different barriers to help and safety. By far the largest group of specific needs victims had no access to emergency barring or protection orders: the measures simply did not exist or there was no (understandable) information about them available, victims did not realise they were suffering a crime, were not able to report it or their testimonies not considered liable due to communication problems based on disabilities or the lack of national language skills. Many victims depended on the perpetrator, either for care and assistance, a shared home or economically. In some cases, cultural norms did not allow the victim to leave a violent relationship or seek help, and in others, protection orders conflicted with other laws, like parental visitation rights.

Speakers:

Caroline Counihan (SafeIreland): [Safe Ireland national report – Overview and selected findings](#)

Heloisa Perista (Cesis - Centro de Estudos para a Intervenção Social, Portugal): [Specific needs and protection: the Portuguese case](#)

Sandra Kotlenga (Zoom e.V., Germany): [Women with children and homeless women](#)

Emilia Kramkowska/ Anna Szafranek (University of Białystok, Poland): [Economically dependent women with children and older women](#)

Helga Amesberger (Institute for Conflict Research, Austria): [Specific needs and protection. The situation in Austria with a focus on migrant and refugee women](#)

Working groups

After introducing the first specific results, the experts gathered were asked to give some input in the form of working groups. To give some further insight into the conceptual framework, the project team continued to elaborate on their understanding on specific needs of victims of domestic violence. It was decided to avoid assigning the category of “specific needs” to fixed population groups, like “disabled women” or “older women”. Instead of being a stable feature, “specific needs” were considered to arise from the interaction of person and situation. Therefore, specific needs were regarded under four broad headings relating to the different types of barriers to EBO/PO or to their effectiveness: “Accessibility of measures”, “dependency of the victim”, “cultural norms”, and “situational or circumstantial vulnerabilities”.

Following this input, the experts gathered split into four working groups to discuss the respective barriers, as well as needs and opportunities for improvement.

Speakers:

Caroline Counihan (SafeIreland): [Introduction – Conceptualising Specific Needs](#)

Barbara Nägele (Zoom e.V.): [Framing the topics of the working groups](#)

Working group 1: Improving Protection orders / legislation (chair: Birgitt Haller, rapporteur: Barbara Nägele)

- The Spanish model
 - Criminal focus; but included social, civil, protection help; decision → judge in max. 48 hours
 - “will of the victim as a problem”
 - but still very much victim centered
 - Spanish model: helps as regards tensions with access/custody; mediation is not possible
 - Judges: don’t want to work in the court; no compulsory training; very burdening workplace
 - Portugese system: similar to Spanish
- Important:
 - formation
 - training & information for victims with disabilities → recognizing violence
 - issue of closed institutions – attention from outside necessary
 - entitlement – empowerment
 - Ombudsmen for institutions (proactive)
- The Dutch system
 - includes civil (seldom), criminal (booming business, but not too critical: takes responsibility from the victim), and emergency barring orders (often used)
 - EBO necessary for recognizing specific needs → the moment for detecting
 - Standardized instrument for specific needs (problem with privacy regulations in Austria)
 - Evaluation of EBO: different results
 - EBO can be prolonged (+14 days)
 - Systemic approach – support for the whole family
 - Importance of trust in the system → first experiences important
 - Effectiveness: feeling of safety – to go back to perpetrator may still mean improvement
 - Importance of the scope: workplace, stalking in non-cohabiting relations (NL → extension)
 - Case files in NL: criminal judges/pros not very experienced → enter the criminal justice system with private claim as option
 - Connection protection order/parental rights does not guarantee positive outcome but is necessary
 - Antidiscrimination legislation and training

Working group 2: Implementation issues (chair: Caroline Counihan; rapporteur: Shauna Markey)

- How can effective & adequate implementation be assured? (for women with specific needs in particular?)
- Adequate RESOURCES

- from public funds
- Training for legal professionals, judges, law enforcement, health/social/GP's (primary care), on recognition of specific needs & how to respond appropriately (services available, referral to specialist service)
- Training on unconscious bias against certain gap
- Look at flexible community based individualised approaches
- Management of justice agencies should ensure that the appropriate response to women with specific needs is easier, e.g. in Germany
- An obligation on law enforcement and justice agencies to ensure they ask if the victim with specific needs wants to be linked with support service
 - Ensure victim understands the information that has been given
- A designated person/agency to coordinate the response to each woman (e.g. IDVA: specialist Garda teams or intervention centre)
- Education and information to recognize DV and know that they have rights, and awareness of legal process
- Focus on the child's right to see parent and the child's right not to be impacted by DV
Domestic violence orders in place need to be taken into consideration in any access/custody hearings
- Client centred approach: Women's voice must be heard. Meeting victims where they are
- Judges & lawyers should avoid inappropriate "settlements"
- Judges need to be trained on recognizing manipulation

Working group 3: Conditions for accessible and effective Protection orders (chair: Heloisa Perista, rapporteur: Emilia Kramkowska and Anna Szafranek)

- Raising awareness and spreading information
 - reaching out to different communities
- Cooperation between different institutions (building trust to proffer; mutual learning)
- Referral system which is obliged to share information between on special service organisation
- Self-advocacy group should participate in preparing the legislation
- Free legal aid for women (civil protection orders)
- Shelters should be accessible , staff trained for helping women with specific needs
- Services should be able to give personal care (victim is staying at home and receiving professional care)

Working group 4: Alternatives to Protection orders (chair: Helga Amesberger; rapporteur: Bridget Penhale)

- Important to consider:
 - What is the goal of alternatives?
 - What is the goal of protection measures?
- Alternatives may be constructive / destructive or person-centred / authoritative
- Is it a step towards/ 'preparation' for PO?
 - if not a step, is it effective in the long-run / is there lasting improvement?
- Framework may be useful as regards alternatives

- Strong need to consider subjective / objective perspectives on protection
- Interdisciplinarity is crucial in Protection

Finally, strategies for policy development and efficient dissemination of the project results were discussed with the participants.

The final conference was closed at 16:30.

This project was co-financed by the European Commission within the Daphne III programm by the European Commission DG Justice, Freedom and Security.



This project was also financially supported by:

