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DOMESTIC VIOLENCE AGAINST WOMEN IN BELARUS

**Alternative report
to the United Nations
Committee on the Elimination of Discrimination Against Women**

65th session, October 2016
Examination of the eight periodic report submitted by the government of the
the Republic of Belarus

Submission can be posted on the CEDAW website
for public information purposes

2016

1. INTRODUCTION.

1. The Alternative Report is written by a group of Public Organisations/NGOs with extensive multi-years practical experience in the field of prevention of domestic violence and assistance to women survivors and their children: "Young Women Christian Association of Belarus" (Minsk), "Gender Perspectives" (Minsk), "Mogilev Women's Centre for Support and Self-education" (Mogilev), Borisov women's social organisation "Provincia" (Borisov) and "Radislava" (Minsk).

2. Within the framework of the implementation of public policies in field of gender equality and protection from domestic violence, NGOs monitor law enforcement practices by analyzing their own activities in assisting survivors/victims of domestic violence, statistics and activities of state actors and institutions, international organizations, reports in the media, and other publicly available information.

3. The information and recommendations presented in this report reflect the point of view of NGO experts, which provided various kinds of services to victims of domestic violence during 2011-2015, and based on the results of qualitative non-representative study carried out in 2015. Analysis of domestic violence issue, especially against women and children is neither exhaustive nor comprehensive, but it focuses on 2 topics:

- study of the extent and nature of the prevalence of violence within the family and
- law enforcement practice regarding prevention of domestic violence and protection of victims' rights.

2. GENERAL RECOMMENDATIONS.

4. As a part of the commitments of the Republic of Belarus to implement the UN Convention on the Elimination of All Forms of Discrimination against Women, achieve the principles of gender equality and the right of women to live free of violence, we recommend that the Government of the Republic of Belarus to take the following measures:

5. Recommendation 1. With the aim to acknowledge gender inequality as the main root cause of domestic violence, especially against women and children, to use gender analysis and expertise of statistical data on the extent of domestic violence and the results of sociological researches that would enhance gender sensitive understanding of the nature, root causes and consequences of domestic violence, develop targeted responses and assess the efficiency of public policy.

6. Recommendation 2. To finalize and adopt the Law of the Republic of Belarus "On Prevention of Domestic Violence", which broadens definitions of "domestic violence" and "family members", introduces mandatory participation in correctional programmes for perpetrators of violence and describes the national mechanism of inter-agency coordination and cooperation between institutions on prevention of domestic violence.

7. Recommendation 3. To exclude the crimes committed in the family from the category of private prosecution and assigning them to the category of public prosecution.

3. RESEARCH ON THE EXTENT AND PREVALENCE OF DOMESTIC VIOLENCE.

3.1. The need to strengthen gender-based methodology and gender sensitive analysis while assessing prevalence of domestic violence.

8. Prevalence of domestic violence in the Republic of Belarus is estimated upon the data from two main sources: official statistics by Ministry of Internal Affairs, which counts crimes and offenses, committed in families and households, as well as the data of sociological researches conducted on the territory of the Republic of Belarus.

9. Results of the analysis of the official statistics of the Ministry of Internal Affairs demonstrate extreme gender asymmetry: the overwhelming majority of the crimes (90%) in the sphere of family and domestic relations is committed by men, and their victims are most often women (80%).

10. Sociological studies, presented in Belarus recently, were focused on the study of the prevalence of the problem, as well as attitudes of public:

- Multiple indicator cluster survey of the situation of children and women in the Republic of Belarus – MICS4 (2012), Belstat.
- Assessment of the situation in the field of domestic violence in Brest region of the Republic of Belarus (2012) (commissioned by UNFPA).
- Assessment of the situation in the field of domestic violence in the Republic of Belarus (2014) (commissioned by UNFPA).

11. However, these researches did not consider the domestic violence issue as gender issue such as a disbalance in power relation between women and men where the unequal position produce one or another form of violence.

12. The problem lays in the basic concepts of researches. For instance, MICS4 uses two concepts of "domestic violence", which is defined as violence by an intimate partner, and "violence against women" in accordance with the wording of the Declaration on the Elimination of Violence against Women. Domestic violence is defined as physical, psychological, sexual and economic violence. However, these forms are not operationalized in the questionnaire, and respondents were asked in general whether they have experienced domestic violence. The answers may be incorrect because women can differently understand domestic violence and attribute different actions to this concept. At the same time, these studies confirm that the majority of respondents do not recognize manifestations of economic and psychological pressure as violence, only physical form is recognized by many as violence.

