

# IT'S TIME!

ISSUE 002 / 2022

## program platform

youth work  
and gender perspective



manual  
for youth  
workers

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# Chapter 1

## **Introduction**

## About the project

Gender role is seen as a granted role in the society. Blue is for boys, pink is for girls – something that the most of us are taught during our childhood. Male and female predetermined social roles often cause severe violation of women human rights and discrimination. Gender equality is a fundamental right, a common value of the EU, and a necessary condition for the achievement of the EU objectives of growth, employment and social cohesion. One of the main challenges for the EU is to increase women’s employment, to improve women’s situation at the labour market and eliminate gender gaps. Gender-based violence is one of the most widespread forms of human rights abuse and a violation of human dignity. Youth workers and youth leaders have a responsibility to think about their attitudes to gender and violence and raise the awareness about this important issue among young people. In spite of many initiatives and documents that support gender equality at the European and world level, gender inequalities are deeply rooted in our societies and lot of work and effort is required to make even small changes. Especially important is a problem of gender-based violence that affects a great number of people and children no matter what their social or cultural status is. It is a severe violation of human rights and it is necessary to include young people in prevention of it. The topic of violence is generally difficult and sensitive, often a taboo, but it needs to be recognized and prevented.

“It’s time!” project was prepared and implemented by Club for Youth Empowerment 018 (KOM 018) – Serbia, “Tolikas Media Company” – Austria, “Do-Lo-Ri” - Albania, “Art Republic Prague”, “Red Cross Novo Sarajevo” – Bosnia and Herzegovina, “International Development Alliance” - Bulgaria, “Council for prevention of juvenile delinquency”– Macedonia and “Greenways SCE” – Greece”. “It’s time!” project emphasized the urgent need to work on gender related issues. It presented European Commission views and documents on gender equality, such as Strategic engagement for gender equality 2016-2019, Istanbul Convention: combating violence against women and Manual for gender mainstreaming. It offered participants the opportunity to learn about the gender equality, focusing on the problem of gender-based violence. They were empowered to contribute to development of their communities and society by pro actively transferring the newly acquired experience and knowledge to their peers in their communities in the field of gender equality. Another aspect of the project was the basic techniques for video production, music and stop animation and the use of these methods for a social change in the field of gender equality and promotion of the same. Project built capacity of the participating organizations and gave the base for the exchange of good practices and further networking. Project networked young people from different European countries and allowed intercultural learning as well as enabled them to further work in the youth field in the European level.

“It’s Time!” project was implemented in Albania, Austria, Bosnia and Herzegovina, Bulgaria, Czech Republic, Greece, Macedonia and Serbia in the period 01.09.2017 – 31.08.2018.

Main activities of the project were:

1. Capacity building activity 1: Coordination meeting
2. Mobility activity 1: Training course on gender related issues
3. Capacity building activity 2: development of information, communication and media tools – Local workshops
4. Capacity –building activity 3: information and awareness campaigns – Film festival
5. Capacity building activity 4: information and awareness campaigns – online and offline actions and development of gender-related recommendations
6. Capacity building activity 5: Dissemination, distribution and multiplication – development of “It’s time! program platform – youth work and gender perspective” manual
7. Capacity building activity 6: Final conference

One of the results of “It’s Time!” project is “It’s time! program platform – youth work and gender perspective” manual

that gathers the work of youth workers and young people from 8 participating countries. It includes:

- Examples and methodology of the thematic workshops on gender related issues that can be used in the work with young people
- Examples and methodology of the creative workshops on the use of video production, music and stop animation and the use of these methods for a social change in the field of gender equality and promotion of the same
- Introduction of the European Institute for Gender Equality (EIGE) is an autonomous body of the European Union, established to contribute to and strengthen the promotion of gender equality
- Set of recommendations on gender related issues developed through focus groups done with young people in Albania, Austria, Bosnia and Herzegovina, Bulgaria, Czech Republic, Greece, Macedonia and Serbia
- Presentation of the documents: Istanbul Convention: combating violence against women
- Presentation of the national laws and legislation on gender related issues of the 8 countries participating in the project

With this document, consortium of “It’s Time!” project would like to contribute to promotion of gender equality at the European level and greater engagement of youth workers and young people in this field.

# Chapter 2

## **Examples of workshops used in work with youth workers and young people**

## Sex vs. Gender

Objective: To understand the difference between sex and gender

Materials: Flip chart, markers, the World Health organization definition of sex and gender

Introductory activity:

Every participant gets a piece of paper with unfinished sentences. Their task will be finish each sentence the way they think should be finished. When they finish, facilitator reads the first sentences and ask every participant to read their end of the sentences. This should be done for every sentence:

Sentences:

- The best thing about being a girl/woman is....
- The best thing about being a boy/man is...
- Woman's place is in...
- Man's place is in....
- Gender equality means....
- Gender equality is important because...
- To achieve gender equality, we need to...

When reading is finished, facilitator collects all the papers (ask participants to sign their papers) and keeps them until the end of the training. At the end of the training participants will get their papers and facilitator will ask participants to read their sentences again and think about if they would change the end of the sentences, and if yes, how.

After this activity, the discussion switches to sex and gender terms.

The flip chart paper is divided in two columns, one with title "Women", other with title "Men". Participants are invited to brainstorm as much characteristics of women, then men, as possible (physical, biological, psychological, social etc). Once brainstorm is finished, the answers at the flip chart should be read one by one and discussed. If, for example, it is written in the column for women "sensitive", should be asked if men can be sensitive too. All characteristics that can be the characteristics for both women and men should be underlined. Biological characteristics such as "reproductive organs", "breasts" (in terms of lactating milk), "vagina", "penis" should be circled and that points to what "sex" is, while everything else represent "gender". WHO definition of sex and gender should be given and facilitators should comment and finish the workshop with most important issues from the text below.

## What is gender?

*Yes, what is gender? What is the relationship of gender to sex? What does it mean to understand gender as an ongoing process? What does gender have to do with power?*

These are basic questions, but they are not easy to answer because gender is an idea that has been discussed and analyzed from very different perspectives for many years. Gender is both an analytical category – a way of thinking about how identities are constructed – and a political idea that addresses the distribution of power in society. Because of this, gender is an area of focus that cuts across thinking about society, law, politics and culture, and is frequently discussed in relation to other aspects of identity and social position, such as class, ethnicity, age and physical abilities.



It is also important in a range of social and political debates that are conducted differently according to the cultural context. This section does not intend to define gender because understandings of gender differ and are often disputed. More modestly, its intention is to put forward some ideas that will recur throughout the different sections and chapters, and to invite the reader to consider these in his or her own context.

## Ideas of gender

*What does it mean to be a woman? What does it mean to be a man? Are we born knowing our gender? What influences our concept of our own gender?*

Despite these considerations we can start to build on some straightforward descriptions. Gender can be seen as the ways in which we understand and live as male and female. From birth, our social and cultural contexts offer us meanings, limits and possibilities of being 'woman' or 'man'.

**The World Health Organization (WHO)** offers a useful summary of this:

*'Sex' refers to the biological and physiological characteristics that define men and women.*

*'Gender' refers to the socially constructed roles, behaviours, activities and attributes that society considers appropriate for men and women. To put it another way: 'male' and 'female' are sex categories, while 'masculine' and 'feminine' are gender categories.*

We learn to identify ourselves in particular ways, and in relation to wider images, codes and assumptions about gender. Importantly, these understandings of gender have an influential bearing on how people are viewed in our societies, and what kinds of possibilities are available or unavailable to them. To accept the idea of gender and the kinds of thinking that follow from it is to accept that being a woman or a man is not only a biological category of being with a fixed, shared meaning, but rather that these are categories that - socially and culturally - we give meaning to. Kalyani Menon-Sen expresses this very nicely:

*The term 'gender' is used to describe a set of qualities and behaviours expected from men and women by their societies. Gender is not biological; girls and boys are not born knowing how they should look, dress, speak, behave, think or react.*

If we take this line of thinking further, ideas of gender are likely to differ from context to context over time, and to be understood in relation to other aspects and markers of identity, such as age, class, ethnicity, bodily abilities and sexual orientation. Analyzing gender involves looking at the different ways in which socio-cultural codes of being a woman and man are understood and lived, normalised and regulated, negotiated and challenged. It involves examining femininities and masculinities as sets of ideas, definitions and practices that people inherit and use to make sense of their identities, appearances and behaviours, and in particular to make sense of their bodies' 'sexual and reproductive capacities'. Analyzing gender examines the ways in which apparently obvious and natural differences between women and men have been constructed socially over time, and further examines the ways in which those supposed differences have been central to relationships of power and inequality.



## Gender and sex

*Can people have a different gender to their biological sex? Are there only two types of gender? What is the relationship between our body and our gender – if there is one?*

The definitions discussed in the previous section offer a clear differentiation between the idea of sex as a biological category, and gender as the socially constructed ways in which masculinities and femininities are expressed and organised. Feminist thinking, in particular since the 1970s, has distinguished between gender and sex, and the ways in which differences between male and female have been culturally loaded with natural and essential meanings. Challenging these naturalised meanings has been central to challenging the idea that men and women should play distinct roles in relation to each other, and that 'all women' or 'all men' should conform to a set of 'natural' expectations. For many analysts, sex is a biological fact: two biologically differentiated types of children can be born - a girl or a boy. Gender can be understood as everything that shapes understandings and practices of 'being a girl' and 'being a boy' from that moment on. The WHO definitions quoted in the previous section provide the following illustration of this: Aspects of sex will not vary substantially between different human societies, while aspects of gender may vary greatly.

*Some examples of sex characteristics:*

- Women can menstruate while men cannot.
- Men have testicles while women do not.
- Women have developed breasts that are usually capable of lactating (producing milk) while men have not.
- Men generally have bigger bones than women.

*Some examples of gender characteristics:*

- In most countries women earn significantly less than men.
- In Vietnam many more men than women smoke because female smoking has not traditionally been considered appropriate.
- In Saudi Arabia men are allowed to drive cars while women are not.
- In most of the world, women do more housework than men.

Before we continue to examine the relationship between sex and gender, we should also recognise that it is not as simplistic as it appears. Not all individuals are clearly classifiable as either 'male' or 'female' even on the strictly biological basis denoted here. 'Intersexed' individuals may not be classifiable, as the Eastern Michigan University Lesbian, Gay, Bisexual, Transgender Resource Centre describes:

*Intersex people are born with 'sex chromosomes', external genitalia or internal reproductive systems that are not considered 'standard' for either male or female. The existence of intersexuals shows that there are not just two sexes and that our ways of thinking about sex (trying to force everybody to fit into either the male box or the female box) is socially constructed*

Despite the existence of intersex individuals, there is never any question of not making a choice, and of organizing gender identities into male and female. Therefore many people argue that sex itself is also a gendered idea that assumes that male bodies will always 'become' men, and that women's identities are limited to those that inhabit a female body. Nevertheless, many discussions of gender proceed on the basis of a biological division into 'female' and 'male', which over time become gendered identities. For example, in most western countries, if you went to a hospital to visit a newborn girl or boy, and stopped to buy a card, there is a good chance that the congratulations cards for boys and girls are color coded in a gendered way, that the little girls and boys on the cards are dressed differently, and that



they are represented with different kinds of toys. In a wide range of ways – including how the child is dressed, played with, spoken about and to, what they are encouraged and not encouraged to take an interest in – this biologically female or male being is interpreted as and comes to understand themselves as a boy or girl. We all learn to operate within assumptions of how girls and boys ‘should’ be and what they ‘normally’ do.

As John Hartley has pointed out, “Whenever sexual differences are taken as meaningful, we are in the presence not of sex but of gender... gender is a human and a signifying division, its ‘source’ in nature is neither here nor there” (5). The idea of gender, therefore, stands in opposition to ideas of ‘biological determinism’ – the idea that sex has a decisive role in shaping the person and their behavior – and ‘essentialism’: a range of ideas that contend that *there just are* different essences of woman and man.

In particular times and places, therefore, gender often involves assumptions that have become normal about what is recognized as being a woman or man. As we shall see, these assumptions are reinforced by patterns of relationships, in social institutions, and in images and information absorbed on a daily basis. Think, for example, of equivalent phrases to these in your language: “He can’t help it, he’s a man”, “boys will be boys”, “She’s all woman”, or generalizing phrases such as “women always...”, “all men should...” Some contexts, for example, may include a phrase such as “Be a man about it”. If we follow through this analysis of gender, this suggests that both the speaker and the listener have an idea, in their context, of what is usually associated with correct male behavior, and what is not. There is a wide range of assumptions behind phrases such as ‘be a man’ and ‘she is all woman’ that the speaker assumes do not need to be spelt out. The phrase is also an order: it suggests that the listener has little control over how their reactions and behavior will be interpreted if he wants to be interpreted as ‘a man’ or as ‘a woman’. In the following extract our arguments are very close to the idea that

*[...] qualities that are stereotypically attributed to women and men in contemporary western culture (such as greater emotional expression in women, greater tendencies to violence and aggression in men) are seen as gender, which entails that they could be changed.*

However when we start to analyze gender, and to think about how we invite people to evaluate their behavior in relation to these reflections, we initially need to recognize that gendered ways of interpreting ourselves and others are very powerful. They are deeply socialized and often appear to be normal and natural, ‘the way things are and have always been’, and simply common sense. This does not mean that people are entirely trapped by strict gender roles, or that individual agency is powerless in the face of social influences. What it does mean is that dominant, normalized codes of masculinity and femininity are established in everyday practice in most societies, and that people need to recognize how their power stems from the ways in which they become natural and unremarkable.

## Thematic workshop: Gender Confusion

*“Gender is not only male, female, man or woman. It is something much, much bigger. Gender is something that you define if you want to, not something that is to be forced upon you.”*

### Overview

This exercise is a combination of an analytical exploration of concepts used in the ‘gender debate’ and a critical and personal reflection on one’s own gender. It also addresses sexuality and sexual orientation.

## Objectives

- To make participants reflect upon their approach to gender as such and their own gender in particular
- To demonstrate that gender is not only about women's issues and that it is not a static issue to be discussed along the dichotomy male-female or man-woman
- To link issues of 'sexual orientation' with 'gender'.

## Materials

- Pens and paper
- Copies of your input for yourself and participants
- Relevant visual aids or presentation equipment for the input

Preparation Short input / presentation on terminology used in the gender debate covering terms such as sex, gender, man, male, woman, female, transgender, inter-gender.

## Instructions

- Divide the group in 5-6 smaller groups.
- Each group receives a number of different terms (Handout 1: Gender Confusion – there are 32 terms, so each group should have approximately even number of terms)
- Explain that their task will be to present the terms that they received either through acting or drawing without using the actual term. While one group presents a specific term, the rest of groups will have a task to guess what that term is.
- After every term is guessed, facilitator reads the definition from Handout 2: Gender Confusion
- Every participant gets one copy of Handout 2: Gender Confusion

## Debriefing and evaluation

Ask participants to sit in a circle on the floor or on chairs. The following could be guiding questions for a debriefing discussion:

- What did you learn during this activity?
- What terms were especially difficult to present through acting or drawing?
- Did you know all the terms or were some of them new for you?
- How did you feel during the activity?
- How do you feel now at the end of the activity?
- What have you gained from your participation in this activity?

## Tips for facilitators

Be aware that the participants will have different approaches to and knowledge of the topic. Take into account that there may be confusion about the different terminology and linguistic differences, especially with regards to transgender issues. Try to explain and clarify without giving the impression that what you are telling the participants is 'the truth'.

## Thematic workshop: Expectations and demands

*“Nobody objects to a woman being a good writer or sculptor or geneticist if at the same time she manages to be a good wife, a good mother, good looking, good-tempered, well-groomed and non-aggressive.”* Leslie M. McIntyre

### Time

60 minutes

### Overview

This activity uses brainstorming techniques to help participants understand the different expectations towards and demands on girls/young women and boys/young men in contemporary society. It allows participants to explore concepts of gender further.

### Objectives

To help participants distinguish between the differing expectations contemporary society puts on girls and boys, young men and young women

### Materials

- Five sheets of flip chart paper
- A big wall
- Masking tape
- A marker for each participant

### Preparation

Hang five flipchart papers on the wall. Each one should be marked with one of the following typical settings in or from which girls / boys and young men / young women face expectations:

- school
- family
- friends
- society
- partner

Divide each flip chart into two columns; one column should have the title ‘boys’ or ‘young men’, and the other should have the title ‘girls’ or ‘young women’ on each.

### Instructions

Tell participants they should take a few minutes to think about what they believe is expected or demanded of girls and boys in the different settings identified on the posters on the wall. For this they can walk around or sit down and think, but they should do this part of the activity individually. Once they have ideas, they should write these down on the relevant part of the appropriate flip chart. Once the brainstorming phase has been completed, divide the participants into five subgroups. Each group should select one of the flip charts and discuss its content.

The following guiding questions may help participants in the discussion.

- What differences can you identify between the expectations and demands put on girls and boys?
- What would you like to change?
- How do you think it can be changed?

Each group reports the results of their discussion briefly to the whole group.

## Debriefing and evaluation

Initiate the discussion by reviewing the results of the group work. Ask participants for their initial reactions to the results, how they feel about them, if anything surprised them and, if so, why.

Continue the discussion using the following guiding questions:

- Where do these expectations come from?
- Is it possible for boys and girls / young men and young women to fulfill these expectations?
- Who promotes these expectations?
- How do we ourselves promote them (whether consciously or unconsciously)?
- What are the effects of these expectations on young people?
- How can we / our organisations contribute positively to changing the situation?

The workshop to conclude with the information on the initiative “Gender Mainstreaming - A strategy to achieve equality between women and men” – the initiative was established by The European Institute for Gender Equality (EIGE) as an autonomous body of the European Union; it was established to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex, as well as to raise EU citizens’ awareness of gender equality. Equality between women and men is a fundamental value of the European Union. Therefore ‘Making equality between women and men a reality for all Europeans and beyond’ is the vision of this institution

Gender mainstreaming has been embraced internationally as a strategy towards realising gender equality. It involves the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination. A political commitment for gender equality and a compatible legal framework are the basic conditions for the development of a successful gender mainstreaming strategy. In addition to concrete objectives and targets in the strategy, gender mainstreaming requires a clear action plan. Such plan should take into account the context, satisfy the necessary conditions, cover all the relevant dimensions, foresee the use of concrete methods and tools, set out the responsibilities and make sure that the necessary competences exist to achieve the anticipated results within a planned time frame.

Play the video published at: <http://eige.europa.eu/gender-mainstreaming>

Stress that this site could also help partners in further work in the project and may give them new ideas for action.

## Tips for facilitators

While this is a classic brainstorming and discussion activity, its theme, ‘expectations on different genders’, can be quite controversial. Expectations on different genders are also a matter of perception. As a result, this exercise can cause



disagreement, as what for some participants may be perfectly reasonable expectations, for others may be overly demanding. The perception of expectations on different genders can also be linked to issues of values and socialisation. You can also focus the discussion on these related issues.

## Suggestions for follow-up

Suggest that participants conduct longer-term observations of the expectations placed on different genders in real settings (for example, over one week or one month). The results of these observations could be compared to a survey of young people of different genders in the real settings (for example, school) about their perceptions of the expectations placed on different genders. You can initiate a discussion of the similarities and differences between the perceptions resulting from the survey and those resulting from individual observation.

## Thematic workshop: The knight on the white horse

### Overview

This activity introduces the difficulties of recognizing abuse from close up and early warning signs for who could be a potential abuser. It is a good basis for a discussion on how society romanticizes violence and oppression.

### Objectives

- To discuss the boundaries of a safe and democratic relationship
- To discuss the role of education and / or youth work in preventing violence in intimate relationships

### Materials

Copies of the story for the narrator

### Preparation

Familiarize yourself with the issue of violence in relationships and battery before undertaking the facilitation of this exercise, especially with dealing with domestic violence and abuse, the differences in various kinds of gender-based violence. Choose two team members with whose help you feel confident to co-facilitate this exercise. The person that plays Susie (and is 'courted') should be female. One team member should be the narrator and one should play the knight. Prepare the working space so that all participants can sit in front of the actors in a semi circle and can observe all the action clearly.

### Instructions

Explain to participants that they will hear a short story about the knight on the white horse and that afterwards there will be a discussion about the feelings it raises. The actors move to the middle of the room. The narrator stands to the side of the scene. The narrator reads out the story, while the actors act. The text of the story is outlined in the handouts section below.

## Debriefing and evaluation

After the 'courting scene' and story have been completed, check the faces of participants for reactions or emotions. If participants seem a little shocked or upset, give the participants a very short break for them to collect themselves together. Begin the debriefing by asking the person who played Susie to share her feelings and impressions about the little play before collecting the impressions of the other members of the group. Keep the story in your hands for reference and remind the group of certain passages of the story as necessary.

You can initiate the discussion using the following questions as a guide:

- What does this story make you feel? Why?
- What do you think about this relationship?
- At which point do you think Susie should have realized this is a dangerous relationship?
- What other signals are there that indicate that this relationship is becoming abusive?
- What can we understand about romantic relationships from this story?
- Where does an open and democratic relationship end and an abusive one begin?
- Where do we get our knowledge about what relationships should be like from? How accurate are these sources of knowledge?

You can conclude the discussion by widening the focus to include how society romanticizes violence and oppression. You can use the following questions to guide this part of the discussion.

- Where and under what circumstances do we most often come across violence and gender-based violence in particular?
- In what way is violence and / or gender-based violence depicted?
- To what extent is violence romanticized?
- How do young people engage with these images or depictions of violence?
- How does this affect the way young people develop their capacity for relating to other people and especially to members of another gender or people with a different sexuality?
- What can be done to ensure that gender-based violence is portrayed more honestly and realistically?

## Tips for facilitators

This exercise can be very emotional for some participants and, therefore, needs a safe environment. This is not an exercise that can be run with a group that has just recently met. If your group works together regularly, this is an exercise for when they already know and trust each other and you (as facilitator). If your group has come together for a one-off residential activity, it is suggested that you run this activity only after the group has worked together for a few days. Participant trust in the facilitator as well as in each other is crucial for the success of this exercise. As mentioned previously, bear in mind that you do not necessarily know 'who is in the room'. Someone may have experienced an abusive relationship and you should avoid such people possibly feeling under pressure to disclose something they do not want to speak about with others, or in public. Try to formulate the questions you ask in the debriefing in a 'non-personal' manner, so that even if they have a personal experience, participants do not have to answer by referring to it directly.

Also be aware that such experiences may be painful for participants to be reminded of, and that as a facilitator it will be your responsibility to deal with the emotional consequences of running the exercise in your group. In other words, and in practical terms, if a participant gets upset or starts to cry, you have to be prepared to deal with that on a one-to-one basis and in the whole group. This may be as simple as taking a break, asking the participant if they want to go to





their room to freshen up and telling the rest of the group that the person needed some time out and will speak about it when they are ready, or it may involve addressing the reasons for the participant getting so upset in the discussion in the whole group, with their prior consent, of course.

## HANDOUT

THE KNIGHT ON A WHITE HORSE	
Knights	Wow Susie! You are so beautiful! I love your style so much! You are such an individual, and I love that about you...!
Narrator	... and Susie is very happy and feels very attracted to the man
Knights	I've never felt so close to anyone. You are the only one I trust, the only one I can share my problems with and who understands them. It is so good to be with you. I love you so much...
Narrator	Susie feels that she is very important to the man. She feels safe.
Knights	I feel I have found my other half. We have been created for each other. We don't need anybody else, do we?
Narrator	And Susie indeed feels that the whole world is left outside, and that every minute they spend away from each other shortens their love.
Knights	You are so beautiful, so pretty. But don't you think that your skirt is a bit daring? Don't you understand, I'm just worried about you! I think you should wear something else. That would make me feel better. We belong together, don't we? You are mine.
Narrator	And because Susie loves him, and would not want an argument for such an insignificant thing, she changes the way she dresses to suit his wishes.
Knights	You spend way too much time with your girlfriends. But we have such a great time together. Am I not enough for you? You shouldn't trust them. I think they have a bad influence on you. I don't like the way you talk about them and about the things you do together. And I don't like the way you talk to me when you come back from being with them.
Narrator	And because Susie wants to be nice to him, she begins to see less and less of her friends. Soon they have been left behind altogether.
Knights	I do like your parents, but why do we have to see them every Sunday? I'd like to spend more time with you alone. Anyway, they do not like me very much. All they do is criticise me. I'm not even allowed to relax on Sunday! They can't wait for us to break up. I wish you didn't want us to spend so much time with them.
Narrator	Susie is worried about their relationship. She does not want to lose it so spends less time with her family. Now there is peace... Or is there?

Reference: <http://www.eycb.coe.int/gendermatters/>



## Thematic workshop: Gender equality and women rights – Take a Stand

### Objective

To explore and share personal values

### Materials

Flip chart pages labeled 'Agree' and 'Disagree', "Can't Decide" 'Take a Stand' statements

Tape the 'Agree', 'Disagree' and "Can't Decide" signs to the opposite walls in the room. Make sure you have the list of 'Take a Stand' statements. Push the chairs to the edges of the room, leaving an open space in the middle. Ask participants to come to the centre of the room, and tell them that you will read a list of statements. After each statement is read, they will need to decide if they agree, disagree, or are unsure. Participants can only answer unsure for one of the statements, so they should try very hard to choose a side for each statement. If they agree, they should move towards the 'Agree' sign. If they disagree, they should move towards the 'Disagree' sign. If they are unsure, they can stand in the centre of the room – the unsure zone. Read aloud some of the statements below. You do not need to read all of them, and you should adapt them to suit the actor/peer educators with whom you are working. Ask participants to take a stand but to do so without talking. After reading of each statement, participants should discuss why they chose that particular stand.

### Take a Stand Statements

- Pink is a color for girls, blue for boys
- Many girls are forced into prostitution
- If a guy takes a girl on a nice date and spends \$50, she owes him sex.
- Men are better in sport than women
- Gender equality is not a human right
- Women can never be successful in sport as men, they are weaker
- A girl has to be a virgin before she gets married
- If a girl has many sexual partners, she is a slut
- Women's sport clubs should not be financed the same as men's
- If a married woman who has a job becomes pregnant, she should quit her job to stay home and raise her child.
- A husband should not earn less than a wife
- Male prime minister is a better option for a country than having a female prime minister
- Only slim girls are beautiful
- A girl/woman should not get the employment if she plans to be pregnant
- To have a bad reputation is worse for girls than for boys.
- It is acceptable for young women and young men to be good friends.
- Women are better at cooking than men.
- Gays and lesbians should have the right to marry.
- If my friend told me s/he was homosexual, I would still be friends with her/him.
- Beauty comes from within.
- Sometimes rape is the fault of the girl/woman.



- It is masculine to have muscles.
- Men are good at showing their feelings.
- Ballet is not an occupation for men.
- It is natural for men to take control and to lead.
- Telling your friends if you are afraid of something reveals weakness.
- Talking about feelings is not a masculine thing to do.

Discussion: Ask participants the following questions (in order), and encourage discussion as time allows:

- What did it feel like to play this game?
- What was it like to be alone on one side of room?
- What was it like to be with the larger group (majority)?
- Did anyone's opinion surprise you?
- Did anyone change (or want to change) their opinion based on the responses of others?
- Where do our values come from?
- Do we ever make assumptions about people's values based upon who they are or what they do?
- What do we do if our group's message differs from our personal values?

## European institute for gender equality

The European Institute for Gender Equality (EIGE) is an autonomous body of the European Union, established to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex, as well as to raise EU citizens' awareness of gender equality. As an autonomous body, EIGE operates within the framework of European Union policies and initiatives. The European Parliament and the Council of the European Union defined the grounds for the Institute's objectives and tasks in its Founding Regulation and assigned it the central role of addressing the challenges of and promoting equality between women and men across the European Union.

The vision of EIGE is - Equality between women and men is a fundamental value of the European Union. Therefore **'Making equality between women and men a reality for all Europeans and beyond'** is EIGE vision.

EIGE mission is to become the European knowledge centre on gender equality issues.

### What does EIGE say about gender mainstreaming?

Gender mainstreaming has been embraced internationally as a strategy towards realising gender equality. It involves the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination.

### Why is it important?

Gender mainstreaming ensures that policy-making and legislative work is of higher quality and has a greater relevance for society, because it makes policies respond more effectively to the needs of all citizens – women and men, girls and boys. Gender mainstreaming makes public interventions more effective and ensures that inequalities are not perpetuated.

Gender mainstreaming does not only aim to avoid the creation or reinforcement of inequalities, which can have adverse effects on both women and men. It also implies analysing the existing situation, with the purpose of identifying inequalities, and developing policies which aim to redress these inequalities and undo the mechanisms that caused them.

### Who is responsible for gender mainstreaming?

At European level, the EU Institutions are in charge of implementing gender mainstreaming, whereas at national level, it is up to the governments of Member States. However, it is not only the responsibility of specific individuals working in certain areas or units. While specific structures should be established and persons responsible appointed, the responsibility for implementing gender mainstreaming should be with the entire staff of public institutions, under the leadership of the management.

### Dimensions of gender mainstreaming

Gender mainstreaming requires both integrating a gender perspective to the content of the different policies, and addressing the issue of representation of women and men in the given policy area.



Both dimensions – gender representation and gender responsive content - need to be taken into consideration in all phases of the policy-making process.

## Gender representation in policy areas

Addressing the issue of representation means looking at the representation of women and men as policy beneficiaries, as well as their representation in the labour force and in the decision making processes.

## Gender Mainstreaming Cycle

A practical guide to integrating the gender perspective into a policy/programming cycle

Integrating the gender perspective in a policy means that equality between women and men, as the overarching principle, should be taken into consideration in all decisions, in each phase of the policy-making process, by all the actors involved.

The policy process is understood as a multi-stage cycle, including defining, planning, implementing and checking (monitoring and evaluating). In many cases, these stages are turned into a cycle, with each step being repeated as changes occur. For example, when a policy is evaluated, it may reveal new problems that need to be addressed for re-programming.

The gender mainstreaming cycle presented here can be adjusted to different public policy/programming processes. The chart below refers to the specific stages of the cycle and the necessary elements that need to be given attention within each stage. Specific gender mainstreaming methods and tools that should be used within each of the cycle stages are also included. Some methods and tools, such as consulting with stakeholders or providing gender equality training to the actors involved, can be useful in more than one stage. Moreover, it is important to remember that when dealing with data they should be sex-disaggregated. EIGE's Gender Statistics Database is a useful tool that can be used to find reliable, comparable and up-to-date information on equality between women and men.

EIGE's collection of good practices should also be consulted as it contains examples of proven approaches, policies and practices that have been effective in the implementation of gender mainstreaming strategies in the EU Member States.

For more information visit: <http://eige.europa.eu/>

# Chapter 3

## **Creative Workshops**

## Creative workshops

One of the activities within “It’s Time!” project was Capacity building activity 2: development of information, communication and media tools – Local workshops done in Albania, Austria, Bosnia and Herzegovina, Bulgaria, Czech Republic, Greece, Macedonia and Serbia. Participants of the Training on gender related issues organized local workshops where they tested the new methods, gained at training, with local youth and developed new information, communication and media tool. The main topics of the workshops were how young people could promote gender equality and awareness raising of the problem of gender-based violence in the participating countries. The participant of the workshops developed different songs, videos and stop animations for this purpose. All the products will be uploaded on web platform that would be developed for the purpose of the project and will be available for the public. All product delivered through workshops are officially published at: [https://youtu.be/c-4UtZG\\_2jM](https://youtu.be/c-4UtZG_2jM) (Playlist: It’s Time!) and are available for further distribution.

## Methodology of the creative workshops

Workshop number	Time:	What?	How?	Learning outcomes	Objectives
1	3 hours	<p><i>What is the theme of this session? Which topics will be addressed?</i></p> <p>Introduction to “It’s Time!” project and general discussion about the problem of gender inequalities and gender based violence.</p>	<p><i>Which methods will be used?</i></p> <p>The workshop should start with the introduction of the project, work plan and the participants through name game. Participants should discuss expectation and fears in regard to the workshops and by writing their expectations and fears that will be later commented by facilitators. Facilitators should introduce the project and previous activities through presentation and different videos produced through training. After the coffee break, participants will participate in “Sex vs Gender” workshop to understand the difference between sex and gender.</p>	<p><i>What will the participants learn? Which knowledge or skills will they gain?</i></p> <p>Participants will get basic information about It’s Time! project. They will learn more about what sex and what gender is.</p>	<p><i>What is the objective of the workshop?</i></p> <p>To introduce the project To understand difference between sex and gender</p>



Workshop number	Time:	What?	How?	Learning outcomes	Objectives
2	3 hours	<p><i>What is the theme of this session? Which topics will be addressed?</i></p> <p>Discussion on the position of girls and women in local communities Creative method of concept hip hop music/stop motion/video as method for promotion of gender equality</p>	<p><i>Which methods will be used?</i></p> <p>Participants will participate in “Take a Stand” workshop where facilitator will read particular statements and participants should choose following stands: “Agree”, “Disagree” or “Can’t Decide”. Examples of statements: Pink is a color for girls, blue for boys; Many girls are forced into prostitution; If a guy takes a girl on a nice date and spends \$50, she owes him sex; Men are better in sport than women; Gender equality is not a human right etc. After reading of each statement, a discussion starts where participants give reasons on why they chose that particular stand.</p> <p>After the coffee break, creative method of concept hip hop music/stop motion/video as method for promotion of gender equality and these methods attract attention of people and raise awareness about important social issues</p>	<p><i>What will the participants learn? Which knowledge or skills will they gain?</i></p> <p>Participants will develop deeper understanding on the position of girls and women in their societies; they will reflect upon their own values when it comes to this topic They will also gain new knowledge on how hip hop music / stop motion / video can be used to combat gender inequalities and gender based violence</p>	<p><i>What is the objective of the workshops?</i></p> <p>To explore, reflect on and share personal values on gender related issues To understand creative methods such as concept hip hop music, stop motion and video as a tool for the promotion of gender related issues.</p>



Workshop number	Time:	What?	How?	Learning outcomes	Objectives
3	3 hours	<p><i>What is the theme of this session? Which topics will be addressed?</i></p> <p>Creative method of concept hip hop music/stop motion/ video as method for promotion of gender equality – development of the ideas</p>	<p><i>Which methods will be used?</i></p> <p>Participants will brainstorm key terms that can be used as key words while writing songs/ developing ideas for videos or stop motion (such as: hate, love, discrimination, tolerance, female, male, feminine, masculine, sex, gender, equality etc etc) in order to get into the topic. After that they will work divided in smaller groups and will work on the development the main ideas of the song (writing of the lyrics) / videos / stop motions (development of the story boards / preparation of the sets)</p>	<p><i>What will the participants learn? Which knowledge or skills will they gain?</i></p> <p>They will also gain new knowledge and skills on how to develop the idea that can be used through methods of hip hop music / stop motion / video can be used to combat gender inequalities and gender based violence</p>	<p><i>What is the objective of the workshops?</i></p> <p>To understand creative methods such as concept hip hop music, stop motion and video as a tool for the promotion of gender related issues. To learn how to develop the idea</p>

Workshop number	Time:	What?	How?	Learning outcomes	Objectives
4	4 hours	<p><i>What is the theme of this session? Which topics will be addressed?</i></p> <p>Creative method of concept hip hop music/stop motion/ video as method for promotion of gender equality – recording / shooting</p>	<p><i>Which methods will be used?</i></p> <p>Participants will recording / shoot the ideas developed in the previous workshop.</p> <p>Hip hop music group will write lyrics and start with recording of the song. Video / stop motion groups will organize sets for the shooting of the videos / stop motions and start with shooting.</p> <p>Facilitators will support participants with additional explanations and provide feedback on the work done at the end of the workshop.</p>	<p><i>What will the participants learn? Which knowledge or skills will they gain?</i></p> <p>They will also gain new knowledge on how hip hop music / stop motion / video can be used to combat gender inequalities and gender based violence. Additionally, they will gain skills and competences on writing lyrics and recording music / preparation of the set for shooting of videos / stop motions as well as techniques of video / stop motion recording</p>	<p><i>What is the objective of the workshops?</i></p> <p>To understand creative methods such as concept hip hop music, stop motion and video as a tool for the promotion of gender related issues.</p> <p>To improve technical skills in music recording and video / stop motion shooting</p>

Workshop number	Time:	What?	How?	Learning outcomes	Objectives
5	5 hours	<p><i>What is the theme of this session? Which topics will be addressed?</i></p> <p>Creative method of concept hip hop music/stop motion/video as method for promotion of gender equality – editing and presentation</p>	<p><i>Which methods will be used?</i></p> <p>The last workshop will be used for final recording and editing of the material produced in the previous workshops</p>	<p><i>What will the participants learn? Which knowledge or skills will they gain?</i></p> <p>They will also gain new knowledge on how hip hop music / stop motion / video can be used to combat gender inequalities and gender based violence</p>	<p><i>What is the objective of the workshops?</i></p> <p>To understand creative methods such as concept hip hop music, stop motion and video as a tool for the promotion of gender related issues. To improve technical skills in music recording / producing and video / stop motion shooting / editing</p>

# Chapter 4

## **Focus Groups – Problems and Possible Solutions**

## FOCUS GROUPS – PROBLEMS AND POSSIBLE SOLUTIONS

Within one of the activities of the project: Capacity building activity 4: information and awareness campaigns – online and offline actions and development of gender-related recommendations participants from 8 countries developed set of gender related recommendations.. In order to raise even greater awareness and involve local actors, focus groups with young people were organized in every country to develop a set of recommendations to overcome gender inequalities and gender based violence. Participants of focus groups discussed and identified problems when it comes to gender equality and gender based violence and then developed set of recommendations. Results of all focus groups coming from 8 countries was put in a document and this final document was distributed to representatives of local self-government, police, Social welfare Safe houses, women organizations and other NGOs through round tables.

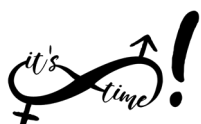
### PROBLEMS

- Lack of awareness of gender equality
- Transitional Society
- Society's apathy
- Education level and traditions
- "I am a woman. My application is rejected because of my gender. What should I do?"
- The precise line between flirt and sexual harassment / abuse at work
- Discrimination based on religion and tradition
- Economic and social inequality
- How to prevent stereotypical views on psychological, physical and sexual level of person?
- How to prevent bullying and violence in school?
- The right time to start introducing this subject and be engaged
- "Who should I contact when I experience discrimination?"
- Not enough information about women's rights
- Men should not be "criminalized"
- Inequality in schools
- Inequality in employment
- Gender based violence
- Patriarchy (especially inside of families)
- being pushed aside on the working place for inevitable things (e.g.giving birth)
- Wage gap -> unequal payment between men and woman for the same activity
- Unequal distribution of higher ranked positions on the working market
- General implemented gender roles lead to feelings of superiority and anxiety
- Taboo topic -> not enough awareness and support for the victims
- Structural gender based inequality defined by higher authorities
- By the society defined expectations about the outer appearance of woman
- Traditional and religious barriers (e.g. arranged marriages)
- Right of educations is not equally distributed between the genders
- Not enough inclusion of the topic by institutions and higher authorities
- Fear of reporting violence
- Discrimination:
- Financial (the man works, the woman sits home)
- Physical appearance



- Rape
- Insult
- Threats
- Beating
- Violence under the influence of alcohol
- Violence under the influence of drugs
- Jealousy
- Discrimination for dress / look
- Discrimination for employment
- Physiological maltreatment / physical maltreatment
- Fear from talking about the problem and the problem of misunderstanding of the environment
- The victim's judging
- Human trafficking
- Depression in the family
- Adultery
- Lying
- Fraud
- Vice
- Awareness about the upbringing of children
- Discrimination
- Interfering
- Race and religious disagreements
- Slap, provocation, jealousy
- The difference in ages
- Conflict of thought
- Sexual problems
- Physical appearance
- Financial problems
- Insecurity
- Society influence (environment)
- Authority
- Financial instability
- Fear
- Support (physical, psychological)
- Condemnation, prejudice
- Quarrel
- Murder
- Abuse
- Slap
- Kicking
- Limiting freedom of movement
- Lack of money
- Freedom of speech
- Freedom of religion confession
- Unemployment (lower wages)
- Post-maternity leave (lower position)

- Condemning the society (based on the number of partners, appearance)
- Unprotected (mobbing)
- Discrimination against women in science
- Downloading credit
- Lack of self-esteem
- Prejudice (appearance - intelligence)
- High expectations (mother, housewife, business ...)
- Underestimation
- The victim of capitalism
- Double standards
- "Feminists"
- Disrespect
- Watching women as a sexual object
- 'Services for service
- Possession
- Stereotypes (Home Jobs, Independence)
- Discrimination
- Physical violence (psychological)
- Poor intervention by observers
- Alcoholism
- Provocation
- Exploitation
- Discrimination (sexual, educational, business level, environmental discrimination)
- Physical violence
- Verbal Violence
- Lack of sluggish days at work
- Unemployment due to pregnancy
- Maternity leave
- Femininity among women leaders
- Expectations of work in the household and at work
- Women:
  - "We are not a sex object!"
  - "We are not machines for the birth of children!"
- Employment
- Intimidation (family)
- Age limit
- Appearance - discrimination
- Earnings (lower earnings for women)
- Mobbing
- Education
- Sexual harassment (professors who use pupils ...)
- Unequal opportunities for studying (girls from rural areas)
- Relationship / Partner Relationships
- Violence (verbal, psychological, physical)
- Financial dependence
- Limitation of freedom of choice (choice of partners, occupations, family establishment)



- Problems of discrimination in employment
- The problem of violence
- Get negative comments on the street
- Setting up inappropriate conditions for getting a job (sending photos with a CV, asking for a family, etc.)
- Unequal treatment of women in relation to clothing and appearance (more attractive women have more chances)
- Domestic violence
- Discrimination in employment
- Women who plan a family
- Free days
- Division of men's and women's affairs
- Discrimination in view
- Looks like
- Years
- Marital status
- Projection of male dissatisfaction (income, physical appearance, social status, etc.) towards their partners / colleagues / females, etc.
- Lack of trust in institutions that should help women; General distrust in society in general
- Lack of institutions that would act timely on violence against women
- Rejection by society
- Lack of time
- Biological clock
- Even though the state is willing to provide financial support for both parents to take parental leave up until the child reaches 3 years of age, most mothers stay home as there are very few affordable day care options for children under 2 years old.
- The Anti-Discrimination Act only supports legal entities fighting for gender equality in providing information and legal advice.
- Victims of sexual harassment are often discouraged from prosecuting the perpetrator either socially due to general stereotypes and prejudices maintained by the public as well as the general length of the process and potential complications
- Lack of social and legal support for proof in case of pay discrimination
- Reverse discrimination (towards men) in pensionable age and benefits, where men have a specific pensionable age which keeps rising, women can have benefits based on number of children raised
- Violation of women human rights
- Women problems at labour market
- Domestic violence
- Istanbul Convention which is not accepted by National Parliament
- Violence is „taboo“

## POSSIBLE SOLUTIONS

- Raising topic awareness about women right, inequality, gender based violence in all segments of the population;
- Increase awareness about Istanbul Convention;
- Ensure equal access to education, employment, sport and etc.;
- Improving legal framework about women right, gender based violence and inequality;
- Change employment strategy, exclude national key and include gender equality in job opportunities.
- Education on rights and obligations of both sexes



- Raising awareness about the size of the problem
- Presentation (school, sketches)
- Debates (older + younger), psychologists, social workers
- Survey, getting feedback
- Online mentoring (instagram, live, share) story
- Event organizing social games on raising awareness
- Separate education (male / female) raising awareness
- Online newspapers
- Clips (simulation)
- Creating Instagram profile based on problem and solution
- More realistic media campaigns and the presentation of women on social networks
- Promotion of home affairs division
- Art campaigns that portray a woman's body as something beautiful, not sexually exclusive
- Protest for freezing doctorate during maternity leave
- Encourage women through education
- Double standards - promotion and education about the acceptance of women as they are
- Encourage women to react
- Self-confidence
- Increased control over mobbing, working conditions and the employer
- Counseling for couples
- Influential female personality to get involved in a topic (athletes, politicians, famous ...)
- Better lighting in the dark streets
- Media advertising of male products
- Uniforms in factories
- Debates for empowering women
- raising the awareness of violence against women through influence of media
- support of friends and family, encouraging the victim in various ways, providing concrete help
- ignoring the perpetrators
- reporting to the police and sheltering in a safe house, resolving through the law
- reporting to the expert service
- treatment of addiction
- various education
- laws
- reporting to the state authorities for the punishment of the perpetrator
- reporting or interviewing with the social service
- workshops
- personal choices
- rehab
- ignoring
- protection
- breakup
- Strengthening self-confidence
- independence
- report to the competent services
- education, change of consciousness, society
- seek the assistance of an expert, the ultimate solution is a divorce if possible (if an unknown person is to report)



- must report / self-defense classes
- To create a TV series that would accompany the lives of women of different social status and age who face the problems of violence, discrimination, etc. which would show these problems as not isolated ones, but, unfortunately, often present
- Gender neutral applications for work
- Record interviews (for employment / protection of rights of potential worker)
- Establishing a help center
- Media Influence (Advertising, Emissions)
- Free workshops (incorporating informal education into the education system)
- Raising awareness of women through media
- Seminars (Association)
- Improving the system in relation to pregnant women (adapting the educational system to pregnant women, etc.)
- Salary for each mother (Norwegian model)
- Adjustment of education for women with children (online courses, special dates of lectures, etc.)
- To reduce working hours to women and to keep the salary equal (working day from 8 working hours to 6, because the cultural code of the woman besides occupation has all the obligations of housewives around the family, the house and the children)
- Raise awareness by making gender inequality and gender based violence an everyday topic (e.g. campaigns, educational events, reforms in the institutional educations system)
- Therefore a general change of the state of mind regarding two different genders
- Promotion of aid institutions to have more opportunity to publish information about where to go to when you are a victim
- Seeing the bigger picture. Making in a clear fact that any differentiation between any human only leads to unequal and unsatisfied societies in general.
- Pushing the higher authorities to take acute actions towards the unbalanced circumstances that exist today. (E.g. through demonstrations, petitions, events etc.)
- State-funded day-care for children under 2 or specific budget/mother if labor office determines they fulfill labor market criteria and can confirm they've began working... Exact amount to be calculated based on proportion of mother's income compared to the overall cost of any of a list of state-approved daycares.
- Extend power of Anti-Discrimination Act to allow legal entities to have direct right of access to the courts of law
- Although there are a number of NGOs and other agencies fighting the stereotypes and that will be a long-term battle, the situation would benefit significantly from expediting the court process (shortening the processing time) and minimizing the stereotype either by penalizing any negative media or keeping these proceedings entirely private
- Creation of actual relevant case-law that would support employees that are too timid or financially unable to go into court proceedings
- Change the law
- Totally new legislative document about women human rights and domestic violence;
- Accept the Istanbul Convention;
- More seminars about gender-based issues;
- Involving more young people into this topic through workshops;
- Make a moving exhibition about issue in the whole country, especially in small regions;
- Raising Awareness the sensitivity of society to problems of domestic violence;
- Ensuring quality protection of injured persons and services for victims and perpetrators of domestic violence;
- Enhancing legislation on protection against domestic violence and social support for victims and aligning it with European legislative practices;
- Facilitated access to information for victims of domestic violence;

- Educate people in school about the issue;
- Create more “safe houses”;
- Apply with projects for free protection by lawyers;
- Talk about the issue in society – lectures, workshops;
- Show what is domestic and gender-based violence through visual elements – scenes, theater, etc.;
- Try to make fight against this issue more concrete, there are a lot of money spent on this, but the results are near zero;
- Get good examples from other countries;
- Open consultative centers in every municipality in Bulgaria;
- Give power to the governmental institutions that are responsible for this issue to “call the police”;
- Try to save people that are victims anonymous;
- Create special subject in high schools.

# Chapter 5

## **The Istanbul Convention**

## Preamble

The member States of the Council of Europe and the other signatories hereto,

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”, 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called “honour” and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;



Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence, Have agreed as follows:

## **Chapter I – Purposes, definitions, equality and non-discrimination, general obligations**

### **Article 1 – Purposes of the Convention**

1 The purposes of this Convention are to:

a protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;

b contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;

c design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;

d promote international co-operation with a view to eliminating violence against women and domestic violence;

e provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

2 In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

### **Article 2 – Scope of the Convention**

1 This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.

2 Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.

3 This Convention shall apply in times of peace and in situations of armed conflict.

## Article 3 – Definitions

For the purpose of this Convention:

- a “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- b “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur 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;
- c “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- d “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;
- e “victim” shall mean any natural person who is subject to the conduct specified in points a and b;
- f “women” includes girls under the age of 18.

## Article 4 – Fundamental rights, equality and non-discrimination

1 Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.

2 Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:

- embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
- prohibiting discrimination against women, including through the use of sanctions, where appropriate;
- abolishing laws and practices which discriminate against women.

3 The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

4 Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

## Article 5 – State obligations and due diligence

1 Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.



2 Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

## Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

## Chapter II – Integrated policies and data collection

### Article 7 – Comprehensive and co-ordinated policies

1 Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.

2 Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.

3 Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

### Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

### Article 9 – Non-governmental organisations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

### Article 10 – Co-ordinating body

1 Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.

2 Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.



3 Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

## Article 11 – Data collection and research

1 For the purpose of the implementation of this Convention, Parties shall undertake to:

a collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;

b support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.

2 Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

3 Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.

4 Parties shall ensure that the information collected pursuant to this article is available to the public.

## Chapter III – Prevention

### Article 12 – General obligations

1 Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.

2 Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.

3 Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.

4 Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.

5 Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.

6 Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

## Article 13 – Awareness-raising

1 Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2 Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

## Article 14 – Education

1 Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.

2 Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

## Article 15 – Training of professionals

1 Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.

2 Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

## Article 16 – Preventive intervention and treatment programmes

1 Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.

2 Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

3 In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

## Article 17 – Participation of the private sector and the media

1 Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

2 Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

## Chapter IV – Protection and support

1 Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.

2 Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to 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, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.

3 Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- aim at avoiding secondary victimisation;
- aim at the empowerment and economic independence of women victims of violence;
- allow, where appropriate, for a range of protection and support services to be located on the same premises;
- address the specific needs of vulnerable persons, including child victims, and be made available to them.

4 The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

5 Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

## Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

## Article 20 – General support services

1 Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating



their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

2 Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

## **Article 21 – Assistance in individual/collective complaints**

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

## **Article 22 – Specialist support services**

1 Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2 Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

## **Article 23 – Shelters**

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

## **Article 24 – Telephone helplines**

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

## **Article 25 – Support for victims of sexual violence**

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

## **Article 26 – Protection and support for child witnesses**

1 Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.

2 Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

## Article 27 – Reporting

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

## Article 28 – Reporting by professionals

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

## Chapter V – Substantive law

### Article 29 – Civil lawsuits and remedies

1 Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.

2 Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

### Article 30 – Compensation

1 Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.

2 Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

3 Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

### Article 31 – Custody, visitation rights and safety

1 Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

2 Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

## Article 32 – Civil consequences of forced marriages

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

## Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

## Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

## Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

## Article 36 – Sexual violence, including rape

1 Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
- b engaging in other non-consensual acts of a sexual nature with a person;
- c causing another person to engage in non-consensual acts of a sexual nature with a third person.

2 Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.

3 Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

## Article 37 – Forced marriage

1 Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.

2 Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

## Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;
- b coercing or procuring a woman to undergo any of the acts listed in point a;
- c inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

## Article 39 – Forced abortion and forced sterilisation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a performing an abortion on a woman without her prior and informed consent;
- b performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

## Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

## Article 41 – Aiding or abetting and attempt

1 Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.

2 Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

## Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1 Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2 Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

## Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

## Article 44 – Jurisdiction

1 Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

- a in their territory; or
- b on board a ship flying their flag; or
- c on board an aircraft registered under their laws; or
- d by one of their nationals; or
- e by a person who has her or his habitual residence in their territory.

2 Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

3 For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4 For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.

5 Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

6 When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7 Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.



## Article 45 – Sanctions and measures

1 Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2 Parties may adopt other measures in relation to perpetrators, such as:

- monitoring or supervision of convicted persons;
- withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

## Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b the offence, or related offences, were committed repeatedly;
- c the offence was committed against a person made vulnerable by particular circumstances;
- d the offence was committed against or in the presence of a child;
- e the offence was committed by two or more people acting together;
- f the offence was preceded or accompanied by extreme levels of violence;
- g the offence was committed with the use or threat of a weapon;
- h the offence resulted in severe physical or psychological harm for the victim;
- i the perpetrator had previously been convicted of offences of a similar nature.

## Article 47 – Sentences passed by another Party

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

## Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

1 Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2 Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

## Chapter VI – Investigation, prosecution, procedural law and protective measures

### Article 49 – General obligations

1 Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2 Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

### Article 50 – Immediate response, prevention and protection

1 Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2 Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

### Article 51 – Risk assessment and risk management

1 Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2 Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

### Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

### Article 53 – Restraining or protection orders

1 Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.

2 Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:

- available for immediate protection and without undue financial or administrative burdens placed on the victim;
- issued for a specified period or until modified or discharged;
- where necessary, issued on an ex parte basis which has immediate effect;
- available irrespective of, or in addition to, other legal proceedings;
- allowed to be introduced in subsequent legal proceedings.

3 Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

## Article 54 – Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

## Article 55 – Ex parte and ex officio proceedings

1 Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2 Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

## Article 56 – Measures of protection

1 Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

- a providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
- b ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
- c informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
- d enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
- e providing victims with appropriate support services so that their rights and interests are duly presented and

taken into account;

f ensuring that measures may be adopted to protect the privacy and the image of the victim;

g ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

h providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;

i enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

2 A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

## Article 57 – Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

## Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

## Chapter VII – Migration and asylum

### Article 59 – Residence status

1 Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2 Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3 Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:

- a where the competent authority considers that their stay is necessary owing to their personal situation;
- b where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

4 Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into

another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

## Article 60 – Gender-based asylum claims

1 Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2 Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3 Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

## Article 61 – Non-refoulement

1 Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law.

2 Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

## Chapter VIII – International co-operation

### Article 62 – General principles

1 Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
- b protecting and providing assistance to victims;
- c investigations or proceedings concerning the offences established in accordance with this Convention;
- d enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.

2 Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

3 If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.

4 Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.

### **Article 63 – Measures relating to persons at risk**

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

### **Article 64 – Information**

1 The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

2 A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.

3 A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into account in relevant civil and criminal proceedings.

### **Article 65 – Data Protection**

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

## Chapter IX – Monitoring mechanism

### Article 66 – Group of experts on action against violence against women and domestic violence

1 The Group of experts on action against violence against women and domestic violence (hereinafter referred to as “GREVIO”) shall monitor the implementation of this Convention by the Parties.

2 GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.

3 The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of 5 additional members shall be held following the 25th ratification or accession.

4 The election of the members of GREVIO shall be based on the following principles:

- a they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;
- b no two members of GREVIO may be nationals of the same State;
- c they should represent the main legal systems;
- d they should represent relevant actors and agencies in the field of violence against women and domestic violence;
- e they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.

5 The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.

6 GREVIO shall adopt its own rules of procedure.

7 Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

### Article 67 – Committee of the Parties

1 The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.

2 The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.





3 The Committee of the Parties shall adopt its own rules of procedure.

## Article 68 – Procedure

1 Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.

2 GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.

3 Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.

4 GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.

5 GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.

6 GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.

7 When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.

8 GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.

9 GREVIO may subsidiarily organise, in cooperation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.

10 GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.

11 On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report



and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.

12 Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.

13 If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.

14 Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.

15 After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

## **Article 69 – General recommendations**

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

## **Article 70 – Parliamentary involvement in monitoring**

1 National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.

2 Parties shall submit the reports of GREVIO to their national parliaments.

3 The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

## **Chapter X – Relationship with other international instruments**

### **Article 71 – Relationship with other international instruments**

1 This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.

2 The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters

dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

## Chapter XI – Amendments to the Convention

### Article 72 – Amendments

1 Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member States of the Council of Europe, any signatory, any Party, the European Union, any State invited to sign this Convention in accordance with the provisions of Article 75, and any State invited to accede to this Convention in accordance with the provisions of Article 76.

2 The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.

3 The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.

4 Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

## Chapter XII – Final clauses

### Article 73 – Effects of this Convention

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to persons in preventing and combating violence against women and domestic violence.

### Article 74 – Dispute settlement

1 The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.

2 The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

### Article 75 – Signature and entry into force

1 This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.

2 This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least 8 member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.

4 In respect of any State referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

## Article 76 – Accession to the Convention

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.

2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

## Article 77 – Territorial application

1 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

## Article 78 – Reservations

1 No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.

2 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe,



declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:

- Article 30, paragraph 2;
- Article 44, paragraphs 1.e, 3 and 4;
- Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
- Article 58 in respect of Articles 37, 38 and 39;
- Article 59.

3 Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.

4 Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.

## Article 79 – Validity and review of reservations

1 Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.

2 Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

3 If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

## Article 80 – Denunciation

1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

## Article 81 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e any reservation and withdrawal of reservation made in pursuance of Article 78;
- f any denunciation made in pursuance of the provisions of Article 80; g any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at [Istanbul], this [11th] day of [May 2011], in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Union and to any State invited to accede to this Convention.

## Appendix – Privileges and immunities (Article 66)

1 This appendix shall apply to the members of GREVIO mentioned in Article 66 of the Convention, as well as to other members of the country visit delegations. For the purpose of this appendix, the term “other members of the country visit delegations” shall include the independent national experts and the specialists mentioned in Article 68, paragraph 9, of the Convention, staff members of the Council of Europe and interpreters employed by the Council of Europe accompanying GREVIO during its country visits.

2 The members of GREVIO and the other members of the country visit delegations shall, while exercising their functions relating to the preparation and the carrying out of country visits, as well as the follow-up thereto, and travelling in connection with those functions, enjoy the following privileges and immunities:

- a immunity from personal arrest or detention and from seizure of their personal baggage, and immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in their official capacity;
- b exemption from any restrictions on their freedom of movement on exit from and return to their country of residence, and entry into and exit from the country in which they exercise their functions, and from alien registration in the country which they are visiting or through which they are passing in the exercise of their functions.

3 In the course of journeys undertaken in the exercise of their functions, the members of GREVIO and the other members of the country visit delegations shall, in the matter of customs and exchange control, be accorded the same facilities as those accorded to representatives of foreign governments on temporary official duty.

4 The documents relating to the evaluation of the implementation of the Convention carried by members of GREVIO and other members of the country visit delegations shall be inviolable insofar as they concern the activity of GREVIO. No stoppage or censorship shall be applied to the official correspondence of GREVIO or to official communications of members of GREVIO and other members of the country visit delegations.

5 In order to secure for the members of GREVIO and the other members of the country visit delegations complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

6 Privileges and immunities are granted to the persons mentioned in paragraph 1 of this appendix in order to safeguard the independent exercise of their functions in the interests of GREVIO and not for their personal benefit. The waiver of immunities of the persons mentioned in paragraph 1 of this appendix shall be made by the Secretary General of the Council of Europe in any case where, in his or her opinion, the immunity would impede the course of justice and where it can be waived without prejudice to the interests of GREVIO.

# Chapter 6

## **Laws & Regulations on Gender Based Issues “Serbia”**

## Krivični zakonik

### Član 114

#### 9) ko liši života dete ili bremenitu ženu;

10) ko liši života člana svoje porodice kojeg je prethodno zlostavljao;

## Nasilje u porodici

### Član 194

(1) Ko primenom nasilja, pretnjom da će napasti na život ili telo, drskim ili bezobzirnim ponašanjem ugrožava spokojstvo, teletski integritet ili duševno stanje člana svoje porodice, kazniće se zatvorom od tri meseca do tri godine.

(2) Ako je pri izvršenju dela iz stava 1. ovog člana korišćeno oružje, opasno oruđe ili drugo sredstvo podobno da telo teško povredi ili zdravlje teško naruši, učinilac će se kazniti zatvorom od šest meseci do pet godina.

(3) Ako je usled dela iz st. 1. i 2. ovog člana nastupila teška telesna povreda ili teško narušavanje zdravlja ili su učinjena prema maloletnom licu, učinilac će se kazniti zatvorom od dve do deset godina.

