
PROTOCOL FOR ACTION IN CASES OF DOMESTIC VIOLENCE

**PROPOSALS FOR COLLABORATION BETWEEN THE
ORGANISMS INVOLVED**

Girona, 7th May 1998

1. INTRODUCTION

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PRESENT

- Mr. Xavier Soy Soler - Delegate of the Catalanian Government in Girona.
- Hon. Mr. Miquel Pérez Capella - President Provincial High Court of Girona.
- Hon. Mr. Carles Ganzenmüller Roig - Chief State Prosecutor Provincial High Court of Girona.
- Mr. Josep M^a Padrosa Masias - Territorial Delegate for Health and Social Security in Girona.
- Mr. Joaquim de Toca de Ciurana - Territorial Delegate for and Social Welfare in Girona.
- Mr. Josep M^a Guinart Sola - Territorial Delegate for Justice in Girona.
- Mr. Xavier Creus Arolas - Chief of the Girona Regional Police Force Catalanian Autonomous Police.
- Mr. Josep M^a Prat Sábat - Deacon of the Girona Lawyers Association.
- Mrs. Margarida Ramis Rebassa - Deacon of the Figueres Lawyers Association.
- Mr. Francisco Sanmiguel Valera - Representing the Forensic Doctors.

Those present wish to express their desire and the need to co-ordinate their efforts and to make common their personal and material means to fight in the most effective way against the existence of violence in the heart of the family. Unfortunately, we have had dramatic examples of domestic violence in the Province of Girona. These deeds have made it necessary to make an in depth revision of the manner of operation of all the institutions and administrations so as to find a co-ordinated way of working that will cause this problem to be faced with the greatest efficiency.

We have reached the conclusion that the causes explaining domestic violence are widely varied and that it is necessary to work in all ways (especially in preventative ways, without forgetting the post offence phase), but good co-ordination will always be needed between everybody.

In the Girona region we already have two experiences in the field of institutional co-ordination (protocols in the case of sexual aggression and in maltreatment of children), which have already demonstrated to us, on the one hand, its efficiency, and on the other, that we are able to do it and do it reasonably well. What was needed then, was to the same in the field of violence.

So, without prejudice to those other measures which have to be taken by whoever it corresponds to at other institutional and territorial levels (for example publicity information campaigns, creating awareness of the problem and providing information to the victims, in educational centres to teenagers and above, cultural centres; immediate and provisional economic aid for victims and all the others that help society realise that everybody has the right to not be subject to humiliating or inhuman treatment), we believe it necessary to reflect in writing what have to be the lines of action, the operational guidelines, which all people must be aware of when due to work related reasons they are faced by a problem of domestic violence.

We also wanted to make specific proposals, as long as they were practical within the means and competencies available by the different Institutions and Administrations which have a common meeting point: that of domestic violence.

The Judicial Power of the Girona region, represented in its maximum instance in the person of the Hon. President of the Provincial High Court of Girona and with the backing of the Board of Examining Magistrate's and Criminal Court Judges of Girona who came to an agreement on 2nd February 1998 expressing their confidence and desire to collaborate in the creation of a protocol referring to domestic violence, has wished to express its support to the drawing up of this document, by their presence, at the time of signing it on behalf of the all the institutions and administrations.

This desire to collaborate finally forces the creation of a technical commission for monitoring and the execution of this protocol which permits periodic evaluation of its efficiency and to propose the necessary measures for its perfection, adapting it to the new needs arising.

2. PLAN OF ACTION

DOMESTIC VIOLENCE

DEFINITION:

We can understand domestic violence as being that aggressive behaviour exercised upon the weaker members of a family group other members of this group, especially those exercised on women. Violence produced after separation is also included .

The need for a multi-disciplinary action against these frequent aggressions, directed principally against women, is imposed (health, social, judicial and police) which will act against all the factors influencing these aggressive behaviours.

