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COLLECTION

AGAINST GENDER VIOLENCE.  
DOCUMENTS



THE COUNCIL OF EUROPE AND GENDER-BASED  
VIOLENCE. DOCUMENTS OF THE PAN-EUROPEAN  
CAMPAIGN TO PREVENT AND COMBAT  
VIOLENCE AGAINST WOMEN  
(2006-2008)



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DE ESPAÑA

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**THE COUNCIL OF EUROPE  
AND GENDER-BASED  
VIOLENCE. DOCUMENTS OF  
THE PAN-EUROPEAN  
CAMPAIGN TO PREVENT  
AND COMBAT VIOLENCE  
AGAINST WOMEN  
(2006-2008)**

**FINAL ACTIVITY REPORT**

**COMBATING VIOLENCE AGAINST WOMEN: MINIMUM  
STANDARDS FOR SUPPORT SERVICES**

**COLLECTING ADMINISTRATIVE DATA ON DOMESTIC VIOLENCE  
IN COUNCIL OF EUROPE MEMBER STATES**

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## INTRODUCTION

The Spanish Ministry for Equality's Collection Against Gender Violence continues here with the joint publication of three Council of Europe documents issued as part of the *Campaign to Combat Violence against Women, including Domestic Violence (2006-2008)*<sup>1</sup>, which was widely reported in Spain and in the rest of Europe.

The first<sup>2</sup> is the Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV). The Council entrusted the Task Force with defining, organising and monitoring the campaign. After a general introduction on the problem of violence against women, the report gives an interesting, up-to-date overview of the measures taken to prevent and combat this kind of violence at national and international level, analyses the role that men can play in the matter, examines the work of those involved in the campaign, and assesses the monitoring framework used to monitor implementation of *Recommendation Rec (2005) on the protection of women against violence* of the Committee of Ministers of the Council of Europe, winding up with a series of conclusions and recommendations at national and international level to prevent and combat violence against women.

The second<sup>3</sup> is a study by Liz Kelly, Roddick Chair on Violence against Women, London Metropolitan University, and Lorna Dubois. It concentrates on

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<sup>1</sup> Spain's campaign slogan was "Stop a la violencia doméstica contra las mujeres" (*Stop domestic violence against women*).

<sup>2</sup> *Final Activity Report*, Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, Council of Europe, Strasbourg, EG-TFV(2008)6. Available at <http://www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/>.

<sup>3</sup> Original title: *Combating violence against women: minimum standards for support services*, Council of Europe, Strasbourg, EG-VAW-CONF(2007)Study rev. <http://www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/>.

support and protection for the victims of gender violence, an area in which Member States had hoped for significant progress. The study aimed to develop consensus on minimum standards for support services: their range and extent, core principles and practices.

Lastly, Elina Ruuskanen and Kauko Aromaa of the European Institute for Crime Protection and Control, affiliated with the United Nations (HEUNI) discuss another of the aims of the campaign: data collection<sup>4</sup>. Of the four types of data identified that can be generated and collected on violence against women: data based on surveys, data from national statistic agencies, administrative data and qualitative data, the authors focus on administrative data, considering that it has been much neglected by Council of Europe member states.

*The Campaign to Combat Violence against Women, including Domestic Violence* is the most visible face of the campaign being waged by the Council of Europe against gender violence since the late 70's, as part of its more general strategy of promoting European cooperation towards real equality between women and men.

The definition and implementation of Council of Europe action to promote equality between women and men, seen as a fundamental human right, is the responsibility of the Steering Committee for Equality between Women and Men (CDGE) of the Directorate General of Human Rights and Legal Affairs Gender Equality and Anti-Trafficking Division. The experts who form the Committee (one from each member state) are entrusted with the task of stimulating action at the national level, as well as within the Council of Europe, to achieve effective equality between women and men. To this end, the CDEG carries out analyses, studies and evaluations, defines strategies and political measures and, where necessary, frames the appropriate legal instruments in the following areas:

- A fair representation of men and women in all sectors of society.
- Mainstreaming gender perspective.
- Human trafficking for sexual exploitation.
- Combating violence against women.

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<sup>4</sup> Original title: *Administrative data Collection on domestic violence in council of Europe member states*, Council of Europe, Strasbourg, EG-VAW-CONF(2007)Study. <http://www.coe.int/t/dg2/equality/DOMESTICVIOLENCECAMPAIGN/>.

The CDEG initially set up a Group of Specialists for Combating Violence against Women (EG-S-VL), which framed a Plan of Action. The findings of the Plan are clear: violence against women is endemic in all sectors of society in all Council member states and the legal tools available to combat such violence at national and international level are clearly inadequate.

Accordingly the Council of Ministers and the CDEG felt it necessary to draw up a list of recommendations in order to frame an integral system to combat violence, and set up the Group of Specialists for the Protection of Women and Young Girls against Violence (EG-S-FV), which answered to the CDEG. The group was made up of nine experts in gender violence from several Council of Europe member states. It was responsible for drafting, particularly on the basis of the Plan of Action drawn up by the EG-S-VL and taking into account Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, a recommendation containing guidelines for member states to use as a basis for supplementing, amending, adjusting or drafting legislation aimed at combating violence against women in their countries, particularly by identifying the various forms of violence, the measures to be taken and the support which should be offered to victims, along with any other provisions they deemed useful.

The Group's terms of reference included work already carried out in the area and existing texts from the Council of Europe, Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and jurisprudence thereon, and work done by other international institutions, in particular the Special Rapporteur of the United Nations and the Platform for Action adopted by the UN Fourth World Conference on Women (Beijing), in addition to national legislation on the matter. The Group tried to gather as much documentation as possible, including examples of national laws and systems which had proved effective. This enabled it to construct a series of "optimum models" in each area – a list of "best practices and standards" – as a basis for its work. The result was *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*<sup>5</sup>, adopted on 30 April 2002 by the Committee of Ministers, the first integral approach to the problem of violence against women at international level.

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<sup>5</sup> Council of Europe Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence, adopted on 30 April 2002.

Since then, *Recommendation Rec (2002) 5*<sup>6</sup> is the reference text for the Council of Europe in its fight against violence against women. It is therefore no surprise that much of the efforts of the Council in this field, particularly the Group of Specialists on the implementation of and follow-up to *Recommendation Rec (2002) 5* (EG-S-MV), centred on evaluating and monitoring compliance with and application of its provisions by member states. The Group drew up a series of reports and studies:

- 2004. *Implementation of and Follow-up to Recommendation Rec (2002) 5 on the Protection of Women against Violence Final report of the Group of Specialists on the implementation of and follow-up to Recommendation Rec (2002) 5 of the Committee of Ministers to member States on the protection of women against violence (EG-S-MV)* (2004);
- 2006. *Combating violence against women: Stocktaking study on the measures and actions taken in Council of Europe member States* (2006);
- 2007. *Protecting women against violence: Analytical study on the effective implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe member States* (2007);
- 2008. *Protecting women against violence: Analytical study of the results of the second round of monitoring the implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe member states* (2008).

In addition to monitoring compliance with *Recommendation Rec (2002) 5 on the protection of women against violence*, in recent years much of the activity of the Council of Europe with regard to combating violence against women has been centred in the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV), set up as part of the Plan of Action adopted by the Council of Europe Third Summit of Heads of State and Government, held in Warsaw on 16-17 May 2005. The task force –made up of 8 international experts in preventing and combating violence against women– was entrusted with evaluating the development and implementation at national level of measures to combat violence against women, the framing of instruments used to quantify their evolution at European level and to suggest proposed actions and, lastly, with implementing a

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<sup>6</sup> The full text is available as Appendix I to the Final Activity Report.

Pan-European campaign in conjunction with European and national actors, including NGOs. The group held its first meeting in Strasbourg on 21-23 February 2005, during which it identified its first priority: the drafting of a campaign program. This was finalised at the second meeting, held on 25-27 April 2006, and approved by the 969<sup>th</sup> meeting of the Committee of Ministers, held on 21 June 2006. The next step was the launching of the *Campaign to Combat Violence against Women, including Domestic Violence (2006-2008)* (slogan in Spain: *Stop a la violencia doméstica contra las mujeres*), at a top-level conference held in Madrid on 27 November 2006, chaired by the Spanish Prime Minister José Luis Rodríguez Zapatero and attended by participants from European governments, parliaments, local and regional authorities, inter-governmental organisations and NGOs. The Council of Europe chose Madrid to launch the campaign, due to the interest that had been generated world wide by the approval and implementation of Organic Law 1/2004 on Comprehensive Protection Measures against Gender-based Violence, considered a clear statement of the ethos of the campaign and a firm commitment to equality politics.

The task force held seven meetings and six seminars, along with innumerable online consultations. Member states were urged to intervene in four core objectives related to violence against women: legal and policy measure; support and protection for victims; data collection and awareness raising. The three documents presented here are the result of the group's work over the two years of the campaign.

After organising a series of events in all Council of Europe member states between 27 November 2006 and 8 March 2008, the campaign held its closing conference in Strasbourg on 10-11 June 2008.

At the closing conference<sup>7</sup>, Hilary Fisher, as Chair of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV), and Dubravka Šimonović, as Vice-Chair, evaluated the campaign and drew up a series of proposals for future action by the Council of Europe and its member states to prevent and combat violence against women.

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<sup>7</sup> Proceedings, Closing conference Council of Europe Campaign to Combat Violence against Women, including Domestic Violence (Strasbourg, 10-11 June 2008), Council of Europe, Strasbourg, EG-VAW-CONF(2008)I.

One the one hand, they emphasised that it was essential to achieve long-term sustainable change and to focus beyond the Campaign against Domestic Violence to include other forms of violence against women holistically reflecting women's experience.

They also stressed the three joint recommendations of the Final Activity Report: elaboration of a European human rights convention to prevent and combat violence against women; appointment of a special reporter on violence against women; and the introduction of an Observatory on Violence against Women. All recommendations of the Task Force are based on the recognition that: violence against women is gender-based violence; violence against women is a major obstacle to the achievement of substantive equality between women and men; violence against women is a human rights violation.

To address the challenges of combating violence against women, the Task Force identified several key elements which the speakers believe underpin successful approaches to combating violence against women which are interlinked and from which all actions by governments should flow:

- In order to eradicate violence against women, it is essential to begin with a position that recognises that violence against women is gender-based violence, the result of a serious imbalance of power between women and men and is an obstacle to achieving gender equality. It is also a human rights violation and states have an obligation to exercise due diligence to prevent, investigate and punish all acts of violence, whether perpetrated by the State or private persons, and provide protection to victims.
- If efforts to combat all forms of violence against women are to be successful they must be supported by political will at the highest level to ensure that sufficient financial and other resources are allocated to protect women and ensure the provision of adequate support services. High-level political will is also needed to ensure governments play an active role in challenging and changing attitudes that stigmatise, legitimise and help perpetuate violence against women.
- Taking an approach which is comprehensive, long-term, holistic, multi-disciplinary and coordinated across all sectors is essential to combat violence against women, recognising the important role and expertise that women's NGOs have in the provision of services. A National Ac-

tion Plan with a comprehensive strategy to address all forms of violence against women, which includes legislation, policy and practice as well as awareness raising, training and data collection, with a coordinating body to monitor implementation can help ensure such an approach is used. However at present National Action Plans often do not address all forms of violence against women comprehensively nor do they have sufficient financial and other resources to ensure their effective implementation.

- Putting measures in place to ensure effective implementation is a prerequisite for successful action. No matter how good a law or policy is, if it is not implemented because, for example, the police, judiciary and other professionals are not appropriately trained or insufficient resources have been allocated, then it is virtually meaningless. Lack of implementation has led to widespread impunity for perpetrators across Council of Europe member states. It deters many women from reporting violence and clearly shows that member states are violating women's right to protection and support. It is imperative to monitor implementation and collect data to evaluate how well laws, policies and practices are being implemented.

Without a doubt, the most important challenge facing the Council of Europe in its fight against gender-based violence is the drafting of an international convention, an integral and binding legal instrument on human rights, based on *Recommendation Rec (2002) 5* and making member states directly responsible for protecting women against violence<sup>8</sup>. Both the Organization of American States and the African Union have adopted legally binding conventions for all their members against all forms of violence against women.

As the Task Force Final Activity Report admits, there is still a long way to go in eradicating gender-based violence, and the struggle has to be upheld

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<sup>8</sup> This was the reasoning behind the constitution of the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) on 23 February 2009, whose first meeting was held in Spring 2009. The Council of Europe document setting up the Ad Hoc Committee and the terms of reference for the drafting of a binding Council of Europe legal instrument to combat violence against women can be found at: [http://www.coe.int/t/dghl/standardsetting/violence/CAHVIO\\_2009\\_1%20Terms%20of%20reference.pdf](http://www.coe.int/t/dghl/standardsetting/violence/CAHVIO_2009_1%20Terms%20of%20reference.pdf) .

to achieve long-term success. This underlines the importance of the work of international bodies such as the Council of Europe, which has shown considerable political will throughout the *Campaign to Combat Violence against Women, including Domestic Violence* (2006-2008) and will continue to do so in the future.

**Miguel Lorente Acosta**

*Government Delegate for Gender-based Violence*

# **FINAL ACTIVITY REPORT**

## **TASK FORCE TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE (EG-TFV)**

**Gender Equality and AntiTrafficking Division**  
Directorate General of Human Rights and Legal Affairs  
*Strasbourg, September 2008*



The Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence* (EG-TFV), was set up following a decision taken at the Third Summit of Heads of State and Government of the Council of Europe held in Warsaw on 16 and 17 May 2005. The Action Plan adopted at the Summit defines future action by the Council of Europe and envisages activities to combat violence against women, including domestic violence. Section II.4 of the Plan states:

“The Council of Europe will take measures to combat violence against women, including domestic violence. It will set up a task force to evaluate progress at national level and establish instruments for quantifying developments at pan-European level with a view to drawing up proposals for action. A pan-European campaign to combat violence against women, including domestic violence, will be prepared and conducted in close cooperation with other European and national actors, including NGOs.”

Accordingly, eight international experts in the field of preventing and combating violence against women were appointed to the Task Force by the Secretary General of the Council of Europe. The Steering Committee for Equality between Women and Men (CDEG) proposed six members of the Task Force, while the Parliamentary Assembly and the Congress of Regional and Local Authorities of the Council of Europe proposed one member each. The appointments were made in consultation with the Committee of Ministers’ Thematic Co-ordinator on Equality between Women and Men (TC-EG) and the Council of Europe Commissioner for Human Rights.

The members of the Task Force were: Ms Ay e Feride Acar (Turkey), Ms Dagmara Baraniewska (Poland), Ms Helena Ewalds (Finland), Ms Hilary Fisher (United Kingdom), Vice-Chair until April 2007, Chair from May 2007, Mr Chris Green (United Kingdom), Mr Manuel Lisboa (Portugal), Ms Rosa Logar (Austria) and Ms Dubravka Šimonović (Croatia), Chair until April 2007, Vice-Chair from May 2007.

As outlined by the Committee of Ministers in connection with followup to the Action Plan adopted at the Third Summit of the Council of Europe, the Task Force was expected:

- to evaluate the effectiveness of measures adopted at national and international level to prevent and combat violence against women;
- to make proposals for revising these measures or adopting new measures;
- to develop a method to help member states to adopt practical policies for combating violence against women;
- to assess the results of the monitoring framework based on indicators prepared by the CDEG in 2004, which aims to evaluate progress in the implementation of the *Recommendation Rec (2002) 5 on the protection of women against violence*;
- to identify further possible roles of men in the context of family violence, not just as perpetrators of violence, but as victims of family violence, as well as their role in both preventing violence within the family and protecting victims of such violence;
- to prepare a blueprint for the Council of Europe Campaign and to identify the main subjects to be highlighted during the Campaign as well as the activities to be conducted in the course of the Campaign.

The Task Force held its first meeting in Strasbourg from 21 to 23 February 2006 during which it identified as its first priority the preparation of a *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*. This Blueprint was finalised at its second meeting, from 25 to 27 April 2006, and approved by the Committee of Ministers at its 969th meeting, on 21 June 2006. The *Campaign to Combat Violence against Women, including Domestic Violence (20062008)*, was subsequently launched at a high-level launching conference in Madrid on 27 November 2006. It came to an end with the closing conference in Strasbourg on 10 and 11 June 2008.

This report is the result of the work of the Task Force during its seven meetings and online consultations of its members on measures and action taken by Council of Europe member states to prevent and combat violence against women, including domestic violence.

Members of the Task Force participated in the six seminars on different aspects of violence against women and the two Focal Point meetings organised by the Council of Europe as part of the Campaign. Information from these seminars is included in the report.

The aim of the Task Force was to identify measures that had proved effective at national and international level in preventing and combating violence against women, including domestic violence, and to make recommendations on their use in the Council of Europe member states at large. To this end, it has reviewed new policies and

practices in this field and has identified measures taken in several member states in terms of legislation, support services and data collection, in order to discern general trends in preventing and combating violence against women. It makes recommendations in all these fields and identifies priority areas for future action by all member states as well as the Council of Europe. Furthermore, it has taken into account the Council of Europe's previous work in addressing men's involvement in combating violence against women and has addressed the issue of men's multiple roles in this field.

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# 1 INTRODUCTION

## 1.1. VIOLENCE AGAINST WOMEN – DEFINITION AND EXTENT OF THE PROBLEM

Women of all ages continue to be subjected to many different forms of violence at the hands of men. In all Council of Europe member states, family members, colleagues and complete strangers employ violence to maintain male dominance over women. Despite growing public attention and government pledges to eradicate this century-old scourge, violence against women remains widespread in Europe.

Violence against women is the result of an imbalance of power between women and men. It is not individually experienced abuse: it needs to be understood as a means of enforcing the subordination of women. Throughout history, power relations between women and men have been unequal, resulting in male dominance over, and widespread structural discrimination against, women. To varying degrees, patriarchal cultural and sexual norms, discriminatory divisions of power and labour and the financial dependence of women persist in society – in Europe and beyond. Violence against women is not only a result of these factors: it also reinforces them.

Women in Europe are slapped, kicked, beaten, locked up, sexually and psychologically harassed, genitally mutilated, raped, forced to prostitute themselves and killed by men in their immediate social environment, but also by government officials. As girls, they are sexually abused in the family or at school, discriminated against in their choices of schooling or vocational training, genitally mutilated or married against their will. As women, they are financially, psychologically and sexually abused by their partners and stalked or raped by former partners or strangers. In old age, they are again financially, psychologically and sexually abused by relatives or staff of homes for the elderly and deprived of independent choices.

The different manifestations of violence against women exist across all strata of society in all Council of Europe member states. While certain factors such as ethnicity, religion, economic status, class, sexual orientation and disability shape the various forms of violence suffered, violence against women is not confined to any particular culture, country or religion. It is its universal character that makes it an endemic form of discrimination against women.

An overview of prevalence studies in Europe suggests that across the various countries, one-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives and more than one-tenth have suffered sexual violence involving the use of force. Figures for all forms of violence, including stalking, are as high as 45%. About 12%-15% of all women have been in a relationship of domestic abuse after the age of 16, and many more continue to suffer physical and sexual violence once they are separated from the perpetrator.<sup>1</sup>

In addition to the traumatising physical and psychological consequences for victims, violence against women impacts directly on society, economically and socially. Analyses of the costs of violence against women reveal that it reduces the capacity of victims to contribute productively to the family, the economy and public life, and drains the resources of the social services, the justice system, health care agencies and employers. To take a broader view, it lowers the overall educational attainment, mobility and potential of a significant proportion of the population, affecting all those involved (women victims, children who witness violence and perpetrators). The costs of violence are felt in a very broad range of areas and sectors and may be direct or indirect. While they are, at times, difficult to assess, the first studies in this field show they are extremely high.<sup>2</sup>

The Council of Europe has, in *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*, defined violence against women as including all forms of gender-based violence, whether perpetrated by family members, strangers within the community, state officials or in armed conflict. These extend, *inter alia*, to violence in the family or domestic unit, rape between spouses or other partners, female genital mutilation, forced marriages and other traditional practices harmful to women, but also trafficking in women for the purpose of sexual exploitation and violations of the human rights of women in situations of armed conflict. In line with this definition, violence against women is to be understood as “any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including

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<sup>1</sup> *Stocktaking study on the measures and actions taken in Council of Europe member States to combat violence against women*, Council of Europe, Strasbourg, 2006, CDEG (2006) 3, p.8.

<sup>2</sup> *Idem*, p.8.

threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life”.<sup>3</sup>

This report focuses on violence against women occurring in the family or domestic unit and certain forms of violence against women in the community, in line with the mandate of the Task Force.<sup>4</sup> Issues covered include domestic violence, sexual violence and rape, crimes committed in the name of honour, forced marriage and female genital mutilation, which come under the definition of violence against women set out in *Recommendation Rec (2002) 5*.<sup>5</sup>

Action to combat trafficking in women and girls forms part of the Council of Europe’s extensive work on combating trafficking in human beings, which has led to the adoption and entry into force of the Council of Europe *Convention on Action against Trafficking in Human Beings* and lies outside the scope of the Task Force’s mandate.

## 1.2. VIOLENCE AGAINST WOMEN AS A HUMAN RIGHTS VIOLATION

Violence against women perpetrated by individual men has long been considered a private issue. International human rights law was originally designed to protect individuals from abuse of power by the state, not to protect women from violence by individual men.

A strong women’s movement and the feminist critique of existing human rights standards led to the adoption of international standards and treaties

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<sup>3</sup> Extract from the definition of violence against women in Council of Europe Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence, adopted by the Committee of Ministers on 30 April 2002, Appendix, para.1, hereinafter Recommendation Rec (2002) 5.

<sup>4</sup> It does not, however, cover violence against women in the workplace.

<sup>5</sup> See *Recommendation Rec (2002) 5*, Appendix, para 1 a and b, which reads: “... (Violence against women) includes, but is not limited to, the following: a. violence occurring in the family or domestic unit, including, *inter alia*, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages; b. violence occurring within the general community, including, *inter alia*, rape, sexual abuse, sexual harassment (...).”

which address the concerns of women. Focusing on the elimination of gender discrimination, they set out guarantees for equality between the sexes in public and private life. The *United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*<sup>6</sup> was a milestone in changing the human rights discourse. Not only does it require states parties to guarantee equality between women and men in all aspects of political life, it also includes the obligation to transform cultural, moral and social norms that sustain patriarchal attitudes and gender stereotypes.

Violence against women was not originally considered to come within the remit of CEDAW. However, the *United Nations Committee on the Elimination of Discrimination against Women* – the treaty body monitoring its implementation – established that discrimination prohibited by CEDAW included gender-based violence, meaning violence that is directed against a woman because she is a woman or affects women disproportionately. It thus determined that gender-based violence could breach specific provisions of the Convention even if they did not specifically mention violence against women. More importantly, it established that states could be responsible for private acts, if they failed to act with due diligence to prevent violations of rights or to investigate or punish acts of violence, and for providing compensation. While the concept of due diligence was not new, its application to violence against women was. With its emergence in many regional and international legally binding instruments and non-binding texts since 1993, it has become internationally accepted. The *United Nations Special Rapporteur on Violence against Women, its Causes and Consequences* has elaborated on the due diligence standard to provide governments with guidance on what it entails in relation to preventing and combating violence against women. In addition, the *United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* has further emphasised that domestic (intimate partner) violence against women and female genital mutilation, while conducted in the private sphere, can amount to torture if states fail to act with due diligence.<sup>7</sup>

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<sup>6</sup> *United Nations Convention on the Elimination of All Forms of Discrimination against Women*, adopted and opened for signature by General Assembly Resolution 34/180 of 18 December 1979, entry into force 3 September 1981, hereinafter CEDAW.

<sup>7</sup> Report of the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, “*Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*”, A/HRC/7/3, 2008.

Recognition of violence against women as a human rights violation forms a cornerstone of the Council of Europe's approach to combating this scourge. *Recommendation Rec (2002) 5 on the protection of women against violence* places states under an obligation to exercise due diligence to prevent, investigate and punish all acts of violence, whether those acts are perpetrated by the state or by private individuals, and provide protection to victims. The Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, encouraged member states to recognise violence against women as a human rights violation that needs to be responded to accordingly. The questions addressed in this report are thus based on the recognition that violence against women may constitute a human rights violation if states fail to take all reasonable measures to prevent, investigate and punish all forms of violence against women.

The emergence of violence against women as a human rights violation has caused the issue to receive much more attention, both internationally and nationally, than would otherwise have been the case. It has moved into the public eye and is increasingly recognised as the scourge it is. The current challenge, however, is to prevent violence against women, ensure that all incidents of violence are investigated and prosecuted and that women are sufficiently protected from all acts of gender-based violence.

### **1.3. COMPREHENSIVE APPROACH TO PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN**

Academic research, opinions of practitioners and examples of good practices researched for this report have revealed that a comprehensive approach to preventing and combating all forms of violence against women is essential in any attempt to address the issue properly. Dealing with violence against women through the criminal justice system alone will yield as few results, as will investment in support infrastructure, without substantial legislative changes.

Preventing violence against women, prosecuting and punishing perpetrators and compensating victims for the pain and distress they suffered but also protecting them from further harm are part and parcel of any strategy to combat violence against women. This means that member states need to take a wide variety of measures in many different fields, as part of a comprehensive, coordinated, multi-sectorial, long-term strategy for combating all forms

of violence against women. It is vital to place the needs of women and respect for their choices at the heart of such measures. The aim of a comprehensive approach to combating violence against women must be an effective, co-ordinated intervention system focused on the needs of the victims.

Such a strategy needs to encompass measures aimed at protecting women from further abuse, services which offer advice, counselling and comprehensive help, and effective legal remedies, criminal and civil, for all forms of violence against women. These measures are indispensable and need to be readily available to all women victims of violence. Time and again, gaps in co-ordination or loopholes in protection and safety measures have led to failure to protect women, which could have been prevented and from which lessons need to be learnt.

The important role which women's NGOs play in raising awareness, bringing about social change and providing services for women victims of gender-based violence needs to be recognised in any attempt to set up a comprehensive policy. Active co-operation between statutory agencies and NGOs needs to be established. In many Council of Europe member states, women's NGOs have a long history of providing women-to-women support services and successfully advocating change. It is essential to tap into their extensive experience, involving them in strategy development and decision-making processes wherever possible and providing a legal and financial framework to guarantee their independence and the delivery of sustainable services.

The root causes of gender-based violence as well as prevailing attitudes and behaviour need to be addressed and challenged through education, awareness-raising and training. Without significant changes in cultural, social and moral attitudes in society, men will continue to resort to violence to control women's agency. At the same time, the justice system, both criminal and civil, needs to allow for effective measures that provide real protection from, and criminal justice for, all acts of violence against women. A sense of trust in the justice system needs to be instilled in women who face abuse, and they must be provided with information about their rights, so that they can seek help. This can be achieved only through an extensive overhaul of the system and training for the professionals who are part of it. Legal measures need to be accompanied by specialised services that empower women victims and help them make informed and empowered choices. These services need to be adequately staffed, equipped, trained and accessible, which means they need to be adequately funded. Furthermore, it is necessary to enforce the social and economic rights of women, including the right to work, the right to fi-

nancial aid, the right to affordable housing and the right of migrant and refugee women to an independent residence permit so that victims of violence can live independently and do not have to rely on their husbands or families.

Such a comprehensive approach cannot be guaranteed unless the specificities of violence against women have been understood and analysed. The collection of data on all forms of violence against women and the effect of measures to combat it is essential for the purposes of informing strategy and policy development. A thorough understanding of the needs of women who face genderbased violence must be supported by political will at the highest level, translated into the allocation of resources that allow for a holistic and multi-disciplinary approach, if efforts to combat violence against women are to be successful. This requires sustained funding from states' national budgets, and not just a specialised fund. National budgets need to be assessed from a gender perspective as they impact differently on women and men – a reflection of their different social and economic position. The development of genderbudgeting tools in the field of combating violence against women is essential to enable states to measure the cost-effectiveness of their work and identify how and to what extent resources are being allocated to tackle violence against women. To ensure that states' due diligence responsibilities are shouldered, any decentralised funding to local and regional authorities must be subject to comprehensive inspection and reporting.<sup>8</sup>

A national action plan encompassing action to be taken in different fields to combat violence against women can be an effective tool for ensuring the development of a comprehensive and co-ordinated strategy and policy, provided it is implemented effectively and given the necessary resources. While effective and innovative policies have been put into practice in member states without the existence of a national action plan, the absence of a comprehensive plan of this kind is often a reflection of the lack of an effective and coordinated policy on violence against women. The majority of member states still do not have a comprehensive, co-ordinated policy addressing all forms of violence against women. The existence and effective implementation of such a policy is, however, a core issue and a means of adopting practical policies for combating violence against women. Such a policy should be introduced in all member states.

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<sup>8</sup> *Protecting women against violence: Analytical Study of the Results of the Second Round of Monitoring the Implementation of Recommendation Rec (2002) 5*, Council of Europe, Strasbourg, 2008, CDEG (2008) 2rev, p. 7.

National action plans should include a wide range of measures to effectively combat violence against women. For example, a standard national action plan should, at minimum:

- address all forms of violence against women;
- include concrete goals and indicators for the achievement of these goals;
- specify the comprehensive measures and action required to achieve the stated goals;
- identify the agencies responsible for co-ordinating and those responsible for implementing the national action plan;
- involve NGOs, especially experienced women's NGOs, in the framing and implementation of the national action plan;
- allocate adequate, secure funding to the effective support and protection of women victims of violence and the implementation of the national action plan;
- include a time-frame;
- be approved by government and parliament, be distributed to all relevant institutions and be accessible to the public;
- be regularly monitored, evaluated and revised.

## **1.4. SCOPE OF THE REPORT**

For two years, the Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence*, has followed national and international developments in preventing and combating violence against women. It has looked into many existing policies and practices and has taken note of changes in national law and policy over the course of the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*. In accordance with its mandate, this report contains detailed information, assessments and recommendations on measures to prevent and combat violence against women. It is based on information provided by member states in connection with the monitoring of implementation of Council of Europe *Recommendation Rec (2002) 5 on the protection of women against*

*violence* or received directly from governments as part of the Campaign reporting process. It is also based on academic writing and research as well as NGO reports. While many different sources of information available in a Council of Europe official language have been considered, the measures assessed and examples given in the report are not intended to be exhaustive. In seeking to illustrate the different measures member states have taken in their approach to tackling violence against women, they do not reflect every example of good or innovative practice currently undertaken, or list all the member states that may be using a particular practice. Rather, they reflect trends in the development of national laws and policies to prevent and combat violence against women and have been chosen according to their level of applicability, their interest and the availability of information in one of the official languages of the Council of Europe.

The Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence*, noted during its work that there was a wealth of research, legislation and other measures concerning domestic violence and rape/sexual assault, which was considered for the purpose of this report. As the Council of Europe Campaign has predominantly focused on domestic violence, even more information on national measures and action in this field surfaced. This prompted a more detailed analysis of measures taken to combat domestic violence in comparison with those designed to combat other forms of violence. This does not, however, imply that other manifestations of violence against women were not considered important, but reveals the need to enhance understanding of other forms of violence against women and to engage in more qualitative and quantitative research in these areas. Similarly, it does not restrict the scope of recommendations which the Task Force addresses to the Council of Europe and its member states.

The report starts in Chapter 2 with an overview of the different activities carried out in the context of the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*.

The first part of Chapter 3 sets the stage for the report by explaining the different legal obligations to combat violence against women to which member states of the Council of Europe have subscribed. It also sets out legally binding commitments that other regional international organisations have entered into in this field.

The second part of Chapter 3 discusses national measures to prevent and combat violence against women in respect of legislation, support services

for victims, data collection and awareness-raising, education and training. It presents certain trends in law and policy and highlights particularly interesting examples.

Chapter 4 describes the multiple roles of men in the protection of women against violence and sets out strategies for including men in efforts to prevent and combat such violence.

Chapter 5 contains a set of recommendations for future action by the Council of Europe as well as its member states in the areas of legislation, support services for victims, data collection and education and training. It spells out the measures member states need to implement at national level if they are to be effective in preventing and combating violence against women.

## **2 THE COUNCIL OF EUROPE CAMPAIGN TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE**

The decision to launch the *Campaign to Combat Violence against Women, including Domestic Violence*,<sup>9</sup> dates back to the 3rd Summit of the Council of Europe (Warsaw, 16-17 May 2005). Reaffirming their commitment to eradicating violence against women, the Heads of State and Government of the Council of Europe decided in their Action Plan to address the issue of violence against women by carrying out a Europe-wide campaign, devised and closely monitored by the Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence*.

The Campaign was launched at a high-level conference in Madrid on 27 November 2006. This conference, organised by the Gender Equality and Anti-Trafficking Division in cooperation with the Spanish authorities, was designed to ensure the high-level participation of all Council of Europe member states in order to rally the political will to conduct the Campaign at the highest possible level. It was attended by around 400 participants from 41 member states of the Council of Europe, including several ministers responsible for gender equality, the Spanish Prime Minister, the Secretary General of the Council of Europe, the Chair of the Committee of Ministers of the Council of Europe and the President of the Parliamentary Assembly, as well as the President of the Chamber of the Congress of Local and Regional Authorities, the Council of Europe Commissioner for Human Rights and the United Nations Special Rapporteur on Violence against Women. Representatives from Council of Europe observer states, other international governmental organisations and NGOs also participated in the event.

Once the Task Force had established the Campaign Blueprint,<sup>10</sup> the Committee of Ministers of the Council of Europe approved the document in June 2006. It served as a roadmap for implementation of the Campaign and set out the aims of the Campaign, its objectives and messages, but also its target groups and main players. Recognising the importance of involving different levels of decisionmakers in the effort to combat violence against women,

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<sup>9</sup> *Campaign Outline Paper*, Council of Europe, Strasbourg, 2008, EG-VAW-FP (2008)2 rev.

<sup>10</sup> *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*, Council of Europe, Strasbourg, 2006, EGTFFV(2006) 8 rev 5.

the Blueprint envisaged the active involvement of all the Council of Europe entities as well as the different levels of decision-makers within member states.

On the basis of the catalogue of action envisaged in Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*, and to ensure an effective campaign, the Task Force decided to focus the Campaign on one significant form of violence: violence against women occurring in the family or domestic unit (domestic violence).

***The broad aims of the Campaign were:***

- to raise awareness across the Council of Europe member states of the fact that violence against women is a human rights violation and encourage every citizen to challenge it;
- to urge states to demonstrate political will by providing adequate resources to deliver concrete results in ending violence against women;
- to promote the implementation of effective measures for preventing and combating violence against women, through legislation and national action plans for the implementation of *Recommendation Rec (2002) 5*, and regularly to monitor the progress achieved.

***The specific objectives of the Campaign were to urge member states to make significant progress in the following four areas:***

- legal and policy measures;
- support and protection for victims;
- data collection;
- awareness-raising.

***The messages of the Campaign were as follows:***

- Combating domestic violence calls for joint public action;
- Domestic violence is a human rights violation;

- Domestic violence seriously injures women and damages the whole of society, including future generations;
- Domestic violence requires men's active participation in combating violence against women.

### ***Duration of the Campaign***

Prepared early in 2006, the Campaign was launched in Madrid on 27 November 2006 and ended at a highlevel closing conference in Strasbourg on 10 and 11 June 2008.

### ***Slogan of the Campaign***

The slogan of the Council of Europe Campaign was: STOP DOMESTIC VIOLENCE AGAINST WOMEN. The French version of the slogan was: STOP À LA VIOLENCE DOMESTIQUE FAITE AUX FEMMES.

Within the Council of Europe, the Campaign was subsequently carried out through the Directorate General of Human Rights and Legal Affairs (whose Gender Equality and Anti-Trafficking Division was the Campaign management and co-ordination department), the Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities of the Council of Europe. The Directorate of Communication supported Campaign activities with information and press work. At national level, the Campaign was implemented by national and local governments as well as national parliaments. Council of Europe Information and Field Offices supported both the Council of Europe and member states in conducting the Campaign. All worked in close co-operation with relevant NGOs.

The following section describes the variety of activities and measures taken to conduct the Campaign and provides an initial assessment of the outcome.

## **2.1. OVERVIEW OF ACTIVITIES CARRIED OUT BY THE DIFFERENT CAMPAIGN PLAYERS/ IMPLEMENTING PARTNERS**

### **Implementing partners**

Since the launch of the Campaign on 27 November 2006 at a high-level conference in Madrid, the multitude of players involved in implementing it have engaged in a variety of activities, turning words into action.