(4) Ako je usled dela iz st. 1, 2. i 3. ovog člana nastupila smrt člana porodice, učinilac će se kazniti zatvorom od tri do petnaest godina.

(5) Ko prekrši mere zaštite od nasilja u porodici koje mu je sud odredio na osnovu zakona kojim se uređuju porodični odnosi, kazniće se zatvorom od tri meseca do tri godine i novčanom kaznom.

## Criminal code

### Article 114

9) causes death of a child or pregnant woman;

10) causes death of a member of his family whom he previously abused;

## Domestic Violence

### Article 194

(1) Whoever by use of violence, threat of attacks against life or body, insolent or ruthless behaviour endangers the tranquillity, physical integrity or mental condition of a member of his family, shall be punished with imprisonment of three months to three years.

(2) If in committing the offence specified in paragraph 1 of this Article weapons, dangerous implements or other means suitable to inflict serious injury to body or seriously impair health are used, the offender shall be punished with imprisonment from six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in grievous bodily harm or serious health impairment or if committed against a minor, the offender shall be punished with imprisonment from two to ten years.

(4) If the offence specified in paragraphs 1, 2 and 3 of this Article results in death of a family member, the offender shall be punished with imprisonment from three to fifteen years,

(5) Whoever violates a measure against domestic violence that was imposed on them by the court in accordance with the law shall be punished with imprisonment from three months to three years and a fine.



## Porodični zakon

### Nasilje u porodici

#### Član 10

(1) Zabranjeno je nasilje u porodici.

(2) Svako ima, u skladu sa zakonom, pravo na zaštitu od nasilja u porodici.

### Deveti deo

## ZAŠTITA OD NASILJA U PORODICI

### Nasilje u porodici

#### Član 197

(1) Nasilje u porodici, u smislu ovog zakona, jeste ponašanje kojim jedan član porodice ugrožava telesni integritet, duševno zdravlje ili spokojstvo drugog člana porodice.

(2) Nasiljem u porodici, u smislu stava 1 ovog člana, smatra se naročito:

1. nanošenje ili pokušaj nanošenja telesne povrede;
2. izazivanje straha pretnjom ubistva ili nanošenja telesne povrede članu porodice ili njemu bliskom licu;
3. prisiljavanje na seksualni odnos;
4. navođenje na seksualni odnos ili seksualni odnos sa licem koje nije navršilo 14. godinu života ili nemoćnim licem;
5. ograničavanje slobode kretanja ili komuniciranja sa trećim licima;
6. vređanje, kao i svako drugo drsko, bezobzirno i zlonamerno ponašanje.

(3) Članovima porodice u smislu stava 1 ovog člana smatraju se:

1. supružnici ili bivši supružnici;
2. deca, roditelji i ostali krvni srodnici, te lica u tazbinskom ili adoptivnom srodstvu, odnosno lica koja vezuje hraniteljstvo;

## Family Law

### Domestic violence

#### Article 10

(1) Violence in the family is prohibited.

(2) Everyone has, in accordance with the law, the right to protection against domestic violence.

### Ninth part

## PROTECTION FROM DOMESTIC VIOLENCE

### Domestic violence

#### Article 197

(1) Domestic violence, for the purposes of this law, is the behavior that one family member is endangering the physical integrity, mental health or the tranquility of another family member.

(2) Domestic violence within the meaning of paragraph 1 of this Article shall be considered in particular:

1. applying or attempting to inflict bodily injury;
2. provoking fear by threatening to kill or causing bodily injury to a family member or close to him;
3. forcing sexual intercourse;
4. reference to sexual intercourse or sexual intercourse with a person who has not reached the age of 14 years or an impotent person;
5. Restricting the freedom of movement or communication with third parties;
6. insult, as well as any other insane, reckless and malicious behavior.

(3) Family members within the meaning of paragraph 1 of this Article shall be considered as:

1. spouses or ex-spouses;
2. children, parents and other blood relatives, as well as persons in a tax or adoption affiliation, or a person who connects foster care;

## ENGLISH TRANSLATION

3. lica koja žive ili su živela u istom porodičnom domaćinstvu;
4. vanbračni partneri ili bivši vanbračni partneri;porodičnom domaćinstvu.
5. lica koja su međusobno bila ili su još uvek u emotivnoj ili seksualnoj vezi, odnosno koja imaju zajedničko dete ili je dete na putu da bude rođeno, iako nikada nisu živela u istom porodičnom domaćinstvu.

## Mere zaštite

### Član 198

(1) Protiv člana porodice koji vrši nasilje sud može odrediti jednu ili više mera zaštite od nasilja u porodici, kojom se privremeno zabranjuje ili ograničava održavanje ličnih odnosa sa drugim članom porodice.

(2) Mere zaštite od nasilja u porodici jesu:

1. izdavanje naloga za iseljenje iz porodičnog stana ili kuće, bez obzira na pravo svojine odnosno zakupa nepokretnosti;
2. izdavanje naloga za useljenje u porodični stan ili kuću, bez obzira na pravo svojine odnosno zakupa nepokretnosti;
3. zabrana približavanja članu porodice na određenoj udaljenosti;
4. zabrana pristupa u prostor oko mesta stanovanja ili mesta rada člana porodice;
5. zabrana daljeg uznemiravanja člana porodice.

(3) Mera zaštite od nasilja u porodici može trajati najviše godinu dana.

(4) Vreme provedeno u pritvoru kao i svako lišenje slobode u vezi s krivičnim delom odnosno prekršajem uračunava se u vreme trajanja mere zaštite od nasilja u porodici.

## Produžavanje mere zaštite

### Član 199

Mera zaštite od nasilja u porodici može se produžavati sve dok ne prestanu razlozi zbog kojih je mera bila određena.

3. persons living or living in the same family household;
4. extramarital partners or former extra-marital partners;
5. persons who were, or are still, in an emotional or sexual relationship, or who have a common child or a child on their way to be born, although they have never lived in the same family household.

## Measures of protection

### Article 198

(1) A court may determine one or more measures against domestic violence against a violent family member, temporarily prohibiting or restricting the maintenance of personal relationships with another member of the family.

(2) Measures of protection against domestic violence are:

1. issue an eviction order from a family apartment or a home, regardless of the right of ownership or lease of immovable property;
2. issue an order for moving into a family apartment or house, regardless of the right of ownership or lease of immovable property;
3. prohibition of approaching a member of the family at a certain distance;
4. prohibition of access to the place of residence or place of work of a member of the family;
5. Prohibition of further harassment of a family member.

(3) The measure of protection against domestic violence may last for a maximum of one year.

(4) The time spent in detention as well as any deprivation of liberty in connection with a criminal offense or offense shall be counted during the duration of the measure of protection against domestic violence.

## Extension of the protection measure

### Article 199

The measure of protection against domestic violence can be extended until the reasons for which the measure has been determined are not terminated.

## Prestanak mere zaštite

### Član 200

Mera zaštite od nasilja u porodici može prestati pre isteka vremena trajanja ako prestanu razlozi zbog kojih je mera bila određena.

7. Postupak u sporu za zaštitu od nasilja u porodici Mesna nadležnost

### Član 283

U sporu za zaštitu od nasilja u porodici mesno je nadležan, pored suda opšte mesne nadležnosti, i sud na čijem području ima prebivalište, odnosno boravište član porodice prema kome je nasilje izvršeno.

## Pokretanje postupka

### Član 284

(1) Postupak u sporu za zaštitu od nasilja u porodici pokreće se tužbom.

(2) Tužbu za određivanje mere zaštite od nasilja u porodici, kao i za produženje mere zaštite od nasilja u porodici, mogu podneti: član porodice prema kome je nasilje izvršeno, njegov zakonski zastupnik, javni tužilac i organ starateljstva.

(3) Tužbu za prestanak mere zaštite od nasilja u porodici može podneti član porodice protiv koga je mera određena.

## Naročita hitnost postupka

### Član 285

(1) Postupak u sporu za zaštitu od nasilja u porodici naročito je hitan.

## Termination of the protection measure

### Article 200

A measure of protection against domestic violence may cease before the expiration date if the reasons for which the measure has been determined are no longer valid.

7. Procedure in the dispute to protect against domestic violence committed. Local jurisdiction

### Article 283

In the dispute for the protection against domestic violence, the competent court, in addition to the court of general jurisdiction, is also a member of the court in whose area the residence or residence is a member of the family where the violence was committed.

## Starting a procedure

### Article 284

(1) The proceedings in the dispute for protection against domestic violence shall be initiated by a lawsuit.

(2) A complaint for determining the measure of protection against domestic violence, as well as for extending the measure of protection against domestic violence, may be submitted by: the member of the family where the violence was committed, his legal representative, the public prosecutor and the guardianship authority.

(3) A complaint for the termination of the measure of protection against domestic violence may be submitted by a member of the family against whom the measure has been determined.

## Particularly urgency of procedure

### Article 285

(1) The procedure in the dispute to protect against domestic violence is particularly urgent.

## ENGLISH TRANSLATION

(2) Prvo ročište zakazuje se tako da se održi u roku od osam dana od dana kada je tužba primljena u sudu.

(3) Drugostepeni sud dužan je da donese odluku u roku od 15 dana od dana kada mu je dostavljena žalba.

## Organ starateljstva

### Član 286

Ako organ starateljstva nije pokrenuo postupak u sporu za zaštitu od nasilja u porodici, sud može zatražiti od organa starateljstva da pruži pomoć u pribavljanju potrebnih dokaza i da iznese svoje mišljenje o svrsishodnosti tražene mere.

## Odstupanje od načela dispozicije

### Član 287

(1) Sud nije vezan granicama tužbenog zahteva za zaštitu od nasilja u porodici.

(2) Sud može odrediti i meru zaštite od nasilja u porodici koja nije tražena ako oceni da se takvom merom najbolje postiže zaštita.

## Dejstvo žalbe

### Član 288

Žalba ne zadržava izvršenje presude o određivanju ili produženju mere zaštite od nasilja u porodici.

(2) The first hearing shall be scheduled so as to be held within eight days from the day the lawsuit was received in court.

(3) The second instance court shall be obliged to make a decision within 15 days from the day when the appeal was filed.

## Guardianship authority

### Article 286

If the guardianship authority has not initiated proceedings in the dispute to protect against domestic violence, the court may ask the guardianship authority to provide assistance in obtaining the necessary evidence and to give its opinion on the merits of the requested measure.

## Deviation from the disposition principle

### Article 287

(1) The court is not bound by the limits of a claim for protection against domestic violence.

(2) The court may also determine the measure of protection against domestic violence that is not required if it considers that such protection is best achieved by protection.

## The fact of the appeal

### Article 288

The appeal does not stay the execution of a judgment on the determination or extension of the measure of protection against domestic violence.

## Evidencija i dokumentacija o nasilju u porodici

### Član 289

(1) Presudu u sporu za zaštitu od nasilja u porodici sud je dužan da odmah dostavi kako organu starateljstva na čijoj teritoriji ima prebivalište odnosno boravište član porodice prema kome je nasilje izvršeno, tako i organu starateljstva na čijoj teritoriji ima prebivalište odnosno boravište član porodice protiv koga je mera zaštite određena.

(2) Organ starateljstva dužan je da vodi evidenciju i dokumentaciju kako o licima prema kojima je nasilje izvršeno, tako i o licima protiv kojih je određena mera zaštite.

(3) Način vođenja evidencije i dokumentacije propisuje ministar nadležan za porodičnu zaštitu.

## Ustav Republike Srbije

### Zabrana diskriminacije

#### Član 21

Pred Ustavom i zakonom svi su jednaki.

Svako ima pravo na jednaku zakonsku zaštitu, bez diskriminacije.

Zabranjena je svaka diskriminacija, neposredna ili posredna, po bilo kom osnovu, a naročito po osnovu rase, pola, nacionalne pripadnosti, društvenog porekla, rođenja, veroispovesti, političkog ili drugog uverenja, imovnog stanja, kulture, jezika, starosti i psihičkog ili fizičkog invaliditeta.

## Records and documentation on domestic violence

### Article 289

(1) The court shall immediately deliver the judgment in the dispute for protection against domestic violence to the guardianship authority in whose territory the place of residence or residence is located, the member of the family where the violence was committed, as well as the guardianship authority in whose territory the family member is domiciled or domiciled which protection measure is determined.

(2) The guardianship authority shall be obliged to keep records and documentation of both the persons against whom violence was committed and the persons against whom the protection measure has been determined.

(3) The method of keeping records and documentation shall be prescribed by the Minister in charge of family protection.

## Constitution of the Republic of Serbia

### Prohibition of Discrimination

#### Article 21

All are equal before the Constitution and law.

Everyone shall have the right to equal legal protection, without discrimination.

All direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited.

## ENGLISH TRANSLATION

Ne smatraju se diskriminacijom posebne mere koje Republika Srbija može uvesti radi postizanja pune ravnopravnosti lica ili grupe lica koja su suštinski u nejednakom položaju sa ostalim građanima.

## Posebna zaštita porodice, majke, samohranog roditelja i deteta

### Član 66

Porodica, majka, samohrani roditelj i dete u Republici Srbiji uživaju posebnu zaštitu, u skladu sa zakonom.

Majci se pruža posebna podrška i zaštita pre i posle porođaja.

Posebna zaštita pruža se deci o kojoj se roditelji ne staraju i deci koja su ometena u psihičkom ili fizičkom razvoju.

Deca mlađa od 15 godina ne mogu biti zaposlena niti, ako su mlađa od 18 godina, mogu da rade na poslovima štetnim po njihovo zdravlje ili moral.

## Zakon o radu

### 5. Zabrana diskriminacije

#### Član 18

Zabranjena je neposredna i posredna diskriminacija lica koja traže zaposlenje, kao i zaposlenih, s obzirom na pol, rođenje, jezik, rasu, boju kože, starost, trudnoću, zdravstveno stanje, odnosno invalidnost, nacionalnu pripadnost, veroispovest, bračni status, porodične obaveze, seksualno opredeljenje, političko ili drugo uverenje, socijalno poreklo, imovinsko stanje, članstvo u političkim organizacijama, sindikatima ili neko drugo lično svojstvo.

Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination.

## Special Protection of the Family, Mother, Single Parent and Child

### Article 66

Families, mothers, single parents and any child in the Republic of Serbia shall enjoy special protection in the Republic of Serbia in accordance with the law.

Mothers shall be given special support and protection before and after childbirth.

Special protection shall be provided for children without parental care and mentally or physically handicapped children.

Children under 15 years of age may not be employed, nor may children under 18 years of age be employed at jobs detrimental to their health or morals.

## Labour law

### 5. Prohibition of discrimination

#### Article 18

It is forbidden direct and indirect discrimination between job seekers and employees, with regard to gender, birth, language, race, skin color, age, pregnancy, health status, or disability, nationality, religion, marital status, family responsibilities, sexual orientation, political or other belief, social background, property, membership in political organizations, trade unions or some other personal property.

**Član 19**

Neposredna diskriminacija, u smislu ovog zakona, jeste svako postupanje uzrokovano nekim od osnova iz člana 18. ovog zakona kojim se lice koje traži zaposlenje, kao i zaposleni, stavlja u nepovoljniji položaj u odnosu na druga lica u istoj ili sličnoj situaciji.

Posredna diskriminacija, u smislu ovog zakona, postoji kada određena naizgled neutralna odredba, kriterijum ili praksa stavlja ili bi stavila u nepovoljniji položaj u odnosu na druga lica - lice koje traži zaposlenje, kao i zaposlenog, zbog određenog svojstva, statusa, opredeljenja ili uverenja iz člana 18. ovog zakona.

**Član 20**

Diskriminacija iz člana 18. ovog zakona zabranjena je u odnosu na:

- 1) uslove za zapošljavanje i izbor kandidata za obavljanje određenog posla;
- 2) uslove rada i sva prava iz radnog odnosa;
- 3) obrazovanje, osposobljavanje i usavršavanje;
- 4) napredovanje na poslu;
- 5) otkaz ugovora o radu.

Odredbe ugovora o radu kojima se utvrđuje diskriminacija po nekom od osnova iz člana 18. ovog zakona ništave su.

**Član 21**

Zabranjeno je uznemiravanje i seksualno uznemiravanje.

Uznemiravanje, u smislu ovog zakona, jeste svako neželjeno ponašanje uzrokovano nekim od osnova iz člana 18. ovog zakona koje ima za cilj ili predstavlja povredu dostojanstva lica koje traži zaposlenje, kao i zaposlenog, a koje izaziva strah ili stvara neprijateljsko, ponižavajuće ili uvredljivo okruženje.

**Article 19**

Direct discrimination, in the sense of this Law, is any act caused by some of the grounds referred to in Article 18 of this Law that puts the person seeking employment as well as employees in a more unfavorable position than other persons in the same or similar situation.

Indirect discrimination, for the purposes of this law, exists when a certain seemingly neutral provision, criterion or practice puts or puts in a more unfavorable position in relation to other persons - the person seeking employment as well as the employee, due to a certain characteristic, status, determination or belief in Article 18 of this Law.

**Article 20**

Discrimination under Article 18 of this Law is forbidden in relation to:

- 1) conditions for recruitment and selection of candidates for performing a particular job;
- 2) working conditions and all rights deriving from employment;
- 3) education, training and training;
- 4) promotion at work;
- 5) termination of employment contract.

The provisions of the employment contract that determine discrimination on one of the grounds referred to in Article 18 of this Law are null and void.

**Article 21**

It is forbidden to harass and sexual harassment.

Harassment, for the purposes of this Law, is any unwanted behavior caused by any of the grounds referred to in Article 18 of this Law which is aimed at or constitutes a violation of the dignity of a person seeking employment as well as an employee who causes fear or creates an enmity, degrading or offensive environment.



## ENGLISH TRANSLATION

Seksualno uznemiravanje, u smislu ovog zakona, jeste svako verbalno, neverbalno ili fizičko ponašanje koje ima za cilj ili predstavlja povredu dostojanstva lica koje traži zaposlenje, kao i zaposlenog u sferi polnog života, a koje izaziva strah ili stvara neprijateljsko, ponižavajuće ili uvredljivo okruženje.

**Član 22**

Ne smatra se diskriminacijom pravljenje razlike, isključenje ili davanje prvenstva u odnosu na određeni posao kada je priroda posla takva ili se posao obavlja u takvim uslovima da karakteristike povezane sa nekim od osnova iz člana 18. ovog zakona predstavljaju stvarni i odlučujući uslov obavljanja posla, i da je svrha koja se time želi postići opravdana.

Odredbe zakona, opšteg akta i ugovora o radu koje se odnose na posebnu zaštitu i pomoć određenim kategorijama zaposlenih, a posebno one o zaštiti osoba sa invaliditetom, žena za vreme porodiljskog odsustva i odsustva sa rada radi nege deteta, posebne nege deteta, kao i odredbe koje se odnose na posebna prava roditelja, usvojitelja, staratelja i hranitelja - ne smatraju se diskriminacijom.

**Član 23**

U slučajevima diskriminacije u smislu odredaba čl. 18-21. ovog zakona lice koje traži zaposlenje, kao i zaposleni, može da pokrene pred nadležnim sudom postupak za naknadu štete od poslodavca, u skladu sa zakonom.

Ako je u toku postupka tužilac učinio verovatnim da je izvršena diskriminacija u smislu ovog zakona, teret dokazivanja da nije bilo ponašanja koje predstavlja diskriminaciju je na tuženom.

Sexual harassment, for the purposes of this law, is any verbal, non-verbal or physical behavior that aims or constitutes a violation of the dignity of a person seeking employment, as well as a full-time employee who causes fear or creates an enmity, degrading or offensive environment.

**Article 22**

Discrimination shall not be considered making a difference, excluding or giving priority over a particular job when the nature of the work is such, or the work is carried out in such conditions that the characteristics associated with some of the grounds referred to in Article 18 of this Law represent a real and decisive condition for the performance of the work; that the purpose that it wishes to achieve is justified.

The provisions of the law, the general act and the labor contracts related to special protection and assistance to certain categories of employees, in particular those on the protection of persons with disabilities, women during maternity leave and absence from work for the care of the child, special care of the child, relating to the special rights of parents, adopters, guardians and foster parents - are not considered discrimination.

**Article 23**

In cases of discrimination in the sense of the provisions of Art. 18-21. of this Law, the person seeking employment, as well as the employee, may initiate proceedings before the competent court for compensation of damages from the employer in accordance with the law.

If during the course of the proceedings the prosecutor has made it probable that discrimination has taken place within the meaning of this law, the burden of proving that there has been no conduct constituting discrimination is on the respondent.



# Zakon o sprečavanju nasilja u porodici

## I UVODNE ODREDBE

### Predmet Zakona

#### Član 1

Ovim zakonom uređuje se sprečavanje nasilja u porodici i postupanje državnih organa i ustanova u sprečavanju nasilja u porodici i pružanju zaštite i podrške žrtvama nasilja u porodici.

Ovaj zakon ne primenjuje se na maloletna lica koja učine nasilje u porodici.

### Cilj Zakona

#### Član 2

Cilj ovog zakona je da na opšti i jedinstven način uredi organizaciju i postupanje državnih organa i ustanova i time omogući delotvorno sprečavanje nasilja u porodici i hitnu, blagovremenu i delotvornu zaštitu i podršku žrtvama nasilja u porodici.

### Sprečavanje nasilja u porodici, neposredna opasnost od nasilja u porodici, nasilje u porodici

#### Član 3

Sprečavanje nasilja u porodici sastoji se od skupa mera kojima se otkriva da li preti neposredna opasnost od nasilja u porodici i skupa mera koje se primenjuju kada je neposredna opasnost otkrivena.

Neposredna opasnost od nasilja u porodici postoji kada iz ponašanja mogućeg učinioca i drugih okolnosti proizlazi da je on spreman da u vremenu koje neposredno predstoji po prvi put učini ili ponovi nasilje u porodici.

# Law for preventing domestic violence

## I INTRODUCTORY PROVISIONS

### Subject of the Law

#### Article 1

This law regulates the prevention of domestic violence and the treatment of state authorities and institutions in preventing domestic violence and providing protection and support to victims of domestic violence.

This law does not apply to minors who commit domestic violence.

### Objective of the Act

#### Article 2

The aim of this law is to regulate the organization and treatment of state organs and institutions in a general and unique manner and thereby enable effective prevention of domestic violence and urgent, timely and effective protection and support to victims of domestic violence.

### Preventing domestic violence, imminent danger of domestic violence, domestic violence

#### Article 3

Preventing domestic violence consists of a set of measures to detect whether a direct threat of domestic violence is threatened and a set of measures that apply when a direct danger is detected.

The immediate danger of domestic violence exists when the behavior of a possible perpetrator and other circumstances arises that he is ready, in the time immediately preceding, for the first time, to do or repeat domestic violence.

## ENGLISH TRANSLATION

Nasilje u porodici, u smislu ovog zakona, jeste akt fizičkog, seksualnog, psihičkog ili ekonomskog nasilja učinioca prema licu sa kojim se učinilac nalazi u sadašnjem ili ranijem bračnom ili vanbračnom ili partnerskom odnosu ili prema licu sa kojim je krvni srodnik u pravoj liniji, a u pobočnoj liniji do drugog stepena ili sa kojim je srodnik po tazbini do drugog stepena ili kome je usvojitelj, usvojenik, hranjenik ili hranitelj ili prema drugom licu sa kojim živi ili je živio u zajedničkom domaćinstvu.

## Primena ovog zakona na određena krivična dela

### Član 4

Ovaj zakon primenjuje se i na saradnju u sprečavanju nasilja u porodici (čl. 24-27) u krivičnim postupcima za krivična dela:

- 1) proganjanje (član 138a Krivičnog zakonika);
- 2) silovanje (član 178. Krivičnog zakonika);
- 3) obljuba nad nemoćnim licem (član 179. Krivičnog zakonika);
- 4) obljuba nad detetom (član 180. Krivičnog zakonika);
- 5) obljuba zloupotrebom položaja (član 181. Krivičnog zakonika);
- 6) nedozvoljene polne radnje (član 182. Krivičnog zakonika);
- 7) polno uznemiravanje (član 182a Krivičnog zakonika);
- 8) podvođenje i omogućavanje vršenja polnog odnosa (član 183. Krivičnog zakonika);
- 9) posredovanje u vršenju prostitucije (član 184. Krivičnog zakonika);
- 10) prikazivanje, pribavljanje i posedovanje pornografskog materijala i iskorišćavanje maloletnih lica za pornografiju (član 185. Krivičnog zakonika);
- 11) navođenje deteta na prisustvovanje polnim radnjama (član 185a Krivičnog zakonika);
- 12) zapuštanje i zlostavljanje maloletnog lica (član 193. Krivičnog zakonika);
- 13) nasilje u porodici (član 194. Krivičnog zakonika);
- 14) nedavanje izdržavanja (član 195. Krivičnog zakonika);

Domestic violence within the meaning of this law is an act of physical, sexual, psychological or economic violence of the perpetrator towards the person with whom the perpetrator is in the present or earlier marital or extra-marital or partnership relationship or with the person with whom the blood relative is in the right line; a sloping line to the second degree, or with whom the relative is under the lawsuit to the second degree or to whom the adoptive parent, adoptive parent, feeder or foster parent, or another person with whom he lives or has lived in a common household, is adopted.

## Application of this law to certain criminal offenses

### Article 4

This law also applies to cooperation in the prevention of domestic violence (Articles 24-27) in criminal proceedings for criminal offenses:

- 1) prosecution (Article 138a of the Criminal Code);
- 2) rape (Article 178 of the Criminal Code);
- 3) the promise of a helpless person (Article 179 of the Criminal Code);
- 4) the promise of a child (Article 180 of the Criminal Code);
- 5) the promise of abuse of office (Article 181 of the Criminal Code);
- 6) unauthorized sexual acts (Article 182 of the Criminal Code);
- 7) full disturbance (Article 182a of the Criminal Code);
- 8) Enforcing and facilitating sexual intercourse (Article 183 of the Criminal Code);
- 9) mediation in prostitution (Article 184 of the Criminal Code);
- 10) displaying, obtaining and possessing pornographic material and exploitation of minors for pornography (Article 185 of the Criminal Code);
- 11) giving the child the presence at full-time activities (Article 185a of the Criminal Code);
- 12) Abduction and abuse of a minor (Article 193 of the Criminal Code);
- 13) Domestic violence (Article 194 of the Criminal Code);
- 14) failure to provide support (Article 195 of the Criminal Code);

- 15) kršenje porodičnih obaveza (član 196. Krivičnog zakonika);
- 16) rodoskvrnuće (član 197. Krivičnog zakonika);
- 17) trgovina ljudima (član 388. Krivičnog zakonika);
- 18) druga krivična dela, ako je krivično delo posledica nasilja u porodici.

Ovaj zakon se primenjuje i na pružanje zaštite i podrške žrtvama krivičnih dela iz stava 1. ovog člana (u daljem tekstu: krivična dela određena ovim zakonom).

## Primena drugih propisa

### Član 5

Ako ovim zakonom nije drugačije određeno, na sprečavanje nasilja u porodici, u postupcima protiv učinilaca krivičnih dela određenih ovim zakonom i na pružanje zaštite i podrške žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom primenjuju se Krivični zakonik, Zakonik o krivičnom postupku, Zakon o parničnom postupku, Porodični zakon i Zakon o policiji.

## Disciplinska odgovornost

### Član 6

Nepostupanje sudija, javnih tužilaca i zamenika javnih tužilaca u rokovima koji su određeni ovim zakonom predstavlja disciplinski prekršaj.

## II NADLEŽNI ORGANI I USTANOVE

### Član 7

Za sprečavanje nasilja u porodici i pružanje zaštite i podrške žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom nadležni su policija, javna tužilaštva, sudovi opšte nadležnosti i prekršajni sudovi, kao nadležni državni organi, i centri za socijalni rad, kao ustanove.

- 15) violation of family obligations (Article 196 of the Criminal Code);
- 16) cursing (Article 197 of the Criminal Code);
- 17) trafficking in human beings (Article 388 of the Criminal Code);
- 18) other criminal offenses, if the offense is a consequence of domestic violence.

This law shall also apply to the provision of protection and support to victims of criminal offenses referred to in paragraph 1 of this Article (hereinafter: criminal offenses established by this Law).

## Application of other regulations

### Article 5

Unless otherwise provided by this Law, in the prevention of domestic violence, in the procedures against perpetrators of criminal offenses established by this Law and on the provision of protection and support to victims of domestic violence and victims of criminal offenses determined by this Law, the Criminal Code, the Code of Criminal Procedure, the Law on Criminal Procedure on civil proceedings, Family Law and Police Law.

## Disciplinary responsibility

### Article 6

Disobedience of judges, public prosecutors and deputy public prosecutors within the time limits determined by this law constitutes a disciplinary offense.

## II COMPETENT AUTHORITIES AND INSTITUTIONS

### Article 7

The police, public prosecutors, general courts and misdemeanor courts, as competent state bodies, and centers for social work, as institutions, are responsible for the prevention of domestic violence and the provision of protection and support to victims of domestic violence and victims of criminal acts.

## ENGLISH TRANSLATION

Pored nadležnih državnih organa i centara za socijalni rad, u sprečavanju nasilja u porodici, preko davanja pomoći i obaveštavanja o nasilju, kao i pružanju podrške žrtvama nasilja učestvuju i druge ustanove u oblasti dečje, socijalne zaštite, obrazovanja, vaspitanja i zdravstva (u daljem tekstu: državni organi i ustanove nadležne za primenu ovog zakona), kao i tela za rodnu ravnopravnost na nivou lokalnih samouprava.

Podršku žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom mogu da pruže i druga pravna i fizička lica i udruženja.

## Policija

### Član 8

Rukovodilac područne policijske uprave određuje policijske službenike koji su završili specijalizovanu obuku, da bi sprečavali nasilje u porodici i pružali zaštitu žrtvama nasilja (u daljem tekstu: nadležni policijski službenik).

## Javno tužilaštvo

### Član 9

U svakom javnom tužilaštvu, osim onih posebne nadležnosti, javni tužilac određuje zamenike javnog tužioca koji su završili specijalizovanu obuku da bi ostvarivali nadležnosti javnog tužilaštva u sprečavanju nasilja u porodici i gonjenju učinilaca krivičnih dela određenih ovim zakonom.

## Sudovi

### Član 10

Predsednik svakog suda opšte nadležnosti i prekršajnog suda određuje sudije koje su završile specijalizovanu obuku da sude u predmetima sprečavanja nasilja u porodici i za krivična dela određena ovim zakonom.

In addition to the competent state authorities and centers for social work, other institutions in the field of children, social protection, education, education and health are involved in the prevention of domestic violence through the provision of help and information on violence, as well as support to victims of violence (hereinafter: : state bodies and institutions responsible for the implementation of this law), as well as bodies for gender equality at the level of local self-governments. Support to victims of domestic violence and victims of criminal offenses established by this Law may also be provided by other legal and natural persons and associations.

## Police

### Article 8

The head of the regional police administration designates police officers who have completed specialized training to prevent domestic violence and provide protection to victims of violence (hereinafter: the competent police officer).

## Public Prosecutor's Office

### Article 9

In each public prosecutor's office, in addition to those special competencies, the public prosecutor shall appoint deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecution in the prevention of domestic violence and the prosecution of perpetrators of criminal offenses established by this Law.

## Courts

### Article 10

The president of each court of general jurisdiction and misdemeanor court shall determine judges who have completed specialized training to decide in cases of prevention of domestic violence and for criminal offenses determined by this Law.

Kao predmeti sprečavanja nasilja u porodici smatraju se postupci za produženje hitne mere, postupci za određivanje mera zaštite od nasilja u porodici predviđenih Porodičnim zakonom (u daljem tekstu: mere zaštite od nasilja u porodici) i prekršajni postupci za prekršaje predviđene ovim zakonom (član 36).

## Centar za socijalni rad

### Član 11

Rukovodilac svakog centra za socijalni rad određuje među zaposlenima u centru tim stručnjaka da pomažu u sprečavanju nasilja u porodici i pružaju podršku žrtvama nasilja.

## III POSTUPAK

### Opšta pravila

#### Član 12

Državni organi i ustanove nadležne za primenu ovog zakona dužni su da brzo, delotvorno i koordinisano sprečavaju nasilje u porodici i vršenje krivičnih dela određenih ovim zakonom i da pruže žrtvi zaštitu, pravnu pomoć i psihosocijalnu i drugu podršku radi njenog oporavka, osnaživanja i osamostaljivanja.

a) Sprečavanje nasilja u porodici

### Prijava i prepoznavanje nasilja u porodici

#### Član 13

Svako mora da policiji ili javnom tužiocu prijavi bez odlaganja nasilje u porodici ili neposrednu opasnost od njega.

Procedures for the extension of an emergency measure as procedures for the prevention of domestic violence are considered as procedures for determining measures for protection against domestic violence provided for in the Family Law (hereinafter: measures for the protection against domestic violence) and misdemeanor procedures for misdemeanors envisaged by this Law (Article 36).

## Center for Social Work

### Article 11

The head of each center for social work determines among the center's staff a team of experts to help prevent domestic violence and provide support to victims of violence.

## III PROCEDURE

### General rules

#### Article 12

State bodies and institutions in charge of the implementation of this law shall be obliged to prevent, in a rapid, effective and coordinated manner, domestic violence and the commission of criminal offenses established by this Law and to provide victims with protection, legal assistance and psychosocial and other support for the purpose of its recovery, empowerment and independence.

a) Preventing domestic violence

### Reporting and recognizing domestic violence

#### Article 13

Everyone must report to the police or the public prosecutor without delay the violence in the family or the imminent danger from him.

## ENGLISH TRANSLATION

Državni i drugi organi, organizacije i ustanove obavezni su da neodložno prijave policiji ili javnom tužiocu svako saznanje o nasilju u porodici ili neposrednoj opasnosti od njega.

Nadležni državni organi i centri za socijalni rad (čl. 8-11) dužni su da u okviru svojih redovnih poslova prepoznaju nasilje u porodici ili opasnost od njega.

Prepoznavanje može da proizađe iz proučavanja prijave koju je bilo kome podnela žrtva nasilja, uočavanjem tragova fizičkog ili drugog nasilja na žrtvi i drugih okolnosti koje ukazuju na postojanje nasilja u porodici ili neposredne opasnosti od njega.

Javni tužilac kome je prijavljeno nasilje ili neposredna opasnost od njega, dužan je da prijavu odmah prosledi policijskim službenicima, da bi oni o tome obavestili nadležnog policijskog službenika (član 14. stav 1).

## Postupanje policijskih službenika

### Član 14

Policijski službenici dužni su da odmah obaveste nadležnog policijskog službenika o svakom nasilju u porodici ili neposrednoj opasnosti od njega, bez obzira kako su za to saznali, i imaju pravo da, sami ili na zahtev nadležnog policijskog službenika, dovedu mogućeg učinioca u nadležnu organizacionu jedinicu policije, radi vođenja postupka.

Zadržavanje u nadležnoj organizacionoj jedinici policije radi vođenja postupka može trajati najduže osam časova. Tokom postupka u nadležnoj organizacionoj jedinici policije mogući učinilac mora da se pouči i da mu se omogući kontakt i korišćenje usluga branioca i pravne pomoći u skladu sa Ustavom i zakonima Republike Srbije.

State and other bodies, organizations and institutions are obliged to immediately report to the police or the public prosecutor any knowledge of domestic violence or immediate danger from it.

The competent state authorities and centers for social work (Article 8-11) shall be obliged, within their regular duties, to recognize domestic violence or danger from it.

Recognition can arise from examining the application submitted to the victim of violence by anyone, by spotting the traces of physical or other violence on the victim, and other circumstances that indicate the existence or immediate danger of domestic violence.

The public prosecutor who has reported the violence or the immediate danger from him is obliged to immediately forward the application to the police officers in order to inform the competent police officer about this (Article 14, paragraph 1).

## Acting police officers

### Article 14

Police officers are obliged to immediately inform the competent police officer of any domestic violence or immediate danger from him, regardless of how they have learned about it, and have the right to bring a possible perpetrator to the competent organizational unit of the police, either alone or at the request of a competent police officer, to conduct the proceedings.

Retention in the competent organizational unit of the police for the conduct of the procedure can last no more than eight hours.

During the procedure in the competent organizational unit of the police, a possible perpetrator must be instructed and allowed to contact and use the services of defense counsel and legal assistance in accordance with the Constitution and laws of the Republic of Serbia.



## Postupanje nadležnog policijskog službenika

### Član 15

Nadležni policijski službenik mora da mogućem učiniocu koji je doveden u nadležnu organizacionu jedinicu policije pruži priliku da se izjasni o svim bitnim činjenicama, da prikupi potrebna obaveštenja od drugih policijskih službenika, odmah proceni rizik neposredne opasnosti od nasilja u porodici (u daljem tekstu: procena rizika) i da, pod uslovima određenim ovim zakonom (član 17. stav 1), izrekne hitnu meru za sprečavanje nasilja u porodici (u daljem tekstu: hitna mera).

Ako mogući učinilac nije doveden u nadležnu organizacionu jedinicu policije, nadležni policijski službenik procenjuje rizik odmah kada primi od policijskih službenika obaveštenje o nasilju ili neposrednoj opasnosti od njega.

Pre okončanja procene rizika, nadležni policijski službenik može, po potrebi, zatražiti mišljenje centra za socijalni rad.

## Procena rizika

### Član 16

Procena rizika zasniva se na dostupnim obaveštenjima i odvija se u što kraćem roku.

Pri proceni rizika naročito se vodi računa o tome da li je mogući učinilac ranije ili neposredno pre procene rizika učinio nasilje u porodici i da li je spreman da ga ponovi, da li je pretio ubistvom ili samoubistvom, poseduje li oružje, da li je mentalno bolestan ili zloupotrebljava psihoaktivne supstance, da li postoji sukob oko starateljstva nad detetom ili oko načina održavanja ličnih odnosa deteta i roditelja koji je mogući učinilac, da li je mogućem učiniocu izrečena hitna mera ili određena mera zaštite od nasilja u porodici, da li žrtva doživljava strah i kako ona procenjuje rizik od nasilja.

## Action by a competent police officer

### Article 15

The competent police officer must make possible to the perpetrator brought to the competent organizational unit of the police to give a statement on all relevant facts, collect the necessary information from other police officers, immediately assess the risk of immediate danger of domestic violence (hereinafter: risk assessment ) and, under the conditions stipulated by this Law (Article 17, paragraph 1), imposes an urgent measure for the prevention of domestic violence (hereinafter: urgent measure).

If the potential perpetrator is not brought to the competent organizational unit of the police, the competent police officer assesses the risk immediately when he receives a notification of violence or immediate danger from police officers.

Before completing the risk assessment, the competent police officer may, if necessary, seek the opinion of the Center for Social Work.

## Risk assessment

### Article 16

Risk assessment is based on available information and takes place as soon as possible.

When assessing risks, particular consideration is given to whether a potential perpetrator has, earlier or immediately before, assessed the risk of domestic violence and whether he is ready to repeat it, whether he is threatened with murder or suicide, whether he has a weapon, whether he is mentally ill or abuses psychoactive substances, whether there is a conflict over custody of the child or the manner of maintaining personal relationships between the child and the parent who is the possible perpetrator, whether the perpetrator is pronounced an urgent measure or a certain measure of protection against domestic violence, whether the victim is experiencing fear and how she assesses the risk of violence.

## ENGLISH TRANSLATION

Nadležni policijski službenik odmah dostavlja sva dostupna obaveštenja o nasilju u porodici ili neposrednoj opasnosti od njega i procenu rizika - ako ona ukazuje na neposrednu opasnost od nasilja - osnovnom javnom tužiocu na čijem području se nalazi prebivalište, odnosno boravište žrtve, centru za socijalni rad i grupi za koordinaciju i saradnju.

Ako nadležni policijski službenik ustanovi postojanje opasnosti koja nije neposredna, sva dostupna obaveštenja o nasilju u porodici ili opasnosti od njega i svoju procenu rizika dostavlja osnovnom javnom tužiocu i centru za socijalni rad.

## Hitne mere

### Član 17

Ako posle procene rizika ustanovi neposrednu opasnost od nasilja u porodici, nadležni policijski službenik donosi naređenje kojim izriče hitnu meru učiniocu koji je doveden u nadležnu organizacionu jedinicu policije (član 15. stav 1).

Hitne mere su: mera privremenog udaljenja učinioca iz stana i mera privremene zabrane učiniocu da kontaktira žrtvu nasilja i prilazi joj.

Naređenjem mogu da se izreknu obe hitne mere.

Naređenje sadrži: naziv organa koji ga donosi, podatke o licu kome se izriče hitna mera, vrstu hitne mere koja se izriče i njeno trajanje, dan i čas izricanja hitne mere i obavezu lica kome je izrečena hitna mera da se po njenom isteku javi policijskom službeniku koji je izrekao.

Naređenje se uručuje licu kome je hitna mera izrečena. Ako ono odbije prijem naređenja, nadležni policijski službenik sastavlja o tome belešku, čime se smatra da je naređenje uručeno.

The competent police officer shall immediately provide all available information on or in the immediate vicinity of domestic violence or risk assessment - if it indicates an imminent threat of violence - to the primary public prosecutor in whose area the victim is resident, or the victim's residence, the Center for Social Work and the group for coordination and cooperation.

If the competent police officer establishes the existence of a danger that is not immediate, all available domestic violence or danger reports and his risk assessment shall be submitted to the primary public prosecutor and the Center for Social Work.

## Emergency measures

### Article 17

If, after assessing the risk, there is an imminent danger of domestic violence, the competent police officer shall issue an order ordering an immediate measure to the perpetrator brought to the competent organizational unit of the police (Article 15, paragraph 1).

Emergency measures are: a measure of the temporary removal of the perpetrator from the apartment and the measure of a temporary ban on the perpetrator to contact the victim of the violence and approach her.

Both emergency measures can be imposed by order.

The order contains: the name of the authority that brings it, the information on the person to whom the urgent measure is imposed, the type of urgent measure to be pronounced and its duration, the day and time of pronouncement of the emergency measure and the obligation of the person to whom the emergency measure was ordered to report to the police officer upon his expiration which he pronounced.

The order is delivered to the person to whom it is urgent. If it refuses the receipt of an order, the competent police officer shall draw up a note thereof, which shall be deemed to have been delivered to the order.



Nadležni policijski službenik dostavlja naređenje, odmah posle njegovog uručjenja, osnovnom javnom tužiocu na čijem području se nalazi prebivalište, odnosno boravište žrtve, centru za socijalni rad i grupi za koordinaciju i saradnju, a žrtva nasilja pismeno se obaveštava o vrsti hitne mere koja je izrečena.

## Postupanje javnog tužioca

### Član 18

Posle prijema obaveštenja, procene rizika i naređenja, osnovni javni tužilac proučava obaveštenja i vrednuje procenu rizika nadležnog policijskog službenika.

Ako posle toga ustanovi neposrednu opasnost od nasilja u porodici, dužan je da sudu podnese predlog da se hitna mera produži, u roku od 24 časa od časa uručjenja naređenja licu kome je izrečena hitna mera.

Uz predlog, osnovni javni tužilac dostavlja sudu i procenu rizika nadležnog policijskog službenika, svoje vrednovanje njegove procene rizika i druge dokaze koji ukazuju na neposrednu opasnost od nasilja u porodici.

## Postupanje suda u prvom stepenu

### Član 19

Predlog da se hitna mera produži podnosi se osnovnom sudu na čijem području se nalazi prebivalište, odnosno boravište žrtve, a o predlogu odlučuje sudija pojedinac.

Sud produžava hitnu meru ako posle vrednovanja procene rizika nadležnog policijskog službenika, vrednovanja procene rizika koje je učinio osnovni javni tužilac, ocene priloženih dokaza i tvrdnji iz predloga osnovnog javnog tužioca i ocene izjašnjenja lica kome je hitna mera izrečena, ustanovi neposrednu opasnost od nasilja u porodici, inače odbija predlog kao neosnovan.

The competent police officer delivers an order, immediately after his delivery, to the basic public prosecutor in whose area the victim is staying, or the residence of the victim, the social welfare center and the coordination and co-operation groups, and the victim of violence is informed in writing about the type of urgent measure imposed.

## Treatment of a public prosecutor

### Article 18

After receiving notification, risk assessment and ordering, the Basic Public Prosecutor examines the notifications and evaluates the risk assessment of the competent police officer.

If it subsequently establishes an imminent threat of domestic violence, it is obliged to submit a motion to the court to extend the emergency measure, within 24 hours from the time of delivery of the order to the person to whom the emergency measure was imposed.

In addition to the proposal, the Basic Public Prosecutor submits to the court and the assessment of the risk of the competent police officer, his evaluation of his risk assessment and other evidence pointing to the immediate danger of domestic violence.

## First-instance court action

### Article 19

The motion to extend the emergency measure shall be submitted to the basic court in whose territory the place of residence or residence of the victim is located, and the judge shall decide on the proposal.

The court extends the emergency measure if, after assessing the risk assessment of the competent police officer, the evaluation of the risk assessment made by the basic public prosecutor, the assessments of the submitted evidence and claims from the proposal of the basic public prosecutor and the assessment of the statement of the person to whom the emergency measure was pronounced, establishes an imminent danger of domestic violence, otherwise rejects the proposal as unfounded.

## ENGLISH TRANSLATION

Rešenje o predlogu donosi se bez održavanja ročišta, u roku od 24 časa od prijema predloga da se hitna mera produži.

## Žalba protiv rešenja osnovnog suda

### Član 20

Osnovi javni tužilac i lice kome je izrečena hitna mera mogu protiv rešenja osnovnog suda podneti žalbu višem sudu, u roku od tri dana od dana prijema rešenja, a preko osnovnog suda koji je doneo rešenje.

Osnovni sud dužan je da žalbu i sve spise predmeta prosledi višem sudu u roku od 12 časova od prijema žalbe. O žalbi odlučuje veće višeg suda od troje sudija, u roku od tri dana od dana kada je primilo žalbu od osnovnog suda. Viši sud može odbiti žalbu i potvrditi rešenje osnovnog suda ili usvojiti žalbu i preinačiti rešenje osnovnog suda. On ne može ukinuti rešenje osnovnog suda i predmet vratiti osnovnom sudu na ponovno postupanje.

Žalba ne odlaže izvršenje rešenja osnovnog suda.

Na postupak odlučivanja o produžavanju hitne mere shodno se primenjuje zakon kojim se uređuje parnični postupak, ako ovim zakonom nije drugačije određeno.

## Trajanje hitnih mera

### Član 21

Hitna mera koju izriče nadležni policijski službenik traje 48 časova od uručenja naređenja.

Sud može hitnu meru produžiti za još 30 dana.

The resolution on the proposal is passed without holding a hearing, within 24 hours from the receipt of the proposal to extend the emergency measure.

## Appeal against the judgment of the Basic Court

### Article 20

The grounds of the public prosecutor and the person to whom the emergency measure has been pronounced may, against the decision of the basic court, file a complaint to the higher court within three days from the date of receipt of the decision, and through the basic court that issued the decision.

The Basic Court is obliged to forward the appeal and all case files to the higher court within 12 hours from the receipt of the appeal.

The Appeal shall be decided by a larger higher court of three judges, within three days from the date on which it received the appeal from the Basic Court.

The High Court may reject the appeal and confirm the decision of the Basic Court or adopt an appeal and modify the decision of the Basic Court. He / she can not abolish the decision of the basic court and return the case to the basic court for re-action.

The appeal does not postpone the execution of the decision of the basic court.

The law governing the civil procedure shall be applied accordingly to the procedure of deciding on the extension of an emergency measure, unless otherwise provided by this Law.

## Duration of emergency measures

### Article 21

The emergency measure imposed by the competent police officer lasts 48 hours after the delivery of the order. The court can extend the emergency measure for another 30 days.

Ako bude produžena hitna mera privremenog udaljenja učinioca iz stana, lice kome je izrečena može da u pratnji policijskih službenika uzme iz stana neophodne lične stvari.

b) Posebne odredbe o krivičnom postupku

## Obaveza prijavljivanja krivičnog dela

### Član 22

Lice koje ima saznanja o izvršenom krivičnom delu određenom ovim zakonom dužno je da to prijavi policiji ili javnom tužiocu.

## Hitnost u odlučivanju o merama za obezbeđenje prisustva okrivljenog

### Član 23

U krivičnom postupku koji se vodi za krivična dela određena ovim zakonom, sud je dužan da u roku od 24 časa odluči o predlogu javnog tužioca za određivanje mere zabrane prilaženja, sastajanja ili komuniciranja sa određenim licem i posećivanja određenih mesta, mere zabrane napuštanja boravišta i mere zabrane napuštanja stana.

## IV SARADNJA U SPREČAVANJU NASILJA U PORODICI

### Lica određena za vezu

#### Član 24

Lica određena za vezu imenuju se u policijskoj upravi, osnovnom i višem javnom tužilaštvu, osnovnom i višem sudu i centru za socijalni rad.

If the urgent measure of the temporary removal of the perpetrator from the apartment is prolonged, the person to whom it is pronounced may take the necessary personal belongings from the apartment accompanied by police officers.

b) Special Provisions on Criminal Proceedings

## Obligation to report the crime

### Article 22

A person who has knowledge of the committed criminal offense determined by this Law is obliged to report this to the police or public prosecutor.

## Urgency in deciding on measures to secure the presence of the defendant

### Article 23

In the criminal procedure for criminal offenses determined by this Law, the court is obliged to decide within a period of 24 hours on the proposal of the public prosecutor to determine the measure of prohibiting the admission, meeting or communication with a certain person and visits to certain places, measures for the prohibition of leaving the place of residence and measures ban on leaving the apartment.

## IV COOPERATION IN PREVENTION OF DOMESTIC VIOLENCE

### A person designated for a relationship

#### Article 24

The persons appointed for the connection are appointed in the police administration, the primary and higher public prosecutors, the primary and higher courts and the Center for Social Work.

## ENGLISH TRANSLATION

Imenuje ih rukovodilac policijske uprave, javni tužilac, predsednik suda i rukovodilac centra za socijalni rad, iz reda nadležnih policijskih službenika i sudija i zamenika javnih tužilaca koji su završili specijalizovanu obuku, i zaposlenih u centru za socijalni rad.

Lica određena za vezu svakodnevno razmenjuju obaveštenja i podatke bitne za sprečavanje nasilja u porodici, otkrivanje, gonjenje i suđenje za krivična dela određena ovim zakonom i za pružanje zaštite i podrške žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom.

Ministar nadležan za unutrašnje poslove, ministar nadležan za poslove pravosuđa i ministar nadležan za poslove porodične zaštite sporazumno propisuju način razmenjivanja obaveštenja i podataka između lica određenih za vezu.

## Grupa za koordinaciju i saradnju

### Član 25

Na području svakog osnovnog javnog tužilaštva obrazuje se grupa za koordinaciju i saradnju.

Ona razmatra svaki slučaj nasilja u porodici koji nije okončan pravosnažnom sudskom odlukom u građanskom ili krivičnom postupku, slučajeve kada treba da se pruži zaštita i podrška žrtvama nasilja u porodici i žrtvama krivičnih dela iz ovog zakona, izrađuje individualni plan zaštite i podrške žrtvi i predlaže nadležnom javnom tužilaštvu mere za okončanje sudskih postupaka.

Grupa za koordinaciju i saradnju održava sastanke najmanje jednom u 15 dana, a o toku sastanka vodi zapisnik.

They are appointed by the head of the police administration, the public prosecutor, the president of the court and the head of the Center for Social Work, from among the competent police officers and judges and deputy public prosecutors who have completed specialized training, and employees of the Center for Social Work.

Persons appointed for the purpose of daily communication exchanges notifications and data relevant for the prevention of family violence, detection, prosecution and trial for criminal offenses established by this Law and for providing protection and support to victims of domestic violence and victims of criminal offenses established by this Law.

The minister in charge of internal affairs, the minister in charge of judicial affairs and the minister responsible for family protection, shall mutually prescribe the manner of exchanging information and data between the persons designated for liaison.

## Coordination and Cooperation Group

### Article 25

A group for coordination and cooperation is formed in the area of each basic public prosecutor's office.

It examines every case of domestic violence that has not been terminated by a final court decision in civil or criminal proceedings, cases when the protection and support of victims of domestic violence and victims of crimes referred to in this law should be provided, develops an individual plan of protection and support to the victim and proposes to the competent the public prosecutor's office measures for the completion of court proceedings.

The Coordination and Cooperation Group holds meetings at least once in 15 days, and the minutes of the meeting are kept.

Sastancima mogu, po potrebi, prisustvovati predstavnici obrazovnih, vaspitnih i zdravstvenih ustanova i Nacionalne službe za zapošljavanje, predstavnici drugih pravnih lica i udruženja i pojedinci koji pružaju zaštitu i podršku žrtvama.

Grupa za koordinaciju i saradnju donosi poslovnik o radu kojim se bliže uređuje njen način rada i odlučivanja.

## Sastav grupe za koordinaciju i saradnju

### Član 26

Grupu za koordinaciju i saradnju čine predstavnici osnovnih javnih tužilaštava, policijskih uprava i centara za socijalni rad, sa područja za koje se grupa obrazuje.

Članove grupe za koordinaciju i saradnju imenuju rukovodioci organa, iz reda zamenika osnovnog javnog tužioca koji su završili specijalizovanu obuku i nadležnih policijskih službenika i zaposlenih u centrima za socijalni rad koji rade na slučajevima nasilja u porodici.

Grupom za koordinaciju i saradnju predsedava član grupe iz reda zamenika osnovnog javnog tužioca.

Ako je za gonjenje učinilaca krivičnih dela određenih ovim zakonom nadležno više javno tužilaštvo, viši javni tužilac imenuje svog zamenika, koji je završio specijalizovanu obuku, da učestvuje u radu grupe i njome predsedava.

Meetings may, where necessary, be attended by representatives of educational, educational and health institutions and the National Employment Service, representatives of other legal entities and associations and individuals providing protection and support to victims.

The Coordination and Co-operation Group issues the Rules of Procedure that regulate more closely its mode of operation and decision-making.

## Composition of the Coordination and Cooperation Group

### Article 26

The coordination and cooperation group consists of representatives of the basic public prosecutor's offices, police administrations and centers for social work, from the areas for which the group is formed.

The members of the co-ordination and co-operation group are appointed by the heads of the organs, from the position of the Deputy Basic Public Prosecutor who have completed specialized training and the competent police officers and employees of the centers for social work dealing with cases of domestic violence.

The Coordination and Co-operation Group is chaired by a member of the group from the rank of Deputy Basic Public Prosecutor.

If prosecuting offenders of criminal acts determined by this law are more publicly prosecuted by the public prosecutor, the higher public prosecutor appoints his deputy, who has completed specialized training, to participate in the work of the group and preside over it.

## Pravilnik o saradnji

### Član 27

Ministar nadležan za poslove pravosuđa, ministar nadležan za unutrašnje poslove i ministar nadležan za poslove porodične zaštite sporazumno donose pravilnik o saradnji, kojim se bliže uređuju međusobna prava.

Pravilnikom o saradnji određuju se obaveze i saradnja državnih organa i ustanova nadležnih za primenu ovog zakona pri sprečavanju nasilja u porodici i pružanju zaštite i podrške žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom.

## V OBUKA

### Specijalizovana obuka

#### Član 28

Nadležni policijski službenici i javni tužioci, zamenici javnih tužilaca i sudije koji primenjuju ovaj zakon dužni su da završe specijalizovanu obuku prema programu koji donosi Pravosudna akademija.

Specijalizovanu obuku sprovodi Pravosudna akademija za javne tužioce, zamenike javnih tužilaca i sudije, u saradnji sa drugim stručnim ustanovama i organizacijama, a za policijske službenike specijalizovanu obuku sprovodi Kriminalističko-policijska akademija.

Po završenoj specijalizovanoj obuci, Pravosudna akademija i Kriminalističko-policijska akademija izdaju polaznicima obuke sertifikate o završenoj obuci. Izdavanje i obrazac sertifikata bliže se uređuju aktom Pravosudne akademije i Kriminalističko-policijske akademije.

## Rules of cooperation

### Article 27

The Minister in charge of judicial affairs, the Minister in charge of internal affairs and the minister responsible for family protection shall, by mutual consent, issue a rulebook on cooperation, which shall closely regulate mutual rights.

The Code of Cooperation defines the obligations and cooperation of state bodies and institutions responsible for the implementation of this law in the prevention of domestic violence and the provision of protection and support to victims of domestic violence and victims of criminal offenses established by this Law.

## V TRAINING

### Specialized training

#### Article 28

The competent police officers and public prosecutors, deputy public prosecutors and judges applying this law are obliged to complete specialized training according to the program adopted by the Judicial Academy.

Specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with other professional institutions and organizations, and for the police officers specialized training is conducted by the Criminal Police Academy.

Upon completion of specialized training, the Judicial Academy and the Criminal Police Academy will issue trainee certificates to the trainees.

The issuance and the certificate form are closely regulated by the act of the Judicial Academy and the Criminal Police Academy.

## VI ZAŠTITA I PODRŠKA ŽRTVAMA NASILJA U PORODICI I ŽRTVAMA KRIVIČNIH DELA ODREĐENIH OVIM ZAKONOM

### Pravo na obaveštenje

#### Član 29

Državni organi i ustanove nadležni za primenu ovog zakona dužni su da u prvom kontaktu sa žrtvom nasilja u porodici ili žrtvom krivičnog dela iz ovog zakona daju žrtvi potpuna obaveštenja o organima, pravnim licima i udruženjima koji joj pružaju zaštitu i podršku, na način i na jeziku koji žrtva nasilja razume.

### Pravo na besplatnu pravnu pomoć

#### Član 30

Žrtva nasilja u porodici i žrtva krivičnog dela iz ovog zakona ima pravo na besplatnu pravnu pomoć, prema posebnom zakonu.

### Individualni plan zaštite i podrške žrtvi

#### Član 31

Po prijemu procene rizika kojom je ustanovljena neposredna opasnost od nasilja u porodici, grupa za koordinaciju i saradnju izrađuje individualni plan zaštite i podrške žrtvi, koji sadrži celovite i delotvorne mere zaštite i podrške žrtvi, ali i drugim članovima porodice kojima je podrška potrebna.

U izradi individualnog plana zaštite i podrške žrtvi učestvuje i žrtva, ako to želi i ako to dozvoljava njeno emotivno i fizičko stanje.

## VI PROTECTION AND SUPPORT TO VICTIMS OF VIOLENCE IN FAMILY AND VICTIMS OF CRIMINAL PARTIES PROVIDED BY THIS LAW

### Right to notice

#### Article 29

State bodies and institutions in charge of the implementation of this law shall, in the first contact with the victim of domestic violence or victims of the criminal offense under this law, provide victims with complete information on bodies, legal entities and associations providing protection and support to them in both the language and the language who understands the victim of violence.

### The right to free legal aid

#### Article 30

A victim of domestic violence and a victim of a criminal offense under this law is entitled to free legal aid, according to a special law.

### Individual plan for protection and support of the victim

#### Article 31

Upon receipt of a risk assessment that identifies a direct threat of domestic violence, the Coordination and Coordination Group creates an individual victim protection plan that includes comprehensive and effective protection and victim support measures for the victim as well as other family members in need.

In the development of an individual plan for the protection and support of the victim, the victim also participates, if it so wishes, and if it allows her emotional and physical condition.



## ENGLISH TRANSLATION

Mere zaštite moraju da pruže bezbednost žrtvi, da zaustave nasilje, spreče da se ono ponovi i zaštite prava žrtve, a mere podrške da omoguće da se žrtvi pruži psihosocijalna i druga podrška radi njenog oporavka, osnaživanja i osamostaljivanja.

Individualnim planom zaštite i podrške žrtvi određuju se izvršioci konkretnih mera i rokovi za njihovo preduzimanje, kao i plan praćenja i procene delotvornosti planiranih i preduzetih mera.

Individualni plan zaštite i podrške žrtvi izrađuje se i za žrtve krivičnih dela iz ovog zakona.