Each and every one of the aforementioned social and administrative agents, which have to intervene in the problem within the area of their competencies, have to join forces together to provide a united reply.

The organisms implied have to be able to act in different phases of the conflict.

In this way, three phases can be specified: **first, the detection of the aggressions; second, police, social, and judicial intervention; and third a follow up** which will be developed in accordance with the following scheme:

<u>Detection Phase</u>	Sanitary	Indication of maltreatment	Doctor GP	Police
		Diagnosis of maltreatment	Forensic Doctor	Duty Court
	Police	Information Protection Charge	S.A. Victim S.A. Women	Duty Court
	Social Services	State Prosecution Duty Court	Technical report: Mediation, psychological or psychiatric aid (Technical team)	
<u>Judicial Intervention Phase</u>	Adoption of measures		Withdrawal of liberty	Prison Appearance apud acta (controlled by Technical Team)
			Without Withdrawal of liberty	Psychiatric admission Psychological treatment Demand of separation Concession of home Confiscation of arms Prohibition of contact with the woman Police protection Medical control
<u>Control Phase</u>	Constitution of the board of control			

NEARING THE PROBLEM: GENERAL NOTES ON MALTREATMENT OF WOMEN

A) SOCIOLOGICALLY

Prevention:

Maltreatment of women is a social problem and as such the solutions have to have a social implication.

Violence is learnt. This widely accepted fact implies the possibility of influencing the processes of learning, especially from within the family and at school and also through audio-visual means to promote a peaceful and harmonious lifestyle and avoid the transmission of violent and discriminatory behavioural traits with regard to reasons of sex, culture, etc. Prevention is the greatest antidote to violence.

Official reports to police:

The growing number of complaints about maltreatment demonstrates that this phenomenon is emerging, possibly because more and more maltreated women overcome the fear of the acts, despite the additional risk that this can imply for them (the deaths during 1997 are a clear sign of this).

Once an aggression has been produced, it is important not to let the opportunity pass to report it or receive assessment about its significance. It is important to inform the woman about the vicious circle of maltreatment which can form if a passive attitude is taken upon a first aggression.

Mediation:

Amongst the social policies designed to prevent and combat the violence against women considering that many of these actions take place in the family environment and therefore also affect the children, it is advisable to give potential to family mediation as an instrument to resolve conflicts. This technique implies the intervention of a professional "mediator" who must try and form agreements between the antagonists.

Intervention via mediation guarantees a much more stable solution to conflicts.

The aggressor:

In the majority of cases it cannot be considered that the aggressor suffers from a specific pathology which can justify his conduct.

Despite this however, medical, **psychiatric and psychological** inspection is important **to evaluate his aggressiveness and violence and as a consequence the possibility of re-incidence.**

In this sense it is advisable to elaborate programs to attend aggressors which present **social pathologies. This type of program is especially indicated in**

cases where the consumption of toxic substances, especially alcohol, is seen as a factor provoking aggressive actions.

Social agencies:

The co-ordination and the uniting of forces of all the social agencies that in one way or another are related to this subject is needed: workers within the department of justice, the social services, health, police... only co-ordination will permit an effective work both in prevention as well as detection and persecution of these offences.

Information and training of these people is an indispensable condition for an effective broaching of this problem. For this reason it is proposed that training workshops for social workers be carried out so that **they can know the legal circuits for action and charging in cases of maltreatment of women.**

B) PSYCHOLOGICALLY

We have to understand that domestic violence as a means of communication which in certain families is permitted as an instrument for the solution of disagreements or to reach goals where negotiation is impossible.

A relationship based on violence includes all the members of the family and is usually transmitted through the different generations, backed up by the surroundings and shared as a valid means of communication.

So, the practice of domestic violence implies an acceptance which supports it, shares it and transmits it.

We have to take into account the fact that:

The relationship between partners is not the same as parent and children. This means that a violent relationship between a married couple does not imply the same between parents and children. In the same way that a couple will have established a relationship so the children will have established theirs, which will be specific and different with each progenitor.