Member states of the Council of Europe were invited to appoint a high-level official and focal point to liaise with the Council of Europe on all matters related to the Campaign, but also to initiate and spearhead activities at national level. The Blueprint envisaged that member states would run national campaigns modelled on the Council of Europe initiative, and high-level officials and focal points were invited in particular to initiate such campaigns. During the course of the Campaign, 46 member states appointed high-level officials and/or focal points.

Similarly, national parliaments were invited to appoint a contact parliamentarian to ensure the involvement of every parliament in the Campaign, initiate legislative changes and make use of all the parliamentary mechanisms available to promote efforts to eliminate violence against women. In all, national parliaments in 45 member states appointed contact parliamentarians, as did three parliaments with observer status with the Parliamentary Assembly, as well as the European Parliament and the Nordic Council.

The Council of Europe has carried out its own activities, in the form, for example, of seminars and conferences and in-depth studies, to expand the knowledge base of member states in respect of different approaches to combating violence against women. It has also, through its Secretariat, supported initiatives developed by focal points and contact parliamentarians, by providing campaign material for effective communication, campaigning and awareness-raising.

This section provides an overview of the different types of activities undertaken during the Campaign. In view of the enormous wealth of activities, this overview is not exhaustive, as it is not possible to list all the activities carried out in all member states. More detailed information is available in the Campaign Outline Paper.<sup>11</sup>

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<sup>11</sup> Supra note 9.

## Council of Europe

### *Communication and publicity material*

To provide detailed information about the Campaign and the various Campaign activities at intergovernmental, parliamentary and local and regional level, a special campaign website was set up at [www.coe.int/stopviolence](http://www.coe.int/stopviolence).

With the aim of ensuring high visibility of the Campaign, the Council of Europe developed publicity material featuring the Campaign slogan “Stop domestic violence against women”. This material included posters, flyers, leaflets, white ribbons, stickers, postcards, note pads, pens, calendars and beer mats. It also devised a public-service TV spot announcing the campaign and a radio spot. The different entities within the Council of Europe servicing the different Campaign dimensions were involved in translating Campaign material into national languages and disseminating it as widely as possible. The Campaign poster has been translated into 26 different languages and displayed in more than half the Council of Europe member states. Many of the other Campaign materials were reproduced in a number of countries.

The TV spot, driving home the message that, contrary to common belief, it is in the home that women are at their most vulnerable, was broadcast in more than 26 member states, on public and private TV channels, including several reaching a wide public, such as CNN and Euronews. Furthermore, the TV spot was shown as part of commercial advertising during the Venice Carnival and the Berlinale, a film festival in Berlin in February 2008. In recognition of its powerful message and artistic distinction, the spot received the following awards:

- a gold award in the German section of the Integrated Television and Video Awards (ITVA), Deutschland Gold Award 2007.
- a gold award at the World Media Festival in the category ‘Public Relations: Human Relations and Values’.
- third prize at the US International Film and Video Festival in West Hollywood, California, in the category ‘Political, Government, World Relations’ – C-Certificate for creative excellence.

### *Seminars and conferences*

To further the knowledge base in respect of current developments and good practice in preventing and combating violence against women, five in-

tergovernmental regional seminars were organised on the four core areas of the Campaign.

*Regional Seminar on Legal Measures to Combat Violence against Women, including Domestic Violence, The Hague, Netherlands, 21-22 February 2007.* The first regional seminar took place in The Hague on 21 and 22 February 2007. It provided a forum enabling around 40 government and NGO representatives from Austria, Belgium, France, Germany, Ireland, the Netherlands, Spain and the United Kingdom to exchange information on current developments in the field of law through the presentation of innovative legal measures.

Keynote speakers and national experts shared their experiences of matters such as protection and nonmolestation orders, specialist domestic violence courts and aggravating circumstances in the criminalisation of domestic violence. The discussion centred on the different forms protection and non-molestation orders took in the participating member states, but also on the added benefit of specialist domestic violence courts. In addition, a large part of the seminar was devoted to ways and means of guaranteeing adequate implementation of legal instruments – an issue of high importance if legal measures are to succeed.

*Regional Seminar on Men's Active Participation in Combating Domestic Violence, Zagreb, Croatia, 9-10 May 2007.* The second regional seminar was held in Zagreb, Croatia, on 9 and 10 May 2007. Devoted to the issue of men's active participation in combating domestic violence, it highlighted one of the main messages of the Campaign. It focused not only on men as perpetrators of violence, but also on their role as active agents of change in both preventing violence in the family and protecting the victims of this violence. As violence against women is rooted in the patriarchal culture and unequal power relationship between women and men, it is supported by discriminatory traditions and attitudes as well as gender stereotypes reflecting male dominance.

Around 70 government and NGO representatives from Austria, Croatia, Ireland, the Netherlands, Norway, Spain and the United Kingdom, as well as representatives from the United Nations, discussed the importance of making male perpetrators responsible for their actions, not only through criminal sanctions but also through counselling designed to promote behavioural change and prevent recidivism. The participants agreed that there was much men could and should do to combat violence against women. By virtue of the fact that men formed the vast majority of perpetrators of domestic violence, they

were also best placed to combat it. They could speak out against violence and encourage other men to do the same. Men could play an active role simply by acting as role models for non-violent behaviour. Men's roles as fathers, caretakers and guardians were crucial. Men could act as "agents of change" and promote positive roles which men could take on in order to challenge prevailing gender stereotypes and discriminatory cultural norms.

*Regional Seminar on Data Collection as a Prerequisite for Effective Policies to Combat Violence against Women, including Domestic Violence, Lisbon, Portugal, 5 July 2007.* The third regional seminar organised within the framework of the Campaign was held in Lisbon, Portugal, on 5 July 2007. Around 170 government and NGO representatives from Austria, Armenia, Cyprus, Georgia, Italy, Malta, Portugal, San Marino, Slovakia and Ukraine discussed the role of data in informing and shaping effective policies to combat violence against women.

Keynote speeches explained the type of data that could be collected: surveys of violence against women, population-based data or administrative data from organisations, institutions and agencies that provided services for victims of such violence. Even though more and more Council of Europe member states were carrying out population-based surveys, they were neither comparable across countries nor necessarily carried out on a regular basis to allow for comparison over time. This meant that while important work was being done to assess the scale of victimisation, harmonised standards were lacking.

Service-based administrative data, on the other hand, were rarely collected – despite the benefits of information technology. Government agencies such as the police, the judiciary, the public health sector and child or social welfare services did not have administrative data systems that went beyond their internal recording needs. As a consequence, violence against women became invisible because it was difficult to keep track of cases, even across the criminal justice system. Similarly, it was difficult to assess whether any improvements in reporting and prosecution had occurred. Furthermore, the effectiveness of multi-agency strategies to improve intervention was undermined by the failure to provide a minimum of feedback about interlocking procedures when other agencies took over.

*Regional Seminar on Protection and Specialised Support by the Police, Health Care Professionals and Social Workers for Victims of Domestic Violence, Skopje, "the former Yugoslav Republic of Macedonia", 11-12 September*

ber 2007. Around 90 government and NGO representatives from Albania, Bulgaria, Croatia, Serbia, Slovenia, “the former Yugoslav Republic of Macedonia” and Turkey participated in the fourth regional seminar and discussed the reaction of the police, health care professionals and social workers to domestic violence. Participants focused on the responses of these professions to the needs of victims of domestic violence as well as effective co-operation between these service providers and non-governmental organisations. Keynote speeches and presentations of national experiences identified the roles that these professions played in preventing domestic violence and protecting and supporting its victims. In addition, a large part of the seminar was devoted to ways and means of increasing not only co-operation among these professional groups but also co-operation with other service providers, public authorities and nongovernmental organisations. Participants agreed that in order to guarantee the victim’s safety and empowerment it was of utmost importance that the different service providers should share a common understanding of domestic violence and adopt co-ordinated approaches to dealing with the victims, their children and perpetrators.

*Regional Seminar on Support and Protection for Victims of Domestic Violence: Services Needed, Espoo, Finland, 8-9 October 2007.* The fifth and last regional seminar organised in the context of the Campaign was held on 8 and 9 October 2007 in Espoo, Finland. Around 100 government and NGO representatives from Denmark, Estonia, Finland, Iceland, Norway, Latvia, Lithuania, the Russian Federation and Sweden shared information on and discussed the issue of support services for women victims of domestic violence.

Keynote speeches and presentations of national experiences focused on the organisation of, and prerequisites for, support services. In addition, a large part of the seminar was devoted to the types of support services currently provided by the member states and to identifying areas requiring further action in this respect. In their discussions, the participants singled out certain key elements that should be considered as starting points in developing an effective service sector for victims of violence. The first step in organising such services should be to agree on a common understanding of violence against women and adopt and implement a national action plan to combat violence against women. Secondly, training for professionals and authorities involved at all levels in combating violence and guidelines and handbooks for handling cases of violence against women were essential. The collection of gender-disaggregated data and the sharing of such data among service providers and between authorities were considered equally important in the organisation

of the service sector. Furthermore, it was pointed out that the continuity of victim services should be ensured by long-term government funding.

To provide a forum where all those appointed to promote the Campaign at national level could exchange information, set up networks and cooperate, a *Conference of National Focal Points* and a *Joint Conference of National Focal Points and Contact Parliamentarians* were organised in Strasbourg on 4 and 5 June 2007 respectively. Through reports on national experience and keynote speeches on effective measures in the field of the law, protection and support for victims, data collection and awarenessraising, conference participants were provided with an overview of current and new measures to combat violence against women. Similarly, opportunities for co-operation among different players were presented and discussed, as a means of enhancing the success of the Campaign. During the conference, many government focal points and contact parliamentarians from the same country met for the first time. Establishing personal contact was in many cases the first step towards improving cooperation in connection with action to combat violence against women.

The *Conference on Support Services for Women Victims of Violence*, held in Strasbourg on 6 and 7 December 2007, highlighted the advantages of minimum standards for support services for women victims of violence. On the basis of a presentation of draft minimum standards, 90 nongovernmental and government representatives from 38 Council of Europe member states discussed the benefits of defining minimum standards, what they should encompass and how they should be applied.

With a view to presenting final reports on national action taken within the framework of the Campaign, national focal points were invited to a final *Meeting of National Focal Points* in Strasbourg on 21 and 22 April 2008. At this meeting, the focal points presented national reports on action to prevent and combat violence against women.<sup>12</sup> Apart from enabling participants to learn about many valuable contributions to the Campaign at national level, the conference made it possible to share information about good practices and effective measures at national level to combat violence against women.

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<sup>12</sup> These are contained in Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence – Compilation of National Reports on action to prevent and combat violence against women*, Council of Europe, Strasbourg, 2008, EG-VAW-FP(2008)1 rev.

The main features of the discussions at the above seminars, along with speeches and presentations, were recorded in seminar and conference proceedings.<sup>13</sup>

The Parliamentary Assembly organised three co-ordination meetings for contact parliamentarians and five meetings of the regional groupings of contact parliamentarians, at which participants devised strategies for involving their national parliaments in efforts to prevent and combat violence against women. The exchange of ideas for legislative work supported contact parliamentarians in their efforts to implement the Campaign at national level. Contact parliamentarians were also invited to contribute to the work of the regional groupings set up by the Parliamentary Assembly. This provided an opportunity to discuss the types of activities to be carried out at national level, how to involve parliament in combating violence against women and how to ensure implementation of the seven key legislative measures identified in Parliamentary Assembly *Resolution 1582 (2007) "Parliaments united in combating domestic violence against women": mid-term assessment of the campaign*. Parliamentarians acknowledged the importance of raising awareness of violence against women through hearings and parliamentary debates. At the same time, they emphasised the importance of initiating legislative change.

The Assembly also organised the *Final Conference of the Parliamentary Dimension of the Campaign* in Vienna in April 2008, at which parliamentarians adopted the Vienna Declaration.<sup>14</sup>

At this conference, parliamentarians reaffirmed the commitment of national parliaments to prevent and combat violence against women, including domestic violence, and invited parliaments to continue the work of adopting and/or monitoring the implementation of laws to combat domestic violence against women. Furthermore, they invited the Parliamentary Assembly and national parliaments to continue networking with parliamentarians from the 47 member states involved in activities to combat violence against women and to further involve men in this action. Lastly, they invited the Council of Europe to draw up a *European Framework Convention to combat violence*

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<sup>13</sup> These are available at [www.coe.int/equality](http://www.coe.int/equality) and [www.coe.int/stopviolence/intergov](http://www.coe.int/stopviolence/intergov).

<sup>14</sup> Vienna Declaration, *Parliaments: act now to stop domestic violence*, adopted by the participants in the Final Conference of the Parliamentary Dimension of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, organised jointly by the Parliamentary Assembly of the Council of Europe (PACE) and the Austrian Parliament in Vienna, Austria, on 30 April 2008, AS/Ega/(2008) 3 rev2, aegadocinf03\_2008 rev2.

*against women, including domestic violence* and to involve parliamentarians and NGOs in the drafting process. It was specified that this instrument should take account of the specific aspects linked to equality between women and men and be designed to protect victims, punish perpetrators and prevent this human rights violation.

Reiterating its call for a legally binding instrument in this field, the Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly considered, in its assessment of the results of the Campaign and the outlook for the future, it insufficient to address the issue of the protection of women against violence in a recommendation. The Committee therefore advocates for a legally binding international instrument in this field, encompassing a gender dimension and covering the most severe and widespread forms of violence against women: domestic violence, sexual assault (including rape and marital rape) and harassment, forced marriages, crimes committed in the name of honour and female genital mutilation. To ensure its effective implementation, an independent monitoring mechanism should be established.<sup>15</sup>

In the course of the Campaign, many Council of Europe Information and Field Offices contributed to it by organising seminars, round tables, workshops, action days, press conferences and theatre performances to raise awareness of violence against women (for example in Azerbaijan, Lithuania, Moldova, Poland, Romania, Slovakia, and Ukraine). Many other offices made Campaign material available in national languages by translating it and finding adequate channels for disseminating it.

## **Studies**

One of the four objectives of the Campaign was significant progress in the provision of support and advocacy services for women victims of violence. However, the knowledge base of such services consisted largely of individual practices suitable for local contexts and often developed on the basis of available funding rather than strategy. Very little work had focused on identifying minimum standards and principles in the provision of such services which

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<sup>15</sup> *Parliaments united in combating domestic violence against women: the results of the Council of Europe Campaign and the outlook for the future, Introductory Memorandum, Committee on Equal Opportunities for Women and Men, Parliamentary Assembly, AS/Ega (2008)27, 23 June 2008, aegadoc27\_2008.*

governments should respect in order to meet their international obligation to exercise due diligence in preventing, investigating and punishing acts of violence and providing protection to victims. To fill this gap, the Council of Europe decided to explore the issue of minimum standards in the field of support services for women victims of domestic violence and sexual assault/rape. The results of this project, including proposed minimum standards, were compiled by means of consultation involving government and NGO experts and are published in “*Combating violence against women: minimum standards for support services*”.<sup>16</sup>

Inspired by another objective of the Campaign, that of improving the systematic collection of data that are comparable over time and from country to country, the Council of Europe has studied the question of collecting administrative data on violence against women. Based on country visits and replies to questionnaires, the study analysed to what extent member states are currently collecting administrative data. To support governments in their efforts to avail themselves of existing or easily collectable data, the study on “*Administrative data collection on domestic violence in Council of Europe member States*” contains guidelines on how to set up administrative data systems that go beyond the internal recording needs of statutory agencies such as the police, the judiciary and public health and social welfare services.<sup>17</sup>

## **Exhibitions**

One of the intergovernmental Campaign activities was an exhibition of national campaign posters designed to combat violence against women, which showed how Europe was addressing the issue. The exhibition was set up in Strasbourg in September 2006 for the Council of Europe Open Day and again to mark the International Day for the Elimination of Violence against Women in 2007.

A travelling photo exhibition under the title “*Break the silence on domestic violence*” was organised by the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, in co-operation with the Council of Europe Directorate of Communication. In juxtaposing the plight of women fleeing abusive relationships with the pledge by prominent

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<sup>16</sup> *Combating violence against women: minimum standards for support services*, Council of Europe, 2008, Strasbourg, EG-VAW-CONF(2007) Study rev.

<sup>17</sup> *Administrative data collection on domestic violence in Council of Europe member States*, Council of Europe, Strasbourg, 2008, EG-VAW-DC(2008)Study.

figures to advocate change, it showed the extensive need for improvement in laws, policies and practices. It was set up in many different locations, including Belgrade, Paris, Sarajevo, Sofia, Strasbourg and Stockholm.

## National governments

Many Council of Europe member states have recognised violence against women as a public policy concern and have not only introduced legal and policy measures to protect women from abuse, but have also taken many initiatives to raise public awareness. Others have only recently started to address the issue systematically, while a third group of member states is still in the process of raising awareness among decision-makers and the general public of the fact that violence against women is not a private matter. Despite these differing circumstances, the Council of Europe's call for action to combat violence against women in the context of the Campaign was heeded by a large number of member states.

National focal points and/or highlevel officials appointed by 46 governments took the lead in conducting the Campaign at national governmental level. By attending Council of Europe conferences and seminars and initiating activities at national level, they acted as an important link between the international and national levels and were instrumental in spearheading national campaign action.

In choosing the type of activity that best fitted the current situation in terms of combating violence against women, some governments conducted awareness-raising campaigns with the help of the Council of Europe Campaign poster and material. Others assessed and overhauled their internal set-up for framing policy in this field to improve the response to such violence. Yet others sought to exchange views with other member states and offered to host one of the regional seminars organised by the Council of Europe so that participants could learn from the experiences of others. A number of governments planned or carried out long-term national campaigns modelled on the Council of Europe Campaign Blueprint, using the Campaign slogan, poster and TV spot in their national languages. Many others ran national campaigns of shorter duration around the 16 Days of Activism against gender-based violence. Many innovative ways of spreading the messages of the Campaign that went far beyond the use of existing publicity material were explored, for example mobile phone text-messaging, interactive websites, art competitions,

the staging of topical plays and fund-raising activities such as a walkathon against domestic violence.

In an effort to unite different public entities and players in combating violence against women, many governments seized the opportunity provided by the Campaign to engage in joint activities with other national, regional and local players. Governmental focal points and/or high-level officials actively cooperated with contact parliamentarians appointed by national parliaments, often supported by Council of Europe Field and Information Offices, to organise public-awareness events.

In many cases, the Council of Europe Campaign was considered an adequate framework in which to put into practice existing government intentions to take action to prevent and combat violence against women. More detailed information on activities in member states and their results is provided below.

## **National parliaments/contact parliamentarians**

The Parliamentary Assembly of the Council of Europe has strongly supported the launch of a pan-European campaign to combat violence against women and has been instrumental in implementing the parliamentary dimension of the Campaign through a network of contact parliamentarians.

Comprised of 55 parliamentarians, elected by 48 parliaments, including parliaments with observer status with the Assembly, this network of dedicated parliamentarians mobilised their respective parliaments to organise awareness-raising activities and initiate legal reform to prevent and combat violence against women. Around 40 national parliaments have actively contributed to the Campaign by carrying out more than 200 activities. These include the adoption of solemn declarations, raising awareness among parliamentarians and the general public, dissemination of campaign material in national languages, setting up networks of male parliamentarians against violence against women, organising seminars, conferences and parliamentary hearings but also passing laws and initiating legal reforms concerning domestic violence.

These activities were co-ordinated and supported by the Parliamentary Assembly, which organised three coordination meetings for contact parlia-

mentarians, prepared Campaign material (handbook for parliamentarians, white ribbons, etc.) and provided information about the parliamentary dimension of the Campaign through a website, newsletters and information stands during Parliamentary Assembly sessions. Furthermore, it initiated pan-European parliamentary activities to mark International Women's Day and the International Day for the Elimination of Violence against Women, and to co-ordinate the work of the five regional groups of contact parliamentarians.

Assessing the Campaign half-way through, the Parliamentary Assembly identified seven key legislative measures that national parliaments of member states were invited to adopt.<sup>18</sup> Ranging from legislative changes such as making domestic violence against women, including marital rape, a criminal offence to setting up sufficient numbers of safe shelters and providing sufficient budgetary resources, these key measures set the standard against which to measure the success of parliamentary initiatives. In replies to a questionnaire, 40 parliaments reported on progress in these areas. An assessment of measures taken is contained in a report by the Assembly Rapporteur on the results of the parliamentary dimension of the Campaign and the outlook for the future.<sup>19</sup>

## Local and regional authorities

The Congress of Local and Regional Authorities of the Council of Europe has taken a strong stand against violence against women and invited local and regional authorities across Europe to become actively involved in the Campaign by taking measures to combat violence against women at their respective levels. During the 2007 Spring Session, the Chamber of Local Authorities of the Congress organised a debate on violence against women, and high-level representatives of the Congress participated in various events throughout the Campaign, including the screening of films on violence against women.

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<sup>18</sup> Parliamentary Assembly *Resolution 1582(2007) and Recommendation 1817 (2007) on "Parliaments united in combating domestic violence against women": mid-term assessment of the Campaign.*

<sup>19</sup> Report by the Committee on Equal Opportunities for Women and Men on «*Combating violence against women: towards a Council of Europe convention*», Parliamentary Assembly Doc.11702

Confronted with the consequences of violence against women on a daily basis, many municipalities heeded the Congress's call for action and actively participated in the Campaign. Furthermore, they expressed a willingness to make the fight against violence against women a political priority. Supported through a website featuring good practice examples and other important resources as well as Campaign material, many cities and regions in Europe carried out activities as part of the Campaign.

To mark International Women's Day on 8 May 2007, awareness-raising weeks were organised under the patronage of the Congress. Under this scheme, a number of cities across Europe conducted poster campaigns, displaying the Campaign poster on the streets, on buses, in bus stations, in public buildings and in some cases on municipal websites. Local and regional authorities were encouraged to organise public debates and take further action to prevent and combat violence against women.

The local and regional dimension of the Campaign benefited from the strength of the municipalities and regions – the closeness to the citizen. Using its network of contacts, its members – locally and regionally elected representatives – united behind a targeted message which they spread in their own fora and through their own means.

Furthermore, the involvement of national bodies in local and regional activities created important synergy between different levels of responsibilities. This has significantly raised the impact of the Campaign by fostering co-operation between different sectors (education, sport, art, transport, social protection). The local and regional dimension of the Campaign provided a forum for concerted action and allowed valuable partnerships to be forged between local and regional authorities, specialised bodies and civil society, including the private sector. It also made it possible to reach out to young people through school, sport and artistic events.

To ensure follow-up to the Campaign, the Congress Committee on Social Cohesion has been asked to draft a report on possible action by local and regional authorities to prevent and combat domestic violence, and to prepare a recommendation and resolution, which will be submitted to the Congress for adoption at its 17th session, in March 2009.

## **2.2. ASSESSMENT OF THE COUNCIL OF EUROPE CAMPAIGN**

The Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence* (2006/2008), was one of the most successful and high-profile campaigns of the Council of Europe. It benefited from widespread national and international support. The structure of the Campaign, which involved – for the first time – governments, parliaments and local and regional authorities, has enhanced the reach and prominence of the Campaign. After its launch in Madrid on 27 November 2006 at a high-level conference, 46 governments appointed national focal points and/or high-level officials to conduct the Campaign at national level and liaise with the Council of Europe on all relevant issues. Similarly, 48 parliaments, including parliaments with observer status with the Parliamentary Assembly of the Council of Europe, appointed contact parliamentarians to ensure implementation of the Campaign at national level. Furthermore, other international intergovernmental organisations such as the United Nations, the OSCE and the Nordic Council of Ministers, but also international NGOs (Amnesty International, La Strada International and Women Against Violence Europe (WAVE)), joined the Campaign.

### **2.2.1. Results of the Campaign at international level**

First and foremost among the results of the Campaign is the recognition by the different players that violence against women is a human rights violation, not a private matter. Member states therefore have a due diligence obligation to prevent violence against women, protect victims and punish perpetrators. This shift is a positive step in eradicating violence against women.

Secondly, the Campaign has helped to place violence against women at the top of the political agenda of the Council of Europe member states. The commitment of Heads of State and Government of Council of Europe member states that prompted their decision to carry out a Council of Europe Campaign against violence against women was visible in many countries throughout the Campaign. It was apparent at the launch of the Campaign, which took place in Spain at the invitation of the Spanish Prime Minister, Mr Zapatero, who pledged to contribute to the eradication of violence against women. It was also reflected in the participation of many ministers responsible for gender equality in the launch and the closing conference of the Campaign. Furthermore, the Secretary General and Deputy Secretary General of the Council of Europe, the President

of the Parliamentary Assembly, the President of the Chamber of Local Authorities of the Congress of Local and Regional Authorities and the Council of Europe Commissioner for Human Rights supported the Campaign in every possible way. Many contact parliamentarians raised public awareness of violence against women and ensured that it stayed on the political agenda. This support and commitment helped to create the political momentum for change, which needs to be kept up and used to ensure that new and existing measures to combat violence against women are implemented.

Thirdly, the Campaign and its closing conference have shown that joint public action by all national and international players is needed to combat violence against women. The Campaign infrastructure, with its government-appointed focal points and high-level officials, contact parliamentarians appointed by national parliaments and actively involved local and regional authorities, proved successful in raising awareness of violence against women. For two years, members of these different entities engaged, individually and jointly, in a wide variety of activities to implement the Campaign. Instead of just inviting national governments to take appropriate measures, the *Blueprint of the Campaign to Combat Violence against Women, including Domestic Violence*, ensured that responsibility for implementing the Campaign was spread among different levels of power. Parliamentarians were thus encouraged to initiate parliamentary measures in the form of parliamentary hearings, draft laws, working groups and much more. Furthermore, they were in the unique position of being able to scrutinise the government's efforts to implement the Campaign and combat violence against women. Local and regional governments, which are responsible for setting up local infrastructure to support and protect victims of gender-based violence, were also involved in the Campaign. Through national ministries responsible for gender equality issues, national governments devised and/ or initiated new policy measures, designed new national plans of action addressing violence against women and thus set guiding principles for the elimination of violence against women at national level.

Both the three-tiered Campaign set-up and the high-level support the Campaign enjoyed expanded the scope of the Campaign to include other important stakeholders, such as NGOs and other bodies providing services to women victims of genderbased violence. It supplied these stakeholders with a tool with which to assess the Campaign activities of government and parliamentary players and call for more specific improvements/measures. The Campaign thus successfully promoted even stronger involvement on the part of NGOs.

Fourthly, promotion of the implementation of measures set out in *Council of Europe Recommendation Rec (2002) 5 on the protection of women against violence* through the Campaign has yielded substantial results. Significant progress was made in respect of the following seven key indicators, which were chosen as a means of assessing the impact of the Campaign:

- Any and every act of violence against women is considered a criminal offence.
- Violence perpetrated by a partner or former partner is punished more severely than violence among strangers (e.g. genderbased violence as such or the abuse of power is considered an aggravating circumstance).
- Victims are enabled to seek justice in a humane manner (e.g. through specialised courts dealing with domestic violence, specialised units within the police, the public prosecutor's office or the judiciary).
- There is a national emergency helpline available round the clock, free of charge, for victims of domestic violence.
- Sufficient numbers of safe shelters for victims of domestic violence have been set up.
- Administrative data on victims of domestic violence are collected.
- It is recognised that domestic violence is not a private matter but a human rights violation to be addressed by all state organs and every individual.

In the course of the Campaign, the *Council of Europe Task Force to Combat Violence against Women, including Domestic Violence*, assessed measures and action taken at national level to combat violence against women, including domestic violence. On this basis, it has developed recommendations for future Council of Europe action, but also national measures, in this field.<sup>20</sup> These are an important outcome of the Campaign, in that they point the way forward. The international recommendations build on the existing political momentum to address violence against women at national and international level. The Task Force has therefore recommended drafting a Council of Europe

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<sup>20</sup> For details see Chapter 5 of this report.

human rights convention to prevent and combat violence against women, appointing a European Special Rapporteur on violence against women as well as an observatory (femicide watch) to collect data on murders of women by their husbands, ex-husbands, intimate partners and relatives.

## 2.2.2. Results of the Campaign at national level

Council of Europe member states contributed significantly to the success of the Campaign by actively implementing it at national level. The 46 government-appointed national focal points and/or highlevel officials initiated, managed and implemented a wide variety of national campaign activities. As a network of government representatives, they gave the Campaign a high profile, often in creative and resourceful ways, despite its short duration. The large number of appointments showed that violence against women is a topic of political concern in Council of Europe member states. The *National Reports on action to prevent and combat violence against women*, submitted by government focal points from 43 member states, provide detailed information on developments in preventing and combating violence against women which took place during the Campaign.<sup>21</sup>

### National campaigns

The invitation by the Council of Europe to run public awareness campaigns during or as a follow-up to the Campaign was taken up by 26 member states. An additional 13 member states had, prior to the launch of the Campaign, started longterm campaigns and therefore reported on ongoing national campaign activities. Only four member states did not run any campaign activities during the time-frame of the Campaign because they had either recently carried out national campaigns or were planning to do so in the near future or had decided to implement the Campaign by reviewing their policies for combating violence against women instead of campaigning on the topic.

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<sup>21</sup> Supra note 12. The following countries provided information: Albania, Andorra, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, San Marino, Serbia, Slovenia, Sweden and Turkey.

Most national campaigns were awareness campaigns targeting the general public and victims of domestic violence. Using national language versions of the Council of Europe Campaign poster, TV and/or radio spots and additional material, national campaigns sought to foster awareness of the fact that domestic violence needs to be stopped. Many member states also targeted professionals by including training and awareness-raising initiatives for members of the police forces in their national campaign activities. In many cases, the campaign advertised newly or recently established national or regional helplines. National campaigns varied in scope and duration and many were carried out around the International Day for the Elimination of Violence against Women (25 November).

Numerous means, many of them imaginative, were used to spread the message: campaign posters were displayed in public places, on public transport, in schools and elsewhere, the radio and TV spots were widely broadcast, a special radio jingle was devised in Croatia and Bosnia and Herzegovina (Republika Srpska), campaign buses displaying campaign posters toured several cities in Lithuania, mobile phone users in Albania received the message "Violence kills unless you speak up! React by saying No to domestic violence", special websites were set up in Belgium, Hungary and many other countries, art competitions for children were organised on the theme of domestic violence in Malta and Montenegro, photo and other exhibitions were held, articles highlighting the plight of women victims of domestic violence were published in Estonian daily newspapers, multidisciplinary professional round tables, seminars and conferences were organised at local, regional and national level, activities to raise funds for shelters, such as the Maltese walkathon, were organised, films dealing with the issue of violence against women were screened in many member states, often followed by public debates, the press was specifically targeted to increase media interest in the issue and advertisements explaining the nature of domestic violence were placed in newspapers.

It is important to note that in several member states, Council of Europe Information Offices supported national campaigns by translating campaign material and organising joint activities with national players.

Feedback received by several member states revealed that the Council of Europe Campaign had proved essential in providing a framework in which to pursue changes in policies and practices for preventing and combating violence against women. The readiness with which the different entities at national level implemented the Campaign shows the high level of support it re-

ceived. Nonetheless, further advance planning of the Campaign and a longer time-frame for the Campaign would have allowed the Council of Europe to provide more assistance and would have improved planning at national and international level. This could have led to the allocation of increased financial and human resources to national campaigns, but also the Council of Europe Campaign.

Furthermore, the results of the Campaign as well as those of the inter-governmental work on gender equality in general would have been significantly enhanced if male members of parliaments, governments and regional and local authorities had taken more responsibility for the issue of gender equality in general and violence against women in particular. Participation of men in Campaign activities was limited, which shows that issues of gender equality, particularly that of violence against women, are still perceived as women's issues, and are therefore liable to be marginalised in political decision-making.

## Developments in policies and practices

Following the call for enhanced implementation of measures set out in *Recommendation Rec (2002) 5* during the Campaign, substantial improvements have been made in the area of the seven key measures chosen as a means of assessing the impact of the Campaign. Information received from 36 governmental focal points on these indicators points to a range of substantial improvements in the field of legislation – initiated before and/or during the launch of the Campaign.<sup>22</sup> The importance of studying how victims of domestic violence make use of the justice system and available services, to better respond to their needs, was also recognised during the Campaign. Essential support services such as shelters and round-the-clock helplines are, however, still insufficiently available – despite efforts to meet demand by some member states during the Campaign.

**Indicator 1:** Any and every act of violence against women is considered a criminal offence.

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<sup>22</sup> Supra note 12.

The final reports on national campaign action show that any and every act of violence against women is a criminal offence in 31 member states. From comments made in the reports it appears that a large number of these states have not introduced specific criminal offences but apply their general criminal law provisions, such as those covering “willful bodily harm” to cases of violence against women. Some have reported recent initiatives to introduce specific criminal offences of domestic violence, the better to recognise the continuous nature of this offence.

**Indicator 2:** Violence perpetrated by a partner or former partner is punished more severely than violence among strangers (e.g. gender-based violence as such or the abuse of power is considered an aggravating circumstance).

Only 15 of the 36 member states that submitted final reports punish violence perpetrated by a partner or former partner more severely than violence among strangers and thereby recognise the existence of aggravating circumstances. Where these are recognised, difficulties in applying more severe sentences have been reported. These are due to low levels of scrutiny and awareness among the relevant professionals. This means that recognition of the serious nature of intimate partner violence – as reflected in the fact that acts of violence committed against a current or former partner are punished more severely than other forms of violence – is only beginning to surface.

**Indicator 3:** Victims are enabled to seek justice in a humane manner (e.g. through specialised courts dealing with domestic violence, specialised units within the police, the public prosecutor’s office or the judiciary).

Roughly half of all member states (25 out of the 36 that replied) have recognised the importance of enabling victims of violence against women to seek justice in a humane manner and have set up specialised courts or specialised units within the police, the public prosecutor’s office or the judiciary.

**Indicator 4:** There is a national emergency helpline available round the clock, free of charge, for victims of domestic violence.

Despite substantial improvements, the provision of practical support services for women victims of violence remains limited in most member states. In only half of all member states can women, in cases of domestic violence, seek help by calling a national helpline available free of charge round the clock.

**Indicator 5:** Sufficient numbers of safe shelters for victims of domestic violence have been set up.

Fewer than a third of all member states offer adequate numbers of safe shelters for victims of domestic violence, and demand therefore seriously outweighs supply in most member states. This means that women in most member states are still turned away from overcrowded shelters or simply live too far away to go to any shelter at all. These results are all the more striking as some member states increased the number of shelter places or introduced local, regional or national helplines during the campaign. It shows that the Campaign created the momentum for improving the provision of services in some member states but that this momentum has yet to reach others.

**Indicator 6:** Administrative data on victims of domestic violence are collected.

The collection of data on victims of domestic violence is scant in most Council of Europe member states. While there is a move towards the collection of population-based data through surveys, the information available from administrative data is rarely tapped into. One of the aims of the Campaign was therefore to enhance efforts in member states to collect administrative data that were sound and comparable across Council of Europe member states. As a result, some member states report that they have taken measures to this end. In all, 32 out of the 36 member states that replied reported the collection of some form of administrative data. Some of them provided extensive information on efforts to collect additional data through surveys. This represents an important step in the attempt to recognise loopholes in laws and practices, but also the obstacles faced by victims who seek justice and help.

**Indicator 7:** It is recognised that domestic violence is not a private matter but a human rights violation to be addressed by all state organs and every individual.

Recognition of domestic violence as a human rights violation requiring a public policy response has improved significantly in member states. There is a strong consensus that domestic violence is not a private matter. 28 member states reported that domestic violence is considered a human rights violation in their legal system, the aim being to ensure that all national players act accordingly.

# **3** OVERVIEW AND EVALUATION OF MEASURES TO PREVENT AND COMBAT VIOLENCE AGAINST WOMEN AT NATIONAL AND INTERNATIONAL LEVEL

## **3.1. INTERNATIONAL MEASURES TO PREVENT AND COMBAT VIOLENCE AGAINST WOMEN**

Council of Europe member states have undertaken to protect and respect the human rights of their citizens under many different human rights treaties and in the framework of various international intergovernmental organisations. Many of these treaties are crucial to the protection of women against violence, as they set out a series of rights, including the right to life, liberty, physical inviolability or personal security, freedom from slavery, equality and nondiscrimination.

This section provides an overview of the different human rights obligations essential for the protection of women against violence. In essence, it elaborates on the fact that while Council of Europe member states are bound by an array of human rights obligations, no legally binding international treaty available to them is specifically dedicated to the protection of women from the many forms of psychological, physical and sexual violence they experience every day. This sets them squarely apart from the member states of the Organisation of American States and the African Union, which are explicitly bound by regional conventions on the elimination of violence against women.

