

Support Services for victims of violence

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HRDC Comments on the Draft Update of General Recommendations No. 19 (1992) on Gender Based Violence against Women

Human Rights in Democracy Centre

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To the Committee on the Elimination of Discrimination against Women (CEDAW Committee)

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I. Free Legal Support

Access of victims of domestic violence to the court is one of the most important rights that should be respected in every judiciary process. One of the components of the right for a fair trial is the right to be protected from a lawyer. It's really important that a victim of domestic violence should be represented from a lawyer in the process of issuing a protection order. And this legal support should be free for victims of domestic violence. Absence of free legal aid is an obstacle for effective protection of victims of domestic violence. The presence of defense lawyer would also affect reducing of dismissed (non successful) cases and taking of effective measures, as well as respect of terms of trial. We think that will be added a special article for legal support of victims of domestic violence,(because this kind of service it isn't mentioned in this recommendation), with this content:

Legal support

States should provide the right to legal assistance and to free legal aid for victims of domestic violence.

II. Economic Violence

Human Rights in Democracy Centre proposes to be added the term **of economic violence at the point 6 of General Comments**. Economic abuse is a form of abuse when one intimate partner has control over the other partner's access to economic resources, which diminishes the victim's capacity to support him/herself and forces him/her to depend on the perpetrator financially. In this article are mentioned only acts that inflict physical, mental or sexual harm or suffering. We think that in this article it must be added also the economical violence, because this kind of violence is very widespread, and is directly related with women integrity.

III. Access to health care

Article 12 provides *“States parties are required by article 12 to take measures to ensure equal access to health care. Violence against women puts their health and lives at risk.”*

Human Rights in Democracy Centre thinks that the term of access to health care should be clarified. In this context access to health care include also the duty of medical institutions to provide victims of domestic violence with a medical report (or other medical document). This document will be helpful for them in the court, to certify the violence suffered. This document is a written evidence that has an indisputable value in the process of issuing a protection order. Failure of health institutions to equip victims of domestic violence with such report, brings not only a violation of the rights of victims of domestic violence for health care but also a violation of the right for a fair trial. This lack in many cases resulting in postponement of hearings, delays of up to termination/dismissal of the case for lack of evidence. It's necessary that the duty of health institutions to provide victims of domestic violence with medical support to be added also with their duty to document the damages suffered. So this article should be added in this way: *“States parties are required by article 12 to take measures to ensure equal access to health care and provide victims of domestic violence with medical reports that confirms the violence suffered...”*

IV. Confidentiality

The protection of personal data of victims of domestic violence its an important principle, which should prevail over all other principles. Personal data of victims of domestic violence shall be stored and used pursuant to the obligations undertaken by the States under the

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

Human Rights in Democracy Centre thinks that such an article should be added in this recommendation.

V. Children victims of assisted violence

Number of victims of domestic violence is much higher if we take into account the children involved in violence episodes . Children are victims of assisted violence in most of the cases. And in the other cases are direct victims of domestic violence. This is why states shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, should take into consideration the rights, needs and best interest of child witnesses of all forms of violence. This provision should be added in a separate article of this recommendation.