

PROTOCOL ON ACTIONS, PREVENTION OF AND PROTECTION AGAINST FAMILY VIOLENCE

- Procedures and institutional cooperation regarding family violence and violence against women -

Note

Within the Gender Equality Program of IPA 2010, implemented in partnership between the Ministry for Human and Minority Rights of Montenegro, UNDP and the EU Delegation to Montenegro, a workshop was organized in Becici, on 28-30 September 2011. The workshop was attended by the representatives of the Montenegrin institutions involved in prevention of violence and assistance to victims, including line ministries, representatives of the centers for social work, judicial authorities, the police and the Misdemeanor Court. Besides, the workshop was also attended by the non-governmental organizations Shelter for Women (Sigurna zenska kuca), SOS Podgorica, SOS Niksic and UNICEF and UNHCR representatives.

The goal of this workshop was to define principles and manner of work of the individual institutions and to discuss the various aspects of cross-sector cooperation. The workshop was managed by Branka Zigante-Zivkovic, judge of the High Misdemeanor Court of Croatia, as a consultant of the UNDP Office in Podgorica.

Based on the discussion, Ms. Zigante-Zivkovic prepared the first draft of the protocol, while the UNICEF Office in Podgorica hired Ivana Stevanovic PhD, President of the Center for Rights of Children in Belgrade, to write the draft version of Part III related to children.

After the period of one month of harmonization of the text, where all the relevant institutions were involved, the Protocol was officially signed on 25 November.

The Gender Equality Team of IPA 2010 extends its gratitude to all the participants in this process who have given their contribution to making the text of the Protocol clear, understandable and compatible with the existing legal and strategic framework. Besides, the Team is pleased with the fact that during the work on this Protocol, good climate was created for implementation of the Protocol in the spirit of good inter-institutional and cross-sector cooperation, as a necessary prerequisite for efficient prevention and protection of victims of family violence and violence against women.

In Podgorica, 25 November 2011.

I INTRODUCTION

With the adoption of the Law on protection against family violence (OGMNE 46/10), and the Strategy for protection against family violence that was derived from that Law for the period 2012-2015, the duty to write the Protocol on actions, prevention of and protection against family violence was prescribed.

The aim of this Protocol is to establish and encourage establishment of multi-disciplinary cooperation with clearly defined procedures to be followed by each system.

The Protocol was designed so as to observe the basic principles derived from all the conventions and laws mentioned in the Strategy for the protection against family violence and it relates to comprehensive protection of the family against violence.

The Protocol regulates joint work of all systems in the implementation of the laws and conventions, as well as the obligation to undertake necessary measures to ensure good organization, preparedness and education of a sufficient number of specialized experts dealing with family violence issues.

Family violence is defined in the provisions of the Criminal Code (CC) and the provisions of the Law on protection against family violence (LPAFV). The Law also defines the persons that constitute a family as an object of protection.

Chapter 19 of the Criminal Code prescribes criminal offenses against marriage and family, and Article 220 defines the criminal offense of violence in the family or in the family community.

“Violence in a family or a family community”

Article 220

(1) *Anyone who by use of serious violence endangers physical or mental integrity of a member of his family or family community shall be sentenced to a fine or imprisonment not exceeding one year.*

(2) *If for the commission of an act referred to in Paragraph 1 of this Article any weapons, dangerous tools or other means for inflicting heavy bodily injuries or for seriously impairing health are used, the perpetrator shall be sentenced to imprisonment of three months to three years.*

(3) *If, due to acts referred to in Paragraphs 1 and 2 of this Article, heavy bodily injury is inflicted or health is seriously impaired or if such acts have been done to a minor, the perpetrator shall be sentenced to imprisonment of one to five years.*

(4) *If by acts referred to in Paragraphs 1, 2 and 3 of this Article, a death of a member of a family or a family community has been caused, the perpetrator shall be sentenced to imprisonment of three to twelve years.*

(5) *Persons violating the measures of protection against family violence stipulated by the court or some other state authority based on the law shall be sentenced to a fine or imprisonment of up to six months.”*

Chapter 13 of the Criminal Code defines the meaning of terms used in the Code, thus, Item 28 stipulates as follows:

A family or a family community/ unit shall also mean former marital partners, blood relatives and relatives through full adoption in the direct line without restrictions, and their relatives up to the fourth degree inclusive of a collateral line, relatives through open adoption, relatives through marriage up to the second degree inclusive, persons living in the same family household and persons who have a child together or the child who is about to be born although they have never lived in the same family household.

The Law on the protection against family violence stipulates the forms of violence in Article 8.