Hence, it is primarily the general obligation to ensure the protection of life, liberty and security of person under the Council of Europe *Convention for the Protection of Human Rights and Fundamental Freedoms* that obliges Council of Europe member states to protect women against violence. They are also required to take measures to protect women from any type of violence as State Parties to the *United Nations Convention on the Elimination of all Forms of Discrimination against Women*, given that the United Nations Committee on the Elimination of Discrimination against Women considers discrimination to include gender-based violence.

However these treaties were drafted for a purpose other than the elimination of violence against women, and this section shows that action to combat violence against women in Council of Europe member states would significantly benefit from a legally binding convention on the elimination of violence against women, as this would encourage and reinforce a harmonised approach in law, policy and practice to combating violence against women.

### 3.1.1. Council of Europe

#### *Legal framework*

In signing and ratifying the *Convention for the Protection of Human Rights and Fundamental Freedoms*,<sup>23</sup> all member states of the Council of Europe have agreed to secure a significant range of fundamental rights and freedoms to everyone within their jurisdiction.<sup>24</sup> These include the right to life (Art. 2), the prohibition of torture (Art. 3), the prohibition of slavery and forced labour (Art. 4), the right to liberty and security (Art. 5), the right to respect for private and family life (Art. 8) and the prohibition of discrimination (Art. 14). More rights are granted by additional protocols to the Convention.<sup>25</sup> In the context of domestic violence, three of these are worth highlighting as they grant the right to the protection of property (Art. 1, Protocol 1) and the right to equality between spouses (Art. 5, Protocol 7) and include a general non-discrimination clause which affords protection beyond the enjoyment of the Convention rights (Art. 1, Protocol 12). The right to life, liberty and security of person as well as the right to respect for private and family life and the prohibition of torture, slavery and forced labour are of importance in the context of other forms of violence against women, such as rape and sexual violence, but also crimes committed in the name of honour and forced marriages.

Citizens and non-citizens within the jurisdiction of a member state, women and men alike, therefore enjoy protection of the right to life, liberty and secu-

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<sup>23</sup> Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005), 4 November 1950, ratified by all 47 member states of the Council of Europe, hereinafter European Convention on Human Rights or ECHR.

<sup>24</sup> Art. 1 ECHR.

<sup>25</sup> Protocols 1 (ETS No. 009), 4 (ETS No. 046), 6 (ETS No. 114), 7 (ETS No. 117), 12 (ETS No. 177) and 13 (ETS No. 187) to the European Convention on Human Rights.

rity, the right to private and family life, the right to property and the right to equal treatment of spouses.<sup>26</sup> They are furthermore protected from torture, slavery and forced labour, as well as from discrimination.

To prevent discrimination in the sensitive area of marriage, the right to equality between spouses set out in Protocol No.7 to the *European Convention on Human Rights* entails the obligation to ensure equality between spouses in regard to their person or property and their relations with their children. This applies to all rights and responsibilities during marriage, to legal effects related to the conclusion of marriage and in the event of its dissolution. Protocol 12 was drafted to ensure the fundamental principle of equality and nondiscrimination on grounds of sex in law beyond the realm of marriage. Ratified by only 17 member states, it has little practical relevance as yet. Nonetheless, it sets the stage for effective protection against discrimination on the grounds of sex by any public authority in the exercise of their public powers, including in the law-enforcement sector. As regards the protection of women against violence, this means, for example, that the response of the police to threats to the lives, liberty and personal security of women in the context of gender-based violence (domestic violence, rape/sexual assault, forced marriages, female genital mutilation etc.) must be exercised without discrimination. The police are obliged to respond to cases of violence against women in the home or elsewhere as vigorously, frequently and swiftly as they would respond to a threat by a private individual to the life, liberty and personal security of a male citizen. Consequently, any official conduct that reveals attitudes such as the belief that violence against women is a private matter or which does not make use of all available protective measures may constitute discrimination in the enjoyment of rights guaranteed by law.

Taken together, these rights and freedoms make it clear that Council of Europe member states have a responsibility to prevent violence, protect women and punish perpetrators of violence against women. They do not, however, specify what legal and policy measures need to be adopted to achieve full prevention of violence or what types of support and protection services are to be offered to victims of such violence. Thus, despite the obvious importance of framing general obligations to protect fundamental rights and freedoms from abuse by both state officials and private individuals, the European

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<sup>26</sup> Merrills, J.G., Robertson, A.H., *Human rights in Europe – A study of the European Convention on Human Rights*, Manchester University Press, Melland Schill Studies, Manchester, 2001, p.25-26.

human rights system would be significantly improved if a convention specifically dedicated to the protection of women against violence were added to it. Such a convention could clarify the scope of the right of women to be free from violence as well as the obligation of states parties to give effect to this right, so that women's right to live free from violence is effectively ensured.

Filling this void, the European Court of Human Rights has taken on the role of delineating the scope of protection for life, liberty and personal integrity by developing a growing body of case-law on the nature of positive state obligations to provide protection from violence against women perpetrated by private individuals.<sup>27</sup> The case of *Kontrova v. Slovakia*, a recent case in line with this case-law, is a landmark in the protection of women against violence.<sup>28</sup> The Court found a violation of the right to life because of a failure on the part of the law-enforcement agencies to react promptly to a well-documented threat by the applicant's husband to kill her and her children. In the view of the Court, the obligation of the police in light of a serious threat in a situation of domestic violence included "duly registering the applicant's criminal complaint, launching a criminal investigation and commencing criminal proceedings against the applicant's husband immediately, keeping a proper record of the emergency calls and advising the next shift of the situation" as well as "taking action in respect of the allegation that the applicant's husband had a shotgun and had made violent threats with it".

In a similar landmark decision concerning the issue of the effectiveness of a criminal investigation into a rape case, the European Court of Human Rights found in *M.C. v. Bulgaria* that the investigation as carried out by the Bulgarian authorities fell short of requirements inherent in the state's positive obligations to establish and apply effectively a criminal law system punishing all forms of rape and sexual violence.<sup>29</sup> It mainly considered the undue focus

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<sup>27</sup> Steiner, H.J., Alston, P., *International Human Rights Law in Context*, Oxford University Press, Oxford, 2000, p. 363; McCann, *Farrell and Savage v. the United Kingdom*, judgment of 5 September 1995, Ser. A, No. 324; *Yasa v. Turkey*, judgment of 2 September 1998, para. 100; *Osman v. the United Kingdom*, judgment of 28 October 1998, para. 115; *Acar and Others v. Turkey*, judgment of 24 May 2005, paras. 72-74; *Ognyanova and Choban v. Bulgaria*, judgment of 23 February 2006, para. 102.

<sup>28</sup> *Kontrova v. Slovakia*, judgment of 31 May 2007, concerning the failure of the police to act on threats by the applicant's husband to kill the applicant and their common children. As a result, he shot himself and their children on 31 December 2002.

<sup>29</sup> *M.C. v. Bulgaria*, judgment of 4 December 2003, concerning the failure of the authorities to investigate all aspects of two incidents of rape of a 14-year old girl who did not scream, shout or otherwise forcefully resist.

on lack of proof of the applicant's physical resistance to two rapes as a restrictive approach to the prosecution of rape cases. Since many rape victims, particularly minor rape victims, do not resort to levels of resistance which can easily be proven in criminal proceedings, the interpretation of the criminal elements of rape in Bulgaria was considered to limit rape victims' possibility of seeking criminal justice.

While this case-law is an important step forward, waiting for opportunities for the Court to elaborate on the meaning of "protection" from all forms of violence against women is a piecemeal and long-term approach best avoided. Rather, a legally binding convention on the elimination of violence against women which clearly defines the concept of gender-based violence, covers its different forms and contains a comprehensive and holistic catalogue of measures for effectively preventing and combating violence against women would be far more effective and should be prepared.

It could build on the measures and action set out in Council of Europe *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*. This non-binding legal instrument was the first international instrument to propose a comprehensive and co-ordinated strategy for preventing violence against women and protecting victims, covering all forms of gender-based violence against women. It acknowledges the fact that violence against women is the result of an imbalance of power between women and men and leads to serious discrimination against the female sex, both in society and within the family, and stresses the urgent need to combat this phenomenon. It includes nine key recommendations to member states, which centre on the review of legislation and government policies, the establishment of co-ordinated action plans, promotion of research and higher education programmes concerning violence against women and data collection. At the same time, it recommends that member states recognise their "obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims".<sup>30</sup>

However, as *Recommendation Rec (2002) 5* is not a legally binding instrument, no mechanism to enforce implementation of the recommended measures exists. Consequently, its implementation leaves room for improvement in all Council of Europe member states. While some have taken a range

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<sup>30</sup> Para. I.

of initiatives to comply with some of the suggested measures, no member state has fully implemented its provisions. Framing some or all of the measures it calls for in the context of a legally binding instrument would give their implementation new impetus. The recommendation therefore provides an excellent basis on which to elaborate a legally binding instrument in this field.

### ***Mechanisms***

Recognition and respect throughout Europe for the equal dignity and right to security of women and men are major objectives of the Council of Europe. The Steering Committee for Equality between Women and Men (CDEG), as an intergovernmental body, is the principal organ responsible for defending, fostering and conducting Council of Europe action to promote equality between women and men. It is directly answerable to the Committee of Ministers, from which it receives its instructions and to which it addresses its reports and proposals. The members of the committee are entrusted with the task of promoting co-operation between member states and stimulating action at national level, as well as within the Council of Europe, to achieve effective equality between women and men. To achieve its aim, the CDEG carries out analyses, studies and evaluations, proposes practical instruments, organises projects, defines strategies and political measures, and, where necessary, frames appropriate legal and political instruments.

The CDEG has undertaken a series of initiatives to promote the protection of women against violence. On the basis of a decision by the European Ministers responsible for equality between women and men, the CDEG oversaw the development of an Action Plan to Combat Violence against Women. Using political, judicial, administrative, educational, cultural and other means, the Action Plan sought to provide national government departments with a policy framework for combating violence against women.<sup>31</sup> A series of seminars and conferences was organised to shed light on different forms and aspects of violence against women and contribute to the knowledge base on topics such as preventing domestic violence, providing assistance and support to its victims and the diverse roles men may assume, but also issues connected with women's violence against men.

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<sup>31</sup> The Action Plan is contained in: *Summary of the Plan of Action to Combat Violence against Women*, Strasbourg, 1998, EG-S-VL (1998) 1.

These activities revealed the need for a holistic and concerted approach to combating violence against women, which led to the elaboration of *Recommendation Rec (2002) 5 on the protection of women against violence*. This includes a recommendation to member states to inform the Council of Europe of measures and action taken at national level to monitor implementation of *Recommendation Rec (2002) 5*. To harmonise the reporting of information, the CDEG developed a monitoring framework based on 20 indicators, with the aim of obtaining regular data that provided information about progress towards the protection of women against violence and were comparable over time. The first two rounds of monitoring were concluded in 2006 and 2008.

The results of both rounds have been analysed and published. The first sets of results are contained in *Combating violence against women – Stocktaking study on measures and action taken in Council of Europe member states*.<sup>32</sup> This contains comprehensive information on national measures in respect of legislation, services and support for victims, perpetrator re-socialisation, education and professional training as well as the collection of data not previously available. It also contains baseline information against which to compare developments in measures to prevent and combat violence against women.

Additional information received after the cut-off date for the stocktaking study was compiled and analysed in *Protecting women against violence – Analytical study on the effective implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe member states*.<sup>33</sup>

The second set of results is analysed in *Analytical Study of the Results of the Second Round of Monitoring the Implementation of Recommendation Rec (2002) 5*.<sup>34</sup> Comparing data submitted by member states with the baseline information received during the first round of monitoring, it draws conclusions on progress made in the area of support services, legislation, awareness-raising and training in violence against women and the collection of data.

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<sup>32</sup> Supra note 1.

<sup>33</sup> *Protecting women against violence – Analytical study on the effective implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe member states*, Council of Europe 2007, CDEG (2007)3.

<sup>34</sup> Supra note 8.

A summary evaluation of the data is planned after completion of the fourth round of monitoring, by which time increased knowledge and experience will probably call for further development of the monitoring framework and, indeed, of *Recommendation Rec (2002) 5* itself, unless the Council of Europe has embarked on the process of preparing a binding convention with an appropriate monitoring mechanism in this field – a far more effective way of obtaining comprehensive responses from member states.

The Council of Europe Commissioner for Human Rights, an independent institution within the Council of Europe mandated to promote awareness of, and respect for, human rights in all member states, actively promotes respect for women’s human rights throughout his work. In his efforts to engage in permanent dialogue with Council of Europe member states and during his official country visits, he inquires into national measures taken to prevent and combat violence against women, mainly domestic violence and trafficking in women and children, but also into levels of participation of women in public life. In a recently expressed viewpoint, he stated that “domestic violence still plagues Euro-pean societies” despite many initiatives and pledges to take action. While the measures needed to combat domestic violence were widely known, he said, they were still not systematically implemented in Council of Europe member states. He therefore called for a comprehensive, international treaty on violence against women which included legally binding standards for the prevention, protection and prosecution of violence against women and for care for victims.<sup>35</sup>

## **Activities**

A series of seminars and conferences on different aspects of violence against women<sup>36</sup> led in 1993 to the 3rd Ministerial Conference on Equality between Women and Men, which was devoted to “*Strategies for the elimination of violence against women in society: the media and other means*”. The *Declaration on policies for combating violence against women in a democratic Europe* adopted on that occasion includes an early reference to the existence of the due diligence standard of states in combating violence against women. It notes that the “*responsibility of states [...] may also be engaged with regard*

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<sup>35</sup> *An international or European treaty is needed for the protection of women against violence*, viewpoint of the Commissioner for Human Rights of the Council of Europe, Mr Thomas Hammarberg, issued 7 January 2008.

<sup>36</sup> The seminar and conference proceedings are available at [www.coe.int/equality](http://www.coe.int/equality).

*to private acts of violence if the state does not take action with sufficient diligence to prevent the violation of rights or investigate acts of violence, to sanction them and provide support for the victims”.*<sup>37</sup>

To study the different forms of violence against women and the different measures taken by member states in response to it, the Council of Europe has, in addition to monitoring implementation of *Recommendation Rec (2002) 5*, prepared various studies and publications. Since 1998, for example, it has periodically compiled information on legislation on violence against women in Council of Europe member states.<sup>38</sup> It has also studied traditional practices harmful to women and has published a “*Study on forced marriages*”, focusing on the legislation and policies implemented in Council of Europe member states to combat this phenomenon.<sup>39</sup>

The Parliamentary Assembly of the Council of Europe has taken up the issue of eliminating violence against women from a parliamentary perspective, and prepared recommendations and resolutions on a number of different forms of violence against women.

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### ***Parliamentary Assembly resolutions and recommendations***

- *Recommendation 1450 (2000) on violence against women in Europe*
- *Resolution 1247(2001) on female genital mutilation*
- *Recommendation 1582 (2002) on domestic violence against women*
- *Resolution 1327 (2003) on so-called “honour crimes”*
- *Recommendation 1681 (2004) on the Campaign to combat domestic violence against women in Europe*
- *Recommendation 1723 (2005) on forced marriages and child marriages*
- *Resolution 1512 (2006) “Parliaments united in combating domestic violence against women”*
- *Recommendation 1759 (2006) “Parliaments united in combating domestic violence against women”*

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<sup>37</sup> 3rd Ministerial Conference on Equality between Women and Men, Rome 21 – 22 October 1993, *Declaration on policies for combating violence against women in a democratic Europe*, MEG-3 (93) 22, para.18.

<sup>38</sup> *Legislation in the member states of the Council of Europe in the field of violence against women*, Volumes I and II, Council of Europe, Strasbourg, 2007, EG (2007) 1.

<sup>39</sup> *Forced marriages in Council of Europe member states – A comparative study of legislation and political initiatives*, Council of Europe, Strasbourg, 2005, CDEG (2005) 1.

- *Resolution 1582 (2007) “Parliaments united in combating domestic violence against women”: mid-term assessment of the campaign*
- *Recommendation 1817 (2007) “Parliaments united in combating domestic violence against women”: mid-term assessment of the campaign*
- *Recommendation 1777 (2007) on sexual assaults linked to “date-rape drugs”*

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a. Available at [www.coe.int/stopviolence](http://www.coe.int/stopviolence).

Despite the fact that, as nonbinding instruments of international law, these recommendations have their limitations, they provide comprehensive guidance for Council of Europe member states on how to proceed in preventing and combating violence against women. Along with other Council of Europe work, they constitute the standard against which to measure national approaches in Council of Europe member states.

The Council of Europe's high level of awareness of violence against women and the amount of work carried out in this field culminated in the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, which was launched in November 2006 and came to an end in June 2008. A complete overview and assessment of the Campaign is to be found in Chapter 2.

### **3.1.2. European Union**

#### ***Legal framework***

Being designed to achieve economic and political unity among its members, European Community and later European Union legislation has mainly focused on regulating questions relating to trade, open markets, movement of persons and goods and economic and social cohesion.<sup>40</sup> Exclusive powers to engage in extensive human rights law-making have not been conferred on the European Union.

Nonetheless, the European Union has introduced a range of binding and non-binding legal instruments to further gender equality in its member states. Its competency in this field lies primarily in the field of gender main-

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<sup>40</sup> See the activities of the European Community as set out in Article 3, EC Treaty, 2001.

streaming as a means of achieving common policies and the eradication of discrimination between women and men in all areas under its jurisdiction. In introducing a gender perspective into regulations that govern various aspects of life, the European Union's initiatives contribute to achieving real gender equality, thereby empowering women. With a view to remaining within the scope of its express powers,<sup>41</sup> the European Union has focused its work in the area of gender equality on combating sex discrimination in select areas such as employment, occupation, social security and lately also access to goods and services.<sup>42</sup> An important point of reference is Directive 2002/ 73/EC of the European Parliament and European Council, which amends Council Directive 76/207/ EEC on equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. It prohibits sexual harassment, as a form of sex discrimination. Member states are encouraged to prevent all forms of discrimination on the grounds of sex, in particular harassment, including sexual harassment, in the workplace.

The European Union has not, however, issued a legally binding instrument on the protection of women against gender-based violence. Measures to prevent and combat violence against women therefore remain within the

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<sup>41</sup> See Article 5 of the EC Treaty: "In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community."

<sup>42</sup> See Article 2 of the EC Treaty, which provides that the promotion of equality between men and women is a task of the European Community, and Article 3(2), proclaiming that it should aim to eliminate gender inequality, and to promote equality, between men and women in all its activities. For a legal basis for European Union legislation on equal treatment for men and women, see Article 141(3) for matters of employment and occupation, Article 13(1) for matters outside the employment field, and Article 137 for matters of employment and improved living and working conditions. See also Directive 2006/54/EC of the European Parliament and European Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

<sup>43</sup> Articles 2 and 3 of the Treaty of Nice limit the mandate of the European Union to legislating on equality between men and women in its areas of activity only, none of which includes the protection of human rights and fundamental freedoms. Article 13 of the same treaty merely provides a legal basis for counteracting discrimination based, among others, on sex. (Treaty of Nice, amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, signed on 26 February 2001, Official Journal C 80, 10 March 2001). For an overview of European Union legislation in the field of combating discrimination between women and men, see [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation_en.html).

regulatory powers of each member state.<sup>43</sup> The Charter of Fundamental Rights of the European Union does not provide for the protection of women against violence as it aims to ensure the protection of fundamental rights in the everyday work of the bodies and institutions of the European Union within its existing jurisdiction.<sup>44</sup> Upon its entry into effect, the obligation of member states to respect the set of rights enshrined in the Charter will be limited to activities aimed at implementing Union law.<sup>45</sup>

However, the European Council has recently issued a recommendation on the prevention of injury and the promotion of safety, calling on member states to take measures to prevent injuries, including those caused by intentional violence, particularly domestic violence against women and children.<sup>46</sup> The prevention of this form of violence was recognised as a priority in the prevention of injury and the promotion of safety, and European Union member states are asked to pay particular attention to this issue, including the link between the consumption of alcohol and drugs and the number of intentional injuries, in connection with domestic violence against women and children.

Furthermore, Council framework decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings touches on many issues which are important for women victims of violence seeking criminal justice. Among these are measures to ensure that victims are treated with due respect for the dignity of the individual, their right to receive information on all aspects of criminal proceedings and their rights and role in them, but also the involvement of specialist services and victim support organisations in criminal proceedings.

Since 1997 the European Parliament has taken up the issue of violence against women in many resolutions and reports. A resolution on the need to establish an EU-wide campaign for “zero tolerance of violence against women” led to an awarenessraising campaign in 1999-2000 conducted by the Euro-

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<sup>44</sup> See Article 51 of the *Charter of Fundamental Rights of the European Union*, 2000/C 364/01, proclaimed in 2000.

<sup>45</sup> As part of the Treaty establishing a Constitution for Europe, Heads of State or Government and Ministers of Foreign Affairs of the 25 member states of the European Union signed the Charter in Rome on 29 October 2004. The process of ratification in line with national constitutional requirements is still taking place.

<sup>46</sup> *Council Recommendation of 31 May 2007 on the prevention of injury and the promotion of safety* (2007/C 164/01).

pean Commission. In 2004 the European Parliament adopted a Resolution on the current situation in combating violence against women and any future action (2004/2220(INI)), calling on member states and the European Commission to consider violence against women as a human rights violation and to adopt appropriate legal and policy measures to improve the protection of women against all forms of violence. The resolution also calls on the European Union to address the issue of crimes committed in the name of honour and asks the Commission to declare a European Year against men's violence against women. More recently, during its July 2008 session, the European Parliament called on the European Commission and the European Council to put in place a clear legal basis for combating all forms of violence against women, including trafficking.

The current lack of such a clear legal basis for developing a common policy to combat violence against women means that member states of the European Union are required to design and implement national approaches individually. To avoid the lengthy processes of designing, testing and re-shaping policies to address violence against women in every European Union member state, women's rights groups have also called for a legal basis for the European Union to engage in law-making activities in this area.<sup>47</sup> This, it is hoped, would result in a coherent and effective approach to combating violence against women, based on a uniform definition which recognises violence against women as a human rights violation.

A convention on the elimination of violence against women, adopted within the framework of the Council of Europe, whose member states include all the member states of the European Union, would fill this gap.

### ***Mechanisms and activities***

Mindful of the limitations of its jurisdiction to design a common legally binding policy in this area, the European Union has been instrumental in raising awareness of violence against women and in financially supporting activities, projects and research at local and European level.

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<sup>47</sup> See for example "Evaluation of the Implementation of the European Commission's Roadmap for Equality between Women and Men 2006-2010 – year one", European Women's Lobby, 18 October 2007, p.10, and "Resolution on the Future Constitutional Framework of the European Union", European Women Lawyers' Association, 12 May 2007, para.1.2.

Since 1997, the DAPHNE Initiative, which later became the DAPHNE Programme, has been running to fund and support measures to prevent and combat violence against children, young people and women and protect its victims and groups at risk. Apart from projects run by nongovernmental organisations, it extends to funding local government players. This has ensured a wide variety of projects at local and regional level. The second round, the DAPHNE II Programme, ensured its continuation,<sup>48</sup> and the DAPHNE III Programme (2007-2013) was subsequently adopted to guarantee continuous financial support for projects.<sup>49</sup>

In parallel, the European Union conducted a campaign in 1999 and 2000 to raise awareness of violence against women among its citizens, with a particular focus on domestic violence. This was sparked by Euro-pean Parliament Decision A4-250/ 1997 calling on member states to introduce specific legislation aimed at protecting victims of gender-based violence in criminal and family law. As part of this campaign, a collection of studies and research projects on attitudes towards violence against women was compiled and published as “*Eurobarometer No. 51.0 on Europeans and their views on domestic violence against women*”.<sup>50</sup>

With a view to furthering research in the field of domestic violence, the 6th Framework Programme of the European Union provided funds for an interdisciplinary network of researchers on violence against women for the period 2004-2007. This network, the “Co-ordination Action on Human Rights Violations” (CAHRV), consisted of various institutional partners and individual researchers and carried out research into human rights violations in the context of interpersonal relationships.<sup>51</sup>

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<sup>48</sup> Established by a decision of the European Parliament and the Council of 21 April 2004 adopting a programme of Community action (2004-2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (2004/803/EC).

<sup>49</sup> On 20 June 2007 the European Parliament and the Council adopted Decision No. 779/2007/EC establishing, for the period 2007-2013, a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme “Fundamental Rights and Justice”. [http://ec.europa.eu/justice\\_home/funding/daphne3/funding\\_daphne3\\_en.htm#parat\\_3](http://ec.europa.eu/justice_home/funding/daphne3/funding_daphne3_en.htm#parat_3).

<sup>50</sup> Eurobarometer No. 51.0 on Europeans and their views on domestic violence against women, presented on 14 July 1999.

<sup>51</sup> For an overview of the network’s work and publications, see <http://www.cahrv.uni-osnabrueck.de/reddot/index.html>.

In a recent bid to show its commitment to achieving real gender equality, the Commission of the European Union has identified the eradication of gender-based violence as one of six priority areas for action by the European Union. To this end, it committed itself in its *Roadmap for equality between women and men 2006-2010* to speeding up work on a system to provide comparable statistics on crime, victims and criminal justice and monitor progress at European Union level, as well as supporting member states and NGOs in their efforts to eradicate gender-based violence by means of awareness campaigns and the sharing of good practice and research, but also by means of programmes for victims and perpetrators.

Work is consequently under way to set up a coherent framework for all European Union member states for the collection of statistical data on crime, victimisation and criminal justice within the next few years. Violence against women, including domestic violence and trafficking in human beings, is among the categories of crimes for which indicators are to be developed.<sup>52</sup> It is hoped that this initiative will help generate much-needed data on violence against women, comparable across European Union countries.

It remains to be seen whether the newly-established European Institute for Gender Equality will tackle the issue of violence against women. Endowed as it is with a wide mandate to provide technical support in the area of gender equality by gathering and analysing information, raising awareness and developing tools for gender mainstreaming, it would be essential to cover gender-based violence to fulfil this mandate.<sup>53</sup> Only if women lead lives free from violence are they able to benefit from economic and social gender equality policies. However, the regulation setting up the Institute limits the scope of its work to achieving gender equality in European Community policies and competencies – thereby excluding the eradication of violence against women.

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<sup>52</sup> For more information, see Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, COM(2006)437 final, 7 August 2006.

<sup>53</sup> Regulation (EC) No. 1922/2006 of the European Parliament and the Council of 20 December 2006 on establishing a European Institute for Gender Equality.

### 3.1.3. Organisation for Security and Co-operation in Europe

#### *Legal framework and political commitments*

Spanning a wide range of security-related concerns, the work of the Organisation for Security and Cooperation in Europe, by virtue of its human dimension, extends to the protection of human rights, including gender equality. The Organisation's decisions are political in nature and taken by consensus, and do not therefore place legally binding obligations on member states. Nonetheless, the body of political commitments declared on various occasions over the past decades is indicative of the change in paradigm that took place among decision-makers shaping international laws and policies.

While the Helsinki Final Act of 1975 committed its signatories to protecting human rights and fundamental freedoms “deriving from the inherent dignity of the human person”, it singled out only the right to freedom of religion and minority rights. The realisation that women may require special protection from gender-based violence was reflected only in later declarations of political intent, such as that adopted at the Moscow meeting of the Conference on the Human Dimension of the CSCE in 1991.

Since then, OSCE member states have constantly taken measures to eliminate violence against women, recognising, among other things, that gender equality is a cornerstone of a just and democratic society based on the rule of law.<sup>54</sup> In a similar vein, they have recognised the special needs and roles of women in armed conflict as well as post-conflict situations.<sup>55</sup> Furthermore, the special vulnerability of women in countries in economic transition has been acknowledged.<sup>56</sup> They have also recognised the need to promote gender equality and women's full participation in political life,

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<sup>54</sup> For an overview, see excerpts from OSCE Documents Regulating Gender Equality, [http://www.osce.org/documents/gen/2005/07/15827\\_en.pdf](http://www.osce.org/documents/gen/2005/07/15827_en.pdf); for example Charter for European Security, Istanbul, 19 November 1999, III. Our Common Response, para.24.

<sup>55</sup> Document of the Moscow meeting of the Conference on the Human Dimension of the CSCE, 10 September – 4 October 1991, para. 40; Final Helsinki Declaration of the Parliamentary Assembly 9 July 1993, para.10; Warsaw Declaration of the OSCE Parliamentary Assembly, 8 July 1997 paras. 160-174.

<sup>56</sup> *Towards a Common and Comprehensive Security Model for Europe for the Twenty-First Century*, Stockholm Declaration of the OSCE Parliamentary Assembly 9 July 1996.

decision-making, employment and many other areas, thereby expressing their commitment towards achieving comprehensive gender equality.

Given the political nature of these declarations and decisions, the final decision on the initiation of legal and policy measures and the allocation of the necessary resources lies with OSCE participating states. Mechanisms to enhance or monitor implementation are consequently not available.

It remains to be seen whether the Ministerial Council Decision on Preventing and Combating Violence Against Women adopted in December 2005 will result in a more concerted and expeditious effort.<sup>57</sup> This decision reiterates the obligation of states to exercise due diligence to prevent, investigate and punish perpetrators of violence against women and girls and provide protection to victims.<sup>58</sup> In a comprehensive list of activities, it urges participating states to afford all victims of violence the full protection of the law as well as all other medical and social assistance, train and educate relevant professions, collect comparable data and strengthen the economic independence of women.<sup>59</sup> These activities are in line with the types of activity advocated in the Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*.

## ***Mechanisms***

This series of declarations of political intent was followed by the adoption by the Permanent Council of the OSCE of the 2000 Action Plan for Gender Issues, which was intended to ensure that OSCE commitments were taken into account by participating states as well as in the practical work of OSCE institutions and field missions.<sup>60</sup>

With the 2000 Action Plan for Gender Issues lacking effective implementation,<sup>61</sup> an enhanced and strengthened Action Plan for the promotion of gender equality was adopted in 2004, containing a twofold approach: achieving gender equality within the Organisation as well as in participating states.<sup>62</sup> To this end, it sets out goals for the Organisation in the areas of staff manage-

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<sup>57</sup> MC.DEC/15/05 of 6 December 2005.

<sup>58</sup> Ibidem, preamble.

<sup>59</sup> Ibidem, paras. 4-7.

<sup>60</sup> PC.DEC/353 of 1 June 2000.

<sup>61</sup> MC.DEC/14/04 of 7 December 2004, paras.4-8.

<sup>62</sup> Ibidem, para.2.

ment, recruitment and training, including specific training modules on domestic violence.<sup>63</sup> Participating states are recommended to take effective steps to promote gender equality in general and, as a matter of priority, prevent violence against women with the legislative and project-based assistance of the OSCE Secretariat.<sup>64</sup>

## **Activities**

The OSCE, particularly through its Office for Democratic Institutions and Human Rights (ODIHR), carries out a range of activities aimed at supporting member states in their efforts to combat violence against women and achieve gender equality. Activities designed to establish a policy dialogue with governments and civil society, such as training courses for law-enforcement agencies, arrangements for co-operation among NGOs and law-enforcement authorities and assistance with drafting laws on domestic violence show that the ODIHR has included violence against women among its main activities.

OSCE field missions have also played an important role in working to achieve gender equality and prevent violent behaviour towards women. For example, the OSCE Mission in Kosovo developed a “Manual for responding to incidents of domestic violence”, designed to help social workers in Kosovo to handle individual cases, apply new legislation, network, co-ordinate services, organise training and reach out to the public.<sup>65</sup>

### **3.1.4. United Nations**

#### **Legal framework**

Council of Europe member states have signed and ratified a number of legally binding treaties within the framework of the United Nations.<sup>66</sup>

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<sup>63</sup> Ibidem, para.11.

<sup>64</sup> Ibidem, paras.42 and 44.

<sup>65</sup> *Responding to Incidents of Domestic Violence – Manual for Social Services Officers*, Department of Human Rights and Rule of Law, OSCE Mission in Kosovo, 2006.

<sup>66</sup> In addition to setting standards in international law, the United Nations has, through its various bodies and agencies, carried out a wealth of projects, programmes and activities in the area of preventing and combating violence against women. This section, however, gives priority to the legal framework created under its auspices.

Deriving mainly from the *International Covenant on Civil and Political Rights* (ICCPR)<sup>67</sup> and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), these treaties place a set of obligations on member states which is similar to those deriving from the *European Convention on Human Rights*. For example, the ICCPR requires states to respect and secure fundamental rights without distinction of any kind, including the right to life (Art. 6), the prohibition of torture and cruel, inhuman and degrading treatment or punishment (Art. 7), the prohibition of slavery (Art. 8), the right to liberty and security of person (Art. 9), respect for privacy and family (Art. 17 and 23) and equality before the law and equal protection of the law (Art. 26).

Spelling out how these rights ensure the protection of women from violence, the Human Rights Committee – the treaty body watching over the implementation of the ICCPR – has made it clear that ineffective legislation on domestic violence and other types of violence, including rape and sexual violence, and restricted access to safe abortions for women who have become pregnant as a result of rape may violate the right of women not to be subjected to torture, cruel, inhuman and degrading treatment or punishment.<sup>68</sup> It considers a range of additional policies and practices as interference with the equal enjoyment by women of the rights enshrined in the Covenant, including the practice of taking account of a woman's sex life when she avails herself of legal rights and protection against rape but also the practice of extinguishing the rapist's criminal responsibility if he agrees to marry the victim.

Focusing on discrimination against women in all aspects of life, CEDAW prohibits discrimination against women in public and private life, including in all relations between private individuals. Complying with the convention means taking all appropriate measures to prevent private and public discrimination in order to ensure the full enjoyment of human rights by women.<sup>69</sup> These measures include legislative, administrative, educational and all other measures needed to achieve *de facto* gender equality.

In order to understand how the provisions in question impose a legal obligation to prevent and combat violence against women, including domestic vio-

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<sup>67</sup> International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, hereinafter ICCPR.

<sup>68</sup> Human Rights Committee, General Comment 28, Equality of rights between men and women (Article 3), UN doc. CCPR/C/21/Rev.1/Add.10 (2000).

<sup>69</sup> See Arts. 2 – 5 CEDAW.

lence, as a violation of women's human rights by private individuals, it is important to trace essential developments in international human rights law thinking.

Traditionally, fundamental rights and freedoms enshrined in both the *European Convention on Human Rights* and the ICCPR have been considered to impose mainly negative obligations on states to refrain from acts of interference with the private sphere of the individual, thereby guaranteeing the individual's liberty, autonomy and privacy.<sup>70</sup> Framed by law-making bodies and parliaments consisting largely of male advocates of an international human rights system, early conventions and treaties predominantly reflected the experiences of human rights violations suffered by men rather than women. While most men experienced violations of their individual rights in connection with their functions in public life, outside the home, women have suffered and continue to experience fundamental violations of their bodily integrity and dignity at the hands of private individuals in the home. This difference in experience was reflected in the fact that the private sphere was left unregulated. This led to an artificial distinction between the public and private spheres of life. Thus international human rights law originally regulated the relationship between the individual and the state, with a strong emphasis on the public sphere. Consequently, the state was considered responsible only in circumstances where violations of individual rights were attributable to state action and not private acts.

Over the years, this concept has been challenged by feminist legal scholars for its failure to provide protection to women facing atrocities at the hands of private individuals in the home.<sup>71</sup> Criticism centred on the fact that because women experience violations of their fundamental rights and freedoms predominantly in the private sphere,<sup>72</sup> their world is not reflected in a system of human rights provisions whose scope ends at the doorstep. Instead, it leaves them vulnerable to human rights abuses in the private sphere. A human rights protection system of this kind is therefore inefficient.

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<sup>70</sup> Ovey, C. and White, R.C.A., *European Convention on Human Rights*, Oxford University Press, Oxford, 2002, p.38.

<sup>71</sup> Cook, R., *State Responsibility for Violations of Women's Human Rights*, in Harvard Human Rights Journal, Vol. 7, 1994, pp.130-134.; Sullivan D., *The Public/Private Distinction in International Human Rights Law*, in Peters J., Wolper A. (eds.), *Women's Rights, Human Rights*, New York Routledge, 1995, pp.129-132; Charlesworth, H., Chinkin, C., *The boundaries of international law*, Manchester, University Press, 2000, p.30.

<sup>72</sup> Charlesworth, H., Chinkin, C., *The Gender of Jus Cogens*, in Human Rights Quarterly, Vol.15 (1993), p.73; Sullivan D., *supra* note 71, p.127.