A small provocation may set off an explosion of violence accumulated due to there not having been given an adequate reply at the opportune moment.

A violent family usually has difficulty with introspection, lack of awareness of having problems, and therefore needing help, and difficulty in integrating experiences.

Characteristics of the violent family:

a) Dynamics:

- **Vicious circle of tension**, where there is an accumulation of tension and the appearance of verbal aggression between the couple.
- **Acute phase or violent action phase** where there is a loss of control, presence of blows and attacks.
- **Affective calm phase**, totally the opposite of the anterior, where the relationship between the couple is idealised, where the model they had previously is reproduced, and once again they situate themselves in the tension accumulating phase.

b) Communicational:

- Rules are not interiorised clear consistent rules do not exist.
- There is a low level of comprehension, expression and reflection.
- There is a tendency to emotional expression.

c) Factors, amongst others, which influence domestic violence:

- Families with social disadvantage
- Unemployment
- Social isolation
- Conflictiveness
- Consumption of drugs (alcohol, pharmaceuticals...)
- Stress
- Danger of loss of social status

2.1 - PROBLEM DETECTING PHASE

1. - INTERVENTION OF THE HEALTH SERVICE AND THE FORENSIC DOCTOR

The intervention of the health service is of transcendental importance in the detection and diagnosis of injuries and maltreatment.

As a detection factor, doctors and health professionals due to their profession are obliged to report these offences. This obligation includes a diagnosis when sufficient elements appear objectively to suspect that an offence of these characteristics has been committed.

Communication between doctors, Autonomous Police and the Forensic doctors has to be one of the key factors for the persecution of maltreatment.

Equally it would be necessary to study the possibility of the maltreated woman receiving adequate information with regard to her rights.

Whenever possible, the forensic doctor, once the health service has detected the offence, will intervene immediately.

If this is not the case, the doctor must inform of the injuries or maltreatment in a specific report of which there is a model in the final proposals.

II.- POLICE INTERVENTION.

1- Reporting the offence to the police

The fact that a woman reports an offence which has produced an authentic shock has to be adequately understood and received by the police.

- **It is recommended that specialised personnel be created and trained in the psychological dealing of these types of offence.**

A woman who is reporting maltreatment finds herself affected by a double reality: personal failure and that of having to confront the problem of a separation.

It must be taken into account the fact that when a woman reports maltreatment and threats it is because she has reached an unsustainable family situation.

- **Special attention must be paid to the woman and she must be adequately informed of her rights.**
- **It is convenient that the woman reporting the offence stays at the family home when the husband is detained. In other situations where the woman cannot or does not want to go back to the family home, an adequate place where she can stay for hours or days should be found until the situation created is solved.**

2- Information needed to offer to the woman:

- a) She is to be informed of that which is contained in article 464 of the new Criminal Code: **Reminder of the Instruction 3/1992 of the State Prosecution for Girona.** ABOUT THE PROTECTION OF VICTIMS OF OFFENCES, PLAINTIFFS AND OTHERS WHO MAY INTERVENE IN ANY CLASS OF PROCEDURE. EXAMINATION AND SUPPOSITIONS OF THE ARTICLE 463 OF THE CRIMINAL CODE, in accordance with which the Judicial Police have to inform the victims and witnesses of punishable offences, which by their nature could imply punishable activities included in the article 464 of its contents; of the punishment which may befall the infractors and the obligation to report these offences. This information must be reflected in the corresponding official report, after declaration has been taken from them.
- b) **The possibility of asking the Judicial Authority for PROVISIONAL MEASURES before the petition for separation.** Together with the pervious information the maltreated woman should be given sufficient information regarding possibility she has of petitioning the judicial authority (duty court) of the adoption of provisional measures (attribution of use of the home to one of the couple, care and control, pension, etc.) prior to the

petition for separation, by a written document in which only the following need be indicated:

Identification of the person petitioning (name, surname, ID number, whether married or not, profession, address, name of partner and the existence or not of children

The facts if the situation motivating the petition (generally fundamentally constituted for maltreatment), intention to press separation or divorce.