Forms of Violence

Article 8

Specially considered as constituting a violation of physical, psychological, sexual or economic integrity, mental health and peace of other family member shall be any of the following acts whereby a family member:

- 1) uses physical force, irrespective of whether it inflicts a bodily injury on other family member;
- 2) threatens to use force or induces danger that may provoke a feeling of personal insecurity or cause physical pain in other family member;
- 3) assaults verbally, swears, calls names or otherwise insults other family member;
- 4) denies other family member freedom of communication with third persons;
- 5) exhausts through labour, deprives of sleep or other rest, threatens to expel from residence or take away children;
- 6) sexually abuses other family member;
- 7) stalks and otherwise severely abuses other family member;
- 8) damages or destroys joint property or property of other family member or attempts to do so;
- 9) denies means of subsistence to other family member;
- 10) behaves rudely and so disturbs family peace of a family member that he does not share family community with.

Also considered as constituting violation of physical, psychological, sexual or economic integrity, mental health and peace of other family member shall be insufficient care by a family member to provide any of the following:

- 1) food, personal hygiene, clothing, medical care or to ensure regular school attendance or his failure to prevent the child from being in harmful company, as well as from vagrancy, beggary or theft or otherwise severely neglect his duties concerning child development and education;
- 2) food, personal hygiene, clothing or medical care to other family member who he has a duty to take care of, where this family member needs special care for reason of his illness, disability, old age or other personal characteristics, which prevent him from taking care of himself.

Considered as constituting major form of domestic violence shall be failure to report (hiding) family member with special needs.

Article 3 of LPAFV defines who the family members are.

Family members

Article 3

Family members, as used in this act, shall mean any of the following:

- 1) spouses or former spouses, children they have in common, and their stepchildren;
- 2) consensual partners or former consensual partners irrespective of the duration of consensual union, children they have in common, and their stepchildren;
- 3) persons related by consanguinity and relatives by full adoption, in the direct line of descent with no limitation and in collateral line of descent up to the fourth degree;
- 4) relatives by incomplete adoption;
- 5) relatives on the side of wife/consensual partner up to the second degree in a married or consensual union;

- 6) persons sharing the same household irrespective of the nature of their relationship;
- 7) persons who have a child in common or who have conceived a child.

Article 6 of the Law emphasizes urgency of the procedure, with special emphasis on the protection of interests and wellbeing of the victim of violence.

LPAFV prescribes the duty of the state authorities, other authorities, health, educational and other institutions to report violence to the police, if, in the discharge of their regular duties i.e. conduct of their activities, they suspect that violence has been exerted.

Duty to report violence
Article 9

“A state administration agency, other agency, a health, education or other institution have the duty to report to police the incidence of violence that they learn of in the discharge of affairs within their authority or in conduct of their activities. Responsible person in the agency or institution from Paragraph 1 of this Article, as well as the health and social workers, teachers, caregivers and other persons who learn of violence in the discharge of their affairs shall report that violence to the police. A misdemeanor authority and the police are obliged to inform the center for social work about the reported violence.”

II ACTIONS TO BE TAKEN BY THE RESPONSIBLE INSTITUTIONS

Police

Police authority is derived from Article 6 of the Law on Police which states that the police shall undertake measures that are necessary for the protection of lives and health of the people, as well as from other applicable laws (CC, CPC, LP).

Police officer is obliged to register the denunciation regarding family violence that can be expressed verbally (directly, via telephone), written or anonymous; the police officer is also obliged to write minutes about the registered denunciation, making sure not to victimize the victim of violence when registering the denunciation by asking unnecessary questions.

In case of (denunciation) learning of family violence, police officer is obliged to act as follows:

1. To send urgently and without delay minimum two police officers to the actual scene, preferably a male-female couple of officers, in order to check the quotes from denunciation;
2. Policy authority is used commensurate to the need to protect the victim of violence, in order to ensure immediate protection and provision of all forms of protection, and to prevent the abuser from further violent behavior in the family. It is necessary to:
 - a. Determine where the abuser is;

