

# TEACHER'S GUIDEBOOK ON CYBER SEXUAL AND GENDER-BASED VIOLENCE PREVENTION AND RESPONSE

## APPENDIX 2

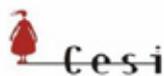




This Guidebook was developed by the organisations participating in the REC project “I can choose to say no. Empowering youth, especially girls, to stand up against cyber sexual and gender-based violence in intimate partner relationships, 2019 - 2021”

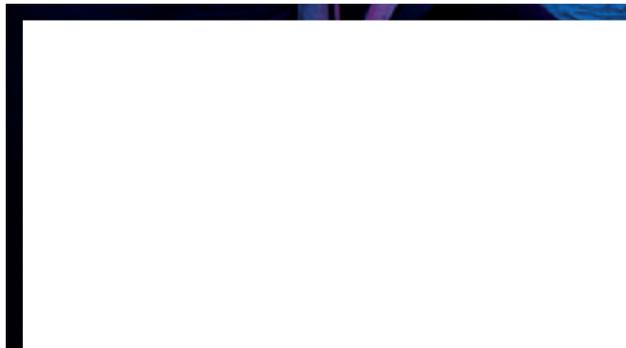


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GUIDEBOOK  
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**APPENDIX 2**



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## Introduction

Appendix to the Guidebook, prepared within the regional project titled **I can choose to say no. Empowering youth, especially girls to stand up against cyber sexual and gender-based violence in intimate partner relationships**, examines the national legal framework and obligations (in the four participating countries: Serbia, Croatia, Hungary and Spain), for prevention and protection from cyber sexual and gender-based violence particularly that of education institutions, as well as institutional procedures that ensure efficient and effective response sensitive to the particular needs of young people.

# Appendix 2.1

## National legal framework

CROATIA

**Act on Protection against Domestic Violence** (*Official Gazette of the Republic of Croatia, Narodne novine No. 70/2017*)

<http://www.propisi.hr/print.php?id=14790>

The new Act on the Protection against Domestic Violence entered into force on 1 January 2018. The Act prescribes rights of victims of domestic violence, defines protected persons and forms of domestic violence, sets sanctions for misdemeanours, procedures for data gathering and sets out the rules for the operation of a special committee for follow-up and improvement of the work of bodies involved in criminal or misdemeanour prosecution of domestic violence offences. Special protection is guaranteed for persons with disabilities and the elderly. However, certain categories, such as intimate partners who are not in a formal relationship or not living together or who do not have joint children are not covered by specific provisions on protection against domestic violence, but only under general provisions sanctioning violent behaviours. Implementing regulations – Rules of procedure in case of domestic violence, Regulations on implementation of protective measures are prescribed by law.

**The Criminal Law** (*Official Gazette of the Republic of Croatia, NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19*)

<https://www.zakon.hr/z/98/Kazneni-zakon>

The new Criminal Law entered into force on 1 January 2020. Crimes against sexual freedom are covered by Chapter XVI of the Criminal Code and the provisions of Articles 153 to 157. The previous law made a distinction between *sex without consent* and *rape* but in this new law the article on sex without consent is erased. The law considers violent act as rape and it's punishable by more severe penalties (1- 10 years). There are no specific provisions regarding cyber violence but there are specific criminal offences that represent this type of violence (i.e. breach of privacy, threats, illicit use of personal data, extortion, offense, unauthorised picture taking, solicitation, sexual harassment, child pornography, etc.)

**The Criminal Procedure Act** (*Official Gazette of the Republic of Croatia No. NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17*)

<http://www.zakon.hr/z/174/Zakon-o-kaznenom-postupku>

Criminal Procedure Act along with other novelties, has changed the position of the victim of criminal offence in criminal proceedings. While the victim under the 1997 Law was not a special party in the process, according to the new Law, she has a special status of special party, with special procedural rights. The victim in the criminal proceedings can act as the injured person, which means that she is entitled to all the rights that belong to the injured (see catalog of the rights of injured person in the Article 47, CPC, 2008), with a special emphasis on the possibility of continuing the prosecution that the State Attorney's Office gave up on, alerting to the facts and proposing evidence and acting as holder of the property claim. The law classifies groups of victims in several categories and each category according to affiliation, grants certain rights to victims.

### **Gender Equality Act** (Official Gazette of the Republic of Croatia, NN 82/08, 69/17)

<https://www.zakon.hr/z/388/Zakon-o-ravnopravnosti-spolova>

Gender equality act defines that sexual harassment shall be deemed to be discrimination within the meaning of this Act. Sexual harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that occurs with the purpose or effect of violating the dignity of a person, in particular when creating an unpleasant, hostile, degrading or offensive environment. Ombudsperson for Gender Equality is an independent body in charge of combating discrimination based on sex, marital and family status, pregnancy and maternity, sexual orientation and gender identity. The Ombudsperson is authorised to investigate individual complaints prior to the legal proceedings and to conduct, with the consent of the parties involved, a mediation process with a possibility to reach an out-of-court settlement.

### **Family Law** (Official Gazette of the Republic of Croatia NN 103/15, 98/19)

<https://www.zakon.hr/z/88/Obiteljski-zakon>

Regulation of domestic violence in the Family Law is primarily focused on the protection of children from other family members and bind parents to taking action to protect children from abusive family members, but also includes provisions on personal rights and responsibilities of spouses which implies mutual support, mutual respect and equality of spouses.

### **Special Act on the Rights of Victims of Sexual Violence** (Official Gazette of the Republic of Croatia NN 64/2015 )

[https://narodne-novine.nn.hr/clanci/sluzbeni/2015\\_06\\_64\\_1221.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_64_1221.html)

Special Act on the Rights of Victims of Sexual Violence during Armed Aggression on the Republic of Croatia in the Homeland War was enacted in 2015. It guarantees the recognition of special status and rights to all victims of sexual violence committed during the period of armed aggression from 5 August 1990 to 30 June 1996, regardless of gender.

### **The National Strategy for Protection against Domestic Violence for the period 2017 – 2022**

<https://ravnopravnost.gov.hr/UserDocsImages/arhiva/preuzimanje/dokumenti/Nacionalna%20strategija%20zastite%20od%20nasilja%20u%20obitelji%20za%20razdoblje%20do%202017.%20do%202022.%20godine.pdf>

The National Strategy for Protection against Domestic Violence for the period 2017 – 2022 places emphasis on violence against women and majority of measures envisaged in Strategy actually refer to various obligations arising from the Istanbul Convention. The new Strategy envisages implementation of 33 measures across 7 areas: prevention, upgrading legislative framework, providing assistance to victims of domestic violence, psychosocial treatment for perpetrators of domestic violence, enhancing intersectoral cooperation, education of experts and raising public awareness about the issue of domestic violence.

## **The National Policy for the Promotion of Gender Equality (In the process of preparation)**

The fundamental policy instrument for combating gender discrimination in the Republic of Croatia is the National Policy for the Promotion of Gender Equality, which is adopted and implemented in continuous five-year periods. The new national gender equality policy, which was supposed to be drafted and adopted in 2016, is still in the process of preparation. Eradication of gender-based violence has been included in the previous National Policies for the Promotion of Gender Equality at the level of awareness-raising and educational activities.

## **The Domestic Violence Case Practice Protocol**

<https://mdomsp.gov.hr/UserDocsImages/Vijesti2019/PROTOKOL%20O%20POSTUPANJU%20U%20SLU%20C4%8CAJU%20NASILJA%20U%20OBITELJI.pdf>

The new Domestic Violence Case Practice Protocol was adopted in 2019 and it lays down obligations of competent authorities and other stakeholders to participate in the detection and eradication of violence, as well as detailed rules and procedures for the provision of assistance and protection to victims of domestic violence. The Protocol contains a number of precisely determined measures of the competent bodies concerning their procedures, and in relation to the form, contents and methods of cooperation of the bodies that participate in detecting and suppressing violence and providing assistance to persons exposed to any form of domestic violence (the police, social welfare centres, health and educational institutions, judicial bodies). The Protocol pays special attention to the procedure of competent bodies related to child victims of domestic violence or to the witnesses of the domestic violence that has been committed.