## VII EVIDENCIJA PODATAKA O SLUČAJEVIMA NASILJA U PORODICI

### Evidencije

#### Član 32

Nadležna policijska uprava vodi evidencije o prijavljenim slučajevima nasilja u porodici i o izricanju i izvršenju hitnih mera i izvršenju mera zaštite od nasilja u porodici.

Evidencija policijske uprave sadrži:

1) podatke o prijavljenim slučajevima nasilja u porodici (učesnici događaja, vreme, mesto, prikupljene izjave, okolnosti slučaja, podaci o mogućoj žrtvi i dr.);

2) podatke o prijavljenom mogućem učiniocu (ime, prezime, jedinstveni matični broj građana, adresa prebivališta ili boravišta, podatke o ranije određenim merama zaštite od nasilja u porodici);

Measures of protection must ensure the safety of the victim, stop the violence, prevent it from repeating and protect the rights of the victim, and measures of support to enable the victim to provide psychosocial and other support for the recovery, empowerment and independence of the victim.

The individual plan of protection and support of the victim determines the executors of concrete measures and deadlines for their undertaking, as well as the plan of monitoring and evaluation of the effectiveness of planned and undertaken measures.

Individual victim protection and victim support plans are also developed for victims of criminal offenses under this law.

## VII EVIDENCE OF DATA ON CASES OF VIOLENCE IN FAMILY

### Records

#### Article 32

The competent police directorate keeps records of reported cases of domestic violence and on the pronouncement and execution of urgent measures and the execution of measures against the protection of domestic violence.

The records of the police administration include:

1) data on reported cases of domestic violence (participants of the event, time, place, collected statements, circumstances of the case, information on the possible victim, etc.);

2) data on the declared possible perpetrator (name, surname, unique registration number of the citizen, address of residence or place of residence, data on previously specified measures of protection against domestic violence);



3) podatke o proceni rizika i nazive organa kojima je procena rizika dostavljena;

4) podatke o izricanju hitnih mera (datum i broj naređenja o izricanju hitnih mera, njihovo trajanje i vreme početka njihovog trajanja);

5) podatke o produženju i izvršenju hitnih mera (broj i datum rešenja osnovnog suda o produženju hitnih mera, podaci o izvršenju hitnih mera);

6) podatke o izvršenju mera zaštite od nasilja u porodici.

Osnovni sud vodi evidenciju o svojim odlukama o predlozima za produženje hitnih mera i o određenim merama zaštite od nasilja u porodici.

Evidencija osnovnog suda o predlozima za produženje hitnih mera sadrži:

1) podatke o licu kome je produžena hitna mera (ime, prezime, jedinstveni matični broj građana, adresa prebivališta ili boravišta, podatke o ranije određenim merama zaštite od nasilja u porodici);

2) broj i datum rešenja kojim je produžena hitna mera;

3) broj i datum rešenja kojim je odbijen predlog da se produži hitna mera;

4) podatke o žalbi protiv rešenja donetog o predlogu za produženje hitnih mera;

5) podatke o odluci donetoj po žalbi.

3) data on the risk assessment and the names of the bodies to whom the risk assessment was submitted;

4) information on the imposition of urgent measures (date and number of orders on pronouncement of urgent measures, their duration and time of beginning of their duration);

5) information on extension and execution of urgent measures (number and date of decision of the basic court on extension of urgent measures, data on execution of urgent measures);

6) data on the execution of measures of protection against domestic violence.

The Basic Court keeps records of its decisions on proposals for the extension of urgent measures and on certain measures to protect against domestic violence.

Records of the Basic Court on proposals for extending emergency measures include:

1) information on the person whose extension is the emergency measure (name, surname, unique citizen registration number, address of residence or place of residence, data on previously defined measures of protection against domestic violence);

2) the number and date of the decision extending the emergency measure;

3) the number and date of the decision rejecting the proposal to extend the emergency measure;

4) information on the appeal against the decision made on the proposal for the extension of urgent measures;

5) information on the decision made on the appeal.

## ENGLISH TRANSLATION

Evidencija osnovnog suda o određenim merama zaštite od nasilja u porodici sadrži:

- 1) podatke o licu kome je određena mera zaštite od nasilja u porodici (ime, prezime, jedinstveni matični broj građana, adresa prebivališta ili boravišta, podatke o ranije određenim merama zaštite od nasilja u porodici);
- 2) podatke o odluci suda o određivanju mera zaštite od nasilja u porodici (broj i datum odluke, vrsta mere koja je određena i njeno trajanje);
- 3) podatke o žalbi na odluku suda o određivanju mera zaštite od nasilja u porodici;
- 4) podatke o odluci donetoj po žalbi;
- 5) podatke o produženju, odnosno prestanku mera zaštite od nasilja u porodici.

Osnovno javno tužilaštvo vodi evidenciju o predlozima za produženje hitnih mera i zahtevima za određivanje mera zaštite od nasilja u porodici.

Evidencija osnovnog javnog tužilaštva sadrži:

- 1) podatke o licu za koje je predloženo produženje hitnih mera (ime, prezime, jedinstveni matični broj građana, adresa prebivališta ili boravišta, podatke o ranije određenim merama zaštite od nasilja u porodici);
- 2) podatke o produženju hitnih mera (datum i broj predloga za produženje hitnih mera, naziv suda kojem je predloženo produženje hitnih mera, odluka suda po predlogu javnog tužioca, podaci o odluci po žalbi);
- 3) podatke o podnošenju tužbe za određivanje mera zaštite od nasilja u porodici;

The records of the Basic Court on certain measures of protection against domestic violence include:

- 1) data on the person who is determined the measure of protection against domestic violence (name, surname, unique registration number of the citizen, address of residence or place of residence, data on previously defined measures of protection against domestic violence);
- 2) information on the court decision on the determination of measures for protection against domestic violence (number and date of decision, type of measure determined and its duration);
- 3) information on appeal against the decision of the court on determining measures of protection against domestic violence;
- 4) information on the decision rendered upon appeal;
- 5) information on the extension or termination of the protection against domestic violence.

The Basic Public Prosecutor's Office keeps records of proposals for extending urgent measures and requirements for determining measures to protect against domestic violence.

Records of the Basic Public Prosecutor's Office contain:

- 1) information on the person for whom the extension of emergency measures (name, surname, unique registration number of the citizen, address of residence or place of residence, data on previously specified measures of protection against domestic violence) has been proposed;
- 2) information on extension of urgent measures (date and number of requests for extension of urgent measures, name of court to which extension of emergency measures has been proposed, court decision on proposal by public prosecutor, information on decision on appeal);
- 3) information on filing a lawsuit for the determination of measures to protect against domestic violence;

4) vrsta mere zaštite od nasilja u porodici čije se određivanje traži;

5) podatke o odluci suda povodom tužbe za određivanje mere zaštite od nasilja u porodici (broj i datum odluke, vrsta mere koja je određena i trajanje mere);

6) podatke o produženju i prestanku mere zaštite od nasilja u porodici.

Nadležni centar za socijalni rad vodi evidenciju o primeni individualnih planova zaštite i podrške žrtvi.

Evidencija centra za socijalni rad sadrži:

1) ime, prezime, jedinstveni matični broj građana i adresu prebivališta, odnosno boravišta žrtve;

2) podatke o individualnom planu zaštite i podrške žrtvi;

3) podatke o planiranim merama zaštite žrtve;

4) podatke o planiranim merama podrške žrtvi;

5) podatke o izvršiocima konkretnih mera zaštite i podrške i rokovima za njihovo preduzimanje;

6) podatke o planu praćenja i proceni delotvornosti planiranih i preduzetih mera.

Evidencije policijskih uprava, osnovnih sudova, osnovnih javnih tužilaštava i centara za socijalni rad vode se u elektronskom obliku i čine Centralnu evidenciju o slučajevima nasilja u porodici (u daljem tekstu: Centralna evidencija), koju vodi Republičko javno tužilaštvo.

Podaci mogu da se unesu u Centralnu evidenciju samo uz korišćenje odgovarajućih zaštićenih pristupnih šifri.

4) type of protection against domestic violence whose determination is sought;

5) information on the decision of the court regarding the lawsuit for determining the measure of protection against domestic violence (number and date of decision, type of measure determined and duration of the measure);

6) information on the extension and termination of the measure of protection against domestic violence.

The competent center for social work keeps records on the implementation of individual protection plans and victim support.

Records of the Center for Social Work contain:

1) name, surname, unique registration number of the citizen and address of the place of residence, or residence of the victim;

2) information on the individual plan for the protection and support of the victim;

3) information on the planned measures for the protection of the victim;

4) information on planned victim assistance measures;

5) data on the executors of concrete measures of protection and support and deadlines for their undertaking;

6) data on the monitoring plan and the assessment of the effectiveness of planned and undertaken measures.

Records of police administrations, basic courts, basic public prosecutors' offices and centers for social work are kept in electronic form and comprise the Central Record of Domestic Violence Cases (hereinafter: Central Records), managed by the Republic Public Prosecutor's Office.

Data can be entered in the Central Record only using appropriate protected access codes.

## ENGLISH TRANSLATION

Podaci se čuvaju u evidencijama i u Centralnoj evidenciji deset godina i posle toga brišu.

## Pristup evidenciji

### Član 33

Pristup podacima iz Centralne evidencije dozvoljen je samo u svrhu ostvarivanja nadležnosti predviđenih ovim zakonom i uz korišćenje zaštićenih pristupnih šifri.

Zamenik javnog tužioca koji ostvaruje nadležnosti javnog tužilaštva u sprečavanju nasilja u porodici i gonjenju učinilaca krivičnih dela određenih ovim zakonom (član 9) ima pravo na pristup svim podacima iz Centralne evidencije.

Nadležni policijski službenik ima pravo na pristup Centralnoj evidenciji samo u delu koji sadrži podatke iz evidencija područnih policijskih uprava i nadležnih centara za socijalni rad, nadležni sudovi samo u delu koji sadrži podatke iz evidencija koje vode osnovni sudovi, a nadležni centri za socijalni rad - samo u onom delu koji sadrži podatke iz evidencija koje vode centri za socijalni rad.

## Zaštita podataka o ličnosti

### Član 34

Državni organi i ustanove nadležne za primenu ovog zakona dužni su da štite podatke o ličnosti, prema zakonu kojim se uređuje zaštita podataka o ličnosti.

Za prikupljanje podataka sadržanih u evidencijama nije potreban pristanak lica na koje se podaci odnose.

The data is kept in the records and in the Central Record for ten years and afterwards it is deleted.

## Access to records

### Article 33

Access to data from the Central Record is permitted only for the purpose of exercising the competencies provided by this Law and with the use of protected access codes.

The Deputy Public Prosecutor who exercises the competencies of the Public Prosecutor's Office in preventing domestic violence and prosecuting offenders specified in this Law (Article 9) has the right to access all data from the Central Record.

The competent police officer has the right to access to the Central Records only in the part that contains data from the records of the regional police administrations and relevant centers for social work, the competent courts only in the part containing data from the records kept by the basic courts, and the competent centers for social work in that part which contains data from records kept by centers for social work.

## Personal data protection

### Article 34

State bodies and institutions in charge of the application of this law are obliged to protect personal data, according to the law regulating the protection of personal data.

In order to collect the data contained in the records, no consent of the person to whom the data relates is required.

## VIII PRAĆENJE PRIMENE ZAKONA

### Savet za suzbijanje nasilja u porodici

#### Član 35

Vlada obrazuje Savet za suzbijanje nasilja u porodici (u daljem tekstu: Savet), koji prati primenu ovog zakona i poboljšava koordinisanje i delotvornost sprečavanja nasilja u porodici i zaštitu od nasilja u porodici.

Članove Saveta čine predstavnici državnih organa i ustanova nadležnih za primenu ovog zakona.

Savet može, po potrebi, uključiti u rad i predstavnike naučnih i drugih stručnih institucija i udruženja čija je delatnost povezana sa zaštitom od nasilja u porodici.

Sastav, način rada i odlučivanje Saveta bliže se uređuje aktom Vlade o obrazovanju Saveta.

## IX KAZNENE ODREDBE

### Prekršaji

#### Član 36

Kaznom zatvora do 60 dana kazniće se za prekršaj lice koje prekrši hitnu meru koja mu je izrečena ili produžena.

Novčanom kaznom od 50.000 dinara do 150.000 dinara kazniće se za prekršaj odgovorno lice u državnom i drugom organu, organizaciji i ustanovi koje policiji ili javnom tužiocu neodložno ne prijavi ili ne reaguje na prijavu ili opstruira prijavljivanje ili reagovanje na svako saznanje o nasilju u porodici ili neposrednoj opasnosti od njega (član 13. stav 2).

## VIII MONITORING OF THE APPLICATION OF THE LAW

### Council for the Suppression of Domestic Violence

#### Article 35

The government is formed by the Council for the Suppression of Domestic Violence (hereinafter: the Council), which monitors the implementation of this law and improves the coordination and effectiveness of preventing domestic violence and protection against domestic violence.

Members of the Council are representatives of state bodies and institutions in charge of the implementation of this law.

The Council may, if necessary, include in the work and representatives of scientific and other professional institutions and associations whose activity is related to the protection against domestic violence.

The composition, mode of work and decision-making of the Council shall be more closely regulated by the Government's act on the education of the Council.

## IX PENALTY PROVISIONS

### Fouls

#### Article 36

With a prison sentence of up to 60 days, a person who violates an urgent measure imposed or prolonged will be punished for an offense.

A fine in the amount of 50,000 dinars to 150,000 dinars will be imposed on a responsible person in a state and other body, organization and institution that does not immediately report or react to the police or the public prosecutor, or obstructs reporting or reaction to any knowledge of domestic violence or direct the danger from him (Article 13, paragraph 2).

## ENGLISH TRANSLATION

Osudjuća presuda za prekršaj iz stava 1. ovog člana može se izvršiti pre njene pravnosnažnosti, prema Zakonu o prekršajima.

## X PRELAZNE I ZAVRŠNE ODREDBE

### Rok za donošenje podzakonskih propisa

#### Član 37

Podzakonski propisi predviđeni ovim zakonom doneće se u roku od tri meseca od stupanja ovog zakona na snagu, izuzev akta koje donose grupe za koordinaciju i saradnju koji će se doneti u roku od 30 dana od dana njihovog obrazovanja.

### Rok za obrazovanje grupa za koordinaciju i saradnju i Saveta i imenovanje lica određenih za vezu

#### Član 38

Do dana početka primene ovog zakona obrazovaće se grupe za koordinaciju i saradnju i Savet i imenovaće se lica određena za vezu.

### Završna odredba

#### Član 39

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u "Službenom glasniku Republike Srbije", a primenjuje se od 1. juna 2017. godine.

The conviction for the misdemeanor referred to in paragraph 1 of this Article may be enforced before its power of attorney under the Law on Misdemeanors.

## X TRANSITIONAL AND FINAL PROVISIONS

### Deadline for adoption of by-laws

#### Article 37

The bylaws envisaged by this Law shall be passed within three months from the entry into force of this Law, except for the acts adopted by the co-ordination and cooperation groups to be adopted within 30 days from the date of their education.

### Deadline for the education of coordination and cooperation groups and the Council and appointment of persons designated for liaison

#### Article 38

By the date of the implementation of this law, the Coordination and Cooperation Groups and the Council will be formed and the persons appointed for the connection will be appointed.

### Final provision

#### Article 39

This Law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia", and shall apply from 1 June 2017.

# Chapter 7

## **Laws & Regulations on Gender Based Issues “Macedonia”**

## ЗАКОН ЗА СЕМЕЈСТВОТО

### ПРВ ДЕЛ ОПШТИ ОДРЕДБИ

#### Член 1

Со овој закон се уредуваат: бракот и семејството, односите во бракот и семејството, одредени облици на посебна заштита на семејството, семејното насилство, посвојувањето, старателството, издржувањето, како и постапката пред судот во брачните и семејните спорови и постапката за изрекување на привремена мерка за заштита од семејно насилство.

#### Член 6

Бракот е со закон уредена заедница на живот на маж и жена во која се остваруваат интересите на брачните другари, семејството и општеството. Односите меѓу брачните другари се засноваат врз слободна одлука на мажот и жената да склучат брак, врз нивната рамноправност, меѓусебно почитување и заемно помагање.

## ВТОР ДЕЛ БРАК I

### СКЛУЧУВАЊЕ НА БРАК I

#### Услови за склучување и полноважност на бракот

#### Член 15

Брак можат да склучат две лица од различен пол со слободно изјавена волја пред надлежен орган, на начин определен со овој закон.

#### Член 19

Бракот не е полноважен кога согласноста за склучување на брак е дадена под присила или во заблуда.

## LAW ON FAMILY

### FIRST PART GENERAL PROVISIONS

#### Article 1

This law regulates: marriage and family, relations in marriage and family, certain forms of special protection of the family, domestic violence, adoption, guardianship, support, as well as the procedure before the court in marital and family disputes and the procedure for pronouncing a temporary measure for protection against domestic violence.

#### Article 6

Marriage is a law regulated community of life of a man and a woman in which the interests of spouses, family and society are realized. Relationships between spouses are based on a free decision of a husband and wife to marry, on their equality, mutual respect and mutual assistance

## SECOND PART Marriage I

### Conclusion of the THE MARRIAGE 1

#### Terms of conclusion and validity of marriage

#### Article 15

Marriage can be concluded by two persons of different sex with a freely expressed will before a competent body, in a manner defined by this Law

#### Article 19

Marriage is not valid when the consent to marry is given under compulsion or misconception



## II. ПРАВА И ДОЛЖНОСТИ НА БРАЧНИТЕ ДРУГАРИ

### Член 32

Секој брачен другар е независен во изборот на работата и занимањето. Брачните другари спогодбено одлучуваат за местото на заедничкото живеење и за водење на заедничкото домаќинство.

### Член 33-а

Се забранува секаков вид на насилство во бракот и семејството.

### Член 40

Бракот може да се разведе по барање на еден од брачните другари ако брачните односи се до таа мера нарушени што заедничкиот живот станал неподнослив.

## VI-A. СЕМЕЈНО НАСИЛСТВО

### Член 94-б

Се забранува секаков вид на насилство меѓу членовите на семејството, без оглед на пол и возраст. Под семејно насилство се подразбира малтретирање, навредување, загрозување на сигурноста, телесно повредување, полово или друго психолошко или физичко насилство со кое се предизвикува чувство на несигурност, загрозување или страв спрема: - брачниот другар, родителите или децата или други лица кои живеат во брачна или вонбрачна заедница или заедничко домаќинство, - поранешен брачен другар или лица кои имаат заедничко дете или се наоѓаат во блиски лични односи, вклучувајќи ги односите кои настануваат со посвојувањето и старателството, - браќа и сестри, полубраќа и полусестри, - постарите членови во семејството или заедничкото домаќинство и - лица - членови на семејството или заедничкото домаќинство чија деловна способност е делумно или целосно одземена. Под блиски лични односи, во смисла на овој закон, се подразбираат лични односи меѓу лица од различен пол кои се или биле во партнерски односи, а не живеат во вонбрачна заедница.

## II. RIGHTS AND DUTIES OF MARRIAGE FRIENDS

### Article 32

Each spouse is independent in the choice of work and occupation. The spouses agree on the place of joint living and the running of the common household

### Article 33-a

Any kind of violence in marriage and family is prohibited.

### Article 40

Marriage can be divorced at the request of one of the spouses if marital relations are so far disturbed that a common life became unbearable.

## VI-A. FAMILY VIOLENCE

### Article 94-b

Any type of violence among family members is prohibited, regardless of gender or age. Domestic violence includes: bullying, insulting, endangering safety, bodily injury, sexual or other psychological or physical violence causing a feeling of insecurity, endangerment or fear of: - spouse, parents or children or other persons living in a marriage or a non-marital community or a common household, - an ex-spouse or persons who have a common child or are in close personal relationships, including relationships arising with adoption and guardianship, and sisters, half-brothers and half-sisters - older family members or common household - persons - family members or common household whose legal capacity is partially or completely revoked. Under close personal relations, in the sense of this law, it means personal relations between persons of different sex who are or have been in a partnership relationship, and do not live in a non-marital union

**Член 94-в**

Жртва на семејно насилство може да биде кое било лице од членот 94-б на овој закон, без оглед на пол и возраст. Извршител на семејно насилство може да биде кое било лице од членот 94-б на овој закон.

**Член 94-г**

Центарот за социјална работа секогаш кога има сознание дека над лице е сторено семејно насилство, сам или на барање на лицето или член на неговото семејство презема мерки на заштита на жртвата на семејно насилство. Центарот за социјална работа секогаш кога има сознанија дека постои семејно насилство врз малолетно дете или лице со ограничена или одземена деловна способност презема мерки за заштита. Сознанијата од ставовите 1 и 2 на овој член, Центарот за социјална работа ги добива од граѓани, службени и правни лица, кои се должни без одлагање да го известат Центарот за таквите сознанија. Службеното и правното лице од ставот 3 на овој член кое во текот на своето работење преземале одредени дејствија при семејното насилство се должни веднаш, а најдоцна во рок од 72 часа од преземањето на дејствијата, службената документација и известувањето за преземените дејствија и друга документација (записник, изјава од сведок, наоди од лекар и друго), да ги достават до надлежниот центар за социјална работа. Центарот за социјална работа секогаш кога има сознанија дека постои семејно насилство ги презема следниве мерки на заштита: 1) обезбедува нужно сместување за лицето - жртва на насилството, кое може да трае најмногу шест месеца, со можност за продолжување за уште шест месеца; 2) обезбедува соодветна здравствена заштита; 3) обезбедува соодветна психо-социјална интервенција и третман; 4) ги упатува во соодветно советувашиште; 5) доколку во семејството има дете кое е на редовно школување, помага за продолжување на редовното образование; 6) го известува органот за прогон; 7) дава секаков вид на правна помош и застапување; 8) покренува постапки пред надлежниот суд и презема мерки кои произлегуваат од односите меѓу родители и деца;

**Article 94-c**

A victim of domestic violence may be any person referred to in Article 94-b of this Law, regardless of sex and age. A perpetrator of domestic violence may be any person referred to in Article 94-b of this Law.

**Article 94-d**

The Center for Social Work, whenever it is aware that a domestic violence has been committed above the person, on its own or at the request of the person or a member of his / her family undertakes measures for protection of the victim of domestic violence. The Center for Social Work, whenever it is aware that there is domestic violence against a minor child or a person with limited or deprived business ability, undertakes protection measures. The Center for Social Work receives the information from paragraphs 1 and 2 of this article from citizens, official and legal persons, who are obliged to notify the Center without delay about such knowledge. The official and legal entity referred to in paragraph 3 of this article who during the course of their work undertaken certain actions in the case of domestic violence shall be obliged immediately, and within 72 hours from the taking of the actions, the official documentation and the notification of the undertaken actions and other documentation, a witness statement, doctor's findings, etc.) should be submitted to the competent center for social work. The Center for Social Work, whenever there is knowledge that there is domestic violence, undertakes the following protection measures: 1) provides necessary accommodation for the person - victim of violence, which can last for a maximum of six months, with the possibility of extension for another six months; 2) provide adequate health care; 3) provide adequate psycho-social intervention and treatment; 4) direct them to an appropriate counseling center; 5) if in the family there is a child who is on regular education, it helps to continue the regular education; 6) inform the enforcement authority; 7) provide any kind of legal assistance and representation; 8) initiate proceedings before the competent court and undertake measures arising from the relations between parents and children;

9) по потреба поднесува барање до судот за изречување на привремена мерка за заштита и 10) презема други мерки за кои ќе оцени дека се неопходни за решавање на проблемот. Здружение на граѓани, регистрирано за остварување на цели и задачи од областа на социјалната заштита, само или во соработка со центарот за социјална работа, може да ги преземе мерките на заштита утврдени во ставот 5 на овој член, освен мерките на заштита утврдени во точките 8 и 9. Здружението на граѓани е должно за преземените мерки во рок од 24 часа да го извести центарот за социјална работа, надлежен според местото на живеење на лицето жртва на семејно насилство. Центарот за социјална работа по добивањето на известувањето од ставот 6 на овој член во рок од 24 часа изготвува соодветно решение. Здружението на граѓани е должно во рок од 72 часа од како се преземени мерките за заштита, целокупната документација да ја достави до центарот за социјална работа заради негово натамошно постапување.

#### Член 94-д

Жртвата на семејно насилство може да поднесе предлог за изрекување на привремена мерка на заштита до надлежниот суд непосредно или преку центарот за социјална работа. Центарот за социјална работа ќе поднесе предлог за изречување на привремена мерка за заштита од семејно насилство до судот за малолетни и деловно неспособни лица секогаш кога родителот, старателот или законскиот застапник тоа нема да го сторат. Центарот за социјална работа, предлогот од ставот 2 на овој член, за полнолетни и деловно способни лица, ќе го достави до судот, само со согласност на жртвата на семејното насилство.

#### Член 94-ѓ

Центарот за социјална работа кон предлогот од членот 94-д на овој закон доставува записник и извештај за преземените дејствија, во кој може да даде и предлог за изречување на привремена мерка со предлог на мерка.

9) if necessary, submit a request to the court for pronouncing a temporary protection measure, and 10) take other measures that it considers necessary for solving the problem. The Association of Citizens, registered for achieving goals and tasks in the area of social protection, alone or in cooperation with the Center for Social Work, may take the protection measures stipulated in paragraph 5 of this Article, except for the protection measures laid down in points 8 and 9. The Association of Citizens is obliged to inform the Center for Social Work, competent according to the place of residence of the victim of domestic violence, about the measures taken within 24 hours. After receipt of the notification referred to in paragraph 6 of this Article, the Center for Social Work shall prepare an appropriate decision within 24 hours. The Association of Citizens is obliged, within 72 hours after the protection measures have been taken, to submit the entire documentation to the Center for Social Work for its further processing.

#### Article 94-e

The victim of domestic violence may submit a proposal for pronouncing a temporary protection measure to the competent court directly or through the center for social work. The Center for Social Work will submit a proposal for pronouncing a temporary measure for protection against domestic violence to the court for juvenile and business incapable persons whenever the parent, guardian or legal representative does not do so. The Center for Social Work shall submit the proposal referred to in paragraph 2 of this Article for adult and business persons to the court only with the consent of the victim of domestic violence.

#### Article 94-f

The Center for Social Work shall submit a report and a report on the undertaken actions to the proposal referred to in Article 94-d of this Law, in which it may also give a proposal for pronouncing a temporary measure with a proposal for a measure.

**Член 94-з**

Привремената мерка за заштита од семејно насилство може да трае најмалку три месеца, а најмногу една година. Доколку семејното насилство продолжи и по истекот на мерката од членот 94-е на овој закон, центарот за социјална работа односно жртвата на семејното насилство може да поднесе барање за продолжување на некоја од мерките.

**Член 94-с**

Центарот за социјална работа го следи извршувањето на изречената мерка и за текот на спроведувањето на мерката го известува судот на негово барање. Министерот за труд и социјална политика го пропишува начинот на спроведување и следењето на изречените мерки за заштита на семејството и лицата жртви на семејно насилство преземени од центарот за социјална работа и за начинот на следење на привремените мерки изречени од судот.

**Член 94-и**

Центарот за социјална работа односно жртвата на семејно насилство може да поднесе предлог до надлежниот суд за укинување на изречената мерка и пред истекот на рокот за кој е изречена мерката, доколку оцени дека истата ја постигнала целта заради која е изречена. Центарот за социјална работа односно жртвата на семејно насилство може да поднесе предлог за измена на изречената мерка или за нејзино продолжување, доколку оцени дека изречената мерка е несоодветна или дека ќе ги постигне бараните резултати, но дека за тоа е потребно истата да трае подолг временски период.

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**Член 94-ј**

Во спроведување на заштитните мерки центарот за социјална работа соработува со граѓани, правни лица и организации.

**Article 94-g**

The temporary measure for protection against domestic violence can last at least three months, and at most one year. If the domestic violence continues even after the expiration of the measure from Article 94-e of this Law, the Center for Social Work, that is, the victim of domestic violence can apply for the extension of some of the measures.

**Article 94-h**

The Center for Social Work monitors the execution of the pronounced measure and informs the court on its request for the course of the implementation of the measure. The Minister of Labor and Social Policy prescribes the manner of conducting and monitoring the imposed measures for the protection of the family and the victims of domestic violence undertaken by the Center for Social Work and the manner of monitoring the provisional measures imposed by the court.

**Article 94-i**

The Center for Social Work, that is, the victim of domestic violence may submit a proposal to the competent court for the abolition of the pronounced measure even before the expiration of the deadline for which the measure was pronounced, if it assesses that it has reached the purpose for which it was pronounced. The Center for Social Work, that is, the victim of domestic violence may submit a proposal for amending the pronounced measure or for its extension, if it finds that the pronounced measure is inadequate or that it will achieve the required results, but that it requires a longer period of time .

**Article 94-j**

In implementing the protective measures, the Center for Social Work cooperates with citizens, legal entities and organizations

# ЗАКОН ЗА ПРЕВЕНЦИЈА, СПРЕЧУВАЊЕ И ЗАШТИТА ОД СЕМЕЈНО НАСИЛСТВО

## ПРВ ДЕЛ ОПШТИ ОДРЕДБИ

### Предмет на закон

#### Член 1

Со овој закон се уредува одговорното и должно постапување на институциите и здруженијата, нивната меѓусебна координација и соработка, заради превенирање и спречување на семејното насилство и обезбедување на заштита на жртвите.

### Цел на закон

#### Член 2

Цел на законот е преземање на мерки насочени кон превенција и заштита на жртвите на семејно насилство, почитување на основните човекови слободи и права, живот, личен интегритет, недискриминација и родова еднаквост, со должно внимание на интересите и потребите на жртвата

### Дефиниција

#### Член 3

Под семејно насилство се подразбира малтретирање, навредување, загрозување на сигурноста, телесно повредување, полово или друго психолошко, физичко или економско насилство со кое се предизвикува чувство на несигурност, загрозување или страв, вклучувајќи и закани за такви дејствија, спрема брачен другар, родителите или децата или други лица кои живеат во брачна или вонбрачна заедница или заедничко домаќинство, како и спрема сегашен или поранешен брачен другар, вонбрачен партнер или лица кои имаат заедничко дете или се наоѓаат во блиски лични односи, без оглед дали сторителот го дели или го делел истото живеалиште со жртвата или не

# LAW ON PREVENTION, PREVENTION AND PROTECTION FROM DOMESTIC VIOLENCE

## FIRST PART GENERAL PROVISIONS

### Subject to the law

#### Article 1

This law regulates the responsible and obligatory actions of the institutions and associations, their mutual coordination and cooperation, in order to prevent and prevent domestic violence and to provide protection to the victims.

### Purpose of the law

#### Article 2

The goal of the law is to take measures aimed at preventing and protecting victims of domestic violence, respecting basic human freedoms and rights, life, personal integrity, non-discrimination and gender equality, with due regard to the interests and needs of the victim

### Definition

#### Article 3

Domestic violence refers to maltreatment, insulting, endangering safety, bodily harm, sexual or other psychological, physical or economic violence that causes a feeling of insecurity, endangerment or fear, including threats to such actions, to spouse, parents or children or other persons living in a marital or extra-marital union or a common household, as well as to a current or former spouse, a spouse or a person who has a common child or are in close proximity our relationships, regardless of whether the perpetrator shares or has shared the same residence with the victim or

## Поимник

### Член 4

Одделни изрази употребени во овој закон, го имаат следново значење:

- сторител на семејно насилство е секое лице кое врши дејствие на насилство од член 3 од овој закон;
- жртва на семејно насилство (во натамошниот текст: жртва) е секое лице кое на територија на Република Македонија трпи насилство од член 3 од овој закон;
- блиски лични односи, се лични односи меѓу лица кои се или биле во партнерски односи; - дете е секое лице на возраст до 18 години;
- телесно/физичко насилство, е секое дејствие на примена на физичка сила или дејствие со кое се нарушува здравјето на жртвата;
- психичко насилство, е секое дејствие кое предизвикува чувство на страв, загрозеност, вознемиреност или повреда на достоинството и интегритетот на жртвата;
- демнење, е намерно повторено заканување кон жртвата, кое предизвикува истата да се плаши за својата безбедност;
- сексуално насилство, е секое дејствие на сексуален акт и сексуално вознемирување врз лице без дадена согласност;
- економско насилство, е секое дејствие на ограничување или спречување во располагање со лични приходи и финансиски средства, за одржување на заедничкото домаќинство и за грижа на детето, со што се предизвикува економска зависност на жртвата;
- родово засновано насилство врз жените означува насилство насочено против жената затоа што е жена или коешто несразмерно ја погаѓа;
- изразите, употребени во овој закон се однесуваат на лица од машки и женски пол

## Помош и заштита на жртвите

### Член 8

Жртвата има право на помош, поддршка и заштита од семејно насилство.

## Glossary

### Article 4

Certain terms used in this law have the following meaning:

- the perpetrator of domestic violence is any person who performs an act of violence referred to in Article 3 of this Law;
- victim of domestic violence (hereinafter: victim) is any person who suffers violence from Article 3 of this Law on the territory of the Republic of Macedonia;
- close personal relationships, are personal relationships between persons who are or have been in a partnership relationship;
- a child is any person under the age of 18;
- physical / physical violence, is any act of applying physical force or action that violates the health of the victim;
- psychological violence, is any act that causes a feeling of fear, endangerment, anxiety or violation of the dignity and sacrifice of the victim;
- Demonstration is a deliberate repeated threat to the victim, which causes them to fear for their safety;
- Sexual violence is any act of sexual act and sexual harassment on a person without given consent;
- economic violence, is any act of restricting or preventing the use of personal income and financial resources, for maintaining the common household and for caring for the child, causing economic dependence on the victim;
- gender-based violence against women means violence directed against a woman because she is a woman or who disproportionately suits her;
- the terms used in this law apply to men and women

## Help and protection of victims

### Article 8

The victim has the right to assistance, support and protection from domestic violence.



Жртвата има право да биде информирана од службените лица за своите права, мерките за заштита и постапките за остварување на истите, како и за достапните услуги за помош и заштита.

## Пријавување од граѓани

### Член 12

Секој граѓанин е должен да пријави сознание за семејно насилство до полициска станица, центар за социјална работа, здружение или на националната СОС линија. Надлежните институции од став 1 на овој член се должни да постапат и по анонимна пријава

## II. МЕРКИ ЗА ЗАШТИТА

### Центар за социјална работа

#### Член 18

Центарот за социјална работа ги презема следниве мерки за заштита на жртвите: 1) сместување во центар за лица - жртви на семејно насилство; 2) соодветна здравствена заштита; 3) соодветна психо - социјална интервенција и третман; 4) психо - социјален третман во советувалиште; 5) помош на семејството за редовно школување на дете; 6) правна помош и застапување, и 7) економско јакнење на жртвата преку нејзино активно вклучување на пазарот на трудот

The victim has the right to be informed by the officials about their rights, protection measures and procedures for their realization, as well as the available assistance and protection services.

## Registration from citizens

### Article 12

Every citizen is obliged to report a domestic violence report to a police station, social work center, association or national SOS line. The competent institutions referred to in paragraph 1 of this Article shall also act upon an anonymous application.

## II. MEASURES FOR PROTECTION

### Center for Social Work

#### Article 12

The Center for Social Work undertakes the following measures for protection of victims: 1) accommodation in a center for persons - victims of domestic violence; 2) adequate health care; 3) appropriate psycho-social intervention and treatment; 4) psycho-social treatment at counseling; 5) assistance to the family for regular schooling of a child; 6) legal assistance and advocacy, and 7) economic strengthening of the victim through its active involvement in the labor market

# ЗАКОН ЗА ЕДНАКВИ МОЖНОСТИ НА ЖЕНИТЕ И МАЖИТЕ

## 1. ОПШТИ ОДРЕДБИ

### 2. Предмет на законот

#### Член 1

(1) Со овој закон се уредува остварувањето на принципот на еднакви можности и еднаков третман на жените и мажите, основните и посебните мерки за воспоставување на еднакви можности на жените и мажите, правата и обврските на одговорните субјекти за обезбедување на еднакви можности на жените и мажите, постапката за утврдување нееднаков третман на жените и мажите, како и правата и должностите на Застапникот за еднакви можности на жените и мажите (во натамошниот текст: Застапникот), како определено лице за спроведување на постапката за утврдување нееднаков третман на жените и мажите. (2) Воспоставувањето на еднакви можности на жените и мажите се уредува со овој и друг закон со кои се уредуваат прашања од интерес за еднаквите можности на жените и мажите од областа на здравствената заштита и здравственото осигурување, социјалната заштита, пристапот до добра и услуги, економијата, работните односи и вработувањето, образованието и стручноусовршување, економските и сопственичките односи, користењето на јавните производи и услуги (потрошувачки права), културата и спортот, информатичко комуникациски технологии, одбраната, правосудството и управата, домувањето, јавното информирање и медиумите, државната и јавната администрација и во други области од општественото живеење..

# LAW ON EQUAL OPPORTUNITIES OF WOMEN AND MEN

## 1. GENERAL PROVISIONS

### 2. Law subject

#### Article 1

(1) This law regulates the realization of the principle of equal opportunities and equal treatment of women and men, the basic and special measures for establishing equal opportunities for women and men, the rights and obligations of the responsible entities for ensuring equal opportunities for women and men, the procedure for determining the unequal treatment of women and men, as well as the rights and duties of the Representative for Equal Opportunities for Women and Men (hereinafter: the Representative), as a designated person for conducting the procedure for determining equal treatment of women and men. (2) The establishment of equal opportunities for women and men is regulated by this and other laws that regulate issues of interest for equal opportunities for women and men in the area of health care and health insurance, social protection, access to goods and services, economy, labor relations and employment, education and professional development, economic and ownership relations, use of public goods and services (consumer rights), culture and sports, information communication technologies, defense, judiciary and administration, housing, public information and the media, state and public administration and other areas of social life.



## Цел на законот

### Член 2

(1) Цел на овој закон е воспоставување и спроведување на принципот на еднакви можности на жените и мажите во политичката, економската, социјалната, образовната, културната, здравствената, граѓанската и било која друга област од општествениот живот. (2) Воспоставувањето на еднакви можности е обврска на целото општество, односно на сите субјекти во јавниот и приватниот сектор и претставува отстранување на пречките и создавања услови за остварување на потполна еднаквост меѓу жените и мажите.

## Примена на законот

### Член 3

(1) Овој закон се применува во јавниот и приватниот сектор во областите наведени во член 1 став 2 на овој закон.

(2) Субјекти кои го применуваат законот се: органите на законодавната, извршната и судската власт, единиците на локалната самоуправа и други органи и организации во јавниот и приватниот сектор, јавни претпријатија, политички партии, средствата за јавно информирање и граѓанскиот сектор и сите лица што обезбедуваат стоки и услуги кои се достапни за јавноста, и кои се нудат надвор од подрачјето на приватниот и семеен живот и трансакциите што се вршат во тој контекст, без разлика дали односното лице припаѓа на јавниот или приватниот сектор, вклучувајќи ги јавните тела.

(3) Се забранува дискриминација, вознемирување и сексуално вознемирување врз основа на пол во јавниот и приватниот сектор во областите на вработувањето и трудот, образование, наука и спорт, социјална сигурност, вклучувајќи го и подрачјето на социјалната заштита, пензиско и инвалидно осигурување, здравствено осигурување и здравствена заштита, правосудство и управа, домување, јавно информирање и медиуми, информатичко комуникациски технологии, одбраната, членување и дејствување во синдикални организации, политички партии, здруженија на граѓани

## Purpose of the law

### Article 2

(1) The purpose of this law is to establish and implement the principle of equal opportunities for women and men in the political, economic, social, educational, cultural, health, civil and any other area of the social life. (2) The establishment of equal opportunities is an obligation of the entire society, that is, of all entities in the public and private sector, and it is the removal of obstacles and the creation of conditions for achieving full equality between women and men.

## Applying the law

### Article 3

(1) This Law shall apply in the public and private sectors in the areas referred to in Article 1, paragraph 2 of this Law.

(2) Entities applying the law are: the bodies of the legislative, executive and judicial branches, the units of local self-government and other bodies and organizations in the public and private sectors, public enterprises, political parties, the media and the civil sector and all persons which provide goods and services that are available to the public and which are offered outside the area of private and family life and transactions carried out in that context, whether the person concerned belongs to the public or private sector, including respecting public bodies

(3) Discrimination, harassment and gender-based sexual harassment in the public and private sectors in the fields of employment and labor, education, science and sport, social security, including the area of social protection, pension and disability insurance, health insurance and health care, judiciary and administration, housing, public information and media, information communication technologies, defense, membership and activity in trade union organizations, political parties, associations of citizens

## ENGLISH TRANSLATION

и фондации, други организации засновани на членство, културата и други области определени со овој или друг закон.

(4) Се забранува дискриминација по основа на пол во пристапот до добрата и услугите во јавниот и приватниот сектор, вклучувајќи и дискриминација во премиите од осигурителните шеми.

(5) Секој граѓанин има право на пристап до вработување без било какви ограничувања, согласно со принципот на еднаков третман.

(6) Согласно со принципот на еднаков третман во пристапот до вработување, дискриминацијата е забранета и на основа на брачниот статус, семејниот статус, боја на кожа, јазик, политичко или друго убедување, активност во синдикатите, националната припадност или социјалниот статус, инвалидност, возраст, сопственост, општествен или друг статус.

(7) Различниот третман којшто ги промовира еднаквите можности на жените и мажите во согласност со целите на овој и друг закон, не се смета за дискриминација.

## Дефиниции

### Член 4

(1) Одделни изрази употребени во овој закон го имаат следново значење:

1. Еднакви можности на жените и мажите значи промовирање на начелото за воведување еднакво учество на жените и мажите во сите области од јавниот и приватниот сектор, еднаков статус и третман во остварувањето на сите права и во развојот на нивните индивидуални потенцијали преку кои тие придонесуваат во општествениот развој, како и еднакви придобивки од резултатите произлезени од тој развој;

2. Еднаков третман е отсуство на директна или индиректна дискриминација врз основа на пол, согласно со овој или друг закон;

3. Дискриминација по основа Дискриминација по основа на пол е секоја разлика, исклучување или ограничување врз основа на пол, што има за последица или за цел да го загорози или оневозможи признавањето, остварувањето или практикувањето на човековите права и основните слободи врз основа на еднаквост на жените и мажите во политичко,

and other foundations based on membership, culture and other areas determined by this or other law

(4) Discrimination on grounds of sex is prohibited in access to goods and services in the public and private sectors, including discrimination in premiums from insurance schemes.

5) Every citizen has the right to access to employment without any restrictions, in accordance with the principle of equal treatment.

(6) In accordance with the principle of equal treatment in access to employment, discrimination is prohibited on grounds of marital status, family status, skin color, language, political or other opinion, activity in trade unions, nationality or social status, disability, age, ownership, social or other status.

(7) The different treatment that promotes equal opportunities for women and men in accordance with the objectives of this and other laws is not considered discrimination.

## Definitions

### Article 4

(1) Certain terms used in this law have the following meaning:

1. Equal opportunities for women and men means promoting the principle of introducing equal participation of women and men in all areas of the public and private sector, equal status and treatment in the exercise of all rights and in the development of their individual potentials through which they contribute to social development, as well as equal benefits from the results derived from that development;

2. Equal treatment is the absence of direct or indirect discrimination on grounds of sex, in accordance with this or any other law;

3. Discrimination on grounds Ground discrimination is any discrimination, exclusion or restriction on grounds of sex that results or is intended to impair or disable the recognition, exercise or practice of human rights and fundamental freedoms on the basis of equality of women and men in political,

економско, општествено, културно и граѓанско или друго поле, без оглед на нивната раса, боја на кожа, род, припадност на маргинализирана група, етничка припадност, јазик, државјанство, социјално потекло, религија или верско уверување, образование, политичка припадност, личен или општествен статус, ментална и телесна попреченост, возраст, семејна или брачна состојба, имотен статус, здравствена состојба или која било друга основа;

4. Директна дискриминација врз основа на пол е кога едно лице се третира полошо врз основа на полот отколку што се третира друго лице, било третирано или би се третирано во слична ситуација

5. Индиректна дискриминација врз основа на пол е кога навидум неутрална одредба, критериум или обичајно право става лица од еден пол во особена неповолна положба во споредба со лица од другиот пол, освен ако таа одредба, критериум или обичајно право е објективно оправдано со легитимна цел, а средствата за постигнување на таа цел се соодветни и неопходни;

6. Вознемирување врз основа на пол е несакано однесување поврзано со полот на едно лице, чија цел или последица е повреда на достоинството на едно лице и создавање застрашувачка, непријателска, деградирачка, понижувачка или навредлива атмосфера;

7. Сексуално вознемирување врз основа на пол е било каков облик на несакано вербално, невербално или физичко однесување од сексуален карактер, чија цел или последица е повреда на достоинството на едно лице, особено кога се создава застрашувачка, непријателска, деградирачка, понижувачка или навредлива атмосфера.

8. Потполна еднаквост на мажите и жените значи еднакви права, можности, услови и третман во сите сфери на јавниот и приватниот живот и отсуство на културни, социјални, економски и политички услови кои продуцираат нееднакви односи на моќ и нееднаква распределба на општествените добра помеѓу мажите и жените.

9. Еднаква застапеност Еднаква застапеност Еднаква застапеност во смисла на овој закон ќе се смета секоја процентуална застапеност на одреден пол која не е помала од процентот на застапеноста во вкупната популација.

economic, social, cultural and civic or other fields, regardless of their race, color of skin, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or religious belief, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status or any other basis;

4. Direct discrimination based on sex is when one person is treated worse on the basis of sex than another person is treated, was treated, or would be treated in a similar situation

5. Indirect discrimination on grounds of sex is when a seemingly neutral provision, criterion or customary right puts persons of one gender in a particularly disadvantaged position compared to persons of the other sex, unless that provision, criterion or common law is objectively justified with a legitimate aim, and the means to achieve this goal are appropriate and necessary;

6. Sexual neglect on the basis of sex is unwanted behavior related to the sex of a person whose purpose or effect is a violation of the dignity of a person and the creation of a frightening, hostile, degrading, humiliating or offensive atmosphere;

7. Sexual harassment on the basis of sex is any form of unwanted verbal, nonverbal or physical behavior of a sexual nature whose purpose or effect is a violation of the dignity of a person, especially when creating a frightening, hostile, degrading, humiliating or offensive atmosphere.

8. Full equality of men and women means equal rights, opportunities, conditions and treatment in all spheres of public and private life and the absence of cultural, social, economic and political conditions that produce unequal power relations and unequal distribution of social goods between men and women.

9. Equal representation Equal representation Equal representation in terms of this law shall be considered any percentage representation of a certain gender which is not less than the percentage of representation in the total population.



10. Вклучување на родовите перспективи во главните текови  
Вклучување на родовите перспективи во главните текови аѓе на родовите перспективи во главните текови претставува интегрирање на родовата перспектива во секоја фаза на процесот на градење, донесување, спроведување, следење и евалуација на политики – притоа, имајќи го предвид промовирањето и унапредувањето на еднаквоста меѓу жените и мажите.

(2) Вознемирувањето и сексуалното вознемирување, во смисла на овој закон, се сметаат за дискриминација врз основа на пол и за таа цел истите се забрануваат

## 6. ПРАВНА ЗАШТИТА НА ПРАВОТО НА ЕДНАКОВ ТРЕТМАН НА ЖЕНИТЕ И МАЖИТЕ

### Надлежни субјекти за заштита на правото на еднаков третман

#### Член 20

(1) Заштитата на правото на еднаков третман по основа на пол се остварува со поднесување претставка пред:

- Правен застапник согласно со Законот за еднакви можност на жените и мажите
- Народниот правобранител, согласно со Законот за Народен правобранител.
- Комисијата за заштита од дискриминација, согласно со Законот за спречување и заштита од дискриминација,
- надлежен суд.

### Судска заштита

#### Член 33

(1) Лицето кое смета дека му е повредено правото на еднаков третман по основ на пол може да поднесе тужба пред надлежен суд.

(2) Во постапката соодветно се применуваат одредбите од Законот за парничната постапка. (3) Постапката е итна

10. Inclusion of gender perspectives in the mainstream  
Inclusion of gender perspectives in the mainstreaming of gender perspectives in the mainstream is the integration of the gender perspective at every stage of the process of building, adopting, implementing, monitoring and evaluating policies - thus, having taking into account the promotion and promotion of equality between women and men.

(2) Harassment and sexual harassment, in the sense of this Law, shall be considered discrimination on grounds of sex, and for this purpose they are prohibited

## 6. LEGAL PROTECTION OF THE RIGHT TO EQUAL TREATMENT OF WOMEN AND MEN

### Competent entities for the protection of the right to equal treatment

#### Article 20

(1) The protection of the right to equal treatment on a sex basis is accomplished by filing a complaint before:

- Legal representative in accordance with the Law on Equal Opportunities for Women and Men
- the Ombudsman , in accordance with the Law on the Ombudsman .
- The Commission for Protection against Discrimination, in accordance with the Law on Prevention and Protection against Discrimination,
- competent court.

#### Article 33

(1) A person who believes that his / her right to equal treatment on the basis of sex has been violated may file a lawsuit before a competent court.

(2) The provisions of the Law on Litigation Procedure shall be applied accordingly in the procedure. (3) The procedure is urgent

## ЗАКОН ЗА СПРЕЧУВАЊЕ И ЗАШТИТА ОД ДИСКРИМИНАЦИЈА

(неофицијално пречистен текст)

### I. ОПШТИ ОДРЕДБИ

Основи за дискриминација Член 3 Се забранува секоја директна или индиректна дискриминација, повикување и поттикнување на дискриминација и помагање во дискриминаторско постапување врз основа на пол, раса, бојана кожа, род, припадност на маргинализирана група, етничка припадност, јазик, државјанство, социјално потекло, религија или верско уверување, други видови уверувања, образование, политичка припадност, личен или општествен статус, ментална и телесна попреченост, возраст, семејна или брачна состојба, имотен статус, здравствена состојба или која било друга основа која е предвидена со закон или со ратификуван меѓународен договор (во натамошниот текст: дискриминаторска основа).

## ЗАКОН ЗА СПРЕЧУВАЊЕ И ЗАШТИТА ОД ДИСКРИМИНАЦИЈА

(неофицијално пречистен текст)

### I. ОПШТИ ОДРЕДБИ

Основи за дискриминација Член 3 Се забранува секоја директна или индиректна дискриминација, повикување и поттикнување на дискриминација и помагање во дискриминаторско постапување врз основа на пол, раса, бојана кожа, род, припадност на маргинализирана група, етничка припадност, јазик, државјанство, социјално потекло, религија или верско уверување, други видови уверувања, образование, политичка припадност, личен или општествен статус, ментална и телесна попреченост, возраст, семејна или брачна состојба, имотен статус, здравствена состојба или која

## LAW FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION

(unofficially refined text)

### I. GENERAL PROVISIONS

Basis of discrimination Article 3 Any direct or indirect discrimination, invocation and incitement to discrimination and aiding in discriminatory treatment based on sex, race, color of skin, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or religious belief, other types of beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status and or any other grounds which is established by law or ratified international agreement (hereinafter: discriminatory basis).

## LAW FOR PREVENTION AND PROTECTION AGAINST DISCRIMINATION

(unofficially refined text)

### I. GENERAL PROVISIONS

Basis of discrimination Article 3 Any direct or indirect discrimination, invocation and incitement to discrimination and aiding in discriminatory treatment based on sex, race, color of skin, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or religious belief, other types of beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health status and or

било друга основа која е предвидена со закон или со ратификуван меѓународен договор (во натамошниот текст: дискриминаторска основа).

## VI. СУДСКА ЗАШТИТА

### Судска надлежност и постапка

#### Член 34

(1) Лицето кое смета дека поради дискриминација му е повредено некое право е овластено да поднесе тужба пред надлежен суд. (2) Во постапката соодветно се применуваат одредбите од Законот за парничната постапка. (3) Постапката е итна.

any other grounds which is established by law or ratified international agreement (hereinafter: discriminatory basis).

## VI. COURT PROTECTION

### Jurisdiction and procedure

#### Article 34

(1) A person who believes that a right has been violated due to discrimination has the authority to file a lawsuit before a competent court. (2) The provisions of the Law on Litigation Procedure shall be applied accordingly in the procedure. (3) The procedure is urgent.

# Chapter 8

## **Laws & Regulations on Gender Based Issues “Bosnia & Herzegovina”**



Na osnovu člana 15. Zakona o izmjenama i dopunama Zakona o ravnopravnosti spolova u Bosni i Hercegovini („Službeni glasnik BiH“ broj 102/09); te člana 41. stav 1) tačka (i) Poslovnika Predstavničkog doma („Službeni glasnik BiH“, brojevi: 33/06, 41/06, 81/06, 91/06, 91/07 i 87/09) i člana 26. stav 1) tačka (i) Poslovnika Doma naroda („Službeni glasnik BiH“, br. 33/06, 41/06, 91/06 i 91/07) Ustavnopravna komisija Predstavničkog doma Parlamentarne skupštine Bosne i Hercegovine na 93. sjednici održanoj dana 22.02.2010. godine, i Ustavnopravna komisija Doma naroda Parlamentarne skupštine Bosne i Hercegovine na 54. sjednici, održanoj dana 25. marta 2010. godine, utvrdile su prečišćeni tekst Zakona o ravnopravnosti spolova u Bosni i Hercegovini, („Službeni glasnik BiH“ brojevi: 16/03 i 102/09) u kojem su naznačeni dani stupanja na snagu navedenog zakona i njegove izmjene i dopune.

## ZAKON O RAVNOPRAVNOSTI SPOLOVA U BOSNI I HERCEGOVINI

### PREČIŠĆENI TEKST

## DIO PRVI - OPĆE ODREDBE

### Član 1.

Ovim zakonom uređuje se, promovira i štiti ravnopravnost spolova, garantiraju jednake mogućnosti i ravnopravan tretman svih osoba bez obzira na spol, u javnoj i u privatnoj sferi društva, te uređuje zaštita od diskriminacije na osnovu spola.

### Član 2.

- (1) Osobe muškog i ženskog spola su ravnopravne.
- (2) Puna ravnopravnost spolova garantira se u svim oblastima društva, uključujući ali ne ograničavajući se na oblasti obrazovanja, ekonomije, zapošljavanja i rada,

Pursuant to Article 15 of the Law on Amendments to the Law on Gender Equality in Bosnia and Herzegovina (“Official Gazette of BiH” No. 102/09); and Article 41, paragraph 1, item (i) of the Rules of Procedure of the House of Representatives (“Official Gazette of BiH”, Nos. 33/06, 41/06, 81/06, 91 / 06, 91 / 07 and 87/09) paragraph 1 of the Rules of Procedure of the House of Peoples (“Official Gazette of BiH” No. 33/06, 41/06, 91/06 and 91/07) Constitutional-Legal Commission of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina at its 93rd session on 22 February 2010, and the Constitutional Law Commission of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, at its 54th session, held on March 25, 2010, established the consolidated text of the Law on Gender Equality in Bosnia and Herzegovina (“Official Gazette of BiH” numbers: 16/03 and 102/09) indicating the date of entry into force of the said law and its amendments.

## LAW ON GENDER EQUALITY IN BOSNIA AND HERZEGOVINA

### PURIFIED TEXT

## PART ONE - GENERAL PROVISIONS

### Article 1.

This law regulates, promotes and protects gender equality, guarantees equal opportunities and equal treatment of all persons, regardless of gender, in the public and private sphere of society, and regulates the protection from discrimination based on gender.

### Article 2

- (1) The persons of male and female sex are equal.
- (2) Full gender equality is guaranteed in all areas of society, including but not limited to in the fields of education, economics, employment and labor, social and health care, sport, culture, public life and the media,



socijalnoj i zdravstvenoj zaštiti, sportu, kulturi, javnom životu i medijima, bez obzira na bračno i porodično stanje.

(3) Diskriminacija na osnovu spola i spolne orijentacije zabranjena je.

(4) Diskriminacijom se ne smatra uvođenje, donošenje i provođenje privremenih posebnih mjera s ciljem otklanjanja postojeće neravnopravnosti, promoviranja jednakosti i zaštite ravnopravnosti spolova.

(5) Diskriminacijom po osnovu spola ne smatra se norma, kriterij ili praksa koju je moguće objektivno opravdati postizanjem zakonitog cilja, proporcionalnog poduzetim nužnim i opravdanim mjerama.

## DIO DRUGI - DISKRIMINACIJA

### Član 3.

(1) Diskriminacija po osnovu spola je svako stavljanje u nepovoljniji položaj bilo koje osobe ili grupe osoba zasnovano na spolu zbog kojeg se osobama ili grupi osoba otežava ili negira priznavanje, uživanje ili ostvarivanje ljudskih prava ili sloboda.

(2) U svojim oblicima diskriminacija može biti direktna, indirektna, uznemiravanje, seksualno uznemiravanje, poticanje na diskriminaciju i nasilje po osnovu spola.

### Član 4.

(1) Direktna diskriminacija po osnovu spola postoji kada je osoba ili grupa osoba bila tretirana, tretira se ili može biti tretirana nepovoljnije u odnosu na drugu osobu ili grupu osoba u istoj ili sličnoj situaciji.

(2) Indirektna diskriminacija po osnovu spola postoji kada prividno neutralna pravna norma, kriterij ili praksa jednaka za sve je dovela, dovela ili bi mogla dovesti u nepovoljniji položaj osobu ili grupu osoba jednog spola u poređenju sa osobom ili grupom osoba drugog spola.

### Član 5.

Zakon o ravnopravnosti spolova u Bosni i Hercegovini - prečišćeni tekst („Službeni glasnik BiH“ br. 32/10)

regardless of marital and family status.

(3) Discrimination based on gender and sexual orientation is prohibited.

(4) Discrimination shall not be deemed to be the introduction, adoption and implementation of provisional special measures with the goal of removing existing inequalities, promoting equality and protecting equality gender.

(5) Discrimination on grounds of sex shall not be considered as a norm, criterion or practice that is objectively possible justifies the achievement of a legitimate aim, proportionate to the necessary and justifiable measures taken.

## PART TWO - DISCRIMINATION

### Article 3

(1) Discrimination on the basis of sex is any putting into disadvantage of any person or group a gender-based person who makes it difficult for people or a group of people to be complicated or denied recognition, enjoyment or enjoyment of human rights or freedoms.

(2) In its forms, discrimination can be direct, indirect, harassment, sexual harassment, incitement to discrimination and gender-based violence.

### Article 4

(1) Direct discrimination on grounds of sex exists when a person or group of persons has been treated, treated or may be treated less favorably in relation to another person or group of persons in the same or similar situation.

(2) Indirect discrimination on the basis of gender exists when an apparently neutral legal norm, criterion or practice equal to all has brought, brought or could lead to a disadvantaged person or group a person of one gender in comparison with a person or group of persons of the other sex.

### Article 5

Law on Gender Equality in Bosnia and Herzegovina - consolidated text (“Official Gazette of BiH” No. 32/10)

## ENGLISH TRANSLATION

(1) Uznemiravanje je svako neželjeno ponašanje po osnovu spola kojim se želi povrijediti dostojanstvo osobe ili grupe osoba i stvoriti zastrašujuće, neprijateljsko, degradirajuće, ponižavajuće ili uvredljivo okruženje ili kojim se postiže takav učinak.

(2) Seksualno uznemiravanje je svaki neželjeni oblik verbalnog, neverbalnog ili fizičkog ponašanja spolne prirode kojim se želi povrijediti dostojanstvo osobe ili grupe osoba, ili kojim se postiže takav učinak, naročito kad to ponašanje stvara zastrašujuće, neprijateljsko, degradirajuće, ponižavajuće ili uvredljivo okruženje.

(3) Poticanje na diskriminaciju zasnovano na spolu, ako je počinjeno sa namjerom, izjednačava se sa diskriminacijom u smislu člana 3. ovog Zakona.

## Član 6.

(1) Nasilje po osnovu spola je zabranjeno.