- b. When entering the apartment and other premises, to take the position that prevents contact between the victim of violence and the abuser;
 - c. To secure the scene of the offense;
 - d. Keep the abuser under constant supervision;
 - e. Establish identity of all persons found in the scene of the offense;
 - f. Obtain personal data about the abuser in accordance with the use of police authority;
 - g. Inform the abuser about his/her rights.
3. If necessary, arrest the abuser;
4. Draft minutes from the investigation at the scene of the offense, with photo documentation – photo elaboration (premises, furniture and other items, state of the victim...);
5. Establish circumstances of possible possession of weapons;
6. In case of learning of the legal or illegal possession of weapons, take all the legal actions to seize it;
7. It is compulsory to contact the state prosecutor, in order to have him/her guide/direct the procedure (criminal or misdemeanor procedure);
8. According to the instructions from the prosecutor, bring the abuser before the state prosecutor, according to the applicable legal regulations (Criminal Code and Criminal Procedure Code);
9. Write official minutes about the contact with the state prosecutor;
10. When interviewing the victim, the abuser must not be present in the same room;
11. Engage in an undisturbed interview with the victim in a separate room, starting the conversation with the question: “What happened?”, and obtain necessary data on the possible need to ensure medical assistance;
12. While interviewing the victim of violence, establish important circumstances regarding the duration, continuity, behavior of the perpetrator and possible violence exerted in the past;
13. Inform the victim about his/her rights (to choose a confident, free legal aid, shelter...);
14. Inform the victim about the possibility to go to the shelter, and if necessary, take the victim to the shelter and simply inform the relevant institutions about that fact, without revealing that information to the abuser or other family members;
15. If necessary, and based on the wish of the victim of violence, assist the victim and escort him/her to a safe place chosen by the victim;
16. Pay special attention to children or treatment of minors and always call the center for social work;
17. Write a report for the centers for social work about all the actions taken and the established situation in the family, in order to take measures of family-law protection;
18. To contact without delay center for social work in case of need to take care of the child, and especially if it is necessary to take care of the child with special needs;
19. In case when the responsible institutions (police and court) apply measures of protection, draft a safety plan for the victim of violence and inform the victim about the protective measure of being moved away or the measure of prohibiting the abuser from approaching the victim, as well as the facts about what is

- considered harassment, and the phone number of the police officer in charge of implementing the pronounced measure;
20. Police officer enters the notes regarding measures taken into the operational system;
 21. Submit to the responsible court a motion to initiate misdemeanor proceedings based on the violation of the Law on Protection Against Family Violence;
 22. In the motion for initiation of the misdemeanor proceedings, propose adequate sanction, provide all the available evidence, with a detailed description of facts regarding the offense, containing the important elements of the misdemeanor offense, especially with regard to the very act of violence;
 23. In case of pronounced protective measures within the responsibility of the police, draft a safety plan with the victim, and provide the victim with all the telephone numbers of the different assistance services;
 24. Pay regular control visits to the family within six month period, and if necessary, even longer;
 25. Prepare a risk analysis for the abuser;
 26. Keep all the reports about measures taken as a special record/ file.

Centers for Social Work

When the professional from the Center for Social Work, in the course of his/her work, learns from any person or in any way of the family violence, he/she will report to the police without delay the suspicion that violence has been exerted.

1. Immediately and without delay contact the victim of violence when the information about violence was provided from other institutions.
2. Write official minutes about the information obtained regarding family violence and the specific case.
3. Official minutes should contain data about victims of violence, existence of possible earlier reports, manner in which violence was exerted and all other available information and reports regarding cases of violence and the abuser.
4. In case of family violence, write official notes, report or minutes about each action taken.
5. Urgently establish a file for the specific case.
6. Inform the victim about his/her rights and ways to exercise rights (responsibility/ jurisdiction and actions taken by the centers for social work, together with measures and actions that the centers will take in the future in order to ensure safety and security of the victim and children).
7. Pay special attention to the cases of family violence in which the victim is a child.
8. In cases related to family violence to the detriment of children, guided by the principle of the best interest of the child, analyze carefully whether the rights and interests of the child are fully protected, and if not, appoint a special guardian to the child for all the relevant procedures.
9. With special attention and care enable the victim to present all the facts regarding the family situation and violence (duration, form of violence, children...).

10. Establish and maintain contact with the educational institutions in case of violence against children.
11. Establish contacts with the health institutions in case of family violence.
12. If necessary, when called by the police, come to the family and provide necessary assistance to the victims of violence.
13. Prepare the risk assessment.
14. Prepare an individual protection plan for the victim.
15. Monitor implementation of the safety plan.
16. If the victim is asking for accommodation away from the family, establish cooperation with the shelter or an NGO offering accommodation to victims.
17. When necessary, change and adapt safety plans for the protection of victims.
18. Prepare the victim for the court.
19. If necessary, escort the victim to the court.
20. Draft special plans for children (safety, school, doctors...).
21. Enable the police and the prosecution to get insight into the situation and submit all documents with information about family violence.
22. Participate in court proceedings, not only when summoned, but also in cases when the center assesses the risk.
23. Provide for contacts between children and the abusers in controlled environment.
24. Contact the family in regular time intervals (every month, continuously throughout one year from the date of learning of the violence).
25. If possible, appoint a person to manage the case that the victim will always contact (case manager).
26. Case manager informs the team about all information regarding the case and manages and monitors the pace of the procedure.
27. In agreement with the health services and educational and upbringing institutions, develop a Support plan for the child – victim of violence.
28. In cooperation with the health services and educational and upbringing institutions, provide support to the child – victim of violence based on the Support Plan.