## **The Protocol for Action in Cases of Sexual Violence** (*Official Gazette of the Republic of Croatia, NN 70/2018*)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2018\\_08\\_70\\_1418.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2018_08_70_1418.html)

The Protocol for Action in Cases of Sexual Violence was adopted in 2014 and is updated 2018. It recognises the fact that sexual violence, in addition to domestic violence, is a dominant form of gender - based violence, where the majority of cases involve male perpetrators and female victims. The Protocol prescribes obligations of competent bodies and rules of procedure to be followed in cases of sexual violence. It also aims to enhance intersectoral cooperation of all bodies involved. The Protocol aims to introduce standardised procedures in cases of sexual violence and equal practices of all competent bodies on the territory of the Republic of Croatia, high quality medical assistance and emotional support, protection of personal data, which should serve to reduce sexual violence in the long-term and increase the probability of reporting and prosecuting cases of sexual violence.

## **Protocol in cases of violence among children and youth (2004)**

[http://www.iusinfo.hr/UsefulDocs/Content.aspx?SOPI=DDHR20140128N88&Doc=DDOKU\\_HR](http://www.iusinfo.hr/UsefulDocs/Content.aspx?SOPI=DDHR20140128N88&Doc=DDOKU_HR)

In Croatia, all authorities in charge proceed according to the Protocol in cases of violence among children and youth. It lays down the obligations of relevant state bodies: educational institutions, social welfare centers and the Police Department, but also forms and aspects of cooperation between the competent state bodies and other stakeholders, as well as other activities and obligations. The protocol does not mention violence in relationships of young people, but is instead focused on peer violence, i.e. violence among children and youth, which is defined as any intentional physical or psychological bullying directed at children and young people by their peers with the intention of harming, which could differ, irrespective of the place of performance, in form, complexity, intensity and duration, and which includes the repetition of the same pattern and maintains an unequal balance of power (the strong against the weak or the group against the individual).

## **Protocol on the procedure in case of abuse and neglect of children (2014)**

<https://dijete.hr/dokumenti/domaci-propisi/protokoli-postupanja-u-zastiti-djece/>

<https://www.kbc-zagreb.hr/wp-content/uploads/2019/04/Protokol-o-postupanju-u-slu%c4%8daju-zlostavljanja-i-zanemarivanja-djece.pdf>

The basic objectives of the Protocol are the following: improving the well-being of children by preventing abuse and neglect, ensuring that all actions taken and decisions reached are timely and in the best interests of the child, a long-term impact on the reduction of abuse and neglect of children.

## **Action plan for the prevention of violence in schools for the period of 2020-2024**

(together with) **Overview of violence prevention projects/programmes**

<https://mzo.gov.hr/UserDocImages/dokumenti/StrucnaTijela/Akcijски%20plan%20za%20prevenciju%20nasilja%20u%20skolama%20za%20razdoblje%20od%202020.%20do%202024.%20godine.pdf>

<https://mzo.gov.hr/UserDocImages/dokumenti/StrucnaTijela/Prikaz%20preventivnih%20projekata%20programa%20vezanih%20uz%20prevenciju%20nasilja.pdf>

In this action plan a total of six objectives are outlined, including a partial change in the legislative framework, systematic data collection and improvement of the quality of programs implemented in schools in relation to violence prevention. It is stated that prevention programmes should include prevention of gender-based violence and homophobic and transphobic violence and that it's essential to ensure that schools implement programmes aimed at prevention of gender-based violence, i.e. teen-dating violence. Additionally, recommendation is to ensure education for the teachers on gender-based violence and homophobic and transphobic violence.

**Equality Act** (Act no. CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=76310.381616](http://njt.hu/cgi_bin/njt_doc.cgi?docid=76310.381616)

The Equality Act prohibits discrimination based on a set of protected characteristics such as sex, age, gender identity, race, ethnic origin, language, religion, etc. The Act describes certain areas of interest in the context of discrimination, like equal treatment at the workplace, social security and health, housing, education, commerce, and services. Sexual harassment is currently only regulated as an offense against equal treatment, based on any protected characteristics with the intent to establish an intimidating, humiliating and hostile environment. The Act also regulates the conduct of the Equal Treatment Authority, which examines complaints of alleged discrimination, has the right to order the suspension of any violation identified, and to require the payment of a fine.

**Criminal Law** (Act no. C of 2012 on the Criminal Code)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=152383.386028](http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.386028)

Chapter XIX. of the Criminal Code contains crimes against sexual freedom and morals, which include sexual coercion (196. §), sexual violence (197. §), sexual abuse (198. §), incest (199. §), crimes in connection to prostitution (200-203. §), child pornography (204. §) and the crime of indecent exposure (205. §). Any sexual act performed by anyone with a child below 12 years of age is considered sexual violence even in the absence of actual violence, and any sexual act performed with a child below 14 years of age and an adult is considered sexual abuse on the grounds that children below a certain age are not able to give willing and free consent. The same approach is used, regardless of age, if the victim is unconscious or in any other similar state. Beyond that, the law does not specify the issue of consent. However, in the case of adults and children over 14 years, the lack of consent in the case of sexual violence can also be established if no actual violence is used, but the victim considers the threat of the perpetrator to be endangering life or bodily integrity. There is no individual criminal offense covering image-based abuse in criminal law. However, pictures – especially pictures referring to a person's sexuality –, are considered personal data according to the Privacy Act, therefore any abuse of such data can be punished under the offense of personal data abuse (219. §, Chapter XXI.). Despite the recent criticism on the crime of child pornography, claiming that it should be reframed as documented sexual abuse of children, it nevertheless gives protection to victims of image-based abuse below 18 years, since it criminalizes the possession, distribution, publicizing, and selling of any recording containing sexual images of minors, providing a higher sentence compared to the offense of personal data abuse. The current Criminal Code, which entered into force on 1<sup>st</sup> of July 2013 made domestic violence an individual criminal offense, included in Chapter XX. of the Code (212/A §).

## **Criminal Procedure Law** (Act no. XC of 2017 on Criminal Proceedings)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=202672.377061](http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.377061)

The Criminal Proceedings Act provides special treatment for victims of crimes who are more vulnerable because of the type of crime which was committed against them, the victim's mental, physical or health status, age, or the victim's relationship to the perpetrator. The special status of the victim can be established by the court, the persecutor, or the police, and the victim can also apply for this special status. Children (any person below the age of 18), persons with disabilities, and victims of crimes against sexual freedom and morals receive this special status automatically. The special status provides higher protection of privacy and personal data, protection from unnecessary encounters with the perpetrator, and the possibility of attending the proceedings via telecommunication tools if possible. The Act also regulates the restraining order, which can be issued by the criminal court if criminal proceedings have started. It can be prolonged until the court announces the final judgment in the case. The restraining order may prohibit the perpetrator from entering the home of the victim, order to stay away from the victim and the victim's workplace, and any other regularly visited institution or area.

## **Chief Police Commissioner's Order no. 2/2018 (I. 25.) on Implementation of Police Actions in Cases of Violence Among Relatives**

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=206968.354427](http://njt.hu/cgi_bin/njt_doc.cgi?docid=206968.354427)

The Chief Police Commissioner's Order regulates the conduct of the police in cases of violence among relatives and domestic violence. The order is to be followed by all police officers in the country. It contains among others the obligation to give information to the victim on victim support centers, shelters, and relevant NGOs. The order contains the obligation to report any instance where a child might be endangered due to the violence.

## **Act no. LXXII of 2009 on Barring Order due to Violence among Relatives**

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=125288.376743](http://njt.hu/cgi_bin/njt_doc.cgi?docid=125288.376743)

The Act expresses the preventive role of certain institutions (healthcare providers, child and family welfare services, legal institutions, police, victim support services, refugee reception centers etc.) by the obligation to report any case of possible danger of violence occurring in the family. A barring order can be issued either by the police or the civil court after violence has occurred. The order obligates the batterer to keep himself away from the place of residence of the victim, to stay away from the victim and any other person named in the order, and to refrain from coming into direct or indirect contact with the victim.

## **Civil Law** (Act no. V of 2013 on the Civil Code)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=159096.385020](http://njt.hu/cgi_bin/njt_doc.cgi?docid=159096.385020)

The Civil Code regulates the rights relating to personality. Violation of personality rights are the violation of life, bodily integrity, health, personal freedom, privacy, private home, discrimination, reputation, private data, name use, and the abuse of image and voice recordings. The court can order the cessation of the abuse of these rights, and the violation can also constitute grounds for damages. In the case of persons below 18 years of age, the proceedings can be initiated by the parent or the legal guardian.