(2) Nasilje po osnovu spola je svako djelovanje kojim se nanosi ili može biti nanijeta fizička, psihička, seksualna ili ekonomska šteta ili patnja, kao i prijetnja takvim djelovanjem koje sputavaju osobu ili grupu osoba da uživa u svojim ljudskim pravima i slobodama u javnoj i privatnoj sferi života.

(3) Nasilje po osnovu spola uključuje, ali se ne ograničava, na

- a) nasilje koje se dešava u porodici ili domaćinstvu;
- b) nasilje koje se dešava u široj zajednici;
- c) nasilje koje počine ili toleriraju organi vlasti i drugi ovlašteni organi i pojedinci;
- d) nasilje po osnovu spola u slučaju oružanih sukoba.

(4) Nadležne vlasti obavezne su poduzeti odgovarajuće mjere radi eliminacije i sprečavanja nasilja po osnovu spola u javnoj i privatnoj sferi života, te osigurati instrumente pružanja zaštite, pomoći i naknade žrtvama.

(5) Nadležne vlasti obavezne su poduzeti odgovarajuće mjere, uključujući a ne ograničavajući se, na oblast obrazovanja radi eliminacije predrasuda, običaja i svih drugih praksi baziranih na ideji inferiornosti ili superiornosti bilo kojeg spola, kao i na stereotipnim ulogama osoba muškog i ženskog spola. Ovo uključuje, ali nije ograničeno na edukaciju i podizanje svijesti među državnim službenicima, u javnosti i na druge načine.

(1) Harassment is any unwanted behavior on the basis of sex that seeks to harm persons dignity or groups of people and create fearful, hostile, degrading, humiliating or offensive environment or to achieve such an effect.

(2) Sexual harassment is any unwanted form of verbal, non-verbal or physical behavior a sexual nature that seeks to violate the dignity of a person or a group of persons, or to achieve such a dignity effect, especially when this behavior creates fearsome, hostile, degrading, degrading or offensive environment.

(3) Encouraging gender-based discrimination, if committed with intent, is equated with discrimination within the meaning of Article 3 of this Law.

## Article 6

(1) Gender-based violence is prohibited.

(2) Gender-based violence is any action that inflicts or can be inflicted on a physical, mental, sexual or economic harm or suffering, as well as a threat by such actions that hinder the person or group a person to enjoy his human rights and freedoms in the public and private spheres of life.

(3) Gender-based violence includes, but is not limited to, gender-based violence

- a) violence that occurs in the family or household;
- b) violence occurring in a wider community;
- c) violence that is committed or tolerated by authorities and other authorized bodies and individuals;
- d) Gender-based violence in the event of armed conflicts.

(4) The competent authorities are obliged to take appropriate measures to eliminate and prevent violence by based on gender in the public and private spheres of life, and to provide instruments for providing protection, assistance and compensation victims.

(5) The competent authorities are obliged to take appropriate measures, including but not limited to, to the field of education in order to eliminate prejudices, customs and all other practices based on the idea of inferiority or the superiority of any gender, as well as the stereotypical roles of men and women. This includes, but is not limited to, education and raising awareness among civil servants, in public and in the public in other ways.

### Član 7.

Viktimizacija je oblik diskriminacije koji postoji kada se osoba ili grupa osoba dovede u nepovoljniji položaj zbog odbijanja naloga za diskriminatornim postupanjem, prijave diskriminacije, svjedočenja u postupku zaštite od diskriminacije na osnovu spola ili ako je na bilo koji drugi način sudjelovao u postupku vođenom povodom diskriminacije na osnovu spola.

### Član 8.

(1) Posebne mjere se uvode privremeno radi ostvarivanja stvarne ravnopravnosti spolova i ne smatraju se diskriminacijom, uključujući norme, kriterije ili prakse koje je moguće objektivno opravdati legitimnim ciljem, a moraju biti proporcionalne, primjerene i nužne. (2) Nadležni državni, entitetski, kantonalni organi i organi jedinica lokalne samouprave propisuju posebne mjere zakonima i drugim propisima, drugim aktima, politikama, strategijama i planovima kojima se uređuju pojedina područja društvenog života.

## DIO TREĆI - DEFINICIJE

### Član 9.

U smislu ovog Zakona smatra se:

- spol predstavlja biološke i psihološke karakteristike po kojima se razlikuju osobe muškog i ženskog spola, a označava i gender/rod kao sociološki i kulturološki uvjetovanu razliku između osoba muškog i ženskog spola i odnosi se na sve uloge i osobine koje nisu uvjetovane ili određene isključivo prirodnim ili biološkim faktorima, nego su prije proizvod normi, prakse, običaja i tradicije i kroz vrijeme su promjenljivi;
- ravnopravnost spolova znači da su osoba muškog i ženskog spola jednako prisutne u svim područjima javnog i privatnog života, da imaju jednak status, jednake mogućnosti za ostvarivanje svih prava, kao i jednaku korist od ostvarenih rezultata;
- ravnopravan tretman svih osoba muškog i ženskog spola podrazumijeva osiguranje odsustva diskriminacije po osnovu spola;

### Article 7

Victimization is a form of discrimination that exists when a person or a group of people becomes more unfavorable status due to the rejection of orders for discriminatory treatment, reporting of discrimination, testimony in the procedure for protection against discrimination on the basis of sex, or if he participated in any other way gender-based discrimination.

### Article 8

(1) Special measures are introduced temporarily in order to achieve real gender equality and do not consider it discrimination, including norms, criteria or practices that can be objectively justified by a legitimate aim, and must be proportionate, appropriate and necessary. (2) The competent state, entity, cantonal bodies and bodies of local self-government units shall prescribe special measures with laws and other regulations, other acts, policies, strategies and plans that regulate individual areas of social life.

## PART THREE - DEFINITIONS

### Article 9

For the purposes of this Law, it is considered:

- gender represents the biological and psychological characteristics that distinguish between men and women sex, and also denotes gender / rod such social and cultural conditioned difference between the male and female and refers to all roles and features that are not conditioned or determined solely by natural or biological factors, but are prior to the product of norms, practices, customs and traditions and over time variable;
- Gender equality means that the person of male and female is equally present in all areas of public and private life, to have equal status, equal opportunities for achieving all rights, as well as the equal benefit from the achieved results;
- the equal treatment of all persons of males and females implies the provision of leave of absence discrimination on grounds of sex;

- d) jednake mogućnosti svih osoba bez obzira na spol podrazumijeva odsustvo prepreka za ekonomsko, političko i društveno učešće po osnovu spola;
- e) Diskriminacija u jeziku postoji kada se koristi isključivo jedan gramatički rod kao generički pojam;
- f) Institucionalni mehanizmi za ravnopravnost spolova predstavljaju tijela i osobe koja uspostavljaju nadležni zakonodavni, izvršni i organi uprave svih nivoa vlasti u Bosni i Hercegovini radi provođenja Zakona o ravnopravnosti spolova u BiH, koordiniranja i realizacije programskih ciljeva iz Gender akcionog plana Bosne i Hercegovine i osiguranja provođenje međunarodnih standarda u oblasti ravnopravnosti spolova;
- g) Gender akcioni plan Bosne i Hercegovine je strategija kojom se definiraju programski ciljevi za ostvarivanje ravnopravnosti spolova u svim oblastima društvenog života i rada, u javnoj i privatnoj sferi.

## DIO ČETVRTI - OBRAZOVANJE

### Član 10.

- (1) Svi imaju jednaka prava na obrazovanje, bez obzira na spol.
- (2) Obrazovna institucija ne smije vršiti diskriminaciju zasnovanu na spolu u vezi sa:
- uslovima prijema;
  - odbijanjem prijema;
  - načinom pružanja usluga i beneficija;
  - isključenjem iz procesa obrazovanja;
  - vrednovanjem dostignutih rezultata u toku obrazovanja;
  - jednakim uslovima u stvaranju karijere i profesionalnom usmjeravanju, stručnom usavršavanju i sticanju diploma;
  - u drugim mogućim slučajevima.

### Član 11.

- (1) Nadležne vlasti, obrazovne institucije i druge pravne osobe obezbijedit će da planovi i programi i metodologije osiguraju uspostavu obrazovnog sistema, koji će garantirati eliminaciju nastavnih programa koji sadrže stereotipnu društvenu ulogu muškarca i žene,

- d) equal opportunities for all persons regardless of gender implies the absence of obstacles to economic, political and social participation based on gender;
- e) Discrimination in language exists when only one grammatical gender is used as a generic notion;
- f) Institutional mechanisms for gender equality are represented by bodies and persons who established by the competent legislative, executive and administrative bodies of all levels of government in Bosnia and Herzegovina implementation of the Law on Gender Equality in BiH, coordination and realization of the program goals from Gender Action Plan of Bosnia and Herzegovina and ensuring the implementation of international standards in the field gender equality;
- g) Gender Action Plan of Bosnia and Herzegovina is a strategy defining program objectives for achieving gender equality in all spheres of social life and work, in public and private spheres.

## PART IV - EDUCATION

### Article 10

- (1) Everyone has equal rights to education, regardless of gender.
- (2) The educational institution shall not discriminate on the basis of:
- conditions of admission;
  - by refusing admission;
  - the manner of providing services and benefits;
  - exclusion from the education process;
  - evaluation of the achieved results during the course of education;
  - equal conditions in creating a career and professional guidance, professional development and acquiring diplomas;
  - in other possible cases.

### Article 11

- (1) The competent authorities, educational institutions and other legal entities shall ensure that plans and programs and methodologies ensure the establishment of an educational system that will guarantee the elimination of curricula which contain the stereotypical social role of men and women,

a koji za posljedicu imaju diskriminaciju i nejednakost spolova.

(2) Sadržaji, koji promoviraju jednakost spolova, sastavni su dio nastavnog programa za sve nivoe obrazovanja.

(3) Nadležne vlasti, obrazovne institucije i druge pravne osobe obezbijedit će efikasne mehanizme zaštite protiv diskriminacije i seksualnog uznemiravanja i neće preduzimati nikakve disciplinske ili druge kaznene mjere prema osobi, zbog činjenice da se on/ona žalio/la na diskriminaciju, uznemiravanje, ili seksualno uznemiravanje, ili je svjedočio/la o diskriminaciji, uznemiravanju, ili seksualnom uznemiravanju.

## DIO PETI - ZAPOŠLJAVANJE, RAD I PRISTUP SVIM OBLICIMA RESURSA

### Član 12.

(1) Svi su ravnopravni u procesu zapošljavanja po osnovu spola.

(2) U suprotnosti je s ovim Zakonom svaka diskriminacija zasnovana na spolu u procesu ponude zapošljavanja, otvorenog oglasa, postupku popune slobodnih radnih mjesta, radnog odnosa i otkaza radnog odnosa, osim u slučajevima predviđenim članom 8. ovog Zakona.

### Član 13.

(1) Zabranjena diskriminacija po osnovu spola u radu i radnim odnosima je:

- neprimjenjivanje jednake plaće i drugih beneficija za isti rad, odnosno za rad jednake vrijednosti;
- onemogućavanje napredovanja u poslu pod jednakim uslovima;
- onemogućavanje jednakih uslova za obrazovanje, osposobljavanje i stručno usavršavanje;
- neravnomjerna prilagođenost radnih i pomoćnih prostorija i opreme poslodavca biološko-fiziološkim potrebama zaposlenika oba spola;
- različit tretman zbog trudnoće, porođaja ili korištenja prava na porodiljsko odsustvo, što uključuje i onemogućavanje povratka na isti, ili jednako plaćen posao u istom nivou, nakon isteka porodiljskog odsustva, kao i različit tretman muškaraca i žena u vezi s donošenjem odluke o korištenju odsustva nakon rođenja djeteta;

and which result in discrimination and inequality of the sexes.

(2) Contents that promote equality equality, are an integral part of the teaching program for all levels of education.

(3) The competent authorities, educational institutions and other legal entities shall provide effective mechanisms protection against discrimination and sexual harassment and will not undertake any disciplinary or otherpunitive measures against a person, due to the fact that he / she complained / for discrimination, harassment, or sexual harassment, or testified / about discrimination, harassment or sexual harassment.

## PART FIVE - EMPLOYMENT, WORK AND ACCESS TO ALL FORMS OF RESOURCES

### Article 12

(1) Everyone is equal in the employment process based on gender.

(2) Contrary to this Law, any discrimination based on gender in the supply process recruitment, open ad, job vacancy, employment, and cancellation employment, except in the cases provided for in Article 8 of this Law.

### Article 13

(1) Prohibited discrimination on grounds of sex in work and employment is:

- non-equalization of equal pay and other benefits for the same work, that is, for work of equal value;
- disabling career progression under equal conditions;
- disabling equal conditions for education, training and professional development;
- uneven adaptation of work and auxiliary premises and equipment of the employer biologically-physiological the needs of employees of both sexes;
- Different treatment due to pregnancy, childbirth or the use of the right to maternity leave, which includes disable return to the same, or equal paid job at the same level, after the expiration of the maternity leave absence, as well as the different treatment of men and women regarding the decision to use leave after birth of a child;

## ENGLISH TRANSLATION

f) bilo koji nepovoljni tretman roditelja ili staratelja u usklađivanju obaveza iz porodičnog i profesionalnog života;

g) organiziranje posla, podjele zadataka ili na drugi način određivanja uslova rada, otkazivanje radnog odnosa, tako da se na osnovu spola ili bračnog statusa zaposleniku dodjeljuje nepovoljniji status u odnosu na druge zaposlenike;

h) svaka druga radnja ili djelo koje predstavlja neki od oblika direktne ili indirektno diskriminacije utvrđene članom 4. ovog Zakona.

(2) Poslodavac je dužan preduzeti efikasne mjere u cilju sprečavanja uznemiravanja, seksualnog uznemiravanja i diskriminacije po osnovu spola u radu i radnim odnosima utvrđenim stavom (1) ovog člana, te ne smije preduzimati nikakve mjere prema zaposleniku/ci zbog činjenice da se on/ona žalio/la na uznemiravanje, seksualno uznemiravanje i diskriminaciju po osnovu spola.

#### Član 14.

(1) Opći i posebni kolektivni ugovori treba da budu usklađeni s odredbama ovog Zakona i osiguraju jednake mogućnosti bez obzira na spol.

(2) Sindikati i udruženja poslodavaca imat će posebnu ulogu u osiguranju jednake zaštite prava na rad i uslova pri zapošljavanju i osigurati a da ne postoji diskriminacija na osnovu spola među članovima, bilo da je direktna ili indirektna.

#### Član 15.

(1) Svi imaju jednaka prava pristupa ekonomskom poslovanju, bez obzira na spol, što podrazumijeva jednak tretman u pristupu svim ekonomskim resursima, privatizaciji, pristupu i korištenju kredita i drugih oblika finansijske pomoći, dozvola i registracija za poslovanje, kao i uslova za njihovo dobijanje.

(2) Jednak tretman i jednake mogućnosti, te eliminacija diskriminacije obezbijedit će se i za žene na selu, kako bi se omogućio njihov ekonomski opstanak i opstanak njihove porodice.

f) any adverse treatment of parents or guardians in the reconciliation of family and family obligations professional life;

g) organization of work, division of tasks or other way of determining working conditions, cancellation of work relationship, so that on the basis of gender or marital status, the employee is given an unfavorable status in relation to other employees;

h) any other act or act that constitutes some form of direct or indirect discrimination determined by Article 4 of this Law.

(2) An employer shall take effective measures in order to prevent harassment, sexual harassment and discrimination on grounds of sex in work and work relations as defined in paragraph (1) of this article member, and may not take any measures against an employee due to the fact that he / she complained about harassment, sexual harassment and discrimination on grounds of sex.

#### Article 14

(1) General and special collective agreements shall be in accordance with the provisions of this Law and shall be ensured equal opportunities regardless of gender.

(2) Trade unions and associations of employers will play a special role in ensuring equal protection of the right to work and employment conditions and ensure that there is no discrimination on grounds of sex among members, either that it is direct or indirect.

#### Article 15

(1) Everyone has equal rights to access economic business, regardless of gender, which implies equal treatment in access to all economic resources, privatization, access and use of loans and others forms of financial assistance, licenses and business registration, as well as the conditions for their obtaining.

(2) Equal treatment and equal opportunities, and the elimination of discrimination will be provided for women in villages, in order to enable their economic survival and the survival of their family.



### DIO ŠESTI - SOCIJALNA ZAŠTITA

#### Član 16.

(1) Svi imaju jednaka prava na socijalnu zaštitu bez obzira na spol.

(2) Zabranjena je diskriminacija na osnovu spola u uživanju svih oblika socijalnih prava utvrđenih važećim zakonima, a posebno u slučajevima:

- a) podnošenja zahtjeva za ostvarivanje bilo kojeg prava iz oblasti socijalne zaštite;
- b) postupka utvrđivanja i načina korištenja socijalnih prava i utvrđenih beneficija;
- c) prestanka uživanja utvrđenih prava.

#### Član 17.

Nadležne vlasti osigurati će da zakoni i drugi akti, te mehanizmi koji se odnose na pristup i korištenje socijalne zaštite nisu diskriminirajući po osnovu spola, bilo direktno ili indirektno.

### DIO SEDMI - ZDRAVSTVENA ZAŠTITA

#### Član 18.

(1) Svi imaju jednako pravo na zdravstvenu zaštitu, dostupnost zdravstvenim uslugama, uključujući i one koje se odnose na planiranje porodice, bez obzira na spol.

(2) Zdravstvene institucije preduzet će sve mjere u cilju sprečavanja diskriminacije po osnovu spola u uživanju svih oblika zdravstvene zaštite.

(3) Nadležni organi vlasti preduzet će posebne mjere u cilju zaštite i unapređenja reproduktivnog zdravlja žena.

### DIO OSMI - SPORT I KULTURA

#### Član 19.

(1) Svi imaju jednaka prava i mogućnosti učešća i pristupa sportskom i kulturnom životu bez obzira na spol.

### PART VI - SOCIAL PROTECTION

#### Article 16

(1) Everyone has equal rights to social protection regardless of gender.

(2) Gender-based discrimination in the enjoyment of all forms of social rights established is prohibited applicable laws, and in particular in cases:

- a) submitting a request for the exercise of any rights in the field of social protection;
- b) the procedure for determining and the manner of using social rights and established benefits;
- c) termination of enjoyment of established rights.

#### Article 17

The authorities will ensure that laws and other acts, as well as mechanisms relating to access and use Social protection is not discriminatory on grounds of sex, either directly or indirectly.

### PART SEVEN - HEALTHY PROTECTION

#### Article 18

(1) Everyone has the same right to health care, access to health services, including those related to family planning, regardless of gender.

(2) Health institutions shall take all measures to prevent discrimination based on gender enjoying all forms of health care.

(3) The competent authorities shall take special measures in order to protect and promote reproductive health women's health.

### PART EIGHT - SPORT AND CULTURE

#### Article 19

(1) Everyone shall have equal rights and opportunities for participation and access to sport and cultural life regardless of sex.

## ENGLISH TRANSLATION

(2) Nadležni organi vlasti, institucije i pravne osobe dužni su preduzeti sve mjere u cilju sprečavanja diskriminacije po osnovu spola, a radi obezbjeđenja jednakih mogućnosti za:

- a) pristup grani sporta ili kulturnom pravcu;
- b) razvoj i pružanje potpore pojedinim granama sporta ili kulturnog pravca;
- c) dodjeljivanje nagrada zajednice za izuzetna sportska i kulturna dostignuća unutar iste grane sporta ili kulturnog pravca.

## DIO DEVETI - JAVNI ŽIVOT

### Član 20.

(1) Državna tijela na svim nivoima organizacije vlasti, i tijela lokalne samouprave, uključujući zakonodavnu, izvršnu i sudsku vlast, političke stranke, pravna lica s javnim ovlaštenjima, pravna lica koja su u vlasništvu ili pod kontrolom države, entiteta, kantona, grada ili općine ili nad čijim radom javni organ vrši kontrolu, osigurat će i promovirati ravnopravnu zastupljenost spolova u upravljanju, procesu odlučivanja i predstavljanju. Ova obaveza postoji i za sve ovlaštene predlagачe prilikom izbora predstavnika i delegacija u međunarodnim organizacijama i tijelima.

(2) Ravnopravna zastupljenost spolova postoji u slučaju kada je jedan od spolova zastupljen najmanje u procentu 40% u tijelima iz stava (1) ovog člana.

(3) Diskriminacijom po osnovu spola smatra se situacija kada ne postoji ravnopravna zastupljenost iz stava (2) ovog člana.

(4) Tijela iz stava (1) ovog člana u cilju ostvarivanja ravnopravne zastupljenosti spolova i otklanjanja diskriminacije dužna su donositi posebne mjere propisane članom 8. ovog Zakona.

## DIO DESETI - MEDIJI

### Član 21.

(1) Svi imaju pravo pristupa medijima bez obzira na spol.

(2) Zabranjeno je javno prikazivanje i predstavljanje bilo koje osobe na uvredljiv, omalovažavajući ili ponižavajući način, s obzirom na spol.

(2) The competent authorities, institutions and legal persons are obliged to take all measures in order to prevent them discrimination on grounds of sex, in order to ensure equal opportunities for:

- a) access to sports or cultural routes;
- b) the development and support of certain branches of sport or cultural direction;
- c) awarding community awards for exceptional sports and cultural achievements within the same branch of sport or cultural direction.

## PART NINE - PUBLIC LIFE

### Article 20

(1) State bodies at all levels of government organization, and local self-government bodies, including legislative, executive and judicial power, political parties, legal entities with public authorities, legal entities that owned or controlled by a State, an Entity, a Canton, a City or a Municipality, or whose public service is public the body exercises control, will ensure and promote the equal representation of the sexes in the management, the process decision making and presentation. This obligation exists for all authorized election proponents representatives and delegations in international organizations and bodies.

(2) Equal gender representation exists in the case of one of the sexes represented at least in 40% in the bodies referred to in paragraph (1) of this Article.

(3) Discrimination on the basis of sex is considered a situation where there is no equal representation from paragraph (2) of this Article.

(4) Bodies referred to in paragraph (1) of this Article with the aim of achieving equal representation of the sexes and elimination discrimination shall be obliged to adopt special measures prescribed by Article 8 of this Law.

## PART TEN - MEDIA

### Article 21

(1) Everyone has the right to access the media regardless of gender.

(2) It is forbidden to publicly present and present any person to an offensive, degrading or degrading manner, with regard to gender.



(3) Mediji su dužni kroz programske koncepte razvijati svijest o ravnopravnosti spolova.

## DIO JEDANAESTI- STATISTIČKE EVIDENCIJE

### Član 22.

(1) Svi statistički podaci i informacije koji se prikupljaju, evidentiraju i obrađuju u državnim organima na svim nivoima, javnim službama i ustanovama, državnim i privatnim preduzećima i ostalim subjektima moraju biti prikazani po spolu.

(2) Statistički podaci i informacije, koji se prikupljaju, evidentiraju i obrađuju, u skladu sa stavom (1) ovog člana, moraju biti sastavni dio statističke evidencije i dostupni javnosti.

## DIO DVANAESTI - SUDSKA ZAŠTITA

### Član 23.

(1) Svako ko smatra da je žrtva diskriminacije ili da mu je diskriminacijom povrijeđeno neko pravo može tražiti zaštitu tog prava u postupku u kojem se odlučuje o tom pravu kao glavnom pitanju, a može tražiti i zaštitu u posebnom postupku za zaštitu od diskriminacije u skladu sa Zakonom o zabrani diskriminacije BiH („Službeni glasnik BiH”, broj 59/09).

(2) Žrtva diskriminacije prema odredbama ovog Zakona ima pravo na naknadu štete prema propisima koji uređuju obligacione odnose.

(3) Sve odluke nadležnih sudskih organa povodom povrede neke od odredbi ovog Zakona, bit će dostavljene Agenciji za ravnopravnost spolova Bosne i Hercegovine od strane sudova na nivou Bosne i Hercegovine i Gender Centru Federacije Bosne i Hercegovine i Gender centru Republike Srpske od strane sudova u entitetima Bosne i Hercegovine.

(3) The media are obliged through the program concepts to develop awareness of gender equality.

## PART ELEVEN - STATISTICAL RECORDS

### Article 22

(1) All statistical data and information collected, recorded and processed by state authorities in all levels, public services and institutions, state and private enterprises and other entities must be displayed by gender.

(2) Statistical data and information, collected, recorded and processed, in accordance with paragraph (1) of this Article must be an integral part of the statistical records and be made available to the public.

## PART TWELVE - COURT PROTECTION

### Article 23

(1) Anyone who believes that he is a victim of discrimination or that his or her rights have been violated by discrimination may seek the protection of that right in the proceedings in which it decides on that right as the main issue, and may to seek protection in a special procedure for protection against discrimination in accordance with the Law on Prohibition discrimination of BiH (“Official Gazette of BiH”, No. 59/09).

(2) The victim of discrimination according to the provisions of this Law shall be entitled to compensation for damages according to regulations which regulate obligatory relations.

(3) All decisions of the competent judicial authorities concerning violation of some of the provisions of this Law shall be submitted to the Bosnia and Herzegovina Gender Equality Agency by the courts of Bosnia and Herzegovina Herzegovina and the Gender Center of the Federation of Bosnia and Herzegovina and Gender Center of Republika Srpska since foreign courts in the entities of Bosnia and Herzegovina.

## DIO TRINAESTI - OBAVEZE NADLEŽNIH ORGANA VLASTI

### Član 24.

(1) Organi vlasti na državnom i entitetskom nivou, kantonalni organi i organi jedinica lokalne samouprave, pravne osobe sa javnim ovlaštenjima. pravne osobe u većinskom vlasništvu države, u okviru svojih nadležnosti, dužni su poduzeti sve odgovarajuće i potrebne mjere radi provođenja odredbi propisanih ovim Zakonom i Gender akcionim planom Bosne i Hercegovine, uključujući, ali ne ograničavajući se na:

- a) donošenje programa mjera radi postizanja ravnopravnosti spolova u svim oblastima i na svim nivoima vlasti;
- b) donošenje novih ili izmjenu i dopunu postojećih zakona i drugih propisa radi usklađivanja sa odredbama ovog Zakona i međunarodnim standardima za ravnopravnost spolova;
- c) provođenje aktivnosti i mjera Gender akcionog plana Bosne i Hercegovine kroz redovne programe rada uz osiguranje budžetskih sredstava;
- d) osiguranje prikupljanja, vođenja, analize i prikazivanja statističkih podataka razvrstanih po spolu;

(2) Sastavni dio programa mjera radi postizanja ravnopravnosti spolova u svim oblastima uključuje, ali se ne ograničava na:

- a) analizu stanja spolova u određenoj oblasti;
- b) implementaciju donesenih državnih politika kroz akcione planove za ravnopravnost spolova;
- c) mjere za otklanjanje uočene neravnopravnosti spolova u određenoj oblasti.

(3) Nadležni zakonodavni, izvršni i organi uprave svih nivoa vlasti u Bosni i Hercegovini obavezni su osnovati odgovarajuće institucionalne mehanizme za ravnopravnost spolova koji će provoditi Zakon o ravnopravnosti spolova u Bosni i Hercegovini, koordinirati realizaciju programskih ciljeva iz Gender akcionog plana Bosne i Hercegovine i osigurati provođenje međunarodnih standarda u oblasti ravnopravnosti spolova.

## PART THIRTEEN - OBLIGATIONS OF COMPETENT AUTHORITIES

### Article 24

(1) Government, entity and entity governments, cantonal bodies and local government units self-government, legal entities with public authorizations. legal entities in majority state ownership, within the framework of their competencies, shall take all appropriate and necessary measures to enforce the provisions prescribed by this Law and the Gender Action Plan of Bosnia and Herzegovina, including, but not limiting to:

- a) adopting program measures to achieve gender equality in all areas and at all levels of government;
- b) the adoption of new or amendments to existing laws and other regulations for alignment with the provisions of this Law and international standards for gender equality;
- c) implementation of activities and measures of the Gender Action Plan of Bosnia and Herzegovina through regular programs work with the provision of budget funds;
- d) ensuring the collection, management, analysis and presentation of statistical data classified by gender;

(2) An integral part of the program of measures to achieve gender equality in all areas includes, but is not limited to:

- a) analysis of the gender situation in a particular area;
- b) Implementation of adopted state policies through action plans for gender equality;
- c) measures for removing observed gender inequalities in a particular area.

(3) The competent legislative, executive and administrative bodies of all levels of government in Bosnia and Herzegovina are obligatory to establish appropriate institutional mechanisms for gender equality to be implemented by the Law on gender equality in Bosnia and Herzegovina, coordinate the implementation of the program objectives from the Gender Action Plan of Bosnia and Herzegovina and ensure the implementation of international standards in the field of gender equality.

(4) Nadležni državni, entitetski i kantonalni organi vlasti, kao i organi jedinica lokalne samouprave dužni su sve propise i druge akte iz svoje nadležnosti prije upućivanja u zakonsku proceduru dostaviti na mišljenje institucionalnim mehanizmima za ravnopravnost spolova iz stava (2) ovog člana radi usaglašavanja sa odredbama Zakona o ravnopravnosti spolova u Bosni i Hercegovini.

## DIO ČETRNAESTI - PRAĆENJE I NADZOR NAD PROVOĐENJEM OVOG ZAKONA

### Član 25.

(1) Nadzor nad provođenjem ovog Zakona obavlja Ministarstvo za ljudska prava i izbjeglice (u daljem tekstu: Ministarstvo).

(2) Radi praćenja primjene ovog Zakona, u okviru Ministarstva za ljudska prava i izbjeglice, formira se Agencija za ravnopravnost spolova Bosne i Hercegovine (u daljem tekstu: Agencija).

(3) Agencija za ravnopravnost spolova Bosne i Hercegovine organizira se i radi u skladu s posebnom odlukom koju, na prijedlog Ministarstva iz stava (1) ovog člana, donosi Vijeće ministara Bosne i Hercegovine.

### Član 26.

Agencija za ravnopravnost spolova Bosne i Hercegovine u okviru svojih nadležnosti obavlja slijedeće poslove:

a) prati i analizira stanje ravnopravnosti spolova u Bosni i Hercegovini na osnovu izvještaja koje sačinjava Agencija i izvještaja entitetskih gender centara i o tome godišnje izvještava Vijeće ministara Bosne i Hercegovine. Na osnovu rezultata analiza i praćenja sačinjava posebne izvještaje, mišljenja, sugestije i preporuke radi upućivanja nadležnim tijelima na državnom nivou;

b) utvrđuje metodologiju izrade izvještaja o ravnopravnosti spolova u Bosni i Hercegovini;

(4) Competent state, entity and cantonal authorities, as well as bodies of local self-government units they are obliged to submit all regulations and other acts within their jurisdiction before referral to the legal procedure. The opinion of the institutional mechanisms for gender equality referred to in paragraph (2) of this Article is in the works harmonization with the provisions of the Law on Gender Equality in Bosnia and Herzegovina.

## PART FOURTEEN - MONITORING AND CONTROL ON THE IMPLEMENTATION OF THIS LAW

### Article 25

(1) Supervision over the implementation of this Law shall be performed by the Ministry of Human Rights and Refugees (hereinafter: the Ministry of Human Rights and Refugees) (text: Ministry).

(2) In order to monitor the implementation of this Law, within the Ministry of Human Rights and Refugees, it shall be formed Agency for Gender Equality of Bosnia and Herzegovina (hereinafter: the Agency).

(3) The Gender Equality Agency of Bosnia and Herzegovina shall be organized and operated in accordance with a special decision made by the Council of Ministers of Bosnia and Herzegovina at the proposal of the Ministry referred to in paragraph (1) of this Article.

### Article 26

The Agency for Gender Equality of Bosnia and Herzegovina, within its competencies, performs the following jobs:

a) monitor and analyze the situation of gender equality in Bosnia and Herzegovina based on reports that is compiled by the Agency and the reports of the Entity Gender Centers and is reported annually by the Council of Ministers Bosnia and Herzegovina. Based on the results of the analysis and monitoring, special reports, opinions, suggestions and recommendations for referral to competent authorities at the state level;

b) determine the methodology for drafting the gender equality report in Bosnia and Herzegovina;

## ENGLISH TRANSLATION

c) Inicira i koordinira izradu Gender akcionog plana Bosne i Hercegovine, u saradnji sa entitetskim gender centrima, a koji usvaja Vijeće ministara Bosne i Hercegovine;

d) prati primjenu i vrši koordinaciju aktivnosti sa svim relevantnim subjektima u procesu implementacije Gender akcionog plana Bosne i Hercegovine iz člana 24. stav (2) ovog Zakona;

e) saraduje sa institucionalnim mehanizmima za ravnopravnost spolova u institucijama na državnom nivou;

f) u postupku pripreme nacrtu i prijedloga zakona, podzakonskih i drugih normativnih akata, strategija, planova i programa, a prije dostavljanja Vijeću ministara Bosne i Hercegovine, daje mišljenje o usaglašenosti navedenih akata sa ovim Zakonom i međunarodnim standardima o ravnopravnosti spolova;

g) daje inicijativu i učestvuje u pripremi zakona, podzakonskih i drugih akata, strategija, planova i programa, koji se donose na nivou Bosne i Hercegovine, u cilju utvrđivanja mjera za postizanje ravnopravnosti spolova u svim oblastima društvenog života;

h) daje inicijativu za pokretanje postupka za izmjene i dopune propisa u slučaju neusaglašenosti sa odredbama ovog Zakona, domaćim i međunarodnim standardima o ravnopravnosti spolova;

i) prima i obrađuje molbe, žalbe i predstavke osoba i grupa osoba u kojima se ukazuje na povrede nekog prava iz ovog Zakona;

j) Agencija za ravnopravnost spolova Bosne i Hercegovine donosi Jedinствена pravila za primanje i obrađivanje molbi, žalbi i predstavki osoba i grupa osoba i iz tačke i. ovog člana;

k) predstavlja i koordinira aktivnosti, u okviru svoje nadležnosti, na međunarodnom i regionalnom nivou;

l) nadzire provođenje ovog Zakona i u saradnji sa Genderom Centrom Federacije Bosne i Hercegovine i Gender centrom Republike Srpske i priprema izvještaje o ispunjavanju međunarodnih obveza u oblasti ravnopravnosti spolova;

m) saraduje u okviru svoje nadležnosti sa nevladinim organizacijama koje se bave zaštitom ljudskih prava i sloboda;

n) vrši aktivnosti na promociji ravnopravnosti spolova;

o) obavlja ostale poslove u cilju provođenja ovog Zakona.

c) Initiate and coordinate the drafting of the Gender Action Plan of Bosnia and Herzegovina, in cooperation with the entity Gender Centers, and adopted by the Council of Ministers of Bosnia and Herzegovina;

d) monitor application and coordinate activities with all relevant entities in the process of implementation of the Gender Action Plan of Bosnia and Herzegovina referred to in Article 24, paragraph (2) of this Law;

e) cooperate with institutional mechanisms for gender equality in state-level institutions level;

f) in the process of preparing drafts and proposals of laws, by-laws and other normative acts, strategies, plans and programs, and before delivering it to the Council of Ministers of Bosnia and Herzegovina, gives an opinion on compliance with these acts with this Law and international standards on gender equality;

g) initiates and participates in the preparation of laws, by-laws and other acts, strategies, plans and programs, adopted at the level of Bosnia and Herzegovina, in order to determine the measures to be achieved gender equality in all areas of social life;

h) initiates the initiation of a procedure for amending and supplementing regulations in case of non-compliance with the provisions of this Law, domestic and international standards on gender equality;

i) receives and processes complaints, complaints and complaints of persons and groups of persons indicating injuries some rights under this law;

j) The Gender Equality Agency of Bosnia and Herzegovina shall adopt the Uniform Rules for Admission and processing applications, appeals and complaints from individuals and groups of persons and from point i. of this Article;

k) it represents and coordinates activities, within its competence, at international and regional level;

l) supervise the implementation of this Law in cooperation with the Gender Center of the Federation of Bosnia and Herzegovina and the Gender Center of Republika Srpska and prepares reports on the fulfillment of international obligations in the field gender equality;

m) cooperates within its competence with non-governmental organizations dealing with the protection of human beings rights and freedoms;

n) performs activities on promotion of gender equality;

o) performs other tasks for the purpose of implementing this Law.

### Član 27.

(1) Gender Centar Federacije Bosne i Hercegovine i Gender centar Republike Srpske prate primjenu Zakona na nivou entiteta i u tu svrhu naročito obavljaju sljedeće poslove:

- a) prate usaglašenost zakona i drugih akata, politika, strategija, planova i programa koji se donose na nivou entiteta, sa domaćim i međunarodnim standardima za ravnopravnost spolova;
- b) daju mišljenje o usaglašenosti zakona i drugih akata, politika, strategija, planova i programa koje se donose na nivou entiteta sa odredbama ovog zakona i drugim domaćim i međunarodnim standardima za ravnopravnost spolova i pokreću inicijative za usaglašavanje;
- c) prate i analiziraju stanje ravnopravnosti spolova u entitetima;
- d) pripremaju i sačinjavaju redovne i posebne izvještaje o stanju ravnopravnosti spolova u određenim oblastima, pripremaju i sačinjavaju informacije, mišljenja i preporuke koje dostavljaju vladama entiteta i drugim nadležnim organima i tijelima;
- e) primaju i obrađuju molbe, žalbe i predstavke osoba i grupa osoba u kojima se ukazuje na povrede nekog prava iz ovog Zakona u skladu sa Jedinstvenim pravilima iz člana 26. stav (1) tačka i);
- f) saraduju sa institucionalnim mehanizmima iz člana 24. stav (2) ovog Zakona;
- g) predstavljaju i koordiniraju aktivnosti, u okviru svoje nadležnosti, na regionalnom nivou;
- h) saraduju sa nevladinim organizacijama koje se bave zaštitom ljudskih prava i sloboda;
- i) pružaju stručnu i savjetodavnu podršku i pomoć svim institucijama sistema i drugim partnerima.

(2) Gender Centar Federacije Bosne i Hercegovine i Gender centar Republike Srpske obavljaju i druge poslove u vezi sa unaprjeđenjem i promocijom ravnopravnosti spolova u entitetima.

### Article 27

(1) The Gender Center of the Federation of Bosnia and Herzegovina and the Gender Center of Republika Srpska monitor the application Laws at the Entity level and for this purpose perform the following tasks in particular:

- a) monitor the conformity of laws and other acts, policies, strategies, plans and programs to be brought to entity level, with domestic and international standards for gender equality;
- b) give an opinion on the conformity of laws and other acts, policies, strategies, plans and programs that are bring them at entity level with the provisions of this law and other domestic and international standards for gender equality and initiate harmonization initiatives;
- c) monitor and analyze the status of gender equality in the entities;
- d) prepare and compile regular and special reports on the status of gender equality in certain areas, prepare and compile information, opinions and recommendations submitted to entity governments and other competent authorities and bodies;
- e) receive and process complaints, appeals and complaints of persons and groups of persons indicating violation of some rights under this Law in accordance with the Uniform Rules referred to in Article 26, paragraph (1), item i);
- f) cooperate with the institutional mechanisms referred to in Article 24, paragraph (2) of this Law;
- g) present and coordinate activities, within their jurisdiction, at the regional level;
- h) cooperate with non-governmental organizations dealing with the protection of human rights and freedoms;
- i) provide expert and advisory support and assistance to all system institutions and other partners.

(2) The gender center of the Federation of Bosnia and Herzegovina and the Gender Center of the Republic of Srpska are also performed by others affairs related to the promotion and promotion of gender equality in the entities.



**Član 28.**

Nadležni organi vlasti i druge državne institucije, poslodavci, te druge pravne i fizičke osobe, dužni su pružiti sve potrebne informacije i omogućiti uvid u dokumentaciju na zahtjev Agencije, Gender centra FBiH i Gender centra RS odmah, a najkasnije u roku od 15 dana.

**DIO PETNAESTI - KAZNENE ODREDBE****Član 29.**

Ko na osnovu spola vrši nasilje, uznemiravanje ili seksualno uznemiravanje kojim se ugrozi mir, duševno zdravlje i tjelesni integritet kaznit će se kaznom zatvora od 6 mjeseci do 5 godina.

**Član 30.**

(1) Novčanom kaznom od 1.000 KM do 30.000 KM kaznit će se za prekršaj pravna osoba ako:

- a) ne preduzme odgovarajuće mjere i efikasne mehanizme zaštite protiv diskriminacije po osnovu spola, uznemiravanja i seksualnog uznemiravanja;
- b) ne preduzme odgovarajuće mjere radi eliminacije i sprečavanja zabranjene diskriminacije po osnovu spola u radu i radnim odnosima kako je definirano članom 12. i 13. ovog Zakona;
- c) ne obezbijedi planove, programe i metodologije u obrazovnim institucijama koje će garantirati eliminaciju stereotipnih programa, koji za posljedicu imaju diskriminaciju i nejednakost među spolovima;
- d) ne razvrstava po spolu statističke podatke i informacije koji se prikupljaju, evidentiraju i obrađuju;
- e) ne omogući javnosti uvid u statističke podatke koji se vode shodno ovom Zakonu;
- f) na uvredljiv, omalovažavajući ili ponižavajući način predstavlja bilo koju osobu javno, s obzirom na spol.

(2) Za prekršaj iz stava (1) ovog člana kaznit će se novčanom kaznom od 100 KM do 1.000 KM i odgovorna osoba u pravnoj osobi, kao i pojedinci koji samostalno obavljaju djelatnost ličnim radom sredstvima u svojini građana.

**Article 28**

The competent authorities and other state institutions, employers, and other legal and natural persons are obliged provide all the necessary information and provide insight into the documentation at the request of the Agency, Gender Center FBiH and Gender Center of RS immediately, and at the latest within 15 days.

**PART FIFTEEN - PENALTY PROVISIONS****Article 29**

Who on the basis of gender is engaged in violence, harassment or sexual harassment endangering peace, health and physical integrity shall be punished by imprisonment for a term between six months and five years.

**Article 30**

(1) A legal entity shall be fined for an offense from KM 1,000 to KM 30,000 if:

- a) fail to take appropriate measures and effective mechanisms for protection against discrimination on grounds of gender, harassment and sexual harassment;
- b) not take appropriate measures to eliminate and prevent prohibited discrimination on the basis of sex in work and working relationships as defined in Articles 12 and 13 of this Law;
- c) fail to provide plans, programs and methodologies in the educational institutions that will guarantee them the elimination of stereotypical programs, which result in discrimination and inequality amongst them sex;
- d) does not classify by gender the statistical data and information that is collected, recorded and processed;
- e) fail to enable the public to access statistical data conducted in accordance with this Law;
- f) in an offensive, degrading or degrading manner represents any person publicly, regarding their sex.

(2) A misdemeanor referred to in paragraph (1) of this Article shall be fined from 100 KM to 1,000 KM and responsible person in a legal person, as well as individuals who independently perform their activities with their personal work funds owned by citizens.

(3) Nijedna odredba ovog člana ne može se tumačiti kao ograničavanje ili umanjivanje prava na vođenje krivičnog ili građanskog postupka, pod uslovima propisanim ovim Zakonom.

(4) Do donošenja odgovarajućeg zakona o prekršajima Bosne i Hercegovine, prekršajni postupak po odredbama ovog Zakona vodit će organi nadležni za ovaj postupak u entitetima i Brčko Distriktu Bosne i Hercegovine.

(5) Novčana kazna naplaćuje se u korist Budžeta institucija Bosne i Hercegovine.

(6) Rješenja o prekršajima izvršavaju se u skladu s važećim zakonom entiteta, odnosno Brčko Distrikta Bosne i Hercegovine.

### Član 31.

Procesuiranje i donošenje odluka zbog krivičnog djela i djela prekršaja utvrđenih ovim zakonom hitne je prirode i ima prioritet u radu nadležnih organa.

## DIO ŠESTNAESTI - PRIJELAZNE I ZAVRŠNE ODREDBE

### Član 32.

(1) Ministarstvo za ljudska prava i izbjeglice predložit će formiranje Agencije za ravnopravnost spolova u roku od tri mjeseca od dana stupanja na snagu ovog Zakona.

(2) Svi državni i entitetski zakoni, kao i drugi odgovarajući propisi uskladit će se s odredbama ovog Zakona, najkasnije u roku od 6 mjeseci.

### Član 33.

Prečišćeni tekst Zakona bit će objavljen u "Službenom glasniku BiH".

## Zakonski okvir rodne ravnopravnosti u Bosni i Hercegovini

Rodna ravnopravnost u Bosni i Hercegovini polako dobija zasluženu pažnju, u pravnom i društvenom kontekstu.

(3) No provision of this Article may be interpreted as limitation or reduction of the right to conduct criminal or civil proceedings, under the conditions prescribed by this Law.

(4) Pending the adoption of an appropriate law on misdemeanors in Bosnia and Herzegovina, a misdemeanor procedure of The provisions of this Act shall be conducted by the authorities competent for this procedure in the Entities and Brčko District of Bosnia and Herzegovina.

(5) A fine shall be levied in favor of the Budget of the institutions of Bosnia and Herzegovina.

(6) Misdemeanor decisions shall be executed in accordance with the applicable law of the entity of Brčko District in Bosnia and Herzegovina.

### Article 31

The process and decision-making for the criminal offense and offenses established by this Law is urgent nature and has priority in the work of the competent authorities.

## PART SIXTEEN - TRANSITIONAL AND FINAL PROVISIONS

### Article 32

(1) The Ministry of Human Rights and Refugees will propose the establishment of a Gender Equality Agency within three months from the date of entry into force of this Law.

(2) All state and entity laws, as well as other relevant regulations, will be harmonized with the provisions of this Act, at the latest within 6 months.

### Article 33

The consolidated text of the Law will be published in the "Official Gazette of BiH".

## Legislation on gender equality in Bosnia and Herzegovina

Gender equality in Bosnia and Herzegovina is slowly getting its deserved attention, in legal and social framework.

## ENGLISH TRANSLATION

Primjetni su značajni napori u postizanju standard koji su već dio zakonodavstva EU. Vrlo je bitno napomenuti da možemo primjetiti tendencije u Bosni i Hercegovini kada je riječ o standardizaciji pravnog okvira sa onim u zemljama Europske Unije, posebno u svjetlu EU integracionog procesa. U daljnjem tekstu citiraćemo izvještaj iz 2017., koji je sastavio Applied Knowledge Services, o stanju rodne ravnopravnosti u kontekstu pravnog i društvenog okvira u Bosni i Hercegovini.

## Kratki osvrt

Unatoč određenom progresu koji je učinjen u svrhu postizanja rodne ravnopravnosti u Bosni i Hercegovini, rodna stereotipizacija i diskriminacija žena ostaje daleko raširena – i mnogo više je potrebno biti urađeno da bi se prevazišli ovi društveno ukorijenjeni stavovi i ponašanja. (CEDAW, 2013; HRC, 2013; Cancho and Elwan, 2015; Agency for Gender Equality in BiH (AGEBiH), 2014). Dok su rodna prava naglašena i integrisana u široki spektar nacionalnih politika, zakona, institucionalnih struktura, društvenih i ekonomskih strategija, i progres jeste na putu reformi ili osnaživanja mnogih sistema, značajne prepreke i dalje postoje koje ograničavaju ekonomske prilike žena, jednako učešće u javnom životu i donošenju odluka, i provođenju ljudskih prava. Ove prepreke unazađuju žene i smanjuju potencijal za rast, produktivnost i performans cjelokupne ekonomije. (Cancho and Elwan, 2015; World Bank, 2015a) Ovaj se izvještaj fokusira na rodne probleme, sa posebnim fokusom na socio-kulturne uvjete i ekonomski uticaj na žene; iako je primjećeno da rodne analize posebno impliciraju uključenost muškaraca i dječaka, koji su integrisani u ovaj izvještaj kako i priliči. Literatura skupljena za ovu brzi pregled dolazi iz mješavine istraživanja, procjena, strateških programa i procjena sprovedenih od strane vlade i velikih međunarodnih agencija za razvoj, studija slučaja i preporuka dobre prakse, objavljenih publikacija i web stranica agencija – gdje je većina zasnovana na empirijskim dokazima, gdje dobar dio pokriva prethodne godine. Kako se BiH još izlazi iz post-konfliktnog tranzicijskog perioda, i kako je rodna ravnopravnost problem koji se tek u posljednje vrijeme nalazi na nacionalnim agendama, dokazi i smjernice kada je u pitanju rod i zakonodavstvo su i dalje ograničeni.

There were significant efforts in achieving standards that are already part of EU legislation. It is important to mention that we can notice tendencies in Bosnia and Herzegovina when it comes to standardizing its legal framework with the one of EU countries, especially in light of EU integration process. In further text we will quote a report from 2017. By Applied Knowledge Services, on condition of Gender rights legal framework and social context in Bosnia and Herzegovina.

## Overview

Despite some progress being made towards achieving gender equality in Bosnia and Herzegovina (BiH), gender stereotyping and discrimination against women remain widespread – and much more needs to be done to overcome these ingrained socio-cultural attitudes and behaviours (CEDAW, 2013; HRC, 2013; Cancho and Elwan, 2015; Agency for Gender Equality in BiH (AGEBiH), 2014). While gender mainstreaming is integrated into a range of national policies, legislation, institutional structures and social and economic strategies, and progress is underway to reform or strengthen many systems, significant barriers still exist which limit women's economic opportunities, equal participation in public life and decision-making, and exercise of human rights. These barriers disadvantage women, and reduce the growth potential, productivity, and performance of the economy as a whole (Cancho and Elwan, 2015; World Bank, 2015a). This report focuses on gender issues, with particular focus on sociocultural conditions and economic impacts on women; however it is acknowledged that gender analyses certainly implies inclusion of men and boys, who are integrated into this report as appropriate. Literature collected for this rapid review draws from a mixture of research, assessments, strategic programmes and evaluations of government and major international development agencies, case studies and recommendations of good practice, journal publications and agency websites – the majority based on empirical evidence, much of it covering previous years. As BiH is still moving out of a post-conflict transitional period, and gender equality is an issue only recently rising on the national agenda, the body of evidence regarding gender and governance is limited.



## Glavni zaključci iz literature uključuju:

Bosanskohercegovački zakonski okvir se kreće u smjeru rodne ravnopravnosti, posebno iz razloga što je formalizovan kroz Zakon o ravnopravnosti spolova (ZRS), ali slabosti se očituju u osviještenosti i primjeni samog Zakona (CEDAW, 2013; Women for Women International (WfWI), 2013; HRC, 2013; Cancho and Elwan, 2015). Agencija za ravnopravnost spolova, koja djeluje pri Ministarstvu za ljudska prava i izbjeglice, podržava implementaciju ZRS-a, u suradnji sa Rodnim Centrima diljem cijele države. Ipak su ove kancelarije i centri slabi, nedostaje im vidljivosti u samom društvu, ali su u velikoj potrebi za tehničkim kapacitetima i resursima. (CEDAW, 2013; HRC, 2013). Stereotipi su prisutni u medijima koji ne uspijevaju tretirati problem osviještenosti i ljudskih prava. Trenutno, u tijeku su izgradnje kapaciteta koji bi unaprijedili medijsku projekciju žena i ljudskih prava. (OECD, 2014; USAID, 2012). Participacija žena u politici je ograničena – žene u pozicijama donošenja odluka i političkim zastupništvima su rijetke. Povećanje prisutnosti žena u politici je prioritet, veoma važno za postizanje rodne ravnopravnosti i generalne demokratizacije. (USAID, 2012; AGEBiH, 2014; CEDAW, 2013; EBRD, 2014) Postoje obećavajući napor kao podrška implementaciji rodno odgovornog budžetiranja, sa podrškom UN Women i partnera. (Lubani and Coello, 2013; AGEBiH, 2014; UN Women, 2014; Avdagic and Hujic, 2012). Literatura ukazuje da dostupnost razdvojene sveobuhvatne literature o spolovima i kvaliteta iste je vrlo niska. (CEDAW, 2013; AGEBiH, 2014). Preporučeno je da svi statistički podaci u državi su razdvojeni prema spolu, što je također već u toku. (AGEBiH, 2014). Adresiranje praznina kada je u pitanju pristup žena ekonomskim prilikama je prioritet. Žene imaju veoma nisku participaciju na tržištu rada a kako na tržištu rada tako postoje i brojne praznine u zapošljavanju. Broj nezaposlenih žena je u blagom porastu, dok nezaposlenost muškaraca opada. (European Commission (EC), 2015; AGEBiH, 2014). Izazovi uključuju pristup finansijama, veoma nisko znanje o poslovnom menadžmentu i vještinama, ograničena mreža poslovnih kontakata i diskriminacija spolova. Napori za osnaživanje ženskog poduzetništva su promovisani značajno. (Cancho and Elwan, 2015; AGEBiH, 2014; EBRD, 2014; USAID, 2012; UN, 2014).

## Key findings from the literature include:

The BiH legal architecture is favourable to gender equality, formalised under the Law on Gender Equality (LGE), but weaknesses in awareness and implementation of the law prevail (CEDAW, 2013; Women for Women International (WfWI), 2013; HRC, 2013; Cancho and Elwan, 2015).

The Gender Equality Agency (GEA), located in the Ministry for Human Rights and Refugees, supports LGE implementation, collaborating with Gender Centres nationwide. These entities are weak, lack sufficient visibility and are in need of technical capacities and resources (CEDAW, 2013; HRC, 2013). Stereotypes are prevalent in the media which fails to address issues of gender awareness and women's rights. Some capacity building is ongoing to improve the media's projections of women and women's rights (OECD, 2014; USAID, 2012). Women's political participation is limited – women in decision-making positions and serving as political representatives are few. Increasing women's political engagement is a priority, important to achieving gender equality and robust democratisation (USAID, 2012; AGEBiH, 2014; CEDAW, 2013; EBRD, 2014). Promising efforts are ongoing to support implementation of gender responsive budgeting (GRB), with support from UN Women and partners (Lubani and Coello, 2013; AGEBiH, 2014; UN Women, 2014; Avdagic and Hujic, 2012). The literature indicates that availability of comprehensive sex disaggregated data and quality of this is weak (CEDAW, 2013; AGEBiH, 2014). It is recommended that all statistics in the country are gender disaggregated, which is work already in progress (AGEBiH, 2014). Addressing gender gaps in women's access to economic opportunities is a priority. Women have low participation in the labour market and a wide gender gap exists in employment. Female unemployment rates are marginally rising, while male rates are declining (European Commission (EC), 2015; AGEBiH, 2014). Challenges include access to finance, low business management knowledge and skills, limited business networks and gender discrimination. Efforts to strengthen women's entrepreneurship are being promoted (Cancho and Elwan, 2015; AGEBiH, 2014; EBRD, 2014; USAID, 2012; UN, 2014).

Podaci također pokazuju da se djevojke/žene stupaju u brak u kasnijim godinama nego ranije, što je pozitivan trend. (ASBiH et al., 2013) Rani brak je prisutan u ruralnim područjima i među ženama sa osnovnoškolskim obrazovanjem. (Agency for Statistics of Bosnia and Herzegovina, (ASBiH) et al., 2013). Seksualno nasilje i nasilje u porodici, posebno, je prepoznato kao najozbiljniji problem i glavni izazov. Kao glavni uzorak se navodi patrijarhalni sociološko-kulturni stavovi. (HRC, 2013; CEDAW, 2013; Cancho and Elwan, 2015; AGEBiH, 2014; OECD, 2014; UN Women, 2016).

Data reflects that girls are marrying at later ages than in the past, which is a positive trend (ASBiH et al., 2013). Early marriage is reported as more common in rural areas and amongst women with only primary education (Agency for Statistics of Bosnia and Herzegovina, (ASBiH) et al., 2013). Sexual violence, and domestic violence in particular, is recognised as rampant and a priority challenge. A main cause of this is patriarchal socio-cultural attitudes (HRC, 2013; CEDAW, 2013; Cancho and Elwan, 2015; AGEBiH, 2014; OECD, 2014; UN Women, 2016).

# Chapter 9

## **Laws & Regulations on Gender Based Issues “Austria”**

## Gender und Diversity, Gewalt und Frauen Rechte

Die Anerkennung von Diversity in allen Lebensbereichen, insbesondere in einer zunehmend globalisierten Welt, ist ein Schritt zu einem toleranten, respektvoll und wertschätzenden Miteinander. Gibt es 6 Kerndimensionen von Vielfalt ( Diversity)

1. Gender (Frauen, Männer, Transgender...)
2. Ethnizität
3. Alter
4. Behinderung
5. Religion
6. Sexuelle Orientierung (hetero-, homo-, bio-, asexuell etc)

Die vier Antidiskriminierungsrichtlinien der EU verankern das Verbot der Diskriminierung aufgrund von Rasse, ethnischer Herkunft, Weltanschauung, Behinderung, Gender(Geschlecht), Alter oder Sexueller Ausrichtung. Den verbindlichen Rechtsrahmen bildet die Europäische Menschenrechtskonvention.

Gleichbehandlungsgesetz (GIBG) - die EU Richtlinie zur Gleichstellung in Beschäftigung und Beruf und die EU Richtlinie zu Antirassismus wurden in Österreich erst im Jahr 2004 umgesetzt.

### Das Gleichbehandlungsgesetz (GIBG)

- Teil I regelt die Gleichbehandlung von Frauen und Männern in der Arbeitswelt.
- Teil II Gleichbehandlung in der Arbeitswelt ohne Unterschied der ethnischen Zugehörigkeit, Alters oder sexuelle Orientierung.
- Teil III regelt die Gleichbehandlung ohne Unterschied des Geschlecht oder der ethnischen Zugehörigkeit in sonstigen Bereichen.

### Gewaltschutzgesetz - Gewalt gegen Frauen

Das Gewaltschutzgesetz gilt für alle in Österreich lebenden Menschen und schützt vor allem Frauen und deren Kinder,

## Gender and Diversity, Violence and Women Rights

The recognition of diversity in all areas of life, especially in an increasingly globalized world, is a step towards tolerant, respectful and appreciative cooperation. There are 6 core dimensions of diversity:

1. Gender (women, men, transgender, etc...)
2. Ethnicity
3. Age
4. Disability
5. Religion
6. Sexual orientation (hetero-, homo-, bio-, asexual...)

The EU's four anti-discrimination guidelines enshrine the prohibition of discrimination based on race, ethnic origin, belief, disability, gender, age or sexual orientation. The binding legal framework is the European Convention on Human Rights (ECHR).

Equal Treatment Act (GIBG) - the EU law on equality in employment and occupation and the EU law on anti-racism were only implemented in Austria in 2004.

### Equal Treatment Act (GIBG)

- Part I – regulates equal treatment of women and men at the workplace.
- Part II – regulates equal treatment in employment without distinction of ethnicity, age or sexual orientation.
- Part III – regulates equal treatment without distinction of gender or ethnicity in other areas.

### Useful links:

#### Federal Ministry of Labour, Social Affairs, Health and Consumer Protection

<https://www.bmgf.gv.at/home/EN/Home>  
<http://www.bmgf.gv.at/home/GK/>

#### Ombud for Equal Treatment

<https://www.gleichbehandlungsanwaltschaft.gv.at/>

die durch ihre Partner Gewalt erfahren oder von ihnen bedroht werden.

UNO-Frauenrechtskomitee verurteilt Österreich wegen mangelndem Schutz von Frauen vor Gewalt.

Information des Vereins Frauen-Rechtsschutz über die Gutachten des Komitees für die Beseitigung der Diskriminierung der Frau vom 6. August 2007 zu den Communications ("Mitteilungen") 5/2005 und 6/2005

Die "Mitteilungen" wurden dem Komitee vom Verein Frauen-Rechtsschutz ("Association for Women's Access to Justice") und der Wiener Interventionsstelle gegen Gewalt in der Familie ("Vienna Intervention Centre against Domestic Violence") am 21. Juni 2004.