Health Sector

1. Report suspicion of violence to the police without delay.
2. Fill out the prescribed form about possible physical injuries and about the abuser.
3. Provide the victim of violence with the list of injuries, ex officio, free of charge.
4. Talk to the victim of violence with special care and refer the victim to the center for social work, and inform the support centers and the secondary health protection level about the situation.
5. In case of suspecting any form of violence, write such suspicions into the health record and issue medical documents with the facts that were obtained and established through the medical examination to the victim, free of charge.
6. Always provide insight into the documentation and all the available data relevant for evidencing the offense to the responsible authorities.

7. In case of suspecting that violence was exerted by a person with mental disorder, refer the person to medical treatment, according to Article 33 of the Law on Protection and Exercise of Rights of Persons with Mental Disorder, which defines the obligation to put that person into controlled environment.
8. Inform the center for social work and the police about actions taken, and before releasing the person from the health institution inform the victim about that fact.
9. In case of arrival of the victim of violence to the emergency room, pay special attention to injuries and the overall health state of the patient that could indicate family violence.
10. In cooperation with the social services and educational and upbringing institutions, develop Support plan for the child – victim of violence.
11. In cooperation with the social services and educational and upbringing institutions, provide support to the child – victim of violence based on the Support plan.

Judiciary

1. Urgent action and decision making.
2. In case of instigating a misdemeanor or criminal proceedings, if the victim of violence is a child, inform the responsible centers for social work.
3. Provide security measures for the victim of violence when entering the court.
4. Secure a special room for the victim of violence to wait for giving a statement (physically separate the victim from the abuser).
5. Inform the victim about his/her rights.
6. When necessary, engage the center for social work in the case, summon the case manager as witness or, if necessary, call the center for social work to protect the victim of violence.

All institutions

All authorities covered by the Protocol are obliged to establish files of the cases according to the rules of their profession and provide them for insight, when necessary, to other authorities, with the obligation to keep all data confidential.

All authorities are obliged to appoint a person in charge of implementing the protocol in all institutions and inform all other institutions about that person and his/her contacts.

It is the duty of all state authorities and other bodies to post in visible place and make the Protocol on treatment of victims of family violence accessible to all.

Measures stipulated in the Strategy of protection against family violence 2011-2015, as well as implementation of the Protocol, establishment and actions of the multi-disciplinary teams require urgent establishment of cooperation between all actors in the protection of victims of family violence, whereas special attention should be given to children, and the fact that these obligations are derived from the signed and ratified international conventions.

Duties of the relevant authorities are not derived from the written documents only, but from the fact that incidence of family violence is increasing, early detection and

prevention of violence and protection of persons exposed to violence represent a priority goal of each and every democratic society. Establishment of cooperation among institutions must be based on mutual trust and realization of a common goal.

III ACTIONS TO BE TAKEN BY THE RESPONSIBLE INSTITUTIONS WHEN CHILDREN ARE INVOLVED IN CASES OF FAMILY VIOLENCE

Police

1. Pay special attention if a child is a direct victim of family violence or the witness of such violence.
2. In these situations, always invite representatives of the Center for Social Work and inform them about the reported violence, for the purpose of taking measures of social and family law protection of the child that falls within the responsibility of the social welfare system.
3. Introduce yourself to the child and explain why the police is there and what it intends to do.
4. Whether the child appears as a direct or indirect victim of family violence, explain to the child that you are there to assist it and its parents.
5. Establish whether the child feels responsible or guilty for what happened, irrespective of whether it appears as an indirect or direct victim of family violence. Give it support and ensure it that it is not its fault at all.
6. Do not insist on certain information. Have in mind that the child is scared and feels uncomfortable talking about certain events.
7. Document – describe any sign of injury/ injuries found on the child and ensure provision of urgent medical assistance if necessary.
8. Explain to the child that the police sometimes has to take one of the parents (or some other family member or member of the family community), that this person will be at a safe place and that this will help other family members.
9. Statement may be taken from the child by a trained police officer only, wearing civilian clothes, in the presence of a confident person chosen by the child – confident person can never be the abuser, even when the child chooses that person. A psychologist must be present at the time of taking a statement from the child.
10. If you are taking a statement from the child in a police station, it is of utmost importance to ensure that the room where the interview is taking place is adapted to needs of the child – ensure a special room where no one will disturb or interrupt the interview, which is equipped with adequate furniture, posters, and toys.
11. Provide conditions to the child that permit the use of various ways of expression (adequate toys, color pens, paper, play dough...).