13. These results could be "programmed" by the researchers themselves, because the general question is asked after a question on physical violence. "Sometimes a husband/partner is irritated or angry because of some actions of his wife/partner. In your opinion, does the husband/partner have the right to hit or beat his wife/partner in the following situations?

[A] If she goes out without telling him about it?

[B] If she does not care about their children?

[C] If she objects to him?

[D] If she refuses him sexual intercourse?

[E] If she burns the food? "

14. The experience of the respondents may not fit in these actions, or she might not comprehend it in such terms. In addition, the wording of the question is traumatic for women-survivors of violence.

15. In another study, Assessment of the situation in the field of domestic violence in Brest region of the Republic of Belarus (2012), three concepts were used. A general definition of "violence" according to the WHO is provided in the beginning, then the definition of "violence against women" in accordance with the Declaration on the Elimination of Violence against Women (1993). Later on a working definition for the aims of the study is given, "violence in family – a real action, or a threat of physical, sexual, psychological and economic abuse and violence by one person towards another, which he/she is in intimate or other significant relationship". Although studies use international definitions proposed in the UN documents, the Beijing Declaration and the Istanbul Convention, there is still a mix of these concepts with the concepts of "family conflict" type that demonstrates a lack of understanding of the nuances of the theme.

16. The lack of understanding of gender issues leads to a certain distortion in question about the causes of the prevalence of domestic violence. For example, MICS4 suggests that the causes of domestic violence are the conditions of everyday life, such as alcohol, jealousy and behavioural patterns. However, gender inequality is not considered as the root cause of domestic violence to which women are mostly subjected.

BOX 1.

In the assessment of the situation in the field of domestic violence in Brest region of the Republic of Belarus (2012) conclusions state: "Conflicts in marriage. Domestic violence starts with the disagreements that the spouses cannot resolve in a peaceful way, so that the conflict situation is prolonged, chronic, turns into a confrontation, accompanied by quarrels and scandals. Prolonged conflicts between spouses (partners) that occur several times a week or several times a month are noted in 2/3 of families. Mutual humiliation, verbal abuse, swearing becomes the norm in communication between spouses (partners), regardless of their level of education, financial well-being, place of residence, the nature of the relationships in marriage. One of the causes of marital conflict and the accompanying violence is the desire of one or each of the spouses to assert themselves as the sole head of the family "(p.3); "The main

causes of domestic violence are antisocial behaviour of spouses, non-constructive communication between them" (p.5).

17. In this case, the problem of domestic violence is viewed through the concept of "the conflict between husband and wife", which eliminates the gender agenda, reduces everything to personal conflicts between people who simply cannot agree with one another. The conclusions state that often the reason is the unfair distribution of duties within the family, but the connection of gender roles to domestic violence is not elaborated on. This unequal distribution of family responsibilities, asymmetric parenthood, gender division of labour are the bases of the traditional patriarchal order, where the power, whether in its physical or symbolic form of access to resources, is concentrated in the hands of the dominant subject, who possesses force, while the other subject is defined as a submissive. Domestic violence is a form of maintaining the chain of subordination between these actors.

18. The nuance of the issue – who produces violence – is lost in some questions. In a study of assessment of the situation in the field of domestic violence in Brest region of the Republic of Belarus (2012), the question of whether the respondents have encountered cases of violence might be understood ambiguously and does not specify who carried out violent acts.

19. Gender lenses see the social structures, systems, institutions and norms that create the context and conditions in which the gender subjects live from a broader perspective. They also allow investigating how the context and conditions provoke violence against women. Gender methodology focuses on the structural conditions that produce violence against women, as well as the resources that a woman possesses in such circumstances to resist the situation. For example, all studies include a question whether women asked for help. However, the context that provides women with the resources of both personal and structural nature, that makes it possible, is left out of the perspective. Besides, the influence of the experience of violence on women's lives and communities is not explored.

3.2. Limitations of quantitative methods of studying the domestic violence problem.

20. All the studies mentioned above offer pure quantitative analysis, where the primary method of gathering information is a structured questionnaire that formalizes the answers and possible reactions. This excludes measurements, which are used in qualitative methods.