## Linkliste:

### Bundes-Gleichbehandlungskommissionen

<http://www.bmgf.gv.at/home/GK/>

### Gleichbehandlungsanwaltschaft

<http://www.gleichbehandlungsanwaltschaft.at>

### Stelle zur Bekämpfung von Diskriminierung Wien

<http://www.wien.gv.at/verwaltung/antidiskriminierung/index.html>

### Klagsverband: Mit Recht gegen Diskriminierung

<http://www.klagsverband.at/>

### WASt Wiener Antidiskriminierungsstelle für gleichgeschlechtliche und transgener Lebensweisen

<https://www.wien.gv.at/kontakte/wast/>

[ombud-for-equal-treatment](#)

### Anti-discrimination office Vienna

<http://www.wien.gv.at/verwaltung/antidiskriminierung/index.html>

### Klagsverband – Litigation Association of NGOs against Discrimination

<https://www.klagsverband.at/english>

### Viennese Anti-discrimination Unit for Lesbian, Gay and Transgender Issues

<https://rm.coe.int/1680488fd3>

<https://www.wien.gv.at/kontakte/wast/>

### Frauenschutz Association (Protection and defense of women's rights)

<http://www.frauenrechtsschutz.at/Content.Node/index.php>

## Verein Frauenschutz

<http://www.frauenrechtsschutz.at/Content.Node/index.php>

## Sonstige Institutionen der Frauen- Familien- und Männerberatung sind:

- 24-Stunden Frauennotruf (MA57) unter 01/71719
- Frauentelefon (MA57) unter 01/4087066
- Verein Wiener Frauenhäuser 24-Stunden unter 05/7722
- Beratungsstelle für Frauen, Verein Wiener Frauenhäuser unter 01/5123839
- Frauenhelpline gegen Gewalt: autonome österreichische Frauenhäuser unter 0800/222555 § FIBEL – Frauen-Initiative Bikulturelle Ehen und Lebensgemeinschaften
- Verein Frauen beraten Frauen
- Schwarze Frauen Community
- MA57, Frauenabteilung der Stadt Wien
- Initiative Ehe ohne Grenzen
- Verein Männerberatung
- Vaeter-in-Krisen.at (Kriseninterventionszentrum)

## Other institutions for women, men, family counselling:

- 24-Stunden Frauennotruf (MA57) unter 01/71719 (24 hours women's SOS call)
- Frauentelefon (MA57) unter 01/4087066 (Women's telephone help-line)
- Verein Wiener Frauenhäuser 24-Stunden unter 05/7722 (Women's shelter, Vienna)
- Beratungsstelle für Frauen, Verein Wiener Frauenhäuser unter 01/5123839 (counselling center for women)
- Frauenhelpline gegen Gewalt: autonome österreichische Frauenhäuser unter 0800/222555 § FIBEL – Frauen-Initiative Bikulturelle Ehen und Lebensgemeinschaften (Women's shelter)
- Verein Frauen beraten Frauen (Women for women counselling)
- Schwarze Frauen Community (Black women community)
- MA57, Frauenabteilung der Stadt Wien (municipal authority women's department)
- Initiative Ehe ohne Grenzen (Initiative marriage without boundaries)
- Verein Männerberatung (Men's counselling)
- Vaeter-in-Krisen.at (Crisis Intervention Center – Fathers in Crises)

# Chapter 10

## **Laws & Regulations on Gender Based Issues “Albania”**

## KUSHTETUTA E REPUBLIKA E SHQIPERISE

Tekst i miratuar me referendum më 22 nëntor 1998 dhe shpallur më 28 nëntor 1998; ndryshimet në nenet 109/1 dhe 154/1, / 2 të bëra me ligjin nr. 9675 të 13 janarit 2007; ndryshimet në nenet 64, 65, 67, 68, 87, 88, 104, 105 dhe 149 dhe shfuqizimin e Pjesës Dymbëdhjetë të bëra me ligjin nr. 9904 të 21 Prillit 2008; ndryshimet në nenet 73, 126 dhe 137 të bëra me ligjin nr. 88/2012 të 18 shtatorit 2012

### Neni 18

1. Të gjithë janë të barabartë përpara ligjit.
2. Askush nuk mund të diskriminohet padrejtësisht për shkaqe të tilla si gjinia, raca, feja, përkatësia etnike, gjuha, bindjet politike, fetare ose filozofike, gjendja ekonomike, arsimit, statusi shoqëror ose prindërimi.
3. Askush nuk mund të diskriminohet për arsyet e përmendura në paragrafin 2 pa ndonjë justifikim të arsyeshëm dhe objektiv.

### Nr. 9970, datë 24.7.2008

## PËR BARAZINË GJINORE NË SHO- QËRI

Në mbështetje të neneve 78 dhe 83 pika 1 të Kushtetutës, me propozimin e Këshillit të Ministrave,

### Neni 1 Objekti

Ky ligj rregullon çështjet themelore të barazisë gjinore në jetën publike, të mbrojtjes dhe trajtimit të barabartë të grave e burrave, për mundësitë dhe shanset e barabarta për ushtrimin e të drejtave, si dhe për pjesëmarrjen e ndihmesën e tyre në zhvillimin e të gjitha fushave të jetës shoqërore.

## CONSTITUTION OF THE REPUBLIC OF ALBANIA

Text approved by referendum on 22 November 1998 and promulgated on 28 November 1998; changes to articles 109/1 and 154/1, /2 made by law no. 9675 of 13 January 2007; changes to articles 64, 65, 67, 68, 87, 88, 104, 105 and 149 and the repeal of Part Twelve made by law no. 9904 of 21 April 2008; changes to articles 73, 126 and 137 made by law no. 88/2012 of 18 September 2012

### Article 18

1. All are equal before the law.
2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.
3. No one may be discriminated against for the reasons mentioned in paragraph 2 without a reasonable and objective justification.

### LAW No.9970, date 24.07.2008

## GENDER EQUALITY IN SOCIETY

Pursuant to articles 78 and 83 section 1 of the Constitution, with the proposal of the Council of Ministers.

### Article 1 Object

This law regulates fundamental issues of gender equality in public life, the protection and equal treatment of women and men with regards to equal chances and opportunities for the exercise of their rights, as well as their participation and contribution in the advancement of all social spheres.



## Neni 2 Qëllimi

Qëllimi i këtij ligji është:

1. të sigurojë mbrojtje efikase nga diskriminimi për shkak të gjinisë dhe nga çdo
2. formë sjelljeje, që nxit diskriminimin për shkak të gjinisë të përcaktojë masa për garantimin e mundësive të barabarta ndërmjet grave e burrave, për të eliminuar diskriminimin e bazuar në gjini, në çfarëdo forme me të cilën shfaqet;
3. të përcaktojë përgjegjësitë e autoriteteve shtetërore, qendrore dhe vendore, për të hartuar dhe zbatuar aktet normative, si dhe politikat që mbështesin zhvillimin dhe nxitjen e barazisë gjinore në shoqëri.

## Neni 3 Parimet themelore

1. Ky ligj bazohet në parimin e barazisë e të mosdiskriminimit dhe në parimet e tjera, të sanksionuara nga Kushtetuta e Republikës së Shqipërisë, nga konventa “Për eliminimin e të gjitha formave të diskriminimit ndaj gruas”, si dhe nga të gjitha aktet e tjera ndërkombëtare, të ratifikuara nga Republika e Shqipërisë.
2. Dispozitat e këtij ligji nuk duhet të interpretohen apo zbatohen në mënyrë që të kufizojnë apo reduktojnë garancitë për arritjen e barazisë gjinore, të shprehura në aktet ndërkombëtare të ratifikuara nga Republika e Shqipërisë, *acquis communautaire* të Bashkimit Europian, konventa “Për eliminimin e të gjitha formave të diskriminimit ndaj gruas”.

## Neni 4 Përkufizime

Në këtë ligj termat e mëposhtëm kanë këto kuptime:

1. Barazi gjinore” është pjesëmarrja e barabartë e femrave dhe e meshkujve në të gjithat fushat e jetës, pozita e barabartë ndërmjet tyre, mundësi e shanse të barabarta, për të gëzuar të drejtat dhe për të përmbushur detyrimet në shoqëri, duke përfituar njëjloj nga arritjet e zhvillimit të saj.
- Si pasojë cenimin e dinjitetit personal ose krijimin e një mjedisi kërcënues, armiqësor, poshtërues, përçmues apo fyes.

## Article 2 Aim

The aim of this law is:

- 1) To ensure effective protection from gender discrimination as well as any other form of behaviour that encourages gender discrimination;
- 2) To define measures guaranteeing equal opportunities among men and women to eliminate gender based discrimination in any of its forms;
- 3) To define the responsibilities of central and local state authorities for developing and enforcing laws and policies in support of encouraging gender equality in the society.

## Article 3 Fundamental principles

1. This law is based on the principle of equality and non-discrimination, and other principles sanctioned by the Constitution of the Republic of Albania, by the Convention “On the Elimination of all Forms of Discrimination against Women”, and by all other international acts ratified by the Republic of Albania.
2. The provisions of this law shall not be interpreted or implemented so that they restrict or reduce the guarantees in achieving tender equality sanctioned in international acts

## Article 4 Definitions

In the understanding of this law, the following terms shall have the following meanings:

1. “Gender Equality” shall mean equal participation of women and men in all spheres of life, equal positions among them, equal opportunities to enjoy their rights and to fulfil their obligations in the society by profiting equally from its achievements and development.

## ENGLISH TRANSLATION

2. “Shqetësim seksual” është çdo formë e padëshiruar sjelljeje, e shprehur me fjalë ose veprime fizike dhe simbolike, me natyrë seksuale, e cila ka për qëllim ose sjell si pasojë cenimin e dinjitetit personal, në mënyrë të veçantë kur krijon një mjedis kërcënues, armiqësor, poshtërues, përçmues apo fytes.

3. “Diskriminim me bazë gjinore” nënkupton çdo dallim, përjashtim ose kufizim të bazuar në gjini që synon apo rezulton me dëmtimin dhe dështimin për të njohur, gëzuar ose ushtruar në mënyrë të barabartë të drejtat dhe liritë themelore të njeriut të parapara në Kushtetutë dhe në ligjet me i përket të dy gjinive në fushën politike, ekonomike, sociale, kulturore dhe civile.

4. “Integrimi gjinor” është kuptimi i barazisë midis femrave dhe meshkujve si çështje që ka të bëjë jo vetëm me një gjini si një grup të veçantë, por me shoqërinë në tërësi. Si e tillë, integrimi gjinor është mënyra për të arritur barazinë gjinore duke përfshirë perspektivën e secilës gjini në të gjitha ligjëratat, hartimin e politikave dhe planifikimin, buxhetimin, zbatimin dhe monitorimin e proceseve.

5. Do të ketë “përfaqësim të barabartë gjinor” në rastet kur asnjë nga gjinitë nuk përfaqësohet më pak se 30% në çdo institucion, në instancë hierarkike, në organin e emëruar, në partitë politike.

6. “Masat e përkohshme speciale” janë masat e ndërmarra nga organet shtetërore për të përsheptuar vendosjen e barazisë de facto midis burrave dhe grave në shoqëri.

7. “Punonjësi i barazisë gjinore” është një punonjës i administratës publike qendrore ose vendore, i cili ka trajnime specifike dhe njohuri për barazinë gjinore dhe kushton kohën e tij për të punuar në arritjen e barazisë gjinore dhe integritet gjinor në sektorin ose territorin përkatës.

8. “Puna me vlerë të barabartë” është veprimtaria e paguar, e cila krahasuar me të njëjtët indikatorë ose njësi të masës së një aktiviteti tjetër, shfaq njohuri të ngjashme ose të barabarta dhe aftësi profesionale në kryerjen e të njëjtës ose pothuajse të njëjtën sasi fizike dhe intelektuale përpjekjet.

9. “Ngacmimi me bazë gjinore” është çdo lloj sjelljeje e padëshiruar që lidhet me gjininë e një personi dhe që synon dhe / ose rezulton në shkeljen e dinjitetit personal ose krijimin e një mjedisi kërcënues, armiqësor, poshtërues, diskriminues ose fytes.

10. “Ngacmimi seksual” është çdo lloj sjelljeje e padëshirueshme, me anë të fjalëve ose veprimeve, fizike

2. “Gender” shall include the social opportunities and attributes related with being a female or male, as well the relations between them.

3. “Gender-based discrimination” shall imply any gender-based distinctions, exclusions or restrictions aiming at or resulting in damage of and failure to equally recognize, enjoy or exercise the fundamental human rights and freedoms foreseen in the Constitution and in the laws with regard to both genders in the political, economic, social, cultural and civil field.

4. “Gender mainstreaming” shall be the understanding of equality between females and males as an issue concerning not only one gender as a separate group, but the society as a whole. As such, gender mainstreaming is the way to achieve gender equality by involving each gender’s perspective in all the lawmaking, policy making, and planning, budgeting, implementing and monitoring processes.

5. There shall be “equal gender representation” in cases when neither of the genders is represented by less than 30% in any institution, hierarchical instance, nominated body, political parties.

6. “Temporary special measures” shall be measures undertaken by the state bodies to accelerate establishment of de facto equality between men and women in the society.

7. “Gender equality employee” shall be a central or local public administration employee, who has specific training and knowledge on gender equality and dedicates his/her time to work on achieving gender equality and gender mainstreaming in the respective sector or territory.

8. “Work of equal value” shall be the paid activity which, compared to the same indicators or unit of measure of another activity, displays similar or equal knowledge and professional abilities in carrying out the same or almost the same amount of physical and intellectual efforts.

9. “Gender Based Harassment” is any kind of unwelcome conduct relating to the gender of one person and aiming and/or resulting in violating personal dignity or creating a threatening, hostile, humiliating, disparaging or insulting environment.

10. “Sexual Harassment” is any kind of unwelcome conduct, by means of words or actions, physical or symbolic, of a sexual character, which intends or leads to violating personal dignity, specifically when it creates a threatening, hostile, humiliating, disparaging or insulting

ose simbolike, me karakter seksual, që synon ose çon në shkeljen e dinjitetit personal, veçanërisht kur krijon kërcënime, armiqësi, poshtëruese, poshtëruese ose mjedis fyese përbën.

### **Neni 5 Zbatimi i ligjit**

1. Ky ligj mbron nga diskriminimi për shkak të gjinisë të gjithë personat, që jetojnë dhe qëndrojnë në territorin e Republikës së Shqipërisë.

2. Shtetasit shqiptarë, me banim të përkohshëm ose të përhershëm jashtë kufijve të Republikës së Shqipërisë, gëzojnë mbrojtjen, që ofron ky ligj, në marrëdhëniet me organet shtetërore shqiptare.

3. Personat fizikë e juridikë të huaj, me banim, vendqëndrim apo seli jashtë territorit të Republikës së Shqipërisë, gëzojnë mbrojtjen, që ofron ky ligj, në marrëdhëniet me organet shtetërore shqiptare.

### **Neni 6 Ndalimi i diskriminimit për shkak të gjinisë**

1. Çdo trajtim më pak i favorshëm i një personi për shkak të gjinisë, në krahasim me trajtimin që i bëhet, i është bërë ose do t'i bëhej një personi të gjinisë tjetër, në një situatë të ngjashme, përbën diskriminim të drejtpërdrejtë për shkak të gjinisë dhe ndalohet.

2. Hartimi, zbatimi, nxitja dhe krijimi i dispozitave, kushteve, kritereve apo praktikave, në dukje neutrale, por që sjellin vendosjen në një situatë më pak të favorshme të një personi të njëjës gjini, krahasuar me personat e gjinisë tjetër, ërbën diskriminim të tërthortë për shkak të gjinisë dhe ndalohet. Nga ky ndalim bëjnë përjashtim rastet kur këto dispozita, kushte, kritere apo praktika justifikohen nga një qëllim i përligjur dhe mjetet apo rrugët për arritjen e këtij qëllimi janë të nevojshme dhe të përshtatshme.

### **Neni 7 Masat e nevojshme për sigurimin e barazisë gjinore**

Për sigurimin e barazisë gjinore dhe eliminimin e diskriminimit për shkak të gjinisë, organet shtetërore, në bazë të kompetencave të tyre:

1. Sigurojnë, përmes masave legjislativë ose me mjete të tjera të përshtatshme, zbatimin praktik të parimit të barazisë gjinore.

environment constitutes.

### **Article 5 Law Implementation**

1. This law shall protect from gender discrimination all persons living and residing in the territory of the Republic of Albania.

2. Albanian citizens with a temporary or permanent residence abroad enjoy protection offered in this law in the relations they establish with the Albanian governmental agencies.

3. The foreign legal or natural persons with a temporary or permanent residence abroad enjoy protection offered in this law in the relations they establish with the Albanian governmental agencies.

### **Article 6 Prohibition of gender discrimination**

1. Any treatment of a person less favorable because of his/her gender, compared with the treatment that is made, was made or would have been made to a person of the opposite gender in a similar situation, shall constitute direct gender discrimination and shall be prohibited.

2. The compilation, implementation, encouragement, and the drafting of the provisions, conditions, criteria or practices, which are apparently neutral, but put a person of a certain sex in a situation less favorable compared with persons of the opposite sex, constitutes indirect gender discrimination and shall be prohibited. This prohibition shall not apply when such provisions, conditions, criteria and practices are justified by a legitimate purpose, and the means and ways to reach that purpose are necessary and appropriate.

### **Article 7 Necessary measures for ensuring gender equality**

In order to ensure gender equality and eliminate gender-based discrimination, the government agencies in compliance with their competencies, shall be committed to:

1. Ensure practical implementation of gender equality principle either by means of legislative measures or by other suitable means.

## ENGLISH TRANSLATION

2. Sigurojnë, përmes masave legjislative ose me mjete të tjera të përshtatshme, të shoqëruar edhe me sanksione, kur është rasti, ndalimin e çdo diskriminimi për shkak të gjinisë.

3. Sigurojnë, përmes rregullimeve ligjore dhe nënligjore ose me mjete të tjera të përshtatshme, ndryshimin ose shfuqizimin e çdo akti ligjor, zakoni apo praktike, që përbën diskriminim për shkak të gjinisë.

4. Marrin të gjitha masat e përshtatshme, për të krijuar lehtësitë e nevojshme e të përligjura objektivisht, për mundësi të barabarta dhe akses të barabartë për të dyja gjinitë.

5. Sigurojnë, përmes institucioneve publike dhe gjykatave kombëtare, mbrojtjen efektive të të dyja gjinive ndaj çdo veprimi diskriminues.

2. Ensure prevention of any type of gender-based discrimination either by means of legislative measures or other suitable means accompanied with sanctions as the case may be.

3. Ensure alteration or repeal of any legal acts, customs or practice which pose gender discrimination, by means of legislative measures or other suitable means.

4. Take all appropriate measures to create the necessary and legally objective facilities aiming at guaranteeing equal chances and access to both genders.

5. Ensure effective protection for both genders against any discriminatory action through public institutions and national courts.

# Chapter 11

## **Laws & Regulations on Gender Based Issues “Czech Republic”**

## Nedávná historie vládní strany v boji za rovnost žen a mužů v České republice

Před přečtením níže uvedeného shrnutí je třeba poznamenat, že Česká republika zaznamenala v posledních třech desetiletích významný pokrok v otázce rovnosti pohlaví, stejně jako mnoho dalších západních zemí.

Jak již bylo řečeno, bez ohledu na skutečnost, že toto téma má, někteří budou tvrdit, byl „poražen na zem“, tam je příliš prostoru pro zlepšení. Ve srovnání se stavem, v němž se nacházeli během a blízko konce komunismu, současný stav ve skutečnosti ve skutečnosti nabízí kostru tvaru, v němž by měla být.

Některé nevládní organizace, jako jsou Gender Studies a ProFem, se datují již od roku 1992, po níž následují řada dalších, mezi nimi LaStrada, ROSA a Electra, které vznikly mezi těmito a vstupem České republiky do Evropské unie v roce 2004, až do vstupu, že některý z nich ne obdrželi od vlády a ni malé fi nanční prostředky.

Jedním z nejviditelnějších kroků v této době bylo založení Divize pro rovnost mužů a žen (DEMW) pod Ministerstvem práce a sociálních věcí.

V tomto ohledu by měla být česká vláda oceněna za to, že přinejmenším dokáže přinést zemi, aby byla právně v souladu s předvstupním předpokladem EU Acquis Communariae.

Po zveřejnění všech potřebných zákonů na papíře se zdá, že vláda považuje za dostatečnou a neobtěžovala se věnovat velkou pozornost implementaci a dalšímu pokroku.

Zdá se, že problém není jen v nedostatečném fi nancování, ale ve výběru zástupců a množství zákonodárných pravomocí některých pozic, které jsou pověřeny rozhodnutím, aby učinily nezbytná rozhodnutí k posunu vpřed.

## The recent history of the government side of the fight for gender equality in the Czech Republic

Before reading the summary below, it must be noted that, as many other western countries, the Czech Republic has made notable progress on the issue of gender equality in the last three decades.

Regardless of the fact that this topic has, some will argue, been “beaten into the ground”, there is much room left for improvement. In comparison to the state that they were in during and near the end of Communism, the current state of affairs in reality offers at best a skeleton of the shape it should be in.

There were a few NGO’s such as Gender Studies and ProFem dating back as early as 1992, followed by a number of others, including LaStrada, ROSA and Electra created between those and Czech Republic’s entry into the European Union in 2004, yet it wasn’t until it’s entry that any of those received even small amounts of funding from the government.

One of the more visible steps at this time was the establishing of the Division for Equality of Men and Women (DEMW) under the Ministry of Labor and Social Affairs.

In this respect, the Czech government should be commended for at least managing to bring the country to be legally compliant to the EU’s Acquis Communariae pre-accesion requisites.

Having placed all the necessary laws on paper, the government seems to consider it sufficient and didn’t bother to pay much attention to the implementation and further progress.

The problem seems to be not only in the lack of funding but in the choice of representatives and amount of legislative power certain positions placed in charge hold to make the necessary decisions to move forward.

Například v roce 1998, kdy byla zřízena Mezinárodní komise pro rovnost příležitostí pro muže a ženy (ICEO), žádný ze jmenovaných členů neměl žádné předchozí vzdělání nebo dokonce znalosti o tematu.

Dále se ministři, kteří se na tyto schůzky museli účastnit, aby byli lépe informováni o tomto tématu, se zřídka objevili na schůzích, a místo toho poslali své asistenty nebo GFP. Asistenti, kteří by se na schůzkách dostali, neměli žádnou podporu a jen velmi málo času, aby se soustředili na rovnost žen a mužů, obvykle se na ně obracejí jako na další práci, a tak se dostanou do samého konce něčí agendy.

Ještě další nešťastná vec je nedostatečná podpora z politiky Rady vlády pro lidská práva, která dává odpovědnost tím, že naznačuje, že plná implementace je pouze v rukou ministrů odpovědných za konkrétní regiony a že vláda může učinit téměř nic v tomto ohledu.

Po jejich krátkém spolupráce na projektu PHARE se Švédskem, ve kterém švédská vláda navrhuje řadu doporučení, Česká republika se to jako znamení, že je problém vyřešen a skutečně odstraní ji jako cíl z priorit.

Priority, které vycházejí z Pekingské akční platformy, mají být jasným strategickým osnovy pro zlepšení problematiky rovnosti žen a mužů kompletní s konkrétními opatřeními pokroku. V případě České republiky, tyto „priority“, jsou velmi povrchní, omitt některé z nejdůležitějších otázek a dělat něco víc, než se snaží zakrýt nedostatek struktury pokroku.

Závěrem, ačkoli se zdá, že v posledních dvou desetiletích došlo k velkému pokroku v oblasti rovnosti žen a mužů v České republice, musíme opustit průčelí a požádat o provádění a provedení, které odpovídají změnám provedeným v právu.

Otázky by neměly být kladeny, pokud by se věci diskutovaly, ale kdyby všichni skutečně porozuměli a mohli pokročit v podpoře rovnosti v oblastech, které potřebují nejvíce změn, jako jsou ženy na rozhodovacích pozicích, mzdové rozdíly nebo kdo je zvolen a jak jsou vybráni klíčové pozice, které by mohly pozitivně ovlivnit celkový pokrok.

For example, in 1998 when the ICEO, the Inter-Ministerial Commission on Equal Opportunities of Men and Women, was established, none of the designated members had any previous training or even knowledge on the topic.

Furthermore, the ministers designated as having to attend these meetings to be better informed on the topic rarely showed up to the meetings, sending their assistants, or GFPs, instead. The assistants that would make it to the meetings were provided little to no support and very little time to focus on gender equality, usually having it tacked on as additional work and hence falling to the very bottom of anyone's agenda.

Yet another unfortunate area is the lack of support coming from the policies of the Government's Council on Human Rights who likes to pass the responsibility by suggesting that full implementation is solely in the hands of the ministers responsible for specific regions and that the government can do almost nothing in this respect.

Following their brief cooperation on the PHARE project with Sweden in which the Swedish government suggests a number of recommendations, the Czech Republic took this as a sign that the issue is solved and actually removed it as a goal from Priorities.

The Priorities, based on the Beijing Platform for Action, are supposed to be a clear strategic outline for improvement of gender equality issues complete with concrete measures of progress. In the case of the Czech Republic, these „priorities“ are very vague, omitt some of the most important issues and do little more than try to cover up the lack of a structure for progress.

In Conclusion, although it seems that much progress has been made in the last two decades on the topic of gender equality in the Czech Republic, we must pull back the facade and ask about the Implementation and execution that matches the changes made in Law.

Questions should be asked not if things were discussed but if everyone actually understood and can move forward in supporting equality in areas that need the bridge change droughts and women in decision-making positions, the wage gap or who is chosen and how they are chosen for



## ENGLISH TRANSLATION

Jdeme na dlouhou cestu, ale přichází ještě další a změna musí být hluboká a sjednocená a musí jít nad rámec toho, co je psáno na papíře.

Musíme změnit celkovou mentalitu toho, jak je tato otázka sledována, a dosáhnout společného porozumění, že nerovnost mezi ženami a muži musí být jednou a navždy otázkou minulosti.

Zde jsou některé strategie a zákony České republiky dne 12.10.2014. kapitoly v tomto dokumentu obsahují následující:

- Institutional support of gender equality in the Czech Republic
- Balanced representation of women and men in decision-making positions
- Gender equality in the labor market and in business
- Education, research and gender equality in the intellectual society
- Dignity and integrity of women and men

## 2. Institutional podpora rovnosti žen a mužů v České republice

V roce 2016 zůstal agendy rovnosti mužů a žen stabilizované pod záštitou ministra pro lidská práva a právní předpisy pro rovné příležitosti, lidská práva sekce oddělení ÚV republiky rovnosti žen a mužů (dále jen „oddělení“).

Jako ministr pro lidská práva, rovné příležitosti a právní předpisy v listopadu 2016 provedl Jiří Dienstbier. S účinností od 5. prosince 2016 ministr pro lidská práva, která se rovná legislativa příležitost byl Jan Chvojka.

crucial positions that could positively influence the overall progress.

We've come a long way but more is yet to come and the change has to be deep and unified and must go beyond what is written on paper.

We must change the overall mentality of how the issue is viewed and reach a common understanding that gender inequality must become an issue of the past, once and for all.

Here are some strategies and laws brought by government of Czech republic on 12.10.2014. chapters in this document contain following :

- Institutional support of gender equality in the Czech Republic
- Balanced representation of women and men in decision-making positions
- Gender equality in the labor market and in business
- Education, research and gender equality in the intellectual society
- Dignity and integrity of women and men

## 2. Institutional support of gender equality in the Czech Republic

In 2016 remained agenda of gender equality stabilized under the auspices of the Minister for Human Rights and Equal Opportunities legislation, Human Rights Section of the Department of Central Committee of the Republic of gender equality (the “Department”).

As Minister for Human Rights, Equal Opportunities and legislation in November 2016 performed Jiri Dienstbier. With effect from December 5, 2016 the minister for human rights, equal opportunity legislation was Jan Chvojka.



### 2.1.6. Výbor pro prevenci domácího násilí a násilí na ženách

Výbor pro prevenci DN v roce 2016 se konal 10. března 2016, 23. června 13. října a 15. prosince Výbor v roce 2016 zabývá především na této činnosti:

- hodnocení pracovních skupinách programů pro násilné osoby a skupiny kteří pracují na řešení sexuálního násilí;
- kontrola plnění akčního plánu pro prevenci domácího a genderového násilí za rok 2015 - 2018;
- diskuse o fi nancování nevládních organizací působících v oblasti prevence domácího a genderového násilí;
- diskuse o organizace proFem studie zaměřená na ekonomické dopady domácího násilí ve zdravotnictví;
- projednání návrhu novely zákona o sociálních službách

## 3. Rovné zastoupení žen a mužů v rozhodovacích pozicích

V roce 2016 česká vláda přijala dva významné strategické dokumenty v oblasti vyváženého zastoupení žen a mužů v rozhodovacích pozicích v zemi. Usnesením vlády ze dne 23. května 2016 č. 466 byl schválen k realizaci strategie Initiative.

Podnětem k provádění strategie vznikla v reakci na přetrvávající nízké zastoupení žen v rozhodovacích pozicích ve vládě, a je praktický nástroj v podobě souboru opatření, kterými se mohou státní orgány směřovat k vyváženějšímu zastoupení žen a mužů v rozhodovacích pozicích.

Výše uvedené usnesení vlády České republiky, členové vlády a vedoucí ostatních ústředních orgánů státní správy požadovat od 30. června 2016 o provádění těchto opatření s cílem postupně dosáhnout 40% zastoupení obou pohlaví na úrovni řízení, nebo ve vedoucí skupině.

### 2.1.6. The Committee for the Prevention of Domestic Violence and Violence against Women

Committee for the Prevention DN in 2016 took place on March 10, 2016, June 23, October 13 and December 15. The committee in 2016 mainly engaged in this activity:

- evaluation working group to programs for violent persons and groups working to address sexual violence;
- reviewing the implementation of the Action Plan for the prevention of domestic and gender-based violence for the years 2015 - 2018 for the previous year;
- discussions on fi nancing of non-governmental organizations active in the prevention of domestic and gender-based violence;
- discussions about organization proFem study focused on the economic impact of domestic violence in the health sector;
- discussion of the draft amendment to the law on social services.

## 3. Equal representation of women and men in decision-making positions

In 2016, the Czech government adopted two important strategic documents in the area of balanced representation of women and men in decision-making positions in the country. Government Resolution dated May 23, 2016 no. 466 was approved to implement the Initiative Strategy.

Impetus to the implementation of the Strategy arose in response to the continuing low representation of women in decision-making positions in government, and is a practical tool in the form of a set of measures by which government authorities may move towards a more balanced representation of women and men in decision-making positions.

The above resolution, the Government of the Czech Republic, members of government and heads of other central government authorities seek from June 30, 2016 on the implementation of these measures with a view to

### 3.1.4. Vyvážené zastoupení žen a mužů ve vedení společností

Data z vývoje Evropské komise 2016 hodnotící v zastoupení žen a mužů v rozhodovacích pozicích ve vedení společností kotovaných na burzách ukazuje, že v dubnu 2016 je průměrný podíl žen ve vedení největších společností 23,3%.

## 4. Rovnost žen a mužů na trhu práce a v podnikání

Podle posledních údajů zveřejněných Českým statistickým úřadem za rok 2016, 585,3 tisíc podnikatelů. mužů a 258.600. ženy, což je o 30,6% z celkového počtu podniků (843.9 tis. osob) .43 Tak zůstává problém s relativně nízkým zastoupením žen mezi podnikatelskými subjekty, kde počet žen podnikatelek roste jen velmi pomalu.

### 4.1.3. Odměňování žen a mužů a riziko chudoby

Podle ČSÚ (Český statistický úřad) údaje, činila průměrná hrubá měsíční mzda vyrostla meziročně u žen a mužů.

Muži v roce 2016 byly vyplaceny průměrnou hrubou měsíční mzdou mužů ve výši 30.842 Kč (meziroční nárůst o 984 Kč ročně), u žen to bylo 24 094 Kč (meziroční nárůst o 673 Kč).

Hodnota rozdílů v odměňování žen a mužů a pomocí těchto údajů zjistit u 21,9% (tj. Průměrná hrubá měsíční mzda mužů v roce 2016 bylo 21,9% vyšší než průměrné hrubé měsíční mzdy žen), což představuje meziroční nárůst v odměňování žen a mužů mezera o 0,3 pb.

gradually achieving 40% representation of both sexes at the management level or in the leading group.

### 3.1.4. Balanced representation of women and men in the management of companies

Data from the European Commission's 2016 evaluation development in the representation of women and men in decision-making positions in the management of companies listed on stock exchanges show that in April 2016 the average proportion of women in the leadership of the largest companies 23.3%.

## 4. Equality between women and men in the labor market and in business

According to the latest data released by the Czech Statistical Office for 2016, 585.3 thousand of entrepreneurs. men and 258.6 thousand. women, which is about 30.6% of the total number of enterprises (843.9 thous. persons) .43 Thus, there remains the problem of the relatively low representation of women among business entities where the number of female entrepreneurs is growing only very slowly.

### 4.1.3. Gender pay gap and the risk of poverty

According to CSO (czech statistic office) data, the average gross monthly wage increased year on year in women and men.

Men in 2016 were paid an average gross monthly wage of men in the amount of CZK 30,842 (year on year increase of CZK 984), for women it was 24 094 CZK (increase year on year CZK 673).

Value of the gender pay gap and use this data to determine at 21.9% (ie. The average gross monthly wage of men in 2016 was 21.9% higher than the average gross monthly

### 4.1.5. Obtěžování a sexuální obtěžování na pracovišti

V České republice jsou stále není statisticky zaznamenány případy obtěžování a sexuálnímu obtěžování na pracovišti. To neznamená, že absence tohoto problému.

Specifi ckým cílem strategie pro rovnost žen a mužů na trhu práce a podnikání je monitorování a předcházení obtěžování a sexuálnímu obtěžování na pracovišti.

V návaznosti na to přijala vláda jeden z úkolů stanovených v prioritách pro všechna odvětví výskytu vyšetřování sexuálního obtěžování na pracovišti a ve vztahu k vyšetřování, přijetí konkrétních opatření pro prevenci a boj proti sexuálnímu obtěžování. Tento úkol by měl být splněn do konce roku 2016.

Dobrou zprávou je, že podle údajů ČSÚ, roste ve fi rmách rostoucí trend zlepšení péče o zaměstnance v poslední době.

Konkrétně, podle ČSÚ „zaměstnanci přestanou bát, že ztratí své místo, a hledají lepší pracovní vyhlídky.

Není to vždy jen o plat, ale také kvalita práce, možnost osobního růstu a dalších mimopracovních výhod, jehož součástí je příjemné pracovní prostředí.

Zaměstnavatele a zaměstnavatel jsou proto nuceni větší zájem o uspokojení svých zaměstnanců a pracovníků. Stále více, zaměstnavatelé jsou nejen z těchto důvodů se zabývají v oblasti společenské odpovědnosti.

wage of women), which represents an annual increase in the gender pay gap by 0,3 pb.

### 4.1.5. Harassment and sexual harassment in the workplace

In the Czech Republic are still not statistically recorded cases of harassment and sexual harassment in the workplace. That does not mean the absence of this problem.

The specific objective of the Strategy on Gender equality in the labor market and the business is monitoring and prevention of harassment and sexual harassment in the workplace.

Following this, the Government adopted the one of the tasks set out in the Priorities for all sectors of the investigation incidence of sexual harassment in the workplace and in relation to the investigation, the adoption of concrete measures to prevent and combat sexual harassment. This task should be fulfilled by the end of 2016.

The good news is that, according to CSO data, increasing lately in companies growing trend of improving care for employees.

Specifically, according to the CSO “employees cease to be afraid of losing their place, and more are looking for better job prospects.

It's not always just about pay, but also the quality of work, the possibility of personal growth and other non-work benefits, which includes a comfortable working environment.

Employers and employer are therefore forced more interested in the satisfaction of their employees and workers. Increasingly, employers are not only for these reasons engaged in corporate social responsibility.

## 6. Vzdělávání, výzkum a rovnost žen a mužů ve znalostní společnosti

V českém prostředí platí, že čím vyšší stupeň školy, tím je zde vyšší podíl mužů a nižší podíl žen mezi pedagogickým personálem. Zatímco v základních a středních školách je zastoupení mužů mezi pedagogickým personálem nízké, na vysokých školách a mezi akademickými pracovníky a pracovnicemi již převažují (63,2 %).

Výjimku tvoří pouze vyšší odborné školy, na kterých ženy tvořily v roce 2015/16 63 % a muži pouze 37 %. Tato segregace má dopad na příjmové nerovnosti mezi muži a ženami.

### 6.1.2. Rovnost žen a mužů ve vědě a vysokém školství

Z dostupných dat vyplývá, že zatímco genderové nerovnosti ve vzdělání se v průběhu posledních deseti let mění - zastoupení žen mezi studujícími vysokých škol postupně roste a převyšuje zastoupení mužů, zastoupení žen ve vědě ale stagnuje. Podíl žen zabývajících se výzkumem a vývojem byl v roce 2015 31,3 %. Tento údaj se za posledních 5 let téměř nezměnil. Zastoupení žen a mužů se liší podle vědních oblastí. Největší podíl výzkumných pracovníků pracuje v oblasti technických věd, přírodních věd a lékařských věd. Největší podíl výzkumných pracovnic pracuje v oblasti přírodních věd, lékařských věd a technických věd (podrobnější údaje Zaostřeno 2016).

## 6. Education, Research and gender equality in the intellectual society

In the Czech Republic, the higher the grade of school, that there is a higher proportion of men and a lower proportion of women among teaching staff. While in elementary and secondary schools is the representation of women among teaching staff is low, at universities and among academics and women already predominate (63.2%).

The only exceptions are colleges where women made in 2015/16 63% of men and only 37%. This segregation has an impact on income inequality between men and women.

### 6.1.2. Equality between women and men in science and higher education

The available data shows that while gender inequality in education over the past decade is changing - representation of women among the students of universities gradually increases and exceeds that of men, the representation of women in science is stagnant. The largest proportion of researchers working in the field of technical sciences, natural sciences and medical sciences. The largest proportion of researchers working in the life sciences, medical sciences and engineering (for more details Focus 2016).

## 7. Důstojnost a integrita žen a mužů

### 7.1.1. Statistiky a výzkumy v oblasti domácího násilí a genderově podmíněného násilí

Jak bylo uvedeno již v předchozí Zprávě o rovnosti za rok 2015, domácí a genderově podmíněné násilí jsou ze své povahy vysoce latentní a tudíž statisticky těžko postihnutelné jevy.

Statistické údaje shromažďované v rámci statistických ročenek kriminality a soudnictví postihují jen velmi malou část těchto forem násilí. Z důvodu analýzy celkového rozsahu domácího a genderově podmíněného násilí a jejich dopadů je proto nezbytné provádět podrobnější výzkumy výskytu tohoto násilí, včetně sociologických výzkumů.

Zaměstnavatele a zaměstnavatel jsou proto nuceni větší zájem o uspokojení svých zaměstnanců a pracovníků. Stále více, zaměstnavatelé jsou nejen z těchto důvodů se zabývají v oblasti společenské odpovědnosti.

Počet zjištěných trestných činů znásilnění v loňském roce stoupl z 598 na 649, což představuje nárůst o 51 nahlášených případů. Současně však došlo i poklesu počtu objasněných případů znásilnění na 448, což nelze hodnotit jinak než jako negativní vývoj v této oblasti.

Celkem v roce 2016 řešily soudy 568 případů s prvkem domácího násilí. V 465 případech byla obětí žena, v 91 případech dítě, v 25 případech muž a ve 29 senior. Nejčastěji k domácímu násilí v těchto případech docházelo ve vztahu druh/ družka (226) a manželství (161).<sup>86</sup>

V roce 2016 bylo OSPOD registrováno celkem 2452 případů s výskytem domácího násilí za přítomnosti dětí, což představuje pokles o 111 případů oproti roku předchozímu. Z toho v 746 případech bylo provedeno vykázání, což v tomto případě představuje mírný pokles oproti loňskému roku.

## 7. dignity and integrity of women and men

### 7.1.1. Statistics and research on domestic violence and gender-based violence

As stated in the previous Report on equality for the year 2015, domestic and gender-based violence are by their nature highly latent and therefore statistically difficult actionable events.

Statistical data collected within the statistical yearbooks Crime and Justice affects only a very small portion of these forms of violence. Due to analyzing the overall range of domestic and gender-based violence and its impact it is therefore necessary to carry out detailed studies of the incidence of violence, including sociological research.

Employers and employees therefore have a greater interest in satisfying their employees and workers. Increasingly, employers are not only for these reasons dealing with social responsibility.

Number of crimes of rape last year rose from 598 to 649, an increase of 51 cases reported. At the same time there was also decline in the number of solved rape cases to 448, which can not be assessed otherwise than as a negative development in this area.

In total in 2016 the courts dealt with 568 cases with elements of domestic violence. In 465 cases, the victims were female in 91 cases of child in 25 cases of male and 29 senior. Most often, domestic violence in these cases occurred in relation type / companion (226) and marriage (161).

In 2016 it was OSPOD registered a total of 2,452 cases with the incidence of domestic violence in the presence of children, which represents a decrease of 111 cases from the previous year. Of the 746 cases of expulsion was carried out, which in this case represents a slight decrease compared to last year.

# Chapter 12

## **Laws & Regulations on Gender Based Issues “Bulgaria”**

## ЗАКОН ЗА ЗАЩИТА ОТ ДОМАШНОТО НАСИЛИЕ

### Чл. 1.

(1) Този закон урежда правата на лицата, пострадали от домашно насилие, мерките за защита и реда за тяхното налагане.

### Чл. 2.

(1) Домашно насилие е всеки акт на физическо, сексуално, психическо, емоционално или икономическо насилие, както и опитът за такова насилие, принудителното ограничаване на личния живот, личната свобода и личните права, извършени спрямо лица, които се намират в родствена връзка, които са или са били в семейна връзка или във фактическо съпружеско съжителство.

(2) За психическо и емоционално насилие върху дете се смята и всяко домашно насилие, извършено в негово присъствие.

### Чл. 3.

Защита по този закон може да търси всяко лице, пострадало от домашно насилие, извършено от:

1. съпруг или бивш съпруг;
2. лице, с което се намира или е било във фактическо съпружеско съжителство;
3. лице, от което има дете;
4. възходящ;
5. низходящ;
6. лице, с което се намира в родство по съребрена линия до четвърта степен включително;
7. лице, с което се намира или е било в родство по сватовство до трета степен включително;
8. настойник, попечител или приеман родител;
9. възходящ или низходящ на лицето, с което се намира във фактическо съпружеско съжителство;
10. лице, с което родителят се намира или е бил във фактическо съпружеско съжителство.

## LAW FOR THE PROTECTION OF DOMESTIC VIOLENCE

### Art. 1.

(1) This law shall regulate the rights of the victims of domestic violence, the protection measures and the order for their imposition.

### Art. 2.

(1) Domestic violence is any act of physical, sexual, psychological, emotional or economic violence, as well as the experience of such violence, the imprisonment of privacy, the personal freedom and the personal rights perpetrated against persons who are in a kinship who are or have been in a family relationship or in a factual cohabitation.

(2) For any psychological and emotional violence against a child shall be considered any domestic violence committed in his / her presence.

### Art. 3.

Protection under this Act may be applied to any person who has suffered from domestic violence committed by:

1. a spouse or a former spouse;
2. a person with whom he or she has been or has been in a de facto cohabitation;
3. a person who has a child;
4. ascending;
5. descending;
6. a person with a collateral relationship up to the fourth degree inclusive;
7. a person who is or has been in a kinship by marriage up to a third degree inclusive;
8. guardian, guardian or foster parent;
9. ascending or descending of the person with whom he / she is in a real spouse's cohabitation;
10. person with whom the parent is or has been in a factual cohabitation.



## ENGLISH TRANSLATION

**Чл. 4.**

(1) В случай на домашно насилие пострадалото лице има право да се обърне към съда за защита.

(2) В случаите, когато има данни за опасност за живота или здравето на пострадалото лице, то може да подаде и молба до органите на Министерството на вътрешните работи за предприемане на мерки съгласно Закона за Министерството на вътрешните работи.

(3) По искане на пострадалото лице всеки лекар е длъжен да издаде документ, в който писмено да удостовери констатираните от него увреждания или следи от насилие.

**Чл. 5.**

(1) Мерките за защита от домашното насилие са:

1. задължаване на извършителя да се въздържа от извършване на домашно насилие;
2. отстраняване на извършителя от съвместно обитаваното жилище за срока, определен от съда;
3. забрана на извършителя да приближава пострадалото лице, жилището, местоработата и местата за социални контакти и отпих на пострадалото лице при условия и срок, определени от съда;
4. временно определяне местоживеенето на детето при пострадалия родител или при родителя, който не е извършил насилието, при условия и срок, определени от съда, ако това не противоречи на интересите на детето;
5. задължаване на извършителя на насилието да посещава специализирани програми;
6. насочване на пострадалите лица към програми за възстановяване.

(2) Мерките по ал. 1, т. 2, 3 и 4 се налагат за срок от три до 18 месеца.

(3) Мярката по ал. 1, т. 4 не се налага при висящ съдебен спор между родителите по упражняване на родителските права, по определяне местоживеенето на детето или режима на личните отношения.

(4) Във всички случаи съдът с решението по чл. 15, ал.

**Art. 4.**

(1) In case of domestic violence, the injured person shall have the right to appeal to the court for protection.

(2) Where there is evidence of danger to the life or health of the injured person, he may file a request with the Ministry of Interior to take measures under the Law on the Ministry of Interior.

(3) At the request of the injured person, each doctor shall be obliged to issue a document in which he or she shall certify in writing the injuries or traces of violence.

**Art. 5.**

(1) Measures for protection against domestic violence are:

1. obliging the perpetrator to refrain from domestic violence;
2. Removal of the offender from the co-inhabited dwelling for the term determined by the court;
3. Prohibition of the perpetrator approaching the injured person, the dwelling, the place of work and the social contacts and resting places of the injured person under terms and conditions set by the court;
4. temporary determination of the child's place of residence in the injured parent or in the parent who has not committed the violence, under conditions and within a time limit set by the court if this is not contrary to the interests of the child;
5. obliging the perpetrator of violence to attend specialized programs;
6. targeting injured persons to recovery programs.

(2) The measures under para. 1, items 2, 3 and 4 shall be imposed for a period of three to 18 months.

(3) The measure under para. 1, item 4 shall not be imposed in the case of a pending litigation between the parents on custody, determining the place of residence of the child or the regime of personal relations.

(4) In all cases, the court with the decision under Art. 15, para. 1 shall impose on the perpetrator a fine in the amount of 200 to 1000 levs.

1 налага на извършителя и глоба в размер от 200 до 1000 лв.

## Чл. 6.

(1) Държавата създава условия за изпълнението на програми за превенция и защита от домашно насилие и програми, осигуряващи помощ на пострадалите лица.

(2) Органите на изпълнителната власт извършват подбор и обучение на лицата, натоварени със защитата по този закон.

(3) Органите на изпълнителната власт и/или юридическите лица, регистрирани по реда на чл. 18, ал. 2 и 3 от Закона за социално подпомагане и по реда на чл. 45 от Закона за юридическите лица с нестопанска цел, работят за защита на лицата, пострадали от домашно насилие.

(4) Лицата по ал. 3 разработват, организират изпълнението и изпълняват програмите по чл. 5, ал. 1, т. 5 и 6.

(5) Всяка година до 31 март Министерският съвет приема Национална програма за превенция и защита от домашно насилие.

(6) Средствата за финансиране изпълнението на задълженията по Националната програма по ал. 5 се определят ежегодно със закона за държавния бюджет на Република България за съответната година по бюджетите на съответните министерства, определени в програмата.

(7) Ежегодно със закона за държавния бюджет на Република България за съответната година по бюджета на Министерството на правосъдието се определят средства за финансиране на проекти на юридически лица с нестопанска цел, които отговарят на изискванията на ал. 3 и при условие, че те осъществяват дейности по този закон, за разработване и изпълнение на:

1. програми за превенция и защита от домашно насилие, които се отнасят до:

## Art. 6.

(1) The State shall create conditions for the implementation of programs for prevention and protection against domestic violence and programs providing assistance to the injured persons.

(2) The executive bodies shall select and train the persons charged with the protection under this law.

(3) The bodies of the executive power and / or the legal persons, registered under the procedure of Art. 18, para. 2 and 3 of the Social Assistance Act and by the order of art. 45 of the Non-Profit Legal Entities Act, work to protect the victims of domestic violence.

(4) The persons under para. 3 develop, organize the implementation and implement the programs under Art. 5, para. 1, items 5 and 6.

(5) Every year until 31 March the Council of Ministers shall adopt a National Program for Prevention and Protection against Domestic Violence.

(6) The funds for financing the fulfillment of the obligations under the National Program under para. 5 shall be determined annually by the law on the state budget of the Republic of Bulgaria for the respective year on the budgets of the respective ministries defined in the program.

(7) Every year, under the Law on the State Budget of the Republic of Bulgaria, for the respective year under the budget of the Ministry of Justice shall be determined funds for financing of projects of non-profit legal entities that meet the requirements of para. 3 and provided that they carry out activities under this law for the development and implementation of:

1. programs for the prevention and protection against domestic violence, which concern:

(a) preparation and approval of programs in educational establishments;

b) programs for work with the bodies of the judiciary and with the bodies of the Ministry of Interior;

c) monitoring the implementation of the law;

(d) conducting seminars and conferences;

(e) publications and publications;

## ENGLISH TRANSLATION

- а) подготовка и одобряване на програми в учебни заведения;
  - б) програми за работа с органите на съдебната власт и с органите на Министерството на вътрешните работи;
  - в) мониторинг на прилагането на закона;
  - г) провеждане на семинари и конференции;
  - д) издания и публикации;
2. програми за предоставяне на помощ на лица, пострадали от домашно насилие, които включват:
- а) социално, психологическо и правно консултиране и помощ от специалисти;
  - б) насочване към други необходими специалисти и интердисциплинарни консултации, както и към кризисни центрове за лица, пострадали от домашно насилие;
3. обучение на лицата, които извършват защитата по закона;
4. специализирани програми, посещавани от лица, които са извършили домашно насилие, и които включват социални и психологически консултации.

2. programs to help victims of domestic violence, including:
- (a) social, psychological and legal advice and assistance by specialists;
  - (b) targeting other necessary professionals and interdisciplinary consultations as well as crisis centers for victims of domestic violence;
3. training of the persons who carry out the protection under the law;
4. specialized programs attended by persons who have committed domestic violence and which include social and psychological counseling.

# Chapter 13

## **Laws & Regulations On Gender Based Issues “Greece”**

# ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

## ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΤΕΥΧΟΣ ΠΡΩΤΟ Αρ. Φύλλου 232

ΝΟΜΟΣ ΥΠ'ΑΡΙΘ. 3500

Για την αντιμετώπιση της ενδοοικογενειακής βίας και άλλες διατάξεις.

### Ο ΠΡΟΕΔΡΟΣ ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Εκδίδομε τον ακόλουθο νόμο που ψήφισε η Βουλή:

## ΚΕΦΑΛΑΙΟ Α΄ ΓΕΝΙΚΕΣ ΔΙΑΤΑΞΕΙΣ

### Άρθρο 1

#### Ορισμοί

Για τον παρόντα νόμο θεωρείται:

1. ενδοοικογενειακή βία, η τέλεση αξιόποινης πράξης, σε βάρος μέλους της οικογένειας, σύμφωνα με τα άρθρα 6, 7, 8 και 9 του παρόντος και τα άρθρα 299 και 311 του Ποινικού Κώδικα.
2. α. οικογένεια ή κοινότητα που αποτελείται από συζύγους ή γονείς και συγγενείς πρώτου και δεύτερου βαθμού εξ αίματος ή εξ αγχιστείας και τα εξ υιοθεσίας τέκνα τους.  
β. στην οικογένεια περιλαμβάνονται, εφόσον συνοικούν, συγγενείς εξ αίματος ή εξ αγχιστείας μέχρι τέταρτου βαθμού και πρόσωπα των οποίων επίτροπος, δικαστικός παραστάτης ή ανάδοχος γονέας έχει ορισθεί μέλος της οικογένειας, καθώς και κάθε ανήλικο πρόσωπο που συνοικεί στην οικογένεια.  
γ. οι διατάξεις του παρόντος νόμου εφαρμόζονται και στην μόνιμη σύντροφο του άνδρα ή στον μόνιμο σύντροφο της γυναίκας και στα τέκνα, κοινά ή ενός εξ αυτών, εφόσον τα πρόσωπα αυτά συνοικούν, ως και στους τέως συζύγους.

3. θύμα ενδοοικογενειακής βίας κάθε πρόσωπο της προηγούμενης παραγράφου σε βάρος του οποίου τελείται αξιόποινή πράξη κατά τα άρθρα 6, 7, 8 και 9 του παρόντος. Θύμα είναι και το μέλος, στην οικογένεια του οποίου τελέσθηκε αξιόποινή πράξη, κατά τα άρθρα 299 και 311 του Ποινικού Κώδικα, καθώς και ο ανήλικος κατά την παράγραφο 2, ενώπιον του οποίου τελείται μία από τις αξιόποινες πράξεις της παρούσας.

### Άρθρο 2

#### Απαγόρευση χρήσης βίας

Η άσκηση βίας κάθε μορφής μεταξύ των μελών της οικογένειας απαγορεύεται.

## ΚΕΦΑΛΑΙΟ Β΄ ΑΣΤΙΚΕΣ ΔΙΑΤΑΞΕΙΣ

### Άρθρο 3

#### Η ενδοοικογενειακή βία ως τεκμήριο κλονισμού του γάμου

Το δεύτερο εδάφιο του άρθρου 1439 του Αστικού Κώδικα αντικαθίσταται ως εξής:

«Εφόσον ο εναγόμενος δεν αποδεικνύει το αντίθετο, ο κλονισμός τεκμαίρεται σε περίπτωση διγαμίας ή μοιχείας αυτού, εγκατάλειψης του ενάγοντος ή επιβουλής της ζωής του από τον εναγόμενο, καθώς και σε περίπτωση άσκησης από τον εναγόμενο ενδοοικογενειακής βίας εναντίον του ενάγοντος.»

### Άρθρο 4

#### Σωματική βία σε βάρος ανηλίκων

Επί ασκήσεως σωματικής βίας σε βάρος ανηλίκου, ως μέσου σωφρονισμού στο πλαίσιο της ανατροφής του, εφαρμόζεται το άρθρο 1532 του Αστικού Κώδικα.

### Άρθρο 5

#### Χρηματική ικανοποίηση

Η κατά το άρθρο 932 του Αστικού Κώδικα χρηματική ικανοποίηση, λόγω ηθικής βλάβης του παθόντος για

μία από τις πράξεις του παρόντος νόμου, δεν μπορεί να είναι κατώτερη των χιλίων (1.000) ευρώ, εκτός αν ο ίδιος ο παθών ζήτησε μικρότερο ποσό.

## ΚΕΦΑΛΑΙΟ Γ΄ ΠΟΙΝΙΚΕΣ ΔΙΑΤΑΞΕΙΣ

### Άρθρο 6

#### Ενδοοικογενειακή σωματική βλάβη

1. Το μέλος της οικογένειας το οποίο προξενεί σε άλλο μέλος αυτής σωματική κάκωση ή βλάβη της υγείας του, υπό την έννοια του εδαφίου α΄ της παρ. 1 του άρθρου 308 του Ποινικού Κώδικα, ή με συνεχή συμπεριφορά προξενεί εντελώς ελαφρά κάκωση ή βλάβη της υγείας του, με την έννοια του εδαφίου β΄ της παραπάνω διάταξης, τιμωρείται με φυλάκιση, τουλάχιστον, ενός έτους.
2. Αν η πράξη της πρώτης παραγράφου είναι δυνατόν να προκαλέσει στο θύμα κίνδυνο για τη ζωή του ή βαριά σωματική βλάβη, επιβάλλεται φυλάκιση, τουλάχιστον, δύο ετών. Αν επακολουθήσει βαριά σωματική ή διανοητική πάθηση του θύματος, επιβάλλεται κάθειρξη μέχρι δέκα ετών. Αν ο υπαίτιος επεδίωκε ή γνώριζε και αποδέχθηκε το αποτέλεσμα της πράξης του, τιμωρείται με κάθειρξη.
3. Αν η πράξη της πρώτης παραγράφου τελέσθηκε σε βάρος εγκύου ή σε βάρος μέλους της οικογένειας το οποίο, από οποιαδήποτε αιτία, είναι ανίκανο να αντισταθεί, τιμωρείται με φυλάκιση, τουλάχιστον, δύο ετών και αν η πράξη τελέσθηκε ενώπιον ανήλικου μέλους της οικογένειας, τιμωρείται με φυλάκιση, τουλάχιστον, ενός έτους.
4. Αν η πράξη της πρώτης παραγράφου συνιστά μεθωδευμένη πρόκληση έντονου σωματικού πόνου ή σωματικής εξάντλησης, επικίνδυνης για την υγεία, ή ψυχικού πόνου, ικανού να επιφέρει σοβαρή ψυχική βλάβη, ιδίως με την παρατεταμένη απομόνωση του θύματος, επιβάλλεται κάθειρξη. Αν το θύμα είναι ανήλικος, επιβάλλεται κάθειρξη τουλάχιστον δέκα ετών.
5. Οι διατάξεις των προηγούμενων παραγράφων εφαρμόζονται αντίστοιχα και όταν ο δράστης εργάζεται σε φορέα παροχής κοινωνικής μέριμνας, η δε πράξη του στρέφεται σε βάρος προσώπου, το οποίο δέχεται τις υπηρεσίες του φορέα αυτού.

### Άρθρο 7

#### Ενδοοικογενειακή παράνομη βία και απειλή

1. Το μέλος της οικογένειας το οποίο εξαναγκάζει άλλο μέλος χρησιμοποιώντας βία ή απειλή με σπουδαίο και άμεσο κίνδυνο σε πράξη, παράλειψη ή ανοχή χωρίς το θύμα να υποχρεούται προς τούτο τιμωρείται με φυλάκιση τουλάχιστον έξι μηνών, ανεξάρτητα από το αν το απειλούμενο κακό στρέφεται εναντίον του ίδιου του θύματος ή κάποιου από τους οικείους του υπό την έννοια της περίπτωσης β΄ του άρθρου 13 του Ποινικού Κώδικα.
2. Το μέλος της οικογένειας το οποίο προκαλεί τρόμο ή ανησυχία σε άλλο μέλος της οικογένειας, απειλώντας το με βία ή άλλη παράνομη πράξη ή παράλειψη, τιμωρείται με φυλάκιση.

### Άρθρο 8

#### Βιασμός και κατάχρηση σε ασέλγεια

1. Η παρ. 1 του άρθρου 336 του Ποινικού Κώδικα αντικαθίσταται ως εξής:  
«1. Όποιος με σωματική βία ή με απειλή σπουδαίου και άμεσου κινδύνου εξαναγκάζει άλλον σε συνουσία ή σε άλλη ασελή πράξη ή σε ανοχή της τιμωρείται με κάθειρξη.»
2. Η παρ. 1 του άρθρου 338 του Ποινικού Κώδικα αντικαθίσταται ως εξής:  
«1. Όποιος με κατάχρηση της παραφροσύνης άλλου ή της από οποιαδήποτε αιτία προερχόμενης ανικανότητάς του να αντισταθεί, ενεργεί επ' αυτού συνουσία ή άλλη ασελή πράξη τιμωρείται με κάθειρξη μέχρι δέκα ετών.»

### Άρθρο 9

#### Ενδοοικογενειακή προσβολή

της γενετήσιας αξιοπρέπειας

1. Το μέλος της οικογένειας το οποίο προσβάλλει την αξιοπρέπεια άλλου μέλους της, με ιδιαίτερα ταπεινωτικό λόγο ή έργο που ανάγεται στη γενετήσια ζωή του, τιμωρείται με φυλάκιση μέχρι δύο ετών.
2. Με φυλάκιση τουλάχιστον έξι μηνών μέχρι τριών ετών τιμωρείται η πράξη της προηγούμενης παραγράφου, αν ο παθών είναι ανήλικος.

