

REPORT ON MONITORING COURT PROCEEDINGS IN DOMESTIC VIOLENCE CASES

2024-2025



WOMEN'S RIGHTS CENTER
CENTAR ZA ŽENSKA PRAVA

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Publisher

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The report was produced within the project “United Against the Ill Treatment and Impunity”, implemented by Human Rights Action and the Women's Rights Center, financially supported by the European Union and co-financed by the Ministry of Public Administration of Montenegro. The content of the report does not necessarily reflect the views of the donors and is the sole responsibility of the Women's Rights Center.



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Podgorica,
2026

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INTRODUCTION

Domestic violence is one of the criminal offenses that most frequently affects women and children, and at the same time one of those in which the institutional response is of crucial importance for the safety of victims and the prevention of repeated violence. Although the legislative framework in Montenegro in this area has been improved, the manner of its implementation in specific court proceedings shows significant differences in approach, interpretation, and the determination of criminal sanctions.

Criminal proceedings in domestic violence cases do not represent merely a mechanism for establishing criminal liability, but also a key point at which decisions are made regarding the actual protection of the victim. Court decisions concerning penalties, security measures, and the procedural status of the injured party have a direct impact on victims' sense of safety, their willingness to remain in the proceedings, and their trust in the judicial system. For this reason, monitoring judicial practice in these cases provides insight into how legal norms are applied in real situations and what effects they produce in practice.

This report was prepared within the framework of the project *United against Ill-treatment and Impunity*, implemented by the Women's Rights Center and Human Rights Action, with the support of the Delegation of the European Union to Montenegro. The report presents the results of monitoring court proceedings in domestic violence cases, specifically those conducted under Article 220 of the Criminal Code of Montenegro.

The monitoring was carried out by the Women's Rights Center, an organization that has for many years provided free legal assistance to women with experience of violence and that has concluded a Memorandum of Cooperation with the Supreme Court and the Supreme State Prosecutor's Office of Montenegro. This experience and institutional cooperation form the basis for systematic, methodologically grounded, and professional monitoring of judicial practice.

The purpose of the monitoring is to provide insight into how basic courts handle domestic violence cases, to what extent legal obligations and standards of victim protection are respected, and what is the position of injured parties during the proceedings. The focus is placed on procedural aspects that affect the safety, dignity, and equal access to justice for victims, as well as on identifying elements that may lead to secondary victimization.

The methodological framework of the monitoring involved observing cases in which victims had not previously been in contact with the Women's Rights Center or partner organizations. This approach enabled an objective assessment of standard institutional practice in situations where the victim does not have access to specialized support outside the institutional system.

The Women's Rights Center expresses its gratitude to the Basic Court in Podgorica and the Basic Court in Nikšić for their openness, willingness to cooperate, and constructive contribution to improving institutional practice in domestic violence cases. Their cooperation made the implementation of this monitoring possible and contributes to the overall strengthening of victim protection within the criminal justice system.

PURPOSE OF THE REPORT

The purpose of this report is to provide a comprehensive and objective analysis of judicial practice in domestic violence cases, with a focus on proceedings conducted under Article 220 of the Criminal Code of Montenegro. The monitoring enables an assessment of how courts apply substantive and procedural norms, as well as the extent to which they ensure protection and equal access to justice for victims, in accordance with domestic legislation and international standards.

In this context, the report:

- analyzes the practice of judicial authorities in domestic violence cases, with a particular focus on the application of the applicable procedural and substantive legal framework;
- assesses the realization of victims' rights during criminal proceedings, including protection of privacy, the right to information, the application of security measures, and protection from secondary victimization;
- examines the scope and quality of procedural actions carried out, particularly in relation to victim testimony, presentation of evidence, and risk assessment;
- analyzes the outcomes of criminal proceedings, including imposed sanctions, security measures, and the manner of their enforcement, in relation to the purpose of victim protection and prevention of repeated violence;
- identifies patterns of inconsistent practice and deviations from victim protection standards;
- highlights positive examples of professional and sensitive conduct;

- formulates recommendations for improving the institutional response, with the aim of strengthening victim protection and ensuring more effective handling of domestic violence cases.