Centers for Social Work

1. In case of learning/ suspicion that violence has taken place in the family, in which the child was a victim (direct or indirect), a professional from the center for social work must urgently and without delay report the case to the police.
2. Urgently define the plan of assistance and measure for protection of the child victim of family violence – in each concrete case be guided by the principle of the best interest of the child.
3. Appoint a guardian to the child if the parents are not able to play their role or there is a conflict of interest of the parents and the child (special guardian).
4. Decide on displacing the child from the family only in exceptional cases, that is, only in cases when it is not possible to find some other safe place for the child – victim of family violence.
5. Look into the possibility to provide adequate placement in a foster family if it is assessed that this is necessary and the only proper solution for the child victim.
6. Continuously monitor the case and minimum once a month visit the family where the child – victim of family violence is situated.
7. Establish and continuously maintain contacts with the experts from health and educational institutions (pre-school, primary school and high school institutions) in case when the child is the victim of violence (direct or indirect).
8. Instigate a civil procedure before the responsible court.
9. Center for social work initiates and together with the representatives of the state and the NGO sector forms an expert team¹, with the task to do the following:
 - **Define the plan of assistance;**
 - **Measure for protection of the child –victim of family violence;**
 - **Coordination of activities in the process of protection.**
10. Appoint a professional from the Center for Social Work as a coordinator of the expert team.
11. Define the authority and manner of work of the expert team for the purpose of:
 - Obtaining relevant data regarding the case;
 - Assessing the level of risk (using the Risk assessment matrix);
 - Initiate the procedures that are important for protection of the child;
 - Ensure implementation of the procedure for child protection;
 - Provide professional assistance to the child – victim of family violence and assistance to the overall family, especially if there are more children in the family
 - Prevent the possibility of secondary victimization of the child during the implementation of the protective measures (in order to reduce secondary victimization of the child: A. limit the number of interviews with the child - to minimum two; and B. whenever possible, use modern technical aid to take a statement – two-sided mirrors and audio and video techniques to record the statement of the child and its later use in court, in order to avoid exposing the child to new traumatic experiences);

¹ Proposal: “Procedures of work of the expert team when the child is a victim of family violence” is given in a separate Annex at the end of the text, in accordance with the Law on Protection Against Family Violence (Art. 11) and other relevant normative framework in Montenegro.

- Keeping record of all activities related to implementation of protective measures;
 - Establishment of an electronic database.
12. Center for social work will submit to the ministry responsible for social welfare affairs an integrated written report on the protection of the rights of the child – victim of family violence and the degree of provision of social protection of that child, minimum twice a year.

Judiciary

1. Special urgency in processing cases and decision-making.
2. A child always gives its statement in the presence of a confident person that it chooses itself, by rule, or the confident person is appointed by the authorized person, in order to protect its best interest. A psychologist must be present when the child is giving the statement.
3. Child as a victim of family violence has the right to free legal aid – inform the child and its legal representative about that fact.
4. Whenever possible, take the statement from the child, especially the child below 14 years of age, outside the premises of the judicial authorities, in an environment that is natural for the child.
5. Whenever possible, use special techniques to take statements (joint interview), that is, take a statement using an audio and video link.
6. If the statement of the child – victim of family violence is taken in the premises of the judicial authorities, the child must overcome the unease/ fear by having the prosecutor, judge or a professional introduce it to the environment, show the building, give juice or chocolate, some appropriate to, in order for the child to feel safe there.
7. In the prosecutor's office and the court prevent the contact between the child – victim of violence that will give the statement and the abuser – provide a special room where the child will feel safe.
8. Invite the case manager from the Center for Social Work, hear him/her as a witness if there are grounds for it, ask him/her to provide social/ psychological expert opinion about the psycho-social status of the child², consequences of violence, that is, whether the child is capable to give a statement, based on its current psycho-physical state.

² Important facts that must be established by the court through the guardianship authority are as follows:

- Is the child endangered (independently from whether the abuse or negligence are the result of family violence, unfavourable health, social or economic status of the family or other circumstances that obstruct its proper development);
- What are the risks for the child that can be identified in the stage of initial assessment?
- What are the measures that can be used to protect the child within the family?
- Are there grounds for a reasonable doubt that there is a serious danger of harming the health state or further development of the child?