21. The conditions under which research is conducted have a significant effect on the degree of openness of women and their feeling of security. Issue of domestic violence is very sensitive, so the study requires separate processes for creating a safe space, to prevent re-traumatization. In other words, women may for various reasons conceal the facts of violence that they have experienced. They may think it is too personal to talk about it. They may feel ashamed that they are in such a situation, or fear that the aggressor will find out that they shared their experience of violence, or the experience might be so traumatic that the woman does not want to remember it.

22. Thus, the World Health Organization indicates that research may only be conducted if the interviewer is sure that she/he can fulfil the conditions of security, privacy and possible counselling/information support for the respondents. In order to do that, the interviewers should go through the necessary training. These conditions are necessary not only from an ethical point of view, but also to increase the quality and validity of the data. Qualitative methods provide an opportunity to gather information about the experience of violence in expressions and interpretations of the women themselves, the details describing the cultural and local contexts, and, accordingly, contextual and structural factors that facilitate violence against women.

23. Such a safe environment to talk about the experience of violence is difficult or close-to-impossible to create in standardized studies. For example, multiple indicator cluster survey of the situation of children and women in the Republic of Belarus MICS4, 2012, which included a survey of households on quite a variety of topics (availability of access to basic needs, social and other services, the level of awareness of safe behaviour and ways of contracting HIV, and other (over 160 indicators). The research was conducted within the household, which supposedly means that the "victim" and "aggressor" during the survey were in the same room/next room. Women still cannot feel safe in such conditions and, accordingly, might deny the facts of violence with which they had faced. In addition, a questionnaire for women included the collection of detailed and personal information about them. This expanded questionnaire made study less anonymous for women, and since all members of family were interviewed, the environment is of less confidence for a woman to talk about possible violence, which she has faced.

24. Analysis of the raw data of research leads to a conclusion that the experience of the various vulnerable to domestic violence groups was not taken into account (the elderly and young people, rural residents, people with physical and mental disabilities, women who are on maternity leave with children up to 3 years, divorced women and other groups). For example, referring to the age limits, MICS4 sample was limited to age 15-49 (women) in one thematic unit and 18-60 (men) years in another. This means that a certain part of the population does not get in the focus of research, as, for example, people who are older or younger. In the MICS study, age groups were determined by the reproductive age, which significantly limits the sample and its representativeness in relation to the population. In a study of the Brest region in 2012 and the national study in 2014, the sample was limited by age and marital status, as the goal of the research was to study the relationship between the spouses/partners in marriage.

25. Thus, qualitative methods of gathering information should be used. The sample should be refined in frames of the research, separating the groups that are vulnerable to domestic violence and violence in the partnership, including elderly and young people, rural residents, and people with physical and mental disabilities, women on maternity leave with children under 3 years of age, divorced women, and other groups.

3.3. The collection and comparative analysis of statistics of law-enforcement bodies and non-state social service providers.

26. Statistical data of cases registered by NGOs differs from that of law-enforcement and other state actors. The facts of domestic violence identified by state actors, including offenses and crimes in the family and domestic sphere, are directly related to alcohol addiction and the fact that offenders neither work nor study. This is primarily because the law-enforcement bodies, social services, healthcare and educational institutions work with socially unprotected, vulnerable categories of citizens from the risk groups, which are usually targeted by state system. While NGOs point out that they are addressed by the citizens from the so-called "seem-to-be-safe" families who are not in sight of public authorities and are not included into target group for preventive measures.

27. For example, according to a national hotline for victims of domestic violence 8-801-100-8-801¹, 20% of perpetrators of domestic violence have a medium or high social status – they are (public sector) white collars, executives, entrepreneurs, professionals, and military officers. This category of offenders often uses corruption links in law-enforcement institutions to get administrative investigation declined or terminated.

28. Among the victims domestic violence – lecturers of secondary and higher educational institutions, including those with academic degrees, teachers, doctors, civil servants, representatives of artistic and creative occupations (journalists, designers, artists). Women-victims of domestic violence, who have called the national hotline, marked that aggressors have alcohol (57%) and drug (2.5%) addictions. However, in 76% of cases, the victims were subjected to domestic violence, regardless of the condition of the offender, and only 2% of cases of violence occurred under the influence of alcohol or drugs.