**Privacy Act** (Act no. CXII of 2011 on Informational Self-Determination and Freedom of Information)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=139257.381624](http://njt.hu/cgi_bin/njt_doc.cgi?docid=139257.381624)

If the abuse of personal data occurs, the victim also has the possibility to contact the National Authority for Data Protection and Freedom of Information. This institution is specialized to monitor the lawful management of personal data regulated in the Privacy Act. According to the Act, this authority examines alleged violations, has the right to order the suspension of any violation identified, and to require the payment of a fine.

**Child Protection Act** (Act no. XXXI of 1997 on Child Protection and Custody Administration)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=29687.385005](http://njt.hu/cgi_bin/njt_doc.cgi?docid=29687.385005)

The Child Protection Act enumerates the child welfare services available and the institutions which have the obligation to provide those services. According to the law, every individual has the right to report cases of child abuse, but the Act also provides a list of institutions which have the obligation to report child abuse, or the possibility of child abuse which they gain knowledge of in their official capacity. Healthcare providers, educational institutions, legal institutions, the police, victim support services, child welfare services and refugee reception centers, among others, are bound by this obligation.

**Methodological Guidelines of the Ministry of Human Resources on the Acknowledgment and Elimination of Child Abuse (2016)**

The Ministry of Human Resources oversees the child welfare system and provides professional guidance for its institutions. The Guidelines provide a detailed description of the management of cases of actual or alleged child abuse and the regular conduct of the institutions in this context. The Guidelines also explain disciplinary and criminal proceedings if the institutions or individuals responsible do not act in line with the Guidelines.

**Education Act** (Act no. CXC of 2011 on National Public Education)

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=139880.370725](http://njt.hu/cgi_bin/njt_doc.cgi?docid=139880.370725)

The Act on National Public Education explains children's and teachers' rights and duties. Among the rights of the children is the right of their personality to be respected and to be treated with dignity. Teachers have the obligation to protect children from physical and verbal abuse. It is forbidden to use corporal punishment as well as psychological punishment, torture, and any other form of cruel, inhuman, or degrading treatment or punishment.

**Criminal Code** (Official Gazette of the Republic of Serbia no. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019)

[https://www.paragraf.rs/propisi\\_download/krivicni-zakonik-2019.pdf](https://www.paragraf.rs/propisi_download/krivicni-zakonik-2019.pdf)

The document defines relevant criminal offences against sexual freedoms, such as Sexual Intercourse with a child (Art.180), Sexual Intercourse through Abuse of Position (Art. 181), Procurement of Sexual Services (Art.183), Mediation in Prostitution (Art.184), Exhibition, Procurement and Possession of Pornographic Materials and Exploiting Juveniles for Pornography (Art. 185), Incitement of Minors to Attend Sexual Acts (Art. 185a) and Abuse of Computer Networks or other Technical Communication Means for Committing Criminal Offences against Sexual Freedom of Juveniles (Art.185b). With amendments to the Criminal Code in 2016, two new acts were criminalized, *sexual harassment* (Art.182a) and *persecution* (Art.138a).

Article 185b defines sanctions for whoever with intent to commit, among others, offences referred to above, using computer networks or other method of electronic communication, makes an arrangement to meet with a minor and arrives at the prearranged meeting place in order to meet the minor, as well as sanctions for perpetrating offences against a child.

The Criminal Code, in response to the offense of persecution, defines sanctions against a person who commit the following acts<sup>1</sup>:

- without authorization follows or take other actions aimed at the physical approximation of another person against the will of that person;
- contrary to the will of another person is trying to establish contact with him directly, through a third party, or through the means of communication;
- is abusing the personal information of another person or a person close to him for the sake of offering goods or services;
- threatens to attack the life, body or freedom of another person or a person close to him;
- takes other similar actions in a way that may significantly jeopardize the personal life of the person against whom action is taken.

<sup>1</sup> Based on Implementation of Serbia's Domestic Violence Legislation (2017), Autonomous Women's Center, Advocates for Human Rights, pg.147, available in English at: [https://www.theadvocatesforhumanrights.org/uploads/serbia\\_report\\_final.pdf](https://www.theadvocatesforhumanrights.org/uploads/serbia_report_final.pdf)

## **Law on the Organization and Competencies of Government Authorities Combating Cyber Crime** (Official Gazette of the Republic of Serbia No 61/2005 and 104/2009)

[https://www.paragraf.rs/propisi\\_download/zakon\\_o\\_organizaciji\\_i\\_nadleznosti\\_drzavnih\\_organ\\_a\\_za\\_borbu\\_protiv\\_visokotehnoloskog\\_kriminala.pdf](https://www.paragraf.rs/propisi_download/zakon_o_organizaciji_i_nadleznosti_drzavnih_organ_a_za_borbu_protiv_visokotehnoloskog_kriminala.pdf)

According to this law, cybercrime means committing criminal offences where computers, computer systems, computer data and products thereof in hard or electronic form appear as the objects or the means of committing a criminal offence (Art 2). The law is applied for: prosecution and trials for (as stated in Art.3):

- criminal offences against the security of computer data set forth in the Criminal Code;
- criminal offences against intellectual property, property, economy and legal instruments, where computers, computer systems, computer data and products thereof in hard or electronic form appear as the objects or the means of committing a criminal offence, if the number of copies of authors' works exceeds 2000 or the resulting material damage exceeds the amount of RSD 1,000,000;
- criminal offences against freedoms and rights of man and citizen, sexual freedoms, public order and constitutional order, and security of the Republic of Serbia, which, due to the manner in which they are committed or means used, may be considered cybercrime offences, in accordance with Article 2, paragraph 1 of the present Law.
- The law envisages the formation of special units within the public prosecutor's office and Ministry of Internal Affairs for dealing with cases of cybercrime.

## **Family Law** (Official Gazette of the Republic of Serbia, no. 18/2005, 72/2011 – other laws and 6/2015)<sup>2</sup>

[https://www.paragraf.rs/propisi\\_download/porodicni\\_zakon.pdf](https://www.paragraf.rs/propisi_download/porodicni_zakon.pdf)

Prohibits domestic violence (Art.10) and prescribes the right to protection from domestic violence. Implies spouses, their children, but also persons in an emotional, sexual relationship, without living in the same household (Art. 197). Prescribes protection measures against domestic violence (Art. 198), including prohibition of further harassment, access to a person and access to a person's workplace. This law also regulates the tasks and responsibilities of social welfare centers.

## **Law on the Prevention of Domestic Violence** (Official Gazette of the Republic of Serbia, no.94/2016)

[https://www.paragraf.rs/propisi\\_download/zakon\\_o\\_sprečavanju\\_nasilja\\_u\\_porodici.pdf](https://www.paragraf.rs/propisi_download/zakon_o_sprečavanju_nasilja_u_porodici.pdf)

The law introduces urgent protection measures, assessment of risk of violence repeating, specialization of professionals in relevant agencies and obligatory cooperation of responsible bodies. The law is not applicable to minors who perpetrate domestic violence (art.1). The law obliges all, including the education system, to report all knowledge or suspicions of violence, it envisages cooperation to take place through specialized contact persons in the police, basic and higher prosecutor's office, basic and higher court and social welfare center. Education institution representatives may be called to participate meetings of Coordination and Cooperation Groups reviewing each reported case and may be involved in the implementation and monitoring of the individual protection and support plan for victims.<sup>3</sup>

<sup>2</sup> Ibid.pg.160-161

<sup>3</sup> Adapted based on: Ignjatović, T. (2018) "Zakon o sprečavanju nasilja u porodici -uloga obrazovno-vaspitnih ustanova" in Odgovor obrazovno-vaspitnih institucija na rodno zasnovano nasilje i nasilje u porodici, Autonomni ženski centar, Belgrade, available in Serbian at: [https://www.womenngo.org.rs/images/publikacije-dp/2018/Odgovor\\_obrazovno\\_vaspitnih\\_institucija.pdf](https://www.womenngo.org.rs/images/publikacije-dp/2018/Odgovor_obrazovno_vaspitnih_institucija.pdf)

**Law on Foundations of the Education System** (*Official Gazette of the Republic of Serbia, no. 88/2017*)

[https://www.paragraf.rs/propisi\\_download/zakon\\_o\\_osnovama\\_sistema\\_obrazovanja\\_i\\_vaspitanja.pdf](https://www.paragraf.rs/propisi_download/zakon_o_osnovama_sistema_obrazovanja_i_vaspitanja.pdf)

Articles 110-112 prohibit discrimination on any bases, including that based on sex/gender and sexual orientation, as well as all forms of violence. In its article number 111, the law prohibits all forms of violence, including digital violence, sexual violence and abuse, while article 83 of this law defines as a serious breach of student responsibilities the “use of mobile phone, electronic device or other means to jeopardize the rights of others, and for the aim of deception during the procedure of student assessment”.

