

MONITORING HOW COURTS TREAT DOMESTIC VIOLENCE IN HUNGARY: A COURT WATCH PROGRAM

A SUMMARY OF THE RESEARCH CONDUCTED BY
PATENT ASSOCIATION IN 2015-16

PATENT Association
Budapest, 2016

MONITORING HOW COURTS TREAT DOMESTIC VIOLENCE IN HUNGARY: A COURT WATCH PROGRAM

A SUMMARY OF THE RESEARCH CONDUCTED BY
PATENT ASSOCIATION IN 2015-16

The program was funded by the Norwegian NGO Fund.

Written by Bea Sandor
Edited by: Vera Stummer and Julia Spronz

PATENT Association
Budapest, 2016

Contents

About PATENT	5
Introduction.....	6
1. The Aims and Activities of the Court Watch Program	7
2. Training Volunteers to Monitor.....	8
3. The Contents of the Monitoring Sheets	9
4. The Results of the Court Watch Program	10
Are hearings public?	10
Lost in the net of rights.....	12
Children as the victims of DV and IPV	17
Insufficient protection of victims.....	19
5. Interviews with Women on their Court Experiences	21
6. The Path Forward: Following, Developing and Realizing Best Practices	22
7. Recommendations	23

About PATENT:

What we do

We provide legal aid and psychological assistance to victims of violence against women and those whose reproductive rights are curbed. We write proposals for lawmakers; we create publications that professionally support the work of courts, authorities and social services; we create information brochures for those affected and their environment. We educate volunteers and professionals, and we have guided self-help self-awareness groups for survivors. We function as civil control of state/official activities in issues of violence against women and reproductive rights.

Who we are

Our name is PATENT Association, coined from the Hungarian phrase Patriarchátust Ellenzök Társasága, which means Society Against Patriarchy. We are women's rights defenders (lawyers) and psychologists, as well as gender based violence experts.

Our goals and values

We take action against gender-based violence in the field of law-making and law enforcement. Our values include solidarity among women and the principles of feminism.

Our partners

We are a member organization of the ASTRA Central and Eastern European Women's Network for Sexual and Reproductive Health and Rights, the Hungarian Women's Lobby, and as the founders of the KERET Coalition Against Sexual Violence, we participate in its activity.

Website: www.patent.org.hu

E-mail: info@patent.org.hu

Introduction

PATENT already conducted a similar court watch program (also funded by the Norwegian NGO Fund) during which volunteers were trained to monitor court hearings related to domestic violence in 2013-14. This activity was carried on in our second Court Watch Program running from March 2015 until April 2016.

The court watch program is based on volunteers' activities. Our volunteers were students of law, psychology and social work, lawyers, other professionals and also women who had lived in violent relationships. Our only expectation was that they should be able to observe how courts treat the victims of domestic violence.

Court responses to cases involving domestic and intimate partner violence show that many judges are not trained to deal with such cases: they often have prejudices that make them blind to the reality of battered women and children, and they often blame the victims themselves.

The aim of our activity was to collect data on the transparency of courts and the handling of domestic violence cases. We hope that monitoring will continue and develop into a movement; the control of courts' activities is a basic element of a constitutional state.

Budapest, 11th April 2016

1. The Aims and Activities of the Court Watch Program

Monitoring court hearings

The necessity of court watch programs (both abroad and in Hungary) is based on the experience that judges are not adequately prepared to handle cases related to domestic and intimate partner violence (henceforth: DV and IPV). The legal system itself also weakens the enforcement of victims' rights. There are legal developments in Hungary that might make the treatment of DV and IPV more effective, but we cannot yet see their impacts in the training of judges.

Educational and research activities

During the project, we held a seminar entitled "Intimate Partner Violence Legal Clinic" at the Faculty of Law of the Eötvös Loránd University, and held lectures at other universities (in Szeged, Miskolc and Budapest). We also published a textbook for law students.