The purpose of the report is therefore twofold: to contribute to understanding the current state of practice and to serve as a basis for further improvement of the work of courts, prosecutors, and other competent institutions in the field of protection against domestic violence.

METHODOLOGY

The methodology of this monitoring was designed to provide a comprehensive and reliable insight into the conduct of key actors within the judiciary in cases of gender-based violence. Its concept is based on international standards and recommendations of relevant monitoring mechanisms – primarily the CEDAW Committee, the GREVIO group, and the European Commission – as well as on obligations arising from domestic legislation. These documents and practices served as the key basis for defining the criteria for monitoring court conduct and assessing whether effective protection of victims of violence is ensured.

The monitoring was conducted in the period from 15 October 2024 to 15 October 2025, following court proceedings for the criminal offense of domestic violence (Article 220 of the Criminal Code of Montenegro). Although the initial plan envisaged monitoring 40 cases in the Basic Courts in Podgorica, Nikšić, and Kotor, monitoring in Kotor could not be carried out due to organizational limitations. Additionally, the Basic Court in Herceg Novi declined to participate in the monitoring, explaining that cases of this type are closed to the public and that case reference numbers could not be provided. Despite this, the planned scope was maintained, and the monitoring covered 41 cases, distributed between the courts in Podgorica and Nikšić, cities with the highest number of gender-based violence cases.

The monitoring was conducted by monitors from the organizations SOS Hotline for Women and Children Victims of Violence Nikšić, Spektra, and the Association of Youth with Disabilities, with continuous coordination and mentorship provided by the Women’s Rights Center, which oversaw the quality of implementation and ensured consistent application of the methodology. This structure enabled the monitoring to be carried out from the perspective of organizations that work directly with women and other vulnerable groups, contributing to a more precise identification of the challenges victims face during court proceedings.

To obtain case reference numbers, official requests were submitted to the courts. After receiving lists of cases related to Article 220 of the Criminal Code of Montenegro, those in which the first hearing had not yet been held were selected, allowing for monitoring of the entire course of the proceedings—from the initial phases to the delivery of the judgment. The sample was formed dynamically: once certain cases were concluded, new lists of case reference numbers were requested and new cases selected using the same methodology, thereby ensuring impartiality and representativeness of the sample.

For the purposes of the monitoring, two questionnaires were developed specifically for this project, in line with international recommendations and domestic legislation governing the treatment of victims of violence. The questionnaires were not adopted from standardized international methodologies but were adapted to the context of the Montenegrin system, enabling detailed monitoring of those aspects of proceedings most relevant to the protection of injured parties’ rights.

Given that the Women’s Rights Center provides direct support to women survivors of domestic violence, particular attention in the methodology was devoted to the position of injured parties/victims during court proceedings. The questionnaires were therefore designed to encompass not only formal procedural elements, but also those that significantly affect the victim’s experience—from the manner of communication in the courtroom and the conduct of judges and prosecutors, to potential forms

of secondary victimization and the overall atmosphere during hearings. Through these recorded observations, elements often absent from court records become visible, yet are crucial for understanding the actual position of victims within the judicial system.

The main questionnaire contains 87 questions organized into 13 sections and enables the combination of quantitative data—such as duration of proceedings, number of adjournments, victim safety, frequency of hearings, types of sanctions—with qualitative insights into the behavior and conduct of courtroom actors. The second, shorter questionnaire is completed immediately after each hearing, ensuring precise recording of information and impressions that might otherwise be lost over time.