29. These categories of citizens have a low trust in state assistance system and law-enforcement, they fear that confidentiality could be broken and information about the facts of violence in their families could be shared with public, and that there is a threat of putting their family in a category of socially vulnerable and further scrutiny from social services. All this leads to the fact that the identification of cases of violence in the "seem-to-be-safe" families within the state assistance system is complicated and low efficient. The invisibility of violence in "seem-to-be-safe" families also leads to approach that domestic violence is explained by alcohol addiction, antisocial way of life of victim and the offender, thus all in all contributes to a fragmented understanding of the problems as inherent within certain vulnerable categories. Therefore, the impact of measures that are effective in families with low social status (for example, limiting legal capacity, limitation of parental rights, taking children into custody without deprivation of parental rights, forced placement in the rehabilitation centre), do not work in relation to other categories of families.

¹ A national helpline for survivors of domestic violence was opened in August 2012 on the basis of NGO "Gender Perspectives" in the framework of international technical assistance project "Developing National capacity to Counteract Domestic Violence in the Republic of Belarus" supported by UN Trust Fund.

30. For more in-depth, comprehensive and thorough understanding of causes, consequences and extent of domestic violence problem, and in compliance with the provisions of article 17 of the Law "On basic activities aimed at offences prevention" (The Prevention Law) it is necessary to conduct a comparative analysis of the information provided by police and other law-enforcement bodies regarding offenses in the family and domestic sphere and data from non-state social service providers. The study and comparison of data may give an answer to the question on what measures of violence prevention and victim assistance are the most effective in relation to families and citizens with different social status. In addition, the information from social service providers, which, in compliance with the Article 17 of the Prevention Law are obliged to "record data on the assistance rendered to citizens, victims of domestic violence, summarize, systematize and analyze the information" is necessary to assess and improve the functioning of "crisis rooms". At the moment there is only information available about the annual total number of victims of domestic violence, which have been assisted in state "crisis rooms", but the information about the social status of the victims, the types of violence experienced by them and services provided is publicly unavailable.

4. LAW ENFORCEMENT PRACTICE IN THE PREVENTION OF DOMESTIC VIOLENCE.

4.1. Positive dynamics in improving national legislation and mechanisms of its implementation.

31. Belarus' international commitments to prevent violence in the family have been reflected in numerous national legislation acts and regulations.

32. In Belarus there is no specific law on prevention of domestic violence, therefore, domestic violence is not a separate crime and/or offense under the Criminal Code and Administrative Offences Code of the Republic of Belarus respectively. Crimes and offenses, the liabilities for which are stipulated by the articles of the mentioned above Codes equally apply to crimes and offenses in the family and domestic sphere. For example, more than 20 crimes may be categorized as "domestic". The following offenses committed "within family relations" may be categorized as administrative:

- intentional infliction of bodily harm (Article 9.1, Administrative Offenses Code)
- insult (Article 9.3, Administrative Offenses Code)
- petty hooliganism (Article 17.1, Administrative Offenses Code).

33. This report touches certain issues of law enforcement practice and the Law of the Republic of Belarus "On basic activities aimed at offences prevention" in terms of prevention of domestic violence, and some articles of the Criminal Code and the Code of Administrative Offences of the Republic of Belarus.

34. Law of the Republic of Belarus #122-3 d.d. January 4, 2014 "On basic activities aimed at offences prevention" (The Prevention Law) is the only piece of legislation that contains a set

of measures of a preventive nature, aimed at prevention of domestic violence. The Prevention Law includes the following innovations that directly regulate the prevention of domestic violence:

1. There is a definition of «family members" (Art. 1).
2. NGOs and other organizations are listed as actors of crime prevention (Art. 5).
3. Actors of prevention must annually produce and approve regional comprehensive programs for crime prevention, containing i.a., measures to prevent violence in the family (Art. 11).
4. A separate article addresses basic preventive measures to prevent violence in the family, including the responsibilities of state actors - internal affairs/police, social service and education providers, the prosecutor's office, public healthcare organizations, local executive and administrative bodies (Art. 17).
5. A norm, revolutionary to the Belarusian legislation, which restricts the offender, who has committed domestic violence, of performing certain actions in the form of a protective order. The protective order can also compel the offender to leave temporarily the premises shared with the victim of domestic violence (Art. 31).

35. The above-mentioned measures have significant potential to improve the efficiency of the combat against domestic violence. In particular, there is positive dynamics of issuing protective orders. For 2014 there were 214 protective orders, 166 (77.6%) of them were with the regulation to leave the premises the offender shared with the victim of domestic violence (eviction), prohibition to dispose their common property, in 2015 – 1127 and 917 (81.4%) respectively.

Table 1. The number of protective orders for offenses related to domestic violence.

