



**Specific Needs and
Protection**

Domestic Violence Specific Needs and Protection Policy Paper Portugal

Heloísa Perista (coord.) | Paula Carrilho | Ana Ferreira
With collaboration of Alexandra Silva

Background

CESIS – Centre for Studies for Social Intervention conducted research into the suitability of protective measures for women victims of domestic violence with particular vulnerabilities, or specific needs. This was part of a European project funded by the European Commission, *SNaP – Specific Needs and Protection*. *SNaP* examined existing national protective measures for different groups of victims with specific needs in five countries (Austria, Germany, Poland, Portugal and Ireland) during 2015/2016.¹

¹ For further information on the SNaP project, please refer to: <http://snap-eu.org/pt/>.

Identification of vulnerable groups

In Portugal, expert interviews and the analysis of case files of public prosecutors offices and courts showed that some groups of women are especially vulnerable and therefore have specific needs for protection as victims of domestic violence. This is the case of: elderly women, with impairment and/or a fragile health condition; women with serious health problems and women with physical disabilities, who depend upon a caregiver; women with intellectual disability; women with mental health problems; migrant women, who do not speak or understand the Portuguese language, are socially isolated and/or are undocumented (or whose papers the aggressor has withheld from them).

Specific needs though arise and exist in given situations, they are not 'permanently attached' to a woman via her ethnicity, disability status or other characteristics. The project focussed upon frictions and mismatches between victimization experiences in specific situations, women involved in and affected by these experiences, and measures taken to handle incidents and to prevent their reoccurrence.

Recommendations for an improved protection of victims with specific needs

This National Policy Paper makes practical recommendations for positive change emerging from national research findings and conclusions, summarised in the National Report for Portugal.²

Raising awareness

- Information and communication directed to the awareness raising on their rights of women victims of domestic violence with specific needs, in particular: e.g. fact-sheets, guides for procedure, and handbooks.
- Encourage self-advocacy and support advocacy by independent support workers when women with specific needs are unable and unwilling to speak for themselves.
- Production and dissemination of more detailed statistical data on domestic violence and application of protection measures, including a focus on victims with specific needs.
- Elaboration and dissemination of more scientific research and studies on domestic and gender-based violence and protection, including a focus on what be the best complementary measures to address specific needs.
- Scientific research and studies on domestic and gender-based violence and protection with a specific focus on mental health are particularly needed.
- Improved accountability: e.g. annual report on the progress made regarding the issuing and application of protection measures of victims of domestic violence, including a focus on women victims with specific needs.

² These recommendations were discussed and validated by the participants of the National Expert Hearing that took place in Lisbon on 13 July 2016. We would like to publicly acknowledge the relevant contributions of all invited participants.

Recognition

- Adequate recognition and identification of specific needs during the first contact with the victim; definition and documentation of warning signs and indicators.
- Adequate recognition and identification by professionals of warning signs of violence among women victims with intellectual disability; these women often lack capacity of self-representation and, even, verbalisation.

Training and capacity building

- Capacity building and specialisation of professionals, namely frontline professionals, in social and health care services and in law enforcement and judicial practitioners - police, justice personnel, public prosecutors, and judges - to be able to recognise and respond to the specific needs of women victims of domestic violence with particular vulnerabilities.
- Capacity building and specialisation of professionals in victim support services, to be able to recognise and respond to the specific needs of women victims of domestic violence with particular vulnerabilities.
- Ensuring the right to information regarding key documents and judicial proceedings to women victims of domestic violence with intellectual disability. This requires specialised training to all relevant professionals.

Communication

- Improved communication between the judicial system and the women victims of domestic violence with specific needs, in particular.
- Ensuring the right to information regarding key documents such as the standardised notification form and the statute of victim to women victims of domestic violence with specific needs, in particular: e.g. explanation of legal terminology, translation into different languages, and edition in other formats such as braille.
- Availability of translation into different languages, in social and health care services, victim support services and law enforcement agencies (in all phases of the judicial

proceedings), for women victims of domestic violence who have serious difficulties in speaking and understanding Portuguese.

- Availability of interpretation into sign language, in social and health care services, victim support services and law enforcement agencies (in all phases of the judicial proceedings), for women victims of domestic violence who have an hearing impairment.