Scholarly work arguing the case for the expansion of the concept of state responsibility to cover private acts of violence has been accompanied by developments in international case-law and more recent human rights treaties, allowing a broader understanding of the notion of state responsibility under international human rights law to gain momentum.

An important milestone here was the adoption and entry into force of CEDAW in 1979 and 1981 respectively because the scope of the obligations it laid down was expressly intended to go beyond the public sphere. It explicitly requires states to eliminate private conduct detrimental to women and renders the state liable if practices discriminating against private individuals prevail (Article 2 e). In an effort to interpret the Convention, the *Committee for the Elimination of Discrimination against Women* specified in its *General Recommendation No. 19* of 1992 that the definition of discrimination contained in Article 1 of the convention included genderbased violence, even if this was not explicitly mentioned. In this *General Recommendation*, the CEDAW Committee defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately”.<sup>73</sup> Such violence includes “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.<sup>74</sup> In its view, “gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence against women”.<sup>75</sup> Consequently, the committee spells out that “gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of Article 1 of the Convention”.<sup>76</sup> Human rights and fundamental freedoms that may be impaired or nullified because of this type of violence include the right to life, the right not to be subjected to torture, cruel or inhuman or degrading treatment, the right to liberty and security of person, to equal protection under the law and to equality in the family and the right to the highest attainable standard of mental and physical health.

Furthermore, the Committee emphasises that discrimination under the Convention is not restricted to action by or on behalf of governments, call-

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<sup>73</sup> General Recommendation No. 19, 11th session, 1992, para.6.

<sup>74</sup> Ibidem.

<sup>75</sup> Ibidem.

<sup>76</sup> Ibidem, para.7.

ing on states to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise (Art. 2e) and makes it clear that “states may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.<sup>77</sup> According to this concept, a state discharges its human rights obligations only if it diligently undertakes to prevent, investigate, punish and compensate for violations of women’s human rights, whether they occur in public or in private.

The CEDAW Committee therefore established that full implementation of CEDAW required states to take positive measures to eliminate all forms of violence against women, including domestic violence, sexual violence and rape. This extends to the need to establish adequate support services for victims of domestic violence, rape, sexual assault and other forms of gender-based violence, but also to overcome sexist attitudes and devise effective legal measures. This concept, known as the “due diligence standard”, comprising the obligation to prevent, investigate, punish and provide compensation for the violation of rights, irrespective of the public or private nature of the perpetrator, has gained momentum in international human rights law and consequently lies at the heart of any attempt to judge compliance with international human rights law.<sup>78</sup>

While the CEDAW Committee was originally mandated only to receive regular reports on progress made by states parties in eradicating discrimination against women, its powers to monitor implementation of the Convention were significantly widened by the entry into force of the Optional Protocol to CEDAW in 2000.

In ratifying the Optional Protocol, states parties accept that the Committee is entitled to receive individual complaints from alleged victims, both individuals and groups of individuals, about violations of women’s human rights protected under CEDAW. They also acknowledge the competence of the CEDAW Committee to carry out investigations on their territory concerning grave or systematic violations of women’s human rights, unless the state has,

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<sup>77</sup> Ibidem, para.9.

<sup>78</sup> For a historic overview, see the Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk, “*The due diligence standard as a tool for the elimination of violence against women*”, E/CN.4/2006/61, 20 January 2006, paras. 19-29.

in the process of ratification, expressly ruled out this inquiry procedure by using the “opt-out clause”.<sup>79</sup>

Individuals, but also women’s rights groups and NGOs in various countries, have since made use of the possibility of submitting individual complaints to the Committee. Interestingly, they have all originated from Council of Europe member states and have, to a large extent, brought before the Committee the question of the scope of protection the state is required to offer women living in abusive relationships. These cases have given the Committee the chance clearly to delineate the obligation of states parties to CEDAW to exercise due diligence in matters of domestic violence.

Finding a violation of the right to life and physical and mental integrity in two separate cases of women killed by their husbands, who should have or could have been detained or disarmed, the Committee made it very clear that women suffering violence at the hands of their partners had the right to receive full protection from the laws and regulations in place. In *ahide Goekce v. Austria*,<sup>80</sup> the CEDAW Committee held the police accountable for failing to exercise due diligence to protect Ms Goekce’s life by not responding to her emergency call a few hours before she was shot by her husband. Despite an increase in violence over a three-year period and reliable information about the fact that the perpetrator was in illegal possession of a handgun, the police neither disarmed the perpetrator nor responded to the emergency call by Ms Goekce. In the similar case of *Fatma Yildirim v. Austria*,<sup>81</sup> the Committee found a violation of the right to life and physical and mental integrity in the failure to detain the perpetrator despite his known danger.<sup>82</sup> The Committee stated in its decisions concerning the two cases that the perpetrator’s rights could not take precedence over women’s rights to life and to physical and mental integrity.

In the light of these two cases and the earlier case of *A.T. v. Hungary*,<sup>83</sup> the CEDAW Committee firmly established that the obligation to exercise due

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<sup>79</sup> See Article 10 (1) Optional Protocol to CEDAW.

<sup>80</sup> *Şahide Goekce (deceased) v. Austria*, CEDAW Committee, 5/2005.

<sup>81</sup> *Fatma Yildirim (deceased) v. Austria*, CEDAW Committee, 6/2005.

<sup>82</sup> The state party had considered an arrest warrant against the perpetrator disproportionately invasive. The committee held that it had ultimately placed the right to freedom of movement of the perpetrator above the right to life of Ms Yildirim, who was subsequently stabbed to death.

<sup>83</sup> *A.T. v. Hungary*, CEDAW Committee, 2/2003. In this case, the applicant was unable to seek protection from her abusive common-law husband, as no shelter was prepared to take her

diligence means that the moment a woman reports violence or threats of such violence, law-enforcement agencies have a duty to respond adequately by initiating criminal investigations and prosecution, respecting at all times the principle that the perpetrator's rights cannot take precedence over the right of the woman to life and physical and mental integrity. Any mechanism available for the protection of women – for example pre-trial detention – needs to be employed to guarantee their safety. Law-enforcement and judicial officers need to cooperate with one another to ensure that all levels of the criminal justice system work together, while at the same time co-operating with NGOs working to protect and support women victims of gender-based violence. To make sure that criminal and civil remedies are applied to the fullest extent possible, states parties should regularly provide training in domestic violence and in CEDAW to judges, lawyers and law-enforcement agencies.

This case-law emerging from the CEDAW Committee highlights the fundamental importance of addressing violence against women from a multi-disciplinary perspective. At the heart of this lies the belief that violence against women can be approached only in a holistic manner, with the involvement of many different players.

Apart from individual complaints, the CEDAW Committee has also used its newly-granted powers to carry out its first inquiry under the Optional Protocol. In 2003 it started inquiring into the unexplained disappearances, rapes and murders of more than 230 young women and girls in Ciudad Juárez, Mexico. The vast majority of those responsible for these acts of violence against women had not been prosecuted or punished despite the fact that the atrocities had been going on since 1993. An on-site investigation by the Committee revealed serious lapses in the implementation of the Convention resulting from "...systematic violations of women's rights, founded in a culture of violence and discrimination that [was] based on women's alleged inferiority, a situation that [had] resulted in impunity".<sup>84</sup> It issued general and more detailed recommendations on how to address the situation, stressing the need to "...incorporate a gender perspective into all investigations, policies to prevent and combat violence, and programmes to restore the social fabric, bearing in mind the specific characteristics of gender-based violence against women, its

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in because she had a disabled child and protection orders did not exist. The committee therefore considered this lack of effective remedies against the perpetrator a violation of Article 2 (a), (b), and (e) and Article 5 (a) in conjunction with Article 16 of CEDAW.

<sup>84</sup> UN Report CEDAW/ A/ 59/38 (2004) pp. 161 and 164, para. 261.

causes and consequences, and the specific social responses that the situation [required], with a view to eliminating discrimination and establishing gender equality”.<sup>85</sup>

In addition to the legally-binding CEDAW, the United Nations has, through its General Assembly and other bodies, adopted several nonbinding declarations and resolutions on violence against women, which manifest a certain level of political will to address violence against women, to which governments need to be held.

Foremost among these is the *United Nations Declaration on the Elimination of Violence against Women* adopted in 1993, a year after the CEDAW Committee issued its *General Recommendation No. 19* on violence against women. Article 4 of the Declaration provides that “States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”.<sup>86</sup>

Two years later, the Beijing Declaration and Platform for Action, adopted at the 4th World Conference on Women in 1995 in Beijing, also took up the issue of violence against women as one of twelve critical areas of concern.<sup>87</sup> These are special thematic concerns which, as a result of a review of progress since the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women in 1985 in Nairobi, need to be addressed with particular urgency. All the parties concerned, including governments, the international community and civil society, are therefore called on to focus resources and action on combating and preventing violence against women, including domestic violence. The measures set out in the Beijing Declaration and Platform for Action remain the reference point for any action to prevent and combat violence against women. Commitment to these measures was confirmed at the Twenty-third Special Session of the General Assembly in 2000, in what is known as the Beijing Plus 5 Process.<sup>88</sup> In recognition of the

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<sup>85</sup> Ibidem, para. 268.

<sup>86</sup> *Declaration on the Elimination of Violence against Women*, General Assembly Resolution 48/104 of 20 December 1993.

<sup>87</sup> *Beijing Declaration and Platform for Action*, Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995, Chapter 1, Resolution 1, Annex 1, para.44.

<sup>88</sup> Resolution adopted by the General Assembly, A/S-23/10/Rev.1, “*Further actions and initiatives to implement the Beijing Declaration and Platform for Action*”.

fact that not all the objectives had been attained, it was agreed to speed up their achievement. This reflected the unremitting political will of governments worldwide to work towards the advancement of women, as well as the slow pace of progress. Several areas were recognised as requiring special attention, and violence against women, as a particularly widespread form of violation of human rights, featured among them. Once again, the outcome document shows it is not possible to give effect to women's rights by declarations of political will alone: an array of changes in law, policy and attitudes is required so that women's human rights and their needs for protection and personal development are fully reflected and respected.

The 2000 United Nations General Assembly Millennium Declaration adopted only a few months later reiterated the importance of respecting all human rights and fundamental freedoms. It pledged to combat all forms of violence against women and to implement CEDAW.

Reacting to the continued existence of all forms of violence against women around the globe five years later, the Commission on Human Rights adopted a resolution on the elimination of violence against women in 2005. The latest in this series of declarations of political intent, the resolution urges states to accelerate their efforts to implement the Beijing Platform for Action and take effective measures to address all forms of violence against women. It makes it clear that all forms of violence against women are related to *de jure* and *de facto* discrimination against women and the lower status accorded to them by society.

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### ***United Nations declarations***

- *Declaration on the Elimination of Violence against Women, General Assembly Resolution 48/104 of 20 December 1993*
- *Beijing Declaration and Platform for Action, Report of the Fourth World Conference on Women, Beijing, 415 September 1995*

### ***United Nations resolutions***

- *General Assembly Resolution A/S-23/10/Rev.1, "Further actions and initiatives to implement the Beijing Declaration and Platform for Action", 2000*
- *General Assembly Resolution A/RES/55/2, United Nations Millennium Declaration, 2000*

- *General Assembly Resolution A/RES/61/143, “Intensification of efforts to eliminate all forms of violence against women”, 2006*
  - *Commission on Human Rights Resolution 2005/41, “Elimination of violence against women”, 2005*
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## **Mechanisms**

In a further effort to enhance measures to eliminate violence against women by integrating the rights of women into the human rights mechanisms of the United Nations, the Commission on Human Rights decided in 1994 to appoint a *Special Rapporteur on Violence against Women, including its Causes and Consequences*,<sup>89</sup> whose mandate was extended by the Commission on Human Rights in 2003.<sup>90</sup> The Special Rapporteur’s mandate comprises seeking information from governments, United Nations bodies and agencies and other international governmental and non-governmental organisations and recommending measures at national, regional and international level to eliminate violence against women. To this end, the Special Rapporteur is empowered to conduct fact-finding country visits and transmit urgent appeals and communications concerning alleged incidents of violence against women to member states.

Domestic violence, as one of the most widespread manifestations of violence against women, has been extensively covered by the work of the Special Rapporteur. Both the previous and current Special Rapporteurs<sup>91</sup> have used their mandate to study this and other forms of violence against women worldwide and discern trends and shortcomings in efforts to prevent and combat such violence. During her country visits, the Special Rapporteur investigates many different forms of violence against women, including domestic violence, sexual assault and rape, violence against migrant women, trafficking in women and crimes committed in the name of honour.

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<sup>89</sup> Resolution 1994/45, *Question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women*, XI. E/CN.4/1994/132, adopted on 4 March 1994.

<sup>90</sup> Resolution 2003/45, *Elimination of violence against women*, XII. E/CN.4/2003/L.11/Add.4 adopted on 23 April 2003.

<sup>91</sup> The post of Special Rapporteur on Violence against Women, its Causes and Consequences, was held by Ms Radhika Coomaraswamy (Sri Lanka) from 1994 to 2003 and has been held by Dr Yakin Ertürk (Turkey) since August 2003.

Her thematic reports usually focus on one particular aspect of violence against women, which allows her to highlight particularly important issues and present new concepts.<sup>92</sup>

In thematic reports of this kind, the Special Rapporteur has elucidated the scope of obligations on member states to combat violence against women by introducing the due diligence standard as the point of departure for evaluating measures taken to combat violence against women.<sup>93</sup> This legal concept was later successfully broken down into practical obligations in terms of legislative, administrative, support and other measures which member states were required to take in order to discharge their obligation to prevent, investigate, punish and provide compensation for acts of violence against women, including domestic violence.<sup>94</sup>

In response to the call by the *Special Rapporteur on Violence against Women* for full application of the human rights framework to the concerns of women, the *Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*<sup>95</sup> is aiming to apply the current torture protection framework in a gender-inclusive manner. In his second report to the Human Rights Council, he draws parallels between, *inter alia*, torture and inhuman/ degrading treatment and three particularly widespread forms of violence against women: domestic violence (intimate partner violence), female genital mutilation and trafficking in women.<sup>96</sup> With a view to raising awareness of the level of atrocity these acts may reach, he argues that these forms of violence against women may fulfil all the criteria for torture, as set out in the

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<sup>92</sup> See, for example, the Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms Yakin Ertürk, "*Intersections of violence against women and HIV/AIDS*", E/CN.4/2005/72, 17 January 2005. This report highlights the specific vulnerability of women to HIV/AIDS as a result of sexual violence.

<sup>93</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights Resolution 1995/85, E/CN.4/1996/53, paras. 32-39.

<sup>94</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms Yakin Ertürk, "*The due diligence standard as a tool for the elimination of violence against women*", E/CN.4/2006/61, 20 January 2006, paras. 74 – 99.

<sup>95</sup> The United Nations Commission on Human Rights decided, in Resolution 1985/33, to appoint an expert, a special rapporteur, to examine questions relevant to torture. The mandate of the Special Rapporteur covers all countries, irrespective of whether a state has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This mandate is currently held by Mr Manfred Nowak (Austria).

<sup>96</sup> *Supra* note 7.

*United Nations Convention against Torture*. Consequently, member states are urged to interpret the concept of torture and ill-treatment in a genderinclusive way and ensure that their prevention efforts are extended so that they fully include the torture and ill-treatment of women, even if they occur in the private sphere.

Another body set up to design and shape policies on gender equality and the advancement of women is the Commission on the Status of Women (CSW).<sup>97</sup> As a functional commission of the United Nations Economic and Social Council (hereinafter ECOSOC), it prepares recommendations and reports on women's rights in the field of politics, economics, and education and in society in general.

In addition to its agreed conclusions, which set priority themes for each year, the CSW may adopt resolutions. In its recent *Resolution 51/1 on Women, the girl child and HIV/AIDS*, it urges governments to “strengthen legal, policy, administrative and other measures for the prevention and elimination of all forms of violence against women and girls, including harmful traditional and customary practices, abuse, early and forced marriage, rape, including marital rape, and other forms of sexual violence, battering and trafficking in women and girls, and to ensure that violence against women is addressed as an integral part of the national HIV/AIDS response”.<sup>98</sup> It also stresses that “women should be empowered to protect themselves against violence and, in this regard, that women have the right to have control over and decide freely and responsibly on matters related to their sexuality, including their sexual and reproductive health, free of coercion, discrimination and violence”. In its agreed conclusion of the same year, the CSW urges governments to condemn all forms of violence against girls and take all necessary measures, including legislation and other measures, effectively to prevent and eliminate all such violence.<sup>99</sup> The measures which governments are urged to take are designed to address the root causes of discrimination against girls and gender stereotypes as much as to set up structures for age-specific support and protection needs.

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<sup>97</sup> It was established by ECOSOC Resolution 11(II) of 21 June 1946 and consists of one representative of each of the 45 member states elected by ECOSOC on the basis of equitable geographic distribution.

<sup>98</sup> Adopted at its 51st session, Commission on the Status of Women, Report on the fifty-first session, ECOSOC, E/2007/27 E/CN.6/2007/9, Chapter 1, D, para.17.

<sup>99</sup> *Ibidem*, chapter 1, A, para.14(9).

## **Activities**

In October 2006 the Secretary-General, mandated by United Nations General Assembly Resolution 58/185, published an extensive “In-depth study on all forms of violence against women”. The study examines various forms of violence to which women are subjected, including violence against women within the family and sexual violence. It presents many promising practices in the area of law, provision of services and prevention from around the world, but also points to important challenges to the effective implementation of promising initiatives in these areas. Importantly, eradicating discrimination against women is the point of departure for the study’s recommendations at national level. Furthermore, it contains several recommendations on how to improve the efforts of the United Nations’ various bodies and agencies in preventing and combating violence against women. Among these recommendations is the request that the United Nations take a stronger, better coordinated and more visible leadership role in addressing violence against women.

Recognising the importance, for the development of appropriate policies, of collecting data on the various forms of violence against women and their coping strategies and help-seeking behaviour, the United Nations has embarked on the difficult process of identifying a set of indicators to “...assist states in assessing the scope, prevalence and incidence of violence against women”.<sup>100</sup> An expert group is currently charged with the task of establishing indicators that allow states systematically to collect data on both common and uncommon forms of violence, and leave room for the identification of emerging forms of violence against women.<sup>101</sup>

Because of the cross-cutting nature of violence against women and the diversity of its manifestations, many different United Nations bodies and agencies have engaged in a variety of projects and activities to combat violence against women. Among the recommendations of the United Nations study was that the Special Advisor to the Secretary-General on Gender Issues and the Advancement of Women start co-ordinating this work to ensure greater visibility and consistency and more effective action.

In February 2008, in order to follow up the Secretary-General’s study, the United Nations launched a seven-year campaign to end violence against

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<sup>100</sup> United Nations General Assembly Resolution A/RES/61/143 *Intensification of efforts to eliminate all forms of violence against women*, 2006.

<sup>101</sup> See the work of the Expert Group on indicators to measure violence against women, [http://www.un.org/womenwatch/daw/egm/vaw\\_indicators\\_2007/egm\\_vaw\\_indicators\\_2007.htm](http://www.un.org/womenwatch/daw/egm/vaw_indicators_2007/egm_vaw_indicators_2007.htm).

women (“Unite to end violence against women”). With the aim of mobilising public opinion, securing political will and increasing public and private resources in order to combat all forms of violence against women, the campaign seeks to build on current momentum to put an end to such violence. The campaign is linked to the achievement of the United Nations’ Millennium Development Goals in order to reflect the fact that violence against women constrains the active involvement of women in development and presents a serious obstacle to the achievement of internationally agreed development goals.

This overview of the various United Nations initiatives designed to reduce the many ways in which women are subjected to violence is highly illustrative. Firstly, it shows that, over the course of 25 years, understanding of violence against women as a manifestation of discrimination against women has improved and can now be regarded as common ground. Secondly, it demonstrates that states have recognised their responsibility for developing strategies and mechanisms to offer women real protection and support by preventing, investigating, punishing and compensating for acts of violence against women. Thirdly, the fact that more and more states have agreed to have individual allegations of violations of women’s human rights looked into by the CEDAW Committee shows that there is a shared willingness to be held accountable for the implementation of women’s rights, but also an urgent need to ensure that this is the case. The detail in which measures to protect women from violence are set out in resolutions, particularly in Human Rights Commission *Resolution 2005/41 on the Elimination of Violence against Women*, makes it clear that the knowledge base for the necessary policy framework has expanded significantly, offering ample guidance for states willing to ensure that their obligation to protect and respect the human rights of women is rigorously honoured.

### **3.1.5. Organisation of American States**

#### ***Legal framework***

Shortly after it was set up, the Organisation of American States adopted legally binding obligations to enhance respect for women’s rights. While its earlier conventions in this field focused on women’s civil and political rights,<sup>102</sup>

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<sup>102</sup> *Convention on the Nationality of Women*, Montevideo, Uruguay (1933), *Inter-American Convention on the Granting of Civil Rights to Women*, Bogota, Colombia (1948), *Inter-American Convention on the Granting of Political Rights to Women*, Bogota, Colombia (1948).

it was the first international organisation to adopt, in 1994, a legally binding convention to combat all forms of violence against women.<sup>103</sup> The *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)* recognises the fact that violence against women is a human rights violation and that states are under an obligation to prevent, investigate and prosecute cases of such violence. The fact that this is the most widely ratified convention within the inter-American system is an indication of the strong political will to set common, legally binding standards in this field. In force since March 1995, the convention is now binding on 32 of the 34 active member states.

Following a definition of violence against women that includes physical, sexual and psychological violence, whether in public or in private, the Convention lists a set of women's rights followed by the corresponding duties of states parties to respect them.

While some of the rights enshrined in the convention reiterate the basic rights and freedoms guaranteed by the *American Convention on Human Rights*,<sup>104</sup> Article 3 of the Convention of Belem do Para explicitly establishes that every woman has the right to be free from violence in both the public and the private sphere. Article 6 goes on to explain that being free from violence means:

- the right of women to be free from all forms of discrimination, and
- the right of women to be valued and educated free of stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination.

As the first and only international convention to establish a legally enforceable right of women to be free from violence, the convention spells out a responsibility to take specific action to eradicate both official and private violence against women. It divides this responsibility into immediate obligations to ensure necessary legal and administrative changes and obligations to be fulfilled more progressively in order to introduce far-reaching social, cultural and economic reforms. In honouring both types of obligations, state parties are required to pay particular attention to women with special needs.

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<sup>103</sup> *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, Belem do Para, Brazil (1994).

<sup>104</sup> *American Convention on Human Rights* (Pact of San Jose, Costa Rica), entry into force 18 July 1978.

Member states of the Organisation of American States that have undertaken these obligations by ratifying the convention have also committed themselves to an enforcement mechanism. So that the convention is not reduced to mere rhetoric, this obliges states parties to report to the Inter-American Commission of Women (CIM) on measures adopted to prevent and prohibit violence against women as well as on action they have taken to assist its victims. They are also obliged to report the challenges they face and the factors that contribute to violence against women in their countries. If in doubt about the legality of a particular law or practice, states parties may turn to the Inter-American Court of Human Rights for advisory opinions. More significantly, individuals and non-governmental organisations are granted the right to file petitions with the Inter-American Court of Human Rights if states parties are believed to have failed to honour their immediate responsibilities. Obligations with regard to social, cultural and economic issues are not, however, subject to such petitions.

### ***Mechanisms***

Despite these different enforcement mechanisms – reporting and individual complaints – there had not been any significant eradication of violence against women ten years after the convention’s entry into force. The member states of the Organisation of American States therefore decided to set up a new mechanism with which to follow up and promote implementation of the convention.<sup>105</sup>

The new Mechanism to Follow Up on the Implementation of the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women* (MESECVI) consists of a political organ, comprised of representatives of all states parties, as well as a technical organ (CEVI), composed of experts. The aim is to encourage renewed commitment to implementing the convention by putting in place a more structured reporting system, whereby member states are asked to reply to questionnaires to establish the degree of fulfilment of the obligations deriving from the convention. Every evaluation round concludes with expert recommendations pro-

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<sup>105</sup> Mechanism to Follow Up on the Implementation of the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*, “Convention of Belem do Para” – MESECVI, following General Assembly resolution AG/RES.1942(XXXIII-O/03).

viding states parties with detailed guidance on how to enhance implementation of the convention.

To ensure full respect for women's rights in all member states, in 1994 the Inter-American Commission on Human Rights set up its Rapporteurship on the Rights of Women. Mandated to analyse member states' compliance with the obligations of equality and non-discrimination set forth in the *American Declaration of the Rights and Duties of Man* and the *American Convention on Human Rights*, it places special emphasis on violence against women as a distinct form of discrimination.

### **Activities**

The Inter-American Commission of Women (CIM) is the intergovernmental body responsible for the development of policies on the advancement of women's rights and gender equality. It has been instrumental in bringing the protection of women's rights into the political arena and organises meetings, conferences and research to prepare the ground for further policy decisions.

Human rights and the eradication of violence against women, in both the public and the private sphere, feature among select priorities which CIM has been mandated to promote as part of the Inter-American Programme on the Promotion of Women's Human Rights and Gender Equity and Equality.

## **3.1.6. African Union**

### ***Legal framework***

Concerned that, despite ratification of the African Charter on Human and Peoples' Rights, women in Africa were still suffering from discrimination and harmful practices, in 2003 the African Union adopted the Protocol on the Rights of Women in Africa.<sup>106</sup> This is a comprehensive legally binding instrument that sets out the rights of women in public and private life. It covers civil and political rights and extensive economic, social and environmental rights,

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<sup>106</sup> *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, entry into force 25 November 2005, 21 ratifications as of 17 January 2008.

including the right to education, food security and adequate housing and the right to a sustainable environment and development. States parties are also responsible for providing special protection for different groups of women such as elderly women, women with disabilities and women in distress (poor women, women heads of families and women from marginalised population groups).

In requiring states parties to eradicate all forms of discrimination against women, not least by changing attitudes and cultural patterns and by guaranteeing a similar set of rights to be enjoyed by women without discrimination, the Protocol builds heavily on CEDAW. However, it significantly extends the level of protection by placing on states parties strong obligations to provide women with adequate living conditions to enable them to develop their full potential.

Furthermore, it explicitly calls for the protection of women against violence – in private and public life – as a means of guaranteeing the right to life, integrity and security of person. Strikingly, the definition of violence against women with which the Protocol operates includes all acts causing not only physical, sexual and psychological harm, but also economic harm. This goes beyond the scope of violence against women as defined in both *General Recommendation No. 19* to CEDAW and the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women*, but also beyond that defined in Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*.

The African Protocol also distinguishes between violence against women and harmful practices, the latter referring to any behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls.

It is an ambitious document, not only designed to protect women against violence and harmful practices, but aspiring to achieve a fundamental improvement in women's lives. States parties are obliged to take measures to give meaning to the rights enshrined in the Protocol and provide budgetary and other resources to ensure their swift implementation.

However, the Protocol on the Rights of Women in Africa does not provide for an independent complaints mechanism. Instead, it establishes a procedure for reporting on progress achieved in the realisation of the rights recognised by the Protocol. This reduces the authority of some of the obligations. Nonetheless, the Protocol is of significant value in that it recog-

nises the many different forms of human rights violations that women may suffer during their lifespan and proclaims the right of women to develop their full potential by leading independent, responsible lives free from stereotyping and violence.

### ***Mechanisms***

In 1999 the African Commission appointed a Special Rapporteur on the Rights of Women in Africa to serve as a focal point for the promotion and protection of the women's rights.<sup>107</sup> The mandate envisages assistance to governments in developing and implementing policies on women's human rights, in particular in the light of the Protocol on the Rights of Women in Africa, carrying out fact-finding missions, issuing recommendations, conducting studies and, where appropriate, preparing draft resolutions on the situation of women in the various African countries for adoption by the African Commission.

### ***Activities***

One of the objectives of the African Union is the promotion and protection of human and peoples' rights, including the rights of women. In its desire to build a partnership between governments and all segments of civil society, particularly women, the African Union has set up a department within the Commission of the African Union on Women, Gender and Development, responsible for activities and projects aimed at the advancement of women in Africa.

To encourage activities across the continent, member states of the African Union decided in 2004 to launch public awareness campaigns against gender-based violence, trafficking in women and girls, the recruitment of child soldiers and the abuse of girl children as wives and sex slaves.<sup>108</sup> They also agreed to reinforce legal mechanisms for the protection of women at national level in order to change the attitudes of African society.

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<sup>107</sup> ACHPR/res.38 (XXV) 99 on the appointment of a Special Rapporteur on the Rights of Women in Africa adopted by the African Commission on the occasion of its 25th Ordinary Session held in Bujumbura, Burundi, from 26 April to 5 May 1999.

<sup>108</sup> *Solemn Declaration on Gender Equality in Africa*, Third Ordinary Session of the Assembly of the African Union, 2004, Doc. Ex. CL/170 (VII).

### 3.1.7. Conclusion

Council of Europe member states have, in the framework of different international intergovernmental organisations, recognised the obligation to protect women from genderbased violence through general human rights obligations. The caselaw of the European Court of Human Rights and the CEDAW Committee has begun to elaborate on what these obligations mean in practice. There is a strong tendency to shape these obligations on the basis of the due diligence standard, which requires states to prevent, investigate, punish and compensate for women's human rights violations, whether they occur in public or in private.

Institutional requirements, which are part and parcel of adequate national legislation for preventing and combating violence against women, and essential support structures are thus being introduced as a result of case-law. This development is important as it points the way forward and shows that protection against gender-based violence is an enforceable right.

However, case-law on the adequacy of the efforts of one particular member state of the Council of Europe will not necessarily lead to a wide-ranging overhaul of institutions, structures and legislation for combating violence against women in another. To achieve significant improvements in support and protection for women suffering genderbased violence across Council of Europe member states, a comprehensive, well-targeted, legally binding strategy supported by strong leadership and political will needs to be developed.

The only way to achieve change with such a strategy is to frame it within a legally binding instrument on the elimination of violence against women. A legally binding instrument focusing on legal, institutional and practical measures to eliminate all forms of gender-based violence would provide all Council of Europe member states with a roadmap for the effective prevention of, and protection against, gender-based violence. It would also give new impetus to any efforts taken at national level to provide women with real support and protection against such forms of violence. Lastly, it would allow member states to afford this topic new political priority, which is essential to any effort to prevent and combat violence against women.

Developments across the globe demonstrate that governments have the political will to be bound by additional legal obligations to protect women from gender-based violence. Initiatives of this sort within the Inter-American system for the protection of human rights and the Protocol on the Rights of Women

in Africa may serve as examples. By building on Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*, this political momentum to provide women in Europe with express protection against all forms of genderbased violence needs to be used to ensure adequate recognition of their human rights.

### **3.2. NATIONAL MEASURES TO PREVENT AND COMBAT VIOLENCE AGAINST WOMEN**

While the past ten years have brought significant improvements in terms of protection for women against gender-based violence and support for victims, particularly as a result of changes in public attitudes, women in all Council of Europe member states still suffer from numerous forms of violence. Despite an increase in support services, changes in the law and improved training for professionals, there is still neither effective prevention nor protection from gender-based violence, nor adequate support for women victims of violence in Europe.

The fact that this issue has been given more attention in legislation, policy development and research means that the knowledge base in respect of violence against women and strategies for its elimination has increased considerably. Some governments that have designed specific laws and policies evaluate and monitor them, although information on systematic evaluation and subsequent changes is scant. At the same time, a significant number of member states have begun to assess the scale of the phenomenon by carrying out prevalence studies or other initiatives in order to collect important data. The body of national and international research into different aspects of violence against women is growing steadily, as are efforts to train and educate professionals and the public.

This section presents a variety of legal and policy measures to protect women against gender-based violence and provide victims with support, but also to prevent such violence. It provides an overview of various legal measures taken in Council of Europe member states to criminalise violence against women, improve the protection of women victims and ensure the effective implementation of legal remedies for all forms of violence against women. It then looks into the different types of measures member states have taken to support and protect victims through adequate services and the guiding principles that should govern such services. The sub-sections in question are supple-

mented with a section on data collection and research that explains the importance of compiling relevant data, including qualitative data, for the development of new policies and for the evaluation of existing measures and services. Lastly, this section presents an overview of initiatives in some member states to raise awareness of the issue of violence and train professionals in this field.

The variety of measures analysed in this section are all equally important in combating violence against women. This shows that violence against women needs to be addressed in a comprehensive, but also coordinated, manner. The various types of measures, often very different in nature, in their legal basis and in terms of the financial resources required for their implementation, need to form part of a comprehensive policy to combat violence against women, as isolated measures will fail to yield results, irrespective of their quality. An important component of a comprehensive strategy is the framing of a national action plan to guide legal measures, policy, services and other measures, a process in which all stakeholders, including women's NGOs, need to be involved. An inclusive approach of this kind, based on recognition of the important role that services organised by women's NGOs play alongside that of statutory agencies and authorities, is a prerequisite for change. This was recognised in *Recommendation Rec (2002) 5*, which advocates that medium- and long-term co-ordinated action plans be drawn up by all relevant institutions dealing with violence against women.

This section seeks to analyse how Council of Europe member states meet their international obligations and set their national priorities when it comes to preventing and combating violence against women. On the basis of this assessment, recommendations for specific action to combat violence against women have been formulated in Chapter 5.

### **3.2.1. Legal measures**

Council of Europe member states differ in terms of their legal systems as much as they differ in their experiences and achievements in preventing and combating gender-based violence. While some have a longstanding history of exploring ways in which to tackle the many forms of violence against women, particularly domestic violence, others have identified this as a matter of political concern only in the last few years. This section presents innovative legal approaches and traces the spread of different legal measures across Europe.

Legislative measures to prevent and combat gender-based violence against women in Council of Europe member states are manifold. Differences in approaches are, to a certain extent, attributable to differences in procedural law resulting from the distinctive features of the adversarial and inquisitorial legal systems. However, they also stem from the fact that some countries have introduced specific criminal and/or civil legislation and legal procedures to address one or more forms of violence against women, whereas others simply use general criminal legislation. This difference in approach reflects the extent to which the issue is recognised at national level. While specific legal procedures and legislation are designed to place the victim, safety, protection and rehabilitation at the heart of all initiatives, legal systems with a purely criminal-law approach treat the many different manifestations of violence against women (domestic violence, rape and sexual violence, forced marriages, female genital mutilation etc.) as crimes like any other, with no particular focus on victim protection.

Until recently, there was scant recognition of, for example, domestic violence as a criminal offence. The heightened will to apply existing criminal-law provisions such as those concerning assault and rape in order to make perpetrators criminally responsible for domestic violence represents a step forward. However, the severe and often continuous nature of domestic violence and the fact that it is a crime perpetrated by intimate partners with whom victims share a home means that it has particular consequences for the physical and psychological well-being of victims. Legal systems that do not provide the authorities (the police, the prosecution services and the judiciary) with specific powers that reflect and respect these particular consequences are usually ill-equipped to provide victims with full protection. Recognising this state of affairs, a number of member states have devised legal measures to address certain forms of violence against women. However, most initiatives in law have focused on legal remedies for victims of domestic violence: a range of countries have introduced new legislation to protect women against domestic violence, but also to make it a criminal offence. A number of member states have also introduced specific anti-stalking laws, which are usually targeted at current and former partners. As a consequence of stalking, victims face daily intimidation and the risk of its escalating to life-threatening attacks.<sup>109</sup>

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<sup>109</sup> See, for example, developments in the Netherlands, the United Kingdom, Sweden and Belgium, *Stocktaking study on the measures and actions taken in Council of Europe member states*, supra note 1. p. 22

Rape and sexual assault, on the other hand, have not been given much attention in the legal arena and, as with other forms of violence against women, conviction rates across member states remain very low. In many states, the definition of rape is very narrow, requiring proof of the use of (physical) force, which has affected conviction rates. Other forms of violence against women such as crimes in the name of honour, including killings, forced marriage and female genital mutilation, are not specifically addressed in the legal systems of many member states. Those member states that are addressing them seem to be diverting legislative attention to these newly recognised forms of violence against women, rather than overhauling their legal system to improve criminal justice for victims of rape and sexual assault – a much-needed step.

In addition to civil and criminal law measures, some countries have introduced legal measures to address the root causes of violence against women, providing further opportunities to address the phenomenon.

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In 2007, the United Kingdom introduced a Gender Equality Duty, requiring public bodies in England, Wales and Scotland to show they were taking active steps to eliminate unlawful sex discrimination and harassment and promote equality between women and men. The duty will affect policy-making and how public services are delivered, and will help address violence against women as one of the single biggest barriers to gender equality.<sup>a</sup>

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a. See <http://www.equalities.gov.uk>.