Although the methodology provides a detailed and reliable insight into judicial practice, it is important to note certain limitations of the monitoring. The monitoring was conducted before the Basic Court in Podgorica and the Basic Court in Nikšić, as courts with the highest number of domestic violence cases and the most pronounced experience in handling cases under Article 220 of the Criminal Code of Montenegro. The selection of these two courts enabled insight into practice in environments where a significant portion of judicial practice in this area is formed, but at the same time means that the monitoring did not cover all Montenegrin courts, nor all domestic violence cases conducted during the observed period.

The sample was formed dynamically and according to predetermined criteria, but it does not represent a complete statistical cross-section of all proceedings; rather, it constitutes an analytical sample enabling the identification of dominant patterns and practices in the work of courts with the greatest caseload and experience. In this sense, the findings of this report do not provide a comprehensive picture of the conduct of all courts in Montenegro, but offer relevant and indicative insights into the quality of judicial handling of domestic violence cases, particularly in segments relating to the position of injured parties and the realization of their rights, and may serve as a basis for further analysis and improvement of institutional practice.

KEY FINDINGS AND RECOMMENDATIONS

General Data

- The analysis covers a total of 41 criminal cases concerning domestic violence and violence within the family, in which the victims/injured parties were women. Of these, 33 proceedings were concluded at first instance, while 8 cases were still pending without a first-instance judgment at the time of data collection. This was taken into account when interpreting the duration and dynamics of individual procedural phases, particularly the court phase, bearing in mind the State's international obligation to ensure a timely and effective response to violence against women.
- The distribution of cases by court shows that 26 proceedings were conducted before the Basic Court in Podgorica and 15 before the Basic Court in Nikšić.

Duration of Proceedings and the Principle of Urgency

- The data indicate that criminal proceedings in domestic violence cases are marked by pronounced inconsistency across all procedural phases. The average time from reporting the criminal offense to filing the indictment was 29.1 days, ranging from same-day action to delays of five months. The period from filing the indictment to the first hearing averaged 68.5 days, while proceedings from the first hearing to the first-instance judgment lasted 81.3 days on average, ranging from conclusion on the same day to proceedings lasting more than one year. The practice therefore includes both very swift proceedings, such as cases in which the indictment was filed on the same day as the report and the pro-

ceedings were completed within a few days, and cases in which individual phases lasted significantly longer, without clear criteria explaining such differences.

- Overall, these findings point to a lack of uniform criteria and predictability, which may directly affect victim safety, legal certainty, and the effectiveness of criminal-law protection in cases that are urgent by nature.
- While longer duration in some cases may be linked to factual complexity, the scope of evidence, or expert examinations, the degree of variation exceeds what can be explained solely by case-specific factors. This points to the need for a systemic review of how domestic violence proceedings are planned and managed.
- In light of Montenegro's obligations under the Istanbul Convention, the findings indicate the need for more consistent application of urgency and efficiency standards, alongside clearer and more uniform criteria for action at all stages of criminal proceedings.

Profile of Defendants and the Right to Defense

- Data on defendants' age show that proceedings are predominantly conducted against men of working and family-active age, with an average age of nearly 38. The most represented age groups are 20–30 and 41–50, indicating that domestic violence is not limited to a single life stage, but occurs across different periods of life, including those in which parenting and family roles are most pronounced.
- In most cases, defendants exercised the right to defense with an attorney, while appointment of an attorney ex officio was relatively rare. This indicates a high level of formal procedural protection

for defendants, but also raises questions about balance in the availability of legal support to victims, given the finding that victims rarely use free legal aid.

- Data on prior convictions show that more than one quarter of defendants had prior convictions, often for domestic violence or related violent conduct. The presence of repeated violence and misdemeanors under the Law on Protection from Domestic Violence points to continuity of violent behavior and the presence of special recidivists in part of the monitored sample.
- Prior convictions for other serious offenses, including sexual violence, drug-related offenses, illegal possession of weapons, and organized crime, indicate that some cases involve defendants with more pronounced criminogenic patterns of behavior. This is particularly relevant for risk assessment, individualized sentencing, and decisions on security measures.
- Overall, the profile of defendants underscores the need for consistent and substantive risk assessment in domestic violence cases, taking full account of prior behavior and repetition, so that the criminal-law response is oriented not only toward punishment, but also toward prevention and effective victim protection.