**General Protocol on the Protection of Children from Abuse and Neglect**

(Government of the Republic of Serbia, 2005)<sup>4</sup>

[https://www.paragraf.rs/propisi\\_download/opsti\\_protokol\\_za\\_zastitu\\_dece\\_od\\_zlostavljanja\\_i\\_zanemarivanja.pdf](https://www.paragraf.rs/propisi_download/opsti_protokol_za_zastitu_dece_od_zlostavljanja_i_zanemarivanja.pdf)

The purpose of the protocol is to provide a framework for the establishment of an effective, operational multi-sector network for the protection of children from abuse, neglect, exploitation and violence. It refers to children both in a family context, as well as in institutions (including schools). It refers to abuse in a general sense, including sexual abuse. In addition to the general protocol, special sectoral protocols were adopted that defined specific roles and procedures in protecting children from abuse and neglect within each relevant sector in the system of protection (education, healthcare, the police, social protection and the judiciary).

**Rules on the Protocol for Acting of Educational Institutions in Response to Violence, Abuse and Neglect** (*Official Gazette of the Republic of Serbia, no. 30/2010*)<sup>5</sup>

[https://www.paragraf.rs/propisi\\_download/pravilnik\\_o\\_protokolu\\_postupanja\\_u\\_ustanovi.pdf](https://www.paragraf.rs/propisi_download/pravilnik_o_protokolu_postupanja_u_ustanovi.pdf)

The document prescribes types and implementation of prevention and intervention activities of institutions in the field of education and upbringing, conditions and forms for risk assessment, forms of protection, monitoring of effects of measures and activities undertaken. It recognizes that violence can be perpetrated through abuse of information technologies and identifies concrete acts. Prohibition of violence, abuse and neglect in an education institutions refers to everyone – children, pupils, employees, parents and third parties. The document defines that violence and abuse may occur 1) from an employee towards a pupil, another employee, parent or guardian, 2) from one child and pupil towards another child and pupil and 3) from a parent towards their own child, another child and pupil and towards an employee. Based on the three levels of violence (from mildest forms to most severe), interventions are implemented by a) head teacher independently, head teacher in cooperation with parents, group of pupils, etc, b) head teacher in cooperation with the school pedagogue and psychologists, team for protection of pupils from violence and headmaster and c) headmaster and team for the protection of pupils from violence, in cooperation with representatives of and based on report of incidents to responsible institutions, such as the police and social welfare center.

<sup>4</sup> Based on: Violence against Children in Serbia – Determinants, Factors and Interventions, UNICEF, 2017, available in English at: <http://www.savetzapravdeteta.gov.rs/doc/eng.dokumenta/Violence-against-children-in-Serbia-web.pdf>

<sup>5</sup> Adapted based on: Ignjatović, T. (2018) “Zakon o sprečavanju nasilja u porodici -uloga obrazovno-vaspitnih ustanova” in Odgovor obrazovno-vaspitnih institucija na rodno zasnovano nasilje i nasilje u porodici, Autonomni ženski centar, Belgrade, available in Serbian at: [https://www.womenngo.org.rs/images/publikacije-dp/2018/Odgovor\\_obrazovno\\_vaspitnih\\_institucija.pdf](https://www.womenngo.org.rs/images/publikacije-dp/2018/Odgovor_obrazovno_vaspitnih_institucija.pdf)

**Strategy on the prevention and protection of children from violence 2020-2023 and Action Plan for 2020-2021** (Government of the Republic of Serbia, May, 2020)

<https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2020/80/1/reg>

Gender-based violence and violence in digital space against children are both recognized in the document. The strategy envisages, among other things, better intersectoral cooperation, continuous work on awareness raising and changing social norms – including zero tolerance to violence and achievement of gender equality, improving local level protection systems and improvement of skills of professionals working in institutions dealing with children.

**National Strategy on Gender Equality for the period from 2016 to 2020 and Action Plan from 2016 to 2018** (Official Gazette of the Republic of Serbia, no.4/2016)

<https://www.mgsi.gov.rs/lat/dokumenti/nacionalna-strategija-za-rodnu-ravnopravnost-za-period-od-2016-do-2020-godine-sa-akcionim>

The strategy recognizes the need for education for gender equality, culture of human rights and respect of diversity, as well as integration of gender equality throughout the education process. Based on information of women and girls exposed to domestic violence, violence against women and sexual violence and harassment, the document states the necessity of and defines measures to be taken by all bodies and institutions, including the education system and media, aimed at raising awareness about unacceptability of such violence.

**National Youth Strategy 2015-2025 and Action Plan for the period 2018-2020** (Official Gazette of the Republic of Serbia no.22/2015)

<https://www.mos.gov.rs/public/documents/upload/sport/inspekcija/Nacionalna%20strategija%20za%20mlade%20-%20ENG.pdf>

The document recognizes the gender asymmetry that exists when it comes to the perpetrators and victims of violence. One of its goals is established comprehensive and continuous education of youth on security challenges, risks and threats, and on safe behavior. Planned activities envisage supporting programs that empower youth to recognize and respond appropriately to computer violence, i.e. violence occurring through use of information technology, as well as developing and supporting activities aimed at preventing and combating gender-based sexual and partner violence against young women.

### **Organic Law 1/2004, of December 28, on comprehensive protection measures against gender violence**

It established gender-based violence as any violence caused to a woman who is or was a girlfriend or spouse to the perpetrator, what in international documents is called Domestic Violence.

It incorporates modifications to education, health, social services, public administration, as well as penal modifications that describe gender violence as a prosecuted crime and defines the need to enshrine the rights of women victims, which are enforceable by public administrations.

Within the educational measures that the law set, there are: to include as aims of training and at all educational levels, education in equality between men and women and learning about the prevention and peaceful resolution of conflicts, the elimination of sexist stereotypes in the educational materials, initial and permanent training of teachers in equality matters, the integration in School Councils of people destined to promote educational measures that promote real and effective equality between men and women and to ensure the representation of the Institute for Women and women's organizations with implantation throughout the national territory in the State School Council.

### **Law 4/2015 of April 27, of the Statute of the Victim of the crime.**

It establishes guidelines and rights for victims of all types of crimes, with special reference to victims of gender violence.

### **Law 27/2003 of July 31, regulating the Order for the protection of victims of domestic violence**

The Protection Order is a legal instrument designed to protect the victim of domestic violence against all types of attacks. It concentrates in a single judicial resolution the adoption of criminal and civil measures and immediately activates the instruments of social protection of the different public, state, autonomous and local administrations.

### **Law 35/1995, of December 11, on Aid and Assistance to Victims of Violent Crimes and against Sexual Freedom**

The Beijing Platform for Action points out the importance of adopting measures to repair the damage caused, compensation and rehabilitation for victims (paragraph 124 d).

The protection provided in Law 35/95 cannot be applied to all victims of gender violence, but only to those direct or indirect victims of malicious and violent crimes, committed in Spain, with the result of death, or bodily injury serious, or serious damage to physical or mental health.

Victims of crimes against sexual freedom will benefit from the help even if the crime was committed without violence.

## **Organic Law 8/2015, of July 22, on the modification of the protection system for childhood and adolescence**

It explicitly recognized as victims of gender-based violence the minors and emphasizes the obligation of the judicial system to rule on the civil measures that affect minors who depend on women for whom violence is exercised.

State pact on gender-based violence, November 15<sup>th</sup> 2016

It is a consensual document linking all political parties, state powers and civil society to end all violence against girls and women, thus complying with the obligations derived from the ratification of the Istanbul Convention as well as the international recommendations made by the UN.

The document establishes different lines of action such as the intensification of the assistance and protection of minors and the visualization and attention of other forms of violence against women, paying special attention to sexual violence, the trafficking of women and girls for the purpose of sexual exploitation, female genital mutilation and forced marriages.

CATALAN

## **Law 5/2008, of April 24, on the right of women to eradicate male violence.**

The main objectives are:

- To eradicate sexist violence and the elimination of social structures and cultural stereotypes that perpetuate them.
- To establish comprehensive measures for prevention, detection and awareness in order to eradicate it from society.
- To recognize the rights of women who suffer it to assistance care, protection and recovery.