The students participating in the seminar learned about the activities of PATENT, about stereotypes, the reasons behind the invisibility of violence, the characteristics of IPV, statistical and research data, the methodology of dealing with traumatized clients, and gained practical experience about these issues through participating in the monitoring activity related to the project.

We made 15 interviews with the clients of our legal aid service about the legal procedures they participated in. We also held legal and sensitizing trainings to NGOs and service providers who work with victims of DV and IPV.

Our long term goals

We would like to establish the practice of court monitoring in Hungary. Our activities aim at raising consciousness on violence against women and reducing the occurrence of DV and IPV.

A basic aim of monitoring court hearings and publishing research results is to draw attention to the importance of training judges. Unfortunately, this is the area where the success of our work does not depend on us: it is the National Judicial Office (Országos Bírósági Hivatal) that decides on such trainings. Our research report is a new signal of the fact that victims of DV and IPV do not get adequate protection and justice even if their case comes to court.

2. Training Volunteers to Monitor in the Court Watch Program (2015-16)

Trainings were held by legal defenders working with PATENT and NANE (Women Against Violence) in Budapest and other cities: Szeged, Pécs, Debrecen and Miskolc in April and May 2015. Volunteers learned about stereotypes, structural violence, the reasons of the invisibility of violence, the characteristics of IPV and research data as well as practical information on court monitoring: from the location of courts to the structure of hearings.

After the trainings, they communicated through local e-mail lists as well as personal meetings with the coordinator of volunteers.

Two volunteer feedbacks:

I am a law student, so I was really interested when I saw the invitation. I learned a lot. The training was interactive, so we could all share our opinions and experiences during performing different tasks. We learned about the behaviour of batterers, the trauma of survivors of domestic violence, PTSD, as well as the planet model... These two days were really useful.

Kata (Szeged, May 2015)

The training was really interesting. I can hardly wait to go. Finally it's something that can be used, not only about people posting stuff on the Internet.

Orsi (Budapest, February 2016)

3. The Contents of the Monitoring Sheets

Our volunteers monitored both civil and criminal court hearings.

They put down their name, the date and place of the court hearing as well as the name of the court and the subject of the case (according to the hearings' schedule).

They could also register if anything happened while parties and other participants were waiting for the hearing.

They marked whether the case involved DV / IPV or not, the gender of parties, the relationship between the defendant and the plaintiff or the parties, and if there were children affected.

When monitoring criminal court hearings, they also marked the position of the victim of violence: whether in the given case she was the aggrieved party, a witness or a defendant (e.g. in a libel case or when she was accused of endangering the welfare of a minor).

They also marked whether the hearing was public or closed, and if it was closed, they put down the reason.

They then described the result of the hearing; their evaluation of the extent judges and other participants were prepared, as well as the treatment of the victim of violence by the judge and other participants.

At the end of the monitoring sheet, they had a space to describe their remarks and opinion.

4. The Results of the Court Watch Program (2015-16)

We received 117 monitoring sheets from the volunteers and the students attending the seminar on IPV at the Faculty of Law at the Eötvös Loránd University. These described 85 court hearings altogether (60 in Budapest and 25 in other cities or towns; 45 criminal and 40 civil court cases). DV or IPV was definitely an issue in 52 of these cases.

Our research was certainly not representative – we did not aim to conduct such a research at all. The task of the volunteers was to observe and evaluate the treatment of victims of DV and IPV as well as the treatment of the issue of IPV by judges (and other participants). We cannot make statements like “in X percent of the cases observed, the judge neglected the needs of victims / blamed victims / was prejudiced” etc. But we can certainly state that until it happens or often happens that judges do not care about violence against women during a hearing or a case, blame victims, or do not care about the fact that the battered party is exposed to the violation of her rights and human dignity, we must indicate that things need to be rethought and improved.

Are hearings public?