Profile of Victims/Injured Parties, Relationship to the Defendant, and Presence of Children

- Victims in the monitored cases were women of various ages, including one minor, confirming that domestic violence occurs across a broad range of life circumstances. Age alone does not appear to be a decisive risk factor; rather, violence is linked to the relationship and power dynamics between the victim and the perpetrator.
- Most cases involved intimate partner relationships, including spouses, former spouses, and cohabiting partners. This confirms that violence most often occurs in relationships characterized by closeness and emotional or economic interdependence, which complicates victims' positions and influences their procedural decisions.
- In a significant number of cases, victims had minor children with the defendant, yet the child's presence during violence was treated as an aggravating circumstance in only one case. Child-related concerns increase victims' vulnerability and directly affect their willingness to report violence, persist in proceedings, or accept protective measures.
- In more than half of the monitored cases, violence had existed prior to the criminal proceedings, often without previous reporting. Victims described long-term patterns of physical, psychological, and economic violence, including control and stalking. Instances of changed or withdrawn statements relating to earlier events suggest pressures linked to fear, dependence, or other constraints, and show that proceedings often capture only a fragment of broader violence.
- Factors indicating particular vulnerability, including pregnancy and serious health conditions such as oncology treatment and

thrombophilia, were recorded in a smaller number of cases. These circumstances require adapted procedural approaches, yet they were not consistently reflected in additional protective measures or adjusted treatment during proceedings.

- Monitors' comments indicate that proceedings often fail to encompass the full context of violence, including prior unreported violence, continuity, and prior convictions. This affects risk assessment and the adequacy of victim protection.
- Overall, the victim profile highlights the need for a trauma-informed approach that better accounts for long-term violence, the presence of children, specific vulnerabilities, and the complex reasons why victims may change statements or withdraw from procedural participation.

Application of Substantive Criminal Law in Domestic Violence Cases

- Although many cases contained indicators of repeated or long-term violence, the qualification of a continued criminal offense was recognized in only 6 of 41 cases, indicating rare use of this legal institute in practice.
- In most cases, the elements of the offense were recognized, but in some proceedings, there was a lack of clear recognition and reasoning regarding all elements, especially psychological violence and the continuity of violent behavior.
- Where deficiencies were observed, the application of substantive law was often reduced to a single incident, with insufficient consideration of the broader relationship context and prior violence. This narrows the factual and legal framework of proceedings and may affect legal qualification, assessment of gravity, and the choice of sanctions and security measures.

Procedural Aspects and Evidentiary Proceedings

- Jurisdiction was clearly established in all monitored cases, without procedural disputes, suggesting that jurisdiction does not constitute a source of delay.
- Changes in prosecutors were infrequent, but where they occurred, they could affect continuity of prosecution, especially when new reports of violence were filed during ongoing proceedings or when procedural actions, including victim testimony, had to be repeated.
- Adjournments were common and were recorded in nearly two thirds of cases. Recurring reasons primarily related to the unavailability of medical experts and the conduct or absence of defense attorneys, directly prolonging proceedings and increasing victims' legal uncertainty.
- At the same time, some cases were handled efficiently and with a minimal number of hearings, demonstrating that timely processing is possible where case management is adequate.
- Evidentiary proceedings largely relied on the victim's statement and supporting medical documentation, with limited use of other forms of evidence. This makes the prosecution dependent on the victim's procedural behavior.
- In some cases, victims refused to testify or changed their statements, most often in contexts of reconciliation, family ties, child-care concerns, or emotional and economic dependence. This confirms the complexity of victims' positions and the need for careful, contextual interpretation.