## **Law 11/2014, of October 10, to guarantee the rights of lesbians, gays, bisexuals, transgenders and intersexuals and to eradicate homophobia, biphobia and transphobia.**

The objectives of the law are:

- To make effective the right to equality and non-discrimination because of sexual orientation, gender identity or gender expression.
- To establish the means and measures that have to be applied to influence the public and private spheres, over which the Generalitat and local authorities have powers.

# APPENDIX 2.2

## Institutional framework

### CROATIA

#### Schools/Educational institutions

<https://mzo.gov.hr/ustanove/103>

The obligation of teachers, professional counselors and other employees is to immediately inform the principal of any breaches of law, especially concerning forms of physical or psychological abuse, sexual abuse, neglect or negligent treatment, maltreatment or exploitation of students, who is then obliged to inform the social welfare center.

Each school, the center of social welfare in the area of the school and police station are obliged to appoint representatives-coordinators and set up a team that, in cases of violence, would promptly react and act in order to protect children, according to the Protocol for dealing with cases of violence among children and youth. Some schools have adopted their own protocols on handling school in crisis situations involving the procedure in cases of violence.

#### Centers for Social Welfare

<https://mdomsp.gov.hr/adresar-ustanova/1673>

In a case of reported violence, the social welfare center is required to investigate the case and to obtain information on all the circumstances, in particular the form, intensity, severity and duration of violence, as well as all the information about the family and other circumstances of the child who is the perpetrator of violence; then call the parents and conduct an interview with them to gain insight into the family and other circumstances. If necessary, impose appropriate measures of legal protection in case of need or oblige them to engage the child in appropriate forms of psychosocial assistance, and monitor them in the execution of the given obligations, continue to monitor the child's behavior in the educational institution or in another setting where he/she is staying, and in particular monitoring whether the child is still violent and keeping records on the case and inform the other competent services.

#### The Police

<https://mup.gov.hr/>

The actions of the police include establishing the facts and circumstances of reporting a crime, and take all necessary actions to assist the victim in order to prevent further violence, as well as health care for victims; conducting criminal investigations of juvenile perpetrators of violence in the presence of parents or legal guardians; then depending on the circumstances of the case, filing criminal charges to the State Attorney for the youth, and submitting a request to initiate misdemeanor proceedings proposing the appropriate protective measures; and keeping records of the case and informing other competent services.

## Health institutions

<https://zdravlje.gov.hr/kontakti/kontakti-zdravstvenih-ustanova/1478>

Hospitals are required to report violence to the police according to the Law on Protection from Family Violence, perform a thorough examination to determine the type of injuries suffered and conduct a complete medical examination. At the request of the State Attorney's Office or the police, medical institutions are obliged to submit all documentation that is relevant for the clarification of the case and presentation of evidence related to the criminal offense.

## The State Attorney's Office

<http://www.dorh.hr/Default.aspx>

The report which was submitted to the center for social care or the police must be forwarded to the relevant State Attorney's Office, the authority responsible for prosecuting perpetrators of crimes, which could, if there is "reasonable doubt", request to initiate the investigation procedure against the abuser, and for certain offenses related to child abuse it could directly raise indictment to be submitted to the court, if the facts provide sufficient grounds for this.

Otherwise, if in the opinion of the State Attorney there are no sufficient facts and circumstances justifying the existence of "reasonable doubt" to initiate criminal proceedings, he/she can dismiss the charges for the reasons set forth by law (for example - there is not enough evidence, the reported act does not have characteristics of criminal activities or there are no certain procedural requirements for criminal operation, for example due to the statute of limitations).

## Courts

<https://pravosudje.gov.hr/pravosudni-sustav-11207/11207>

If the indictment procedure, or in certain cases, indictments, are raised against the abuser, then the criminal liability of the perpetrator is decided upon at the trial court that reaches the final decision. In criminal proceedings, it is expected that a person (professional) who has reported abuse be summoned to court as a witness, and then it is their duty to respond and testify truthfully about everything they know about the event (Source: <http://www.poliklinika-djeca.hr/publikacije/25-pitanja-i-odgovora/>). The courts will ensure protection of the victim upon arrival to court and inside the court premises, and enable the victim to give evidence separately from the perpetrator, as well as provide physical protection of the victim in cooperation with the police.

**Juvenile courts** have jurisdiction over criminal cases involving minors. The criminal responsibility of all persons older than 14 years in the Republic of Croatia is regulated by the Criminal Code. The Criminal Code primarily applies to adults, whereas since 1998, the *Juvenile Courts Act* applies as *lex specialis* to minor offenders (under 18 years old). The basic principle of the law is correction instead of punishment. Legislators prescribe treatment of children in a special manner, taking into account their age, personality traits, education, upbringing and family, their life circumstances. The obligation is to treat children who are injured parties with special care when carrying out procedural actions.

Based on the 1997 Child and Youth Protection Act (Gyermek és Ifjúságvédelmi Törvény) the following institutions are part of the referral and reporting system and play a part in enabling that the child stays with their family and to prevent and eliminate endangerment of the child: Health Service Providers (especially nurses, GP and pediatricians); Family Support Centres; Educational Institutions; The Police; The State Attorney's Office; Courts; Refugee Shelters; Civil organisations, Churches, Foundations.

These institutions are obliged to cooperate with each other to fulfil the above mentioned goals. Here, you can read about the relevant functions of some of these institutions regarding sexual and gender-based violence.

### **The Police -**

<http://www.police.hu/>

The police is responsible to process reported cases of criminal activity defined by Hungarian Law. About the rights of victims and current legislation valuable information can be found here: <https://aldozatokjogai.hu/>

### **Family Support and Child Welfare Services**

<http://www.macsgyoe.hu/>

Aims to enable and support the physical, mental, emotional, and ethical development, the wellbeing, and the upbringing of the children within the family as well as to prevent endangerment and avoid displacing the children from their families of origin. All children and families of a certain municipality are eligible for the services. The centres organise the cooperation between different bodies and organise and operate the warning system including educators (school and pre-school), nurses and GP-s, foster parents, mayors, notaries, church staff etc. To eliminate the endangerment of the minors they support the children themselves and the family to overcome the circumstances that lead to risk to the children.

### **Health institutions**

Health institutions and professionals have an obligation to report injuries caused by violence both with minors and adults as victims. They also have an obligation to document injuries so that they can serve as evidence in a court proceeding.

### **Courts**

<https://birosag.hu/a-birosagi-szervezet>

Cases of abuse that turn into infraction or criminal proceedings are handled by the courts.

## **The State Attorney's Office**

<http://ugyesszeg.hu/>

Reports of abuse filed by the police or Family Support and Child Welfare Services are decided upon by the State Attorney's Office and based on their decision a criminal investigation can follow.

## **OKIT (Országos Kríziskezelés és Információs Telefonszolgálat – National Crisis Management and Informational Helpline)**

Phone: +36-80-20-55-20 E-mail: [okit@csbo.hu](mailto:okit@csbo.hu) Website: <http://bantalmazas.hu/>

The aim of the helpline is to provide help and information 24/7 for the victims of partnership violence, child abuse, prostitution, and trafficking and if needed provide shelter to them. The helpline can be reached from any areas of the country and from abroad too. OKIT's most important function is that they have a list of shelters where victims of violence can move into temporarily (up to 28 days) in case they need to flee from their homes.

The helpline also refers callers to other organisations giving support in specific topics, the contacts of these organisations are available on their website as well.

## **Hungarian Interchurch Aid**

<https://segelyszervezet.hu/en/national-assistance/>

They provide online consultation for the victims of abuse with information on abuse and places of further support. They operate shelters for victims of domestic violence. In cases of child abuse, prostitution and trafficking they have development workshops for the children to help the heal and prevent further harm coming to them.

## **Kék Vonal Child Crisis Foundation**

The primary task of the Kék Vonal Child Crisis Foundation is to listen to the children and young people and help those of them who are in need. They work on implementing the rights of children as defined by the United Nations. Their approach is child centered but they are also reaching out to adults, professionals and governmental bodies working with children to serve the interests and safety of children.

Contact information: [:https://www.kek-vonal.hu/index.php/hu/](https://www.kek-vonal.hu/index.php/hu/)

Helpline: 116-111

## **Hintalovon Foundation**

The Foundation have been working to raise awareness on children's rights since 2015. Their aim is to ensure that adults take into account the views and the interest of children in all areas of life. Their goal is to make Hungary a better place for children, where it is good to grow up as a child. They have a special focus on children growing up in abusive families and sexual education of young people.

**Yelon** - is a chat service and informational website for young people aged 10-18 established by Hintalovon Foundation. Main topics are sexuality, safety, self-acceptance.