9. Introduce oneself to the child and explain in the manner the child can understand what is about to happen, what the child is expected to do and make sure to check whether the child understands it all.
10. Taking the statement from the child must be adapted to its age and its personal characteristics – vocabulary must be adapted to the age of the child, so that it can understand it properly, and the tone used, as well, so that the authorized person uses continuously moderate voice to calm down and encourage the child to explain the event or events that have occurred and that are especially traumatic for the child.
11. Prosecutor, judge or a professional should simultaneously pay attention to the child's behavior (face expression, movements, anxiety, whether the child is expressing fear) and to adapt the process of taking statement to the reactions they notice.
12. The child must be informed about the fact that it does not have to answer all the questions if it does not want to.
13. Taking the statement from the child starts with general questions, with a mandatory question of whether the child understood the question, and after that the questions regarding concrete facts can be posed.
14. Do not confront the child – victim of family violence with the abuser.
15. If the child victim is identifying the abuser, the prosecution and the court will take special care and ensure that the method used is the one that completely prevents the abuser from seeing the child.
16. When the statement is taken from the child, ask the child if it wants to say something else or to add something.
17. Protect the child from possible media abuse, that is, prevent publication of information based on which the child – victim of family violence could be identified.

Health Sector

1. Identify and urgently report to the police facts (medical indications) that lead to the suspicion that the child was exposed to family violence.
2. Provide urgent medical assistance to the child if necessary.
3. Inform representatives of the Center for Social Work about facts that lead to the suspicion that the child was exposed to family violence.
4. Provide the responsible authorities (Center for Social Work, police, prosecution, court) with insight into medical documentation and support them in collecting all the relevant data.
5. At the invitation of the court, give an expert analysis and report regarding the following:
 - Medical indications, that is, symptoms of violence against the child
 - Connection between the symptoms of violence and behavior of person suspected to be the abuser
 - Psychiatric status of the abuser

- Ability of the child to be a witness in the proceedings, that is, risks of taking the stand and the most suitable ways to take the statement from the child
6. Participate, together with other authorized actors, in the work of the expert team, in order to define the plan for assisting the child – victim of family violence and in the coordination of activities in the process of provision of assistance.
 7. Together with the representatives of the educational system, social welfare system, police and NGO sector, participate in the development and implementation of preventive programs for children, for the purpose of their empowerment to recognize and report this form of violence (whether they are direct victims, witnesses or have some other information about the event).

Pre-school, primary school and high school institutions

1. In case of suspecting violence in the institution, IMMEDIATELY take professional measures, in accordance with the ethics and the profession.
2. Secretariat of the institution interviews the child in the manner that is compatible with the ethics and methods of the profession.
3. Member of the secretariat prepares a report about the actions taken.
4. In case of suspecting violence, management of the institutions reports the case to the police IMMEDIATELY.
5. In case of suspecting violence, management of the institution informs the center for social work in writing.
6. In all institutions there is a box called “ALL MY PROBLEMS” that is posted in the place accessible to children.
7. Secretariat of the institution checks the box and its contents daily and, as a first step, drafts an official note about the discovered violence.
8. Afterwards, member of the secretariat of the institution invites the child for an interview, in the manner compatible with the ethics and methods of the profession.
9. Write an official note about the interview.
10. In case of noting especially severe cases, the management of the institution invites immediately the health service and/or the doctor.
11. In all interventions, representative of the institution is present with the child.
12. Draft official minutes about all the activities.
13. Provide insight into the official notes/ minutes to the other institutions.
14. In agreement with the social and health services, develop a Support Plan for the child victim of violence
15. Support plan in the institution should contain psycho-social support measures and measures for improvement of educational and upbringing achievement (additional lectures, individual work, etc.).
16. Implement measures contained in the Support plan for the child – victim of violence.
17. Monitor child’s behavior over a longer period of time, based on the Support plan. Initiate and together with representatives of the police, the health system, social welfare system and NGO sector, participate in the creation and implementation of

the preventive programs for children in pre-school, primary or high school environment, for the purpose of their empowerment to identify and report this form of violence.