Petition formulated (authorisation of separation, custody of children, pension for the support of family expenditure, use of the family home, from which the husband will have to leave after he has been given his clothes and other necessary utensils, etc.) This petition , should be accompanied , if possible, by the corresponding family book. (N.T.Official document stating the family situation)

c) Of the existence of social services for helping maltreated women and the **social service centres where a maltreated woman may go**, the information should be provided by the delegation of Social Welfare (tel. 900 300 500). Together with the information previously mentioned a list of telephones and addresses of the centres for orientation and social assistance or matrimonial mediation existing in the province and especially the services of the Service for Attention of the Victim of the Delegation of Justice of Girona, Edifici dels Jutats, Ramon Folch 4-6, Telephone 972 219 060, switchboard 900 121 884.

d) The measures which should be provided for personal protection.

e) The right that a lawyer under legal aid be named to act for the private accusation and for the pertinent civil actions, and the possibility of the Legal Orientation Service of Girona or Figueres for assessment.

LOS Girona: Edifici dels Jutats, Ramon Folch 4-6, 2nd floor

LOS Figueres: Pujada del Castell, 1 3rd floor tel. 972 671 724

2- In the elaboration of the statement with regard to these kind of offences, the following should be taken into consideration:

a) The determination of the antecedents of the aggressor, and if possible, with an exact reference of the proceedings initiated.

It is very frequent in these types of actions, that although they are initially reported as an offence, they can constitute a minor offence or on the other hand an offence of continuous maltreatment, from article 153 of the Criminal Code.

b) The mental state of the accused should be indicated or the attenuating circumstances there may be (for example alcoholism, drug addiction, etc...)

c) It must be stated as to whether the accused was in possession of arms or other dangerous instruments, with the aim that the judicial authority can decree their confiscation and that the Licensing Authority can remove the licence or authorisation for the arms named.

d) Documentary evidence must be provided (medical reports, photographs...)

- e) It must also be stated that the woman reporting has been offered legal actions and that she has been given the information in the second paragraph.
- f) Model of offer of legal action (**Annex**).
- g) Specialised personnel of the Autonomous Police must carry out a follow up control of the case and must make any facts which may constitute new offences known to the State Prosecution modification of the measures imposed.
- h) A copy of the statement should be transmitted as provided for in article 789.1 of the Law of Criminal Proceedings directly to the State Prosecution, via the specialised personnel of the Autonomous Police, once the Previous Proceedings Number is known.

III.- ADMINISTRATIVE INTERVENTION: TECHNICAL TEAMS FOR ASSESSMENT AND THE THE SOCIAL SERVICES IN THE AREA OF MALTREATMENT

In the administrative facet it is understood that the role played by the assessment services for the courts and all the other institutions is essential.

Currently, the courts of the Girona region have only one assessment service situated in the Courts of Girona to which all the cases in the region are submitted, which means they are swamped by all the requests which causes undesirable delays. Family mediation can be one of the most effective arms for the solution of family conflicts and at least channel them towards a dialogued and consensual solution, which is the path of success with regard to the fight against maltreatment. This means that as a first measure which should be adopted, it is recommended that an advance in the **provision of personal means** with the aim of being able to attend all the petitions from all the courts in the Girona region. These teams must have a sufficient number of professional able to **promote the tasks of family mediation** which they are now carrying out with the aforementioned problems. This family mediation must be carried out in the heart of criminal proceedings (including the instruction phase as well as trial and sentencing) as well as civil proceedings (fundamentally separations and divorces) and to carry out the corresponding follow up and report to the judge.