Region / year	2014		10 months of 2015	
	<i>total</i>	<i>with eviction</i>	<i>total</i>	<i>with eviction</i>
Brest region	50	50	206	155
Vitebsk region	31	25	192	166
Gomel region	8	8	120	110
The Grodno region	14	14	126	100
Minsk Region	22	9	81	61
Minsk	8	7	228	219
Mogilev	81	53	174	106
Total	214	166	1 127	917

36. In compliance with the Article 11 of the Prevention Law in early 2015 Minsk City Executive Committee adopted a comprehensive regional programme for the prevention of

offences in 2015, and plans to present another document in 2016². Audit by Prosecutor General's office of the Republic of Belarus in early 2015 of the compliance with the provisions of the Prevention Law, revealed that the Executive Committees of Grodno, Gomel and Mogilev regions have not approved their regional programs as they are required to³. The information on the implementation of the requirements of the Prosecutor General's Office is not in the public domain.

4.2. The need for a specialized comprehensive Law "On prevention of domestic violence".

37. According to NGOs specialists, law enforcement practice of the implementation of the Prevention Law in 2014-2015 demonstrates certain problems and legal constraints that need to be taken into account in further work on the improvement of national legislation on domestic violence prevention – namely, when the specialized comprehensive Law "On prevention of domestic violence" is finalized and adopted. The Law was drafted in 2015 by the Ministry of Internal Affairs, supported by the Ministry of Labour and Social Protection, but was not considered feasible by the key government bodies - the Prosecutor General's Office and the Supreme Court of the Republic of Belarus.

4.2.1. Definition of "domestic violence" should include threats of violence.

38. Despite the fact that the definition of "domestic violence" provided by the Prevention Law includes malice aforethought, it does not contain threats of violence. Often, when victims of violence address police they face the reluctance to provide assistance and protection because the fact of violence is still missing, and threats have low chances to turn into deeds: *"when something happens to you, we'll start to investigate*». At the same time, the nature of domestic violence, based on the relationship of power between the victim and the aggressor, is that the escalation of violence occurs gradually, and is fuelled by impunity.

BOX 2.

On 10 August, 2016 ex-husband, Vladimir Tkachev, stabbed his ex-spouse Lyubov Tkacheva 44 times with a knife around 4:00 pm at her workplace in Fanipal (a town just 25 km outside of the capital city of Minsk). He terrorized her for 15 years after their divorce in 2001. Vladimir Tkachev does not fit the police's official profile of a batterer, as until 2003 he was serving as a head of the Dziarzhynsk executive city council, a town just outside of Minsk and next to Fanipal, where the murder took place.

A few details of this murder are especially striking: firstly, the obvious lack of accountability by police, who having received multiple calls from Ms. Tkacheva, failed to protect her, and secondly, the impunity of the abuser. In the beginning police could not do anything, as Mr. Tkachev was a local authority. Later, when he lost power, they also got divorced, which once again made him immune to domestic violence charges according to the current legislation. Impunity breeds more crime.

² <http://minsk.gov.by/ru/actual/view/590/> as for February 1, 2016

³ V. Kukso. Preventing crime: practice of compliance with requirements of the law on the prevention of violence in family relations. Journal "Law and Order", # 1 (33) / 2015

39. Experience of NGO specialists indicates that law enforcement is practiced in such a way that the threat of violence is considered by law-enforcement agencies as psychological violence, which is committed without witnesses, not in public and is hard to prove. At the same time, "threat of murder, causing grievous bodily harm or destruction of property" (art. 186 of the Criminal Code) may be attributed to the category of crimes committed in the area of family relations, which enables the explicit inclusion of threats of violence in the definition of "domestic violence."

4.2.2. Definition of "domestic violence" should include "economic violence".

40. NGO experts note that psychological violence is the most prevalent form of domestic violence, followed by the physical, economic and sexual in descending order of prevalence. In particular, clients of the national hotline for victims of domestic violence report that they are simultaneously exposed to several forms of violence.

BOX 3.

97% of domestic violence survivors that approached the national toll-free hotline stated that they had experienced psychological violence, 71% of clients faced the situation of physical violence, 49% also noted that they had experienced economic violence, women accounting for 95% of those. Only 4% of the clients reported sexual violence by their spouse or intimate partner, because sexual violence, especially in marriage, is the most latent and less recognizable.