### ***3.2.1.1. Comprehensive legal approaches: linking different fields of law***

Combating violence against women in its various forms requires a systematic and comprehensive response to the phenomenon. Legislation to protect and support women victims can be only one, albeit a very important, part of any strategy in this field. Legislation needs to fulfil a complex role. It needs to protect women from imminent violence, hold the perpetrator criminally liable and act as a deterrent. It is also the means with which to deal with the aftermath of violence – in the case of domestic violence, for example, many legal issues may arise: divorce, custody and visitation issues, property issues, financial issues, further protection orders and, in the case of many immigrant women, residency issues.

The majority of legal issues, including laws governing access to protection and support services and social and economic rights, such as access to housing, are usually governed by many different fields of law, which are not always compatible: criminal law, family law, civil law and immigration law. Rather than providing effective relief, they may operate to the detriment of women victims of violence, particularly domestic violence. It is of the utmost importance to bring these different fields of law into line with one another to ensure a comprehensive and harmonised legal approach to combating violence against women.

Some Council of Europe member states have embarked on the difficult but important task of addressing one particular form of violence against women, domestic violence, through a comprehensive legal approach.<sup>110</sup>

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With a view to enabling victims to pursue both civil and criminal law avenues of redress and settling all related legal matters such as divorce, custody and property questions, the Spanish Integrated Protection Measures against Gender Violence Act set up specific “violence against women” courts.<sup>a</sup> These courts, a special branch of the criminal courts with investigating judges, are granted the power to rule on criminal cases involving violence against women as well as any related civil-law cases. Consequently, both are dealt with in the first instance by the same bench. This relieves women going to court of costly bureaucratic hurdles. At the same time, the

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<sup>110</sup> The Swedish Law on the Protection of Women’s Integrity, for example, tackles several areas of law and policy by improving existing criminal and civil legislation, introducing additional preventive measures and offering women better treatment. Covering, as it does, all forms of violence against women, this law provides a comprehensive approach to combating violence against women. Changes have been introduced in the criminal code to cover domestic violence, the purchase of sexual services and female genital mutilation. The Equal Opportunities Act has also been amended to enhance prevention of sexual harassment, and there have also been changes to the Social Services Act to address the question of economic constraints faced by women willing to leave violent partners. The 1998 legal reform originally merely required local social welfare boards to provide women victims of abuse with help and support with changing their situation. With the introduction of the new Social Services Act in July 2001, their obligation was widened to include responsibility for providing support and assistance to persons who had been victims of a crime, including victims of domestic violence, and to their families – particularly to women victims of violence and abuse. In connection with the introduction of this comprehensive bill, the Swedish Government has taken special decisions instructing the Office of the Prosecutor-General and its services, along with the National Police Board, the National Prison and Probation Administration, the National Board of Health and Welfare and the national administrative courts, to step up their efforts to combat violence against women, by drawing up action programmes or policy documents to this end and reporting back to the government.

Spanish law sets up the institution of “Public Prosecutor for Cases of Gender Violence”, assigned the power to supervise and co-ordinate the actions of the Public Prosecutor’s Office at all levels. These prosecutors are specially trained to prosecute cases of gender violence within the jurisdiction of the “violence against women” courts and are granted the power to intervene in civil proceedings concerning separation, divorce and custody issues.

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- a. Organic Act 1/2004 of 28 December 2004 on Integrated Protection Measures against Gender Violence, Spain, BOE [Official Gazette] No.313.

A uniform definition of violence against women is central to any comprehensive legal approach to combating violence against women. It should encompass all those acts that the law sets out to regulate in order to provide a definite framework within which the different parties involved can operate.

In defining domestic violence, for example, it is necessary to decide what acts it includes (psychological, physical, sexual or financial abuse) and which victims to protect (intimate partners of the same or the other sex, relatives, persons sharing a household or not). In accordance with the definition in Council of Europe *Recommendation Rec (2002) 5*, any definition of violence against women occurring in the family or domestic unit should include, but not be limited to, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, crimes committed in the name of honour, female genital and sexual mutilation, and other forms of violence, such as forced marriages.

This definition should then apply to all fields of law that seek to regulate any issue related to domestic violence, so as to ensure a coherent understanding of the phenomenon. A harmonised definition to be used by all parties concerned, including health authorities, social workers and other related professions, would also assist and unite different branches of government in their efforts to combat domestic violence and could serve as the basis for all government guidelines and recommendations, irrespective of the area of policy. Similar, comprehensive definitions should be devised for other forms of violence against women, and should be recognised and used by the relevant players in the same manner.

A major discrepancy between different fields of law has surfaced in connection with efforts to address legal issues resulting from separation and divorce after domestic violence. Women with children who have experienced do-

mestic violence and who choose to leave their violent partner often find themselves legally tied to the perpetrator because of joint custody over common children or the extensive visitation and access rights of the perpetrator. Courts across Europe do not systematically take incidents of domestic violence against the mother into consideration when deciding on the custody and visitation rights for violent partners. This is even the case where perpetrators have been convicted of violent crimes committed against the former spouse or partner. There are many underlying assumptions that lead to such situations. Most importantly, it is assumed that joint custody or at least extensive visitation rights are always in the best interests of the child – irrespective of the circumstances that led to the separation. Secondly, the degree to which the safety of women is interlinked with custody issues, but also visitation rights, is not sufficiently recognised. Many women who have divorced or separated from an abusive partner continue to live in fear because of child visitation arrangements that force them physically to meet the perpetrator. It should thus be no surprise that women have been killed by abusive ex-partners while complying with court-ordered visitation rights.

A comprehensive legal approach designed to protect women against domestic violence needs to ensure that attempts to protect women through legal measures, such as protection orders, are not thwarted by legal measures taken in a different context. Innovative legal developments in criminal law or other fields of law therefore need to be followed by appropriate adjustments to family law. Furthermore, arrangements for improved co-operation among the different branches of the judiciary need to be made to ensure information-sharing and adequate handling of cases.

### ***3.2.1.2. Civil law protection orders and police measures to protect victims***

Since the late 1990s more and more Council of Europe member states have recognised that acts of violence against women perpetrated in the home are a matter for public concern and need to be treated as such. A review of existing police and court powers, however, has often revealed a significant lack of instruments for dealing adequately with this issue. To fill this gap, some member states have introduced comprehensive civil-law measures to protect victims from threats to their physical integrity and life.

The legal measures in question can be grouped into two categories, at times overlapping, but significantly distinct as they cover different aspects of life. The first group are protection orders, which comprise bar-rings and evic-

tion orders. They are designed to guarantee the victim's safety by temporarily evicting perpetrators of domestic violence from the shared home, thereby making the home a safer place.

The second group, nonmolestation orders, predominantly seek to guarantee the victim's safety by ordering perpetrators of violence to refrain from certain action such as approaching the victim in public, contacting the victim or other specified persons or entering certain parts of town, the aim being to ensure the woman's safety in public.

In most member states, both types of orders are issued by a civil-law judge, who decides on the duration of the order. Compliance with the order is monitored by the police. While in some member states, a breach of a protection or non-molestation order will lead to a fine (a civil-law measure), others consider it a criminal offence punishable under criminal law. Making breaches of protection orders a criminal offence demonstrates that domestic violence is a serious public concern and not a minor incident between private individuals.<sup>111</sup>

Protection and non-molestation orders are a progressive development in terms of combating domestic violence because they empower women to rally the might of the police and the judiciary for their protection. At the same time, they send out a strong signal, placing women's physical, psychological and sexual integrity above perpetrators' right to freedom of movement and their property rights. This puts a stop to the widespread tendency to allow rights claimed by men to take precedence over the rights of women to life and physical integrity – a long-standing tradition in some legal systems.

As longer-term protection orders are granted by a civil-law judge upon application, they do not provide victims of domestic violence with immediate protection. Furthermore, civil-law protection orders require the victim to take action, which is often too much of a burden in acute cases of violence. Moreover, the state has an obligation to protect citizens from violence in dangerous situations. Some member states have therefore introduced legislation empowering the police to evict and remove perpetrators of domestic violence for a limited period in an immediate crisis. Some have made it mandatory for such

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<sup>111</sup> The German Protection from Violence Act, for example, makes breaches of court protection orders a criminal offence, punishable by up to one year in prison. See the German Protection from Violence Act, entry into force 1 January 2002, Article 4.

a decision to be reviewed by either a judge or a prosecutor shortly afterwards (usually during the first three days), while others place the power to issue such orders solely in the hands of the police. Eviction orders issued by the police are designed to ensure the victim's immediate physical safety and can be issued for only a limited period of time, although member states have opted for different lengths, ranging from 10 days to four weeks. This approach aims to guarantee the victim's immediate safety while at the same time respecting the separation of power, the need for judicial review and the requirements of due process. By allowing the police to act when called to a scene of domestic violence, it is hoped to avoid dangerous delays in ordering physical separation between victim and perpetrator.<sup>112</sup> These extended police powers do not replace standard police powers such as the power to arrest.

In contrast to the extensive police powers to arrest granted in common-law systems, continental European legal systems do not so readily authorise the police and public prosecutors to remand perpetrators of crime in custody. Often, however, the detention of perpetrators of domestic violence may be the only way of guaranteeing the victim's safety. Aware of the risk to which women are known to be exposed in serious cases of domestic violence, the CEDAW committee has specified that the due diligence obligation of states parties to protect women from domestic violence includes the obligation to respond adequately to reported acts of violence and subsequent threats and intimidation. This means that available mechanisms such as pretrial detention must be used if circumstances permit.<sup>113</sup>

The grounds for pre-trial detention are usually much more limited in continental European legal systems, as a result of which provision has been made for the police to evict a perpetrator of domestic violence to ensure some level of physical safety. Despite difficulties in their enforcement, protection orders have become a very important legal measure for protecting women against domestic violence.

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<sup>112</sup> The German Protection from Violence Act is of a civil-law nature and empowers judges to issue civil-law protection orders as interim injunctions. To fill the void until such an injunction may be granted by the court, regional police laws have conferred on the police the power to remove a violent partner from the shared home. The duration of such a police order varies between seven and ten days and is a matter for the discretion of the police force, and is not subject to immediate judicial review. Perpetrators of violence who have been evicted from their home by the police may, however, file a complaint using standard judicial remedies of an administrative law nature.

<sup>113</sup> See *Fatma Yildirim (deceased) v. Austria*, CEDAW Committee, 6/2005.

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- The Austrian Protection of Violence within the Family Act is the earliest and most comprehensive example of a specific legislative measure taken to protect women from recurring violence. Since it came into force in 1997, it has significantly extended the powers conferred on both the police and the courts for dealing with domestic violence. It has granted the police the power to evict a perpetrator of domestic violence from the home for a period of ten days as a preventive measure on the grounds of violent attacks or threats of violations of the life, health and freedom of another person – irrespective of the wishes of the victim (ex officio power). Within 24 hours the police have to send a report to an intervention centre, which offers the victim comprehensive counselling. One aim of this counselling is to enable the victim to take an informed decision as to whether or not to apply to the family court for a long-term protection order in the form of an interim injunction (a civil-law measure) lasting up to three months. The intervention centres are run by women's NGOs and fully funded by the federal government. The beneficiaries of these protection orders include not only married women and common-law partners, first degree relatives and their spouses, but also all other persons living together in any number of family-type living arrangements, with the result that protection is offered to a wide range of potential victims.<sup>a</sup>
  - Other countries, for example Germany, Luxembourg, the Czech Republic and the Netherlands, have taken similar measures.
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a. See Section 382b of the Austrian Execution Act, as amended in 2003. A new legislative reform being undertaken in Austria will, in 2008, guarantee the right to be protected to all victims, without the need for there to be a family or other relationship.

It is therefore important to incorporate both law-enforcement, as an inherent duty of the state, in the form of immediate police action, and victim empowerment through the possibility of further or prolonged protection orders upon application by the victim. With a two-tier approach of this kind, the state assumes its responsibility for guaranteeing the right to life and the right to liberty and security of person while at the same time respecting the right of the individual victim to decide how to proceed. A two-tier approach furthermore lowers the threshold for obtaining protection orders, because they are originally issued by the police with only a minimum of paperwork on part of the victim. Similarly, women are not barred for financial reasons from opting for further protection by applying for an extension of the order to the district court if legal aid is freely available for victims on low incomes.

While a certain trend towards protection and non-molestation orders is noticeable in a number of European countries,<sup>114</sup> there are significant differences in detail, leading to different levels of effectiveness. Major differences exist with regard to the duration of the (barring or nonmolestation) order, the consequences of a breach of such an order (criminal offence or contempt of court), the possibility of imposing such orders in addition to or instead of criminal proceedings, the level of evidence necessary as well as the question of whether the order is applied for by the victim (*ex parte*), is mandatory (*ex officio*) or is applied for by third parties.

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Since 2003 Spanish law has provided for extensive protection and non-molestation orders. The Court Orders for the Protection of Victims of Domestic Violence Act (No. 27/2003) first made it possible for courts to order a perpetrator of domestic violence to refrain from residing in or frequenting specified areas and/or to refrain from approaching or contacting a particular person. Furthermore, the powers granted under this law include the power to adopt any other civil measures deemed necessary (custody of children, maintenance payments) and to order social welfare payments for victims and any other procedural measures deemed necessary. They also allow for the adoption of any measures provided for by law to deal with any offence committed. The new Integrated Protection Measures against Gender Violence Act, which set up specialised “violence against women” courts,<sup>a</sup> confers this power on these specialised courts. Protection orders may thus be issued *ex officio* or at the request of the victim or any other person related to them – after the victim and the perpetrator have been heard separately. Social services and institutions assist in the application for such orders. To guarantee immediate protection, the Court Orders for the Protection of Victims of Domestic Violence Act stipulates that hearings on protection orders must be held within 72 hours.

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a. Organic Act 1/2004 of 28 December 2004 on Integrated Protection Measures against Gender Violence, Spain, BOE [Official Gazette] No.313, Article 61.

Not all legal systems that have introduced protection and nonmolestation orders extend the scope of these to all those potentially at risk. While a large number of types of relationship between victim and perpetrator are covered, including married and unmarried couples, women’s same-sex relationships, couples who do not live together and couples who have recently separated,

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<sup>114</sup> Eviction orders are available in 29 member states, while restraining orders are available in 36. Non-molestation orders may be obtained in 24 member states, while the removal of a child through court order is possible in 37 member states.

some laws link the right to obtain a protection order to a particular status such as marriage or cohabitation. This results in women who are at risk continuing to live in fear of former spouses or partners and yet not being eligible for protection by such orders because they no longer share or have never shared a home with the perpetrator. It is therefore important to grant protection orders to all women experiencing violence from a current or intimate partner, irrespective of the status of the relationship.

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The Domestic Violence, Crime and Victims Act which entered into force in the United Kingdom in 2005 recognises the numerous types of relationships between victim and perpetrator and defines the beneficiaries of non-molestation orders as two persons who, although not married to each other, are living together as husband and wife or (if of the same sex) in an equivalent relationship, thus recognising the prevalence of domestic violence among same-sex partners.<sup>a</sup>

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a. Domestic Violence, Crime and Victims Act 2004, United Kingdom, part 1, para. 3.

In introducing protection orders, states are confronted with a difficult choice: should only the victim herself be eligible to apply for a protection order or should third parties be granted the right to intervene on her behalf? Third parties to cases of domestic violence are usually close relatives or professionals working with victims, for example health authorities, doctors or social workers. This issue raises the moral question of allowing third parties to initiate protective legal measures irrespective of the wishes of the victim or even against her express wishes, which may exacerbate the feeling of powerlessness and helplessness of victims rather than empowering them. This can in turn directly affect the success of subsequent initiatives to ensure the victim's long-term protection.

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- In Ireland, for example, health boards have the power to apply for protection orders if the victim is unable or unwilling to do so because of fear or trauma and has been consulted.
  - In Bulgaria, the Protection against Domestic Violence Act allows third parties such as relatives (siblings and other direct relatives irrespective of the degree of kinship), as well as the Director of the Social Assistance Directorate, to apply, in an emergency, for a protection order for a victim of domestic violence where immediate protection is required.<sup>a</sup>
  - The Spanish Law on Court Orders for the Protection of Victims of Domestic Violence goes a step further and places an obligation on public and private social service institutions and bodies that become aware of incidents of domestic violence to report these to the duty magistrate or pu-

blic prosecutor with a view to instituting proceedings for the adoption of a protection order. The consent of the victim is not required for a protection order to be issued by the court.

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a. Protection against Domestic Violence Act 2005, Bulgaria, Section 8.

Such initiatives allow others to seek protection for a woman in danger who, for any number of reasons, may be unwilling or unable to do so herself. As with mandatory prosecution of cases of domestic violence, this raises a number of issues. While third parties should be encouraged to report cases of domestic violence to the police, it is advisable to confer the right to apply for a civil law protection order solely on the victim or the police. The police should also have the power to protect victims in situations of immediate danger as a preventive measure and, if a violent act has already been committed, judges should be able to issue restraining orders to prevent further violence. Co-operation among all agencies involved in cases of violence against women and women's shelters and counselling services should be made mandatory so that trained professionals may actively assist women victims of violence through the criminal justice system and by means of other legal proceedings, and empower them. In many member states, counselling services and shelters run by women's NGOs have built up extensive expertise in providing advocacy and empowering women victims of violence. It is important to recognise their role in supporting victims in their pursuit of criminal justice.

Victims who wish to protect themselves need to be supported through readily obtainable help. Protection orders will serve their purpose only if the threshold for obtaining them is low. Having to pay a fee to obtain a protection order may deter women from doing so – as do language barriers and a lack of awareness of their rights and the remedies available to them.

Another issue in assessing the effectiveness of protection orders is the difficulty in enforcing them. The fact that many perpetrators are not deterred by such measures and frequently violate them shows that they do not necessarily guarantee actual safety. Most member states that have introduced protection orders have tried to improve the level of implementation of, and compliance with, such orders. Some states have linked the legal obligation to stay away from the victim with practical safety measures such as equipping victims with mobile alarms or mobile phones. While this may instil a certain sense of safety in the short run, member states that experience problems in enforcing protection orders need to enhance the authorities' ability to enforce them, in law and in practice, to ensure the protection of victims.

To ensure the effective application of protection orders, the law should not – intentionally or unintentionally – allow traditional attitudes and stereotypes to affect decisions. It should be clear that nothing in the behaviour of the victim can be used to justify a refusal to respond to her call for help. In those countries that have granted the police the initial power to issue a protection order on the spot, guidelines on its application or training of the police force must ensure that personal convictions or a lack of motivation do not lead to an unwillingness to act. Reports from all over Europe show that, without an adequate understanding of the nature of domestic violence, members of the police force may not see the point of issuing a series of protection orders against the same perpetrator and may display a tendency to disbelieve the victim or misjudge her need for repeat protection. Similarly, concepts of provocative behaviour on the part of a victim that serve as grounds for barring her from obtaining a protection order against a perpetrator of domestic violence should be removed from the law and any directives for its implementation.

Other protection measures explored by Council of Europe member states are linked to providing victims of domestic violence with a new identity. This is an extreme measure which is very demanding for the victim, as it may easily result in social isolation, psychological trauma and a life full of secrets. Furthermore, it places the onus of staying safe from harm on the victim, rather than preventing the perpetrator from committing further criminal acts. It should thus be considered as a last resort, to be used only in extreme cases.

### **3.2.1.3. Criminal law**

Criminal law measures – criminalisation of all forms of violence against women, arrests, prosecution and appropriate sentencing – are fundamental in eliminating violence against women. Yet incidents of violence against women are widely under-reported. While reasons for not disclosing them vary, many women simply lack confidence in the criminal justice system – police and judiciary alike. Many women are still reluctant to file complaints for fear of having to disclose intimate details, being ridiculed or disbelieved and not knowing whether the difficult pursuit of criminal justice will actually lead to a conviction.

The record of the criminal justice system in dealing with violence against women is indicative of the difficulties of achieving justice through law for violations of women's physical and sexual integrity. Council of Europe member states have long traditions of criminalising, for example, sexual assault and

rape, and most, but not all, have removed the marriage exemption, making rape under any circumstances a criminal act.

However, judging by the rate of convictions for rape, sexual assault and other forms of violence across Europe, criminal justice is widely lacking. A significant number of women choose not to report incidents of sexual violence. Of those cases that are reported to the police, only a fraction is prosecuted. The reasons are manifold: insufficient police investigation, resulting lack of corroborative evidence, missing or inadequate support for victims in the criminal justice system, which can result in unwillingness to testify or withdrawal of testimony, perceived difficulties in proving the case, attitudes of members of the police and judiciary and many more. Even if criminal proceedings are instituted, few lead to a conviction and fewer still to a conviction considered to be commensurate with the nature of the crime.

The issue of attrition – cases that fail to result in prosecution and conviction – has, in recent years, been given more attention in research. It has therefore become apparent that while an increase in public awareness and a change in public attitude have led to higher levels of reporting, this heightened sense of confidence in the criminal justice system has not translated into higher rates of conviction. For example the number of convictions – or even prosecutions – in cases of rape and sexual assault does not correspond to the number of cases reported, which itself does not reflect the overall number of incidents of sexual assault and rape.<sup>115</sup>

This suggests that the desire to improve the protection of women against rape and sexual assault and offer criminal justice has led to a strong emphasis on confidence-building and awareness-raising activities, but not to a corresponding overhaul of the criminal justice system. It would therefore seem important to review the handling of rape and sexual assault cases as well as

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<sup>115</sup> Research shows that, for example, in England and Wales the rate of reported rapes rose from 1,842 in 1985 to 14,192 in 2004. The rate of prosecutions, however, does not follow this rise, as they merely rose from 844 to 2,689 in the same time-frame. More strikingly, the number of convictions has not even doubled, rising from 450 in 1985 to 751 in 2004. Of the estimated 80,000 rapes and sexual assaults in the United Kingdom in 2003, only 12,760 cases were reported, and only 673 ended in conviction. Source: Liz Kelly, Child and Woman Abuse Studies Unit, London Metropolitan University, Council of Europe regional seminar presentation, Lisbon, Portugal, July 2007. See also Kelly L., Lovett J., and Regan, L., *A gap or a chasm: Attrition in reported rape cases*, Home Office Research Study 293, Development and Statistics Directorate, 2005, p. 92.

that of other cases of violence against women by prosecution offices and courts across Europe to find solutions that could help to increase the level of convictions.

A similar review of the handling of crimes perpetrated in the name of honour and traditional practices harmful to women is needed to ensure that these crimes are not marginalised. For example, while awareness-raising and education in the community regarding forced marriages is important, it is essential that states recognise their responsibility and do not prioritise this at the expense of addressing the abuse directly.<sup>116</sup> Equally, criminal courts need a thorough understanding of concepts of honour and tradition in order to assess relevant factors and behaviour in cases of crimes committed in the name of honour.

To achieve legal recognition of the different forms of gender-based violence many women suffer and hence to enable the criminal justice system to deal better with reported cases of such violence, some Council of Europe member states have introduced specific criminal offences for the different types of violence, such as domestic violence, forced marriage, female genital mutilation and stalking. Common to this approach is the desire to expose specific forms of coercion and physical or sexual violence as gender-based violence. The aim is to spread the message that such acts are criminal behaviour not tolerated by society. While their practical relevance remains to be assessed, the benefit of such provisions lies in the fact that the existence of such crimes and their gender-specific nature are recognised. This, in turn, has often led to changes in the law that allow the consequences resulting from these crimes, for example legally valid marriages to which one party was forced to consent, to be adequately dealt with. Furthermore, introducing specific criminal offences avoids the assumption that less common forms of violence against women, such as genital mutilation, are covered by more general criminal offences.

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“Genital mutilation may be thought to constitute a crime already because of the injury inflicted. In 2001, Austria took a closer look and identified a ‘loophole’, since causing bodily harm was not punishable if done with the consent of the injured party. Although such a reservation may be appropriate to deal with tattooing or piercing or cosmetic surgery, with the practice of ge-

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<sup>116</sup> Welchman, L., and Hossain, S. (eds.), *‘Honour’ Crimes, Paradigms, and Violence Against Women*, Zed Books, 2005, pp. 269–270.

nital mutilation the girl's parent or guardian could legally give consent as with other operations. With a criminal law amendment, Austria ensured that consent cannot be given to a 'mutilation or wounding of the genitals that is intended to bring about a permanent impairment of sexual sensation'.<sup>a</sup>

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a. Supra note 8. p. 12

However, establishing specific criminal offences for the different types of gender-based violence harbours the risk of relegating criminal offences committed against women to the sidelines of criminal law. Criminal offences that would otherwise be prosecuted under existing criminal provisions such as (aggravated) assault, rape, coercion and murder are treated as specific offences, which may, in some cases, carry lesser sentences or with which prosecutors and judges have no experience. Provisions of this nature may therefore unwittingly allow traditional attitudes concerning the private nature of, for example, domestic violence to influence proceedings, thereby preventing effective protection and punishment. Similarly, a provision under the heading of "crimes against the family" may focus predominantly on protecting the family, rather than serving the protection of individual liberty rights. Many victims of domestic violence are married with children, so their roles as mothers and perceived backbone of the family may be considered to take precedence over the exercise of their human rights. Tendencies of this kind have surfaced in some Council of Europe member states, where domestic violence may be justified in court if committed with the aim of preserving a marriage.

In introducing specific offences, it is thus of paramount importance to guarantee that the serious nature of the crime is reflected in the sentence it carries. At the same time, criminal justice professionals need to be extensively trained in how to apply such specific offences. Finally, the introduction of specific gender-based crimes needs to be accompanied by procedural regulations that allow for sensitive handling of the case and reflect the special needs of victims.

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Since 1998, the Swedish Criminal Code has provided for the criminal offence of "gross violation of a woman's integrity", which serves as an example of a gender-based crime.<sup>a</sup> This provision groups together several criminal acts such as assault, unlawful threat or coercion, sexual molestation and more, rendering them punishable if committed by a man against a woman he is or has been married to or cohabiting with. This means that if a man engages in criminal acts against the life or liberty of a current or former spouse or common law spouse (assault, unlawful threat or coercion, se-

xual or other molestation, sexual exploitation etc.), he is convicted of gross violation of a woman's integrity rather than of individual criminal acts. This demonstrates recognition of criminal liability for the entire cycle of domestic violence, which often includes repeated acts of abuse, and makes it punishable by imprisonment of between six months and six years. However, to come within the remit of this provision, these acts must be committed repeatedly and must be intended seriously to damage the woman's self-confidence. Application of this provision does not rule out criminal liability under other criminal law provisions such as those concerning rape and aggravated assault, if applicable.

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- a. Violence against Women Act, Sweden, Government Bill 1997/98:55, entry into force 1 July 1998.

In choosing a gender-specific approach to legislation, it is important to ensure its application to any number of potential victims. Rather than limiting its scope, for example in cases of domestic violence, to cases where the victim and perpetrator are or have been married or sharing a household, it should be applicable to all cases of the required seriousness and repetitive nature, including those where victim and perpetrator no longer live together or have never lived together but have or have had an intimate relationship. It is only through the exhaustive application of a gender-specific law that it is possible to demonstrate that it is the structural nature of violence that it aims to criminalise.

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The Spanish Integrated Protection Measures against Gender Violence Act was drafted entirely from a genderbased perspective and extends protection to victims who do not live with the perpetrator. It combats all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion and the arbitrary deprivation of liberty, perpetrated against women by their current or former spouses or by men with whom they maintain or have maintained equivalent affective relationships, with or without cohabitation.<sup>a</sup> Article 148 of the Criminal Code was subsequently amended to increase the sentence to be served if acts of assault are directed against the (former) wife of the aggressor or someone the aggressor shared an equivalent relationship with, irrespective of whether or not they cohabited. Criminal law provisions prohibiting any other form of abuse, threat or coercion also extend to intimate partners without a shared home.<sup>b</sup>

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a. Article 1.

b. Spanish Criminal Code, Articles 153, 171, paras. 4 – 6, and 172.

Another option when it comes to recognising the serious nature of domestic violence in criminal law is to establish criminal liability not only for the individual acts of physical and sexual violence, duress or control, but for the continuous nature of the abuse. Some Council of Europe member states have introduced behavioural crimes such as habitual abuse or repeated violations of a person close to the perpetrator. This may be an appropriate way of recognising that the crime is more severe because of its extended duration, and that it may therefore be much more abusive and destructive than isolated criminal acts.<sup>117</sup>

To attach greater weight to crimes committed in a domestic setting, some Council of Europe member states have introduced a legal basis in criminal law to increase court sentences if violent acts have been committed against a former or current partner as opposed to a stranger (aggravating circumstances). The underlying principle is to reflect in law the serious nature of violent acts against a partner and to signal that this is a serious public matter, not a private one. Others have issued prosecuting and sentencing guidelines to public prosecutors and judges to ensure that the fact that violent acts have been committed against someone close to the victim or the victim's next of kin is given due consideration in the decision to prosecute or sentence.

This new approach links the status of the perpetrator to that of the victim, reflecting the view that any emotional attachment or relationship between the two makes the crime more reprehensible. Although the concept of aggravating circumstances has long existed in European criminal law, it was connected to such aspects as the consequences of the criminal act (death or loss of limb or eyesight) or how the criminal act was carried out (for instance, the fact that it was particularly brutal). Considering the relationship between perpetrator

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<sup>117</sup> Norway, for example, established a specific criminal offence of domestic violence. Section 219 of the Criminal Code provides that anybody who uses threat, duress, deprivation of liberty or violence or who grossly or repeatedly maltreats a former or current spouse, kin thereof, his or her own kin or any person in his or her household or care is liable to a prison term of up to three years. This increases to six years if the aggrieved person dies or sustains considerable harm to body or health. Similarly, the Andorran Criminal Code of 2005 provides for the criminal offence of "domestic abuse", meaning the repeated infliction of physical and psychological violence on someone who is or was his or her partner or with whom he or she cohabits or cohabited, or on the ascendants, descendants or own brothers or sisters of that person or any other person in the custody or care of one or other partner. Abuse is considered to be habitual if at least three acts of violence were committed against the same person within a period of three years, regardless of whether such acts were prosecuted or investigated. The Swedish crime of "gross violation of a woman's integrity" is a further example of a behavioural crime.

and victim as an aggravating circumstance is therefore a novel way of reflecting in law the serious nature of domestic violence.

This approach raises many questions concerning the benefits and drawbacks of such legal provisions. It has the potential to make sentencing more severe and therefore enhance criminal justice in cases of domestic violence because its application is enshrined in law and therefore mandatory. Clearly stating that a criminal offence perpetrated by an intimate partner carries a stricter sentence than the same criminal offence committed against a stranger sends out an important message. However, its deterrent effect is useful for the purposes of prevention only if the harsher penalties are actually applied. In order for such legal provisions to be effective, much training needs to be carried out to ensure that members of the judiciary understand the implications of stricter sentences. To date, data on the use of such provisions by courts are scant and implementation of this approach is therefore difficult to monitor.

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The Belgian Criminal Code, for example, does not provide for a specific offence of domestic violence. Any act of physical violence, whether committed by a stranger or a partner, comes within the remit of provisions on intentional bodily harm. If such violence is committed by a spouse, a partner or a person with whom the victim lives or has lived and has or has had a long-term emotional and sexual relationship, however, it is considered a more serious crime warranting more severe punishment.<sup>a</sup>

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- a. See Articles 398-405 of the Criminal Code of Belgium and the Belgian Law of 24 November 1997 on combating violence between partners.

While most legal systems have moved away from mediation and other social solutions in cases of domestic violence, concepts of victim-driven mediation solutions rather than investigative criminal justice mechanisms persist. These ignore the fact that domestic violence is a criminal offence and send out a signal that domestic violence is punishable by law but is not a crime worthy of prosecution. Furthermore, the fact that the measures imposed as a result of mediation are much less severe than a criminal sentence runs counter to efforts to raise awareness of the serious criminal nature of such violence. Mediation should never be used in any cases of violence against women. Another example of such a shortcoming in criminal law is the fact that in many legal systems victims of domestic violence are referred for private rather than public prosecution. This conveys the feeling that little importance is attached to such private offences, whereas they should be treated as a public concern.

### **3.2.1.4. Criminal procedural law**

The intimate nature of violence against women and prevailing stereotypes concerning its victims means that victims may sometimes be reluctant to report it to the police, bring criminal charges against the perpetrator or testify in criminal proceedings. Some member states have taken the line that domestic violence is a public concern and as such should be prosecuted by the state. They have therefore been resourceful in ensuring the prosecution of perpetrators by allowing for prosecution even if victims decline to report violence and press charges, or later withdraw their charges and testimony.

Some Council of Europe member states have come out unequivocally in favour of a state duty to protect, prosecute and punish. Consequently, they have introduced *ex officio* prosecution of violent acts against women such as assault, coercion, duress, defamation and other offences. In contrast to cases of murder, manslaughter or rape, prosecution services are granted the power of discretion as to whether or not to prosecute. In the past this has contributed to the low number of prosecutions and convictions for cases of violence against women.

As a result of the introduction of mandatory prosecution, which means that prosecution is initiated by the office of the public prosecutor irrespective of the wishes of the victim, prosecution services are required to prosecute offences that may previously not have been considered to be a matter of public interest.

While public prosecutors across Europe seem increasingly to consider cases of assault in a domestic violence context to be of public concern, with the result that criminal proceedings may be brought, the number of sets of proceedings and, ultimately, convictions, may not necessarily increase. The perceived or genuine lack of evidence, voluntary or involuntary withdrawal of victim support, a failure to take violent acts against women seriously and other factors often lead to the discontinuation of proceedings – even if they were originally instituted on the basis of a public-interest presumption.

Given the low rates of conviction in cases of rape and sexual assault, which are often linked to failure to collect adequate evidence, including photographs to prove the crime, it is of paramount importance to carry out a critical analysis of existing criminal procedural law to identify rules of procedure that could be improved. The way rape and other cases of violence against women are dealt with in court in most member states leaves much room for

improvement, mostly in respect of procedural matters, the attitudes and awareness of judges and public prosecutors and the collection of evidence. It is crucial to re-assess national approaches to dealing with rape and sexual assault cases to ensure criminal justice for women who have suffered violations of their sexuality, the most intimate part of a human being.

To lower the threshold for obtaining access to the criminal justice system for any type of violence against women and to prevent victims from withdrawing from the process, some member states have allowed audiovisual testimony in court. By avoiding direct confrontation with the defendant, with the help of cross-examination by video link or behind screens, and by endowing family counsellors with investigative powers, it is hoped to make it possible to gather sufficient evidence for a conviction.

Yet many criminal law systems rely on procedures for giving evidence like cross-examination, which can easily be exploited to humiliate victims. If traditional family attitudes prevail over the notion of women as autonomous human beings endowed with individual rights and freedoms on an equal footing with men, cross-examination can easily lead to assumptions of transgressions of gender roles, which, in turn, are considered to justify the violent behaviour of men. It allows defence lawyers to portray victims of domestic violence as having provoked violence, rendering them vulnerable to re-victimisation. The same holds true for cases of sexual assault and rape. Procedural rules on evidence should take into consideration the negative effects they can have on particularly sensitive cases such as those concerning violence against women, including rape, sexual assault and domestic violence. It is vital to eliminate all stereotyping pitfalls by ensuring the sensitive gathering of evidence.

In cases of domestic violence, the collection of evidence becomes particularly important, because family members often have the right to refuse to give evidence. Consequently, it is crucial to collect other available evidence (pictures of injuries and of the scene of the crime, witness statements) carefully and systematically.

With a view to ensuring prosecution, some member states have made provision for prosecuting cases of domestic violence primarily on the basis of sources of evidence other than the testimony of the victim.<sup>118</sup> This means that

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<sup>118</sup> Crown Prosecution Services, Policy for Prosecuting Cases of Domestic Violence, United Kingdom, 2005, p.12.

criminal proceedings do not necessarily have to be discontinued should the victim withdraw her support for prosecution if it is in the public interest to prosecute.

Other member states have opted for a more drastic approach by simply removing from their criminal code the possibility for victims of physical assault to drop charges.

To enhance levels of prosecution and conviction for violent crimes against women, women victims of violence need to be helped to understand how legal instruments can protect them, thereby ensuring enjoyment of their rights. Many women's NGOs that run shelters or other advocacy services offer support and counselling for women to help them take informed decisions about their legal options, but also to make it clear to them that they play a decisive role in legal proceedings. If guided through the criminal and other court systems, women tend to understand and appreciate the importance and value of co-operation with the justice system much more readily. They thus experience it as a system that is working to protect them rather than as something that re-victimises them, and this can lead to an increase in the number of convictions.