With regard to the social services, it would be wise to benefit from their valuable human capital which is in permanent contact with the families at risk, so that they can detect the circumstances which are a precursor to conflict and so the professionals can intervene in time to realise a family mediation task. These people should have the constant support of the institutions they belong to, which should guarantee their constant training so that they can respond to the situations they are faced with constantly.

On the other hand, the social services should be in permanent contact with the front line health services, who have to first attend the victim in populations of over 20,000 inhabitants, and when necessary have provisional housing available for the victim and family in the case that they have no support in their environment. This housing should accommodate the victim while the necessary actions are being made for entering in a home for maltreated women or for access to the family home. In the future we should be conscious of the fluctuations in the demand for resources and the facilities available.

IV.- INTERVENTION BY LAWYERS

1.- Creation of a system of lawyers on duty to aid and represent maltreated women both in police and judicial situations, as well as with provisional measures and demands for separation (including execution) which they are connected with. The aim is that at the moment when the maltreated woman presents a complaint, either before the court or the police, she is to be informed that if she wants a lawyer she can have one to provide assessment and present a private legal action.

We believe that the only way to guarantee the operation of this process and that there will not be problems is by creating a special system of duty lawyers specifically for this.

The professional lawyers associations of the Girona region should establish agreements with the Department of Justice of the Generalitat with the aim of creating this service and that it should be paid for.

2.- Police actions:

When actions start in accordance with a complaint made to the police by a woman she should be told that she can have a lawyer to defend and represent her.

3.- Actions initiated in the court or state prosecution:

In the same way the court must indicate to the woman that she can ask for a lawyer to be present at the hearing and to help make the complaint, ask for measures and above all represent her in a private accusation.

4.- From the Judicial Orientation Service:, situated in the courts of Girona and Figueres the task of assessment and informing maltreated women who come to make consultations on the subject of maltreatment (physical and even psychological) which are not urgent.

In the case of urgent subjects, we propose that the JOS has models of complaints and models of provisional measures to present at the same time in the court, and to then inform the lawyer on duty.

So, the professional organisation must agree to produce some models of measures and complaints and have them at the disposal of the SOJ.

It would also be reasonable for all the boards of judges of the different judicial areas to agree, as has been done in Girona, that the urgent provisional measures be dealt with by the duty court and to not have to wait for distribution.

5.- All the designations of the duty court will be provisional, which means that the right to legal aid should also be organised.

6.- Naming of a procurator can be made later, by petition of the same lawyer, once he has appeared in the proceedings. It is recommended that the professional associations of lawyers designate one single procurator for both the criminal and civil proceedings derived.

7.- Once the protocol has been signed, the professional association of lawyers should inform the lawyers of this and hold a meeting with the lawyers involved

V.- INTERVENTION OF THE STATE PROSECUTOR IN THIS TYPE OF OFFENCE

1. In 1992, the Victim Attention Service was created, through which individual treatment is made and the executions are controlled and all the victims are attended, who due to offences, ask for personal interviews, principally in reference to sexual abuse, maltreatment and offences which give rise civil responsibilities.
2. In the execution of the sentences, an average of 500 are controlled annually in an individualised way, related to offences against sexual liberty, injuries and maltreatment, homicides, murders, ecological offences, swindles, stealing, damages, etc., and care is taken with regard to the compliance with the sentence with regard to the payment of civil indemnities, using all the measures possible or taking proceedings for offences which may have been committed with the aim of avoiding them (sending in the bailiffs).
3. In the State Prosecution Board it was agreed that with the aim of protecting victims of the object of maltreatment, the State prosecution would look into the pertinent judicial measures and communicate to the Head State Prosecutor the cases of maltreatment of women, minors and handicapped people. This would aid with the direct attention to victims who go to the State Prosecution and the co-ordination with the SAV to produce a computer file of information about these offences. (This collected in the Instruction 1/98 of the State Prosecution of Girona)

2.2. JUDICIAL INTERVENTION PHASE

A- INSTRUCTION PHASE

The judges of the Courts of Instruction, with the aim of being able to apply the adequate measures to ensure the safety of the victims and have a complete knowledge of the family situation of the victim and the aggressor, should be able to use the following diagnostic tools throughout the instruction process:

- Forensic doctor's report which should intervene both to detect maltreatment as well as a psychological report on the aggressor.
- Reports from the judicial assessment technical team.