Publicity is a fundamental element of the constitutional state. The impartial judicature it ensures is the interest of both the given parties and society in general.

A prerequisite of publicity is that people should be able to find information about court hearings. Otherwise only the parties, defendants and plaintiffs could practice the monitoring function of publicity. However, the publicity of hearings’ schedules is not guaranteed: courts are not obliged to inform the public about hearings in advance. At the average Hungarian court, the schedule of a given day’s hearings is available from 8 a.m. on the same day.

Monitoring, that is, the controlling function of publicity was thus hindered by the following factors:

1. the hearings’ schedule cannot be known in advance;
2. the schedule may be inaccurate;

The schedule said it would be a divorce hearing, but in fact it was an unjustified enrichment case. The parties used to be married, but their divorce was declared in 2014. This was characteristic. Whenever I wanted to find cases to monitor by chance, I did not manage to get into hearings I was interested in.

MON #44 POLG

3. ordering a closed hearing without giving reasons, often urged by the judge;

Parties can easily request closed hearings in cases related to DV: because of moral reasons, to defend people's right to privacy, or in the interest of minors. However, monitoring volunteers experienced that the decision to order a closed hearing is quite automatic, and the judges concerned did not always justify their decision. Sometimes it was the judge who decided that listeners could not be present.

More than 1/3 of the civil court cases our volunteers intended to observe were declared to be closed hearings.

The judge was not happy at all, and suggested that the parties should ask for a closed hearing. S/he did not want us to be there. S/he tried to convince me to leave. ... S/he asked the parties in a way that suggested s/he wanted me to leave. It was quite unpleasant.

MON #2 CIV

They asked for the exclusion of the public. Well, it was only the father, but the judge told it was both parties.

MON #42 POLG

4. registering the personal data of volunteers.

Registering the name of those who attend a court hearing is only lawful if it has relevance in the procedure – if the person might have an interest in the case. However, judges often asked for and recorded the data of our volunteers.

The judge asked for our identity cards and registered our data.

MON #20 CRIM

My name was dictated.

MON #21 CIV

Lost in the net of rights

All the different types of case handling and attitudes / decisions that neglect the reality of the victims of violence and had been analysed by PATENT when summing up the cases of our legal aid service appeared in the accounts of the monitoring volunteers, too.

Libel cases and procedural harassment

In one criminal case, the batterer had been acquitted. He stated that his wife had “run into” his hand. The woman published a Facebook post on being battered, and the man sued her. His lawyer wanted the monitoring volunteers to leave and not be present at the hearing, so they left, not wanting to cause harm to the woman (MON #58 CRIM).

An example for procedural harassment and holding the woman responsible for the abuse she did not commit:

The man calls the police regularly when visiting their children. E.g. when the children were sick and he had to collect them from their grandmother and not from the kindergarten (and their mother had informed him about this). The man had been aggressive in front of the guardianship authority, too. At the end of the hearing, the judge talks about how harmful it is for the kids that their father keeps calling the police. The judge then warns the parties that if they cannot attend to their business in a way that is less harmful for the kids, they would be taken to public care.

MON #68 CIVIL

In cases related to IPV, judges often hold women equally responsible for the abuse committed by men.

When judges are attentive to abuse

There were cases when the monitoring volunteers highlighted that the judge was attentive and helpful when dealing with victims of violence. E.g.:

The judge was patient and helpful.