ANNEX
PROPOSAL OF “PROCEDURES FOR WORK OF THE EXPERT TEAM”

1. **Detecting the case of abuse of the child in the family**
2. **Recording denunciation/ report about the case**
 - Each denunciation is checked.
 - Social worker in the team is in charge of recording denunciation.
 - Decide on whether to investigate further the reported case (decision on further investigation of the case is made based on the defined indicators in the risk assessment matrix)
 - Drafting the report
3. **Initial assessment**
 - Establish contact with the child and the family.
 - Determine concrete facts
 - Analyze needs of the child and plan measures in accordance with those needs
 - Enable child participation and consult the opinion of the child in accordance with the development of the child and the possibility to understand meaning of the procedure
 - Create individual support plan for each child
 - Appoint guardian for the child if the parents are not able to play this role or there is a conflict of interest between the parents and the child
 - Assess how harmful is the environment for the child and other children in the family
 - Assess the risk of future abuse of the child
 - Define the scope and types of urgent measures that need to be undertaken
 - Identify measures and services that can be provided for the protection of the child within the family
 - Provide for displacement of the abuser from the family or the surroundings of the child
 - Decide on displacing the child from the family only in exceptional cases, that is, only in cases when it is not possible to find some other safe place for the child
 - Visit the families minimum once a month
 - Find adequate placement in a foster family if this is assessed to be necessary and the only adequate solution for the child –victim
4. Instigate the court proceedings.
5. Provide feedback to parents and other responsible individuals and institutions (doctors, teachers, judges...) about the implementation of protective measures.

4. Planning the measures of protection and monitoring their implementation

- Define the scope and types of existing measures that can be used to protect the child
- Analyze family strengths and needs.
- If the child was assigned placement outside the family, determine the deadline for deciding on the permanent solution for the child
- If the abuser was placed in an institution or is outside the current surroundings of the child, monitor the pace of procedures used to secure the abuser
- Check which services, how and for how long and how often can assist in the protection of the child
- Continuously monitor implementation of the individual plan of protection.
- Defines dates for reviewing the case
- Continue with control of security of the child
- Monitor implementation of measures of protection, in cooperation with the relevant services and the court (if it is involved).
- Monitor quality of measure of protection based on the extent in which the child has accepted them and the overall psychological and physical state of the child
- Determine possible new measures and instructions.

5. Closing the case

- Analyze the implemented measure of protection and their results (together with the family)
- Assess further existence/ non-existence of risk for the child
- Define measures that should be undertaken if it proves necessary to ensure further protection of the child
- Decide whether to close the case
- Send this decision to all the relevant services and individuals (e.g. school, teachers, doctors in health institutions, etc.)
- Document/ justify closing of the case

6. Team administration of the case

Each case has its file that contains the following:

- Denunciation of the case
- Questionnaire
- Social anamnesis (form)
- Risk assessment matrix
- All written forms of documents that the expert team uses to address institutions and individuals for the purpose of implementation and monitoring of protection measures
- Documents on defined protection measures
- Report on closing the case.

7. Communication that the team is engaged in

- Expert team holds group meetings (weekly)
- Each team member participate in work on equal footing
- The team has continuous contacts with the director of the center for social work
- The team has occasional communication with the supervisor and other relevant experts that can affect professional upgrade of the team
- The team adopts conclusions in written form after each meeting and enters all data regarding each processed case into an individual card/ file of the child
- There is a clear assignment of tasks in the team when it comes to implementation of protective measures in a concrete case
- The team observes general rules regarding communication in a group.

8. Plan of other activities of the expert team

- Continuously build the capacities of the team (continuously acquire new knowledge, supervision)
- Exchange information with institutions of the system and the NGOs (meetings, Q&A meetings)
- Strengthen the multi-sector approach in work through the improved cooperation with the relevant actors that work on implementing measures for protection of rights of the child – victim of family violence
- Work on networking among expert teams and their mutual communication
- Plan and implement annual work evaluation for the team members that will be undertaken by an independent expert or a team of experts
- Draft the time schedule for implementation of activities for the future period.

9. Reporting on the work of the team

The team is obliged to report to the ministry responsible for social welfare about the following:

- Ending the case (closing the case)
- Continuation of work and the new plan of activities in each individual case

10. Contact with the public – in all cases the expert team:

- Protects primarily the best interest of the child – the public should not be able to access data that could result in revealing identity of the child – victim or witness of family violence
- Agrees on when and what type of information should be presented to the public
- Decides on the type, manner and time of informing the public
- In the defined time intervals, it informs the public about statistics regarding incidence of family violence, that is, the number of cases in which children appear as victims of family violence.

IV CROSS-SECTOR COOPERATION

Efficient protection against family violence represents a complex and long-term task and in order to implement it, it is necessary to engage all segments of the society, not only through the inter-ministerial, but also through cross-sector cooperation.