All this will contribute to the penal and civil measures adopted being the most adequate and objective.

It is also convenient to follow up the new situation created by the measures adopted.

B- PHASE OF THE EXECUTION OF THE SENTENCE

In the processal stage, the judges can carry out the new protective measures for the victim which specifically are:

- Measures contained in article 83 of the Criminal Code.
- Safety measures (mental illness, alcoholism, drug addiction).

C- PROPOSAL OF VARIOUS JUDICIAL MEASURES FOR THE VICTIM, THE DESIGNATED LAWYERS OR THE STATE PROSECUTION IN THE CASES OF MALTREATMENT OF WOMEN:

1- MEASURES IN CIVIL LAW:

1- Provisional measures

- a) Regulation: article 104 of the Civil Code and articles 1881 and following of the Law of Criminal Judgement.
- b) Permit a rapid actuation to stop the shared situation of the married couple and to adopt the measures necessary so that they are effective (attribute the use of the home to only one of the couple, care and control, pensions, etc.) The intervention of the lawyer and procurator is not necessary, a written petition is sufficient. The process consists of the ratification by the petitioner, the judicial resolution where the petition is admitted or not, the appearance and the resolution.

II- Internment due to psychiatric illness

- a) Regulation: article 21 of the Civil Code.
- b) Supposed psychological alterations or anomalies needing treatment with admission in an adequate centre.
- c) Applicable to alcoholism and drug addiction.

III- Application of article 158 number 3 of the Civil Code written by LL.O/11996, 15th January.

Permits the action by the duty court or by petition of the son or daughter, by any relation or the State Prosecutor to adopt the adequate measures to remove a minor from danger or to avoid danger. In the case of domestic violence care and control can be given to the non aggressor parent and use of the family home be granted.

- c) These measures can be adopted in any civil or criminal procedure, **including unmarried couples.**

2- IN THE CRIMINAL AMBIT:

1.- During the phase of Instruction.

- a) Provisional prison, with or without bail when there is concordance with the requisites laid down in articles 503 and 504 of the Law of Criminal Judgement. Special consideration should be taken to the risk of a repetition of new offences of the same or greater importance.
- b) Provisional liberty:

- 1- Appearances *apud acta* with the possibility of demanding daily visits (Instruction 1/1988, 11th January of the FGE) *This visit can be made to a specialist designated by the Court.*
 - 2- Petition the judicial authority for a requirement that the accused does not go near the home or the person maltreated, order the police to make a special watch to enforce this measure.
 - 3- Ask the judicial authority to order the police to adopt the most adequate measures for every case, with the aim of protecting the maltreated person: periodic control of their state, possibility of immediate warning, police follow up, etc.
 - 4- Co-ordination and promotion of the different social agencies for assistance and assessment of the maltreated person.
- c) The possibility of organising quick trials.
- d) Include written provisional and definitive conclusions, and when adequate, the application of the sentence as well as the prohibition of the prisoner to return to where the offence was committed, where the victim or family lives, laid down in article 57 of the Criminal Code.
- e) With regard to the possibility of imposing alternative sentences (weekend arrest - fine) and always respecting the other parameters to take into account for the individualisation of the sentence, it must be valued that, instead of weekend arrest, the sentence of a fine might prevent the accused of complying with the obligations toward the victim or victims (wife, children ...).
- f) Application of article 158 of the Civil Code, in the same criminal proceedings when the maltreatment can affect the children.