MON #16 CIVIL

There were also criminal court hearings when the monitoring volunteers stressed that the judge was considerate and asked more questions than usual. However, if we look at these cases in detail, we can see that these were not cases of “simple” IPV or DV but e.g. sexual violence when the perpetrator (a former partner) was a foreign national (MON #32 CRIM), or when the perpetrator was a drug user, there were several victims, and the relationships can only be called a “partnership” in the broader sense (MON #37 CRIM), when the subject of the case was pandering (MON #74 CRIM) and not IPV, or when the perpetrator committed sexual assault against his daughters:

The judge asks the witness (the perpetrator’s former partner) if she was also abused by the defendant. When she says no, the judge asks: „Did he try to tell you what to do and when? Did he let you meet your friends? Did he try to induce you to do things you did not want to do? Were you economically dependant on him?” This was a very positive experience, as I usually saw that judges only dealt with physical violence and asked only about that.
MON #57 CRIM

Examples of bias, prejudices and neglecting abuse

The following court hearing was described by two monitoring volunteers:

1. The judge talked to the man, asked him nicely, laughed at his jokes; with the woman, s/he was quite different: s/he did not look at her, and did not ask anything but instructed her. According to the judge, she “arbitrarily and violently hindered his visitation rights”, and she must “control her malignant emotions”... The judge also did not record much of what the woman said (e.g. about how the father scared the children when they were together) and did not explain why. S/he only assumed that the woman was telling lies and the man was not, so the woman’s statement was not recorded. The man made jokes and humiliating remarks about the woman, but the judge did not say anything.

The judge opened the hearing by saying that s/he would not consider anything that happened before 2014 (battering, police reports, medical findings, etc.), as they were irrelevant.

The woman later told that the judge was moderate this time; during the previous hearing s/he shouted at her, did not let her speak, and told her to sit down. S/he did not record e.g. that the father took the kids away from home at 3:45 when he knew the mother would come for them at 4 and the kids objected to going, or that he threatened the woman.

2. What the judge recorded was not what the suitor or the respondent actually told. S/he recorded things for the benefit of the suitor (the father). S/he said the situation was caused by the respondent, and she had to admit that. S/he also assured the father that s/he did not take into consideration the former (criminal) cases he had been involved in. S/he said that it was the mother's task to achieve that her children get to like visitations. She must take them to a psychologist to achieve that.

MON #52 CIVIL

There were cases when the monitoring volunteers recorded that the **judge was nervous and impatient with victims of violence**.

The judge was nervous, just like s/he had been during the previous hearing. ... S/he had then told that s/he knew what the woman wanted to say, but now s/he kept repeating "I don't know what you want to say."

MON #55 CRIM

In criminal cases, when the charge was physical abuse against a partner or former partner, there were times when **judges urged the parties to "make peace"**:

The judge did not let us in. The woman had told us that the judge suggested they should come to an understanding and make peace.

MON #17 CRIM

Two accounts of another court hearing:

1.

It seems like the judge does not know how an abusive relationship works. S/he talks respectfully to the victim, but blames both of them for the situation... This is victim blaming. The woman claims she was physically abused several times, and the man admits physical abuse but not its degree, so she sued the woman for defamation.

The judge tells that their relationship is poisoned and that this is not good for any of them, so perhaps they should make peace. *Go out to the corridor, I give you 10 minutes, make peace and withdraw your charges.* The man would be happy to do that. The woman tells she cannot believe him any more, as they had made peace several

times, but then the abuse went on. She also tells that she left in fear of her life. The judge responds that they do not live together any more, so she is not in danger, they should make peace.

I think this is nonsense. I think that if anyone was beaten up in the street, the judge would not expect them to go out and make peace. This idea can only come up when it's about domestic violence. This proposal also favors the perpetrator: he looks nice and ready to make peace in front of the court, while the victim can only be someone who is not willing to cooperate with the court in this scenario.

2.

The judge blamed them both for the “failure of their marriage.” DV as such was not mentioned, it was treated as a private problem.

MON #83 CRIM

Some accounts mention that judges criticized battered women for going back to the batterer. In order to understand this phenomenon, **professionals must learn about the nature and dynamics of DV, as well as the behaviour of battered women and batterers.**

The judge told family problems should not be solved in front of courts. S/he told s/he could not do anything for battered women because they kept going back or did not leave their partner at all.