Courts should adopt procedures that both protect the victims from revictimisation and enable them to provide the best possible evidence. These should include the right of the victim not to testify in front of the perpetrator. Measures to address violence against women should be incorporated into witness protection policies and standards. Courts should ensure the anonymity of victims in the media. The requirement that the victim tell her story repeatedly should be restricted to a minimum.

Some member states have recognised that support and guidance in dealings with the legal system, criminal or other, are important to the rate of prosecutions and convictions. They have introduced special institutions that support women victims of domestic violence, helping them to find their way through the criminal justice system. The aim here is to improve judicial effectiveness by addressing the difficulties facing victims of domestic violence in pursuing justice and their special concerns.

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The United Kingdom is currently exploring the benefits of specialist domestic violence courts in a model programme.<sup>a</sup> This programme, which has been linked with the Tackling Violent Crime Programme, offers an ef-

fective working method for purely criminal courts to improve the delivery of justice through a higher conviction rate, improves victim satisfaction with the overall process and generates greater public confidence in the justice system. It focuses only on criminal justice matters and does not provide a particular court with jurisdiction over issues from a different field of law. An Independent Domestic Violence Advisor at the court provides a link between the victim and the criminal justice system and is entrusted with the co-ordination of the activities of multiple support agencies, including the police, the Social Service Department, the Housing Department, the Crown Prosecution Service and the Probation Service. The advisors help to ensure early identification and fasttracking of domestic violence cases, as much as the prevention of early dropping of cases. Furthermore, specially trained prosecutors are allocated to domestic violence cases.<sup>b</sup>

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- a. Specialist Domestic Violence Court Programme – Guidance, produced by Her Majesty's Courts Service, Crown Prosecution Service and the Home Office, United Kingdom, October 2005, p.8.
  - b. Similarly, the Spanish Integrated Protection Measures against Gender Violence Act set up specific "Violence against Women Courts", see section 3.2.1.1.

Special attention should be given to the protection of children from further trauma by ensuring that they are properly supported and represented in legal proceedings by a legal representative.

Free legal aid is important as a means of enabling women victims of violence to pursue criminal justice. In many member states, court fees and the legal representation costs have reached prohibitive levels.

Furthermore, women victims should have the right to be informed about services for victims and, if they wish, to be supported, accompanied and represented in court by a specialised service for women victims of violence. So that victims may make use of such services, they should be free of charge. Victims should also have the right to be informed about all proceedings concerning them. This includes the receipt of information about the release of the perpetrator from pre-trial detention or from prison. They should be able to take an active part in the criminal proceedings. This includes giving evidence. All women victims of violence should receive compensation for any damage suffered, and funding systems should be put in place in order to compensate victims.

### **3.2.1.5. Council of Europe monitoring framework for Recommendation Rec (2002) 5 on the protection of women against violence – results and assessments regarding legislation**

The system for monitoring implementation of the measures proposed by *Recommendation Rec (2002) 5* includes several indicators concerning legislative measures. Information is collected on the criminalisation of the different types of violence against women, the powers of public prosecutors to initiate criminal proceedings and the availability of judicial protection orders.

The results of two rounds of monitoring reveal a heightened sense of recognition among member states that combating violence against women requires a sound legal framework. More and more member states have introduced protection orders to meet domestic violence victims' need for physical safety. An increasing number of legal systems make several forms of violence against women a criminal offence, notably physical, sexual and psychological violence between partners, spouses and cohabitants or in the family as well as sexual harassment at work. Furthermore, a growing number report that they have made provision for public prosecution of cases of violence against women, both within the family and in cases of sexual violence.

Despite some improvement in the law, most member states still face a range of difficulties in implementing national legislation. Furthermore, the criminalisation of certain forms of violence against women and the introduction of judicial protection orders do not constitute a comprehensive approach in law to protecting women against violence and prosecuting perpetrators. Rather, member states need to ensure consistency in concepts and definitions, but also in the purpose and results of the different laws and regulations.

For example, the mere existence of judicial protection orders does not guarantee that they are easily available. The requirements attached to them in some countries may in many cases bar victims from obtaining protection. In some member states, protection orders are available to anyone threatened by violence at the hands of an intimate partner, whether married or not and of the same sex or not, whereas other legal systems require the victim to have lived with the partner or to be married to him. In yet others, the applicant is required to pay a fee, which may often be a financial and psychological barrier to seeking this form of help. Very few countries evaluate the implementation and effectiveness of protection orders and often no statistics are available, even for the number of orders applied for and those issued.

Furthermore, the fact that all forms of violence against women generally constitute a criminal offence does not mean that all incidents of violence will be prosecuted. Despite a growing number of states that allow for *ex officio* prosecution in cases of violence against women in the family, a larger number do so only in more severe cases. A number of member states still do not prosecute domestic violence cases except at the express request of the victim. In sexual violence cases, a public prosecution will be initiated *ex officio* only if this is in the public interest, which is usually the case in severe cases only. Member states that have indicated that public prosecutors can institute criminal proceedings in cases of both domestic and sexual violence seem to grant public prosecutors discretionary power to pursue or drop a case. Positive replies to this indicator do not therefore mean that all cases of domestic and sexual violence are prosecuted at all times.

### **3.2.2. Measures to support and protect victims**

Violence suffered by women is a traumatic experience. In addition to physical injuries, it causes psychological trauma, fear, distress and loss of self-confidence. To overcome the multiple consequences of violence and rebuild their lives and relationships, women victims require a wide range of support and assistance. While a well implemented legal framework as described in the previous section is fundamental in ensuring the victim's safety and preventing further violence, Council of Europe member states are also under an obligation to provide women victims of gender-based violence with services and empowering support to enable them to cope with their physical and psychological injuries as well as the long-term effects of violence on their lives.

Most Council of Europe member states recognise the need for services for abused women, but the availability and quality of such services varies greatly within countries and across Europe. The availability of services for the different forms of violence against women also varies significantly. While shelters for victims of domestic violence exist in most Council of Europe member states, services for victims of sexual assault and rape are much less frequent and there are even fewer services for victims of forced marriages, crimes perpetrated in the name of honour and female genital mutilation.

Nonetheless, many member states run substantial services or fund NGOs in part or in full to enable them to offer support to women victims of violence. Many examples of good practices have emerged across Council of Europe member states, establishing a sound knowledge base for the provision of services for women victims of violence.

### **3.2.2.1. Basic goals of service provision and principles of good practice**

Because of the devastating effects of violence, recovery may be a very long process. In addition to immediate support services such as access to a safe shelter, psychological and legal counselling, but also immediate medical and health care, long-term services need to form an integral part of service provision. Long-term services should take the role of assisting and supporting women throughout criminal or civil proceedings and as they build a new violence-free life for themselves.

Increasingly, it has been recognised that children are also affected by violence against their mothers. In cases of domestic violence, research and practice clearly show a link between men's violence towards women and violence towards children. Violence towards women also concerns children, and the safety, protection and needs of children must therefore be considered as well.

As is the case with all measures to prevent and combat violence against women, support services require adequate government funding. It is essential that specific funds be allocated to specialised agencies, activities and NGOs at national, regional and local level to ensure the provision of adequate services for all victims of violence, but also that parts of the budgets of relevant public institutions (such as health and social services) be earmarked for the purpose, to ensure that qualified people are working to prevent violence.<sup>119</sup>

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Scotland has a national budget head for providing services and refuges and implementing domestic violence projects and as a result has good coverage over most of the country. It has the highest level of provision of sexual assault services in relation to the population of the four countries in the United Kingdom. Scotland is currently funding a £10 million Refuge Development Programme to improve and increase the number of refuge places available to women and their children.<sup>a</sup>

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a. Coy, M., Kelly, L. and Foord, J.: *Map of Gaps: The postcode lottery of violence against women support services*, London: End Violence Against Women, 2007.

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<sup>119</sup> Supra note 1. p. 29.

## ***Specialised services***

While general services such as social and health services have an important role in identifying incidents of violence against women, in that they provide basic support in a crisis situation and refer women victims and their children to the necessary support services, the services currently available in most Council of Europe member states are equipped neither to meet the various needs of victims nor to prevent violence effectively. The complex task of adequately responding to the problem of violence against women and empowering victims through optimal support and assistance can be fulfilled only by a well-resourced specialist sector.

Safety, services and support are best ensured by women's organisations and agencies with specialised training and experience in women's advocacy and in-depth knowledge of gender-based violence.<sup>120</sup> It is important that these services are able to address the different types of violence suffered and provide support for all women and their children, including hard-to-reach groups such as women with disabilities and women from migrant communities as well as ethnic minorities.

The poor geographical spread of specialised services poses a challenge to equal access to services for all women. In most countries, the range and quality of services vary considerably from region to region, and specialised women's services are often lacking. The majority of the provision is concentrated in cities and urban areas and sometimes the only services available are located in capital cities.

To ensure that these services are available to all women victims, sufficient funds need to be allocated to establish a protective and supportive service infrastructure. In particular, regional governments and municipalities, which are usually responsible for providing services such as counselling, health services and social services, need to be allocated sufficient resources to set up and run the necessary services at local level.

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- Norway has made efforts to extend service provision and organise training for professionals throughout the country by setting up one national and five regional resource centres which offer a wealth of information on vio-

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<sup>120</sup> Supra note 1. pp. 38-39.

lence, sexual abuse and traumatic stress. These resource centres collect expert information and work closely with professionals in this field, providing them with specialised training and advice. In addition, they facilitate multi-disciplinary co-operation between different agencies and services offering support to victims.

- Similarly, Finland has ensured co-ordination of different authorities and service providers in all parts of the country by appointing a co-ordinator on violence against women in almost all of the country's 415 municipalities.
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### ***The overarching principles***

During the last three decades, women's NGOs and specialised agencies providing services for women victims have embarked on the process of devising basic principles to be applied by service providers in this field. Building on this work, some European women's NGOs, as well as international inter-governmental organisations, have introduced examples of good practice which provide guidance to service experts on how to comply with these principles in their everyday work.<sup>121</sup> Work on minimum standards for the service sector has also been undertaken, mostly by NGOs, service institutions and academics working directly with victims.

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- The European network WAVE (Women Against Violence Europe) has drawn up guidelines for setting up and running a women's shelter as well as guidelines for the services it should provide for victims. It sets out the main objectives of, and standards for, a shelter and provides guidance on how to meet victims' needs. Furthermore, the manual offers practical assistance with setting up such a shelter, including information on how to seek funding and manage the shelter.<sup>a</sup>
  - The Women's Aid Federation of England has developed National Service Standards for Domestic and Sexual Violence. These standards are of three types: standards for services, occupational standards for staff and accredited training/qualifications for staff and volunteers. Honouring the government's commitment and providing a stream of funding to build up

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<sup>121</sup> See *Good practices in combating and eliminating violence against women*, Report of the Expert Group meeting organised by the United Nations Division for the Advancement of Women in collaboration with the United Nations Office on Drugs and Crime (Vienna, Austria, 17-20 May 2005); Women against Violence Europe (WAVE), [www.wave-network.org/start.sasp](http://www.wave-network.org/start.sasp)

the capacity of the services are considered crucial to the enforcement of these standards.<sup>b</sup>

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- a. See <http://www.wave-network.org/>.
- b. See <http://womensaid.org.uk>

Drawing on the expertise of women's services, the Council of Europe has recently prepared a study entitled *Combating violence against women: minimum standards for support services*. The study addresses minimum requirements for the types of services needed by women victims of domestic and sexual violence and the standards they should meet. The study provides benchmarks – for states and service providers – in respect of the extent and mix of services, which services should be available, who should provide them, and the principles and practice base from which they should operate.<sup>122</sup>

These principles combine human rights standards as well as practices which NGOs have developed and championed, but which have also proved effective in supporting women in the aftermath of violence. They may be adapted and applied to work undertaken within government agencies. Internationally recognised good practice is invariably based on these principles.

Any service provided for women victims of violence and their children should be based on these principles, as set out below. To ensure that they are applied in practice, procedures incorporating guidelines for gender-sensitive treatment and respectful behaviour should be adopted by professionals and agencies providing services for women victims of violence.

**Working from a gendered understanding of violence against women:** Services need to demonstrate an appropriate and informed approach, relevant to their service users, which recognises the gendered dynamics, impact and consequences of violence against women within an equalities and human rights framework, including the need for women-only services. Service provision should therefore acknowledge that violence against women is not a problem affecting a number of individuals, but the result of an imbalance of power between men and women, and that it leads to serious discrimination against women, both in society and within the family. Furthermore, any services provided for women victims of violence should be based on the definitions set out in Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*.

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<sup>122</sup> Supra note 16.

**Safety, security and human dignity:** Services need to ensure that all intervention prioritises the safety, security and dignity of service users and of staff.

**Specialist services:** The knowledge and skill base of staff, and forms of provision, need to be specialised, i.e. appropriate and tailored to the specific needs of service users. Special attention should be paid to addressing the needs of particular groups of women, such as young women, older women, immigrant women and women from ethnic minorities, and women with disabilities.<sup>123</sup> Furthermore, the type of service victims need may differ according to the type of violence suffered (domestic violence, sexual violence or violence that women suffer as a result of harmful traditional practices such as crimes committed in the name of honour, forced marriages and female genital mutilation).

**Diversity and fair access:** Services need to respect the diversity of service users and positively engage in anti-discriminatory practice. Services should be provided free of charge, provision equitably distributed across the country and crisis provision available round the clock.

Various measures are needed to facilitate women victims' access to services. These range from awareness-raising campaigns to inform women about their rights and the services on offer to the organisation of free transport to women's shelters and outreach services. So that they comply with this principle, the Council of Europe urges member states to provide victims with documentation and information about their rights, the service they can receive and the courses of action they can take, regardless of whether they lodge a complaint, as well as information about continuing psychological, medical and social support and legal assistance.<sup>124</sup>

**Advocacy and support:** Services need to provide both case and system advocacy services in order to support and promote the rights of service users and meet their needs.

**Empowerment:** Services need to ensure service users can put a name to their experiences, are familiar with their rights and entitlements and can

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<sup>123</sup> *Bridging gaps – from good intentions to good co-operation, Manual for effective co-operation in tackling domestic violence*, Women Against Violence Europe (WAVE), 2004.

<sup>124</sup> *Recommendation Rec (2002) 5*, Appendix, para. 26.

take decisions in a supportive environment that treats them with dignity, respect and sensitivity. In addition, support services should always aim to help women victims of violence to regain control of their lives and, at the same time, promote their overall wellbeing by ensuring their physical and financial security.

**Participation and consultation:** Services need to promote user involvement in the development and evaluation of the service. Services should therefore be organised democratically, ensure the participation of service users and be provided by a sufficient number of well-trained staff. Furthermore, victims should be regularly invited to participate in the evaluation of services and should have the right to file a complaint with an independent body (ombudsperson) if they are not satisfied with the quality of the service.

**Confidentiality:** Services need to respect and observe service users' right to confidentiality and ensure that all service users are informed of situations where confidentiality may be limited.

**A co-ordinated response:** Services need to operate in a context of co-operation among the relevant agencies, collaboration and coordinated service delivery. Ideally, the service provision should involve women's NGOs and all relevant agencies and service sectors in developing, implementing and monitoring the support and assistance offered to victims. A co-ordinated response should aim at ensuring that victims can easily gain access to the various services without having to deal separately with several agencies.

**Holding perpetrators accountable:** Services need to work from the twin foundations of believing and respecting victims and considering that perpetrators should be held accountable for their actions.

**Governance and accountability:** Services need to be effectively managed, to ensure that service users receive a quality service from appropriately skilled and supported staff.

**Challenging tolerance:** Services need to promote the model of nonviolence internally and externally and use gender analysis to raise awareness, educate and undertake prevention work, both in communities and with individuals.

### **3.2.2.2. Core support services for women victims of violence**

While the above standards provide a benchmark for the quality of service, standards can also be applied to the minimum requirements for the different types of services. A basic principle should be that all women victims and their children are offered appropriate support according to their needs. They should therefore be offered a range of services.

The Council of Europe study *Combating violence against women: minimum standards for support services* proposes that each member state should provide helplines, shelters, rape crisis centres and sexual assault centres with an adequate geographical distribution.<sup>125</sup> In addition to these core services, advice/advocacy, counselling and outreach services should either be provided independently or incorporated into the services mentioned above. Furthermore, it is suggested that member states develop minimum standards for the provision of specialised services, including: at least one free national helpline covering all forms of violence against women operating 24 hours a day 7 days a week and providing crisis support in all relevant languages; safe accommodation in specialised women's shelters, available in every region, with one family place per 10 000 head of population; one rape crisis centre per 200 000 women; one women's counselling centre for every 50 000 women, which can intervene in a crisis and provide long-term support to women victims of all forms of violence and to special groups, including migrant and ethnic minority women, refugees and others; and outreach and pro-active services in all regions.<sup>126</sup> All services for women victims of violence should also provide adequate support for their children.

The main focus of the following section is on core services that should be provided to every victim of any form of violence against women and her children. While it is based on the minimum standards developed for service provision in the recent Council of Europe study, it goes beyond these standards and addresses services which have proved vital in providing effective support and assistance to victims.

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<sup>125</sup> Supra note 16. p. 41.

<sup>126</sup> Idem, Table 7.1.

## ***Women's helplines***

Violence against women, in particular domestic and sexual violence, has an enormous impact on the psychological, social and economic aspects of women's lives. It is therefore essential that victims have immediate access to professional help and assistance. To address this need, 24-hour emergency services have been established.

Helplines are one of the most important ways of enabling women to find help and support. A free helpline (with a widely advertised public number) that provides support and crisis counselling and refers women to face-to-face services, such as shelters, counselling centres or the police, forms the cornerstone of any support service for women victims of violence. It is recommended that every country should operate at least one nationwide women's helpline round the clock. These helplines should be funded by national governments and run by women's NGOs with long-standing experience in providing counselling and support for victims of violence.<sup>127</sup>

Women's helplines provide ready access to help and support, as callers may remain anonymous and receive free information about their rights and options. This is crucial because many women hesitate to seek help. New information and communication technologies make it possible to provide services in a number of languages, or to put people through to specialists in specific forms of violence against women.<sup>128</sup> An important aspect of improving the level of help and assistance through helplines is to monitor the calls and evaluate data on calls received according to type of violence and type of assistance needed.

Evidence shows high rates of usage and demand, yet helplines are systematically under-funded.<sup>129</sup> Lack of sufficient resources for helplines is considered a major problem since professionals have clearly recognised that helplines form an essential part of the service provision to women victims. The increasing demand for these lines clearly indicates that this is an area in which resources need to be significantly extended in order to improve access.

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<sup>127</sup> *Preventing violence against women: a European perspective*, Council of Europe, Strasbourg, 2003, p. 71; *Away from violence – Guidelines for setting up and running a women's refuge*, WAVE, Vienna, 2004.

<sup>128</sup> *Supra* note 127. pp.71-75.

<sup>129</sup> *Reality Check: When Women's NGOs Map Policies and Legislation on Violence against Women in Europe*, European Women's Lobby, 2007, p. 42.

It is of paramount importance to provide immediate assistance throughout the year and ensure that it is available 24 hours a day, seven days a week. Within the Council of Europe, 24 member states operate nationwide helplines which provide services round the clock. However, most helplines are still limited to certain days of the week and hours of the day and are not completely free of charge.<sup>130</sup>

### ***Shelters for women victims***

An important means of fulfilling the obligation to provide protection to victims is to ensure immediate, round-the-clock access to safe accommodation for women and their children when they are no longer safe at home. Temporary housing alone or general shelters such as shelters for the homeless, without qualified support from trained staff, are not sufficient and will not provide the necessary support for victims of violence or empower them to claim their basic rights. Victims face multiple, interlocking problems related to their health, financial situation and safety outside the home and the well-being of their children, and specialised women's shelters are therefore better equipped to address the situation.<sup>131</sup>

The functions of a shelter usually go beyond providing a safe place to stay. They provide women and their children with support, enabling them to cope with their traumatic experiences, leave violent relationships, regain their self-esteem and lay the foundations for an independent life of their own choosing. Furthermore, women's shelters play a central role in networking, multi-agency cooperation and awareness-raising in their respective communities.

To fulfil their primary task of ensuring safety and security for women, it is crucial that all shelters apply a set of standards in order to keep victims safe from further attack by the perpetrator. To this end, the security situation of each victim should be assessed and an individual security plan should be drawn up on the basis of that assessment. The technical security of the building is another key issue for shelters as violent attacks by the perpetrators are

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<sup>130</sup> According to information available from WAVE (January 2008), the following member states operate a national helpline for women: Albania, Armenia, Austria, Belgium, Bulgaria, Denmark, Estonia, Greece, Iceland, Ireland, Italy, Latvia, Lichtenstein, Luxembourg, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom. Nationwide free helplines are provided by the following countries: Austria, Belgium, Greece, Ireland, Italy and the United Kingdom.

<sup>131</sup> Supra note 1. p.16.

a threat not only to the women and their children, but also to the staff and other people in the surrounding area. Furthermore, effective cooperation with the police on security issues is indispensable and, to that end, a technical security system should be set up by the police.<sup>132</sup>

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Portuguese law regulates the organisation, functioning and supervision of shelters for victims of domestic violence to ensure quality services. It sets out minimum standards concerning, inter alia, security and safety, training of staff and their responsibilities, practical questions such as appropriate size and locations of shelters but also the type of data to be collected on residents.<sup>a</sup>

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a. Regulatory Decree 1/2006 of 25 January 2006, Portugal.

The data provided by the first round of monitoring of the implementation of *Recommendation Rec (2002) 5 on the protection of women against violence* suggest that most member states recognise the urgent need for more shelters for abused women as the number of places is often insufficient and their geographical distribution is inadequate.<sup>133</sup> While most countries reported the existence of shelters (36 member states out of 40),<sup>134</sup> a closer look at the data raises many concerns. Only eight member states indicate they fulfil the quantitative minimum standard: one shelter place per 10 000 inhabitants for women victims of violence.<sup>135</sup> Ten countries provide about half of the minimum places needed and eight countries less than half. The situation is especially alarming in seven member states as they report only 0,1 or fewer places per 10 000 inhabitants, clearly failing to guarantee the safety of women victims of violence and their children.<sup>136</sup> Only 18 out of 40 member states provide shelters with a sufficiently wide geographical distribution and some member states report no shelters at all, revealing the need for firm measures by member states to fill this gap in service provision.

The second round of monitoring of implementation of *Recommendation Rec (2002) 5* shows that while some improvement was made over the course of two years, services remain insufficient in most countries. Very few member

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<sup>132</sup> Away from violence, supra note 127.

<sup>133</sup> Supra note 1. p.17. 134. Supra note 1. Table No.8, p.52.

<sup>135</sup> Luxembourg, Lichtenstein, Slovakia, Malta, the Netherlands, the Czech Republic, Spain; in Slovakia only three of the 31 shelters are reserved for women victims of violence.

<sup>136</sup> Cyprus, Hungary, "the former Yugoslav Republic of Macedonia", Georgia, Bulgaria, Greece.

states that took part in both monitoring exercises have increased the number of places in shelters.<sup>137</sup> However, 23 instead of 18 now report the provision of shelters with a sufficiently wide geographical distribution and 35 instead of 29 offer shelters that are accessible round the clock, revealing greater determination to provide services in some member states.

The quality of the services in women's shelters cannot be assessed from the results of the monitoring exercise, but evidence from national NGOs and other sources suggests that in many member states there is still a considerable lack of quality services.

Even well-resourced networks of shelters face challenges in providing support for all women in need. For example, countries which report an adequate number of shelters still find the regional provision of services a challenge. Women's shelters and counselling centres are usually found in urban settings and are therefore beyond reach for a large number of women concerned. In rural areas, services for migrant, refugee and disabled women and other groups with special needs are often lacking. Furthermore, the supply of places in women's shelters is insufficient overall, which means that victims seeking help may not be admitted right away. Economic constraints and the lack of financial resources pose a constant challenge for shelters: most women's shelters have to struggle to obtain funding every year.<sup>138</sup>

In recent years, shelters for women victims of trafficking have been set up in several member states. Sometimes women's shelters accommodate victims of domestic violence together with victims of trafficking, often because of a lack of alternatives. Experience has shown that it is more effective to provide separate, specialised shelters for women victims of trafficking, since they require a different kind of support and protection and appropriately specialised staff.

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The city of Vienna provides full funding for four women's shelters as well as a counselling centre. The services are run by women's NGOs. All four shelters apply a gender-sensitive, empowering approach and are equipped with technical safety devices. One shelter was especially built as a women's shel-

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<sup>137</sup> Supra note 8. Figure 3, p.17.

<sup>138</sup> Logar, R., *The Austrian model of intervention in domestic violence cases*, expert paper prepared for the Expert Group meeting on "Violence against women: Good practices in combating and eliminating violence against women" organised by the United Nations Division for the Advancement of Women in collaboration with the United Nations Office on Drugs and Crime (Vienna, Austria, 17-20 May 2005), pp. 3-4.

ter. The shelters have secure funding through an unlimited contract with the city; the annual budget amounts to approximately ? 4 million a year.

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### **Rape crisis centres**

Rape crisis centres have been established to respond to the needs of victims of sexual violence, who often require immediate medical care and other specific services. A rape crisis centre usually refers victims to a safe environment with specially trained psychologists and service staff.<sup>139</sup> Both the traumatic nature of rape and the need for immediate forensic examination to collect the evidence needed for prosecution require a rape crisis centre with trained staff on call, preferably accessible round the clock.<sup>140</sup>

A variety of models of rape crisis centres exist in Council of Europe member states. Some of these are to be found in a hospital setting, which ensures immediate medical care, while others focus on different types of support and counselling. Two main approaches can be identified in the provision of services for victims of sexual abuse.

Sexual assault (referral) centres are based in hospitals or located close to partner hospitals, ensuring highquality forensic practice combined with crisis intervention and advocacy. Referral centres respond to recent sexual assault, carry out medical checks, intervene in a crisis and refer victims to other specialised and community-based organisations for further services.<sup>141</sup> A recent evaluation of these centres in the United Kingdom revealed that advocacy and pro-active follow-up were the most relevant services in the immediate aftermath of sexual violence.

In addition to the support needed immediately after the violent incident, victims of rape and sexual abuse need advocacy and long-term support and counselling. To meet this need, rape crisis centres have been set up. Many of

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<sup>139</sup> Supra note 1, p. 32.

<sup>140</sup> The World Health Organization has drawn up *Guidelines for medico-legal care for victims of sexual violence* in order to enhance health workers' capacity to respond to cases of sexual assault in a sensitive and comprehensive manner and to improve professional health services for all victims of sexual violence. ([http://www.who.int/violence\\_injury\\_prevention/publications/violence/med\\_leg\\_guidelines/en/index.html](http://www.who.int/violence_injury_prevention/publications/violence/med_leg_guidelines/en/index.html)).

<sup>141</sup> *Not either/or but both/and: Why we need Rape Crisis Centres and Sexual Assault Referral Centres*, EVAW, CWASU, Rape Crisis, Fawcett.

them offer a helpline, face-to-face counselling, support groups and woman-to-woman advocacy in court proceedings, and contact other services.<sup>142</sup> Research indicates that the need for counselling and therapy usually emerges not so much in the first days or weeks after the event, but several months or years later.<sup>143</sup> It has proved to be good practice to provide these services regardless of whether the matter will be reported to the police, and to offer the possibility of having samples taken and stored so that the decision as to whether or not to report the rape can be taken at a later date.<sup>144</sup>

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- The United Kingdom has long-standing experience of Sexual Assault (Referral) Centres (SACs/SARCs), which have been established since the 1980s in hospitals or near partner hospitals. The SACs/SARCs strive to ensure high quality forensic responses and provide short-term counselling and advocacy for recent sexual assault victims, both female and male.<sup>a</sup>
  - Sweden has set up a National Centre for Battered and Raped Women in a hospital setting in the city of Uppsala to carry out medical examinations and provide treatment and support to women subjected to violence. In addition, it provides training and practical guidance for health and medical staff in the area of sexualised violence and serves as a national resource centre offering a wealth of expert information on the subject. To ensure the dissemination of expertise throughout the country, the National Centre for Battered and Raped Women documents information on its working methods and disseminates it throughout the country.<sup>b</sup>
  - Norway has set up service centres for victims of rape and sexual violence in every county of the country. These are linked to inter-municipal emergency clinics. The service centres aim to enhance service provision at local level and ensure that the needs of victims of rape and sexual abuse are met by trained staff and specially tailored services.<sup>c</sup>

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a. See for example: Sexual Assault Referral Centres “Getting started”, ACPO Rape Working Group, United Kingdom.

b. See [www.akademiska.se](http://www.akademiska.se).

c. Overgrepsmotlak, Beileder for helsetjenesten (Rape Clinics, Guide for the Health Service), 2007. For a list of rape clinics see the website [www.dixi.no](http://www.dixi.no).

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<sup>142</sup> Idem.

<sup>143</sup> Supra note 8. p.24.

<sup>144</sup> Kelly, L., *Promising Practices addressing sexual violence*, expert paper prepared for “Violence against women: Good practices in combating and eliminating violence against women”, Expert Group meeting organised by the United Nations Division for the Advancement of Women in collaboration with the United Nations Office on Drugs and Crime (Vienna, Austria, 17-20 May 2005), pp. 7-8.

Recent data point to an alarming lack of rape crisis centres and other appropriate services for rape victims in Europe. The results of the second round of monitoring of implementation of *Recommendation Rec (2002) 5* show that rape crisis centres with specially trained staff, ensuring immediate medical care and providing documentation, are available in only 21 out of 40 countries which took part in the monitoring exercise. In 24 countries services are free of charge and 22 countries report that they are accessible to all women. However, only 16 of 24 member states concerned provide services with sufficiently wide geographical coverage.<sup>145</sup>

A look at these figures in the light of the standards laid down in the Council of Europe *Recommendation Rec (2002) 5*, which include providing victims with immediate, comprehensive assistance free of charge, round the clock, shows that the actual situation in member states falls far short of the recommendation.

## **Counselling**

Counselling, understood as comprehensive support including practical help and accompaniment, forms an important part of the services offered to women who have experienced violence as it enables them to understand and overcome the effects of violence. Counselling should be available to all women victims of all forms of violence, including victims of domestic violence who do not need accommodation in a women's shelter but might still seek support. It is essential that women receive professional and non-judgmental support, which fosters women's self-esteem and self-determination regardless of the decisions they take as regards their future. At least one women's counselling centre should therefore be available per 50 000 women to provide support in a crisis as well as in the longer term.<sup>146</sup>

One purpose of counselling is to help women understand how violence is used to exert power and control and what kind of controlling behaviour has been applied to gain power and control over them. By acknowledging the mechanisms of violent behaviour women learn how better to resist violence and protect themselves.<sup>147</sup>

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<sup>145</sup> Supra note 8. Table 9, p.43.

<sup>146</sup> Supra note 16. Table 5.2.

<sup>147</sup> Away from violence, supra note 127.

## ***Trauma care and long-term support***

Therapeutic help, either individual therapy or group work, forms an additional component of the services needed by women victims as violence has serious consequences for their physical, reproductive and mental health.

It is important to understand that psychological recovery continues long after the last traces of the physical injuries have disappeared. Trauma care and psychological support for victims should therefore be extended to deal with the long-term consequences of violence, even years after the first incidents occurred.

## ***Pro-active services***

An innovative type of service for domestic violence cases, often in the form of what are known as intervention centres, has emerged over the last decade in several European countries to respond to the needs of victims of violence by means of a pro-active approach. With a view to ensuring co-operation between the police and specialised women's services, this type of service is based on the pro-active approach of contacting victims of violence after police intervention. Recognising the obstacles that women face when they seek help and assistance from various agencies and services, intervention centres provide women with information about their legal and social rights and help them to obtain access to other support services.

Many women's NGOs have expressed concern at the limited number of intervention centres, as they play an important role as central referral agencies for other services.<sup>148</sup> It is therefore recommended that more attention be paid to this type of service provision.

## ***Outreach and mobile intervention***

One important aspect of pro-active services is outreach work, which targets vulnerable groups of women, such as women from minorities and women with disabilities who have no contact with the services available and are unaware of their rights. In addition, outreach work is needed for women with

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<sup>148</sup> Supra note 129. p. 42.

small children and women without access to public transport who face practical obstacles in getting to support services.

Experience in different European countries shows that outreach work and mobile (telephone) intervention have proved valuable in reaching women victims with limited access to support services by bringing the service to the woman rather than the other way round.<sup>149</sup> Mobile outreach services, which attain victims in rural areas, are considered an integral part of the service set-up for women victims and should therefore be set up in every region. A similar approach could be adopted in the health system, where the first contact is often made with victims of violence when they seek medical treatment for some other reason.

### ***Integrated model for domestic violence***

An integrated working model for family domestic violence cases has been developed as a tool to ensure cooperation, co-ordination and the sharing of all relevant information among all the service providers and authorities involved in the case, so that the woman and her children obtain the safety and support they need. Making contact with the perpetrator is considered an important component of this model, to ensure safety and protection, as are providing protection for the children and responding to their need for safety and support.

### ***Legal aid and advocacy services***

Many women victims of violence have difficulty in availing themselves of legal remedies against the perpetrator. Whether it is a case of pressing charges against the perpetrator, giving evidence in court or dealing with issues concerning divorce, child custody and support, property settlement, social welfare, housing or employment, many women need emotional and financial support to see court battles through to the end.

Supporting women through criminal proceedings has proved highly effective for the outcome of such proceedings. For example, court proceedings can be extremely strenuous for victims of rape and many victims choose not to tes-

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<sup>149</sup>. Supra note 8. pp. 26-27.

tify out of fear for their own safety, public humiliation or re-victimisation. Recent research in the United Kingdom and the Netherlands shows that advocacy is an essential and effective means of supporting women victims of domestic violence in pursuing criminal justice and helping to prevent attrition. Women who receive support from specialised advocacy services are more likely to give evidence and are more satisfied with the legal proceedings. Adequate support in criminal court proceedings can also prevent secondary trauma.<sup>150</sup>

As violence causes severe devastation in all aspects of women's lives for years and can cause serious trauma, women may seek general or specialist information from various service providers, such as those providing financial support or doing social work and children's services, as well as education and training authorities. Advocacy services play an important role in helping women to come in contact with relevant agencies and services, which provide support as they claim their rights.<sup>151</sup>

To ensure that women are not prevented from seeking criminal justice or effective legal counselling, legal aid should be widely available to women victims of violence. Legal aid is best provided in a co-ordinated way – there should be one agency responsible for all legal matters related to violence against women.

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In the United Kingdom, independent Domestic Violence Advisors have been appointed to assist the victim in criminal proceedings and facilitate contacts with the authorities and various support services.<sup>a</sup>

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a. See *Domestic violence – a national report*, March 2005, Section 16, Home Office, United Kingdom.

### **Services for children**

Exposure to violence has a severe impact on children. It breeds fear, causes trauma and adversely affects their development. In cases of domestic violence, the perpetrator, who is usually the father or stepfather, is often

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<sup>150</sup> Supra note 1. p. 22.

<sup>151</sup> Idem; Kelly, L., and Humphreys, C., *Supporting women and children in their communities: outreach and advocacy approaches to domestic violence*, in: Taylor-Browne, J., (ed.), *What works in reducing domestic violence? A comprehensive guide for professionals*, Whiting & Birch Ltd, London, 2001, p. 239.

known to be violent towards the children in the household as well as, a result of the same abusive pattern that characterises his behaviour towards his partner. Children may be threatened and hurt by the perpetrator, for example when he tries to exert pressure on the woman who has left him. Furthermore, violence usually continues after separation and is often reported during visits by the father.<sup>152</sup>

Although violence is known to be detrimental to children, little attention has been paid to its impact on a parent's ability to protect and care for the children. As a result, there have been few developments in Europe with regard to specific intervention strategies for children who witness domestic violence.<sup>153</sup>

*Recommendation Rec (2002) 5* urges member states to “take steps to ensure the necessary psychological and moral support for children who are victims of violence by setting up appropriate facilities and providing trained staff to treat the child from initial contact to recovery”, adding that “these services should be provided free of charge”.<sup>154</sup> 37 out of 40 Council of Europe member states report doing so.<sup>155</sup> However, these results are in contrast with results obtained through research in selected countries, which revealed that child protection services have no authority to act unless the child himself or herself is being recognisably abused or shows symptoms of possible abuse. The results of the monitoring of implementation of *Recommendation Rec (2002) 5* therefore point to the existence of child protection services in general, but do not bear out the existence of specialised services for children who witness domestic violence. In view of these limitations, the results reflect a low level of awareness of what is needed to protect children from harm in situations of domestic violence.<sup>156</sup>

As children's health and well-being are affected by their being a witness to and/or victim of violence, it is very importance that they receive help and

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<sup>152</sup> Hester, M., Pearson, C. and Harwin, N., *Making an Impact: Children and Domestic Violence. A Reader*, Bristol, 2000; and Hester, M., *Children, abuse and parental contact in Denmark*, in: Eriksson, M. et al: *Tackling Men's Violence in Families. Nordic issues and dilemmas*, The Policy Press, Bristol, 2005, pp. 13-30.