The civil sector, especially the non-governmental organizations, should be recognized as a partner in the exercise of the right to life without violence. NGOs have many years of experience in raising the public awareness about the issues of violence, provision of assistance to victims and taking care of them. NGOs represent an important resource that the institutions must identify, use strategically and develop concrete plans of cooperation with them.

Legal basis for cooperation between institutions and NGOs in the area of family violence, as well as for the financing of NGO projects and programs from the public funds can be found in the Law on Protection against Family Violence and the Law on NGOs:

Excerpts from the Law on Protection against Family Violence

Institutions providing protection

Article 5

The public administration agency in charge of police affairs ('Police'), misdemeanour body, public prosecution service, social work centre or other social and child protection agency, health care institution, and other agency or institution acting as care provider, have the duty to provide victim with full and coordinated protection, within their respective powers and depending on the severity of violation. A non-governmental organization, other legal or natural person, may provide protection in accordance with the law. Bodies and institutions from Paragraph 1 of this article shall act in accordance with law in setting incidences of violence in the order of priority, and shall ensure mutual communication and provide assistance in order to prevent and detect violence, eliminate causes, and provide assistance to victim in regaining security in life.

Victim assistance plan

Article 11

A social work center may set up an expert team composed of its representatives as well as representatives of local government bodies and service agencies, police, non-governmental organizations and experts for family issues. The team will design victim assistance plan and coordinate victim assistance activities, in accordance with victim's needs and choice.

Confidant

Article 16

Victim may select a person to attend all protection procedures and actions ('confidant'). Eligible to be confidant is a family member, a person from a body, institution, non-governmental organization or other legal person or other person that victim confides in. Abuser is not eligible to act as confidant.

Multidisciplinary team and principle of cooperation

Article 17

For the purpose of organizing, monitoring and promoting a coordinated and efficient protection, the body or institution from article 5, Para. 1 of this act may set up a team composed of experts in social and child care, health care, judiciary, police protection, human rights and freedoms, as well as representatives of non-governmental organizations dealing with protection.

Protection strategy

Article 18

Protection is provided in accordance with the strategy for protection from domestic violence ('strategy'), which includes:

- 1) situation analysis and identification of key problems in social care and other forms of care;
- 2) objectives and measures to be taken to promote social care and other forms of care, particularly in relation to the following: awareness raising among citizens of the phenomenon of violence and developing attitudes to violence as an unacceptable form of behavior; development of programs for the prevention of violence; family support in violence prevention; further development of the legislative framework for protection issues; strengthening cooperation among bodies, institutions, organizations and other legal and natural persons in charge of protection; developing new knowledge and skills in any person involved in protection; improvement of the system for data collection and analysis and of the system for reporting incidence of violence.

Activities for implementation of objectives and measures from Para. 1, subparagraph 2 of this article are to be set forth in the action plan for strategy implementation. The strategy and action plan for its implementation are adopted by the Government of Montenegro.

Excerpts from the Law on NGOs

Financial support from the budget

Article 32

In the annual Budget Law of Montenegro, funds are allocated for projects and programs deemed for public benefit, which are implemented by non-governmental organizations. The areas from Paragraph 1 of this Article are considered to be the following: social and medical care, poverty reduction, protection of persons with special needs, children, youth and elderly care, promotion and protection of human and minority rights, rule of law, support to civil society and volunteer activities, support to Euro-Atlantic and

European integration, institutional and informal education, science, art, culture and technical culture, environmental protection, agricultural and rural development, sustainable development, consumer protection, gender equality, addressing corruption and organized crime, prevention of drug addiction, as well as other areas deemed for public benefit that are defined in a special law.

A project, in the sense of this Law, represents a set of activities in the areas defined in Paragraph 2 of this Article that are implemented in the period not exceeding one year.

A program, in the sense of this Law, represents a long-term plan for development of an organization and implementation of activities in the areas defined in Paragraph 2 of this Article in the period not exceeding three years.

At the proposal of an advisory body established based on a Government act, at the end of the current year, the Government of Montenegro (hereinafter: "the Government"), in a special act, defines for the upcoming year priority areas deemed for public benefit from Paragraph 2 of this Article and the amount of funds for financing of projects and programs in those areas.

**V SIGNATORIES OF THE PROTOCOL ON ACTIONS, PREVENTION OF AND
PROTECTION AGAINST FAMILY VIOLENCE**

Ministry of Justice _____

Supreme Court _____

Supreme State Prosecution _____

Ministry of Education and Sports _____

Ministry of Health _____

Ministry of Labor and Social Welfare _____

Police Directorate _____

Misdemeanor **Council** **of** **Montenegro**