MON #21, CIVIL

Because of neglecting the dynamics of DV, women who cannot leave their homes or defend their children from battering or the impacts of battering are often considered to be conniving at crimes.

The woman (mother) was also charged. She was guilty of “choosing such a man.” This was what the judge said.

MON #43 CRIM (subject: endangering a minor)

There were also criminal cases monitored when **judges neglected DV or blamed victims**:

Both parents are accused; the mother is also the victim of DV, but this is not mentioned. Whenever the father hears something he doesn't like, he looks at his wife, blaming her... The woman says she fell, etc. He was beating his wife, but as she managed to get out of his hands, he grabbed their three-year-old child and knocked her down.

MON #33 CRIM (subject: endangering a minor)

I had the feeling that the judge knew nothing about abusive relationships. S/he definitely blamed the victim: "I really must ask: were you forced into this relationship?" "When and why did you decide to report it on 27th March if it happened on 13th March?" "I must also ask: how come none of your bones were broken if you weighed only 50 kilograms at that time?"

MON #47 CRIM

The judge did not seem to believe the wife (victim / witness). S/he was nice to the defendant. The judge did not even try to restrain the defendant's lawyer when s/he asked humiliating questions. ("Well, why didn't you leave the room once your husband had told you to get out?") The judge told the parties that they should not talk about anything else but the given day and hour. S/he does not want to hear about previous occasions or the battering that happened later than what is the subject of the case. ... Even though the police record s/he read out stated that there were other occasions, too, both before and after the one in question.

MON #49 CRIM (physical assault)

And we can also see extreme cases of **neglecting abuse and blaming victims**:

A foster-father committed sexual abuse against his partner's daughter since she was 9. He also battered the mother. The woman is visibly in terror. She is shaking, she is too afraid to look at the man. She asked for a lawyer even though she was heard as a witness. (They were placed in a shelter.) The judge asks the witness if there had been a change in the frequency of their sexual life because of the battering. The woman tells she does not know, she did not observe this, she only wanted to get through this as fast as she could. And then the judge asks: "So do you think this might be why your husband turned to your daughter sexually?"

When the man admits that he hit his wife (as "he had a good reason to do so"), the judge says: "All right, let's move on, this is not our subject."

MON #80 CRIM

The former wife would like to achieve that the four children spend less time with the father, as it has a bad effect on them and as the he talks very negatively about her to the kids. The kids' teachers and the school psychologist support the mother: they see signs referring to abuse, the children are nervous and anxious, etc. They state that the children were different, relaxed when the father was not present in their life. After spending a full weekend with their father, the children are tired, anxious, their homework is not ready. The judge says that *the father cannot be blamed for the family atmosphere*. They keep fighting. After the decision, as we are leaving the room, the mother is crying. She asks the judge: "Do you know what it is like when you are beaten up so that you wet yourself? When you are strangled? When you have to see your children beaten up?" The judge told her: "It is your fault. Why did you bear four children into a relationship like that?"
MON #81 CIVIL

Children as the victims of DV and IPV

The myth of revenge

Our legal aid service gets regular feedback from battered women about their lawyers. Legal representatives often object to bringing up the issue of battering during the procedure. However, if the woman does not talk about IPV or the battering of children during the first hearings, judges and other authorities tend to dismiss these claims. They think that if the woman had not talked about the assaults, it is only out of revenge that she brings them up.

The impacts of IPV on children

Although our aim was to monitor cases related to IPV, our experience shows that the children concerned are also victims of violence. Violence against women and violence against children are interlinked on multiple levels. Violence against women in a family often entails violence against children, and in more than half of the cases of violence against children mothers are also victims of IPV. Children are victims of violence either because they themselves are battered or otherwise abused, or because they witness violence against their mother. (Many women only turn to a lawyer when their children are in danger. Because of the above mentioned overlap, even if a woman talks only about her children, it is useful to ask whether she herself was or is also exposed to violence by her partner, as well as the nature and intensity of violence.)