41. There is rather narrow-minded attitude to manifestations of economic violence in the family among law-enforcement officers: *"If a husband earns 4 millions (Belarusian roubles) and refuses to buy his wife boots for 2 millions, it should not be considered as economic violence, it is a reasonable housekeeping"*. However, there are no such examples in NGO practice. Such attitude, first confirms the latent nature of economic violence comparing to other forms, and secondly, does not allow identifying first signs of violence, which may grow into more severe forms.

42. NGO experts note that economic violence often begins when a woman is on maternity leave, while she is dependent on her husband. Given the fact, the Prosecutors Office may initiate criminal or administrative proceedings on domestic violence cases, when the victim is dependent on the aggressor, including the economic dependence, such examples could be a precedent for the recognition of the facts of economic violence. Currently, the legislation does not specify economic violence as a separate form of violence in the family and domestic sphere. It is clear that if the economic violence is included in the definition of domestic violence it should be accompanied by correlating enforcement mechanisms.

43. Refusal to pay child support for minors can also be considered a manifestation of economic violence. The state provides an opportunity to impose child support on a spouse, and a liability for refusal to pay child support. Nevertheless, the law enforcement

practice, according to the women-victims of violence, is complicated because often the payment of child support is limited to the minimum amount stipulated by the legislation, despite the fact that the debtor has a fairly high level of income. In case the debtor pays the minimum amount of child support, and does it regularly, it is almost impossible to bring criminal charges against him.

BOX 4.

NGO experts mention following examples of economic violence:

- a husband, who took away or broke professional equipment of his wife, who works at home (computer, printer, modem, manicure equipment);
- a husband, who dismantled the toilet chair from the apartment and threatened to break those his wife was going to install, thus making the apartment non-suitable for living;
- a husband has developed and applied a system of financial penalties for "inadequate", from his point view, behaviour of the spouse - when she wasn't smiling, argued with him, was rude, and so on;
- a husband cut off the water boiler, Internet and TV wires;
- a husband sold the refrigerator, forbade to use the kettle, explaining his behaviour by the need to save energy and money;
- a wife was not allowed to work, he says that there is no use of a woman at work, her salary is too low;
- an ex-spouse living in the same premises, who broke the kitchen furniture, spoiled food, belonging to his ex-wife, urinated in her shoes.

44. There are cases in NGO practice, when domestic violence results in a divorce between spouses and the subsequent division of joint property, which is painful and unfair against women whose spouses are financially well off. Often husbands register their joint business, housing and property on their own relatives that prevents women from getting their share of joint property after a divorce.

4.2.3. The law should broaden the definition of "family members" and the range of persons, among which violence may occur.

45. At present, the Prevention Law does not apply to acts of violence that take place between:

- close relatives residing separately,
- close relatives living together, but not sharing a household,
- ex-spouses, including those sharing a place of residence,
- ex-partners, including those sharing a place of residence.

46. According to the interviewed NGO experts practice, situations, when women experience different forms of violence from their former spouses after divorce, but the offenders are not brought to justice, are common, because, according to the legislation their illegal actions do not fall under the definition of "domestic violence", as they are no longer members of one family.

47. However, it is necessary to realize that violence, committed by ex-spouse, directly stems from the nature of the marital relationship and thus cannot be treated as taking place outside the family, solely as an act violating public order.

48. According to a national hotline statistics, 14% of women were divorced to aggressors, but they were still subjected to psychological, economic violence, threats of physical violence even after the divorce. A notable case from NGO practice, when the judge was trying to reconcile the ex-spouses and proposed to woman's husband to buy bouquet of flowers, "*to make her forgive him*". In such circumstances, women are "hostages of the situation." They have to collect evidence of material and/or psychological damage caused by the ex-spouse on their own caused which is often a difficult task, given the low legal literacy of women.

4.2.4. The law should oblige the perpetrators of violence to take part in behaviour correction programmes.

49. Work with offenders should not be limited to measures of administrative or criminal liability. The implementation of an effective system of assistance for victims of violence is impossible without carrying out correctional work with perpetrators of domestic violence. Complex of services to victims is aimed to find internal resources and enhance their internal capacities to undertake independent efforts to resolve the problems within the family. The main objective of working with men who use violence in family relationships is a change in their behaviour with an aim to abstain from violence.

50. Implementation of survivors/victim assistance programmes implemented by NGOs allowed accumulating considerable experience in understanding the needs of the victims and the consequences experienced by them. Correctional work with perpetrators of domestic violence, which was developed in 2014 with the support of international technical assistance programme "Developing National Capacity to Counteract Domestic Violence in the Republic of Belarus", is still a new activity, which requires adaptation to the national context and conditions. Specialists from government agencies and NGOs consider it necessary to develop such programmes as complementary services for victims of violence ensuring a more sustainable result.