3. Οι διατάξεις των προηγούμενων παραγράφων εφαρμόζονται αντίστοιχα και όταν ο δράστης εργάζεται σε φορέα παροχής κοινωνικής μέριμνας, η δε πράξη του στρέφεται σε βάρος προσώπου, το οποίο δέχεται τις υπηρεσίες του φορέα αυτού.

## Άρθρο 10

### Παρακώλυση απονομής της δικαιοσύνης

Όποιος σε υπόθεση ενδοοικογενειακής βίας απειλεί μάρτυρα ή μέλος της οικογένειάς του ή ασκεί βία εναντίον του ή τον δωροδοκεί, με σκοπό την παρακώλυση απονομής της δικαιοσύνης, τιμωρείται με φυλάκιση τουλάχιστον τριών μηνών μέχρι τριών ετών.

## ΚΕΦΑΛΑΙΟ Δ΄ ΠΟΙΝΙΚΗ ΔΙΑΜΕΣΟΛΑΒΗΣΗ

### Άρθρο 11

#### Προϋποθέσεις

1. Στα πλημμελήματα ενδοοικογενειακής βίας ο αρμόδιος για την άσκηση ποινικής δίωξης εισαγγελέας διερευνά τη δυνατότητα διαμεσολάβησης κατά τη διαδικασία των επόμενων άρθρων.
2. Προϋπόθεση για την έναρξη της διαδικασίας ποινικής διαμεσολάβησης είναι η υποβολή ανεπιφύλακτης δήλωσης εκ μέρους του προσώπου στο οποίο αποδίδεται η τέλεση του εγκλήματος, ότι είναι πρόθυμο σωρευτικά:
  - α) να υποσχεθεί ότι δεν θα τελέσει στο μέλλον οποιαδήποτε πράξη ενδοοικογενειακής βίας (λόγος τιμής) και ότι, σε περίπτωση συνοίκησης, δέχεται να μείνει εκτός οικογενειακής κατοικίας για εύλογο χρονικό διάστημα, εάν το προτείνει το θύμα. Για την υπόσχεση αυτή συντάσσεται έκθεση κατά τα άρθρα 148 επ. του Κώδικα Ποινικής Δικονομίας.
  - β) να παρακολουθήσει ειδικό συμβουλευτικό – θεραπευτικό πρόγραμμα για την αντιμετώπιση της ενδοοικογενειακής βίας σε δημόσιο φορέα, σε όποιον τόπο και για όσο χρονικό διάστημα κρίνεται τούτο αναγκαίο από τους αρμόδιους θεραπευτές. Ο υπεύθυνος του προγράμματος πιστοποιεί την ολοκλήρωση της παρακολούθησής του. Το σχετικό πιστοποιητικό επισυνάπτεται

στο φάκελο της δικογραφίας. Αναφέρονται δε σε αυτό, αναλυτικά, το αντικείμενο του συμβουλευτικού – θεραπευτικού προγράμματος και ο αριθμός των συνεδριών που παρακολούθησε ο ενδιαφερόμενος.

γ) να άρει ή να αποκαταστήσει, εφόσον είναι δυνατόν, αμέσως τις συνέπειες που προκλήθηκαν από την πράξη και να καταβάλει εύλογη χρηματική ικανοποίηση στον παθόντα.

3. Αν το θύμα της ενδοοικογενειακής βίας είναι ανήλικος, η ποινική διαμεσολάβηση ενεργείται υπέρ αυτού και από κοινού από τον κατά τόπον αρμόδιο εισαγγελέα ανηλίκων και τον ασκούντα την επιμέλεια, εφόσον αυτός δεν είναι το ίδιο πρόσωπο με τον φερόμενο ως δράστη του εγκλήματος. Αν δεν υπάρξει ομοφωνία, η διαμεσολάβηση δεν είναι δυνατή. Ο ανήλικος που έχει συμπληρώσει το δέκατο τέταρτο έτος της ηλικίας του μπορεί, εφόσον το επιθυμεί, να παρίσταται κατ' αυτήν και να ακούγεται. Τα πρόσωπα του πρώτου εδαφίου αντιπροσωπεύουν τον ανήλικο στη διαδικασία της ποινικής διαμεσολάβησης και για τις αστικές αξιώσεις.

4. Οι σχετικές με την ποινική διαμεσολάβηση διατάξεις του παρόντος νόμου δεν εφαρμόζονται, αν ο φερόμενος ως δράστης της πράξεως ενδοοικογενειακής βίας είναι επίτροπος, δικαστικός συμπαραστάτης ή ανάδοχος γονέας του ανηλίκου.

5. Αν την πράξη ενδοοικογενειακής βίας σε βαθμό πλημμελήματος φέρεται να έχει τελέσει ανήλικος, εφαρμόζεται το άρθρο 45Α του Κώδικα Ποινικής Δικονομίας.

### Άρθρο 12

#### Διαδικασία

1. Αν σε βάρος του υπαιτίου κινηθεί η διαδικασία των άρθρων 417 επ. του Κώδικα Ποινικής Δικονομίας, ποινική διαμεσολάβηση επιτρέπεται μόνον εφόσον το δικαστήριο αναβάλει την εκδίκαση της υπόθεσης κατά τις διατάξεις του άρθρου 423 του Κώδικα Ποινικής Δικονομίας. Στην περίπτωση αυτή, η σχετική διαδικασία χωρεί κατά τις παραγράφους 3 έως 6 του παρόντος άρθρου. Το δικαστήριο που αναβάλλει την εκδίκαση της υπόθεσης, κατά το πρώτο εδάφιο, εξετάζει αυτεπαγγέλτως αν συντρέχει περίπτωση να επιβληθούν στον υπαίτιο περιριστικοί όροι κατά το άρθρο 18 του παρόντος νόμου.
2. Αν σε βάρος του φερόμενου ως δράστη ενεργείται



προκαταρκτική εξέταση, ο εισαγγελέας, πριν από κάθε άλλη ενέργεια:

- α) μπορεί να διατάσσει τη διενέργεια ιατρικής πραγματογνωμοσύνης στο φερόμενο ως θύμα, προκειμένου να ερευνηθεί η βασιμότητα της καταγγελίας για την σε βάρος του τέλεση της πράξεως,
  - β) εξετάζει ο ίδιος κάθε μάρτυρα που προτείνεται, καθώς και τα πρόσωπα της οικογένειας ή παραγγέλλει την εξέταση αυτών από τους αρμόδιους ανακριτικούς υπαλλήλους, και
  - γ) καλεί το πρόσωπο στο οποίο αποδίδεται η τέλεση της πράξεως να παράσχει στον ίδιο ή στον αρμόδιο ανακριτικό υπάλληλο εξηγήσεις υπό τους όρους του άρθρου 31 παρ. 2 του Κώδικα Ποινικής Δικονομίας.
3. Αν ο παρέχων εξηγήσεις δεν υποβάλει ο ίδιος, ή μέσω του συνηγόρου του, την κατά την παρ. 2 του άρθρου 11 δήλωση περί ποινικής διαμεσολάβησης, καλείται, προς τούτο, από τον αρμόδιο εισαγγελέα. Στην περίπτωση αυτή μπορεί να λάβει προθεσμία τριών ημερών για να απαντήσει.
4. Αν η απάντηση του παρέχοντος εξηγήσεις είναι αρνητική ή αυτός δεν απαντήσει, κινείται η ποινική διαδικασία κατά τις διατάξεις του Κώδικα Ποινικής Δικονομίας. Αν η απάντηση του παρέχοντος εξηγήσεις είναι θετική, ο εισαγγελέας ενημερώνει τον παθόντα ή τον συνήγορό του για την κατά τα ανωτέρω δήλωση του ενδιαφερομένου και, αν υποβληθεί σχετικό αίτημα, παρέχεται στον παθόντα προθεσμία, το πολύ τριών ημερών, για να δηλώσει αν δέχεται τη διαμεσολάβηση.
5. Αν η απάντηση του παθόντος είναι αρνητική ή αυτός δεν απαντήσει ή δεν επέλθει συμφωνία ως προς τους όρους της περίπτωσης α' της παραγράφου 2 του άρθρου 11, κινείται η ποινική διαδικασία κατά τις διατάξεις του Κώδικα Ποινικής Δικονομίας. Αν η απάντηση του παθόντος είναι θετική, ο εισαγγελέας με διάταξή του θέτει τη δικογραφία σε ειδικό αρχείο της εισαγγελίας. Κατά της διατάξεως αυτής δεν χωρεί προσφυγή.
6. Αν τα πρόσωπα στα οποία αποδίδεται η τέλεση της πράξης είναι περισσότερα, για την έναρξη της διαδικασίας ποινικής διαμεσολάβησης απαιτείται μεταξύ τους συμφωνία. Το ίδιο ισχύει και αν η φερόμενη ως τελεσθείσα πράξη αφορά περισσότερα θύματα. Αν δεν επιτευχθεί συμφωνία κατά τα προηγούμενα εδάφια, η διαμεσολάβηση δεν είναι δυνατή.
7. Η συμφωνία των διαδίκων μερών για την κατά την παρ. 2 του άρθρου 11 του παρόντος έναρξη της διαδι-

κασίας ποινικής διαμεσολάβησης μπορεί να υποβληθεί στον αρμόδιο εισαγγελέα και με σχετικό πρακτικό εκ μέρους των συνηγόρων τους.

## Άρθρο 13

### Ποινικές συνέπειες

1. Η διάταξη του εισαγγελέα που εκδίδεται κατόπιν ποινικής διαμεσολάβησης καταχωρίζεται σε ειδική μερίδα στο δελτίο ποινικού μητρώου και τηρείται για χρονικό διάστημα ίσο προς τον εκ του νόμου προβλεπόμενο χρόνο παραγραφής του εγκλήματος στο οποίο αφορά.
2. Αν ο ενδιαφερόμενος συμμορφωθεί προς τους όρους της ποινικής διαμεσολάβησης για χρονικό διάστημα τριών ετών, τότε η σχετική διαδικασία ολοκληρώνεται και εξαλείφεται η ποινική αξίωση της πολιτείας για το έγκλημα που αφορά.
3. Η διαπιστούμενη από τον εισαγγελέα υπαίτια μη ολοκλήρωση της ποινικής διαμεσολάβησης διακόπτει τη διαδικασία και προκαλεί την αναδρομική άρση των επελθόντων αποτελεσμάτων. Στην περίπτωση αυτή ο εισαγγελέας ανασύρει τη δικογραφία από το αρχείο, η δε ποινική διαδικασία συνεχίζεται κατά τις οικείες διατάξεις του Κώδικα Ποινικής Δικονομίας, χωρίς να επιτρέπεται πλέον η υποβολή νέου αιτήματος για ποινική διαμεσολάβηση.
4. Ενόσω διαρκεί η διαδικασία ποινικής διαμεσολάβησης, τελεί σε εκκρεμοδικία η πράξη στην οποία αυτή αφορά. Η άσκηση ποινικής δίωξης για πράξη για την οποία εξαλείφθηκε η ποινική αξίωση της πολιτείας, λόγω ολοκλήρωσεως της διαδικασίας ποινικής διαμεσολάβησης, είναι απαράδεκτη. Η παραγραφή της πράξης αναστέλλεται μέχρι την ολοκλήρωση της διαδικασίας ποινικής διαμεσολάβησης.
5. Η άρνηση ενός εκ των διαδίκων μερών να δεχθεί τη διαμεσολάβηση ή η αποτυχία ολοκλήρωσεώς της, για οποιαδήποτε αιτία, δεν επάγονται σε βάρος αυτών καμία αρνητική ουσιαστική ή δικονομική συνέπεια στην ποινική δίκη που επακολουθεί.
6. Στην παρ. 3 του άρθρου 574 του Κώδικα Ποινικής Δικονομίας προστίθεται στοιχείο γ', το οποίο έχει ως εξής:  
«γ) η διάταξη του εισαγγελέα που εκδίδεται κατόπιν ποινικής διαμεσολάβησης σε εγκλήματα ενδοοικογε-

νειακής βίας.»

## Άρθρο 14

### Αστικές συνέπειες

1. Η συμφωνία των διαδίκων για την έναρξη της διαδικασίας ποινικής διαμεσολάβησης ισχύει ως συμβιβασμός ως προς τις χρηματικές αξιώσεις από το έγκλημα ενδοοικογενειακής βίας. Μόνη η συμφωνία του παθόντος συζύγου για την έναρξη της διαδικασίας δεν εμποδίζει την άσκηση αγωγής διαζυγίου ή την υποβολή αιτήσεως συναινετικής λύσεως του γάμου, την πρόοδο της δίκης και τη λύση του γάμου.
2. Η εντός τριετίας από την αρχειοθέτηση της υπόθεσης μη συμμόρφωση του φερόμενου ως δράστη προς τους όρους της ποινικής διαμεσολάβησης παρέχει στο θύμα του εγκλήματος ενδοοικογενειακής βίας το δικαίωμα να ζητήσει, με αγωγή του, την ανατροπή της συμφωνίας, όσον αφορά στις χρηματικές αξιώσεις. Με την άσκηση της αγωγής ανατροπής αναβιώνουν οι χρηματικές αξιώσεις του παθόντος, τα δε καταβληθέντα λόγω της συμφωνίας αναζητούνται κατά τις διατάξεις περί αδικαιολόγητου πλουτισμού.
3. Μετά την ολοκλήρωση της ποινικής διαμεσολάβησης αποκλείεται η ανατροπή της συμφωνίας, εξ ουοδήποτε λόγου και η αναζήτηση των καταβληθέντων σε συμμόρφωση αυτής. Τα ίδια αποτελέσματα επιφέρει και η λύση του γάμου μεταξύ των συζύγων εντός της τριετίας.

## ΚΕΦΑΛΑΙΟ Ε΄ ΔΙΚΟΝΟΜΙΚΕΣ ΔΙΑΤΑΞΕΙΣ

### Άρθρο 15

#### Προσωρινή ρύθμιση της κατάστασης

Στο τέλος του άρθρου 735 του Κώδικα Πολιτικής Δικονομίας προστίθεται εδάφιο, το οποίο έχει ως εξής: «Σε υποθέσεις ενδοοικογενειακής βίας μπορεί να διατάσσεται ιδίως η απομάκρυνση του καθ' ου από την οικογενειακή κατοικία, η μετοίκισή του, η απαγόρευση να προσεγγίζει τους χώρους κατοικίας ή και εργασίας του αιτούντος, κατοικίες στενών συγγενών του, τα εκπαιδευτήρια των παιδιών και ξενώνες φιλοξενίας.»

### Άρθρο 16

#### Παραγραφή

Αν οι πράξεις των άρθρων 6, 7 και 9 του παρόντος στρέφονται κατά ανηλίκου, η έναρξη της προθεσμίας παραγραφής αναστέλλεται μέχρι την ενηλικίωσή του.

### Άρθρο 17

#### Ποινική δίωξη

1. Η ποινική δίωξη για τα εγκλήματα των άρθρων 6, 7, 9 και 10 ασκείται αυτεπαγγέλτως.
2. Σε βάρος του υπαιτίου εφαρμόζεται η διαδικασία των άρθρων 417 επ. του Κώδικα Ποινικής Δικονομίας.

### Άρθρο 18

#### Περιοριστικοί όροι

1. Σε περίπτωση διαπράξεως εγκλήματος ενδοοικογενειακής βίας είναι δυνατόν, αν υπό τις συγκεκριμένες συνθήκες κρίνεται απαραίτητο για την προστασία της σωματικής και ψυχικής υγείας του θύματος, να επιβληθεί στον κατηγορούμενο από το αρμόδιο ποινικό δικαστήριο στο οποίο παραπέμπεται να δικασθεί ή από τον αρμόδιο ανακριτή ή από το δικαστικό συμβούλιο και για όσο χρονικό διάστημα απαιτείται, ο περιοριστικός όρος της απομάκρυνσής του από την οικογενειακή κατοικία, η μετοίκισή του, η απαγόρευση να προσεγγίζει τους χώρους κατοικίας ή και εργασίας του θύματος, κατοικίες στενών συγγενών του, τα εκπαιδευτήρια των παιδιών και ξενώνες φιλοξενίας. Η ισχύς του παραπάνω περιοριστικού όρου παύει αυτοδικαίως μετά την έκδοση οριστικής αποφάσεως ή της διατάξεως του εισαγγελέα με την οποία αρχειοθετείται η υπόθεση λόγω ποινικής διαμεσολάβησης.
2. Ο περιοριστικός όρος που έχει επιβληθεί σύμφωνα με τις διατάξεις της προηγούμενης παραγράφου είναι δυνατόν να ανακληθεί, αντικατασταθεί ή τροποποιηθεί από το αρμόδιο δικαστικό όργανο που τον επέβαλε, με αίτηση του κατηγορουμένου, στην οποία αναφέρονται οι λόγοι για τους οποίους επιβάλλεται η ανάκληση, αντικατάσταση ή τροποποίησή του. Για τη συζήτηση της αιτήσεως κλητεύεται υποχρεωτικά ο παθών, σύμφωνα με τις διατάξεις που ισχύουν κάθε φορά.
3. Το δικαστικό όργανο που είναι αρμόδιο κατά την

παράγραφο 1 για την επιβολή, ανάκληση, αντικατάσταση ή τροποποίηση των περιοριστικών όρων, μπορεί να ζητήσει, συμβουλευτικά, τη γνώμη ψυχιάτρων, ψυχολόγων, κοινωνικών λειτουργών και άλλων επιστημόνων με ειδικές γνώσεις σε θέματα ενδοοικογενειακής βίας, εφόσον τα πρόσωπα αυτά εργάζονται σε δημόσιο φορέα υγείας.

Άρθρο 19

Εξέταση μαρτύρων

1. Σε υποθέσεις ενδοοικογενειακής βίας, μέλη της οικογένειας εξετάζονται ως μάρτυρες χωρίς όρκο.

2. Οι ανήλικοι κατά την εκδίκαση των υποθέσεων της προηγούμενης παραγράφου δεν κλητεύονται ως μάρτυρες στο ακροατήριο, αλλά αναγιγνώσκεται η κατάθεσή τους, εφόσον υπάρχει, εκτός εάν η εξέτασή τους κρίνεται αναγκαία από το δικαστήριο.

Άρθρο 20

Υποχρέωση τήρησης εχεμύθειας

1. Σε περίπτωση διαπράξεως εγκλήματος ενδοοικογενειακής βίας, οι αρμόδιες αστυνομικές αρχές που διενεργούν προανάκριση, σύμφωνα με τις διατάξεις της παραγράφου 2 του άρθρου 243 του Κώδικα Ποινικής Δικονομίας, απαγορεύεται να ανακοινώνουν με οποιονδήποτε τρόπο το ονοματεπώνυμο του θύματος και του κατηγορουμένου, τη διεύθυνση κατοικίας τους, καθώς και οποιαδήποτε άλλα στοιχεία είναι δυνατόν να αποκαλύψουν την ταυτότητά τους.

2. Οι παραβάτες της διατάξεως αυτής τιμωρούνται με φυλάκιση μέχρι δύο ετών.

## ΚΕΦΑΛΑΙΟ ΣΤ' ΑΡΩΓΗ ΤΩΝ ΘΥΜΑΤΩΝ

### Άρθρο 21

#### Κοινωνική συμπαράσταση

1. Τα θύματα ενδοοικογενειακής βίας δικαιούνται ηθικής συμπαράστασης και της αναγκαίας υλικής συνδρομής από νομικά πρόσωπα δημοσίου ή ιδιωτικού δικαίου, που λειτουργούν ειδικά για τους σκοπούς αυτούς υπό την εποπτεία του Υπουργείου Υγείας και Κοινωνικής Αλληλεγγύης, και από κοινωνικές υπηρεσίες των οργανισμών τοπικής αυτοδιοίκησης.

2. Οι αστυνομικές αρχές που επιλαμβάνονται, στο πλαίσιο των αρμοδιοτήτων τους, υποθέσεων ενδοοι-

κογενειακής βίας υποχρεούνται, εφόσον το ζητήσει το θύμα, να ενημερώσουν αυτό και τους παραπάνω φορείς, ώστε να παρασχεθεί αμέσως η απαραίτητη, κατά περίπτωση, αρωγή.

### Άρθρο 22

#### Ευεργέτημα πενίας

Στα θύματα ενδοοικογενειακής βίας, τα οποία ζητούν τη λήψη ασφαλιστικών μέτρων για προσωρινή ρύθμιση της κατάστασης, εξαιτίας του συγκεκριμένου περιστατικού, παρέχεται το ευεργέτημα της πενίας με μόνη την απόδειξη του περιστατικού βίας, σύμφωνα με τις διατάξεις των άρθρων 194 επ. του Κώδικα Πολιτικής Δικονομίας, αν αδυνατούν να καταβάλουν, έστω και προσωρινά, τις απαιτούμενες δικαστικές δαπάνες.

### Άρθρο 23

#### Υποχρεώσεις των εκπαιδευτικών

1. Εκπαιδευτικός της πρωτοβάθμιας ή δευτεροβάθμιας εκπαίδευσης ο οποίος, κατά την εκτέλεση του εκπαιδευτικού του έργου, με οποιονδήποτε τρόπο πληροφορείται ή διαπιστώνει ότι έχει διαπραχθεί σε βάρος μαθητή έγκλημα ενδοοικογενειακής βίας, ενημερώνει, χωρίς καθυστέρηση, τον διευθυντή της σχολικής μονάδας. Ο διευθυντής της σχολικής μονάδας ανακοινώνει, αμέσως, την αξιόποινη πράξη στον αρμόδιο εισαγγελέα, σύμφωνα με τις διατάξεις της παραγράφου 1 του άρθρου 37 του Κώδικα Ποινικής Δικονομίας, ή στην πλησιέστερη αστυνομική αρχή.

Την ίδια υποχρέωση έχουν οι εκπαιδευτικοί και οι διευθυντές των ιδιωτικών σχολείων, καθώς και οι υπεύθυνοι των πάσης φύσεως Μονάδων Προσχολικής Αγωγής.

2. Κατά την προδικασία και τη διαδικασία στο ακροατήριο, ο διευθυντής της σχολικής μονάδας, ο οποίος ανακοίνωσε την αξιόποινη πράξη στις παραπάνω αρμόδιες αρχές, και ο εκπαιδευτικός, ο οποίος την πληροφορήθηκε ή τη διαπίστωσε, καλούνται να εξετασθούν ως μάρτυρες, μόνο αν η πληροφορία δεν αποδεικνύεται με οποιοδήποτε άλλο αποδεικτικό μέσο.

### Άρθρο 24

Το άρθρο 342 του Ποινικού Κώδικα (κατάχρηση ανη-

λικών σε ασέλγεια) αντικαθίσταται ως εξής:

### «Άρθρο 342.

#### Κατάχρηση ανηλίκων σε ασέλγεια

1. Ο ενήλικος ο οποίος ενεργεί ασελγείς πράξεις με ανήλικο, τον οποίον του έχουν εμπιστευθεί για να τον επιβλέπει ή να τον φυλάσσει, έστω και προσωρινά, τιμωρείται ως εξής:
  - α) αν ο παθών δεν συμπλήρωσε τα δεκατέσσερα έτη, με κάθειρξη τουλάχιστον δέκα ετών,
  - β) αν ο παθών συμπλήρωσε τα δεκατέσσερα, όχι όμως και τα δεκαοκτώ έτη, με κάθειρξη.
2. Συνιστά επιβαρυντική περίπτωση η τέλεση της πράξης της πρώτης παραγράφου:
  - α) από οικείο,
  - β) από πρόσωπο που συνοικεί με τον ανήλικο ή διατηρεί φιλικές σχέσεις με τους οικείους του,
  - γ) από εκπαιδευτικό, παιδαγωγό, γυμναστή ή άλλο πρόσωπο που παραδίδει μαθήματα στον ανήλικο,
  - δ) από πρόσωπο που δέχεται τις υπηρεσίες του ανήλικου,
  - ε) από κληρικό με τον οποίο ο ανήλικος διατηρεί πνευματική σχέση,
  - στ) από ψυχολόγο, ιατρό, νοσοκόμο ή από ειδικό επιστήμονα που παρέχει τις υπηρεσίες του στον ανήλικο.
3. Ο ενήλικος ο οποίος με χειρονομίες, με προτάσεις ή με εξιστόρηση, απεικόνιση ή παρουσίαση πράξεων που αφορούν τη γενετήσια ζωή προσβάλλει την αιδώς ανήλικου, τον οποίον του έχουν εμπιστευθεί για να τον επιβλέπει ή να τον φυλάσσει, έστω και προσωρινά, τιμωρείται με φυλάκιση τουλάχιστον έξι μηνών και αν η πράξη τελείται κατά συνήθεια με φυλάκιση τουλάχιστον δύο ετών. Η παράγραφος 2 εφαρμόζεται αναλόγως και στις περιπτώσεις αυτές.
4. Ο ενήλικος, ο οποίος μέσω διαδικτύου ή άλλου μέσου επικοινωνίας, αποκτά επαφή με πρόσωπο που δεν συμπλήρωσε τα δεκαέξι έτη και με προτάσεις ή με εξιστόρηση, απεικόνιση ή παρουσίαση πράξεων που αφορούν τη γενετήσια ζωή προσβάλλει την αιδώς του, τιμωρείται με φυλάκιση τουλάχιστον ενός έτους και αν η πράξη τελείται κατά συνήθεια με φυλάκιση τουλάχιστον τριών ετών.
5. Η παραγραφή των πράξεων των προηγούμενων

παραγράφων αναστέλλεται μέχρι την ενηλικίωση του ανηλίκου.»

### Άρθρο 25

Οι προθεσμίες των παραγράφων 1 και 2 του άρθρου 3 και του άρθρου 4 ΣΤ' του ν. 3388/2005, που παρατάθηκαν με την αριθ. 99583 οικ./24.12.2005 (ΦΕΚ 1490 Β') κοινή υπουργική απόφαση των Υπουργών Δικαιοσύνης, Οικονομίας και Οικονομικών και Δημόσιας Τάξης, παρατείνονται αντίστοιχα έως ότου προαχθούν οι εξωτερικοί φρουροί στο βαθμό του Υπαρχιφύλακα και μέχρι την 12.9.2007.

### Άρθρο 26

Η παράγραφος 4 του άρθρου 49 του ν. 2721/1999, όπως αντικαταστάθηκε με την παράγραφο 2 του άρθρου 1 του ν. 3388/2005 και συμπληρώθηκε με το άρθρο 18 του ν. 3472/2006, αντικαθίσταται ως εξής:

«4. Για την πλήρωση των θέσεων που προβλέπονται στην παράγραφο 2 διορίζονται Έλληνες πολίτες, απόφοιτοι λυκείου ή άλλης ισότιμης σχολής της ημεδαπής ή της αλλοδαπής. Οι υποψήφιοι δεν πρέπει να έχουν ηλικία μεγαλύτερη των 30 ετών, πρέπει να είναι αρτιμελείς, να έχουν ανάστημα (χωρίς υποδήματα) τουλάχιστον ενός μέτρου και εβδομήντα εκατοστών (1,70) και οι άνδρες να έχουν εκπληρώσει τις στρατιωτικές τους υποχρεώσεις. Για την επιλογή τους εφαρμόζονται τα ακόλουθα αντικειμενικά κριτήρια:

(α) Η εκπλήρωση της στρατιωτικής τους θητείας στις Ένοπλες Δυνάμεις με το βαθμό του εφέδρου αξιωματικού ή στις Ειδικές Δυνάμεις των Ενόπλων Δυνάμεων ή η προϋπηρεσία ως εθελοντών πενταετούς θητείας στις Ένοπλες Δυνάμεις.

(β) Ο βαθμός του απολυτηρίου τίτλου σπουδών.

(γ) Η μόνιμη κατοικία και η εγγραφή στα δημοτολόγια δήμων ή κοινοτήτων του νομού όπου εδρεύουν τα Καταστήματα Κράτησης, για δύο τουλάχιστον χρόνια έως την έκδοση της προκήρυξης. Υποψήφιοι οι οποίοι λαμβάνουν μόρια με βάση το κριτήριο αυτό υποχρεούνται να υπηρετήσουν στο νομό για τον οποίο έλαβαν τα μόρια τουλάχιστον επί δέκα χρόνια, εκτός αν, λόγω βαθμολογικής προαγωγής τους ή υπηρεσιακών αναγκών, καταστεί αναγκαία η μετάθεση ή η απόσπασή τους σε Κατάστημα άλλου νομού.

(δ) Η κατοχή άδειας ικανότητας οδηγού Γ΄ ή Δ΄ κατηγορίας.

(ε) Η κατοχή διπλώματος μεταδευτεροβάθμιας επαγγελματικής εκπαίδευσης του Ο.Ε.Ε.Κ. δωδεκάμηνης τουλάχιστον φοίτησης, με ειδικότητα «Στέλεχος Υπηρεσιών Ασφαλείας».

## Άρθρο 27

Το τελευταίο εδάφιο της παραγράφου 6 του άρθρου 49 του ν. 2721/1999 (ΦΕΚ 112 Α΄), όπως αντικαταστάθηκε από την παρ. 2 του άρθρου 1 του ν. 3388/2005 (ΦΕΚ 225 Α΄), αντικαθίσταται ως εξής:

«Με κοινή απόφαση των Υπουργών Οικονομίας και Οικονομικών και Δικαιοσύνης καθορίζεται το ύψος της αποζημίωσης, που λαμβάνουν οι εκπαιδευόμενοι στις ανωτέρω Σχολές. Η αποζημίωση υπόκειται σε κράτηση υγειονομικής περίθαλψης, όπως αυτή προβλέπεται εκάστοτε για τις αποδοχές των δημοσίων υπαλλήλων. Η κράτηση αυτή περιέρχεται στο Δημόσιο. Οι δαπάνες ιατροφαρμακευτικής περίθαλψης των εκπαιδευομένων και μόνο καλύπτονται από τον Ο.Π.Α.Δ., ο οποίος επιχορηγείται προς τούτο κατά τα οριζόμενα στην παράγραφο 1 του άρθρου 11 του ν. 2768/1999 (ΦΕΚ 273 Α΄). Το χρονικό διάστημα φοίτησης των ανωτέρω στη Σχολή αποτελεί χρόνο πραγματικής δημόσιας υπηρεσίας, εφόσον διορισθούν. Εάν με υπαιτιότητά τους διακοπεί η εκπαίδευση στη Σχολή ή δεν αποδεχθούν το διορισμό τους, οι εκπαιδευόμενοι υποχρεούνται να επιστρέψουν την αποζημίωση, καθώς και τις δαπάνες για την εκπαίδευσή τους, όπως καθορίζονται με την κοινή απόφαση των Υπουργών Οικονομίας και Οικονομικών και Δικαιοσύνης, η οποία προβλέπεται στην παράγραφο 8 του παρόντος.»

## Άρθρο 28

### Έναρξη ισχύος

Η ισχύς του παρόντος νόμου αρχίζει τρεις μήνες μετά τη δημοσίευσή του στην Εφημερίδα της Κυβερνήσεως.

## Άρθρο 28

### Έναρξη ισχύος

Η ισχύς του παρόντος νόμου αρχίζει τρεις μήνες μετά τη δημοσίευσή του στην Εφημερίδα της Κυβερνήσεως.

Παραγγέλλομε τη δημοσίευση του παρόντος στην Εφημερίδα της Κυβερνήσεως και την εκτέλεσή του ως νόμου του Κράτους.

# Chapter 14

## **Laws & Regulations on Gender Based Issues “Uruguay”**



## Leyes y reglamentos sobre cuestiones de género “Uruguay”

### Ley N° 17514

#### LEY DE ERRADICACION DE LA VIOLENCIA DOMESTICA

##### Artículo 2

Constituye violencia doméstica toda acción u omisión, directa o indirecta, que por cualquier medio menoscabe, limitando ilegítimamente el libre ejercicio o goce de los derechos humanos de una persona, causada por otra con la cual tenga o haya tenido una relación de noviazgo o con la cual tenga o haya tenido una relación afectiva basada en la cohabitación y originada por parentesco, por matrimonio o por unión de hecho.

##### Artículo 3

Son manifestaciones de violencia doméstica, constituyan o no delito:

- A) Violencia física. Acción, omisión o patrón de conducta que dañe la integridad corporal de una persona.
- B) Violencia psicológica o emocional. Toda acción u omisión dirigida a perturbar, degradar o controlar la conducta, el comportamiento, las creencias o las decisiones de una persona, mediante la humillación, intimidación, aislamiento o cualquier otro medio que afecte la estabilidad psicológica o emocional.
- C) Violencia sexual. Toda acción que imponga o induzca comportamientos sexuales a una persona mediante el uso de: fuerza, intimidación, coerción, manipulación, amenaza o cualquier otro medio que anule o limite la libertad sexual.
- D) Violencia patrimonial. Toda acción u omisión que con ilegitimidad manifiesta implique daño, pérdida, transformación, sustracción, destrucción, distracción, ocultamiento o retención de bienes, instrumentos de trabajo, documentos o recursos económicos, destinada a coaccionar la autodeterminación de otra persona.

##### Artículo 8

Cualquier persona que tome conocimiento de un hecho

## Laws & Regulations on Gender Based Issues “Uruguay”

### Law N ° 17514

#### LAW ON THE ERADICATION OF DOMESTIC VIOLENCE

##### Article 2

Domestic violence constitutes any action or omission, direct or indirect, that by any means undermines, illegitimately limiting the free exercise or enjoyment of human rights of a person, caused by another with whom he has or has had a dating relationship or with the who has or has had an affective relationship based on cohabitation and originated by kinship, marriage or de facto union.

##### Article 3

Son manifestaciones de violencia doméstica, constituyan o no delito:

- A) Violencia física. Acción, omisión o patrón de conducta que dañe la integridad corporal de una persona.
- B) Violencia psicológica o emocional. Toda acción u omisión dirigida a perturbar, degradar o controlar la conducta, el comportamiento, las creencias o las decisiones de una persona, mediante la humillación, intimidación, aislamiento o cualquier otro medio que afecte la estabilidad psicológica o emocional.
- C) Violencia sexual. Toda acción que imponga o induzca comportamientos sexuales a una persona mediante el uso de: fuerza, intimidación, coerción, manipulación, amenaza o cualquier otro medio que anule o limite la libertad sexual.
- D) Violencia patrimonial. Toda acción u omisión que con ilegitimidad manifiesta implique daño, pérdida, transformación, sustracción, destrucción, distracción, ocultamiento o retención de bienes, instrumentos de trabajo, documentos o recursos económicos, destinada a coaccionar la autodeterminación de otra persona.

##### Article 8

Any person who becomes aware of an act of domestic





## ENGLISH TRANSLATION

de violencia doméstica, podrá dar noticia al Juez competente en la materia, quien deberá adoptar las medidas que estime pertinentes de acuerdo a lo previsto en esta ley. Siempre que la noticia presente verosimilitud, no le cabrá responsabilidad de tipo alguno a quien la hubiere dado. El Juez, de oficio o a solicitud del Ministerio Público, podrá llamar a terceros al juicio.

### Artículo 9

En toda cuestión de violencia doméstica, además de las medidas previstas en el artículo 316 del Código General del Proceso, el Juez, de oficio, a petición de parte o del Ministerio Público deberá disponer todas las medidas tendientes a la protección de la vida, la integridad física o emocional de la víctima, la libertad y seguridad personal, así como la asistencia económica e integridad patrimonial del núcleo familiar. La Suprema Corte de Justicia podrá disponer el uso de protocolos de actuación pericial que reglamentará, a efectos de detección y calificación de situaciones de violencia doméstica. Los tribunales podrán disponer su utilización de urgencia, previo a la adopción de las medidas a que refiere el artículo siguiente.

### Artículo 10

A esos efectos podrá adoptar las siguientes medidas, u otras análogas, para el cumplimiento de la finalidad cautelar:

- 1) Disponer el retiro del agresor de la residencia común y la entrega inmediata de sus efectos personales en presencia del Alguacil. Asimismo, se labrará inventario judicial de los bienes muebles que se retiren y de los que permanezcan en el lugar, pudiéndose expedir testimonio a solicitud de las partes.
- 2) Disponer el reintegro al domicilio o residencia de la víctima que hubiere salido del mismo por razones de seguridad personal, en presencia del Alguacil.
- 3) Prohibir, restringir o limitar la presencia del agresor en el domicilio o residencia, lugares de trabajo, estudio u otros que frecuente la víctima.
- 4) Prohibir al agresor comunicarse, relacionarse, entrevistarse o desarrollar cualquier conducta similar en relación con la víctima, demás personas afectadas, testigos o denunciadores del hecho.
- 5) Incautar las armas que el agresor tuviere en su

violence, may notify the competent judge in the matter, who must adopt the measures that he deems pertinent in accordance with the provisions of this law. As long as the news is plausible, there will be no responsibility of any kind to the person who gave it. The Judge, ex officio or at the request of the Public Ministry, may call third parties to the trial.

### Article 9

In all matters of domestic violence, in addition to the measures provided for in article 316 of the General Code of Procedure, the Judge, ex officio, at the request of a party or the Public Ministry, must order all measures aimed at the protection of life, the physical or emotional integrity of the victim, liberty and personal safety, as well as financial assistance and financial integrity of the family nucleus. The Supreme Court of Justice may order the use of expert action protocols that it will regulate, for the purposes of detecting and qualifying situations of domestic violence. The courts may order its use urgently, prior to the adoption of the measures referred to in the following article.

### Article 10

For this purpose, it may adopt the following measures, or other analogous ones, for the fulfillment of the precautionary purpose:

- 1) Order the removal of the aggressor from the common residence and the immediate delivery of his personal effects in the presence of the Bailiff. Likewise, a judicial inventory will be drawn up of the movable property that is removed and of those that remain in the place, being able to issue testimony at the request of the parties.
- 2) Order the reinstatement to the home or residence of the victim who has left it for reasons of personal safety, in the presence of the Bailiff.
- 3) Prohibit, restrict or limit the presence of the aggressor in the home or residence, places of work, study or others that the victim frequents.
- 4) Prohibit the aggressor from communicating, interacting, interviewing or developing any similar conduct in relation to the victim, other affected persons, witnesses or denouncers of the fact.
- 5) Seize the weapons that the aggressor has in his

poder, las que permanecerán en custodia de la Sede, en la forma que ésta lo estime pertinente. Prohibir al agresor el uso o posesión de armas de fuego, oficiándose a la autoridad competente a sus efectos.

6) Fijar una obligación alimentaria provisional a favor de la víctima.

7) Disponer la asistencia obligatoria del agresor a programas de rehabilitación.

8) Asimismo, si correspondiere, resolver provisoriamente todo lo relativo a las pensiones alimenticias y, en su caso, a la guarda, tenencia y visitas. En caso de que el Juez decida no adoptar medida alguna, su resolución deberá expresar los fundamentos de tal determinación.

### Artículo 15

Una vez adoptadas las medidas cautelares establecidas en el artículo 10 de la presente ley, el Tribunal de oficio ordenará realizar un diagnóstico de situación entre los sujetos involucrados. El mismo será elaborado en forma interdisciplinaria y tendrá como objeto determinar los daños físicos o psíquicos sufridos por la víctima, evaluar la situación de peligro o riesgo y el entorno social.

Este diagnóstico deberá estar a disposición del Tribunal al tiempo de celebración de la audiencia fijada en el artículo 11 de esta ley. Si por las características de la situación, se considerase necesaria la adopción de medidas o tratamientos médicos, psicológicos o de otra naturaleza respecto de alguno de los sujetos involucrados, el Tribunal podrá cometer su realización a alguna de las instituciones públicas o privadas idóneas en la materia.

### Artículo 16

A los efectos de dar cumplimiento a lo dispuesto en el artículo anterior, el Ministerio de Educación y Cultura, a través del Instituto Nacional de la Familia y la Mujer, promoverá la formación de peritos en violencia doméstica, con capacidad de trabajo interdisciplinario, que se incorporará en la órbita del Instituto Técnico Forense.

La reglamentación correspondiente encomendará al Instituto Nacional de Familia y la Mujer establecer los requisitos que deberán cumplir los interesados para acreditar su competencia pericial en el área de la violencia doméstica regulada por esta ley.

possession, which will remain in the custody of the Headquarters, in the manner that it deems appropriate. Prohibit the aggressor from using or possessing firearms, reporting to the competent authority for this purpose.

6) Establish a provisional maintenance obligation in favor of the victim.

7) Provide compulsory attendance of the aggressor to rehabilitation programs.

8) Likewise, if applicable, provisionally resolve everything related to alimony and, where appropriate, custody, custody and visits.

In the event that the Judge decides not to adopt any measure, his resolution must state the grounds for such determination.

### Article 15

Once the precautionary measures established in article 10 of this law have been adopted, the court will order a diagnosis of the situation among the subjects involved. It will be prepared in an interdisciplinary manner and will have the objective of determining the physical or psychological damage suffered by the victim, evaluating the situation of danger or risk and the social environment.

This diagnosis must be available to the Court at the time of holding the hearing established in article 11 of this law. If, due to the characteristics of the situation, it is considered necessary to adopt medical, psychological or other measures or treatments with respect to any of the subjects involved, the Court may commit them to any of the appropriate public or private institutions in the matter.

### Article 16

In order to comply with the provisions of the previous article, the Ministry of Education and Culture, through the National Institute for the Family and Women, will promote the training of experts in domestic violence, with interdisciplinary work capacity, who will be incorporated into the orbit of the Forensic Technical Institute. The corresponding regulations will entrust the National Institute of Family and Women to establish the requirements that the interested parties must meet to prove their expert competence in the area of domestic violence regulated by this law.

## Article 16

En todos los casos el principio orientador será prevenir la victimización secundaria, prohibiéndose la confrontación o comparecimiento conjunto de la víctima y el agresor en el caso de los niños, niñas y adolescentes menores de 18 años.

En el caso de la víctima adulta que requiera dicha confrontación y se certifique que está en condiciones de realizarla, ésta se podrá llevar a cabo. El Tribunal dispondrá la forma y los medios técnicos para recibir la declaración, haciendo aplicación de los principios de inmediatez, concentración y contradicción.

Podrá en su caso, solicitar previamente al equipo interdisciplinario que informe si la víctima se encuentra en condiciones de ser interrogada en ese momento.

## Artículo 21

Cuando intervenga un Juzgado con competencia en materia penal o un Juzgado con competencia en materia de menores en una situación de violencia doméstica, cualquiera sea la resolución que adopte, deberá remitir, dentro de las cuarenta y ocho horas de haber tomado conocimiento de los hechos, testimonio completo de las actuaciones y de la resolución adoptada al Juez con competencia en materia de violencia doméstica.

Asimismo, cuando se haya dispuesto el procesamiento con prisión, deberá comunicar la excarcelación o la concesión de salidas transitorias o cualquier forma de conclusión del proceso al Juzgado competente en materia de violencia doméstica, previo a su efectivización. También deberá ponerlo en conocimiento de la víctima en su domicilio real y de su letrado en el domicilio constituido, en este último caso si estuviere en conocimiento de la Sede, de la forma que entienda más eficaz para obtener la finalidad de protección perseguida por esta ley.

Del mismo modo, los Juzgados con competencia de urgencia en materia de violencia doméstica, comunicarán los hechos con apariencia delictiva que hayan llegado a su conocimiento, dentro de las veinticuatro horas, al Juzgado Penal de Turno.

Igual obligación se dispone para los representantes del Ministerio Público entre sí.

## Article 18

In all cases, the guiding principle will be to prevent secondary victimization, prohibiting the joint confrontation or appearance of the victim and the aggressor in the case of children and adolescents under 18 years of age.

In the case of the adult victim who requires said confrontation and it is certified that he or she is in a position to carry it out, it may be carried out. The Court will provide the form and technical means to receive the declaration, applying the principles of immediacy, concentration and contradiction.

It may, where appropriate, previously request the interdisciplinary team to report whether the victim is in a position to be interrogated at that time.

## Article 21

When a Court with jurisdiction in criminal matters or a Court with jurisdiction in matters of minors intervenes in a situation of domestic violence, whatever resolution it adopts, it must send, within forty-eight hours of having learned of the facts, full testimony of the proceedings and of the resolution adopted to the Judge with jurisdiction in matters of domestic violence.

Likewise, when the prosecution with prison has been ordered, the release or the granting of temporary exits or any form of conclusion of the process must be communicated to the competent court in matters of domestic violence, prior to its effectiveness. It must also inform the victim at his real address and his lawyer at the registered address, in the latter case if it is known to the Headquarters, in the way it deems most effective to obtain the purpose of protection pursued by this law. .

In the same way, the Courts with urgent jurisdiction in matters of domestic violence, will communicate the acts with criminal appearance that have come to their knowledge, within twenty-four hours, to the Criminal Court of Duty.

The same obligation is provided for the representatives of the Public Ministry to each other.

**Artículo 22**

El Estado deberá adoptar todas las medidas necesarias para prevenir, sancionar y erradicar la violencia doméstica y fomentar el apoyo integral a la víctima.

**Artículo 23**

La rehabilitación y la reinserción social del agresor, deberán formar parte de una política que procure proteger a todas las personas relacionadas. La asistencia y el tratamiento deberán ser instrumentos de esta política.

**Ley N° 19580****LEY DE VIOLENCIA HACIA LAS MUJERES BASADA EN GENERO. MODIFICACIÓN A DISPOSICIONES DEL CÓDIGO CIVIL Y CÓDIGO PENAL.****Artículo 1**

(Objeto y alcance).- Esta ley tiene como objeto garantizar el efectivo goce del derecho de las mujeres a una vida libre de violencia basada en género. Comprende a mujeres de todas las edades, mujeres trans, de las diversas orientaciones sexuales, condición socioeconómica, pertenencia territorial, creencia, origen cultural y étnico-racial o situación de discapacidad, sin distinción ni discriminación alguna. Se establecen mecanismos, medidas y políticas integrales de prevención, atención, protección, sanción y reparación.

**Artículo 2**

(Declaración de orden público e interés general).- Las disposiciones de esta ley son de orden público e interés general. Declárase como prioritaria la erradicación de la violencia ejercida contra las mujeres, niños, niñas y adolescentes, debiendo el Estado actuar con la debida diligencia para dicho fin.

**Artículo 3**

(Interpretación e integración).- Para la interpretación e integración de esta ley se tendrán en cuenta los valores,

**Article 22**

The State must adopt all the necessary measures to prevent, punish and eradicate domestic violence and promote comprehensive support for the victim.

**Article 23**

The rehabilitation and social reintegration of the aggressor must be part of a policy that seeks to protect all related persons. Care and treatment should be instruments of this policy.

**Law No. 19580****GENDER-BASED LAW OF VIOLENCE AGAINST WOMEN. MODIFICATION TO PROVISIONS OF THE CIVIL CODE AND PENAL CODE.****Article 1**

(Purpose and scope) .- The purpose of this law is to guarantee the effective enjoyment of the right of women to a life free of gender-based violence. It includes women of all ages, trans women, of various sexual orientations, socioeconomic status, territorial belonging, belief, cultural and ethnic-racial origin or disability, without any distinction or discrimination. Comprehensive prevention, care, protection, punishment and reparation mechanisms, measures and policies are established.

**Article 2**

(Declaration of public order and general interest) .- The provisions of this law are of public order and general interest. The eradication of violence against women, children and adolescents is declared a priority, and the State must act with due diligence for this purpose.

**Article 3**

(Interpretation and integration) .- For the interpretation and integration of this law, the values, purposes, general principles of law and the provisions of the Constitution of the Republic and international instruments of Human



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fines, los principios generales de derecho y las disposiciones de la Constitución de la República y de los instrumentos internacionales de Derechos Humanos, en particular la Convención interamericana para Prevenir, Sancionar y Erradicar la Violencia Contra la Mujer (Convención De Belem Do Para), la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación contra La Mujer (CEDAW), la Convención Internacional de los Derechos del Niño (CON), la Convención Internacional sobre Derechos de las Personas con Discapacidad (CDPD) y la Convención Interamericana sobre la Protección de los Derechos de las Personas Mayores.

En caso de conflicto o duda sobre la aplicación de las disposiciones contenidas en la presente ley, prevalecerá la interpretación más favorable a las mujeres en situación de violencia” basada en género.

#### Artículo 4

(Definición de violencia basada en género hacia las mujeres).- La violencia basada en género es una forma de discriminación que afecta, directa o indirectamente, la vida, libertad, dignidad, integridad física, psicológica, sexual, económica patrimonial, así como la seguridad personal de las mujeres.

Se entiende por violencia basada en género hacia las mujeres toda conducta, acción u omisión, en el ámbito público o el privado que, sustentada en una relación desigual de poder en base al género, tenga como objeto o resultado menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos o las libertades fundamentales de las mujeres.

Quedan comprendidas tanto las conductas perpetradas por el Estado o por sus agentes, como por instituciones privadas o por particulares.

#### Artículo 5

(Principios rectores y directrices).- Son principios rectores y directrices para la aplicación de esta ley, los siguientes:

- A) Prioridad de los derechos humanos. Las acciones contra la violencia basada en género hacia las mujeres, deben priorizar los derechos humanos de las víctimas.
- B) Responsabilidad estatal. El Estado es responsable de prevenir, investigar y sancionar la violencia basada en

Rights will be taken into account, in particular the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women (Convention De Belem Do Para), the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Rights of the Child (CON ), the International Convention on the Rights of Persons with Disabilities (CRPD) and the Inter-American Convention on the Protection of the Rights of Older Persons.

In case of conflict or doubt about the application of the provisions contained in this law, the interpretation most favorable to women in situations of violence “based on gender will prevail.

#### Article 4

(Definition of gender-based violence against women) .- Gender-based violence is a form of discrimination that affects, directly or indirectly, life, liberty, dignity, physical, psychological, sexual, economic or patrimonial integrity, as well as the personal safety of women.

Gender-based violence against women is understood to be any conduct, action or omission, in the public or private sphere

that, based on an unequal relationship of power based on gender, has the object or result of impairing or nullifying the recognition, enjoyment or exercise of human rights or fundamental freedoms of women.

Behaviors perpetrated by the State or its agents, as well as by private institutions or individuals are included.

#### Article 5

(Guiding principles and guidelines) .- The following are guiding principles and guidelines for the application of this law:

- A) Priority of human rights. Actions against gender-based violence against women must prioritize the human rights of the victims.
- B) State responsibility. The State is responsible for preventing, investigating, and punishing gender-based violence against women, as well as protecting, assisting, and repairing victims in the event of a lack of service.
- C) Equality and non-discrimination. Any form of distinction, exclusion or restriction based on birth, nationality, ethnic-racial origin, sex, age, sexual orientation



género hacia las mujeres, así como proteger, atender y reparar a las víctimas en caso de falta de servicio.

C) Igualdad y no discriminación. Queda prohibida toda forma de distinción, exclusión o restricción basada en el nacimiento, nacionalidad, origen étnico-racial, sexo, edad, orientación sexual o identidad de género, estado civil, religión, condición económica, social, cultural, situación de discapacidad, lugar de residencia u otros factores que tengan por objeto o resultado, el menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos y las libertades fundamentales de las mujeres.

D) Igualdad de género. El Estado, a través de sus diversas formas de actuación, debe promover la eliminación de las relaciones de dominación sustentadas en estereotipos socioculturales de inferioridad o subordinación de las mujeres. En igual sentido deben orientarse las acciones de las instituciones privadas, de la comunidad y de las personas en particular.

E) Integralidad. Las políticas contra la violencia hacia las mujeres deben abordar sus distintas dimensiones, manifestaciones y consecuencias. A tales efectos, los órganos y organismos del Estado deben articular y coordinar los recursos presupuestales e institucionales.

F) Autonomía de las mujeres. Las acciones contra la violencia hacia las mujeres, y en particular los servicios de atención y reparación, deben respetar y promover las decisiones y proyectos propios de las mismas, superando las intervenciones tutelares y asistencialistas. Tratándose de niñas y adolescentes, debe respetarse su autonomía progresiva de acuerdo a la edad y madurez.

G) Interés superior de las niñas y las adolescentes. En todas las medidas concernientes a las niñas y las adolescentes debe primar su interés superior, que consiste en el reconocimiento y respeto de los derechos inherentes a su calidad de persona humana.

H) Calidad. Las acciones para el cumplimiento de esta ley deben propender a ser inter y multidisciplinarias, estar a cargo de operadores especializados en la temática y contar con recursos materiales para brindar servicios de calidad.

I) Participación ciudadana. Los planes y acciones contra la violencia basada en género hacia las mujeres se elaborarán, implementarán y evaluarán con la participación activa de las mujeres y organizaciones sociales representativas de todo el país con incidencia en la

or gender identity, marital status, religion, economic, social, cultural condition, disability situation, place is prohibited. residence or other factors whose purpose or result is to impair or nullify the recognition, enjoyment or exercise of human rights and fundamental freedoms of women.

D) Gender equality. The State, through its various forms of action, must promote the elimination of relations of domination based on sociocultural stereotypes of inferiority or subordination of women. In the same sense, the actions of private institutions, the community and individuals in particular should be oriented.

E) Comprehensiveness. Policies against violence against women must address its different dimensions, manifestations and consequences. To this end, the organs and agencies of the State must articulate and coordinate budgetary and institutional resources.

F) Autonomy of women. Actions against violence against women, and in particular care and reparation services, must respect and promote their own decisions and projects, overcoming protective and welfare interventions. In the case of girls and adolescents, their progressive autonomy must be respected according to age and maturity.

G) Best interests of girls and adolescents. In all measures concerning girls and adolescent girls, their best interests must prevail, which consists in the recognition and respect of the rights inherent to their status as a human person.

H) Quality. Actions to comply with this law must tend to be inter and multidisciplinary, be in charge of operators specialized in the subject and have material resources to provide quality services.

I) Citizen participation. The plans and actions against gender-based violence against women will be prepared, implemented and evaluated with the active participation of women and representative social organizations from across the country with an impact on the issue.

J) Transparency and accountability. The State must inform and justify to the citizens the policies, actions and public services that it executes to guarantee women a life free of violence.

K) Speed and efficiency. The provisions of this law must be complied with in an effective and timely manner



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temática.

J) Transparencia y rendición de cuentas. El Estado debe informar y justificar a la ciudadanía las políticas, acciones y servicios públicos que ejecuta para garantizar a las mujeres la vida libre de violencia.

K) Celeridad y eficacia. Las disposiciones de esta ley deben cumplirse de manera eficaz y oportuna.

## Artículo 6

(Formas de violencia).- Constituyen manifestaciones de violencia basada en género, no excluyentes entre sí ni de otras que pudieran no encontrarse explicitadas, las que se definen a continuación:

A) Violencia física. Toda acción, omisión o patrón de conducta que dañe la integridad corporal de una mujer.

B) Violencia psicológica o emocional. Toda acción, omisión o patrón de conducta dirigido a perturbar, degradar o controlar la conducta, el comportamiento, las creencias o las decisiones de una mujer, mediante la humillación, intimidación, aislamiento cualquier otro medio que afecte su estabilidad psicológica o emocional.

C) Violencia sexual. Toda acción que implique la vulneración del derecho de una mujer a decidir voluntariamente sobre su vida sexual o reproductiva, a través de amenazas, coerción, uso de la fuerza o intimidación, incluyendo la violación dentro del matrimonio y de otras relaciones vinculares o de parentesco, exista o no convivencia, la transmisión intencional de infecciones de transmisión sexual (ITS), así como la prostitución forzada y la trata sexual.

También es violencia sexual la implicación de niñas, niños y adolescentes en actividades sexuales con un adulto o con cualquier otra persona que se encuentre en situación de ventaja frente a aquellos, sea por su edad, por razones de su mayor desarrollo físico o mental, por la relación de parentesco, afectiva o de confianza que lo une al niño o niña, por su ubicación de autoridad o poder. Son formas de violencia sexual, entre otras, el abuso sexual, la explotación sexual y la utilización en pornografía.

D) Violencia por prejuicio hacia la orientación sexual, identidad de género o expresión de género. Es aquella que tiene como objetivo reprimir y sancionar a quienes no cumplen las normas tradicionales de género, sea por su orientación

## Article 6

(Forms of violence) .- They constitute manifestations of gender-based violence, not mutually exclusive or others that may not be explicit, which are defined below:

A) Physical violence. Any action, omission or pattern of conduct that damages the bodily integrity of a woman.

B) Psychological or emotional violence. Any action, omission or pattern of conduct aimed at disturbing, degrading or controlling the conduct, behavior, beliefs or decisions of a woman, through humiliation, intimidation, isolation or any other means that affects her psychological or emotional stability.

C) Sexual violence. Any action that involves the violation of a woman's right to voluntarily decide on her sexual or reproductive life, through threats, coercion, use of force or intimidation, including rape within marriage and other related or kinship relationships, whether or not there is coexistence, the intentional transmission of sexually transmitted infections (STIs), as well as forced prostitution and sex trafficking.

Sexual violence is also the involvement of girls, boys and adolescents in sexual activities with an adult or with any other person who is in a situation of advantage over them, be it because of their age, for reasons of their greater physical or mental development, for the kinship, affective or trust relationship that binds him or her to the boy or girl, due to their location of authority or power. They are forms of sexual violence, among others, sexual abuse, sexual exploitation and use in pornography.

D) Violence due to prejudice towards sexual orientation, gender identity or gender expression. It is one that aims to repress and punish those who do not comply with traditional gender norms, be it because of their sexual orientation, gender identity or gender expression.

E) Economic violence. Any conduct aimed at limiting, controlling or preventing a woman's economic income, including the stubborn non-payment of maintenance obligations, in order to undermine her autonomy.

F) Patrimonial violence. All conduct aimed at affecting the free disposition of a woman's assets, through the theft, destruction, distraction, damage, loss, limitation or retention of objects, personal documents, work instruments, assets, values and economic rights.

G) Symbolic violence. It is exercised through messages, values, symbols, icons, images, signs and



sexual, identidad de género o expresión de género.

E) **Violencia económica.** Toda conducta dirigida a limitar, controlar o impedir ingresos económicos de una mujer, incluso el no pago contumaz de las obligaciones alimentarias, con el fin de menoscabar su autonomía.

F) **Violencia patrimonial.** Toda conducta dirigida a afectar la libre disposición del patrimonio de una mujer, mediante la sustracción, destrucción, distracción, daño, pérdida, limitación o retención de objetos, documentos personales, instrumentos de trabajo, bienes, valores y derechos patrimoniales.

G) **Violencia simbólica.** Es la ejercida a través de mensajes, valores, símbolos, íconos, imágenes, signos e imposiciones sociales, económicas, políticas, culturales y de creencias religiosas que transmiten, reproducen y consolidan relaciones de dominación, exclusión, desigualdad y discriminación, que contribuyen a naturalizar la subordinación de las mujeres.

H) **Violencia obstétrica.** Toda acción, omisión y patrón de conducta del personal de la salud en los procesos reproductivos de una mujer, que afecte su autonomía para decidir libremente sobre su cuerpo o abuso de técnicas y procedimientos invasivos.

I) **Violencia laboral.** Es la ejercida en el contexto laboral, por medio de actos que obstaculizan el acceso de una mujer al trabajo, el ascenso o estabilidad en el mismo, tales como el acoso moral, el sexual, la exigencia de requisitos sobre el estado civil, la edad, la apariencia física, la solicitud de resultados de exámenes de laboratorios clínicos, fuera de lo establecido en los marcos legales aplicables, o la disminución del salario correspondiente a la tarea ejercida por el hecho de ser mujer.

J) **Violencia en el ámbito educativo.** Es la violencia ejercida contra una mujer por su condición de tal en una relación educativa, con abuso de poder, incluyendo el acoso sexual, que daña la autoestima, salud, integridad, libertad y seguridad de la víctima y atenta contra la igualdad.

K) **Acoso sexual callejero.** Todo acto de naturaleza o connotación sexual ejercida en los espacios públicos por una persona en contra de una mujer sin su consentimiento, generando malestar, intimidación, hostilidad, degradación y humillación.

L) **Violencia política.** Todo acto de presión, persecución, hostigamiento o cualquier tipo de agresión a

social, economic, political, cultural and religious beliefs that transmit, reproduce and consolidate relations of domination, exclusion, inequality and discrimination, which contribute to naturalize the subordination of women.