Available at: <https://yelon.hu/>

## **NANE**

NANE is a women's rights NGO focusing on domestic violence. Besides helping the victims NANE also works on prevention by organising and facilitating school workshops on dating violence and equality in relationships. They maintain a free helpline where people can turn to. If you are working in a school and want to organize a workshop for students feel free to contact NANE. You are also welcomed to call the helpline if you would like to discuss a case.

Contact: [www.nane.hu](http://www.nane.hu), [info@nane.hu](mailto:info@nane.hu)

Helpline: 06 80 505 101

## **Patent**

Patent is a partner organisation for NANE. They provide free legal advice, share crucial legal information with women affected by domestic violence. They developed a sexual education program ([Turn me on](#)) for young people focusing on equality and safety.

Contact: [www.patent.org.hu](http://www.patent.org.hu)

## **Biztonságos Internet - safe internet**

Biztonságos Internet is an online reporting facility for the public to report illegal, harmful or abusive online content including child sexual abuse material (and other harmful contents). They ensure that the reports are investigated and if found to be illegal the information will be passed to the relevant Law Enforcement Agency and in many cases the Internet Service Provider hosting the content.

Biztonságos Internet was set up in May 2011 in the context of the EU Safer Internet Programme. The website is part of the Hungarian Safer Internet Centre and is operated by NISZ National Infocommunications Service Company Ltd.

contact: <https://www.biztonsagosinternet.hu/>

### Special Prosecutor's Office for Cybercrime

<http://www.beograd.vtk.jt.rs/>

The **Higher Prosecutor's Office in Belgrade** (with a formed Special Prosecutor's Office for Cybercrimes) has the jurisdiction for the territory of the entire Republic of Serbia to proceed in cases of defined criminal offences in the field of cybercrime (including criminal offences against freedoms and rights of man and citizen and sexual freedoms). Cybercrime may be reported to this Prosecutor's Office via e-mail at the address: [vtk@beograd.vtk.jt.rs](mailto:vtk@beograd.vtk.jt.rs) with personal information of the submitter and possible evidence of the offence (screenshots, saved messages, etc.).

### Ministry of Internal Affairs

<http://www.mup.gov.rs/wps/portal/sr/gradjani/saveti/Visokotehnoloski+kriminal>

Representatives and departments of the Ministry have wide competences in response to criminal acts defined in the Criminal Code, as well as Law on Prevention of Domestic Violence, in terms of provision of immediate protection, risk assessment, initiation and implementation of procedures. According to the Law on the Organization and Competences of Government Authorities Combating Cyber Crime, a **special cybercrime unit** within the Ministry deals with such criminal acts. The unit shall proceed at the instance of the Special Prosecutor, in accordance with the Law. Also, the Ministry operates the e-mail [childprotection@mup.gov.rs](mailto:childprotection@mup.gov.rs), where one can report sexual abuse of minors for pornographic purposes on the internet. In the case of current acute violence within school premises or breach of court of police restriction of access to the pupil, the school is responsible for contacting the police to ensure immediate safety of the pupil.

## Social Welfare Center

<https://www.minrzs.gov.rs/sr/aktuelnosti/vesti/objavljen-spisak-kontakt-telefona-i-mejl-adresa-svih-centara-za-socijalni-rad-u-srbiji>

The Social Welfare Center has numerous public competencies, in accordance with the law, in the field of social family-law protection, as well as protection of minors in conflict with the law, including the protection of youth, adults and older persons with the aim of overcoming social difficulties. In accordance with the Family Law, the SWC (guardianship body) performs tasks of family protection and support, as well as guardianship tasks. In the domain of the protection of children/pupils and protection from domestic violence the following public authorizations are relevant:

- Deciding on measures of preventive supervision of exercise of parental rights, and
- Deciding on measures of corrective supervision of exercise of parental rights.

The SWC also, ex officio, files lawsuits for determining protection measures against domestic violence and violence in emotional/intimate partner relations. When cooperating with the SWC, the education institution can turn to the SWC to initiate procedures for the protection of the rights and best interest of the child within the competencies of the SWC. In addition to this, the SWC can turn to the education institution and request information on a child and parents. Also, the SWC can request the education institution to participate in the development of the plan of measures and services for the child and/or family or refer the child to activities within the competencies of the education institution<sup>6</sup>.

## Ministry of Education, Science and Technological Development

<http://www.mpn.gov.rs/> ;

Oversees the operation of schools, including procedures undertaken for protection of pupils against all forms of violence, abuse and neglect, in accordance with relevant legislation. Intervenes based on reports of breach of procedures. The Ministry has a separate unit dealing with the topic of all forms of abuse of pupils, the Group for Minority Education, Social Inclusion and Protection from Violence. All forms of violence, including cyber violence, can be reported to the Ministry's SOS helpline at 0800/200-201. Sub-regional school directorates have advisors for violence prevention and supporting schools in appropriate response.

## "Women against Violence" Network

<https://www.zeneprotivnasilja.net/o-nama/spisak-organizacija>

Women and girls survivors of violence may contact specialized women's organizations, members of the network which provide SOS helpline services, general awareness raising, psycho-social and legal support, and can assist in reporting violence and following procedures according to law.

## SHARE Foundation

<https://www.sharefoundation.info/sr/>

Source of information on digital rights, online security and personal information protection. Their website **has templates for reports** to the Special Prosecutor for High Technology Crime.

<sup>6</sup> Adapted based on: Ignjatović, T. (2018) "Nadležnosti centra za socijalni rad-organa starateljstva: saradnja a obrazovno-vaspitnim ustanovama u zaštiti prava deteta i zaštiti od nasilja u porodici" in "Odgovor obrazovno-vaspitnih institucija na rodno zasnovano nasilje i nasilje u porodici", Autonomous Women's Center, Belgrade, available in Serbian at: [https://www.womenngo.org.rs/images/publikacije-dp/2018/Odgovor\\_obrazovno\\_vaspitnih\\_institucija.pdf](https://www.womenngo.org.rs/images/publikacije-dp/2018/Odgovor_obrazovno_vaspitnih_institucija.pdf)

### ANAR Foundation Spain

**Description:** Since its creation, the Foundation works with the ANAR Homes, shelters for children and teenagers lacking an adequate family environment.

In 1994 it launched the ANAR Help Phone for Children and Teenagers at Risk, a free and confidential line that operates 24 hours a day and throughout the year. This phone offers immediate psychological, social and legal help to minors with problems or at risk.

From that same year, the ANAR Telephone for the Adult and the Family is operational, a service aimed at adults who need guidance in matters related to minors.

Since 2010, the ANAR Telephone for Missing Children has been operating, the single harmonized number of the European Union 116000, which offers emotional support to families during the 24 hours, legal and social counseling, help with complaints and immediate connection with the police, as well as with the network of all 116,000 of Europe.

**Contact information:**

Website: [www.anar.org](http://www.anar.org)

Facebook: <https://www.facebook.com/FundacionANAR/>

Email: [comunicacion@anar.org](mailto:comunicacion@anar.org)

Phone number: +34 / 91 72 62 700

### Line of Attention Against Gender-Based Violence 900 900 120

**Description:** It is a service of permanent attention against sexist violence. It's free and confidential and works every day of the year, 24h. It can be accessed by telephone and email, and it deals with the demands related to any form of violence against women, such as requests for information from women living in situations of violence, about resources in Catalonia regarding assistance to violence against women, requests for advice on possible actions to be taken in a situation of violence against women, coming from individuals and/or professionals.

The line 900 900 120 also acts in cases of activation of the Service of intervention in serious crisis in the field of sexist violence (24h / 365 days a year), coming from any City Council and County Council, with the prior consent of the woman assaulted or their family environment.

It has professionals, lawyers and psychologists who can contact emergency services, if necessary.

## Phone 016

**Description:** The Ministry of Health, Social Services and Equality, through the Government Delegation for Gender Violence, provides the Telephone Information Service and Legal Advice on Gender Violence, through the telephone number of abbreviated dialing 016.

People with hearing and / or speech disabilities can communicate with 016 through the following means:

- Text phone (DTS) through the number +34 / 900 116 016
- Telesor service through the Telesor website. In this case, an Internet connection is required. <https://www.telesor.es>

Derivation of calls made by minors to the ANAR Help Phone for Children and Adolescents: +39 / 900202010

Derivation of calls related to the trafficking of women and girls for the purpose of sexual exploitation at the telephone number of the Ministry of the Interior: +39 / 900105090

Points of Information and Attention to Women (PIADs)

**Description:** The PIADs are municipal services of proximity that offer information and attention in all those topics that interest women. They allow access to different city resources, labor, associative, cultural and educational, among others. They also offer free legal and psychological counseling. It is necessary to make an appointment. It is a service only for women from 18 years old. There is a PIAD in each district of Barcelona.