51. Women subjected to violence in their families can tolerate it for years, even decades. However, domestic violence is a greater threat to a life of victim than a crime committed by a stranger. In a situation of domestic violence, the offender possesses comprehensive information about the victim's life and may use many mechanisms of action, pressure and blackmail as he knows where her relatives live, her friends, who can hide her, where she works, where she can leave to. Despite the severe consequences of violence that women have to overcome, many are not willing to break the relations with the aggressor for various reasons: a difficult financial situation and the frightening prospects of raising the children alone; the absence of private housing and/or the possibility of a temporary rent; lack of care from close relatives who can support women in the decision to leave the aggressor; the fear that the aggressor can get custody of the children after a divorce, etc.

52. All this testifies to the high degree of control and manipulation, used by the offender against the victim that gets worse if the victim starts to take active steps to resolve the situation. The dynamics of working with the victims of domestic violence demonstrates positive changes, but they will not be sustainable without behaviour correction. Based on the practical experience of work with victims of domestic violence and on international best practices, NGO experts consider it necessary to implement legal norms that bind the offender to undergo correctional programme enforced by police or judicial authorities.

4.2.5. The protective order mandate should be expanded, including the liability for violating its terms.

53. A legal norm (Article 31 of the Prevention Law) on issuing of a protective order to perpetrators of violence with the establishment of restrictions to perform certain actions, for the first time provided an opportunity for an alternative strategy of behaviour for the victims - instead of leaving home for relatives, a safe place, a "crisis room" or a NGO shelter, victims of violence are able to evict the perpetrator of the joint housing temporarily. Statistics by the Ministry of Internal Affairs shows a significant increase in the enforcement of this norm (see Table 1), including the eviction of the perpetrator, while in NGO practice such cases are rare.

54. NGO experts are inclined to explain this situation by the fact that this norm is more likely to be applied to the aggressors from the risk groups who are already in sight of law-enforcement officers, who are repeatedly brought to administrative charges for domestic violence. Aggressors from "seem-to-be-safe " families use different tactics of violence, taking into account the legal regulations, which involve the imposition of protective order only after two administrative cases for the domestic violence during a year. A "smart" aggressor changes his behaviour after first administrative charges, so the violence becomes more sophisticated and not traceable.

55. NGO experts believe that obtaining the written consent of the victim for the application for the protective order with the eviction of the aggressor puts the victim of violence in additional dependence on the perpetrator, and might be used by him as a mean of pressure, but also violates the principle of no impunity for domestic violence. Experts claim that if the protective order is issued against the aggressor who committed an administrative offense again after the court decision, the first application submitted by the victim should be enough to use of all personal preventive measures.

56. The period for which the protective order is issued is between 3 and 30 days, which is estimated by NGO experts as insufficient, because during this period the perpetrator of violence, as a rule has no obligations and makes no effort to correct his behaviour. This period is also not enough for the victim to get comprehensive assistance from professionals and develop a new life strategy.

57. The process of issuing the protective orders with the eviction of the aggressor may also be indirectly affected by the lack of places of temporary residence for the persons against whom the protective order is issued, which is the responsibility of the local executive and administrative authorities. The results of the audit by Prosecutor General's Office testify the limited implementation of the provisions of Art. 17 of the Prevention Law as for the provision of places for temporary residence of perpetrators of violence⁴.

58. The Prevention Law does not provide legal norms establishing responsibility for violation of the conditions and failure to comply with the security requirements, as well as responsibilities to participate in the individual preventive measures. At present the prosecution for disobeying the lawful demands of law-enforcement officers is used, however, NGO experts support the initiative of the Ministry of Internal Affairs to make introduce respecting amendments to the Administrative Offense Code of the Republic of Belarus.

4.2.6. The Law must contain a national mechanism for inter-agency coordination and cooperation between agencies and institutions responsible for the identification of the facts of domestic violence, assistance to victims and legal actions against perpetrators.

59. Article 6 of the Prevention Law determines that coordination of activities on crime prevention is carried out by the Prosecutor General of the Republic of Belarus and its subordinates – regional and specialized prosecutor's offices, including the organization of coordination meetings on the combating crime and corruption.