Our legal aid service often learns about cases when the different authorities of the social system, child protection services and guardianship authorities as well as courts

neglect the impact of IPV on children, or simply blame the mother for not being able to defend her children from the harm the outbursts of violence cause.

Besides, authorities work and treat cases separately. The police and the court might know that there is DV / IPV against the mother. Child protection services, however, focus on the protection of children and not their mother. They do not report the batterer because they focus on providing help and not on criminality. They warn the mother to leave the batterer, and if she does not do that, she is regarded as a mother who cannot defend her children, and the children might be taken into public care. Thus, even if it is the mother who is battered, it is also her responsibility to face the consequences. The battering father remains practically invisible in this sphere. However, when it comes to his visitation and parenting / custody rights, all other spheres are invisible. As he was not called to account for endangering minors when battering their mother, there is no proof about his (in)eligibility for custody. Even though he was sentenced for IPV, when the court decides about custody, it is regarded as a matter “between adults” that has nothing to do with the children. It is not the protection of children that is emphasized but the expectation that they must have two parents if that is possible. So battering fathers may still be regarded as “good enough fathers.” The mother thus has to face a serious dilemma. She tried to stop battering by calling the police and participating in a criminal case. She left the batterer to protect her children. However, now she is expected and called upon to make the family function as a good family. The battering partner is allowed to take the children away for days, or even gets custody of the children, so the mother must be afraid for their safety again. It is not easy to come up with a realistic assessment of the safety of children among these circumstances – but it definitely requires the knowledge of the mechanisms of DV and IPV. It is essential that the court should pay attention to battering and take it into account when making decisions.

In our report, we describe cases when children are endangered even if it is not they themselves who are battered. Battering fathers may further undermine the relationship between the children and their mother as well as children’s self-esteem, may be irresponsible parents, children may witness more violence against their mother or IPV against the batterer’s new partner, etc.

The Istanbul Convention (*Council of Europe Convention on preventing and combating violence against women and domestic violence*, 2011) contains that Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account (Article 31). Parties shall also take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children. Hungary, however, has not yet ratified the Convention.

Victims of DV / IPV often experience that neither they nor their children get the protection they need from the justice system.

Sexual abuse

Our volunteers described two cases when fathers were accused of sexual abuse. In both cases, several authorities were involved (the guardianship authority, the child welfare service, the police as well as courts), reports were confirmed by experts, schoolteachers, etc., *but investigations lasted for more than 6 years, with a particular focus on whether the mother trained the child to tell lies*, and the defendants were acquitted. In both cases, the mother had also been a victim of domestic violence. In one case, it was the civil court judge who reported the case to the prosecutor, but this was not mentioned in the criminal court hearing observed. We, of course, cannot make judgements in individual cases. However, it seems that there are numerous cases when experts and other institutions support the charge of the abuse, which the court eventually finds unverifiable, procedures last for 5 to 6 years with the children being questioned and examined multiple times – and this raises questions about the jurisdiction in these cases.

I found it interesting that the defendant did not appear at the hearing for the fourth time, and did not go to an expert examination for the 4th time either, and everyone was summoned for the fifth time... How many times can someone do that? Everyone had to wait for 50 minutes and then they were called in and told that he had not appeared again, and the hearing was postponed for a 5th date.
MON #64 CRIM (sexual abuse, father-child)

Insufficient protection of victims

The *Directive 2012/29/EU (of 25 October 2012) establishing minimum standards on the rights, support and protection of victims of crime* contains that victims should have a right to avoid meeting the offender.

1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.
 2. Member States shall ensure that new court premises have separate waiting areas for victims.
- (Article 19)

The directive was transposed into the Hungarian regulation about criminal proceedings in 2015; however, we monitored a case in which the victim of sexual assault, a 16-year-old girl who was 13 when the assault happened (committed by her fosterfather) had to answer detailed questions about the assault in the presence of the offender and other witnesses.