## Creación Positiva

**Description:** Creación positiva is an entity that promotes the elimination of any discrimination and stigmatization towards people living with HIV and / or other STIs and / or HBV / C, as well as the approach to the HIV epidemic from a comprehensive perspective. It addresses the causes at the same time that it takes care of the consequences, and helps to reduce the negative impact of this infection. It is very important to confront the HIV epidemic with special emphasis on those aspects related to the vulnerability of people belonging to the different LGTBIQ groups; as well as the migrated people; people in situations of social exclusion, young people; people who use or have used drugs, heterosexual men, persons deprived of liberty both in the prevention and care of those living with HIV or other STIs and / or VH or at risk of acquiring them because of their special vulnerability.

**Contact information:**

Website: [creacionpositiva.org](http://creacionpositiva.org)

Facebook: <https://www.facebook.com/CreaPositiva/>

Email: [crea@creacionpositiva.org](mailto:crea@creacionpositiva.org)

Phone number: +34 / 933189769

## **Vicki Bernadet Foundation**

**Description:** It is a foundation that works in comprehensive care, prevention and awareness of sexual abuse of children committed in the family and the environment of confidence of the child. 23-25% of girls and 10-15% of boys suffer sexual abuse before age 17. 60% will not receive any kind of help. Child sexual abuse is, therefore, a public health problem that requires specialized attention and, above all, an awareness on the part of the whole society.

### **Contact information:**

Website: [www.fbernadet.org/es/](http://www.fbernadet.org/es/)

Facebook: <https://www.facebook.com/FVBernadet>

Email: [info@fbernadet.org](mailto:info@fbernadet.org)

Phone number: +34 / 933 189 769

# APPENDIX 2.3

## Reporting and referral system

*Referral pathways and protocols to follow and refer cases of children and youth exposed to sexual and gender-based violence*

### CROATIA

In accordance with the provisions of the Convention on the Rights of the Child and its Protocols, the Law on Primary Education, the Law on Secondary School, and other relevant laws and national programs, educational institutions in Croatia are obliged to ensure that the rights of the child are exercised in cases of all forms of violence, sexual abuse, neglect, educational neglect, negligent behaviour, abuse and exploitation. All educational institutions need to implement the existing preventive and intervention programmes, as well as to develop new ones where necessary.

In Croatia, educational institutions and all other authorities have to proceed according to the **Protocol in cases of violence among children and youth (2004)**. The protocol does not mention violence in relationships of young people but is instead focused on peer violence.

According to all protocols, the procedures are similar. In cases of violence towards a student, employees of the educational institution shall take immediate action to stop the violence, and to provide help in accordance with their competence. Teachers shall urgently initiate a procedure to protect the rights of the child and shall notify any action harmful to the child to the principal or expert associate. The educational institution shall notify parents and the competent institutions and authorities, and the competent institutions and authorities shall give feedback on the procedure for the comprehensive approach to the protection of the child's rights and interests. The teachers shall keep official record of their observations and of all activities and measures taken to protect the rights of the pupils, which they shall present to the principal in writing, as well as to other competent authorities upon request (the police, State Attorney, court). The expert associate or other teachers responsible for reporting violence in the educational institution shall, in the case of peer violence (except in confrontations lacking elements of violence) or suspected family violence, complete the form of the violence report as soon as possible and no later than seven days after the incident. Where a criminal offence is suspected, the teachers shall secure the tracks and evidence of the criminal offence inside the educational institution until the arrival of the police, and prevent them from being destroyed, concealed, altered or removed from the scene.

**The Rules of Procedure in Cases of Sexual Violence** state that educational workers must take care of the realisation of the rights of the child in cases involving all forms of violence, to become sensitive to the existence of sexual violence experienced by minors, and to take appropriate measures to identify and report sexual violence to the relevant institutions providing assistance to the victims of sexual violence.

Rules of procedure to be followed by educational institutions in cases involving sexual violence:

- Immediately after receiving information that there is suspicion that a student has been exposed to sexual harassment or sexual violence, it is the duty of educational workers to first of all conduct an interview with the student for his/her protection. If an expert assistant is not available or the student refuses to talk to him/her, the interview may be conducted by another educational worker in whom the student has trust.

- Educational workers with information about possible sexual harassment or sexual violence must report the information to the headmaster of the educational institution, who is responsible to take further action according to these Rules of Procedure.
- In the case of an event that has just happened, the victim should be provided with appropriate assistance and protection without any delay, and the police should be notified immediately.
- The person conducting an interview with the student or the source of information must keep minutes. The educational institution must submit all documents relevant for making a decision about the initiation of criminal prosecution or for criminal prosecution whenever requested by the court, the State Attorney's Office of the Republic of Croatia or the police.
- The person conducting an interview must inform the student about any further actions to be taken in detail.
- The responsible person must urgently notify the parents (where the parents are not available or where there is suspicion that they might be the abusers, the social welfare centre will be notified); the social welfare centre in charge; the police or the State Attorney's; in the case of visible injuries it is necessary to take measures to provide emergency medical assistance. They must notify the Ministry of Science and Education via a web form at the latest within 7 days and the ombudsman for children.
- The person conducting an interview must inform the victim and her parents about the possibilities available for extra institutional or institutional assistance and support.
- If the perpetrator of sexual violence is an education worker in an educational institution), the person with pertinent information must notify the police and/or the State Attorney's Office.
- In cases involving particularly serious forms or intensity of violent behaviour that has provoked or might provoke trauma to the child victim or other students, the educational institution must notify the line ministry for education and request adequate professional psychological or other assistance for the students of the educational institution.

## SERBIA

The two basic documents prohibiting all forms of violence and regulating response in education institutions (by type and level of violence) are the Law on Foundations of the Education System (*Official Gazette of the Republic of Serbia, no. 88/2017*) and Rules on the Protocol for Acting of Educational Institutions in Response to Violence, Abuse and Neglect (*Official Gazette of the Republic of Serbia, no. 30/2010*). The Rules on the Protocol includes both digital violence and sexual violence (offline and online).

According to the Rules on the Protocol digital violence implies abuse of information technologies resulting in harm to other persons and jeopardizing their dignity, perpetrated through sending electronic messages, SMS, MMS, through websites, chat conversations, participation in forums, social networks, etc. The same document defines sexual violence and abuse as behavior through which a child/student is sexual harassed, entice or compel to participate in sexual activities that the student does not want, does not understand or for which is not developmentally mature or is used for prostitution, pornography or other forms of sexual exploitation.

According to the Rules on the Protocol forms of violence behavior can be categorized into three levels, and below are specific behaviors constituting digital and sexual violence by level and stakeholders involved in the response:

Level <sup>7</sup>	Digital violence	Sexual violence
I	<p>Calls that are upsetting, sending upsetting messages (SMS,MMS)</p> <hr/> <p>Activity implemented individually by the head teacher, teacher or educator, in cooperation with the parent, in order to intensify pedagogic work with a children's group, school class, group of students and individually.</p>	<p>Inappropriate and with a sexual connotation: calling out to someone, swearing, suggestive comments, spreading rumors, labeling, sexually unambiguous gesticulation</p>
II	<p>Posting, making and sending videos, abuse of blogs, forums and chat conversations, making videos of someone without their consent, making videos with a camera of violence scenes, distribution of video recordings and photographs.</p> <hr/> <p>Activities are implemented by the head teacher or educator in cooperation with the pedagogue, psychologist, team for protection and headmaster, with the obligatory participation of parents, to increase pedagogic work. If increased pedagogic work is not effective, the headmaster initiates disciplinary measures, in accordance with the Law.</p>	<p>Sexual touching, showing of pornographic material, showing of intimate body parts, undressing.</p>
III	<p>Recording violent scenes, distributing recordings and photographs, child pornography.</p> <hr/> <p>Activities are implemented by the headmaster with the team for protection, with obligatory engagement of parents and responsible agencies, organizations, and services (social welfare center, health care services, police and other organizations and services). If the presence of a parent is not in the student's best interest, i.e. it can be harmful, jeopardize the student or hinder in-school procedures, the headmaster informs the social welfare center or police. At this level intensive pedagogic work is required adapted to the student's needs, as well as the initiation of pedagogic-disciplinary procedures and decision on measures, according to the Law. If another organization or service is engaged in work with the students, the education institution established cooperation with it and they mutually adjust their activities.</p>	<p>Seduction by adults, pimping, abuse of position, enticing, extortion, forcing to a sexual act, rape, incest.</p>

Intervention activities are undertaken for any type or level of violence to ensure:

- violence is stopped,
- safety of students is ensured,
- risk of repetition is reduced,
- consequences are alleviated,
- effects of measures undertaken are monitored.