- Changes in statements should not automatically be treated as credibility issues, but should be assessed in light of the dynamics of violent relationships, pressure, fear, and dependency, requiring careful evidentiary assessment and decision-making.
- Judges and prosecutors were mostly professional and sensitive toward victims, although isolated shortcomings and inconsistencies were observed, particularly regarding prevention of contact between parties and responses to inappropriate conduct by defense attorneys.

Victim Support During Proceedings

- In most cases, victims participated without professional legal representation, indicating limited access to legal support and frequent exercise of rights without expert assistance.
- Where an attorney was present, they were usually privately retained by the victim. Use of the free legal aid system was recorded in a small number of cases, suggesting insufficient visibility or accessibility of this mechanism.
- The presence of an attorney did not always entail active or continuous involvement.
- No cases recorded expert psychological or counseling support in the courtroom, indicating a significant lack of systemic support during emotionally demanding phases of proceedings, particularly testimony.
- Although victim and witness support services formally exist in the monitored courts, their presence and role were not recorded in any case, indicating limited institutional integration of these services into practice.

- Informal support, such as family members or friends, was recorded in a smaller number of cases; most victims attended without any companion, highlighting their emotional isolation during proceedings.
- Specialized NGOs were present in a small number of cases, but monitors confirmed that where they were present, support was more visible, continuous, and meaningful, both procedurally and emotionally.
- Overall, the findings point to significant systemic gaps in victim support, with protection and empowerment largely relying on victims' individual capacities or sporadic NGO involvement rather than stable institutional mechanisms.

Protection of Privacy

- In most cases, privacy and dignity were respected, and courts demonstrated awareness of the risks of secondary victimization, especially during questioning.
- Inappropriate questions about victims' private or past life were extremely rare. Where they occurred, courts intervened professionally and protectively.
- One case involved an attempt to relativize violence by invoking the victim's health condition, which the court rejected on the basis of expert evidence. Although isolated, this example highlights the need for caution, especially given that only two victims in the sample had recorded specific health conditions.
- Courts should consistently separate victims' private and health circumstances from the assessment of the defendant's violent conduct, in order to prevent vulnerability from being used to diminish the seriousness of violence or the defendant's responsibility.

- Hearings were largely public, while exclusion of the public was mostly applied in cases involving child victims. Practice regarding the presence of professional observers was inconsistent, reflecting differing interpretations of the balance between transparency and privacy.

Informing Victims

- Victims were formally informed of their rights in most cases, especially basic rights related to testimony, reflecting recognition of minimum procedural guarantees.
- The scope and structure of information were inconsistent. Information was typically delivered orally at a single hearing, immediately before testimony, which may reduce real understanding and effective use of rights in the context of domestic violence.
- Rights involving broader support and institutional engagement, such as free legal aid, trusted person escort, and available support services, were communicated less frequently and unsystematically, indicating a focus on formal guarantees rather than victim empowerment.
- Information about case progress and procedural actions was not consistently provided. Nearly half of victims were not informed, which may undermine their sense of inclusion, safety, and trust, despite isolated examples of good practice.

Victim Safety

- In slightly more than half of cases, procedural measures with protective effect were applied, while in 39% no such measures were recorded. Supervision measures were used somewhat more often than detention, while detention remained significant in higher-risk cases, although victim safety is not explicitly cited as the basis. There is a clear need to introduce protective measures into the Criminal Procedure Code comparable to those available under the Law on Protection from Domestic Violence.
- Contact between the victim and the perpetrator during proceedings was not rare and occurred in various forms, including continued contact, reconciliation or cohabitation, and encounters in court without adequate separation. This shows that criminal proceedings often run parallel to maintained relationships, increasing risks and affecting victims' persistence in the process.
- Fear and safety perceptions were complex. Many victims formally denied fear, but monitors observed fear expressed contextually, selectively, or non-verbally, especially outside the courtroom. Formal statements therefore cannot be treated as reliable indicators of actual safety.
- Instances of defendant behavior requiring judicial intervention, as well as situations where courtroom arrangement or non-verbal intimidation affected victims' safety, highlight the importance of an active judicial role in ensuring a safe courtroom environment.