60. However, since this coordination applies not only to the efforts on domestic violence prevention, NGO experts believe that a special law should contain a detailed description of the mechanism of inter-agency coordination and cooperation between institutions on the issue of prevention of domestic violence. Even if local executive and administrative bodies implement such coordination, the mechanism must contain an algorithm of actions, the authority and responsibility for coordination and interagency cooperation, including the procedure for the exchange of information about the facts of domestic violence between the competent authorities, as well as the requirements of confidentiality.

61. According to the interviewed NGO experts, a national mechanism for inter-agency coordination and cooperation should name the public authority(ies) responsible for monitoring the implementation of legislation in the field of prevention of domestic violence, as well as for the regular collection and analysis of information of non-criminal nature on the prevalence of domestic violence, the number of victims of violence, types of assistance. Civil society organizations should be part of this mechanism both at the regional and national level.

62. The mechanism of inter-agency coordination and cooperation should also include measures to raise the legal awareness of (potential) victims of domestic violence, as well as measures to develop adequate services for survivors/victims.

⁴ V. Kukso. Preventing crime: practice of compliance with requirements of the law on the prevention of violence in family relations. Journal "Law and Order", # 1 (33) / 2015

4.3. Domestic violence cases of private prosecution should be transferred to the domain of cases of private-public or public prosecution.

63. Most of the crimes of domestic violence falls into the category of cases of private and private-public prosecution. Cases of private prosecution include the intentional infliction of minor bodily harm (art. 153 of the Criminal Code of RB), cases of private-public charges: torture (Article 154 of the Criminal Code of RB), threat of murder, grievous bodily harm or destruction of property (Article 186 of the Criminal Code of RB).

64. Thus, a woman-victim of violence is a prosecutor and a victim within the legal process. The duty to prove the presence of corpus delicti in the actions of the defendant. The victim is not ready, and often cannot act as a prosecutor for various reasons, including low legal awareness, and experienced post-traumatic stress because of violence.

65. In the case when the victim of domestic violence receives the decision of internal affairs authorities not to proceed with criminal prosecution (e.g. according to the art.153 of the Criminal Code) and she is explained her right to go to court with an application for a criminal case of private prosecution, the majority of victims require legal aid in order to understand the particulars of procedural rules and ensure the collection of evidence against the defendant. Moreover, case of private prosecution proceedings may end in reconciliation of the parties that victims of violence often agree following the recommendations of the judge, or failing to pay fines.

BOX 5.

About 90% of the national hotline clients, who applied for legal assistance, noted that they do not know how to make a claim in court and cannot do it themselves; in general, they were poorly informed about legislative protection norms and the liability of the aggressor. More than half of the clients said that they do not have the financial means to pay for the legal assistance, as well as for an attorney.

66. Despite the fact that the prosecutor's offices have the authority to initiate an investigation on the facts of domestic violence, if the victim is dependent on the aggressor, such practice is not applied in all cases. Without moral, material, time and other resources to gather evidence, many affected women refuse to file a complaint to police and/or withdraw previously filed complaints, fearing the escalation of violence.

67. Due to the low legal awareness the majority of domestic violence victims are not aware of their right to financial compensation for moral injury, if the offender has been brought to administrative or criminal justice. In NGOs practice, such cases are exceptional.

5. NGOs STATISTICS ON ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE.

68. There is general information on number of survivors/victims and cases of domestic violence who have received social services (informational, psychological, legal, medical, humanitarian and other) from NGOs that participated in this report.

Table 2.

NGO	2011	2012	2013	2014	2015	Total
YWCA of Belarus	58	176	164	171	65	634
Gender Perspectives	104	68	30	83	102	387
<i>Calls to the national hotline for victims of domestic violence 8-801-100-8-801</i>	-	767	2960	2163	1626	7641
Borisov Social Women's NGO "Province"	9	13	19	27	39	107
Radislava	616	465	216	309	312	1918

69. On January 1, 2016 4 shelters (asylums) for women- victims of domestic violence and their children functioned in Belarus, managed by non-state organisations: Orthodox Sisterhood in honour of Saint Euphrosyne of Polotsk of Belarusian Orthodox Church (Lida), NGO "Gender Perspectives" (Minsk), NGO "Radislava" (Minsk) and International NGO "SOS-Children's Villages", which operates on the basis of Mogilev social crisis centre for women. During 2012-2015, over **400 women and their 400 children** temporary resided and got assistance in the non-government shelters. These data is included under statistics above.