II- In the execution of the sentence

- a) In the case of suspension of the execution of the sentence, the condition of the compliance with the obligations or duties provided for in article 83 of the Criminal Code (prohibition of going to certain places, prohibition of leaving the current residence, periodic presentation before the Tribunal or the administrative services, participation in training programs, education, etc ...) must be specifically taken care of.
- b) In situations of complete or partial extenuation of the articles 20 numbers 1,2 and 3 of the Criminal Code and article 21 number 1 in relation to the previous, special control of both the measures of security withholding liberty and those which do not affect liberty which have been imposed or substitute the anterior, when necessary article 105 of the Criminal Code should be applied.
- c) Follow up of the execution of the sentence.

III- Statistics

It is demonstrated that there is a need for reliable statistics to decide on new measures to be adopted or to rectify those that do not result efficient enough. So, both courts and police, hospitals and front line health services, the social services and all the institutions related to the problem of maltreatment should

adopt a common denomination, which could be **domestic violence**, to elaborate and obtain, when statistical data is needed. As a consequence it is recommended that each institution adopt the necessary measures to have and to order, under the common and generic denomination, the data corresponding to this problem.

2.2 - FOLLOW UP PHASE

The follow up phase is the culmination of the permanent vocation to persevere in the fight against domestic violence.

In this phase, the representatives of the institutions implied must analyse, in periodic meetings, the problems arising from the application of the protocol, as well as any incident that can improve the co-ordination and execution.

With this aim a follow up board must be constituted, where, and with a periodicity of no less than 6 months or whenever needed, the contents and effects of the protocol are examined.

FINAL PROPOSALS

- A)** The co-ordination, the joining of forces and the continuous exchange of information is necessary between those responsible in the Departments of Justice, Health, Social Services and Judicial Police to face the challenges which may arise from the subject of domestic violence.
- B)** It is vital to inform women (as a passive subject in the cases of maltreatment in the great majority of cases) of their rights and the possibilities they have within their reach to put an end to diminish their problem.
- C)** Prevention is the best antidote against domestic violence. It is for this reason that it is recommended that publicity campaigns, talks and conferences where publicity and information about the problem are held in the province of Girona, and at least, these be carried out in the nine populations where there are courts of instruction. It is also recommended to make all the social agents intervening aware with the aim of detecting and combating these offences.
- D)** It is advised to elaborate programs for the attention of alcoholics in detoxification treatment for the short term with later follow up.
- E)** It is recommended that all the personnel in the social services of all the administrations have the reinforcement of continuous training which will allow them to confront the different and changing situations they are faced with.
- F)** The personal and technical means must be advanced in the judicial assessment teams which currently exist so that they can be present in all the judicial areas and so the professional intervention of mediation can be guaranteed.
- G)** Training of personnel specialised in this form of offence in the police forces.
- H)** It is advisable that the local and regional bodies have places for provisionally housing women and their families in case of emergency.
- I)** It is recommended that the lawyers associations have a people on duty to attend victims who ask for it and that the administration has the corresponding budget so that professional services can be paid for.

- J)** It is recommended that agreements be made between the lawyers association and the procurators so that the designated professionals are the same for the civil and criminal actions.
 - K)** It is convenient that the provisional measures to be adopted with respect to the family situation can be organised, when urgent, in the same court without having to wait for distribution in the civil court and that this measure be contemplated in the rules for distribution agreed upon by each board of judges.
 - L)** A follow up commission must be constituted where there is representation from judges, state prosecution, lawyers, managers or directors of hospitals, judicial police, forensic doctors, and social workers, to make a correct follow up of this multi-disciplinary problem and the grade of compliance with this protocol.
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ANNEXES

1.- Resolution of 9th January 1998, where the Agreement of the Government of the Generalitat of 7th January 1998 is publicised, for the creation of a commission for the analysis of acts of violence against women in the ambit of the home of the Generalitat.

2.- Proposal of report to enclose with the judicial communication in case of medical treatment of the victims of domestic violence.