Questioning of Victims

- In all cases, victims gave at least one statement to the prosecutor, confirming the established practice of early statement collection.
- Although courtroom questioning was typically conducted once, prior questioning by other authorities indicates that multiple questioning remains common in practice, with risks of emotional burden and secondary victimization.
- During earlier questioning, most victims had no support from an attorney, trusted person, or other support figure, showing limited use of support mechanisms and the near-absence of psychosocial support.
- Reading prior prosecutorial statements in court was common. This can help avoid repeated and exhausting questioning, but must be handled carefully to avoid relativizing testimony or detaching the statement from the circumstances in which it was originally given.
- Protective mechanisms aimed at reducing pressure during questioning were used only to a limited extent: no victims were granted the status of a particularly vulnerable witness; no questioning was conducted in separate rooms using technical devices; and questioning in the defendant's presence remained the dominant practice, despite the importance of such mechanisms in domestic violence cases.
- Questioning is a routine procedural action, but judicial control and intervention to prevent inappropriate defense questions are crucial to preventing additional distress.
- No confrontations between the victim and the defendant were recorded, representing an important positive shift in practice.
- Professional and sensitive conduct by courts and prosecutors was dominant. Judicial interventions, although not frequent, served clear protective functions.

Property Claims / Civil Compensation Claims

- Property claims are almost entirely marginalized in practice. They are raised exceptionally rarely and usually without specifying compensation amounts, indicating weak visibility and functionality of this mechanism and confirming that proceedings remain predominantly punitive rather than reparative.

Trial Flow and Evidence

- Victims rarely join the prosecution. This reflects not only individual choice, but also a lack of systemic support, encouragement, and clear information about the implications of active procedural participation.
- Procedural initiative during trial largely remains limited to the initial evidentiary proposals, especially by the prosecution. New evidence is proposed in fewer cases, indicating limited evidentiary dynamism.
- Victims' attorneys also play a limited role in proposing evidence, even where representation exists, suggesting that the potential of legal representation to strengthen victims' positions is not fully used.
- Courts generally accept relevant and justified evidence and reject proposals that would delay proceedings or cause additional victimization, especially in relation to children or unnecessary repeated expert examinations.
- Evidence relies predominantly on medical and psychiatric expert reports and medical records, while other forms of evidence are used only supplementarily and inconsistently. This reinforces dependence on expert findings and initial evidence.

- Overall trial dynamics reflect limited victim visibility and influence, confirming the need to strengthen victims' procedural role through legal aid, timely information, and active institutional support.

Final Phase and Court Decisions

- The final stage of proceedings is handled mostly within a formal framework. Prosecutors' closing submissions focus on proving the specific incident, while the broader context of violence, continuity, patterns of control, and victims' vulnerabilities are rarely integrated.
- Prosecutors often note victims' change of position and interpret it as an attempt to ease the defendant's situation, but rarely analyze the underlying reasons, such as fear, dependence, pressure, or the interests of children.
- Courts usually retain the same legal qualification as set out in the indictment. Conviction rates are high, but sentencing policy is not necessarily substantively differentiated.
- Sentencing shows a pronounced concentration around the minimum prison term, with frequent suspended sentences tied to that minimum. This suggests a standardized and restrictive approach to individualization, despite broad statutory sentencing ranges.
- More than one third of prison sentences are served at home, which does not ensure clear physical separation and may weaken the protective and preventive functions of punishment, especially where contact continues or risk persists.
- Security measures are not imposed in a significant share of convictions despite risk indicators. Restraining orders dominate, while other measures are rare and inconsistently applied, and combined measures are not standard. Removal from the home was imposed only once.