The judge asked more than once whether it was her clitoris that the offender stroked. ... It was repeated every time. That it was her genitals that were stroked. It must be awful to talk about this in the presence of so many people. There were 14 people present, the offender, too... I think it is a very bad practice that the victim has to give such a detailed account of what had happened in the presence of the offender and a number of strangers.

MON #63 CRIM

5. Interviews with Women on their Court Experiences

As part of our Court Watch Program, we interviewed 15 clients of PATENT's Legal Aid Service. We asked them about their experiences with different authorities and courts. In our study, we quoted nine longer interview segments.

The problems outlined by our interviewees:

1. civil courts neglect or do not want to consider documents related to criminal court cases or reports to the police; they neglect issues of battering even in cases when there are serious physical injuries;
2. court proceedings are very slow: it often takes years until the court determines e.g. child support;
3. there are cases when the guardianship of children is decided solely on the basis of the economic advantage of the battering father – the woman who left with the children because of physical abuse has no chance to gain custody;
4. women are subject to procedural harassment: batterers file cases against them, and judges try to persuade them to “make peace” with the batterer and drop charges;
5. forced visitation rights; even though the children are terrified of the battering father, women are threatened with high penalties and told to take the children to a psychologist to prepare them for spending days with the batterer;
6. economic abuse after divorce: e.g. obviously false statements about income are accepted and not examined by judges;
7. the automatic assumption that women turn their children against their father and tell lies;
8. judges who do not let women speak about battering;
9. judges who let the legal representative of battering husbands degrade and humiliate the woman;
10. inexact recapitulation of women's statements and recording these for the minutes;
11. judges who regard battering as a conflict between equal parties;

6. The Path Forward: Following, Developing and Realizing Best Practices

In this chapter, we outlined *The Council of Europe Convention on preventing and combating violence against women and domestic violence* which Hungary signed but has not yet ratified.

The report also argues for an integrated approach to IPV and DV and claims that violence against women should be treated by specialized courts authorized to deal with both civil and criminal cases. As a first step, the fact that a case involves DV should be marked on all files: both the documents related to criminal proceedings and parallelly running civil proceedings (related to divorce or child custody).

We recommend that a new guide should be prepared for judges based on the one co-edited by PATENT in 2012, prepared by various contributors: lawyers, judges and prosecutors, social workers, psychologists, experts of child protection services and guardianship authorities, etc.

It outlines the unregulated types of DV (e.g. procedural harassment or economic abuse), or the way courts neglect the procedural nature of abuse and often cannot differentiate between the abuser and the victim of the abuse; as well as the problem of the unification of crime incidents when they occur within a short time. It also deals with children who live in a battering relationship.

It also stresses the importance of temporary provisions as effective and necessary tools for rights protection.

To discuss these at training sessions and seminars would support the judiciary's ability to achieve its stated goals:

- expressing community condemnation for DV and IPV;
- preventing the perpetrator from committing the same criminal offence in the future;
- preventing others from perpetrating this criminal offence;
- increasing the awareness of citizens of the danger of DV and IPV and the fairness of punishing perpetrators.

7. Recommendations

- **Trainings for judges** on the nature, operation and dynamics of domestic and intimate partner violence.
- **The publicity of hearings' schedule.**
- **Separate rules of procedure for family law cases related to domestic violence.**
- **Integrating monitoring court cases into university and vocational training curricula.**

Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime also includes the training of professionals:

Article 25

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner.
2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims.

Regular and ongoing training for judges and prosecutors on the topic of domestic violence and other forms of gender-based violence is critically important to improving the efficient and effective work of judges and prosecutors. It is recommended that judges use their position of leadership and authority in the criminal justice system, and the community in general, to act proactively as advocates for positive social change in the interest of preventing and combating domestic violence and intimate partner violence.

www.patent.org.hu
info@patent.org.hu