Access to victim protection

- Better coverage of the national territory by local support networks to victims of domestic violence, including a focus on women victims with specific needs.
- Improved professionalization and specialisation of services.
- Improved differentiation and diversification of services is needed. Neither shelters for women victims of domestic violence and their children nor residential homes for the elderly, provide an adequate response to women victims of domestic violence with specific needs.
- New solutions need to be found, namely regarding women victims of domestic violence with serious mental health problems, women with serious physical disabilities, women with intellectual disabilities, and women dependent upon care due to age or disease.
- Definition, implementation and monitoring of quality minimum standards for services and professionals, including the response to specific needs.
- Improved mental health protection system, allowing for a better response to women victims of domestic violence with intellectual disability.
- Improved mental health protection system, allowing for a better response to women victims of domestic violence with a dual diagnosis: intellectual disability and mental health problems.
- Increased availability of psychological and psychiatric services in the health care centres over the country.
- More widespread use of existing victim protective measures, namely in cases of women victims of domestic violence with particular vulnerabilities.

- Creation and regulation of new measures to be imposed on the aggressor, in cases where the victim is dependent on care, e.g. payment of costs with home care services for the care-dependent victim following the issuing of a barring order.
- Improved monitoring of the application of coercive measures, especially when the victims are particularly vulnerable.
- More widespread use of electronic surveillance, especially when the victims are particularly vulnerable.
- The timeframe between the issuing of the measure of electronic surveillance and its enforcement with the installation of the device should be reduced.
- Adequate and immediate response to cases of breaching of coercive measures.
- Emphasis should be put on the quality of administration of justice, rather than on efficiency and effectiveness, regarding women victims of domestic violence with specific needs, in particular.
- Ensuring recognition of women victims of domestic violence with specific needs, in particular, as subjects, i.e. as part of the legal action.
- Promote the openness of the justice system to women victims of domestic violence with specific needs, as victims who often do not fit the situation-type of women victims of intimate partner violence.
- Promote a justice system more focused on the rights of the victims, women victims of domestic violence with specific needs, in particular.
- Creation of courts with specialised powers in the field of domestic violence.
- More widespread use, and further acceptance in court, of the statement for further recall (declaration for future memory), registered either in audio and/or in video, by women victims of domestic violence with specific needs, in particular.
- More widespread use of the possibility of the displacement of the magistrate to the victim's house for taking statement foreseen by law, especially in the case of women victims of domestic violence with specific needs.
- Legal free aid should be made widely available to women victims of domestic violence with specific needs, in particular, in order to cut down legal cost and facilitate access to justice.

- Courts' facilities should be renovated in order to properly accommodate women victims of domestic violence with specific needs, in particular, e.g. regarding signposting, accessibilities, rooms for the victims, and rooms for witnesses.
- Police stations' facilities should be renovated in order to properly accommodate women victims of domestic violence with specific needs, in particular, e.g. regarding signposting, accessibilities, rooms for the victims, and rooms for witnesses.
- The number of judicial proceedings by judge should be reduced in order to facilitate adequate handling of cases of women victims of domestic violence with specific needs, in particular.
- Police, and community policing in particular, should be provided with more logistic and human resources.
- Social services, including specialised services for women with disabilities or impairments, should have increased quality, capacity and widespread coverage rates at affordable prices over the country.
- The police should have the right to issue emergency barring orders in order to ensure the safety and well-being of the victim, namely of those who have particular vulnerabilities.
- The preconditions for safety and empowerment, which must be met before introducing emergency barring orders in the country in order for these to be effective, should be examined.
- Creation of a specific protection system for women victims of domestic violence with particular vulnerabilities, who are care-dependent, ensuring: immediate barring of the aggressor; the woman stays at her own home with immediate social support; and this woman is provided specialised domestic violence support in the following 24 hours.

Intersectional approach, cooperation and networking

- Establish a mechanism to ensure effective cooperation and coordination between family and criminal courts in order to ensure women have immediate recourse to protective measures, without the need to engage in criminal proceedings.
- Increased cooperation and articulation between the judicial system and the social protection and healthcare systems, working together for the protection of the victim.

- Creation and regulation of multidisciplinary teams to, immediately after reporting, support public prosecutors and courts in the assessment of the adequacy of measures to be imposed on the accused considering the specific vulnerabilities of the victim.
- These multidisciplinary teams could then operate as case managers in the relation of the women victim with specific needs with the relevant services, in order to ensure both the execution of the measure and the protection and well-being of the victim.
- More structured and integrated intervention is needed regarding counselling, social and psychological support, service provision and follow-up of women victims of domestic violence with specific needs.



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