<sup>153</sup> Hester, M., *Approaches to effective intervention by the specialised service sector*, Keynote speech delivered at the Council of Europe Regional Seminar on Protection and specialised support by the police, health care professionals and social workers for victims of domestic violence, Skopje, 11-12 September 2007.

<sup>154</sup> *Recommendation Rec (2002) 5*, Appendix, paragraph 32.

<sup>155</sup> *Supra* note 8. Table 10.

<sup>156</sup> *Supra* note 1. p. 18, footnote 32, p. 68 and *supra* note 8. p. 18.

counselling to cope with their traumatic experiences. On the basis of the body of expertise and knowledge built up by women's services, support for mothers (usually in their capacity as non-abusive carers) is considered the most effective child protection strategy in cases of domestic violence.<sup>157</sup> The victimisation of children and their right to support have been recognised by women's shelters and they usually provide safe accommodation and support for the children of abused women. The WAVE standards for shelters recommend that every women's shelter should have at least two child care workers offering support to children.<sup>158</sup>

Given the close relationship between a mother and her children, any support offered should be empowering for both and should strengthen their relationship, since the mother is often the only person the children can rely on. Furthermore, it is important to recognise that women and children are often victimised together and that they therefore both need advocacy and support in legal proceedings.

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Sweden's Action Plan refers to the United Nations Convention on the Rights of the Child to highlight the fact that children who "only" witness violence against adults close to them are also entitled to protection.<sup>a</sup>

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a. Supra note 8. p. 8.

### ***3.2.2.3. The role of general services in preventing violence against women***

While the establishment of a specialised service sector is essential in the organisation of support and protection for women victims of violence, the important role of the authorities in reaching the victims and addressing their needs should not be neglected. When official help is sought, it is most frequently sought from health and social services. Since women turn to these general services for help, it is of utmost importance that the capacity of the agencies concerned and staff training be improved in all sectors of public and private service provision.

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<sup>157</sup> Hester, supra note 153.

<sup>158</sup> Away from violence, supra note 127. p. 46.

## **Health services**

As the victims turn to medical professionals for treatment for their physical injuries and any other health-related matter, health professionals are usually among the first service providers to come in contact with victims of domestic violence. For this reason, health professionals such as nurses and doctors are well placed to identify high-risk profiles for domestic violence and prevent violence at an early stage. This potential is not always exploited by the health services because of a lack of awareness, poor professional skills in dealing with such problems, a lack of knowledge about referral agencies or a lack of services to which patients can be referred. According to the most recent round of monitoring of implementation of *Recommendation Rec (2002) 5*, only 7 out of 40 member states systematically collect medical data on contacts between victims with health care services.

At international level, the World Health Organization (WHO) has issued guidelines for medical personnel to help them identify and prevent sexual assault and domestic violence and to raise awareness of violence against women among health care professionals.

Among the Council of Europe member states, there are no examples of comprehensive national approaches to preventing and identifying cases of domestic violence within the health sector. However, directly asking women about domestic violence is found to be a beneficial practice in a number of sectors, including health care. The very fact of asking questions about domestic violence conveys the important message to women and children that practitioners are aware of its existence and relevance. This may facilitate disclosure by women trying to seek help. It may enable women who do not see themselves as being in a domestically abusive relationship or who are ignoring the abuse to reveal their experiences for the first time, and thus allow intervention, sometimes even at an early stage.

Routine inquiries about any experience of violence are increasingly recommended, in particular in primary health care and maternity clinics. Training of staff working in emergency units in hospitals is also seen as a good practice in identifying violence against women at an early stage.<sup>159</sup>

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<sup>159</sup> Hester, *supra* note 153.

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- Finland has carried out a project to screen for domestic violence in maternity and child health care clinics: pregnant women and women with small children were asked routine questions about intimate partner violence.<sup>a</sup>
  - In Slovenia, guidelines for treating domestic violence in the health sector have been issued and nurses and midwives receive regular training in family violence.<sup>b</sup>
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a. Supra note 8. p.22.

b. Ibidem.

Increased attention must be paid to the importance of close cooperation between health professionals, women's support services and other agencies. Clear protocols and guidelines as well as comprehensive training are needed in all health agencies. Adopting joint procedures for co-operation between health services and the police and setting up systems for recording medical data concerning the victims is of particular importance. As victims might be reluctant to report the incident to the police immediately, it is important that the medical records can be used as evidence in court should legal protection be sought at a later date.

The traditional health care approach is to treat injuries but not their causes, and insufficient legal authority to intervene to address the patient's situation remains the major obstacle to preventing further violence at a fairly early stage. Furthermore, securing confidentiality and the protection of patient data present additional challenges when it comes to finding appropriate means of preventing and combating domestic violence within the health services.

### ***Social services***

It is usually the social services that are responsible for the safety and well-being of the child and they take measures to guarantee the child's rights in those respects. If a child is exposed to violence in the family, the social services have the power to remove the child from the violent home. In cases of domestic violence against women, the measures taken by the social services to uphold the rights of the child may result in conflicting interests. The fact of supporting fathers' access rights may jeopardise the abused mother's right to safety.<sup>160</sup> Co-operation between the social services and women's services must therefore be co-ordinated to dispel contradictions between the law and

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<sup>160</sup> Hester, supra note 153.

professional practice in relation to domestic violence, child protection and access/contact.<sup>161</sup> Giving priority to children's safety and well-being over the right of parents to see their children should be standard practice. Similarly, children should never be forced to have contact with a father who exposed them to violence.<sup>162</sup>

As social services deal mainly with services related to child welfare, it is essential that the capacity of social services and child welfare agencies be strengthened to deal with cases of violence against women in a holistic way, focusing on the safety and empowerment of both women and children at all times.<sup>163</sup> To this end, guidelines and protocols should be adopted by the social services, and staff should receive comprehensive training in the issue of violence against women and its impact on children. The social services are not, however, in a position to provide independent advocacy to women victims of violence and should not therefore be given the role of providing support to victims after police intervention. This task should be fulfilled by independent agencies and specialised services for women run by women's NGOs.

### ***Measures to guarantee economic and social rights***

Apart from the basic services outlined above, women are likely to need a wide range of long-term services and economic and social support as they strive to rebuild their lives. As sexual abuse and domestic violence may require the victim to be off work, give up her job or move out of her home in order to protect herself and her children from the perpetrator, they expose women to an enormous financial risk.<sup>164</sup> Attention should therefore also be paid to services facilitating long-term re-integration in society, such as financial assistance, housing, assistance with finding employment and education opportunities. Escaping violence is a process, not an event, and as such takes time. It

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<sup>161</sup> Idem.

<sup>162</sup> The United Nations *Convention on the Rights of the Child* (1989) guarantees protection from violence for all children. The Convention also states that children have the right to have contact with both parents. This includes the right to refuse contact.

<sup>163</sup> Clemensen, M. and Theil Nielsen, R. (eds.), *The Danish National Observatory on violence – team effort working to eliminate men's violence against women*, published by the Women's Council, Denmark, p.26.

<sup>164</sup> Women victims of domestic violence may also be financially abused, e.g. not allowed to work, rendered totally dependent on the perpetrator for assistance and made responsible for all household liabilities and loans and may, as a result, face considerable debt after leaving a violent relationship.

is not therefore possible to predict on first contact what services any individual woman will need or for how long.<sup>165</sup>

### ***Affordable housing***

Housing constitutes an important element in the provision of long-term services for victims of violence. It is of vital importance when considering the safety of victims of domestic violence. For most, leaving their home is usually the last resort. As discussed earlier in this report, various civil and legal remedies are available as a means of barring the perpetrator from the shared home and its immediate surroundings. However, women victims of violence may not always be able to stay in their homes, for safety or other reasons, such as unaffordable rents or difficulties stemming from the fact that close relatives of the perpetrators live in the same house or nearby. The housing needs of victims of violence have not been a central feature of research into service provision, although violence results in homelessness in a number of cases. A United Kingdom study reports that 16-18% of households accepted as homeless have lost their accommodation because of the break-down of a violent relationship.<sup>166</sup> Finding accommodation may be especially difficult for poor and single women, who have often been prevented from building up or accessing financial resources.

Many countries still have few safe shelters, and the lack of affordable permanent housing presents another challenge when it comes to ensuring the safety of women victims. If women victims manage to obtain a place in a women's shelter, the lack of housing may prevent them from leaving the shelter. The situation seems to be especially alarming in Central and Eastern Europe, where the privatisation of housing has led to dramatic price increases. The lack of suitable housing is therefore one of the main factors discouraging women from seeking a divorce from the person abusing them.<sup>167</sup> The provision of affordable permanent housing is therefore a key means of fulfilling the obligation to assure women of their social rights and their right to protection.

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<sup>165</sup> Regan, L., *Responding to victims*, paper presented at the Council of Europe Regional seminar on Support and protection for victims of domestic violence: services needed, Espoo, Finland, 8-9 October 2007.

<sup>166</sup> Levison, D., and Harwin, N., *Accommodation provision*, in: Taylor-Browne, J., (ed.), *What works in reducing domestic violence? A comprehensive guide for professionals*, Whiting & Birch Ltd, London, 2001, pp. 151-152.

<sup>167</sup> *Supra* note 8. p. 28.

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- Sonas Housing in Ireland has developed a unique model of transitional and permanent housing. Women and their children who have left their own homes because of an abusive relationship may be provided with housing for a period of up to two years. Sonas has approximately 50 housing units in the Dublin area and also supports the provision of transitional housing in rural areas, in partnership with the local frontline services responding to domestic violence.<sup>a</sup>
  - The Supporting People programme in England offers vulnerable people the opportunity to improve their quality of life by providing a stable environment which makes for greater independence. It delivers high quality and strategically planned housing-related services which are cost-effective and reliable, and complement existing care services. The planning and development of services is needs-led. Every housing authority is required to formulate a strategy in its district to prevent homelessness and provide accommodation and support to vulnerable people.<sup>b</sup>
  - For decades, the city of Vienna has invested in affordable social housing and resisted privatisation. Women victims of violence and members of other vulnerable groups in danger of homelessness can apply for a flat through a special department in the housing unit. The application does not involve much paperwork and is handled speedily: women may be allocated a flat within a month. For several years now, immigrants have also, under certain circumstances, been entitled to social housing when in danger of homelessness.<sup>c</sup>

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a. See [www.sonashousing.ie](http://www.sonashousing.ie).

b. See <http://www.spkweb.org.uk/>.

c. See [www.wohnen.fsw.at](http://www.wohnen.fsw.at).

### ***Perpetrator programmes for men***

Perpetrator programmes for men are another type of service developed during the last ten years to enhance the safety of women and children and to prevent the perpetrator from resorting to violence. To ensure that these programmes give priority to the needs and safety of victims, close cooperation with women's support services is considered a primary requirement. Whilst programme participants have a right to privacy, women should be guaranteed access to information about the programme's protocols, the man's attendance rate, his progress and the prospects of change.

### ***A co-ordinated community response***

Long-term efforts to prevent violence against women have led to the conclusion that no single agency or authority can successfully tackle violence

against women alone. If violence against women is to be effectively prevented and the victims provided with the necessary protection and support, a co-ordinated community approach is needed. Since the early 1990s, multi-agency approaches, based on co-operation among different state agencies, service providers and NGOs, have been developed in a number of countries. These may be defined as targeted joint ventures that involve all relevant official and voluntary agencies from which women seek help and seek to develop co-ordinated policies and practices.<sup>168</sup>

The main aim of multi-agency cooperation is to enable women to receive co-ordinated assistance in claiming their rights, provide them with easy access to the services they need and facilitate contact with the authorities. This approach requires that the needs of the victims be placed at the centre of multi-agency co-operation, which, in turn, means that victims must be regularly consulted and invited to participate in evaluation schemes.

As the co-ordinated multi-agency approach has proved to be the only effective approach to preventing violence and protecting victims, it is now considered good practice in service provision across Europe. However, even though many Council of Europe member states report adopting co-operation models at regional and municipal level, efficient implementation and comprehensive evaluation of such models are still largely lacking.

On a practical level, the idea behind multi-agency co-operation is that, by bringing agencies together, it is possible to overcome differences in approaches and working methods between them and develop joint partnerships, policies and practices, so as to provide the user with improved services. Despite these intentions, however, multi-agency collaboration is a complex task fraught with potential difficulties.<sup>169</sup> A lack of comprehensive action plans to combat violence against women and clear guidelines and protocols for cooperation among different service providers and a failure to collect data and train professionals have been reported by various service providers and NGOs as the remaining challenges to an effective multi-agency approach. Whereas urban areas are better equipped with co-ordinated support for victims, rural areas are still struggling to provide quality services and therefore lack the

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<sup>168</sup> Supra note 1. p. 24.

<sup>169</sup> Hague, G., *Multi-agency initiatives*, in: Taylor-Browne, J., (ed.), *What works in reducing domestic violence? A comprehensive guide for professionals*, Whiting & Birch Ltd, London, 2001, pp. 279-280.

basis for multi-agency work. Operational multi-agency co-operation fora are a highly cost-effective means of increasing the effectiveness of protection and identifying gaps and shortcomings locally, where they can be addressed quickly.<sup>170</sup>

There is evidence that the most successful examples of co-operation rely heavily on good personal relations between the staff of public authorities, service providers and NGOs. Consequently, multi-agency co-operation requires sound commitment and networking skills on the part of all professional groups dealing with violence against women. The lack of authorisation to exchange information and to co-operate with other professionals and authorities needs to be adequately addressed. It is therefore highly recommended that a legal basis or procedures and regulations be introduced to enable institutions to co-operate across professional fields.

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***Domestic Violence MARACs – Multi-Agency Risk Assessment Conferences for very-high-risk victims***

MARACs were introduced as a means of establishing an effective multi-agency network to protect high-risk women victims of violence. The network consists of various authorities and service providers responsible for preventing domestic violence and helping victims, such as the police, the probation service, the local authority, the health and housing authorities, shelters and support services for women victims. The network meets regularly (once a month) to exchange information and take action to prevent harm to high-risk victims and their children. At the first meeting, the circumstances of individual victims are discussed and plans are drawn up to enhance their safety. In many cases, the first meeting reveals discrepancies in the information held by different agencies. While on the one hand the women's services may have identified a woman at high risk of domestic violence, the probation service might be unaware that her partner is a serious domestic abuser. These conferences provide an important forum that serves to identify and fill gaps in information. MARACs have proved effective in improving co-operation across agencies, contributing to victims' safety and raising awareness of the impact of domestic violence on children. On the basis of the number of police call-outs for domestic violence, it emerged that the majority of victims had not suffered violence after a MARAC had taken place.<sup>a</sup>

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a. See <http://www.caada.org.uk/>.

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<sup>170</sup> Supra note 1. p. 24.

#### **3.2.2.4. *The role of the police in protecting victims and preventing violence***

In many Council of Europe member states, the police have taken an active role in combating and preventing violence against women. Quick and appropriate responses to emergency calls and other effective management measures such as the establishment of special units are a key element in good policing. Interviewing the victim and the perpetrator separately, guaranteeing the right of a female victim to be interviewed by a specially trained female officer, especially in cases of sexual violence, and referring all victims to specialised support services are important and should be standard police procedure. Having one specially trained female officer assigned to the victim helps to establish a relationship of trust and avoids the secondary trauma of having to repeat the story to different police officers.

Many cases of violence against women are widely under-reported. The police can play an extremely important role in encouraging women victims of violence to report it. It is essential that the police take cases of violence against women seriously: failure to do so directly affects the number of cases referred to prosecutors and contributes to underreporting. A number of countries have therefore made it a priority to increase the number of first reports of domestic violence against women and decrease the number of second reports.<sup>171</sup>

It is crucial to win the trust of the victim and carry out a thorough investigation. Evidence-gathering is especially important shortly after the criminal act, and the police talk of the “golden hour”: evidence collected during this period will directly affect whether a case is prosecuted.<sup>172</sup> It is also important that the police collect photographic evidence, particularly as the victim may decide not to be a witness, or may change her mind about giving evidence.

Every police force should actively engage in multi-agency co-operation work and devise protocols and regulations on information-sharing.

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<sup>171</sup> Supra note 8. p.21.

<sup>172</sup> Ibidem.

### **3.2.2.5. Council of Europe monitoring framework for Recommendation Rec (2002) 5 on the protection of women against violence – results and assessments regarding support services**

Monitoring of the implementation shows that more and more Council of Europe member states have introduced specialised services to protect and support women victims of gender-based violence, such as shelters, 24-hour rape crisis centres, services for children and perpetrator programmes. However, not much progress has been made in the area of general services despite significant gaps in provision everywhere. In fact, in some countries the provision of services to women victims of violence seems to be stagnating.

The countries with the lowest provision levels have improved some of their services, and three-quarters of the member states claim to provide such facilities as round-the-clock shelters. It is difficult, however, to carry out a more general assessment of progress in terms of shelters in member states, as a strikingly large number of countries are unable to provide information about the number of shelters or the number of places in them. A number of countries provide no figures at all or give a vague estimate, stating that either the number of shelters or the number of places is unknown. Steps therefore need to be taken to improve the collection of accurate data in this field.

Interpreting the information about the number of shelters and places in shelters poses a challenge as no general standard has been adopted as to whether the number of places in shelters refers to the number of family places (i.e. including children) or the number of persons (with places for mothers and children counted separately). In general, not much progress has been made with setting up more shelters, with a sufficiently wide geographical distribution, and currently only half of the member states say they conform to this standard.

As regards services for victims of sexual assault and rape, a slight increase can be detected. There has been more improvement since the last round of monitoring with regard to accessibility and making these services free of charge. Yet there is a noticeable lack of immediate medical care, forensic services and also documentation. Furthermore, it is alarming that more than half of the responding member states do not provide any services for victims of sexual violence.

As regards outreach strategies and support for children, few countries provide help specifically targeting children who witness violence against their mothers. Many countries assume that the existence of statutory child protection services is a sufficient response to the need for specialised services for children who have witnessed domestic violence.

As regards perpetrator programmes, only one more country can be added to the list of member states that run such programmes. In total, fewer than half of Council of Europe member states offer such programmes, and they are often smallscale or isolated.

### **3.2.3. Data collection and research**

#### ***3.2.3.1. Data collection and research as a prerequisite for policy design and political decision-making***

The importance of data for devising, implementing and monitoring policies to prevent and combat violence against women is increasingly being recognised by governments, international organisations, nongovernmental organisations and researchers. To be effective, political decisions, intervention strategies/ policies and evaluation must be supported by comprehensive knowledge and data based on social science research.

Along with research, populationbased data collected through surveys is vital for evaluating the prevalence and incidence of violence against women at national and international level. Furthermore, reliable data on violence against women, combined with qualitative research and analysis, can help to improve prevention and intervention policies and practices. Reliable data and statistics form the basis for estimates of the prevalence and risk of violence against women and can also help in the design of effective policies for combating violence against women.

Service-based administrative data compiled by government agencies and institutions, on the other hand, may show how the police, the judiciary, the social welfare system and the health care services are assisting victims of violence. It is therefore essential to collect such data in order to monitor the implementation and effectiveness of laws, policies and goals set out in national action plans.

Statistical information is also important in any effort to raise public awareness of violence against women and to encourage the reporting of such violence.<sup>173</sup> At the same time, indicators for violence against women enhance the capacity to evaluate policies by making it possible to provide concrete data on the resulting increase or decrease in levels of violence.<sup>174</sup>

In recent years, initial steps have been taken to improve survey methods, develop common indicators and address the challenges of comparing data over time and across different countries and regions.

One attempt to harmonise the type of information available to inform policies and political decisions has involved the development of a uniform set of international indicators by various intergovernmental but also non-governmental international organisations. The Council of Europe, for example, devised a monitoring framework based on indicators as a follow-up to the *Recommendation Rec (2002) 5 on the protection of women against violence*. The monitoring instrument comprises 20 indicators measuring the implementation of different legal and policy measures called for in the recommendation. Monitoring takes place every two years: the first round was completed early in 2006 and the second in 2008. The results are analysed in studies that assess the overall implementation of *Recommendation Rec (2002) 5*.<sup>175</sup> This type of monitoring through indicators makes it possible, through comparable quantitative data, to track, over time, developments in national responses to violence against women, such as the numbers of protection orders issued.

Within the framework of the United Nations, the *Special Rapporteur on Violence against Women, its Causes and Consequences* has, on re-

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<sup>173</sup> Walby, S., and Myhill, A., *Assessing and Managing Risks*, in: Taylor-Browne, J., (ed.), *What works in reducing domestic violence? A comprehensive guide for professionals*, Whiting & Birch Ltd, London, 2001, p. 308.

<sup>174</sup> *Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches for overcoming them*, Report of the Expert Group meeting organised by the United Nations Division for the Advancement of Women in collaboration with the Economic Commission for Europe (ECE) and the World Health Organization (WHO), Geneva, Switzerland, 11-14 April, 2005. See also the *Report of the Expert Group meeting on indicators to measure violence against women*, organised by the United Nations Division for the Advancement of Women in collaboration with the Economic Commission for Europe (ECE) and the United Nations Statistical Division, Geneva, Switzerland, 8-10 October, 2007.

<sup>175</sup> *Supra* note 1. note 8. and note 33.

quest,<sup>176</sup> made proposals for indicators for violence against women and for national measures taken to eliminate it.<sup>177</sup> These form a limited set of indicators that allow for comparisons between countries to assess both the prevalence of violence against women and government responses designed to protect and support women victims of gender-based violence. They therefore cover two different areas: there are indicators to measure violence against women and indicators for government responses to violence against women (levels of ratification, access to justice, protection of victims, prevention, training etc.).

With a view to enhancing efforts to prevent and combat violence against women, including domestic violence, some Council of Europe member states have also taken steps to ensure data collection and research. Data on the nature, prevalence and incidence of various types of violence against women are still widely lacking, however. The lack of agreed indicators for measuring the prevalence of all forms of violence and evaluating existing policies is still a major concern and an obstacle to effective policy-making.<sup>178</sup> New impetus is therefore needed to improve data collection and research as major tools for combating violence against women.

### **3.2.3.2. Definitions and operational concepts**

While there have been many datacollection initiatives across member states, not all operate with the same definition and concepts of violence against women. This presents serious obstacles to research and the collection of rigorous and comparable data in this area.<sup>179</sup> Consequently, it is important to base the collection of data and any ensuing research on widely-accepted concepts and definitions to ensure that indicators and categories used to collect data are informed by agreed sociological concepts. This is

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<sup>176</sup> United Nations Commission on Human Rights Resolution on violence against women, 2004/46, para 25. In support of such a move, the United Nations General Assembly requested the United Nations Statistical Commission to propose possible indicators for assessing the scope, prevalence and incidence of violence against women, building on the work of the Special Rapporteur, see UN GA Resolution 61/143 of 19 December 2006.

<sup>177</sup> Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Ms Yakin Ertürk, “*Indicators on violence against women and State response*”, A/HRC/7/6, 29 January 2008.

<sup>178</sup> Supra note 173.

<sup>179</sup> The concept of violence is often linked to the criminal perspective or to institutional, organisational and social/local context considerations and is rarely approached from the victim’s point of view.

particularly important for concepts of violence, violence against women, domestic violence, crime, differences based on sex and differences based on gender.

### **3.2.3.3. Types of data collection**

Four types of data can be generated and collected in order to study and efficiently combat violence against women: data based on surveys (population-based data), data from the national statistics agency, administrative data and qualitative data.

#### **I. Population-based data: national and local surveys**

Over the last decade, two major approaches to the collection of population-based data on violence against women have emerged. One is that of a dedicated study, i.e. a study designed for the purpose of gathering detailed information about the extent of the different forms of violence against women. Another approach is to embed questions about violence against women in an ongoing largescale study that is designed to generate information about a different or wider subject, such as women's health. A hybrid approach is to add a special module on violence against women to a general survey.

So-called household surveys or population surveys obtain information from randomly selected samples, from which survey results may be generalised to the overall population from which the sample was selected. Population-based surveys, in which respondents are questioned about acts of violence they have experienced, are designed to assess the actual percentage of women victims of violence in society.

There are various ways of conducting population-based surveys. Some countries have generated information through national crime surveys.

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The British Crime Survey measures the level of crime in England and Wales by asking respondents about crimes they have experienced in the last year, whether they were reported or not. This makes it possible to form a more realistic picture of crime as actually experienced by the general population, irrespective of the respondents' tendency to report crime. The survey includes a section with specific questions on domestic violence, which all respondents are asked to complete. Periodically, it also contains a module with

detailed questions on intimate violence, including partner abuse, family abuse, sexual assault and stalking. Men and women between the ages of 16 and 59 are asked to respond.<sup>a</sup>

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a. The findings of the British Crime Survey are available at <http://www.homeoffice.gov.uk/rds/pdfs/hors191.pdf> and [www.crimereduction.gov.uk](http://www.crimereduction.gov.uk).

The prevalence of violence against women can also be studied by stand alone population-based surveys focusing specifically on certain types of violence against women.<sup>180</sup>

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- The *International Violence Against Women Survey (IVAWS)*, carried out by the European Institute for Crime Prevention and Control (HEUNI), UNODC and Statistics Canada, is an international project to collect cross-cultural, comparable data on the prevalence and incidence of men's violence against women, especially domestic violence and sexual assault. It aims to measure the level of victimisation of women in a range of different countries worldwide, on a repetitive basis, to provide input for the development of a targeted criminal justice response. To allow for comparison between countries, a standard questionnaire was designed and used by all participating countries.<sup>a</sup>
  - The World Health Organization *Multi-Country Study on Women's Health and Domestic Violence* is an example of a dedicated or specialised population-based survey. It seeks to measure the prevalence and characteristics of violence against women. It also assesses the extent to which such violence affects women's health. Other important objectives of the study are to identify certain risk factors and document and compare how women cope and deal with such violence, including what services they use. Framed in the context of women's health, the survey is designed to

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<sup>180</sup> See for example the Portuguese surveys "*Violence against women*", by Lourenço, N. and Lisboa, M., 1995; "*Social costs of violence against women*", by Lisboa, M., Carmo, I., Vicente, L. and Nóvoa, A., 2002; "*Gender Violence – a national survey*", by Lisboa, M. (co-ord.), in 2007, and the Spanish survey of 2006 "*Macro survey on violence against women*", by the Spanish Ministry of Labour and Social Affairs. Other examples of prevalence studies are two consecutive studies carried out in Finland in 1998 and 2006 ("*Faith, Hope and Battering: A survey of men's violence against women in Finland*", Tilastokeskus Statistikcentralen, Helsinki, Finland, 1998, by Heiskanen, M., and Piispa, M., and "*Violence against women in Finland*", National Research Institute for Legal Policy and the European Institute for Crime Prevention and Control (HEUNI), affiliated to the United Nations, Helsinki, Finland, 2006, by Piispa, M., Heiskanen, M., Kääräinen, J., and Siren, R). See also "*Health, well-being and personal safety of women in Germany – A representative Study of Violence against women in Germany*", 2004, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

take account of the stigma attached to violence against women and what this means for disclosure. It consists of a household survey carried out through face-to-face interviews with randomly selected women aged 15-49. Interviewers are carefully trained to handle the interview sensitively, as many women have never before shared their experiences of violence.<sup>b</sup>

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- a. Apart from collecting much-needed data on violence against women, the project includes the preparation of national, but also comparative, reports, as well as seminars and workshops on violence against women. A final report presenting comparative findings from nine countries was published in 2007 (“Violence against Women: An International Perspective”, by Johnson, H., Ollus, N., and Nevala, S.). For more information on the surveys, see <http://www.heuni.fi/12859.htm>.
  - b. A comparative analysis of the results of the study in ten different countries is available in “WHO Multi-country Study on Women’s Health and Domestic Violence against Women, Initial results on prevalence, health outcomes and women’s responses”, World Health Organization ([http://www.who.int/gender/violence/who\\_multicountry\\_study/en/](http://www.who.int/gender/violence/who_multicountry_study/en/)). The report also includes important recommendations on strengthening action to combat violence against women.

Data on violence against women can also be generated by conducting national surveys of health, well-being or quality of life, which can also include questions on gender-based violence. Within Council of Europe member states, several large-scale surveys to measure the extent of violence against women have been carried out: at least sixteen surveys are currently available.<sup>181</sup>

The data needed to understand and address violence against women can also be collected through specific research focused on exploring other dimensions of the phenomenon, such as the cost of violence against women.<sup>182</sup>

Depending on the country, the scope of the surveys may be national or local. In general, this depends partly on economic considerations and the specific characteristics of each study. It is very important to increase co-operation between these two levels of research in order to combine a macro view of the phenomenon with any local or regional specificities.

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<sup>181</sup> Supra note 1. p. 7, See also Martinez, M., and Schröttle, M., *Report on the status of European research on the prevalence of interpersonal violence and its impact on health and human rights*, CAHRV, 2005 ([www.cahrv.uni-osnabrueck.de](http://www.cahrv.uni-osnabrueck.de)).

<sup>182</sup> See for example “*The economic and social costs of domestic violence in Andalusia*”, Institute of Women, Andalusia, Spain, 2003.

## II. Administrative data

The prevalence of violence against women can also be studied with the help of administrative data, collected from statistics compiled by health care services and social welfare services, the justice system, the police and NGOs.

Within the health care system, data can be collected systematically by recording victims' contacts with hospitals, emergency departments, general practitioners or other physicians in private practice, using international classifications to identify the reasons for contacts with health care services.

Health services have the most frequent and widest contact with the population. Most women regularly use services providing, for instance, contraceptive advice, cervical and breast screening, maternity care and care for their children. Women experiencing domestic violence use the health services more frequently still. Screening – routinely asking women about domestic violence in health settings – can therefore be an effective way of identifying the problem and collecting reliable data on victimisation, if the staff in health agencies are properly trained and clear guidelines exist on how to deal with the problem and support victims.<sup>183</sup> This kind of routine inquiry involves asking users of health care services a set of standardised questions or testing them according to a procedure applied consistently across the country. If it is based on clear procedures and carried out by sensitive, well-trained staff, routine inquiry may encourage victims to seek help at an early stage. Furthermore, it can increase the level of knowledge and awareness of domestic violence among health care professionals.<sup>184</sup>

Good practices in Council of Europe member states show that data compiled by the police and the judiciary reveal important information about violence against women.<sup>185</sup> NGOs dealing with victims of violence, particularly those that work with women, also record important information.

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<sup>183</sup> For example, the United Kingdom and Finland have conducted screening in different health settings. In Finland, screening for intimate partner violence has been carried out at maternity and child welfare clinics for pregnant women in their first or second trimester and mothers of infants of no more than six months of age.

<sup>184</sup> See Taket, A., Nurse, J., Smith, K., Watson, J., Shakespeare, J., Lavis, V., Cosgrove, K., Mulley, K., and Feder, G., *Routinely asking women about domestic violence in health settings*, Education and Debate, Vol. 327, 20 September 2003.

<sup>185</sup> The first Portuguese study findings were published in Lisboa, M., Barroso, Z., and Marteleira, J., *The social context of violence against women as identified in the Portuguese Forensic Institutes*, Portugal, 2003.

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In Spain, the *State Observatory of Violence against Women* has developed a system of indicators and variables concerning gender-based violence, on which to build its database. This is an attempt to co-ordinate the data produced by different sources, including governmental administrative records, the national surveys provided for in the National Statistics Plan and specific surveys of gender-based violence. In addition, the judiciary has set up its own *Observatory of Domestic and Gender-Based Violence*, which collects information generated by the courts. This institution also studies random court rulings to obtain information on the characteristics of gender-based violence in Spain.<sup>a</sup>

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- a. National Report on Action to Prevent and Combat Violence against Women, Spain, in: *Compilation of National Reports on action to prevent and combat violence against women*, Council of Europe, supra note 12.

However, service-based administrative data are a form of data that – despite the benefits of information technology – is still rarely collected. Government agencies such as the police, the judiciary, the public health services and child or social welfare services do not, for the most part, have administrative data systems that go beyond their internal recording needs. As a consequence, violence against women becomes invisible because it is difficult to track cases, even across the criminal justice system. Similarly, it is difficult to assess whether any improvements in reporting and prosecution have occurred. Furthermore, the effectiveness of multi-agency strategies to improve intervention is undermined by the failure to provide even a minimum of feedback about overlapping procedures when other agencies take over. While it is important to take data protection issues into consideration, these should never be considered insurmountable obstacles to improving the collection of administrative data.

Reasons why the collection of administrative data on violence against women is not given priority include the lack of agreed indicators and of model data collection systems, as well as diverging definitions of violence against women.

To fill this gap, the Council of Europe has drawn up guidelines on how to collect administrative data in areas that could reveal important information on the use of government and other services by women victims of domestic violence, the response of the justice system and the level of confidence in police support. These guidelines are designed to support member states in their efforts to assess their national response to domestic violence and other forms of violence against women by seeking information about the performance of

government institutions. These guidelines are set out in the study *Administrative Data Collection on Domestic Violence in Council of Europe member States*,<sup>186</sup> which analyses current schemes to collect administrative data on domestic violence and offers recommendations on how to introduce new recording systems or improve existing ones. It recommends, as a first step, that any attempt to collect administrative data by agencies such as the police, the judiciary, health care services and other services (hotlines, shelters, counselling centres) should be based on instructions and clear protocols established by higher administrative authorities to ensure that individual staff members apply the same concepts and definitions.

As a second step, member states willing to set up administrative data systems need to assess the number and type of bodies that have the potential to collect relevant data and take stock of existing initiatives to compile such information, including any differences in methodology, definitions and approach. On the basis of this assessment, it will then be possible to design a data collection system that suits the different parties concerned and allows for disaggregation by sex, type of violence, relationship of the perpetrator to the victim and age of both victim and perpetrator.

A third and important step is the training of all staff members involved in the collection of data (i.e. filling out forms or data sheets), as only data that are recorded accurately and according to standard rules and principles are useful. It is essential to make the importance of data collection processes clear to all those involved to ensure a high level of motivation, which in turn, will lead to improved data quality.

A sound methodological approach and a high level of care in collecting, handling and using administrative data are vital if such data are to serve a purpose. Nonetheless, it is important to be aware that the number of incidents of violence against women identified with the help of administrative data reflects only a fraction of the real number of such incidents.<sup>187</sup> Administrative data should therefore never be used to assess the prevalence of violence against women. Rather, their purpose is to make it easier for the authorities and institutions, but also national and regional governments, to analyse, evaluate and devise measures to combat violence against women and to take budgetary and staffing decisions.

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<sup>186</sup> Supra note 17.

<sup>187</sup> In Portugal, for example, such data account for less than 13% of the annual national rate of victimisation of women.

### III. Data generated by National Statistics Agencies

Very few countries include data about violence against women in the national statistics collected systematically every year. It seems very important, however, to analyse certain trends such as the evolution of, and cycles and seasonal variations in, violence against women. National statistics agencies are well placed to collect such information. While it is difficult in some countries to generate data of this kind, national statistics can be organised demographically, economically and socioculturally so as to yield sexdisaggregated indicators, which can help to expand the knowledge base in this field.

### IV. Qualitative data

In addition to quantitative data on the number of incidents of violence against women and their handling by statutory agencies, it is important to study the phenomenon of violence against women with the help of qualitative data. The collection of data of this kind is particularly relevant to an understanding of the dynamics of processes that lead to violent behaviour towards women but also to the evaluation of measures to prevent violence and protect victims from a victim's perspective. The participation of victims of violence in devising and evaluating measures is an essential means of guaranteeing that measures focus on the needs of victims.<sup>188</sup> Furthermore, it is vital to study the consequences of violence for the women who experience it. This may make it easier to design support services that reflect the women's needs. This type of research can involve texts, images or voice testimonies. In many cases, these contain independent qualitative information, while in others they can be linked to quantitative data, for example by combining the results of national surveys with in-depth interviews.<sup>189</sup>

Council of Europe *Recommendation Rec (2002) 5* spells out the principal sectors where research should be developed. Apart from recommending the collection of disaggregated data, it advocates research into the medium- and long-term consequences of attacks for victims, but also for those who witness it, including family members. It also suggests looking into the causes of

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<sup>188</sup> As advocated in *Recommendation Rec (2002) 5*.