H) **Obstetric violence.** Any action, omission and pattern of behavior of health personnel in the reproductive processes of a woman, which affects her autonomy to decide freely about her body or abuse of invasive techniques and procedures.

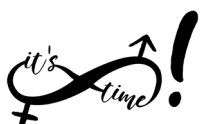
I) **Work violence.** It is exercised in the labor context, through acts that impede a woman's access to work, promotion or stability in it, such as moral harassment, sexual harassment, the requirement of marital status requirements, age, physical appearance, request for test results from clinical laboratories, outside of what is established in the applicable legal frameworks, or the reduction of the salary corresponding to the task performed by the fact of being a woman.

J) **Violence in the educational environment.** It is the violence exercised against a woman due to her condition in an educational relationship, with abuse of power, including sexual harassment, which damages the victim's self-esteem, health, integrity, freedom and safety and undermines equality.

K) **Street sexual harassment.** Any act of nature or sexual connotation exercised in public spaces by a person against a woman without her consent, generating discomfort, intimidation, hostility, degradation and humiliation.

L) **Political violence.** Any act of pressure, persecution, harassment or any type of aggression against a woman or her family, in her capacity as candidate, elected or in the exercise of political representation, to prevent or restrict the free exercise of her position or induce her to make decisions Against his will.

M) **Media violence.** Any publication or dissemination of messages and images through any mass media, which directly or indirectly promotes the exploitation of women or their images, insults, defames, discriminates, dishonors, humiliates or violates the dignity of women, legitimize unequal treatment or build sociocultural patterns reproducing inequality or generators of violence against women,



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una mujer o a su familia, en su condición de candidata, electa o en ejercicio de la representación política, para impedir o restringir el libre ejercicio de su cargo o inducirla a tomar decisiones en contra de su voluntad.

M) **Violencia mediática.** Toda publicación o difusión de mensajes e imágenes a través de cualquier medio masivo de comunicación, que de manera directa o indirecta promueva la explotación de las mujeres o sus imágenes, injurie, difame, discrimine, deshonre, humille o atente contra la dignidad de las mujeres, legitime la desigualdad de trato o construya patrones socioculturales reproductores de la desigualdad o generadores de violencia contra las mujeres,

N) **Violencia femicida.** Es la acción de extrema violencia que atenta contra el derecho fundamental a la vida y causa la muerte de una mujer por el hecho de serlo, o la de sus hijas, hijos u otras personas a su cargo, con el propósito de causarle sufrimiento o daño.

O) **Violencia doméstica.** Constituye violencia doméstica toda acción u omisión, directa o indirecta, que menoscabe limitando ilegítimamente el libre ejercicio o goce de los derechos humanos de una mujer, ocasionada por una persona con la cual tenga o haya tenido una relación de parentesco, matrimonio, noviazgo, afectiva o concubinaria.

P) **Violencia comunitaria.** Toda acción u omisión que a partir de actos individuales o colectivos en la comunidad, transgreden los derechos fundamentales de una o varias mujeres y propician su denigración, discriminación, marginación o exclusión.

Q) **Violencia institucional.** Es toda acción u omisión de cualquier autoridad, funcionario o personal del ámbito público o de instituciones privadas, que discrimine a las mujeres o tenga como fin menoscabar, obstaculizar o impedir el goce y ejercicio de los derechos y libertades fundamentales de las mismas, así como la que obstaculice el acceso de las mujeres a las políticas y servicios destinados a prevenir, atender, investigar, sancionar y erradicar las manifestaciones, tipos y modalidades de violencia contra las mujeres previstas en la presente ley.

R) **Violencia Étnica Racial.** Constituye este tipo de violencia, toda agresión física, moral, verbal o psicológica, tratamiento humillante u ofensivo, ejercido contra una mujer en virtud de su pertenencia étnica o en alusión a la misma; provocando en la víctima sentimientos de intimidación, de vergüenza, menosprecio, de denigración.

N) **Femicidal violence.** It is the action of extreme violence that threatens the fundamental right to life and causes the death of a woman for the fact of being one, or that of her daughters, sons or other people in her charge, with the purpose of causing her suffering or harm .

O) **Domestic violence.** Domestic violence constitutes any action or omission, direct or indirect, that undermines illegitimately limiting the free exercise or enjoyment of a woman's human rights, caused by a person with whom she has or has had a kinship, marriage, dating, emotional relationship. or concubine.

P) **Community violence.** Any action or omission that, based on individual or collective acts in the community, violates the fundamental rights of one or more women and leads to denigration, discrimination, marginalization or exclusion of her.

Q) **Institutional violence.** It is any action or omission of any authority, official or staff of the public sphere or of private institutions, that discriminates against women or has the purpose of undermining, obstructing or preventing the enjoyment and exercise of their fundamental rights and freedoms, as well as that which obstructs women's access to policies and services destined to prevent, attend to, investigate, punish and eradicate the manifestations, types and modalities of violence against women provided for in this law.

R) **Racial Ethnic Violence.** This type of violence constitutes any physical, moral, verbal or psychological aggression, humiliating or offensive treatment, exercised against a woman by virtue of her ethnicity or in allusion to it; causing in the victim feelings of intimidation, shame, contempt, denigration. Whether this type of violence is exercised in public, in private, or regardless of the environment in which it occurs.

## Article 7

(Rights of women victims of violence) .- In addition to the rights recognized to all people in current, national and international applicable legislation, every woman who is a victim of any form of gender-based violence has the right:

A) Respect for dignity, privacy, autonomy, as well as not being subjected to any form of discrimination.

B) To be respected in her sexual orientation and gender identity.

C) To receive clear, accessible, complete, truthful, timely information, appropriate to the age and socio-cultural context, in relation to her rights and the

Sea que este tipo de violencia sea ejercida en público, en privado, o con independencia del ámbito en el que ocurra.

## Artículo 7

(Derechos de las mujeres víctimas de violencia).- Además de los derechos reconocidos a todas las personas en la legislación vigente, nacional e internacional aplicable, toda mujer víctima de alguna de las formas de violencia basada en género, tiene derecho:

- A) Al respeto de su dignidad, intimidad, autonomía así como a no ser sometida a forma alguna de discriminación.
- B) A ser respetada en su orientación sexual e identidad de género.
- C) A recibir información clara, accesible, completa, veraz, oportuna, adecuada a la edad y contexto socio cultural, en relación a sus derechos y a los mecanismos y procedimientos contemplados en la presente ley y demás normas aplicables.
- D) A contar con intérprete, adaptación del lenguaje y comunicación aumentativa así como otros apoyos necesarios y ajustes razonables que permitan garantizar sus derechos, cuando se encuentren en situación de discapacidad.
- E) A que se garantice la confidencialidad y la privacidad de sus datos personales, los de sus descendientes o los de cualquiera otra persona que esté bajo su tenencia o cuidado.
- F) A recibir protección y atención integral oportuna para ella, sus hijos e hijas u otras personas a su cargo, a través de servicios adecuados y eficaces.
- G) A recibir orientación, asesoramiento y patrocinio jurídico gratuito, dependiendo de la posición socioeconómica de la mujer. Dicha asistencia deberá ser inmediata, especializada e integral, debiendo comprender las diversas materias y procesos que requiera su situación.
- H) A recibir asistencia médica, psicológica y psiquiátrica especializada e integral para ella y sus hijos e hijas.

## Artículo 8

(Derechos de las mujeres víctimas de violencia en los procesos administrativos o judiciales).- En los procedimientos administrativos o judiciales deberán

mechanisms and procedures contemplated in this law and other applicable regulations.

- D) To have an interpreter, language adaptation and augmentative communication as well as other necessary supports and reasonable adjustments that allow guaranteeing her rights, when they are in a situation of disability.
- E) To guarantee the confidentiality and privacy of her personal data, those of her descendants or those of any other person who is under her possession or care.
- F) To receive protection and timely comprehensive care for her, her children and her daughters or other people in her care, through adequate and effective services.
- G) To receive free guidance, advice and legal sponsorship, depending on the socioeconomic position of the woman. Said assistance must be immediate, specialized and comprehensive, and must understand the various matters and processes that her situation requires.
- H) To receive specialized and comprehensive medical, psychological and psychiatric assistance for her and her sons and daughters.

## Article 8

(Rights of women victims of violence in administrative or judicial processes) .- In administrative or judicial procedures, the following rights must be guaranteed:

- A) To have efficient and accessible mechanisms to report.
- B) To communicate freely and privately with his sponsoring lawyer, before, during or after the acts of the judicial or administrative process.
- C) To be heard by the judge or administrative authority, as appropriate, and obtain a timely and effective response. Her opinion must be considered in the decision that affects her, especially considering the context of violence and intimidation in which she may find herself.
- D) To receive immediate and preventive judicial protection, when their rights are threatened or violated.
- E) To the gratuitousness of the administrative and judicial actions as appropriate.
- F) To participate in the procedures related to the situation of violence that affects them, as appropriate.
- G) To attend all judicial instances with a companion of her trust.
- H) That their testimony is not devalued based on

## ENGLISH TRANSLATION

garantizarse los siguientes derechos:

- A) A contar con mecanismos eficientes y accesibles para denunciar.
- B) A comunicarse libre y privadamente con su abogado patrocinante, antes, durante o después de los actos del proceso judicial o administrativo.
- C) A ser escuchada por el juez o la autoridad administrativa, según corresponda, y obtener una respuesta oportuna y efectiva. Su opinión deberá ser contemplada en la decisión que le afecte, considerándose especialmente el contexto de violencia e intimidación en que pueda encontrarse.
- D) A recibir protección judicial inmediata y preventiva, cuando se encuentren amenazados o vulnerados sus derechos.
- E) A la gratuidad de las actuaciones administrativas y judiciales según corresponda.
- F) A participar en los procedimientos referidos a la situación de violencia que le afecte, según corresponda.
- G) A concurrir con un acompañante de su confianza a todas las instancias judiciales.
- H) A que su testimonio no sea desvalorizado en base a estereotipos de género sustentados en la inferioridad o sometimiento de las mujeres, o en otros factores de discriminación tales como la edad, la situación de discapacidad, la orientación o identidad de género, el origen étnico racial, la pertenencia territorial, las creencias o la identidad cultural.
- I) A recibir un trato humanizado, teniendo en cuenta su edad, situación de discapacidad u otras condiciones o circunstancias que requieran especial atención. Prohíbanse aquellas acciones que tengan como propósito o resultado causar sufrimiento a las víctimas directas o indirectas de los hechos de violencia.
- J) A la no confrontación, incluido su núcleo familiar con el agresor, prohibiéndose cualquier forma de mediación o conciliación en los procesos de protección o penales.
- K) A que se recabe su consentimiento informado previo a la realización de los exámenes físicos u otras acciones que afecten su privacidad o intimidad. En los casos de violencia sexual es su derecho escoger el sexo del profesional o técnico para dichas prácticas, el que debe ser especializado y formado con perspectiva de género.
- L) A la verdad, la justicia y la reparación a través de

gender stereotypes based on the inferiority or subjection of women, or on other discriminatory factors such as age, disability status, gender orientation or identity, origin racial ethnicity, territorial belonging, beliefs or cultural identity.

- I) To receive humane treatment, taking into account their age, disability situation or other conditions or circumstances that require special attention. Those actions that have the purpose or result of causing suffering to the direct or indirect victims of the acts of violence are prohibited.
- J) To non-confrontation, including their family nucleus with the aggressor, prohibiting any form of mediation or conciliation in the protection or criminal processes.
- K) To obtain their informed consent prior to carrying out physical examinations or other actions that affect her privacy or intimacy. In cases of sexual violence, it is your right to choose the sex of the professional or technician for said practices, who must be specialized and trained with a gender perspective.
- L) To the truth, justice and reparation through a simple and fast appeal before the competent Courts.

## Article 9

(Rights of girls, boys and adolescents in administrative and judicial processes) .- It recognizes girls, boys and adolescents, whether they are victims or witnesses of acts of violence, without prejudice to the rights established by the applicable norms, the right to:

- A) To be informed by their defense about their rights, the status and scope of the administrative actions, the terms and judicial decisions in the case, in an accessible way at their age, taking into account their maturity and degree of autonomy.
- B) That their report on the denounced events be collected by specialized technical personnel, in suitable places for this purpose and avoiding their repetition.
- C) To the maximum possible restriction of attendance at the judicial or police headquarters, as well as to be questioned directly by the court or by police personnel.
- D) To be protected in their physical and emotional integrity, as well as their family and witnesses, against possible reprisals, ensuring that they do not coincide in common places with the people denounced in the judicial and police spaces.
- E) The person denounced as the aggressor may not

un recurso sencillo y rápido ante los Tribunales competentes.

## Artículo 9

(Derechos de las niñas, niños y adolescentes en los procesos administrativos y judiciales).- Se reconoce a las niñas, niños y adolescentes, sean víctimas o testigos de actos de violencia, sin perjuicio de los derechos que establecen las normas aplicables, el derecho a:

- A) Ser informados por su defensa sobre sus derechos, el estado y alcance de las actuaciones administrativas, los plazos y resoluciones judiciales en la causa, en forma accesible a su edad, teniendo en cuenta su madurez y grado de autonomía.
- B) Que su relato sobre los hechos denunciados sea recabado por personal técnico especializado, en lugares adecuados a tal fin y evitando su reiteración.
- C) A la restricción máxima posible de concurrencia a la sede judicial o policial, así como a ser interrogados directamente por el tribunal o por personal policial.
- D) Ser protegidos en su integridad física y emocional, así como su familia y testigos, frente a posibles represalias, asegurando que los mismos no coincidan en lugares comunes con las personas denunciadas en los espacios judiciales y policiales.
- E) En las audiencias no podrá estar presente la persona denunciada como agresora y la defensa no podrá formular preguntas a la niña, niño o adolescente salvo previa autorización del Tribunal y solamente a través del personal técnico especializado.
- F) El respeto de la privacidad de la víctima y familiares denunciantes respecto de terceros, manteniendo en reserva su identidad e imagen y la adopción de medidas necesarias para impedir su utilización por los medios de comunicación.
- G) Recibir información previa accesible a su edad y madurez. Para la realización de los exámenes u otras acciones que afecten su intimidad, podrán ser acompañados por la persona adulta de confianza que ellos mismos elijan.

## Artículo 11

(Instituto Nacional de las Mujeres).- El Instituto Nacional de las Mujeres es el órgano rector de las políticas públicas

be present at the hearings and the defense may not ask questions of the girl, boy or adolescent except with prior authorization from the Court and only through specialized technical personnel.

- F) Respect for the privacy of the victim and the complaining relatives with respect to third parties, keeping their identity and image confidential and the adoption of necessary measures to prevent their use by the media.
- G) Receive prior information accessible at their age and maturity. To carry out exams or other actions that affect their privacy, they may be accompanied by a trusted adult of their choice.

## Article 11

(National Institute of Women) .- The National Institute of Women is the governing body of public policies for a life free of violence for women, responsible for their promotion, design, coordination, articulation, monitoring and evaluation.

In particular, you must:

- A) Ensure faithful compliance with this law.
- B) Articulate and coordinate actions with the different state areas involved, at the national, departmental and municipal levels and with the university, trade union, business and religious spheres, organizations for the defense of women's rights, the rights of children and adolescents. and others from civil society with competence in the matter.
- C) To foresee the mechanisms and processes to mainstream the issue in the sectoral policies of the Executive Power as well as its articulation with the Judicial Power, the Legislative Power and the Departmental Governments.
- D) Prepare, within the framework of the National Council for a Life Free of Gender Violence against Women, the National Plan, as well as other specific plans, programs and actions for the implementation of this law.
- E) Generate the minimum standards for detecting and addressing situations of violence, to ensure that actions are aimed at strengthening the autonomy of women and take into account diversity according to age, sexual orientation, gender identity, racial ethnic origin, territorial belonging, disability situation, beliefs, among others. To this end, it will agree with state bodies or



## ENGLISH TRANSLATION

para una vida libre de violencia para las mujeres, responsable de la promoción, diseño, coordinación, articulación, seguimiento y evaluación de las mismas.

En especial, debe:

- A) Velar por el fiel cumplimiento de esta ley.
- B) Articular y coordinar acciones con las distintas áreas estatales involucradas, a nivel nacional, departamental y municipal y con los ámbitos universitarios, sindicales, empresariales, religiosos, las organizaciones de defensa de los derechos de las mujeres, de derechos de la infancia y adolescencia y otras de la sociedad civil con competencia en la materia.
- C) Prever los mecanismos y procesos para transversalizar la temática en las políticas sectoriales del Poder Ejecutivo así como su articulación con el Poder Judicial, el Legislativo y los Gobiernos Departamentales.
- D) Elaborar, en el marco del Consejo Nacional por una Vida Libre de Violencia de Género hacia las Mujeres el Plan Nacional, así como otros planes específicos, programas y acciones para la implementación de esta ley.
- E) Generar los estándares mínimos de detección y abordaje de las situaciones de violencia, para asegurar que las acciones estén orientadas a fortalecer la autonomía de las mujeres y tengan en cuenta la diversidad según edad, orientación sexual, identidad de género, origen étnico racial, pertenencia territorial, situación de discapacidad, creencias, entre otros. A tales efectos, acordará con órganos u organismos estatales los lineamientos para la inclusión para la perspectiva de género en las diferentes áreas.
- F) Desarrollar programas de asistencia técnica para los distintos órganos, organismos o instituciones involucradas, destinados a la prevención, detección precoz, atención, protección, articulación interinstitucional y a la elaboración de protocolos para los distintos niveles de intervención que se adecuen a las características de diversidad a las que se refiere el literal anterior.
- G) Brindar capacitación permanente, formación y entrenamiento en la temática al personal de los órganos y organismos públicos, estatales, departamentales y municipales. Dicha formación se impartirá de manera integral y específica según cada área, de conformidad con los contenidos de esta ley.
- H) Impulsar la capacitación en la materia en las distintas universidades y asociaciones profesionales.

agencies the guidelines for inclusion for the gender perspective in the different areas.

- F) Develop technical assistance programs for the different bodies, agencies or institutions involved, aimed at prevention, early detection, care, protection, inter-institutional coordination and the development of protocols for the different levels of intervention that are adapted to the characteristics of diversity to which the previous literal refers.
- G) Provide permanent training, education and training on the subject to personnel of public, state, departmental and municipal bodies and agencies. Said training will be given in a comprehensive and specific manner according to each area, in accordance with the contents of this law.
- H) Promote training in the matter in the different universities and professional associations.
- I) Promote and coordinate specialized training for male and female legislators on violence against women.
- J) Generate quantitative and qualitative data records on gender-based violence, which consider variables such as age, disability status, racial ethnic origin, religion, territoriality, among other dimensions of discrimination. Measures must be adapted to guarantee the reservation of personal data so that the person to whom they refer is not identifiable.
- K) Coordinate with other registries the criteria for the collection and selection of data on gender-based violence.
- L) Make recommendations to public and private entities with competence in the subject, to guarantee women a life free of gender-based violence.
- M) Evaluate compliance with public policies to guarantee women a life free of violence and render an account of the actions and results in a public and transparent manner.

## Article 12

(National Consultative Council for a Life Free of Gender Violence towards Women) .- The National Consultative Council for the Fight against Domestic Violence, created by Law No. 17,514, of July 2, 2002, is replaced by the National Consultative Council for a Life Free of Gender Violence against Women, with national competence and that will have the following purposes:

- A) Advise the Executive Power in matters within its

- I) Impulsar y coordinar la formación especializada para legisladores y legisladoras en materia de violencia hacia las mujeres.
- J) Generar registros de datos cuantitativos y cualitativos sobre violencia basada en género, que contemplen variables tales como edad, situación de discapacidad, origen étnico racial, religión, territorialidad, entre otras dimensiones de la discriminación. Deberán adaptarse medidas a fin de garantizar la reserva de los datos personales de forma que no sea identificable la persona a la que refieren.
- K) Coordinar con otros registros los criterios para el relevamiento y selección de datos sobre violencia basada en género.
- L) Formular recomendaciones a entidades públicas y privadas con competencia en la temática, para garantizar a las mujeres la vida libre de violencia basada en género.
- M) Evaluar el cumplimiento de las políticas públicas para garantizar a las mujeres la vida libre de violencia y rendir cuenta de las acciones y resultados en forma pública y transparente.

## Artículo 12

(Consejo Nacional Consultivo por una Vida Libre de Violencia de Género hacia las Mujeres).- Sustitúyese el Consejo Nacional Consultivo de Lucha contra la Violencia Doméstica, creado por la Ley N° 17.514, de 2 de julio de 2002, por el Consejo Nacional Consultivo por una Vida Libre de Violencia de Género hacia las Mujeres, con competencia nacional y que tendrá los siguientes fines:

- A) Asesorar al Poder Ejecutivo, en la materia de su competencia.
- B) Velar por el cumplimiento de esta ley y su reglamentación.
- C) Diseñar y elevar a consideración del Poder Ejecutivo el Plan Nacional contra la Violencia Basada en Género hacia las Mujeres así como otros planes específicos, programas y acciones para la implementación de esta ley.
- D) Supervisar y monitorear el cumplimiento del Plan Nacional contra la Violencia Basada en Género hacia las Mujeres.
- E) Articular la implementación de las políticas sectoriales de lucha contra la violencia basada en género hacia las mujeres.

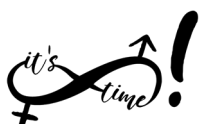
competence.

- B) Ensure compliance with this law and its regulations.
- C) Design and submit to the consideration of the Executive Power the National Plan against Gender-Based Violence against Women as well as other specific plans, programs and actions for the implementation of this law.
- D) Supervise and monitor compliance with the National Plan against Gender-Based Violence against Women.
- E) Articulate the implementation of sectoral policies to combat gender-based violence against women.
- F) Create, support and strengthen the Departmental and Municipal Commissions for a Life Free of Gender-Based Violence towards Women, establishing the directives and guidelines for their operation and compliance with this law.
- G) To be mandatorily consulted in the preparation of the reports that the State must make within the framework of the International Conventions ratified by the country related to the issues of gender-based violence referred to in this law.
- H) Mandatory opinion on bills and programs that target gender-based violence against women. The express non- pronouncement within a period of thirty days will be understood as approval.
- I) Issue an opinion regarding actions or situations related to gender-based violence against women of which it becomes aware, communicating it to the competent authorities.
- J) Prepare an annual report on the fulfillment of its duties and on the situation of gender-based violence in the country.

## Article 31

(Network of Attention Services) .- The Network of Attention Services for Women in a Situation of Gender-Based Violence must be multisectoral, with each body, agency or institution responsible for providing responses according to its competence, in accordance with the legal provisions and the policies formulated by the National Institute of Women.

The Network will promote immediate response services, psychosocial health care and legal sponsorship. Likewise, the





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F) Crear, apoyar y fortalecer las Comisiones Departamentales y Municipales para una Vida Libre de Violencia Basada en Género hacia las Mujeres, estableciendo las directivas y lineamientos para su funcionamiento y cumplimiento de esta ley.

G) Ser consultado preceptivamente en la elaboración de los informes que el Estado debe efectuar en el marco de las Convenciones Internacionales ratificadas por el país relacionadas con los temas de violencia basada en género a que refiere esta ley.

H) Opinar preceptivamente sobre los proyectos de ley y programas que tengan como objeto la violencia basada en género hacia las mujeres. El no pronunciamiento expreso en un plazo de treinta días se entenderá como aprobación.

I) Emitir opinión respecto a acciones o situaciones relativas a la violencia contra las mujeres basada en género de las que tome conocimiento, comunicándolo a las autoridades competentes.

J) Elaborar un informe anual acerca del cumplimiento de sus cometidos y sobre la situación de violencia basada en género en el país.

### Artículo 31

(Red de Servicios de Atención).- La Red de Servicios de Atención a Mujeres en Situación de Violencia Basada en Género debe ser multisectorial, siendo cada órgano, organismo o institución responsable de brindar respuestas según su competencia, de acuerdo con las disposiciones legales y las políticas formuladas por el Instituto Nacional de las Mujeres.

La Red promoverá servicios de respuesta inmediata, atención psicosocial en salud y patrocinio jurídico. Asimismo, la Red promoverá respuestas para la permanencia en el sistema educativo, laboral, habitacional de urgencia y mediano plazo para las mujeres y servicios de socialización para varones que hayan ejercido violencia.

### Artículo 32

(Servicios de atención).- Los servicios de atención serán gratuitos y se brindarán en todos los departamentos del país. Ofrecerán atención psicosocial, asesoramiento y patrocinio jurídico y estarán integrados con equipos

Network will promote responses for the permanence in the educational, labor, and emergency housing system and medium term for women and socialization services for men who have committed violence.

### Article 32

(Attention services) .- Attention services will be free and will be provided in all departments of the country. They will offer psychosocial care, advice and legal sponsorship and will be integrated with specialized interdisciplinary teams. To attend to people with disabilities, the services will coordinate with the National Disability Program in order to have specialized personnel.

The care services will be provided by the National Institute of Women and the Institute for Children and Adolescents of

Uruguay, coordinating actions with each other and with the health, education, housing services, as well as with the educational, labor and system insertion programs. Integrated National Care, among others, being able to enter into agreements with civil society organizations.

The National Institute of Women will coordinate actions with the National Institute for the Elderly in order to ensure adequate

support during the complaint and care process, as well as to respond to the housing needs that result as a consequence of the situation of violence based in gender.

### Article 33

(Socialization services for men) .- The National Institute for Women will promote the implementation of care services for the socialization of men who exercise violence against women.

### Article 34

(Mobile teams) .- The providers of care services for women in situations of gender-based violence, will promote access to them by women in rural areas or with displacement difficulties, through mobile teams to provide the first responses . These teams must be made up of specialized personnel and operate with the frequency and integration to ensure an efficient and quality intervention.

interdisciplinarios especializados. Para atender personas en situación de discapacidad, los servicios coordinarán con el Programa Nacional de Discapacidad a los efectos de contar con personal especializado.

Los servicios de atención serán prestados por el Instituto Nacional de las Mujeres y el Instituto del Niño y Adolescente del Uruguay coordinando acciones entre sí y con los servicios de salud, educación, vivienda, así como con los programas de inserción educativa, laboral y del Sistema Nacional integrado de Cuidados, entre otros, pudiendo celebrar convenios con organizaciones de la sociedad civil.

El Instituto Nacional de las Mujeres coordinará las acciones con el Instituto Nacional del Adulto Mayor a fin de asegurar el adecuado acompañamiento durante el proceso de denuncia y atención, así como para dar respuesta a las necesidades habitacionales que resultaren como consecuencia de la situación de violencia basada en género.

### Artículo 33

(Servicios de socialización a varones).- El Instituto Nacional de las Mujeres promoverá la implementación de servicios de atención para la socialización de varones que ejercen violencia contra las mujeres.

### Artículo 34

(Equipos móviles).- Los prestadores de servicios de atención a mujeres en situación de violencia basada en género, promoverán el acceso a los mismos por parte de las mujeres del medio rural o con dificultades de desplazamiento, mediante equipos móviles para brindar las primeras respuestas. Estos equipos deben estar integrados por personal especializado y funcionar con la frecuencia e integración que permitan asegurar una intervención eficaz y de calidad.

### Artículo 35

(Atención de la salud en situaciones de violencia basada en género).- Las instituciones prestadoras de salud, públicas o privadas, con cobertura parcial o integral, deberán brindar servicios de salud integrales a las mujeres que hayan vivido situaciones de violencia basada en

### Article 35

(Health care in situations of gender-based violence) .- Public or private health care institutions, with partial or comprehensive coverage, must provide comprehensive health services to women who have experienced situations of gender-based violence, as well as their dependent daughters and sons, in accordance with the regulations issued by the Ministry of Public Health in conjunction with the National Institute of Women.

The services must ensure differentiated care according to the particular needs and circumstances of women and their

children and especially those who are in vulnerable or at risk conditions. They must also:

- A) Have a specific multidisciplinary team of reference in gender-based violence, in which at least one of its members is a doctor.
- B) Implement measures for prevention, early detection, care and intervention in situations of gender-based violence against women.
- C) Provide specific responses in the emergency and emergency services for the comprehensive assistance of women and their children.
- D) Ensure universal access to emergency contraception and post-exposure prophylaxis, in situations of sexual violence.
- E) To monitor and evaluate the impact on the health of women affected by violence, paying special attention to mental and emotional health.
- F) Ensure timely care for those in charge of women victims of femicide or attempted femicide or other forms of gender-based violence.
- G) Provide institutional reporting mechanisms in situations that require it in accordance with current regulations and according to the protocols that are defined. The Ministry of Public Health will provide the directives to ensure the continuous training of the technical teams and the articulation between the different health services, the participation of health providers being mandatory in the instances to which it summons.

### Article 36

(Housing responses) .- The National Women's Institute should have different housing responses for women in exit

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género, así como a sus hijas e hijos a cargo, de acuerdo a las reglamentaciones dictadas por el Ministerio de Salud Pública en articulación con el Instituto Nacional de las Mujeres.

Los servicios deben asegurar la atención diferenciada según las necesidades y circunstancias particulares de las mujeres y sus hijos e hijas y de manera especial, de aquellas que se encuentren en condiciones de vulnerabilidad o de riesgo. Además deben:

- A) Contar con un equipo multidisciplinario específico de referencia en violencia basada en género, en el que al menos uno de sus integrantes sea médico o médica.
- B) Implementar medidas para la prevención, detección temprana, atención e intervención frente a las situaciones de violencia basada en género hacia las mujeres.
- C) Prever respuestas específicas en los servicios de urgencia y emergencia para la asistencia integral de las mujeres y sus hijos e hijas.
- D) Asegurar el acceso universal a anticoncepción de emergencia y profilaxis post exposición, en situaciones de violencia sexual.
- E) Realizar el seguimiento y evaluación del impacto en la salud de las mujeres afectadas por la violencia, dando especial atención a la salud mental y emocional.
- F) Asegurar la atención oportuna de las personas a cargo de las mujeres víctimas de femicidio o intento de femicidio u otras formas de violencia basada en género.
- G) Prever mecanismos institucionales de denuncia en las situaciones que lo requieran de acuerdo con la normativa vigente y según los protocolos que se definan. El Ministerio de Salud Pública dispondrá las directivas para asegurar la formación continua de los equipos técnicos y la articulación entre los distintos servicios de salud, siendo obligatoria la participación de los prestadores de salud en las instancias a las que convoque.

### Artículo 36

(Respuestas habitacionales).- El Instituto Nacional de las Mujeres deberá contar con diferentes respuestas habitacionales para las mujeres en procesos de salida de situaciones de violencia basada en género, tanto para los momentos de crisis y de riesgo de vida, como durante el proceso de fortalecimiento sociolaboral para contribuir a su autonomía económica.

processes from situations of gender-based violence, both for times of crisis and risk of life, and during the process of socio- labor strengthening to contribute to their economic autonomy. They will include accommodation, protection and guidance for women and their dependent children, if any, and having access to buildings for people with disabilities.

For this purpose, the National Institute for Women may execute these services directly, in coordination with the Ministry of Housing, Land Management and Environment or through agreements with departmental or municipal governments or with recognized civil society organizations. trajectory in the matter.

### Article 37

Those responsible for the programs of the Public Housing System will foresee the necessary measures to guarantee, to the victims of gender-based violence, the permanence in the house they inhabit. In cases where this permanence implies the payment of a cash fee to the program, it will be adjusted to the economic possibilities of the victims. Outside of these cases, the permanence objective established in this article will be taken into account for the purposes of adjusting the obligations provided for each award modality.

### Article 39

(Measures to ensure the permanence of victims of gender-based violence in the educational system). - All educational institutions, public and private must:

- A) To foresee measures to guarantee the immediate schooling of girls, boys and adolescents who are affected by a change of residence derived from a situation of gender-based violence.
- B) Implement specific actions to give effect to the provisions of Article 74 of Law No. 18,437, of December 12, 2008, (General Education Law), for adolescents in a state of pregnancy and after childbirth. Such actions must include personalized monitoring and accompaniment of their situation in such a way as to guarantee their permanence and continuity in the educational field. For such purposes, the management of the educational center the adolescent attends must designate a person

Comprenderán el alojamiento, protección y orientación a las mujeres y a sus hijos e hijas a su cargo, si los tuviere, y contar con accesibilidad edilicia para personas en situaciones de discapacidad.

A tales efectos, el Instituto Nacional de las Mujeres podrá ejecutar estos servicios en forma directa, en coordinación con el Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente o a través de convenios con los gobiernos departamentales municipales o con organizaciones de la sociedad civil con reconocida trayectoria en la materia.

### Artículo 37

Los responsables de los programas del Sistema Público de Vivienda preverán las medidas necesarias para garantizar, a las víctimas de violencia basada en género, la permanencia en la vivienda que habitan. En los casos en que esta permanencia implique el pago de una cuota en dinero al programa, la misma se ajustará a las posibilidades económicas de las víctimas. Fuera de estos casos, se tomará en cuenta el objetivo de permanencia establecido en este artículo a los efectos de ajustar las obligaciones previstas para cada modalidad de adjudicación.

### Artículo 39

(Medidas para asegurar la permanencia de las víctimas de violencia basada en género en el sistema educativo).- Todas las instituciones educativas, públicas y privadas deben:

- A) Prever medidas para garantizar la escolarización inmediata de las niñas, niños y adolescentes que se vean afectados por un cambio de residencia derivada de una situación de violencia basada en género.
- B) Implementar acciones concretas para dar efectividad a lo dispuesto por el artículo 74 de la Ley N° 18.437, de 12 de diciembre de 2008, (Ley General de Educación), para las adolescentes en estado de gravidez y con posterioridad al parto. Tales acciones deberán comprender un seguimiento y acompañamiento personalizado de su situación de forma tal que se garantice su permanencia y continuidad en el ámbito educativo. A tales efectos, la dirección del centro educativo al que concurre la adolescente deberá designar una persona responsable de dichas acciones.

responsible for such actions.

C) Ensure that protection measures for women victims of gender-based violence do not affect their right to education if they are students, in particular, foresee that absences from educational centers can be justified by their attendance at police authorities or judicial or for eventual transfers from their place of residence.

D) Provide measures to ensure that victims of sexual harassment in education are not harmed in the exercise of their right to education.

### Article 40

(Measures to ensure the permanence of women at work) .- Women victims of gender-based violence have the following rights:

- A) To receive the full payment of their salary or wages for the time involved in attending hearings, expert reports or other administrative or judicial proceedings or instances that are available within the framework of the processes provided for in Chapter IV of this law.
- B) Extraordinary leave with pay for a period of twenty-four hours from the filing of the complaint at the police or judicial headquarters, extendable for the same period for the case in which precautionary measures are ordered in the judicial headquarters.
- C) A flexibilization and change of their hours or place of work, whenever the possibility exists and it is requested.
- D) That the protection measures adopted in the face of gender-based violence do not affect their right to work and functional or professional career.
- E) To provide measures so that gender-based violence in the workplace does not negatively affect the functional career and the exercise of the right to work.
- F) To stability in your job. For a period of six months from the imposition of precautionary measures for acts of gender-based violence, women in favor of those who have been disposed may not be fired. If they are, the employer must pay them an amount equivalent to six months' salary plus the corresponding legal compensation.

### Article 41

(Measures for the labor insertion of women) .- The Ministry of Social Development and the Ministry of Labor and Social Security must provide quotas, or other mechanisms

## ENGLISH TRANSLATION

C) Velar para que las medidas de protección a las mujeres víctimas de violencia basada en género no afecten su derecho a la educación en caso de ser estudiantes, en particular, prever que puedan justificarse las inasistencias a los centros educativos por su concurrencia a instancias policiales o judiciales o por eventuales traslados de su lugar de residencia.

D) Disponer medidas para garantizar que las víctimas de acoso sexual en el ámbito educativo, no sean perjudicadas en el ejercicio de su derecho a la educación.

### Artículo 40

(Medidas para asegurar la permanencia de las mujeres en el trabajo).-Las mujeres víctimas de violencia basada en género tienen los siguientes derechos:

A) A recibir el pago íntegro de su salario o jornal el tiempo que conlleve la asistencia a audiencias, pericias u otras diligencias o instancias administrativas o judiciales que se dispusieran en el marco de los procesos previstos en el Capítulo IV de esta ley.

B) A licencia extraordinaria con goce de sueldo por el lapso de veinticuatro horas a partir de la presentación de la denuncia en sede policial o judicial, prorrogables por igual período para el caso en que se dispusieran medidas cautelares en sede judicial.

C) A la flexibilización y cambio de su horario o lugar de trabajo, siempre que existiera la posibilidad y así lo solicitara.

D) A que las medidas de protección que se adopten ante la situación de violencia basada en género no afecten su derecho al trabajo y carrera funcional o laboral.

E) A que se dispongan medidas para que la violencia basada en género en el ámbito laboral no redunde negativamente en la carrera funcional y en el ejercicio del derecho al trabajo.

F) A la estabilidad en su puesto de trabajo. Por un plazo de seis meses a partir de la imposición de medidas cautelares por hechos de violencia basada en género, las mujeres en favor de quienes se hubieran dispuesto no podrán ser despedidas. Si lo fueren, el empleador deberá abonarles un importe equivalente a seis meses de sueldo más la indemnización legal que corresponda.

that they deem appropriate, to facilitate the integration of women victims of gender-based violence in job placement, training and micro-enterprise programs.

### Article 42

(Measures for the care of girls, boys and adolescents in charge of women victims of gender-based violence) .- The National Secretariat of Care of the National Integrated Care System must provide measures to respond to the situation of women victims of violence gender with people in charge.

### Article 43

(Migrant women) .- Migrant women victims of gender-based violence in the country of origin or in the national territory, will be included in the provisions set forth in Article 162 of Law No. 19,355, of December 19, 2015.

### Article 46

(Assessment of the evidence) .- Without prejudice to the provisions of article 140 of the General Code of Procedure, it must be especially taken into account that acts of violence constitute, in general, situations related to privacy or that are carried out without the presence from third parties. Silence, lack of resistance or previous or later sexual history of the victim of a sexual assault should not be valued as a demonstration of acceptance or consent to the conduct. The difference in age, economic condition, gifts, gifts and other forms of compensation will be valued as indicators of abuse of power in situations of sexual abuse against girls, boys or adolescents.

In all cases, the right and best interests of girls, boys and adolescents will be respected to give their opinion, which must be analyzed by applying the rules of sound criticism. It will not be valid to use technical arguments to diminish the credibility of your testimonials.

### Article 63

(Prohibition of confrontation) .- The parties must be heard separately under the most serious responsibility of the acting Judge and in no case may they be present together in the same room. In addition, effective measures must be adopted to guarantee the safety of the victim and the



**Artículo 41**

(Medidas para la inserción laboral de las mujeres).- El Ministerio de Desarrollo Social y el Ministerio de Trabajo y Seguridad Social deben prever cupos, u otros mecanismos que entendieren convenientes, para facilitar la integración de las mujeres víctimas de violencia basada en género en los programas de inserción laboral, de capacitación y de micro emprendimientos.

**Artículo 42**

(Medidas para el cuidado de niñas, niños y adolescentes a cargo de mujeres víctimas de violencia basada en género).- La Secretaría Nacional de Cuidados del Sistema Nacional Integrado de Cuidados debe prever medidas para dar respuesta a la situación de las mujeres víctimas de violencia de género con personas a cargo.

**Artículo 43**

(Mujeres migrantes).- Las mujeres migrantes víctimas de violencia basada en género en el país de origen o en el territorio nacional, estarán comprendidas en las disposiciones previstas en el artículo 162 de la Ley N° 19.355, de 19 de diciembre de 2015.\

**Artículo 46**

(Valoración de la prueba).- Sin perjuicio de lo dispuesto por el artículo 140 del Código General del Proceso, debe tenerse especialmente en cuenta que los hechos de violencia constituyen, en general, situaciones vinculadas a la intimidad o que se efectúan sin la presencia de terceros. El silencio, la falta de resistencia o la historia sexual previa o posterior de la víctima de una agresión sexual, no deben ser valorados como demostración de aceptación o consentimiento de la conducta. La diferencia de edad, de condición económica, las dádivas, regalos y otras formas de compensación, serán valorados como indicadores de abuso de poder en situaciones de abuso sexual contra niñas, niños o adolescentes.

En todos los casos se respetará el derecho y el interés superior de las niñas, niños y adolescentes a dar su opinión, la cual deberá analizarse aplicando las reglas de la sana crítica. No será válido utilizar argumentos técnicos

permanence separately in the court or judicial area.

**Article 64**

(Generic precautionary measures) .- Whenever it is proven that a fundamental human right is violated or threatened, the Court must have, ex officio, at the request of a party or the Public Ministry, in a well-founded manner, all measures aimed at the protection of the life, physical or emotional integrity of the victim, his liberty and personal security, as well as the financial assistance and patrimonial integrity of the victim and his family nucleus.

In no case can reciprocal measures be ordered or in charge of the victims or that restrict their rights.

If the Court decides not to adopt any measure, its resolution must state the grounds for such determination.

**Article 65**

(Special precautionary measures) .- For the fulfillment of the precautionary purpose, the Court may adopt any of the following measures, or other analogous ones, setting the corresponding term:

A) Order the aggressor to cease the acts of disturbance or intimidation that, directly or indirectly, he performs towards the victim.

B) Prohibit the aggressor from communicating, interacting, interviewing or developing any similar conduct - by himself or through third parties - in relation to the victim, her sons and daughters and other affected persons, witnesses or denouncers of the fact.

C) Prohibit, restrict or limit the presence of the aggressor in the victim's home or residence, places of work, study or others

that she or her daughters and sons or other people in her charge may frequent, being able to have follow-up mechanisms that ensure strict compliance with the measures provided, such as the technology systems for verifying the presence and location of people or other similar ones.

D) Order the immediate restitution of the personal belongings of the victim, her sons and daughters or other persons in her charge.

E) Seize the weapons that the aggressor has in his possession, which will remain in the custody of the Headquarters, in the manner that it deems appropriate.

F) Prohibit the aggressor from using, possessing or

para disminuir la credibilidad de sus testimonios.

### Artículo 63

(Prohibición de confrontación).- Las partes deben ser escuchadas por separado bajo la más seria responsabilidad del Juez actuante y en ningún caso pueden estar presentes en forma conjunta en la misma sala. Deben adoptarse además, medidas eficaces para garantizar la seguridad de la víctima y la permanencia en forma separada en el recinto o espacio judicial.

En estos procesos, quedan prohibidas la mediación y la conciliación.

### Artículo 64

(Medidas cautelares genéricas).- Siempre que se acredite que un derecho humano fundamental se vea vulnerado o amenazado, el Tribunal debe disponer, de oficio, a petición de parte o del Ministerio Público, en forma fundada, todas las medidas tendientes a la protección de la vida, la integridad física o emocional de la víctima, su libertad y seguridad personal, así como la asistencia económica e integridad patrimonial de ésta y de su núcleo familiar.

En ningún caso pueden disponerse medidas recíprocas o a cargo de las víctimas o que restrinjan sus derechos.

Si el Tribunal decidiera no adoptar medida alguna, su resolución debe expresar los fundamentos de tal determinación.

### Artículo 65

(Medidas cautelares especiales).- Para el cumplimiento de la finalidad cautelar, el Tribunal podrá adoptar alguna de las siguientes medidas, u otras análogas, fijando el plazo que corresponda:

- A) Ordenar a la persona agresora que cese en los actos de perturbación o intimidación que, directa o indirectamente, realice hacia la víctima.
- B) Prohibir a la persona agresora comunicarse, relacionarse, entrevistarse o desarrollar cualquier conducta similar -por sí o a través de terceros- en relación con la víctima, sus hijos e hijas y demás personas afectadas, testigos o denunciantes del hecho.
- C) Prohibir, restringir o limitar la presencia de la persona agresora en el domicilio o residencia de la



víctima, lugares de trabajo, estudio u otros que frecuente ella o sus hijas e hijos u otras personas a su cargo, pudiendo disponer mecanismos de seguimiento que aseguren el estricto cumplimiento de la medida dispuesta, tales como los sistemas de tecnología de verificación de presencia y localización de personas u otros análogos.

D) Ordenar la restitución inmediata de los objetos personales de la víctima, sus hijos e hijas u otras personas a su cargo.

E) Incautar las armas que la persona agresora tuviere en su poder, las que permanecerán en custodia de la Sede, en la forma que ésta lo estime pertinente.

F) Prohibir a la persona agresora el uso, tenencia o porte de armas de fuego, oficiándose a la autoridad competente a sus efectos.

G) Ordenar al empleador disponer el traslado o suspensión de la persona denunciada, cuando la violencia ocurre en el lugar de trabajo de la víctima.

H) Disponer correctivos y otras medidas para evitar la discriminación o la violencia hacia las mujeres en el medio laboral o institucional.

I) Ordenar las prestaciones médicas, educativas o análogas que entienda imprescindibles, por parte de los organismos públicos u otras instituciones responsables.

J) Habilitar el cambio de prestador de salud, manteniendo los derechos y condiciones establecidas respecto al prestador anterior.

K) Disponer el traslado de la víctima que se encuentre institucionalizada en un centro residencial, hospitalario o carcelario a otro lugar que asegure sus derechos fundamentales.

L) Disponer el cambio del administrador de los ingresos económicos de cualquier naturaleza que perciban las mujeres en situación de discapacidad o en cualquier otra situación de dependencia, cuando la persona agresora fuese quien cumpliera esa función.

M) Disponer la asistencia obligatoria de la persona agresora a programas de rehabilitación.

N) Disponer el retiro de la persona agresora de la residencia común y la entrega inmediata de sus efectos personales en presencia del Alguacil, siendo irrelevante quien sea el titular del inmueble. Asimismo, se labrará inventario judicial de los bienes muebles que se retiren y de los que permanezcan en el lugar, pudiéndose expedir testimonio a solicitud de las partes.

O) Disponer el reintegro de la víctima al domicilio o

carrying firearms, reporting to the competent authority for this purpose.

G) Order the employer to order the transfer or suspension of the person denounced, when the violence occurs in the workplace of the victim.

H) Provide corrective measures and other measures to avoid discrimination or violence against women in the workplace or institutional.

I) Order the medical, educational or similar benefits that it deems essential, by public bodies or other responsible institutions.

J) Enable the change of health provider, maintaining the rights and conditions established with respect to the previous provider.

K) Arrange for the transfer of the victim who is institutionalized in a residential, hospital or prison center to another place that ensures her fundamental rights.

L) Order the change of the administrator of the economic income of any nature that women with disabilities receive or in any other situation of dependency, when the aggressor was the one who fulfilled that function

M) Provide the compulsory attendance of the aggressor to rehabilitation programs.

N) Order the removal of the aggressor from the common residence and the immediate delivery of her personal effects in the presence of the Bailiff, being irrelevant who is the owner of the property. Likewise, a judicial inventory will be drawn up of the movable property that is removed and of those that remain in the place, being able to issue testimony at the request of the parties.

O) Order the victim's reinstatement to the home or residence, in the presence of the Bailiff, when he has left the same due to the situation of gender-based violence.

P) Order the immediate revocation of the mandates that the victim may have granted to the aggressor for the administration of common property, reporting to the corresponding Registry.

Q) Prohibit the performance of disposition acts without the written consent of the victim or judicial permission, with respect to the assets of family businesses, including the assets of the family agrarian enterprise when the victim is the owner or collaborating spouse in the same.

## ENGLISH TRANSLATION

residencia, en presencia del Alguacil, cuando hubiere salido del mismo a causa de la situación de violencia basada en género.

P) Ordenar la revocación inmediata de los mandatos que la víctima pudiera haber otorgado a la persona agresora para la administración de bienes comunes, oficiándose al Registro correspondiente.

Q) Prohibir la realización de actos de disposición sin el consentimiento escrito de la víctima o venia judicial, respecto a los bienes de las empresas familiares, incluidos los bienes del emprendimiento agrario familiar cuando la víctima es titular o cónyuge colaboradora en el mismo.

### Artículo 67

(Medidas de protección).- En situaciones de violencia intrafamiliar contra una mujer, la resolución que disponga las medidas de protección, debe, asimismo, resolver:

A) La pensión alimenticia provisoria a favor de la mujer y de sus hijos e hijas u otras personas a cargo, en los casos que correspondiere.

B) La tenencia provisoria de las hijas e hijos menores de dieciocho años de edad, que en ningún caso podrán quedar a cargo del agresor.

C) La suspensión de las visitas del agresor respecto de las hijas e hijos menores de dieciocho años de edad. Las mismas podrán reanudarse una vez cumplido un periodo mínimo de tres meses sin la reiteración de actos de violencia y habiendo el agresor cumplido las medidas impuestas.

Excepcionalmente, y si así lo solicitaren los hijos o hijas y se considerare que no existe riesgo de vulneración de sus derechos, podrán disponerse visitas supervisadas por una institución o por una persona adulta de su confianza, que será responsable del cumplimiento de las mismas en condiciones de seguridad. En ningún caso las visitas se realizarán durante la noche ni en sede policial. A tales efectos debe darse cumplimiento a lo dispuesto en el artículo 8° del Código de la Niñez y la Adolescencia. Iguales criterios deben seguirse respecto de personas adultas declaradas incapaces.

### Artículo 74

(Derecho al nombre).- En casos de violación sexual que tengan como consecuencia el nacimiento de un niño o

### Article 67

(Protection measures) .- In situations of intra-family violence against a woman, the resolution that provides the protection measures must also resolve:

A) Provisional alimony in favor of the woman and her children and her daughters or other people in her charge, where appropriate.

B) Provisional custody of daughters and sons under eighteen years of age, who in no case may be in charge of the aggressor.

C) The suspension of the aggressor's visits with respect to daughters and sons under eighteen years of age. They may be resumed once a minimum period of three months has been completed without the repetition of acts of violence and the aggressor having complied with the imposed measures.

Exceptionally, and if so requested by the sons or daughters and it is considered that there is no risk of infringement of their rights, visits may be arranged supervised by an institution or by an adult of their trust, who will be responsible for compliance with them under conditions of security. In no case will the visits take place at night or at the police headquarters.

To this end, the provisions of article 8 of the Code of Children and Adolescents must be complied with.

The same criteria must be followed with respect to adults declared incapable.

### Article 74

(Right to name) .- In cases of rape that result in the birth of a boy or girl, the mother will have the right to be registered in the Civil Status Registry with both maternal surnames and paternity recognized or declared judicially. It will not imply the registration of the child with the last name of the aggressor (Article 198 of the Childhood and Adolescence Code)

### Article 80

(Pecuniary sanction) .- In the conviction sentence, in addition to the penalty, a patrimonial reparation will be provided for the victim for an amount equivalent to twelve monthly income of the convicted person, or failing that, twelve minimum wages, without prejudice to his right to

niña, la madre tendrá derecho a que sea inscripto en el Registro de Estado Civil con los dos apellidos maternos y la paternidad reconocida o declarada judicialmente no implicará la inscripción del niño con el apellido del agresor (artículo 198 del Código de la Niñez y la Adolescencia)

### Artículo 80

(Sanción pecuniaria).- En la sentencia de condena, además de la pena, se dispondrá una reparación patrimonial para la víctima por un monto equivalente a doce ingresos mensuales del condenado, o en su defecto doce salarios mínimos, sin perjuicio de su derecho a seguir la vía procesal correspondiente para obtener la reparación integral del daño.

### Artículo 81

(Notificación a la víctima).- Siempre que se disponga la libertad de una persona sujeta a proceso por delitos vinculados a la violencia basada en género, doméstica o sexual, el Tribunal competente debe notificar dicha resolución a la víctima con una antelación mínima de cinco días y disponer medidas de protección a su respecto por un plazo no inferior a ciento ochenta días.

### Artículo 92

(Divulgación de imágenes o grabaciones con contenido íntimo).- El que difunda, revele exhiba o ceda a terceros imágenes o grabaciones de una persona con contenido íntimo o sexual, sin su autorización, será castigado con una pena de seis meses de prisión a dos años de penitenciaría.

En ningún caso se considerará válida la autorización otorgada por una persona menor de dieciocho años de edad. Este delito se configura aun cuando el que difunda las imágenes o grabaciones haya participado en ellas.

Los administradores de sitios de internet, portales, buscadores o similares que, notificados de la falta de autorización, no den de baja las imágenes de manera inmediata, serán sancionados con la misma pena prevista en este artículo.

### Artículo 93

(Circunstancias agravantes especiales).- La pena prevista

follow the corresponding procedural path to obtain comprehensive reparation of the damage.

### Article 81

(Notification to the victim) .- Whenever the freedom of a person subject to prosecution for crimes related to gender-based, domestic or sexual violence is ordered, the competent court must notify the victim of said resolution at least five in advance. days and provide protection measures in this regard for a period of no less than one hundred and eighty days.

### Article 92

(Disclosure of images or recordings with intimate content) .- Anyone who disseminates, reveals, exhibits or transfers to third parties images or recordings of a person with intimate or sexual content, without their authorization, will be punished with a sentence of six months in prison to two years in prison.

In no case will the authorization granted by a person under eighteen years of age be considered valid. This crime is configured even when the person who disseminates the images or recordings has participated in them.

Administrators of internet sites, portals, search engines or the like who, notified of the lack of authorization, do not remove the images immediately, will be punished with the same penalty provided in this article.

### Article 93

(Special aggravating circumstances) .- The penalty provided for in the previous article will be raised from one third to one half when:

- A) The disseminated images or recordings have been obtained without the consent of the affected person.
- B) It is committed with respect to the spouse, common-law partner or person who is or has been united by an analogous relationship of affection, even without coexistence.
- C) The victim was under eighteen years of age.
- D) The victim was a person with a disability.
- E) The acts had been committed for profit.

en el artículo anterior se elevará de un tercio a la mitad cuando:

- A) Las imágenes o grabaciones difundidas hayan sido obtenidas sin el consentimiento de la persona afectada.
- B) Se cometiera respecto al cónyuge, concubino o persona que esté o haya estado unida por análoga relación de afectividad, aun sin convivencia.
- C) La víctima fuera menor de dieciocho años de edad.
- D) La víctima fuera una persona en situación de discapacidad.
- E) Los hechos se hubieran cometido con una finalidad lucrativa.

## Ley N° 18987

### LEY SOBRE INTERRUPCION VOLUNTARIA DEL EMBARAZO. LEY DEL ABORTO

#### Artículo 1

(Principios generales).- El Estado garantiza el derecho a la procreación consciente y responsable, reconoce el valor social de la maternidad, tutela la vida humana y promueve el ejercicio pleno de los derechos sexuales y reproductivos de toda la población, de acuerdo a lo establecido en el Capítulo I de la Ley N° 18.426, de 1° de diciembre de 2008. La interrupción voluntaria del embarazo, que se regula en la presente ley, no constituye un instrumento de control de los nacimientos.

#### Artículo 2

(Despenalización).- La interrupción voluntaria del embarazo no será penalizada y en consecuencia no serán aplicables los artículos 325 y 325 bis del Código Penal, para el caso que la mujer cumpla con los requisitos que se establecen en los artículos siguientes y se realice durante las primeras doce semanas de gestación.

#### Artículo 3

(Requisitos).- Dentro del plazo establecido en el artículo

## Law No. 18987

### LAW ON VOLUNTARY INTERRUPTION OF PREGNANCY. ABORTION LAW

#### Article 1

(General principles) .- The State guarantees the right to conscious and responsible procreation, recognizes the social value of motherhood, protects human life and promotes the full exercise of sexual and reproductive rights of the entire population, in accordance with the established in Chapter I of Law No. 18,426, of December 1, 2008. Voluntary interruption of pregnancy, which is regulated in this law, does not constitute a birth control instrument.

#### Article 2

(Decriminalization) .- The voluntary interruption of pregnancy will not be penalized and consequently articles 325 and 325 bis of the Penal Code will not be applicable, in the event that the woman complies with the requirements established in the following articles and is carried out during the first twelve weeks of pregnancy.

#### Article 3

(Requirements) .- Within the term established in the previous article of this law, the woman must go to a medical consultation before an institution of the National Integrated Health System, in order to inform the doctor of the circumstances derived from the conditions in that conception has occurred, situations of economic, social or family or age hardship that in her opinion prevent her from continuing with the ongoing pregnancy. The doctor will arrange for the same day or for the next day, the consultation with an interdisciplinary team that may be the one provided for in Article 9 of Regulatory Decree 293/010 of Law No. 18,426, of December 1, 2008, which for these purposes will be made up of at least three professionals, of which one must be a gynecologist, another must have specialization in the area of mental health and the remaining in the social area. The interdisciplinary team, acting jointly, must inform the woman of the provisions of this law, the characteristics of

anterior de la presente ley, la mujer deberá acudir a consulta médica ante una institución del Sistema Nacional Integrado de Salud, a efectos de poner en conocimiento del médico las circunstancias derivadas de las condiciones en que ha sobrevenido la concepción, situaciones de penuria económica, sociales

o para el inmediato siguiente, la consulta con un equipo interdisciplinario que podrá ser el previsto en el artículo 9° del Decreto 293/010 Reglamentario de la Ley N° 18.426, de 1° de diciembre de 2008, el que a estos efectos estará integrado al menos por tres profesionales, de los cuales uno deberá ser médico ginecólogo, otro deberá tener especialización en el área de la salud psíquica y el restante en el área social. El equipo interdisciplinario, actuando conjuntamente, deberá informar a la mujer de lo establecido en esta ley, de las características de la interrupción del embarazo y de los riesgos inherentes a esta práctica. Asimismo, informará sobre las alternativas al aborto provocado incluyendo los programas disponibles de apoyo social y económico, así como respecto a la posibilidad de dar su hijo en adopción. En particular, el equipo interdisciplinario deberá constituirse en un ámbito de apoyo psicológico y social a la mujer, para contribuir a superar las causas que puedan inducirla a la interrupción del embarazo y garantizar que disponga de la información para la toma de una decisión consciente y responsable. A partir de la reunión con el equipo interdisciplinario, la mujer dispondrá de un período de reflexión mínimo de cinco días, transcurrido el cual, si la mujer ratificara su voluntad de interrumpir su embarazo ante el médico ginecólogo tratante, se coordinará de inmediato el procedimiento, que en atención a la evidencia científica disponible, se oriente a la disminución de riesgos y daños. La ratificación de la solicitante será expresada por consentimiento informado, de acuerdo a lo dispuesto en la Ley N° 18.335, de 15 de agosto de 2008, e incorporada a su historia clínica. Cualquiera fuera la decisión que la mujer adopte, el equipo interdisciplinario y el médico ginecólogo dejarán constancia de todo lo actuado en la historia clínica de la paciente.

## Artículo 10

(Obligación de los servicios de salud).- Todas las instituciones del Sistema Nacional Integrado de Salud tendrán la obligación de cumplir con lo preceptuado en la

the interruption of pregnancy and the risks inherent in this practice. Likewise, it will inform about the alternatives to induced abortion, including the available programs of social and economic support, as well as regarding the possibility of putting your child up for adoption. In particular, the interdisciplinary team should be constituted as a field of psychological and social support for women, to help overcome the causes that may induce the interruption of pregnancy and guarantee that they have the information to make a conscious and responsible decision.

From the meeting with the interdisciplinary team, the woman will have a minimum reflection period of five days, after which, if the woman ratifies her wish to interrupt her pregnancy before the treating gynecologist, the procedure will be coordinated immediately, that, based on the scientific evidence available, is oriented towards reducing risks and damages. The ratification of the applicant will be expressed by informed consent, in accordance with the provisions of Law No. 18,335, of August 15, 2008, and incorporated into her medical record. Whatever the decision the woman makes, the interdisciplinary team and the gynecologist will record everything that has been done in the patient's medical history.

## Article 10

(Obligation of health services) .- All institutions of the National Integrated Health System will have the obligation to comply with the provisions of this law. To this end, they must establish the technical-professional and administrative conditions necessary to enable their users to access said procedures within the established deadlines. The institutions referred to in the previous paragraph, that have objections of ideology, pre-existing to the validity of this law, with respect to the procedures of voluntary interruption of pregnancy that are regulated in the previous articles, may agree with the Ministry of Public Health, within of the normative framework that regulates the National Integrated Health System, the way in which its users will access such procedures.