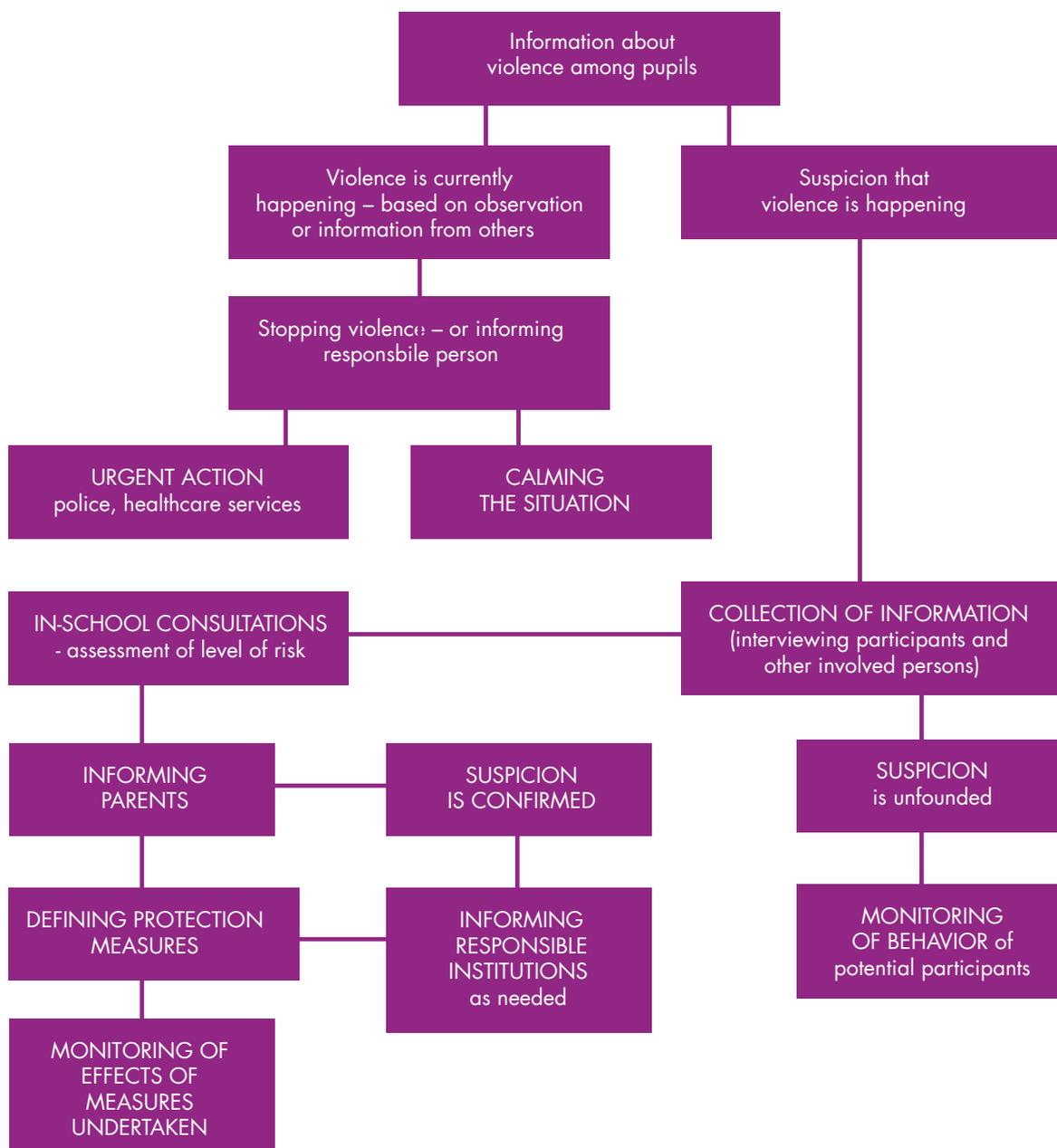
Response according to effective regulations should be as uniform as possible in situations of similar forms of violence or violence of the same level and in all education institutions. So that efficiency in response is ensured, fairness towards those involved (same rights and responsibilities for all individuals), and possibility of monitoring in all schools.

The school and each individual teacher or other employee is obliged to respond anytime there is suspicion or knowledge that a student or a group of students is exposed to violence. Intervention should follow the following steps (described in more detailed in the Rules on the Protocol):

<sup>7</sup> Table used from: D.Kuzmanović, et al.(2016)., Digitalno nasilje-prevenција i reagovanje, Ministarstvo prosvete, nauke i tehnološkog razvoja Republike Srbije i Pedagoško društvo Srbije, Beograd, p 46. Available in Serbian at: <http://www.mpn.gov.rs/wp-content/uploads/2015/08/priru%C4%8Dnik-interaktivni.pdf>

1. – determining or checking suspicion (the school collects information it does not do investigative work)
2. – immediate stopping of violence and calming participants
3. – informing parents
4. – in-school consultations
5. – measures and activities in accordance with regulations
6. – monitoring effects of implemented measures and activities.

Within measures and activities taken in response to the second and third level of violence, the school develops and operational protection plan for all students involved in the violent situation in any way (those exposed directly, those perpetrating the violence, as well as bystanders, witnesses), as they all experience the violent situation differently and need support and protection. In addition to this, at the second level of violence the in-school team for protection of violence is involved, the so called inner protection network, while at the third level other institutions are involved, comprising the outer protection network. The scheme below illustrated the response flow of the school in cases of violence among pupils:



Steps in response are based on priority and the most important thing to consider is the safety of students. Interventions take place whenever there is suspicion or clear information that violence is happening, has happened or will happen. Once suspicions have been confirmed or we are witnesses of the violence, the priority is for the violence to stop immediately. This is an obligation of all, especially those closest to the violent situation. Support of others should be asked whenever it is required.

Besides efficient and effective interventions, lowering the risk of violence repeating and sending a clear message that such behavior is unacceptable, there is need for systematic change in the system of values, development of a school climate of safety and no tolerance to any type of violence, so that responsible behavior is promoted both offline and online. This is a complex task for teachers, school psychologists and pedagogues and headmasters, involving cooperation with other responsible institutions, development of student peer activities and improvement of cooperation with parents.

## SPAIN

Regarding protocols for schools in case of gender-based violence among their students, the set up responsibility rests within each Autonomous Community of Spain. Each region has elaborated a list of guidelines and steps to follow in such cases. Below you can find the Catalan protocol.

<http://xtec.gencat.cat/web/.content/centres/projeducatiu/convivencia/protocols/violencia-masclista/documents/protocol-violencia-masclista-unificat.pdf>

## HUNGARY

Children and youth in Hungary are protected mainly by two pieces of legislation. The first is the ratified 1989 New York Convention on the Rights of the Child.

The other one is the 1997 Child and Youth Protection Act (Gyermek és Ifjúságvédelmi Törvény). Article 17 of the legislation specifies the actors of the reporting and referral system. The institutions which are part of this system are the following:

- Health Service Providers (especially nurses, GP and pediatricians)
- Family Support Centres
- Educational Institutions
- The Police
- The State Attorney's Office
- Courts
- Refugee Shelters
- Civil organisations, Churches, Foundations

The goals of the referral and reporting system are to enable the child to stay with their family and to prevent and eliminate endangerment of the child. These institutions are obliged to cooperate with each other to fulfil the above mentioned goals. As educators of a school the legislation highlights the role in child protection in both the monitoring and reporting part. The legislation regarding reporting and referral in the context of violence mainly focus on domestic violence and they do not cover peer violence or relationship violence between minors. However, some of the steps defined in the context of domestic violence can be relevant to gender-based violence cases too. Here is an extensive description of the role of educators, teachers in the reporting and referral system: [http://www.nefmi.gov.hu/letolt/kozokt/ifjusagvedelem\\_080513.pdf](http://www.nefmi.gov.hu/letolt/kozokt/ifjusagvedelem_080513.pdf)