3.- Model for information on the victims of acts of domestic violence.

2.- PROPOSAL OF REPORT TO ENCLOSE WITH THE JUDICIAL COMMUNICATION IN CASE OF MEDICAL TREATMENT OF THE VICTIMS OF DOMESTIC VIOLENCE.

CENTRE IDENTIFICATION INFORMATION DATE AND TIME OF ATTENTION

1. VICTIM INFORMATION

Name and Surname, Date of Birth (age), Marital status, address, county, telephone.

2. ACCOMPANYING PERSON INFORMATION

Name and Surname,
Address, county, telephone.

3. DESCRIPTION OF THE EVENTS MOTIVATING THE CONSULTATION

Date, time and place of the aggression (street, home, etc...)

3.1 GENERAL MECHANISM OF THE AGGRESSION (convenient object, punch, weapon, deliberate fall, mixture)

3.2 AUTHOR OF THE AGGRESSION AND RELATION TO VICTIM

Provide only manifestations of the victim or accompanying person. Do not take manifestations of them as being their own. Whenever possible enclose photographs.

4. MEDICAL ANTECEDENTS OF INTEREST

Suspicious history of non accidental lesions.

5. PHYSICAL INSPECTION

Description of the lesions: number, size in CMS. Clinical description (equimosis, contusion, incisive wound, erosion, puncture cut, etc.) localisation (use enclosed diagram).

6. CURRENT PSYCHOLOGICAL STATE

Behavioural manifestations, emotional and/ or verbal of the victim. Depressive, excited, anxious, frightened, state.

7. COMPLEMENTARY EXPLORATION

Which have been made and what are the results.

8. TREATMENT CARRIED OUT

9. DIAGNOSTIC ORIENTATION

10. PROGNOSIS OF LESIONS

Light, not serious, serious, very serious.

11. INFORMATION AND SIGNATURE OF THE ATTENDING DOCTOR

3.- MODEL FOR INFORMATION ON THE VICTIMS OF ACTS OF DOMESTIC VIOLENCE

1.- The acts of violence against a the wife or child constitute a legal cause for separation according to pats 1 and 2 of the article 82 of the Civil Code.

2.- If you have the intention of petitioning for separation for the causes named, you can ask for provisional measures to be adopted to be judicially adopted and, before petitioning for separation, as provided for in articles 102 and 103 of the Civil Code and which have the following characteristics:

- They will be asked for at the duty court corresponding to your address.
- They are completely free and very fast.
- The measures which can be agreed are the following: the obligation for husband and wife to live together ceases; it can be determined which of the partners stays living in the home; it is determined which of the partners gets care and control of the children as well as how each partner has to contribute to the costs...

The Judicial Orientation Service of the Department of Justice has different models of text available for the imposition of provisional measures, as well as a team of specialists who can give you legal advice. This service is situated in the building of the Girona Courts (Avda. Ramon Folch 4, 6) and in Figueres (Carrer Poeta Marquina, 2) Opening times are from 10.00 to 1.00 from Monday to Friday.

- Once agreed, these measures will become without effect if within 30 days the corresponding petition for separation is not presented to the corresponding judge.

3.- In spite of this, you can present the petition directly, ask for the naming of a duty lawyer who will help you, assess and defend you in the police and judicial actions (both criminal and civil).

4.- If you wish you can get in touch with the VICTIM ATTENTION SERVICE of the Delegation of Justice in Girona. Here they can give you personal attention and orientation as well as information about other resources you can use. Also, if you ask, someone from this service can help you with the judicial procedure.

Tel. 672 219 060 or 900 121 884

Address: The building of the Girona Courts (Avda. Ramon Folch 4, 6

Opening times are from 8.30 to 3.00 from Monday to Friday.

5.- In the case that a Home FOR MALTREATED WOMEN exists, information can be received from your local social worker through the free phone of the Department of Social Welfare.

900 300 500

Name :

Date:

Signature: