

Dear _____

I am very grateful for the opportunity to have this roundtable discussion on emergency barring orders and domestic violence.

The actions of the Icelandic authorities against domestic violence have increased in the last 10 years. But even if the actions have led us to some success in the matter, there will always be some obstacles, and that is why I am very happy to be able to share with you some of our best practices, and learn from yours.

In 2008-2013 the findings of a research made on domestic Violence in Iceland, showed that in Sudurnes, a small community in the south-west of Iceland the figures were the highest. Two crises affected the area: a NATO base that had been located there since the Second World War was closed down leaving many stationed there working for the American Army, out of work; and the financial crises hit Iceland hard. So the income in this area and unemployment rate were poor. At the time the Chief of Police (now the National commissioner) introduced new rules of procedure in the handling and recording of cases of domestic violence, that are in accordance with the Act on Emergency Barring Orders. By enhancing co-operation as well as changing working methods and attitudes, this multi-disciplinary project aimed at improving the first response of the police and the quality of investigations, preventing repeated offences and using the available legal resources to provide better support for victims and offenders.

This new approach was adopted nation-wide in 2014, by rules of procedure, issued by the National Commissioner. Since then cases reported have escalated.

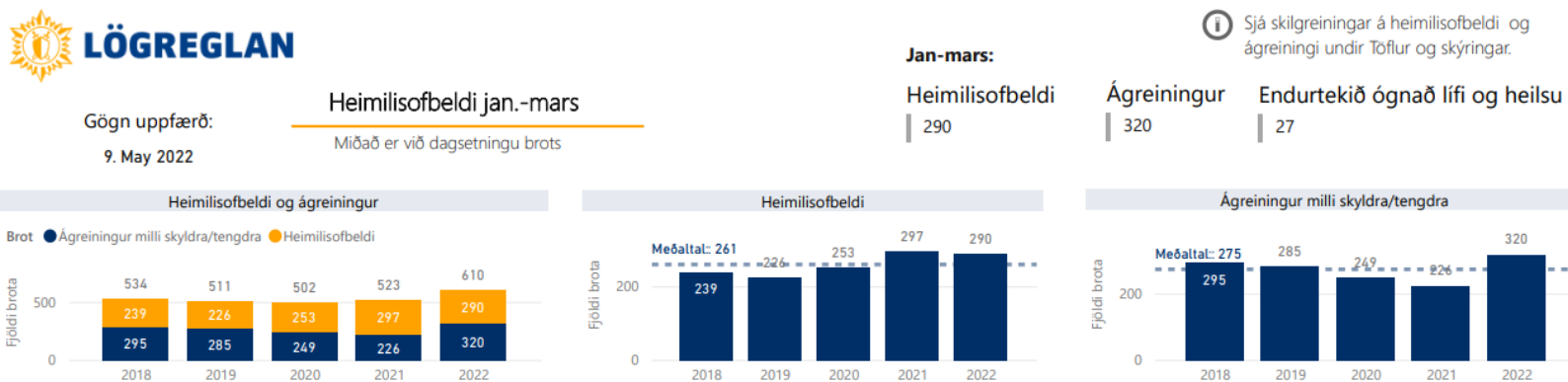
The most significant change in the procedure of the police is that when the police are called to a home where there is a suspicion of violence, they always ask for the assistance of social workers to work with with the victim, and ask for the assistance of the child protective services, if there are children living in the home. They are also more likely to know the history of a particular family, if there are any previous conflicts or a history of abuse. This procedure has been named: „Keep the window open“, since when police are called in ‘a window opens’ for the victim to leave the situation, with the help of the police and welfare system. There they can get to the victim, which is more difficult when the victim is with the perpetrator within the privacy of their home, as you know.

The police deliver a clear message to the victims, that this is not a private matter and that it would be worked on. The social services put up a 24/7 operation and they come to the home when needed. Police do a thorough

investigation and impose emergency barring orders when needed. That is according to the rule of procedure on domestic violence. A follow up visit to the victim should be made within a week of the incident and a risk assessment is prepared in order to foresee if the violence is likely to re-occur.