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presente ley. A tales efectos, deberán establecer las condiciones técnico-profesionales y administrativas necesarias para posibilitar a sus usuarias el acceso a dichos procedimientos dentro de los plazos establecidos. Las instituciones referidas en el inciso anterior, que tengan objeciones de ideario, preexistentes a la vigencia de esta ley, con respecto a los procedimientos de interrupción voluntaria del embarazo que se regulan en los artículos anteriores, podrán acordar con el Ministerio de Salud Pública, dentro del marco normativo que regula el Sistema Nacional Integrado de Salud, la forma en que sus usuarias accederán a tales procedimientos.

**Artículo 13**

(Requisito adicional).- Solo podrán ampararse a las disposiciones contenidas en esta ley las ciudadanas uruguayas naturales legales o las extranjeras que acrediten fehacientemente su residencia habitual en el territorio de la República durante un período no inferior a un año.

**Decreto N° 339/019****REGLAMENTACION DE LA LEY 19.580 (LEY DE VIOLENCIA HACIA LAS MUJERES BASADA EN GENERO)****Artículo 1**

La vida libre de violencia hacia las mujeres basada en género es un objetivo prioritario de salud pública. Todas las áreas programáticas del Ministerio de Salud Pública deben incluir la perspectiva de género en los programas que incorporen acciones para reducir el impacto de las desigualdades y discriminaciones de género en la salud de la población objetivo, siguiendo las directrices que a esos efectos promueva el Grupo de Trabajo Mecanismo de Género.

El referido Grupo de Trabajo debe evaluar anualmente los resultados obtenidos y rendir cuentas ante la Dirección General de la Salud, la que deberá hacerlos públicos ante el Consejo Nacional Coordinador de Políticas Públicas de Igualdad de Género en el mes de marzo de cada año,

**Article 13**

(Additional requirement) .- Only natural or legal Uruguayan citizens or foreigners who reliably certify their habitual residence in the territory of the Republic for a period not less than one year may be covered by the provisions contained in this law.

**Decree No. 339/019****REGULATION OF LAW 19.580 (LAW OF VIOLENCE AGAINST WOMEN BASED ON GENDER)****Article 1**

Life free of gender-based violence against women is a priority public health objective. All program areas of the Ministry of Public Health must include the gender perspective in programs that incorporate actions to reduce the impact of gender inequalities and discrimination on the health of the target population, following the guidelines promoted by the Group for that purpose. of Labor Mechanism of Gender.

The aforementioned Working Group must annually evaluate the results obtained and render accounts to the General Health

Directorate, which must make them public before the National Coordinating Council of Public Policies on Gender Equality in the month of March of each year, unless Said Body stipulates another date for this purpose.

**Article 2**

The Gender-Based Violence and Generations Programmatic Area will be responsible for coordinating quantitative and qualitative studies and research on the impact of gender-based violence on women's health and on victim care models for greater effectiveness in responses.

The Ministry of Public Health will determine the guidelines for the adequate registration of situations of intra- and extra- institutional gender-based violence, including data on the prevalence, risk factors, and health repercussions of gender-based violence. To this end, it will coordinate its

salvo que dicho Órgano estipule otra fecha a esos efectos.

## Artículo 2

El Área Programática Violencia Basada en Género y Generaciones será responsable de coordinar estudios e investigaciones cuantitativas y cualitativas sobre el impacto de la violencia basada en género en la salud de las mujeres y sobre los modelos de atención a las víctimas para una mayor eficacia en las respuestas.

El Ministerio de Salud Pública determinará los lineamientos para el adecuado registro de las situaciones de violencia basada en género intra y extrainstitucional, incluyendo datos sobre la prevalencia, los factores de riesgo y las repercusiones sanitarias de la violencia basada en género. A tales efectos articulará sus acciones con el Observatorio sobre la Violencia Basada en Género hacia las Mujeres y con el Instituto Nacional de las Mujeres y podrá:

- a. Celebrar convenios con otras instituciones públicas o privadas.
- b. Requerir información de las distintas dependencias y de las instituciones prestadoras de salud del Sistema Nacional Integrado de Salud.

## Artículo 3

Todas las Direcciones de las Instituciones de Salud Públicas y Privadas integrantes del Sistema Nacional Integrado de Salud son responsables de prevenir las situaciones de violencia basada en género en cualesquiera de sus servicios o reparticiones a su cargo, a cuyos efectos deberán:

- a. Asegurar que todo el personal a su cargo reciba información respecto a los contenidos de la Ley N° 19.580 de 22 de diciembre de 2017 y los derechos y obligaciones emergentes de la misma.
- b. Adoptar medidas que prevengan, desalienten y sancionen las conductas de violencia basada en género. Siempre que el responsable de la repartición o servicio detecte una situación de violencia basada en género ejercida por personal bajo su supervisión, procederá conforme a lo previsto en el artículo siguiente.

## Artículo 4

Ante toda situación de violencia basada en género que

actions with the Observatory on Gender-Based Violence against Women and with the National Institute of Women and will be able to:

- a. Celebrate agreements with other public or private institutions.
- b. Request information from the different dependencies and health provider institutions of the National Integrated Health System.

## Article 3

All the Directorates of the Public and Private Health Institutions that are members of the National Integrated Health System are responsible for preventing situations of gender-based violence in any of their services or departments under their responsibility, for which purposes they must:

- a. Ensure that all staff under their charge receive information regarding the contents of Law No. 19,580 of December 22, 2017 and the rights and obligations arising therefrom.
- b. Adopt measures that prevent, discourage and punish behaviors of gender-based violence. Whenever the person in charge of the distribution or service detects a situation of gender-based violence carried out by personnel under their supervision, they will proceed in accordance with the provisions of the following article.

## Article 4

Faced with any situation of gender-based violence that occurs in the intra-institutional sphere, the investigation and disciplinary procedures provided for in current regulations must be followed and, in particular, the competent hierarch must:

- a. Implement the measures that protect the psycho-physical integrity of the victim, the containment of her from the complaint and during the investigations, adopting once these are completed, the actions according to the decision issued.
- b. Protect the privacy of the complainants or victims, keeping in reserve the actions that are carried out, as well as the identity of the victim and of those who are summoned to give testimony in the investigations.
- c. Take into account the unequal power relations based on gender and the discriminatory stereotypes that sustain



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ocurra en el ámbito intrainstitucional, deberán seguirse los procedimientos de investigación y disciplinarios previstos en la normativa vigente y, en particular, el jerarca competente deberá:

- a. Instrumentar las medidas que protejan la integridad psico-física de la víctima, su contención desde la denuncia y durante las investigaciones, adoptando una vez que éstas culminen, las acciones acordes a la decisión emitida.
- b. Proteger la intimidad de las personas denunciantes o víctimas, debiendo mantener en reserva las actuaciones que se cumplan, así como la identidad de la víctima y de quienes sean convocados a prestar testimonio en las investigaciones.
- c. Tener en cuenta las relaciones de inequidad de poder en base al género y los estereotipos discriminatorios que las sustentan, a fin de adoptar medidas para asegurar la participación de las víctimas en condiciones de equidad y la adecuada investigación de los hechos y sanción a los responsables.

## Artículo 9

Para garantizar la libre expresión de voluntad, la confidencialidad y el respeto a la vida privada de las mujeres que requieren asistencia / atención como consecuencia de situaciones de violencia basada en género, se deberá respetar la normativa vigente del Ministerio de Salud Pública, incluyendo especialmente:

- a. Entrevistar a la mujer en un lugar seguro que permita la confidencialidad, procurando que sólo esté presente el personal indispensable.
- b. Ofrecer y permitir la presencia de una persona de su confianza.
- c. Respetar los tiempos de la persona, evitando la toma de decisiones no urgentes antes de recuperar la estabilidad emocional.
- d. Proporcionar la información necesaria, de calidad, no discriminatoria y comprensible, incluyendo todas las opciones existentes, sus riesgos y beneficios.
- e. Recabar el consentimiento informado antes de la realización de cada intervención invasiva.
- f. En caso de violencia sexual:
  - f.1- Ofrecer la posibilidad de elegir el sexo del profesional o técnico que intervendrá en los procedimientos que se realicen

them, in order to adopt measures to ensure the participation of the victims in conditions of equality and the adequate investigation of the facts and punishment of those responsible.

## Article 9

To guarantee the free expression of will, confidentiality and respect for the private life of women who require assistance / attention as a consequence of situations of gender-based violence, the current regulations of the Ministry of Public Health must be respected, including especially:

- a. Interview the woman in a safe place that allows confidentiality, ensuring that only essential personnel are present.
  - b. Offer and allow the presence of a person she trusts.
  - c. Respect the person's time, avoiding non-urgent decisions before recovering emotional stability.
  - d. Provide the necessary, quality, non-discriminatory and understandable information, including all existing options, their risks and benefits.
- and. Obtain informed consent before performing each invasive intervention.

F. In case of sexual violence:

- f.1- Offer the possibility of choosing the sex of the professional or technician who will intervene in the procedures that are carried out
- f.2- Recommend, and where appropriate proceed to take samples following the current guidelines of the Ministry of Public Health regarding the care of situations of sexual violence.

## Article 16

The recommendations of the Ministry of Public Health on practices and attitudes in the care of pregnancy and birth constitute technical standards of mandatory application for health service providers.

The unjustified withdrawal of the same, as well as any form of humiliating or discriminatory treatment constitutes obstetric violence and will give rise to the corresponding administrative sanctions and will enable the right to change the health provider.

f.2- Recomendar, y en su caso proceder a la toma de muestras siguiendo las pautas vigentes del Ministerio Salud Pública referidas a la atención de situaciones de violencia sexual.

### Artículo 16

Las recomendaciones del Ministerio de Salud Pública sobre prácticas y actitudes en la asistencia del embarazo y nacimiento constituyen normas técnicas de aplicación obligatoria para los prestadores de servicios de salud.

El apartamiento injustificado de las mismas, así como toda forma de trato humillante o discriminatorio constituye violencia obstétrica y dará lugar a las sanciones administrativas que correspondan y habilitará el derecho al cambio de prestador de salud.

### Artículo 17

Procederá la interrupción voluntaria del embarazo de las mujeres extranjeras víctimas de violencia basada en género, aunque no den cumplimiento al requisito exigido por el art. 13 de la Ley N° 18.987 de 22 de octubre de 2012, siempre que así lo soliciten, cuando los hechos de violencia cualquiera sea su manifestación hayan ocurrido en el territorio nacional, previa afiliación a un prestador de Sistema Nacional Integrado de Salud.

La ocurrencia de hechos de violencia basada en género en el territorio nacional se acreditará, indistintamente, por cualquiera de las siguientes vías:

a. La consignación de la situación de violencia basada en género en la historia clínica por parte de un profesional de la salud, debiendo derivar a la usuaria al Equipo de Referencia en Violencia Basada en Género y Generaciones (ERVBGG) de la institución de salud, con el objeto de que realice la atención y seguimiento de su situación, de lo que deberá también dejar registro en la historia clínica.

b. El informe del servicio de atención que se encuentre atendiendo a la solicitante, siempre que el mismo integre la Red de Servicios de Atención a Mujeres en situación de violencia basada en género (Capítulo IV de la ley N° 19.580 de 22 de diciembre de 2017).

c. La constancia de que se ha presentado una denuncia en sede judicial o policial, se han aplicado medidas cautelares o se ha formalizado un proceso penal

### Article 17

The voluntary interruption of pregnancy of foreign women victims of gender-based violence will proceed, even if they do not comply with the requirement demanded by art. 13 of Law No. 18,987 of October 22, 2012, whenever requested, when acts of violence, whatever their manifestation, have occurred in the national territory, prior affiliation to a provider of the National Integrated Health

S y s t e m .  
The occurrence of acts of gender-based violence in the national territory will be accredited, indistinctly, by any of the following means:

a. The consignment of the situation of gender-based violence in the medical record by a health professional, having to refer the user to the Reference Team on Gender-Based Violence and Generations (ERVBGG) of the health institution, with the object to carry out the attention and follow-up of your situation, of which you must also leave a record in the medical history.

b. The report of the care service that is attending to the applicant, provided that it is part of the Network of Attention Services for Women in situations of gender-based violence (Chapter IV of Law No. 19,580 of December 22, 2017) .

c. Evidence that a complaint has been filed in the judicial or police headquarters, precautionary measures have been applied or a criminal process has been formalized for the situation of gender-based violence that it invokes.

It will not be required to prove the connection between the pregnancy and the situation of violence manifested.

### Article 19

All health service providers, public and private, must notify the competent court and / or prosecutor's office of situations of mistreatment, sexual abuse or sexual exploitation of girls, boys, adolescents or people with mental disabilities of which they are aware, for the proper protection and reparation for victims and punishment for those responsible.

The complaint will always be made in an institutional way, in charge of the Head of the Service or the Technical Directorate of the institution.

The corresponding report will be prepared by the

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por la situación de violencia basada en género que invoca. No se exigirá acreditar la vinculación del embarazo con la situación de violencia manifestada.

### Artículo 19

Todos los prestadores de servicios de salud, públicos y privados deben comunicar al juzgado y/o fiscalía competente las situaciones de maltrato, abuso sexual o explotación sexual de niñas, niños, adolescentes o personas con discapacidad psíquica de las que tengan conocimiento, para la debida protección y reparación a las víctimas y la sanción a los responsables.

La denuncia se realizará siempre en forma institucional, a cargo de la Jefatura del Servicio o de la Dirección Técnica de la institución.

El informe correspondiente será elaborado por el Equipo de Referencia en Violencia Basada en Género y Generaciones (ERVBGG), teniendo en cuenta los aportes y consideraciones de todos los profesionales que intervinieron en la atención de la situación. En casos de urgencia, el mismo será elaborado por el equipo que se encuentre interviniendo, dando cuenta posteriormente de lo actuado al ERVBGG.

## Decreto N° 494/006

### ASISTENCIA A VICTIMAS DE VIOLENCIA DOMESTICA

#### Artículo 1

Las Instituciones o Servicios de Salud de cualquier naturaleza, tanto públicos como privados, deberán prestar atención y asistencia a las usuarias, afiliadas o pacientes del sexo femenino que se encuentren en situación de violencia doméstica.

#### Artículo 6

Las Instituciones referidas en el Artículo 1° deberán:

- a) Procurar que el personal posea formación que le permita detectar y brindar una primera respuesta a las mujeres en situación de violencia doméstica.
- b) Constituir un equipo multidisciplinario de

Reference Team on Gender-Based Violence and Generations (ERVBGG in spanish), taking into account the contributions and considerations of all the professionals who intervened in dealing with the situation. In urgent cases, it will be prepared by the team that is intervening, subsequently reporting the action to the ERVBGG.

## Decree No. 494/006

### ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE

#### Article 1

Health Institutions or Services of any nature, both public and private, must provide care and assistance to female users, affiliates or patients who are in a situation of domestic violence.

#### Article 6

The Institutions referred to in Article 1 must:

- a) Ensure that staff have training that allows them to detect and provide a first response to women in situations of domestic violence.
- b) Constitute a multidisciplinary team of reference for specific care, made up of at least three technicians, of which one of the members is a doctor. Such integration will be communicated to the National Program for Women's Health and Gender of the Ministry of Public Health.
- c) Ensure the existence of the necessary inputs for the implementation of care: forms, information material for the assisted population and information material for the technicians.
- d) Report monthly to the National Program for Women's Health and Gender of the Ministry of Public Health, the percentage of supervised women out of the total number of consulting women and the percentage of positive responses out of the total number of respondents.
- e) Promote and participate in actions to prevent Domestic Violence.

referencia para la atención específica, formado al menos por tres técnicos/as, de los cuales uno/a de los/as integrantes sea médico/a. Tal integración será comunicada al Programa Nacional de Salud de la Mujer y Género del Ministerio de Salud Pública.

- c) Asegurar la existencia de los insumos necesarios para la instrumentación de la atención: formularios, material informativo para la población asistida y material informativo para los técnicos.
- d) Informar mensualmente al Programa Nacional de Salud de la Mujer y Género del Ministerio de Salud Pública, el porcentaje de mujeres supervisadas sobre el total de mujeres consultantes y el porcentaje de respuestas positivas sobre el total de encuestadas.
- e) Promover y participar en acciones de prevención de la Violencia Doméstica.

## Artículo 7

Los profesionales de la salud deberán:

- a) Conocer las pautas del Ministerio de Salud Pública para la atención a mujeres en situación de Violencia Doméstica,
- b) Investigar de rutina la existencia de Violencia Doméstica, a todas las mujeres mayores de 15 (quince) años.
- c) Evaluar el impacto de la violencia en la salud de la mujer.
- d) Asegurar una respuesta adecuada y oportuna, con respeto y confidencialidad que incluya: contención, orientación y seguimiento en sucesivas consultas.
- e) Coordinar con el equipo de referencia en Violencia Doméstica de la institución, si ello estuviera indicado.
- f) Conocer y emplear los mecanismos institucionales y los recursos disponibles.

## Como trabajan las UEVD y G

Las Unidades Especializadas de Violencia Doméstica y de Género (UEVDG) son dependencias policiales que trabajan con personal capacitado y con vasta experiencia para tratar los diferentes temas relacionados con la violencia doméstica y de género. El asesoramiento y toma de denuncia se trabaja en forma privada con la víctima/denunciante para buscar una solución a cada problema, contando además con

## Article 7

Health professionals should:

- a) Know the guidelines of the Ministry of Public Health for the care of women in situations of Domestic Violence,
- b) Routinely investigate the existence of Domestic Violence, all women over 15 (fifteen) years.
- c) Evaluate the impact of violence on women's health.
- d) Ensure an adequate and timely response, with respect and confidentiality that includes: containment, orientation and follow-up in subsequent consultations.
- e) Coordinate with the institution's Domestic Violence referral team, if indicated.
- f) Know and use the institutional mechanisms and available resources.

## How the UEVD and G work

The Specialized Units for Domestic and Gender Violence (UEVDG in Spanish) are police units that work with trained personnel with vast experience to deal with different issues related to domestic and gender violence. Counseling and taking a complaint is worked privately with the victim / complainant to find a solution to each problem, also counting on advice and support from psychologists who work there. The personnel assigned to the UEVD and G, must have a profile according to their function: be diligent, correct and respectful, without any type of discrimination. When faced with a complaint of domestic violence, the police personnel take into account the emotional state of the victim, listening and understanding her, giving the time that is necessary for her to tell about her problem, and thus be able to obtain more information about what happened. After evaluating the situation, you are informed about her rights and the procedure to follow. In case the person is injured, he is immediately transferred to a health center so that he can be assisted.

They are manifestations of domestic violence:

- When they insult you, they humiliate you;
- They threaten to kill you, or harm you;
- They take you away from your loved ones;
- Force you to have sex;
- They hit you, they hurt you, they push you.

asesoramiento y contención por parte de psicólogos que allí se desempeñan.

El personal asignado a las UEVD y G, deberán tener un perfil acorde a su función: ser diligentes, correctos y respetuosos, sin ningún tipo de discriminación.

Ante una denuncia de violencia doméstica, el personal policial tiene en cuenta el estado emocional de la víctima, escuchándola y comprendiéndola, brindando el tiempo que sea necesario para que cuente su problema, y así poder obtener más información de lo ocurrido. Luego de evaluar la situación, se le informa sobre sus derechos y el procedimiento a seguir. En caso que la persona este lastimada se la traslada inmediatamente a un centro de salud para que sea asistida.

Son manifestaciones de violencia domestica:

- Cuando te insultan, te humillan;
- Te amenazan con matarte, o hacerte daño;
- Te alejan de tus seres queridos;
- Te obligan a tener relaciones sexuales;
- Te golpean te lastiman te empujan.

# Chapter 15

## **Laws & Regulations on Gender Based Issues “Italy”**



## Leggi e politiche per la parità di genere in Italia

Il percorso giudico e politico verso la parità di genere in Italia ha avuto inizio nel 1945, quando, col diritto di voto esteso a tutti i cittadini senza alcuna distinzione di sesso, la Costituzione riconosce a uomini e donne la parità.

Sin dalla nascita della Repubblica Italiana, la Costituzione prevede la piena parità di genere tra tutti i cittadini. Tuttavia, trascorrono molti anni prima che la legislazione, civile e penale, accolga quanto previsto dalla costituzione con specifiche norme. Infatti, sino agli anni Settanta la legislazione tende a “tutelare” la figura femminile piuttosto che a sancirne la parità nei confronti dell’uomo; la cui condizione continua ad essere inferiore a quella degli uomini.

Nel resto di questo capitolo, sono riportate le principali conquiste normative riguardanti la parità di genere, e una descrizione delle principali strutture organizzative atte a promuovere e sensibilizzare le politiche di genere in Italia.

## Principali riferimenti normativi

### Costituzione della Repubblica Italiana

Come summenzionato, la normativa italiana sulle pari opportunità è anticipata, dalla Costituzione agli artt. 3, 37 e 51. Il principio fondamentale è l’uguaglianza giuridica di cui all’articolo 3.

“Tutti i cittadini hanno pari dignità sociale e sono eguali davanti alla legge, senza distinzione di sesso, razza, lingua, religione, opinioni politiche, condizioni personali e sociali. È compito della Repubblica rimuovere gli ostacoli di ordine economico e sociale che, limitando di fatto la libertà e l’uguaglianza dei cittadini, impediscono il pieno sviluppo della persona umana e l’effettiva partecipazione di tutti i lavoratori nell’organizzazione politica, economica e sociale del Paese.”

All’articolo 3 è collegato l’articolo 37, che riconosce che la

## Laws and policies for gender equality in Italy

The judicial and political path towards gender equality in Italy began in 1945, when, with the right to vote extended to all citizens without distinction of sex, the Constitution recognised equality for men and women.

Since the establishment of the Italian Republic, the Constitution provides full gender equality for all citizens. However, many years passed before civil and criminal laws incorporated the provisions of the Constitution with specific regulations. In fact, until the 1970s, legislation tended to ‘protect’ women rather than establishing their equality with men, whose status continued to be inferior to that of men.

In the rest of this chapter, the main legislative achievements concerning gender equality are reported, as well as a description of the main organisational structures created to promote and raise awareness of gender policies in Italy.

## Main legislative references

### Constitution of the Italian Republic

As mentioned above, Italian legislation on equal gender opportunities is anticipated by the Constitution in Articles 3, 37 and 51. The fundamental principle is legal equality in Article 3.

“All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinions, personal and social conditions. It is the task of the Republic to remove economic and social obstacles which, by limiting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.”

Linked to Article 3 is article 37, which recognises that working women have the same rights and, for equal work, the same wages as workers.

“Working women have the same rights and are entitled to



donna lavoratrice ha gli stessi diritti e, a parità di lavoro, le stesse retribuzioni che spettano al lavoratore.

“La donna lavoratrice ha gli stessi diritti e, a parità di lavoro, le stesse retribuzioni che spettano al lavoratore. Le condizioni di lavoro devono consentire l’adempimento della sua essenziale funzione familiare e assicurare alla madre e al bambino una speciale adeguata protezione.”

l’articolo 51 stabilisce che tutti i cittadini dell’uno e dell’altro sesso possono accedere agli uffici pubblici e alle cariche elettive in condizioni di uguaglianza.

“Tutti i cittadini dell’uno o dell’altro sesso possono accedere agli uffici pubblici e alle cariche elettive in condizioni di eguaglianza, secondo i requisiti stabiliti dalla. A tale fine la Repubblica promuove con appositi provvedimenti le pari opportunità tra donne e uomini.”

## Codice civile della Repubblica Italiana

La prima norma specifica per la riduzione del divario di genere è la Legge 26 agosto 1950 n. 860. per la tutela fisica ed economica delle lavoratrici madri la quale si propone di assicurare garanzie allo scopo di reprimere l’intento dei datori di lavoro di licenziare o penalizzare la donna lavoratrice che si trovi in condizione di maternità.

Solo nel 1963 viene approvata la legge 9 gennaio 1963, che vieta il licenziamento in caso di matrimonio e sostiene la maternità delle lavoratrici agricole.

Degna di nota è la Legge 1204/71 che tutela la donna nell’ambiente di lavoro, vietandone, ad esempio, il licenziamento durante la gravidanza o assicurandole il mantenimento del posto di lavoro al termine del periodo previsto per la maternità. La legge 1204 del 1971, che introduce l’astensione facoltativa dal lavoro per sei mesi. Oltre ai tre mesi obbligatori dopo il parto, la tutela delle lavoratrici agricole e delle lavoratrici autonome.

Nel 1977 con la Legge n. 903 del 9 dicembre “Parità di trattamento tra uomini e donne in materia di lavoro” vengono gettate le basi per un’effettiva parità lavorativa. L’importanza di questa normativa risiede nel fatto che essa ha vietato qualsiasi discriminazione fondata sul sesso per quanto riguarda l’accesso al lavoro, la carriera, la qualifica, le mansioni e la formazione. Qualora le

equal pay for equal work. Working conditions must allow women to fulfil their essential role in the family and ensure special appropriate protection for the mother and child.”

Article 51 states that all citizens of either sex shall have equal access to public offices and elected positions.

“All citizens of either sex are eligible for public offices and for elective positions on equal terms, according to the conditions established by law. To this end, the Republic shall adopt specific measures to promote equal opportunities between women and men.”

## Civil Code of the Italian Republic

The first specific law to address the gender gap was Law No. 860 of 26 August 1950 on the physical and economic protection of working mothers, which aimed to provide guarantees in order to repress employers’ intentions to fire or penalise working women who were on maternity leave.

It was only in 1963 that the Law of 9 January 1963 was approved, prohibiting the firing of employees in the event of marriage and supporting the maternity of female agricultural workers.

Worthy of note is Law 1204 of 1971, which protects women in the workplace, prohibiting, for example, their being fired during pregnancy or ensuring their employment is maintained at the end of the maternity period. Law 1204 of 1971, which introduces optional leave from work for six months. In addition to the compulsory three months after childbirth, protection for agricultural workers and self-employed women.

In 1977, Law No. 903 of 9 December “Equal Treatment of Men and Women in Employment” laid the foundations for effective equality in employment. The importance of this legislation lays in the fact that it banned any discrimination on the basis of gender with regard to access to employment, career, qualification, duties and training. If a woman’s work performance is equal to that of a male worker, she has the right to be paid equally.

Thus, Law 546 of 1987, recognises the payment of a daily maternity allowance. This allowance is intended for self-



## ENGLISH TRANSLATION

prestazioni lavorative siano uguali a quelle di un lavoratore, una lavoratrice ha diritto ad essere retribuita in ugual misura.

Quindi la 546 del 1987, che riconosce il pagamento di una indennità giornaliera di maternità. Indennità rivolta alle lavoratrici autonome coltivatrici dirette, mezzadre e colone, artigiane ed esercenti attività commerciali.

La legge 125 del 1991 “Azioni positive per la realizzazione della parità uomo-donna” contribuisce a migliorare la condizione femminile in ambito lavorativo. Attraverso una serie di Azioni Positive, misure temporanee per accelerare il processo di uguaglianza, il concetto di Pari Opportunità viene esteso a tutti i campi, da quello economico a quello sociale. Tali azioni sono volte a favorire l’occupazione delle donne, la crescita nelle carriere o l’accesso al lavoro autonomo ed imprenditoriale. L’obiettivo principale della legge è di realizzare l’uguaglianza fra uomini e donne, rimuovendo gli ostacoli che impediscono la realizzazione della parità di genere.

Il D.lgs. n. 61 del 25 febbraio 2000 stabilisce delle norme sul lavoro a tempo parziale, tipologia di contratto che aiuta le donne a conciliare i tempi di vita professionale con la vita familiare. In quest’ottica si colloca l’approvazione della legge sui congedi parentali (Legge 53/00). Essa stabilisce, fra l’altro, l’istituzione del congedo per la formazione dei lavoratori che devono terminare gli studi.

In esecuzione dell’articolo 15 della Legge 53/00 viene emanato il D.lgs. n. 151 del 26 marzo 2001 “Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità”. Questo testo raccoglie e aggiorna mezzo secolo di disposizioni legislative in materia di tutela e sostegno della maternità e della paternità.

## Codice delle pari opportunità

Tutte le norme pensate per il raggiungimento della parità di genere sono state raccolte, grazie al Decreto legislativo 11/04/2006 n° 198, nel cosiddetto “Codice delle pari opportunità tra uomo e donna”. Questo documento riordina e unifica tutte le disposizioni vigenti in materia di pari opportunità e stabilisce:

employed women farmers, sharecroppers and farmers, artisans and commercial workers.

Law 125 of 1991 “Positive Actions for the realisation of equality between men and women” contributes to the improvement of women’s conditions in the working environment. Through a series of Positive Actions, temporary measures to accelerate the process of equality, the concept of Equal Opportunities is extended to all fields, from economic to social. These actions are aimed at promoting women’s employment, career development or access to self-employment and entrepreneurship. The main objective of the law is to achieve equality between men and women by removing obstacles that prevent the realisation of gender equality.

Legislative Decree no. 61 of 25 February 2000 establishes rules on part-time work, a type of contract that helps women to reconcile work and family life. This is the background to the approval of the law on parental leave (Law 53/00). It establishes, among other things, the establishment of training leave for workers who have to complete their studies.

In execution of article 15 of Law 53/00, Legislative Decree 151 of 26 March 2001 “Consolidated text of the legislative provisions on the protection and support of maternity and paternity” was adopted. This text brings together and updates half a century of legislative provisions on the protection and support of maternity and paternity.

## Codice delle pari opportunità

All the regulations designed to achieve gender equality have been brought together, thanks to Legislative Decree No. 198 of 11/04/2006, in the so-called “Code of equal opportunities between men and women”. This document reorganises and unifies all the existing provisions on equal opportunities and establishes

- the prohibition of discrimination between men and women;
- establishment, functions, duration and composition of the Commission for equal opportunities between men and women;
- establishment, tasks and functioning of the National Committee for the implementation of the

- il divieto di discriminazione tra uomo e donna;
- istituzione, funzioni, durata e composizione della Commissione per le pari opportunità fra uomo e donna;
- costituzione, compiti e funzionamento del Comitato nazionale per l'attuazione dei principi di parità di trattamento ed uguaglianza di opportunità tra lavoratori e lavoratrici;
- istituzione, compiti e funzioni del Collegio per l'istruzione degli atti relativi alla individuazione e alla rimozione delle discriminanti;
- attività del Comitato per l'imprenditoria femminile.

Il Decreto individua le varie forme di discriminazione e pone il divieto a qualsiasi tipo di discriminazione:

- nell'accesso al lavoro;
- nella retribuzione;
- nelle prestazioni lavorative e nella carriera;
- nell'accesso alle prestazioni previdenziali;
- nell'accesso agli impieghi pubblici;
- nell'arruolamento nelle forze armate e nei corpi speciali
- nell'arruolamento nelle forze armate e nel corpo della Guardia di Finanza;
- nelle carriere militari.

Il Decreto Legislativo n° 5 del 25/10/2010 modifica e rafforza ulteriormente il Codice prevedendo sanzioni più severe e meccanismi di controllo più stringenti.

## Le politiche e gli organismi di parità in Italia

Per monitorare, discutere e promuovere le politiche di uguaglianza fra i generi (donna – uomo) e fra le diversità (culturali, disabilità, orientamento sessuale, razza) e per facilitare l'attuazione delle normative specifiche, sono stati istituiti diversi organismi di parità qui di seguito riportati.

### Il Dipartimento e il Ministero per le Pari Opportunità

Nel 1995, è stato istituito il primo "Ministero per le pari opportunità" a cui ha fatto seguito il Dipartimento per le

principles of equal treatment and equal opportunities between men and women workers;

- establishment, tasks and functions of the College for the investigation of acts relating to the identification and removal of discrimination;
- activities of the Committee for female entrepreneurship.

The Decree identifies the various forms of discrimination and prohibits any kind of discrimination:

- in access to employment
- in remuneration;
- in job performance and career advancement;
- in access to social security benefits;
- access to public employment;
- enlistment in the armed forces and special corps
- in enrolment in the armed forces and in the Guardia di Finanza corps;
- in military careers.

Legislative Decree No. 5 of 25/10/2010 amends and further strengthens the Code by providing stricter sanctions and control mechanisms.

## Equality policies and institutional bodies in Italy

In order to monitor, discuss and promote equality policies between genders (women - men) and between diversities (cultural, disability, sexual orientation, race) and to facilitate the implementation of specific legislation, several equality bodies have been set up as follows.

### The Department and the Ministry of Equal Opportunities

In 1995, the first 'Ministry for Equal Opportunities' was established, followed by the Department for Equal Opportunities.

Established at the Presidency of the Council of Ministers. The latter constitutes the administrative and functional structure for the implementation of governmental equality policies.

pari opportunità Istituito presso la Presidenza del Consiglio dei ministri. Quest'ultimo costituisce la struttura amministrativa e funzionale per la realizzazione delle politiche di parità governative.

## La Commissione Nazionale per la parità e le pari opportunità tra uomo e donna

Il 12 giugno 1984, in concomitanza agli altri paesi europei, veniva istituita la Commissione Nazionale per la parità e le pari opportunità tra uomo e donna presso la Presidenza del Consiglio, composta da 30 donne nominate nell'ambito delle associazioni e dei movimenti maggiormente rappresentative.

## Il Comitato Nazionale di Parità

Il Comitato Nazionale di Parità fu creato nel 1983, presso il Ministero del Lavoro e della Previdenza Sociale, quale organismo consultivo a supporto dell'azione del Presidente del Consiglio, al fine di promuovere la rimozione dei comportamenti discriminatori per sesso e di ogni altro ostacolo all'uguaglianza delle donne nell'accesso al lavoro e sul lavoro e nella progressione professionale e di carriera.

## Il comitato per l'imprenditoria femminile, istituito presso il Ministero dell'Industria

È stato creato a sostegno della legge 215/92 per promuovere l'uguaglianza sostanziale e le pari opportunità per uomini e donne nell'attività economica e imprenditoriale fornendo lo sviluppo dell'imprenditoria femminile.

## Le commissioni di parità

Sono costituite da Commissioni Regionali di Parità costituite con leggi regionali e da Commissioni Provinciali e Comunali; esse hanno formulato, fin dagli anni '90, molteplici proposte e progettualità svolgendo un'importante funzione di rappresentanza e promozione delle politiche di genere su tutto il territorio nazionale, ottenendo importanti risultati quali per es. la legge

## The National Commission for Equality and Equal Opportunities between Men and Women

On 12 June 1984, at the same time as other European countries, the National Commission for Equality and Equal Opportunities between Men and Women was set up at the Presidency of the Council of Ministers, made up of 30 women appointed from the most representative associations and movements.

## The National Equality Committee

The National Equality Committee was created in 1983, at the Ministry of Labour and Social Security, as an advisory body to support the action of the Prime Minister, in order to promote the removal of gender-based discriminatory behaviour and any other obstacle to women's equality in access to and on the job and in professional and career progression.

## The Committee for Women Entrepreneurship, set up at the Ministry of Industry

It was created in support of Law 215/92 to promote substantive equality and equal opportunities for men and women in economic and entrepreneurial activity by providing the development of female entrepreneurship.

## Equality Commissions

They are made up of Regional Equality Commissions established by regional laws and by Provincial and Municipal Commissions; since the 1990s, they have formulated many proposals and projects, playing an important role in representing and promoting gender policies throughout the country, achieving important results such as the law on female entrepreneurship.

## The Joint Guarantee Committee

The Joint Guarantee Committee for equal opportunities, the enhancement of the welfare of those who work and against discrimination, established by Law 183/2010 (Article 21), is composed of members appointed by the

dell'imprenditoria femminile.

## **IL Comitato Unico di Garanzia**

Il “Comitato Unico di Garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni” (C.U.G.), istituito con la legge 183/2010 (articolo 21), è composto da membri designati dalle organizzazioni sindacali e dall'amministrazione, con presenza paritaria di uomini e donne e ha ruoli di consulenza, proposta e verifica ai fini del rispetto delle pari opportunità e della tutela dalla violenza.

trade unions and the administration, with an equal presence of men and women, and has the role of advice, proposal and verification for the purposes of compliance with equal opportunities and protection from violence.

# Chapter 16

## **Laws & Regulations on Gender Based Issues “Argentina”**



## INTRODUCTION

Gender-based violence is a structural practice that violates human rights, fundamental freedoms and severely affects women and LGBTI+ people. It occurs when they suffer any form of discrimination, assault, harassment or degradation because of their gender identity, gender expression or sexual orientation. Violence against women and LGBTI+ people is any conduct (an action, an insult, an attitude, a silence or a failure to cooperate) that results in harm to a person simply because they are a woman or LGBTI+ person. Gender-based violence can affect the victims: their life, their freedom, their dignity, their physical, psychological or sexual integrity, their economic situation, their safety, their access to work, education and health care.

## NORMATIVE FRAMEWORK

In our country, the various women's movements have made visible a particular form of discrimination against women: gender-based violence. This visualisation by different movements led society in general to join the historical demands of women and feminist organisations that demand effective public policies from the state to prevent, punish and eradicate violence against women. Although Argentina has made great progress at the institutional level, the statistics show that there is still a long way to go.

Thus, in response to these demands, the National State, the provinces and the municipalities have begun to give a place on their agendas to this highly visible problem.

On the other hand, as the National Code of Criminal Procedure has a new design for the investigation of crimes, it marks an active incorporation of citizens, either individually or collectively, with the aim of modernising the current mechanisms of criminal prosecution under the need for transparency and democratisation of the administration of criminal justice.

In recent times, the victim has been given a fundamental role in criminal law and criminal procedure, which has led to him or her being at the centre of discussions. The issue has become so important that it not only affects criminal procedural law but also transcends it and has direct consequences on substantive law.

However, when we talk about violence against women,

there are a series of myths or false beliefs that still exist in people's minds, such as: "We are not the ones to interfere in a family's private life", "Only poor women suffer male violence", "If women are abused by their partners and stay with them, it is because they like it", "If they are jealous of you, it is because they love you", "If women go out wearing skirts, they should not complain if something happens to them afterwards".

In recent times, in Argentina, women have had many achievements to be valued and to have their rights respected, ranging from the creation of the Domestic Violence Office (O.B.D.) of the Supreme Court of Justice of the Nation (C.S.J.N.) where women have greater access to justice to the legalisation of the abortion law in Argentina. The meaning of gender justice in Argentina has mutated according to the political context in which the country finds itself and at present the national registers dedicated generically to the criminal issue have been able to advance in the registers at national level to try to provide more accurate and useful information on the violence that affects women, lesbians, transvestites and transsexuals.

In this sense, the Argentine State has assumed the obligation to produce information with a gender perspective, putting into operation interjurisdictional and inter-institutional registers, generating consensus for the implementation of various forms of data collection, which will allow us to have a better understanding of the problems in which we are immersed.

One of the systems that centralises crime statistics for the whole country is the National Criminal Information System (S.N.I.C.), which currently operates within the National Ministry of Security and is fed with information provided by the twenty-three provinces, the Autonomous City of Buenos Aires, the police and federal forces. It mainly consists of interventions and police reports that make it possible to keep these records in a limited way.

In our country, with the return to democracy, the issue of violence against women began to take centre stage on the agendas of legislators. In 1994, Law 24.417 on the fight against domestic violence was passed and from then on, provincial laws began to be debated and violence against women was given definitive visibility.

Violence against women constitutes a serious phenomenon that implies the violation of fundamental human rights: it is a political, social and public health problem that involves women in particular and prevents



the construction of democratic relationships within the family and society. Violence is related to cultural formation in a patriarchal context where boys and girls are educated differently and this hierarchical difference is accepted as part of the established order.

For a long time, violence against women was considered to be a private matter without taking into account other aspects of women's daily lives that also present forms of violence related to their gender status and that are highly silenced.

In relation to aggressors, the myth that violence is natural for men must be eradicated. Social mandates and the process of socialisation that boys go through as children construct behaviours linked to the demonstration of power through force and violence. It is not that boys and young men are naturally or biologically more violent than girls (who can also show aggression and violence) but that they are socialised in violence and live in a culture that legitimises it. For this reason, the prevention of gender-based violence must start from childhood through education for equality between girls and boys, eliminating all types of discrimination.

In this sense, the International Human Rights Treaties have been incorporated into the National Constitution in Article 75 (paragraph 22) since the reform of the National Constitution in 1994. These include the American Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (OAS), among others, which imply concrete obligations and commitments, but even so there is a gap between the extent of the problem of violence and its effective attention.

In 1993, the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women. While non-binding, it was a landmark in that it specifically highlighted and addressed violence against women in a broad definition: "...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life...".

In 1996, Argentina approved the Inter-American

Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the "Convention of Belem do Para". Its implementation is monitored by a Committee of Experts (C.E.V.I.) made up of specialists appointed by each of the States Parties.

On another note, it is worth highlighting that the political parties - in the face of gender violence - have achieved a large number of laws, that is, the formal recognition of our rights, but there are still pending and very urgent debts due to the effects they have on women's lives: one of them is the right to a life free of violence.

A great achievement of feminist movements has been to denaturalise and expose those systematic cultural patterns and behaviours with profoundly sexist roots. From the records, we can say that the homicides of women are explained first and foremost by gender: their partners or ex-partners kill them. The murders of trans and transvestite women are the result of a series of systematic violence whose end result is transfemicides and transvesticides.

International treaties are complemented by international jurisprudence on violence against women developed by the various bodies responsible for the interpretation and application of international norms in specific cases.

## NATIONAL LEGAL FRAMEWORK

1) Law on Comprehensive Protection to Prevent, Punish and Eradicate Violence against Women (N° 26.485 of 2009): this was the first law passed on the subject and positioned Argentina as one of the States seeking to comprehensively address violence against women.

After a first stage in which state responses focused almost exclusively on domestic violence (or intra-family violence), in recent years a movement began that led to the enactment of second-generation regulations, with a comprehensive approach, which understand that the violence that occurs in the privacy of couples is a reflection of the daily violence that occurs in public and community settings, which naturalises unequal power relations between genders and then finds its expression in the life of the couple and the family.

Law N° 26.485 was regulated by Decree 1011 of 2010, and in the following years, the provinces approved local

norms of adhesion to the text of the norm, adapting it, on occasions, to the particularities of each local context. The law in question has subsequently been modified to include in its text forms of violence against women that were made visible after its enactment and that achieved regulatory recognition.

This law defines violence against women as any conduct, action or omission that directly or indirectly, both in the public and private spheres, based on an unequal power relationship, affects their life, freedom, dignity, physical, psychological, sexual, economic or patrimonial integrity, as well as their personal safety. This includes violence perpetrated by the State or its agents, and for the purposes of this law, indirect violence is considered to be any conduct, action, omission, provision, criterion or discriminatory practice that places women at a disadvantage with respect to men.

The purpose of this law is to promote equality between men and women, the eradication of violence against women, the development of public policies for its eradication and the elimination of barriers to access to justice for women victims of violence. Violence against women, its types and modalities, can be considered as conceptualisations of social conflicts that inform the rest of the norms and that function as unavoidable parameters of interpretation. In this way and in these situations, they can be dealt with by civil, criminal, labour or any other justice system, depending on the particularities of each case and the objective sought by the victim in each process.

In this respect, in a case of domestic violence, it will depend on the type of violence involved and the specific act in order to determine which justice system could intervene. In the case of the criminal justice system, the specific act must fall under some type of criminal offence (injuries, threats, harassment, femicide, etc.) in order for the criminal complaint to be viable.

The Law lists different types of violence that can occur in different modalities or spheres, such as: physical, psychological, sexual, economic or patrimonial, symbolic and political.

- **Physical:** That which is used against the woman's body producing pain, harm or the risk of producing it, and any other form of mistreatment or aggression that affects her physical integrity.
- **Psychological:** That which causes emotional

harm and diminished self-esteem or impairs and disrupts full personal development or seeks to degrade or control their actions, behaviours, beliefs and decisions, through threat, harassment, bullying, restriction, humiliation, disgrace, discredit, manipulation, isolation. It also includes blaming, constant surveillance, demands for obedience, submission, verbal coercion, persecution, insult, indifference, neglect, abandonment, excessive jealousy, blackmail, ridicule, exploitation and limitation of the right of movement or any other means that causes harm to their psychological health and self-determination.

- **Sexual:** Any action that implies the violation in all its forms, with or without genital access, of a woman's right to decide voluntarily about her sexual or reproductive life through threats, coercion, use of force or intimidation, including rape within marriage or other related or kinship relationships, whether or not there is cohabitation, as well as forced prostitution, exploitation, enslavement, harassment, sexual abuse and trafficking in women.

- **Economic and patrimonial:** That which is aimed at causing an impairment of the economic or patrimonial resources of women, through: (a) Disturbing the possession, holding or ownership of her property; (b) The loss, subtraction, destruction, retention or undue distraction of objects, work instruments, personal documents, goods, securities and patrimonial rights; (c) Limiting the economic resources intended to satisfy her needs or depriving her of the indispensable means to live a dignified life; (d) Limiting or controlling her income, as well as receiving a lower salary for the same task, within the same workplace.

- **Symbolic:** That which through stereotyped patterns, messages, values, icons or signs transmits and reproduces domination, inequality and discrimination in social relations, naturalising the subordination of women in society.

- **Political:** That which is aimed at undermining, nullifying, preventing, impeding, hindering or restricting women's political participation, violating the right to a political life free of violence and/or the right to participate in public and political affairs on equal terms with men.

#### 1.a) Modalities of violence considered by the law:

Different types of violence can take different forms depending on the different settings in which they occur and the link to the perpetrators:

- **Domestic violence against women:** violence

exercised against women by a member of the family group, regardless of the physical space where it occurs, that harms the dignity, well-being, physical, psychological, sexual, economic or patrimonial integrity, freedom, including reproductive freedom and the right to full development of women. Family group is understood to be that which originates from kinship by consanguinity or affinity, marriage, de facto unions and partnerships or courtship. It includes current or terminated relationships, where cohabitation is not a requirement.

- Institutional violence against women: violence carried out by officials, professionals, personnel and agents belonging to any public body, entity or institution, whose purpose is to delay, hinder or prevent women from having access to public policies and exercising the rights provided for in this law. This also includes those exercised in political parties, trade unions, business, sports and civil society organisations.

- Violence against women in the workplace: violence that discriminates against women in public or private workplaces and that hinders their access to employment, hiring, promotion, stability or permanence in the same, by demanding requirements regarding marital status, maternity, age, physical appearance or the performance of pregnancy tests. It also constitutes violence against women in the workplace to violate the right to equal pay for equal work. It also includes systematic psychological harassment of a particular worker with the aim of excluding her from the workplace.

- Violence against reproductive freedom: violence that violates women's right to decide freely and responsibly on the number or spacing of pregnancies.

- Obstetric violence: violence exercised by health personnel over women's bodies and reproductive processes, expressed in a dehumanising treatment, an abuse of medicalisation and pathologisation of natural processes.

- Media violence against women: the publication or dissemination of stereotyped messages and images through any mass media that directly or indirectly promotes the exploitation of women or their images, insults, defames, discriminates, dishonours, humiliates or attacks the dignity of women, as well as the use of women, adolescents and girls in pornographic messages and images, legitimising unequal treatment or constructing socio-cultural patterns that reproduce inequality or

generate violence against women.

- Violence against women in public spaces: violence against women by one or more persons in public places or places of public access, such as means of transport or shopping centres, through verbal or non-verbal conduct or expressions with a sexual connotation that affect or damage their dignity, integrity, freedom, freedom of movement or permanence and/or generate a hostile or offensive environment.

- Public-political violence against women: Violence that, based on gender-based reasons, through intimidation, harassment, dishonour, discredit, persecution, harassment and/or threats, prevents or limits the proper development of political life or access to political rights and duties, violating the current regulations on women's political representation, and/or discouraging or undermining the political exercise or political activity of women, which may occur in any space of public and political life, such as state institutions, voting precincts, political parties, social organisations, trade union associations, the media, among others.

2) Law N° 5.742 (year 2016): aims to prevent and punish sexual harassment in public spaces or public access through verbal or physical acts that harass, abuse or intimidate and generally affect the dignity, freedom, freedom of movement and the right to physical or moral integrity of persons, based on their gender, identity and/or sexual orientation. This prohibition ranges from rude "compliments" and sexual remarks to non-consensual touching and cornering.

This definition includes aggressions committed by cybernetic means and any form of discrimination that tends to segregate on the basis of skin colour, ethnicity, nationality, language, gender identity, sexual orientation, religious or ideological convictions, political or trade union opinion, age, family situation, physical characteristics, health condition, socio-economic situation or any other circumstance of persons that implies exclusion, restriction or impairment. The law applies to all schools operating in the Autonomous City of Buenos Aires, whether state or privately managed and whatever their level and modality. In this respect, the "Specialised Prosecutor's Unit on Violence against Women" was created, which meant a very important step forward in the fight against impunity for these crimes, but also an advance in the attention given to the victims, generally women. Those who have

suffered the consequences are subjected to mistreatment and new violence when they decide to file a complaint and become involved as witnesses or complainants in legal cases. These Specialised Prosecutor's Offices make it possible for women to be attended to in a specialised environment, in coordination with the health sector, in an interdisciplinary way, preserving their privacy and care so that they do not lose, in the immediate future, the possibility of attending to their health and preserving evidence that can quickly be destroyed. Today, these only exist in the Autonomous City of Buenos Aires as a result of the initiative of the National Attorney General's Office and the agreement signed five years ago with the Government of the City of Buenos Aires.

3) Gender Identity Law (N° 26.743): a product of the struggles of transvestites and transgender people in our country, the law directly recognises the right to gender identity and its legal relevance lies in the possibility for these groups to access the legal recognition of their identities without the need for legal proceedings or to prove a process of physical change.

4) Law N° 26.791 (modifying the Penal Code): it reformed the Penal Code of the Nation by incorporating the crime of "femicide" to the aggravated crime of homicide. In this way, the maximum penalty is set for anyone who kills a woman when the act is perpetrated by a man and there is gender violence. Also, the cases of ex-spouse or the person with whom he/she maintains or has maintained a relationship, whether or not they live together, have been added to the aggravated homicides due to the link. On the other hand, homicides committed for pleasure, greed or racial or religious hatred have been added to those committed because of gender, sexual orientation or sexual identity or orientation. The aforementioned law also incorporated those who with the purpose of causing suffering to a person with whom they maintain or have maintained a relationship and excluded the possibility of the reduction of the sentence due to extraordinary circumstances of attenuation who had carried out acts of violence against the woman victim.

## OFFICIAL INSTITUTIONS IN THE FIGHT AGAINST GENDER VIOLENCE

1) Domestic Violence Office (O.V.D.): the objective is to facilitate access to justice for people who are affected by domestic violence and are in a situation of special vulnerability. It provides multidisciplinary care 24 hours a day, 365 days a year to people who come forward spontaneously.

2) Line 144 (National Ministry of Women, Gender and Diversity): the objective of this national telephone line is to provide information, guidance, advice and support to women in situations of violence throughout the country, 365 days a year, 24 hours a day, free of charge. It is staffed by a team of professional psychologists and social workers, and is made up of operators and coordinators trained in gender perspective and violence against women.

3) Line 137 - Attention to Victims of Domestic Violence (National Ministry of Justice and Human Rights): The objective of this line (from the Autonomous City of Buenos Aires) is to provide attention to victims of abuse or mistreatment caused by the exercise of violence, whatever its nature, in an environment of containment, security and guarantee of their rights. The attention is provided 24 hours a day, 365 days a year.

4) Line 145 - Against Trafficking in Persons (National Ministry of Justice and Human Rights): telephone line trained to receive complaints from anywhere in the country about the possible commission of the crime. It is answered by operators of the National Rescue Programme and operates 365 days a year, 24 hours a day. Calls are answered by a team of psychologists and social workers trained in human trafficking. With the data of the complaint, the referral is made to other official agencies, as appropriate, such as the Ministry of Security of the Nation, the Public Prosecutor's Office, the Judiciary, or the Office of Monitoring of Publication of Notices of Offer of Sexual Commerce (OM) of the Ministry of Justice and Human Rights.

5) Victim Attention Centre (Superintendence of Gender Violence and Family Protection of the City Police):

its objective is to eradicate family violence through a joint work that includes not only the protection of the victims but also their care. It also carries out tasks of prevention and clarification of intra-family crimes, the victims being women, men, children, adolescents, people with disabilities and the elderly, through brigades whose mission is to intervene in the tasks requested by the justice system of the City and/or the Nation, providing fast, professional and effective attention.

6) General Directorate for Children, Adolescents and Gender (Ombudsman's Office of the Autonomous City of Buenos Aires): its purpose is to promote access to justice, services and programmes for the protection of women's rights.

7) Commission on Gender Issues (Public Defender's Office): the objective is to promote the implementation of defence strategies with a gender perspective, particularly in cases related to women victims of violence or in conflict with criminal law.

8) Gender and Diversity Programme (Public Defender's Office of the Autonomous City of Buenos Aires): the objective is to promote effective access to civil, political, economic, social and cultural rights for those discriminated against because of their gender identity and sexual orientation.

9) Women's Office (O.M. - Supreme Court of Justice of the Nation): the objective is to promote - in the sphere of the Judiciary - a process of incorporation of the gender perspective in institutional planning and internal processes, as well as to collaborate with the other branches of the State by compiling statistical data that facilitate the development of public policies necessary to eradicate violence against women in all spheres.

10) National Commission for the Coordination of Actions for the Elaboration of Sanctions for Gender Violence (CONSAVIG - Ministry of Justice and Human Rights of the Nation): the objective is to implement, together with national, provincial and municipal bodies and social organisations, the tasks related to the elaboration of sanctions for gender violence established by Law No. 26.485, as well as to develop advisory tasks that may be necessary for the implementation of the mentioned law in accordance with national and international regulations.

# Chapter 16

## **Laws & Regulations on Gender Based Issues “Brasil”**



## Brazilian laws and services that protect women victims of violence

In Brazil, one of the main fronts of action of the Ministry of Women, The Family and Human Rights (MMFDH) is the protection of the female population in its entirety: coping with violence, guaranteeing rights and greater quality of life.

### Coping with violence

The fight against violence against women has been reinforced by the sanction of eight federal laws.

The most recent, **Law 13.984/20**, amends the Maria da Penha Law (Law 11.340/06) to allow judges to compel the aggressor of women to attend an education and rehabilitation center and to have psychosocial follow-up.

The standard establishes, as urgent protective measures, the monitoring, individual or support group, of the aggressor, as well as the mandatory attendance to recovery and re-education programs.

Special attention was given to women with disabilities, an agenda of the National Secretariat for the Rights of Persons with Disabilities (SNDPD).

**Law 13.836/19** makes mandatory information on the condition of disabled person of the woman victim of domestic or family aggression. With this, other protection agencies and other specific laws that deal with this population may be triggered, which may aggravate the offender's sentence.

The other ones deal with the compulsory notification of cases of suspected violence; jurisdiction for divorce, separation, marriage annulment or dissolution of a stable union in cases of violence; the enrollment of dependents of women who are victims of violence in a school close to home; the seizure of an aggressor's firearm; reimbursement by the aggressor of the costs of health services provided by the Unified Health System (SUS) to victims of domestic and family violence and the application of urgent protective

measures.

**Law 13.811/19** prohibits child marriage, which is performed, formally or informally, before the age of 18.

### Year 2020

**Law 13,894/20** It amends article 22 of the Maria da Penha Law to establish, as urgent protective measures, the frequency of the aggressor to an education and rehabilitation center and psychosocial follow-up.

### Year 2019

#### Law 13.931/19

Amends Law No. 10,778/2003 to provide for the compulsory notification of cases of suspected violence against women.

#### Law 13.894/19

Amends Maria da Penha Law No. 11,340 of August 7, 2006, to provide for the jurisdiction of the Domestic and Family Violence Against Women's Court for divorce, separation, marriage annulment or dissolution of a stable union in cases of violence and to make information to victims mandatory about the possibility of legal aid services to file the aforementioned actions; and amends Law No. 13,105 of March 16, 2015 (Code of Civil Procedure), to provide for the jurisdiction of the forum of the home of the victim of domestic and family violence for the action of divorce, legal separation, annulment of marriage and recognition of the stable union to be dissolved, to determine the mandatory intervention of the Public Prosecutor's Office in the family actions in which it appears as a victim of domestic and family violence, and to establish the priority of the processing of judicial proceedings in which it appears as a victim of domestic and family violence.

#### Law 13.882/19

It amends the Maria da Penha Law to ensure the registration of dependents of women who are victims of domestic and family violence in a basic education



institution closer to their home. Law 13.880/19 It amends the Maria da Penha Law to provide for the seizure of a firearm held by an aggressor in cases of domestic violence, as it specifies.

## Law 13.871/19

It amends the Maria da Penha Law to provide for the responsibility of the aggressor for the reimbursement of costs related to health services provided by the SUS to victims of domestic and family violence and the safety devices used by them.

## Law 13.836/19

It adds a provision to Article 12 of Law No. 11,340/2006, to make mandatory information on the condition of a disabled person of the woman who is victims of domestic or family aggression.

## Law 13.827/19

It amends the Maria da Penha Law, to authorize the application of a protective measure of urgency to women in situations of domestic and family violence, or to their dependents, and to determine the registration of the emergency protective measure in a database maintained by the National Council of Justice.

## Law 13.811/19

It confers a new wording to Art. 1,520 of the Civil Code, to eliminate the permissive legal exceptions of child marriage. In Brazil, the Maria da Penha Law has become a landmark in the fight against gender violence. It was enacted in 2006, but since the new Constitution of 1988, when there was greater participation of feminist movements, there has been an expansion of discussion to create new legislation and specific services for the protection of women.

Another relevant fact is that, since the enactment of Law 13.104, in 2015, which included femicide as a qualifier of the crime of homicide in the Brazilian Penal Code, records have only increased, from 929 cases in 2016 to 1,326 in 2019.

## Legislation:

- Maria da Penha Law (2006): Creates mechanisms to curb domestic and family violence against women, establishing assistance and protection measures.
- Carolina Dieckmann Law (2012): It made the invasion of electronic devices to obtain private data a crime.
- Next Minute Law (2013): Offers guarantees to victims of sexual violence, such as immediate assistance by the Unified Health System, medical, psychological and social support, gynecological exams and information about their rights.
- Joana Maranhão Law (2015): Changed the deadlines regarding the statute of limitations for crimes of sexual abuse of children and adolescents. The statute of limitations came into effect after the victim turned 18, and the deadline for filing a complaint was increased to 20 years.
- Femicide Law (2015): Provides for femicide as a qualifying circumstance for the crime of homicide, that is, when a crime is committed against a woman for reasons of the female gender
- Mariana Ferrer Law (2021): protects victims of sexual crimes from acts against their moral and psychological integrity during the judicial process.

## Networks and services:

- Delegacias Especializadas de Atendimento à Mulher (DEAM): Specialized units of the Civil Police, which carry out actions to prevent, protect and investigate crimes of domestic violence and sexual violence against women, among others. Not all Brazilian cities have specialized police stations.
- Court of Domestic and Family Violence against Women: Ordinary Justice Bodies with civil and criminal jurisdiction, may be created by the Union, the Federal District and the Territories, and by the States, for the process, judgment and execution of the causes arising from the practice of domestic and family violence against women.
- Service Centers for Women Victims of Violence (State Public Defenders): Offer legal advice, promotion of human rights and defense of individual and collective rights at all levels (judicial and extrajudicial), in an integral and free manner.
- Centers for Assistance to Women Victims of Violence

(State Public Prosecutors): Responsible for bringing public criminal action, requesting investigations from the Civil Police and demanding urgent protective measures from the judiciary, in addition to overseeing public and private establishments for assistance to victims.

- Central de Atendimento à Mulher 180 (Women's Call Center) – Telephone call center that operates 24 hours a day, through the number 180. It provides listening and qualified assistance to women in situations of violence. The service registers and forwards allegations of violence against women to the competent bodies, as well as complaints, suggestions or compliments about the functioning of the assistance services

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