- Even where property claims are raised, courts refer victims to civil litigation, limiting the reparative function of criminal proceedings and increasing the burden on victims, as well as the risk of retraumatization.
- The reasoning of judgments shows systemic asymmetry: mitigating circumstances in favor of defendants are detailed and often deemed “particularly mitigating”, while aggravating circumstances are rarely recognized or linked to the severity, context, and consequences of violence.
- Particularly concerning is the treatment of victims’ procedural behavior, such as not joining the prosecution or not raising a property claim, as mitigating in favor of the defendant. This shifts responsibility toward victims instead of contextualizing such behavior within the dynamics of violence, fear, dependence, and power imbalance.
- Although some well-reasoned positive examples exist, they remain exceptions, confirming that the system has capacity for improvement but lacks consistent practice.

RECOMMENDATIONS FOR JUDICIAL AUTHORITIES

1. Improve the consistent and contextual application of substantive and procedural law in domestic violence cases, with clear consideration of the continuity of violence, patterns of control, and power relations, rather than focusing solely on the isolated incident. Courts and prosecutors should more fully integrate prior violence, psychological violence, and long-term patterns of behavior into legal qualification, reasoning, and sentencing, including more frequent consideration of a continued criminal offense where the legal conditions are met.
2. Strengthen the proactive role of the prosecution in evidence gathering through systematic collection of evidence that does not depend solely on victim testimony, including material and digital evidence, witness statements, institutional records, and documentation from specialized NGOs. This would reduce pressure on victims, strengthen the stability of prosecution, and lower the risk that changes or withdrawal of statements weaken the case.
3. Harmonize the application of the urgency principle across all phases of proceedings through clear and binding criteria. Differences in procedural dynamics should be minimized and linked only to objective case complexity, in line with Istanbul Convention obligations, in order to ensure a predictable and timely institutional response.
4. Develop continuous and substantive risk assessment at all stages of proceedings, systematically covering prior violence, continuity of abuse, prior convictions, contact patterns, and specific vulnerabilities. The Criminal Procedure Code should provide for victim-protection measures comparable to those available under the Law on Protection from Domestic Violence.

5. Improve victim information and procedural empowerment through clear, continuous, and contextual explanation of rights throughout the proceedings, rather than through one-time formal oral information at hearings. Particular emphasis should be placed on rights enabling support and protection, including free legal aid, trusted person escort, information on case progress, and available support services.
6. Strengthen access to, and the real role of, legal and expert support for victims, including more visible and active use of free legal aid, a more substantive role of victims' attorneys, and systematic inclusion of victim and witness support services. Particular attention is needed during questioning and other emotionally demanding stages of proceedings.
7. Ensure broader and more consistent use of mechanisms aimed at reducing secondary victimization, including assessment of vulnerable witness status, questioning without the defendant present, and the use of technical equipment. Formal denial of fear or statements of reconciliation should not be treated as sufficient grounds to omit such measures.
8. Improve sentencing individualization through more consistent assessment of aggravating factors related to the severity of violence, continuity of abuse, prior violent conduct, and the impact on the victim. Particular attention should be paid to the frequent use of home imprisonment, which does not ensure separation or strengthen the protective and preventive functions of punishment in domestic violence cases.
9. Strengthen the reparative dimension of proceedings by encouraging courts to decide on property claims within criminal proceedings whenever procedural conditions exist, instead of routinely referring victims to civil litigation. This would reduce additional burdens, uncertainty, and risks of retraumatization for victims.

10. Reconsider how victims' procedural behavior is evaluated in judgments. Non-joining of the prosecution, changes in testimony, reconciliation, or failure to submit a property claim should be assessed within the dynamics of violence, fear, dependence, and family circumstances, rather than used as mitigating circumstances in favor of the defendant. This is necessary to avoid indirectly shifting responsibility onto victims.
11. Strengthen systemic cooperation between courts, prosecution services, and specialized support services, including NGOs, in order to ensure continuity of victim support, empowerment for participation, and consistent application of protection standards in line with international obligations.