After launching the project „Keep the window open“ there was an increase in reports of domestic violence.

We also saw an increase in reports in the years 2020. The Icelandic authorities were aware that in the times of crisis, such as a pandemic, that affected many homes financially and otherwise, and where people were made to stay in lock-down, cases of domestic violence would rise.



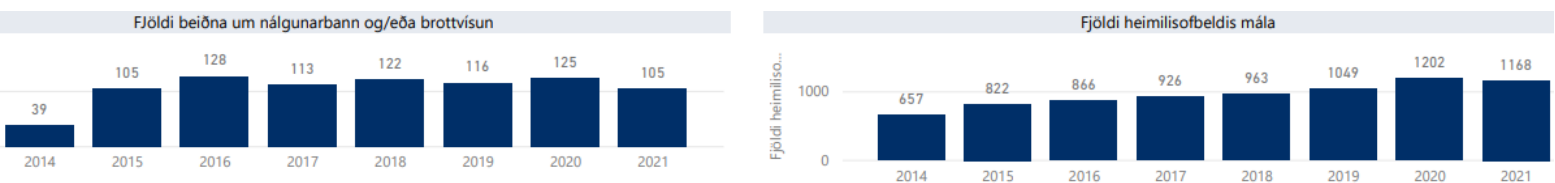
Action team against violence

Due to that reason, the government decided in May 2020 to take targeted actions and raise awareness against in particular domestic violence and violence against children. A temporary action team with the task of directing and co-ordinating work on implementing measures in broad consultation with relevant stakeholders, was appointed. The team's work focused on raising general awareness of domestic violence, strengthening services and support remedies for victims, and supporting the development and implementation of other projects in this field.

The team's main projects were to strengthen the Emergency Line's services and open an information portal on violence on the website www.112.is, which has since been translated into English and Polish. The website also contains information on assistance for perpetrators

In tandem with the opening of the portal www.112.is, a targeted awareness-raising campaign on violence was launched in the media and on social media with the slogan *Tell Someone*. The campaign has been implemented in stages, each stage focusing on reaching individual vulnerable groups, while at the same time raising awareness generally that 112 should be contacted if concerns arise about violence.

But the cases continued to rise after the action team had launched these projects. Whether that is because there was a further increase in violence or because further awareness raising encouraged victims and witnesses to report the cases to the police, we do not know, but we want to believe it is the latter one!



There was also of-course an increase in emergency barring orders, both restraining orders and eviction from the home.

When an emergency barring order is issued according to Icelandic law, a restraining order is used simultaneously.

I have told about some good practices in relation to domestic violence in Iceland. But now I need some advice from you.

We are having issues with repeated breaches of the perpetrator of the restraining order, by sending messages, calling the victim by phone, showing up at their home, workplace or at the children's school f.ex.

If the perpetrator has a clean criminal record, which is often the case when it comes to domestic violence, and breaches a restraining order or emergency barring order, the police and prosecution has no other remedies than to take him in for questioning. Maybe seizing his phone. Then the perpetrator is out on the loose again. This is because the punishment for one breach of an emergency barring order does not fulfill the requirements for a custody or detention, since that would only give him a conditional sentence of 30 days imprisonment. Even if he would then again breach the emergency barring order, it wouldn't change this situation. The only chance for the prosecution to get him into custody is to issue an indictment for the first breach and get it to court as soon as possible, to get him convicted. Then he has the conditional sentence. If he then breaches the emergency barring order again, he could be put in custody for breaching the conditional sentence. But getting the sentence can take at least a month.

In that time the perpetrator could repeatedly breach the EBO and or the restraining order.

As we now, it gives the victim some peace to get an emergency barring order issued on the perpetrator. But it is very traumatizing for the victim if the EBO is breached by the perpetrator, and that the EBO does not give the victim the safety and security that it should do.

So what I want to ask you, is how does this work in your countries. Do you have any good practices to share on how to stop repeated breaches of an emergency barring order under your law?