<sup>189</sup> See the Portuguese study on violence against women by Lisboa, M., Carmo, I., Vicente, L., Nóvoa, A., Barros, P., Roque, A., Silva, S., Franco, L., and Amandio, S., *To Prevent or to Remedy*, Portugal, 2006.

violence against women, for example the reasons why men are violent but also why society condones such violence. These are fields suitable for extensive qualitative research to explore currently unknown reasons for certain forms of behaviour.

While the collection of data and research into violence against women are a key feature of efforts to eliminate it, they are not ends in themselves but should foster the development of appropriate measures for the evaluation of measures introduced.

#### **3.2.3.4. Council of Europe monitoring framework for Recommendation Rec (2002) 5 on the protection of women against violence – results and assessments regarding data collection**

The monitoring system also tracks developments in the implementation of *Recommendation Rec (2002) 5* regarding data collection in the field of violence against women, determines whether the police record the sex of the victim and that of the perpetrator and their relationship in the case of all criminal offences, whether data on contacts with health services and the reasons for violence against women are systematically collected and whether national surveys on violence against women are carried out.

The results concerning police record requirements show that some member states have begun to improve the police recording systems, to improve tracking of individual cases of violence against women, but also to obtain a clearer picture of the numbers and type of cases. However, many member states have still not introduced standardised categories in their police statistics making it possible to distinguish the sex of the perpetrator and victim and identify the nature of their relationship. This should constitute the minimum of data to be collected by the police. Member states that have introduced these recording categories rarely combine the two, so that male violence against women in a close relationship may still go undetected.

Few member states collect relevant data in the health field. Very few countries report the systematic collection of data on contacts made with health care services that can be identified as being prompted by genderbased violence against women. An analysis of those member states that do seems to suggest that this type of data collection is easier in member states that have a system of personal identity numbers, an established practice in some north-

ern European member states. The vast majority of member states, however, remain illinformed about the medical helpseeking behaviour of victims of gender-based violence. Consequently, they do not have reliable information on the basis of which to develop strategies for improvement.

More and more member states, however, do report that they seek to assess the prevalence of violence against women through national surveys. Slightly more than a third of the member states indicate that they include a question on violence against women in a regular representative national survey and/or have carried out a national representative survey of the prevalence of violence against women in the past 10-15 years. This shows that an understanding of the need to collect quantitative data to assess the scale of violence against women at national level is gaining ground. A similar understanding now needs to be fostered in respect of the collection of administrative data to make it possible to assess the functioning of the justice system and help devise long-term improvements.

### **3.2.4. Awareness-raising, education and training**

Awareness-raising, education and training are essential tools in combating violence against women and in ensuring prevention, protection and the effective delivery of services. If violence against women is to be challenged and eradicated it is necessary to change attitudes and beliefs that allow violence to occur, to inform women of their rights and the services available to them and to train staff providing those services. This requires long-term, integrated awareness-raising programmes, targeted campaigns on specific issues, and informal and formal education across the curriculum as well as specialised training programmes for all relevant personnel.

International organisations have taken a clear stand by instructing governments to address violence against women through awareness-raising schemes and education. The Beijing Platform for Action sets out a series of specific preventive measures to be taken by governments to raise awareness of violence against women as a violation of women's human rights and to sensitise girls and boys and women and men to the harmful personal and social effects of violence against women in the family.<sup>190</sup> The 2006 United Nations

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<sup>190</sup> Supra note 87.

“*In-depth study on all forms of violence against women*” also outlines various preventive strategies for raising awareness of violence against women and mobilising the public and different communities to ensure that acts of violence against women are condemned.<sup>191</sup>

The 3rd Council of Europe Ministerial Conference held in 1993 on the theme “*Strategies for the elimination of violence against women in society: the media and other means*”, paid particular attention to measures facilitating changes in socio-cultural attitudes and the behaviour of men and women.<sup>192</sup> It also emphasised the importance of government-run public information and awareness campaigns and of educating young people, adults and public-service personnel. *Recommendation Rec (2002) 5 on the protection of women against violence* encourages member states to organise campaigns to raise awareness of violence against women, stressing that men should be responsible for their acts and encouraging them to analyse and dismantle mechanisms of violence and to adopt different behaviour. It recommends that member states introduce or reinforce a gender perspective in human rights education programmes and reinforce sex education programmes that afford special importance to gender equality and mutual respect.

Furthermore, the *Blueprint of the Council of Europe Campaign to Combat Violence against women, including Domestic Violence*, recognised the responsibility of governments in challenging prevailing gender stereotypes and discriminatory cultural norms, which are the root causes of violence against women.<sup>193</sup> To this end, states should combine legal and policy reform with programmes to raise awareness and to change attitudes, prejudices and social beliefs that foster and reinforce violence against women.

#### **3.2.4.1. Public awareness-raising**

Various national and international organisations, regional and local communities and individual activists have engaged in a wide variety of efforts to raise awareness of violence against women, educate women about their

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<sup>191</sup> See section 3.1.4.

<sup>192</sup> *Supra* note 37.

<sup>193</sup> *Supra* note 10.

rights, teach men that violence against women is a human rights violation and a crime, and mobilise communities to take responsibility for ending it.<sup>194</sup>

Women's NGOs have been at the forefront of public awareness-raising through their efforts to reach out to communities and their daily work in providing shelters and other services and organising seminars and conferences on various aspects of violence against women. To ensure awareness-raising programmes are effective, women's NGOs and women victims of violence who are willing to be involved should be included in their preparation and implementation. Adequate funding should also be provided in support of the awareness-raising activities of women's NGOs.

Awareness-raising takes place at different levels and can take a variety of forms. Awareness of the issue of violence against women can be fostered within the family as much as in formal settings such as nursery schools, schools, colleges and universities. National and local leaders can play an important role in raising awareness by publicly speaking out against violence against women and informing the public about its gravity, including its social and economic cost to society. Introducing a national action plan to combat violence against women and setting up government bodies to address the problem raises awareness among decision-makers and policy-makers and affects the way in which the issue is dealt with on the political agenda. Governments' influence extends to all policy-making areas, in particular education, through which human rights and gender equality can successfully be promoted.<sup>195</sup>

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In Turkey, the Prime Minister, the Minister of State responsible for the Family and Women and the President of Religious Affairs publicly denounced violence against women in a television spot, which was produced as part of the national awareness campaign to combat violence against women. The public statement uttered by the President of Religious Affairs (the highest religious authority in the country) condemning violence against women as a crime and a sin in Turkish society came across as a very strong message.

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<sup>194</sup> Fisher, H., *Building Promising Practices: campaigning, awareness-raising and capacity building to combat violence against women – a human rights approach*, expert paper prepared for the expert group meeting on “*Violence against women: Good practices in combating and eliminating violence against women*” organised by the United Nations Division for the Advancement of Women in collaboration with the United Nations Office on Drugs and Crime (Vienna, Austria, 17-20 May 2005).

<sup>195</sup> Supra note 121. Final report of activities of the Council of Europe Group of specialists for combating violence against women (EG-S-VL), including a Plan of Action for combating violence against women, Council of Europe, Strasbourg, 1997.

Challenging and eradicating discriminatory attitudes towards women and the underlying economic and political inequalities that reinforce women's subordination is difficult. Governments must play a leading role in challenging and changing these attitudes as well as developing laws, policies and practices to end discrimination and ensure gender equality.

## **Campaigns**

Successful campaigns can create a culture which both enables change to take place, and provides the momentum for change in a society that condones violence against women. Campaigns can also provide support for legislative and policy changes to prevent violence against women.

Information campaigns raise women's awareness of their right to be free from all forms of violence and provide information on the remedies and services available to them. It is essential that such campaigns are carried out regularly, use a variety of methods and are in a number of languages to ensure that all sectors of society are reached.<sup>196</sup>

Research has shown that, in the past, such campaigns focused both on information for women and on protection aspects.<sup>197</sup> However, many campaigns appear to have been small in scale, reaching only a limited target group, and their impact is difficult to assess. Many years of experience have proved that simple media campaigns proclaiming women's rights may not have the intended impact.<sup>198</sup> The Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, sparked a variety of national campaigns, because member states were urged to "raise awareness that violence against women is a human rights violation and encourage every citizen to challenge it".<sup>199</sup>

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<sup>196</sup> See *Recommendation Rec (2002) 5*, para. 6.

<sup>197</sup> *Supra* note 1. p.26.

<sup>198</sup> *Supra* note 8. p.39.

<sup>199</sup> See the Blueprint, footnote 10. For more information on the number and types of awareness-raising campaigns, see section 2.2.1.

Campaigns need to link messages about women's rights to clear indications that the state will protect them. To be effective they also need to be comprehensive, target a variety of groups and run for a significant period of time.

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- The Scottish Zero Tolerance Campaign began in 1992 and ran for over five years, covering rape, sexual harassment, domestic violence and child sexual abuse. This campaign was the first project on violence against women to draw on graphic design and social marketing techniques. It consisted of a phased campaign linked to research and accompanied by work on the Three Ps, which denote the key aspects of efforts to address violence against women and children: Prevention (active prevention of crimes of violence against women and children), Provision (adequate provision of quality support services for women and children) and Protection (appropriate legal protection for women and children).<sup>a</sup>
  - Amnesty International launched a six-year global campaign (Stop Violence Against Women) in 2004, to raise awareness and challenge attitudes which condone violence. Using country research, it calls on governments to improve and strengthen prevention, the protection of women and the prosecution of perpetrators. Research on violence against women has been carried out in several European countries.<sup>b</sup>
  - In 2008 the UN Secretary-General launched the seven-year campaign "Unite to end violence against women" to secure political will and increase resources in order to end violence against women and girls, engage male leaders in efforts to combat such violence and mobilise men and boys. The campaign also aims to improve United Nations action to prevent and address violence against women.<sup>c</sup>

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a. See [www.zerotolerance.org.uk](http://www.zerotolerance.org.uk).

b. See <http://www.endviolenceagainstwomen.org.uk/pages/resources.html>.

c. See <http://endviolenceun.org/>.

Campaigns are usually the first step in the process of changing attitudes and raising awareness. Changing behaviour permanently can take a very long time when it comes to the issue of violence against women, which is rooted in the social and ideological construct of society as a whole.<sup>200</sup>

Key dates such as the United Nations International Day for the Elimination of Violence against Women (25 November), the 16 Days of Activism against Gender Violence (25 November to 10 December) and International

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<sup>200</sup> Fisher, H., *supra* note 194.

Women's Day (8 March), but also Valentine's Day (14 February), provide important campaigning opportunities.

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- Campaigning by the Southall Black Sisters in the United Kingdom resulted in the development of police guidelines on forced marriage and improvements in the response of the United Kingdom Foreign and Commonwealth Office to cases of British nationals being forced into marriage abroad.<sup>a</sup>
  - The *End Violence Against Women Campaign* (EVAW) in the United Kingdom has for the last three years produced an annual report entitled *Making the Grade*, which analyses the effectiveness of every Government department in tackling violence against women. Each department is sent a set of questions and EVAW collates the results and scores each area of work out of 10.<sup>b</sup>

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a. See <http://www.southallblacksisters.org.uk>.

b. See <http://www.endviolenceagainstwomen.org.uk/home.asp>.

Raising the awareness of men and boys and involving them in campaigns to challenge violence against women is an important preventive measure. The Council of Europe *Recommendation Rec (2002) 5* on the protection of violence against women states that men should be encouraged to condemn violence against women as part of their collective duty as members of their communities. The White Ribbon Campaign, which operates in a number of countries, is one of the most successful campaigns to involve men in campaigning on the issue of violence. It encourages them to make a personal pledge never to commit, condone or remain silent about violence against women.<sup>201</sup>

### ***The role of the media***

The media have a massive and largely unregulated role in influencing behaviour. While they can play an important part in raising awareness and promoting gender equality and human rights, they are too often seen as perpetuating gender stereotypes and fostering discriminatory views on women.<sup>202</sup>

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<sup>201</sup> White Ribbon Campaign, <http://www.whiteribboncampaign.co.uk/>.

<sup>202</sup> Substantial steps have been taken to use the media to campaign against violence against women, for example in Turkey, with the focus on raising men's awareness of violence against women. The television spot developed for the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, has also been widely broadcast in 26 Council of Europe member states and on international television.

*Recommendation Rec (2002) 5* encourages member states to adopt codes of conduct and train media professionals in issues related to violence against women. The United Nations “*In-depth study on all forms of violence against women*” identifies training and sensitisation of media personnel as a promising practice, on the grounds that it can “enhance the quality of reporting and contribute to increased awareness and understanding of the causes and consequences of violence against women among the general public”.<sup>203</sup>

Few member states attempt to influence the way in which the media portray violence against women by means of legislation and alarmingly few have adopted codes of conduct covering violence against women for media professionals.<sup>204</sup>

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In 2004 Turkey’s largest-circulation newspaper, *Hürriyet*, launched a campaign against domestic violence. *Hürriyet*’s campaign, entitled “No to Domestic Violence”, provides a unique example of involving a private media institution in efforts to change attitudes and raise awareness of domestic violence in society. The newspaper’s editors, reporters and journalists were trained to handle the issue sensitively in the paper’s own coverage. *Hürriyet* also set up a free 24-hour helpline for victims of domestic violence. The *Hürriyet* campaign sparked close co-operation with local communities through co-operation with local authorities, opinion leaders (including imams) and women’s NGOs. The campaign was later expanded into an international campaign carried out through other media outlets (such as CNN Turk) in the same group.<sup>a</sup>

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- a. Turkish national broadcasting law prohibits portrayals conveying sex discrimination and also forbids “abuse on grounds of gender” and “the encouragement of violence against women”. Legal provisions of this kind can enable civil society organisations to challenge films or advertisements in which women are made to seem deserving of abusive treatment, and those that put across stereotyped masculine ideals of violent behaviour.

### **3.2.4.2. Education**

Education in the nature, causes and consequences of violence against women, women’s human rights and the elimination of gender stereotypes is

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<sup>203</sup> Secretary-General’s “*In-depth study on all forms of violence against women*”, United Nations publication, 2006, para. 349. See section 3.1.4. of this report.

<sup>204</sup> *Supra* note 8. p. 22.

an important preventive measure. Any education must be comprehensive and included in the formal and informal curriculum for children and young people from an early age.

### ***Preventive work with children and young people***

#### *Informal education*

Voluntary youth groups, peer groups and other forms of extra-curricular education provide good opportunities to influence young people's behaviour. Cultural and sports associations should be encouraged to raise awareness of violence against women and challenge gender stereotypes. A lot of preventive work has been piecemeal and many projects are undertaken as pilot projects and therefore rarely incorporated and expanded into national schemes that reach out to every young person in the country.

#### *Formal education*

The formal education system in schools, colleges and universities can play an important part in raising awareness of violence against women and challenging and eliminating gender stereotypes. To be successful, education programmes need to be comprehensive, include gender-sensitive training for all school personnel, be devoid of any gender-based material conveying stereotypes or sexism and include positive images of women.<sup>205</sup>

Recourse to violence is more easily avoided if inter-generational and culturally adopted patterns of violent behaviour are broken at an early stage of life. Throughout their schooling, from an early age, children should be taught about their rights and the importance of respecting the rights of others. Such education should include the fact that violence against women is unacceptable. Gender differences should be recognised but gender stereotypes should be challenged.<sup>206</sup>

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<sup>205</sup> Supra note 203. paras. 284 and 353.

<sup>206</sup> Paras. 15 and 16 of the appendix to *Recommendation Rec (2002) 5* call on member states to "ensure that both boys and girls receive a basic education that avoids social and cultural patterns, prejudices and stereotyped roles for the sexes and includes training in assertiveness skills, with special attention to young people in difficulty at school; train all members of the teaching profession to integrate the concept of gender equality in their teaching" and "include specific information in school curricula on the rights of children, help-lines, institutions where they can seek help and persons they can turn to in confidence".

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UNICEF Croatia has initiated a comprehensive educational programme at the national level entitled “Safe and Enabling Schools”. Within this programme, a major national campaign (“Stop Violence among Children”) has been launched. The purpose of the campaign is to provide a safe environment for all children in primary and secondary schools. Violence in schools is an obstacle to new, healthy and well-educated generations. The UNICEF campaign has already been introduced into over 400 schools in Croatia.<sup>a</sup>

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a. See [www.unicef.hr/show.jsp](http://www.unicef.hr/show.jsp).

27 Council of Europe member states have introduced programmes in state schools to educate children in violence against women. However, many education programmes are pilot schemes that are not available in an integrated manner across the curriculum and to all age groups. To be effective, education programmes must be part of the school curriculum in every school. Just as core subjects are taught throughout the country, violence prevention should be taught to every young person.

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Spain has developed a large amount of information material on the issue for schools and has passed a law to ensure that curricula include material on equality and conflict resolution.<sup>a</sup>

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a. Article 4, Law on Integrated Protection Measures against Gender Violence, Spain.

Young people in their teens should be the primary target group of educational programmes focusing on healthy ways of forming intimate relationships. Young people in this age group should be made aware of the unacceptability of psychological, physical and sexual abuse when dating or in intimate relationships. Results from educational programmes directed towards young people show that once they learn about the nature of abusive behaviour, they are more likely to recognise violence in their past and current relationships and in their immediate surroundings.

### **3.2.4.3. Professional education and in-service training**

It is essential that all professionals who come up against violence against women be given a basic knowledge of the phenomenon, its causes and its consequences during their basic vocational or professional training to ensure that legislation and policies on violence against women are effectively en-

forced.<sup>207</sup> Such training should be a compulsory part of the curriculum<sup>208</sup> and part of the examination syllabus.

Basic education and training in violence against women should be supported by further training to foster the sensitivity and skills required to respond appropriately and effectively on the job. Ongoing training for practitioners should be ensured throughout their careers.<sup>209</sup> Training should cover all forms of violence against women and should teach skills such as how to support victims and how to deal with perpetrators. Furthermore, it should be provided by experts, including experts from women's NGOs with many years experience in this field.

Specialised training should go beyond sensitising professionals to violence against women. It should extend to equipping professionals with adequate tools for identifying cases of violence, managing such cases, assessing the risk involved, taking preventive measures and adequately supporting women victims of violence. Professionals should also be taught skills in multi-agency working, equipping them to work in cooperation with other professionals from a range of disciplines.<sup>210</sup>

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- In most countries it is difficult to persuade judges to accept special training from outside their profession. By inviting magistrates to apply for the status of specialist domestic violence judge, which is conditional on their volunteering to go on a training course, the United Kingdom has found a way of ensuring the training of judges handling domestic violence cases.<sup>a</sup>
  - In Spain, setting up specialised courts has also provided a “window of opportunity” for training judges and prosecutors in gender-based violence and the implications of the new law.<sup>b</sup>

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a. See the Judicial Studies Board training package for magistrates: “Domestic Violence – An Ordinary Crime?”, 2003.

b. *Supra* note 8, pp. 22-23.

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<sup>207</sup> *Supra* note 203. para. 280.

<sup>208</sup> For example, Denmark has included the subject of violence against women as a compulsory part of the curriculum for medical doctors, public health authorities, decision-makers, psychologists, nurses and the police academy as well as doctors specialising in gynaecology and general medicine.

<sup>209</sup> *Supra* note 1. pp. 28 and 35.

<sup>210</sup> The APROPOS Multi-sectoral and Multi-disciplinary Professional Specialization Programme and Network for Violence Prevention, for example, focuses on building a national and international network of professionals preventing and combating violence. The project aims to develop a multisectoral and multidisciplinary specialist programme for professional and in-service training in violence and its prevention. <http://www.edu.oulu.fi/apropos/>.

It is important that training should be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow in their respective fields.<sup>211</sup> The effectiveness of these protocols should be regularly monitored, reviewed and, where necessary, improved.

As victims are often unaware of the specialised services available to them or hesitate to contact such services, much more needs to be done to ensure effective gender mainstreaming in the field of general services. It is of paramount importance to ensure general service staff recognise and understand violence against women and their roles in addressing women's needs. There are currently significant variations in the attitudes of staff to violence against women and their understanding of it. This can affect the nature and quality of the support provided to women seeking support and assistance.<sup>212</sup>

In response to the Council of Europe recommendation that they ensure effective training of all professionals involved, a number of countries have introduced training programmes for various professions whose members are likely to engage with women victims of violence. Where this has been done, however, training may be neither mandatory nor systematic and reporting on it is often vague.<sup>213</sup> The existence of professional training may be confined to one-off events, which do not cover all the professionals concerned in all parts of the country.

Training in violence against women in general is in need of improvement in most Council of Europe member states, and training for the police has been recognised as the most urgent form of training. Member states have taken appropriate action to address this. 33 states report including violence against women in the initial vocational training of the police and 27 of them provide further training for the police.<sup>214</sup> The Council of Europe has also reacted to the inadequate police response to women victims of violence by producing the *VIP Guide on policing violence against women and children*. The guide was designed to promote awareness amongst police officers of the different forms of violence against women and children, including trafficking. It is part of the human rights training and awareness-raising material produced under the 1997-2000 Council of Europe Police and Human Rights Programme.<sup>215</sup>

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<sup>211</sup> Supra note 203. para. 298.

<sup>212</sup> Supra note 127. p. 72.

<sup>213</sup> Supra note 33. p. 37.

<sup>214</sup> Supra note 33. p. 36.

<sup>215</sup> *Vision, Innovation and professionalism in policing violence against women and children*, VIP Guide, Council of Europe, Strasbourg, 2001.

Whereas initial vocational training for the police is the most common form of training, immediately followed by initial vocational training for social workers, around half of the Council of Europe member states provide initial vocational training in domestic violence or other forms of violence against women for judges and lawyers.<sup>216</sup> Other professionals knowingly or unknowingly confronted with cases of violence against women, such as doctors, psychologists, nurses and midwives, but also schoolteachers and media professionals, receive initial vocational training in only about a third of Council of Europe member states.<sup>217</sup>

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In Ireland, training for the health care services is provided by Women's Aid, a feminist service-based political and campaigning organisation, which has developed a special training programme for hospital staff.<sup>a</sup>

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- a. Towards a common European framework to monitor progress in combating violence against women, Observatory of the European Policy Action Centre on Violence against Women, European Women's Lobby, 2001 ([www.womenlobby.org](http://www.womenlobby.org)).

Member states that have recently introduced protection orders in cases of domestic violence have recognised the need to provide extensive training for serving as well as incoming police officers in their power and duty to evict a perpetrator of domestic violence. In general, however, figures for in-service training are even lower than those for initial vocational training, which suggests that changes in the law do not filter down immediately to those they equip with new powers.

#### **3.2.4.4. Council of Europe monitoring framework for Recommendation Rec (2002) 5 on the protection of women against violence – results and assessments regarding awareness-raising, education and training**

More and more countries have acknowledged the importance of awareness-raising, education and training in changing attitudes to violence against women. In particular, the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, has sparked many important awarenessraising initiatives across Europe. As a result, the level of awareness among the general public is increasing and many member states have

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<sup>216</sup> Supra note 33. Figure 5, p.37.

<sup>217</sup> Ibidem.

introduced training for professionals in an attempt to address the problem more effectively. Training curricula for various professions, such as the police, the judiciary and health and media professionals, now include some form of training in violence against women, albeit not in all Council of Europe member states.<sup>218</sup>

The results of the two rounds of monitoring of member states' awareness-raising activities, but also the results of the Campaign, show that there has been a sharp increase in training in violence against women for a range of professionals, predominantly members of the police force, but also social workers. In comparison with the first round of monitoring, slightly fewer member states provide specific training in violence against women for professionals (with the exception of nurses and midwives) during initial vocational training. Instead, more member states include modules on violence against women as part of in-service training programmes, which suggests a shift in approach. This seems to reflect efforts to ensure that new protocols, procedures and practices are implemented by experienced staff. It should be borne in mind, however, that initial vocational training is essential for the purposes of eliciting a sustained change in professional responses.

Nearly half of all member states report that they provide training in violence against women for legal professionals, teachers and the media. While this represents a positive development, a closer look at the figures reveals that training initiatives do not necessarily extend to all members of the workforce. Often, training is provided either as initial vocational training or as in-service training, but rarely as both.<sup>219</sup> To ensure training of all professionals irrespective of their level of seniority, a combination of both types of training is necessary.

Progress in fostering media awareness is slow and only a handful of countries have adopted a code of conduct for media professionals. Between the first and the second round of monitoring this number actually decreased. This drop might be explained, however, by the tightening of criteria for codes of conduct. A more positive development can be traced in relation to efforts to set up a body serving as a media watch, as more and more member states have

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<sup>218</sup> The following professions are considered in the monitoring framework in the context of the provision of initial vocational training and further education: police, lawyers, judges, social workers, physicians, psychologists and therapists, nurses and midwives, school teachers, pre-school teachers and media professionals.

<sup>219</sup> *Supra* note 8. p. 21.

done this. Nonetheless, overall numbers remain low, at a quarter of Council of Europe member states.<sup>220</sup>

### **3.2.5. Conclusion and assessment of the monitoring framework used to monitor implementation of Council of Europe Recommendation Rec (2002) 5 on the protection of women against violence**

Council of Europe member states have taken many different measures in a range of fields to prevent and combat violence against women. The past ten years have seen significant developments in laws and policies, which reflect a shift in paradigm, demonstrating that most Council of Europe member states consider violence against women a public issue warranting an effective public response. However, the extent to which this recognition translates into effective protective measures, legislation and its implementation, support services for women and the training of professionals varies considerably and is, in many member states, insufficient.

National legislation has improved in many member states. The majority of states have introduced legal measures that allow public authorities to respond to domestic violence. Some have also recognised stalking, forced marriages and female genital mutilation as forms of violence that need to be addressed through specific legal measures. However, a large number of Council of Europe member states do not treat all forms of violence against women as a criminal offence, and the rape in marriage exemption is still available in two member states. A third do not offer protection orders against abusive partners or former partners. As Section 3.2.1 shows, the effectiveness of legal measures to deal with violence against women often depends on legislative details which in practice prevent effective implementation of a certain provision. Furthermore, existing legislation is not always adequately applied, leaving much room for improvement.

Implementation and enforcement of available legal measures remains difficult to monitor because member states do not necessarily compile data on the proportion of cases of violence against women that come to their attention, or their outcome (opening of criminal proceedings, conviction, or case

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<sup>220</sup> Supra note 8. p. 20.

dropped). It appears that much needs to be done to improve levels of reporting and conviction for all forms of violence against women.

The best way to achieve this may be to increase the availability and quality of services for women victims of gender-based violence. While many interesting pilot projects or isolated schemes have been initiated to serve women victims and their needs better, significant shortfalls in the provision of services remain in virtually all Council of Europe member states. A handful of member states offer a sufficient number of places in shelters for victims of domestic violence and half report that they provide shelters that are sufficiently widely distributed in geographical terms. This means that in most member states demand for shelter space seriously outweighs supply. Services for victims of sexual assault and rape are much less frequent. This raises doubts about the level of support women may receive. The brunt of the burden of offering these services, often at high personal cost and commitment, lies squarely with under-resourced women's NGOs, yet their significant contribution to supporting women victims of violence goes largely unrecognised. Political will on the part of governments to introduce national or regional budget heads to ensure funding for these services would help to secure the continuous provision of quality services.

The Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, seems to have sparked a special effort among some member states to raise awareness of violence against women. Many public awareness initiatives have been carried out by member states, but also by NGOs, at different levels. Training of professionals appears to be taking place more systematically in some member states, although most focus on in-depth training of police officers at the expense of training for other important professionals such as doctors, nurses, midwives, judges, lawyers and social workers. While awarenessraising is an important element in preventing and combating violence against women, it constitutes only one of several important measures that need to be taken to ensure a comprehensive approach. Awarenessraising activities thus need to be followed up by efforts to change the law and implement appropriate legislation, offer supportive and protective services and train all the professionals involved.

Efforts to collect data on the different forms of violence against women have improved, but a satisfactory level has still not yet been reached. Most member states do not systematically retrieve information on victims of violence against women that is readily available in different types of administrative records (health services, the judiciary, social welfare system etc.). The

most frequently collected type of data is data available in police statistics, which reflect only a fraction of the cases in which women are abused. Member states already seem to assess the prevalence of violence against women through national surveys of such violence, but the information obtained is not easily comparable across countries because of differences in methodology.

The results of two rounds of monitoring of the implementation of *Recommendation Rec (2002) 5* show that most member states have accepted the Recommendation as a reference tool for either a comprehensive strategy or numerous individual measures to combat violence against women. While the information collected thus makes it possible to some extent to gauge developments and progress over time in national efforts to prevent and combat violence against women, it does not provide insight into the quality and effectiveness of such measures. Neither does it provide information about the implementation and monitoring of new measures taken at national level. As is often the case, the introduction of governmental national action plans and changes in legislation to combat violence against women are not sufficient without effective implementation and monitoring of the results of these measures. There is a pressing need for routine statistics, which could be collected and compared as a measure of progress. At present, no member state has national data on the number of cases of domestic violence that come to the attention of the police, or any systematic process for keeping track of either referral or judicial outcomes. To this end, it would be advisable to modify the monitoring system so it is possible to work with systematised, comparable data in order to obtain a baseline from which to measure the effectiveness of legal reforms to combat violence against women. Another problem inherent in this type of voluntary monitoring is the level of reporting. While 40 member states have participated in both rounds by submitting information in the requested format, this was only possible after many extensions of the original deadline and numerous appeals to member states. The effectiveness of such a monitoring exercise would be greatly enhanced if member states were under a legal obligation to report on progress in preventing and combating violence against women. If the Council of Europe is to go ahead and prepare a legally binding instrument to prevent and combat violence against women, the instrument should be equipped with a strong, binding monitoring mechanism that requires accurate and timely reporting.

# 4 THE ROLES OF MEN IN THE CONTEXT OF VIOLENCE AGAINST WOMEN

## 4.1. WORKING WITH MEN TO PREVENT VIOLENCE AGAINST WOMEN

Men have a responsibility to actively engage in the elimination of all forms of violence against women. As male violence against women has been recognised as a human rights violation, it is the responsibility of all individuals to challenge and prevent it. Recognition of violence against women as a major structural and societal problem stemming from unequal power relations between women and men means that men should participate actively in all action to combat violence against women. Furthermore, as men form the vast majority of perpetrators of violence against women, they have special responsibility for ending male violence against women.

To combat violence against women effectively, it is important to engage all men in attempts to change the culture and the environment that allows men to resort to violence. Men need to promote equality and challenge prevailing gender stereotypes and discriminatory cultural norms in order to prevent violence against women and its harmful impact on society. By speaking out against violence, engaging other men and encouraging them to speak out against such violence privately and publicly, they make an essential contribution. Men also have a responsibility to act as role models. Men's active engagement as fathers and caretakers is vital for the purposes of changing the attitudes of boys and young men.

The Council of Europe has carried out extensive work on the role of men in the context of domestic violence against women, mainly concentrating on men as perpetrators, but also addressing men's roles as victims and active agents of change in preventing and combating domestic violence against women. *Recommendation Rec (2002) 5* and the *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*, place a strong emphasis on the active participation of men in overcoming violence against women.<sup>221</sup> The United Nations has also acknowl-

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<sup>221</sup> See also seminars organised by the Council of Europe: Seminar on men and violence against women, Strasbourg, 7-8 October 1999; Measures dealing with men perpetrators of do-

edged the important role of boys and men in achieving gender equality and has encouraged its agencies to encourage men and boys to take an active part in the prevention and elimination of genderbased violence and gender stereotypes.<sup>222</sup>

Over the last decade, increased attention has been paid to programmes targeting gender attitudes and norms. Promising examples of such programmes encourage boys and men in various community settings to speak out against violence against women.

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The White Ribbon Campaign encourages boys and men to make a personal pledge never to commit, condone or remain silent about violence against women, by wearing a white ribbon on 25 November, the International Day for the Elimination of Violence against Women. The campaign involves action in various community settings such as schools, workplaces and sports associations and encourages men and boys to take part in preventing and raising awareness of violence against women.<sup>a</sup>

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a. See <http://www.whiteribboncampaign.co.uk/>.

Educational programmes targeting men and boys are a key element in challenging the male norm and promoting non-violent behaviour among men. Addressing young people provides a key opportunity to construct alternative definitions of masculinity and reduce gender-based violence as young men more readily adopt alternative forms of behaviour in relationships. Furthermore, reaching young people in their teens means reaching them at an age when gender identities are constructed and can still be reshaped.<sup>223</sup>

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“Stay in Love” is a joint community programme in the Netherlands set up for young people between the ages of 16 and 20 to increase their awareness of violent and abusive behaviour in close relationships. These programmes

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mestic violence, Strasbourg, 25-26 June 2003; Therapeutic treatment of men perpetrators of violence within the family, Strasbourg, 18-19 November 2004, EG-SEM-MV (2004) Proceedings, and Violence within the family: the place and role of men, Strasbourg 6-7 December 2005, EG-SEM-MV (2005), Proceedings.

<sup>222</sup> The United Nations Commission on the Status of Women focused in 2004 on “The role of men and boys in achieving gender equality”.

<sup>223</sup> *Exploring Dimensions of Masculinity and Violence*, Western-Balkan Gender-Based Violence Prevention Initiative, report published by the Care and International Center for Research on Women (ICRW), 2007.

are carried out in different community settings such as schools, sports clubs and youth organisations. Educational and training material, such as relationship tests for young people and manuals for teachers, and theatre workshops have been developed as part of this initiative.<sup>a</sup>

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a. See <http://www.stayinlove.nl>.

While some examples of practices involving men in preventing violence against women exist, data and studies on effective strategies to engage men in combating violence against women remain scant. The sharing of information and dissemination of models of good practice in committing men to violence prevention is therefore an area which needs to be addressed in the future.

## 4.2. TOWARDS CHANGE: PERPETRATOR PROGRAMMES

The Council of Europe *Recommendation Rec (2002) 5* on the protection of women against violence calls on member states to set up programmes to enable perpetrators of violence against women to adopt violent-free behaviour by helping them to become aware of their acts and acknowledge their responsibility. According to the latest round of monitoring of the implementation of Council of Europe *Recommendation Rec (2002) 5*, 22 out of 40 member states report that they offer specifically designed perpetrator programmes to male perpetrators of violence against women. The number of programmes varies between one and 64 per member state. Ireland, United Kingdom and Norway have the longest experience in the field, as perpetrator programmes have existed in these countries for more than 15 years.<sup>224</sup> Programmes involving work with perpetrators are therefore not yet widely established and exist only in limited numbers, if at all.<sup>225</sup> The effectiveness of the programmes is often not evaluated and there are no quality standards.

Concerns have been raised over the expectations attached to perpetrator programmes as they are sometimes considered as an immediate remedy, which will prevent violence by changing men's behaviour. Experience shows, however, that concentrating efforts on the perpetrator does not automatically result in improved safety for the victim. Women's organisations have repeat-

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<sup>224</sup> Supra note 1, p.17, and note 28. pp. 72-73.

<sup>225</sup> Supra note 8, p. 21.

edly pointed out that the needs of women and children and the allocation of resources for services for women victims should be considered a priority. While perpetrator programmes are important, they should never take precedence over the provision of services for women and children.<sup>226</sup>

Research on perpetrator programmes points to the need for further analysis of the success of programmes and their implications for the safety of victims. It appears that the majority of perpetrators who took part in the programmes were able to stop committing physical violence for a sustained period of time. However, about one-fifth repeatedly committed further violence towards their partners. This group of men is usually responsible for the most serious violence, sometimes leading to death. It is therefore of the utmost importance to identify, at an early stage, perpetrators likely to be severely violent towards their partners.<sup>227</sup> Experience also shows that most men enter perpetrator programmes because they are ordered to do so by a court. Low levels of motivation mean that voluntary referral is rare, and usually the result of extensive pressure from the victim and contact with the social services, the police, the probation service or women's services.

Despite the challenges in this field, research on models of perpetrator group work developed in the United States and the United Kingdom has shown that perpetrator programmes can help to prevent further violence against women if the programmes are devised and implemented in a co-ordinated way.<sup>228</sup>

Perpetrator programmes can also supplement a criminal justice response, not as an alternative to sanctions, but as an additional preventive measure, as indicated in *Recommendation Rec (2002) 5*. In some countries, the introduction of perpetrator programmes has led to close cooperation between the police, the probation service and women's services. This has allowed close supervision of the perpetrator's attendance and made it possible to inform the women's services and the victims of his progress, a failure to attend and the risk of recidivism. However, in the light of the current situation in Europe, where prevalence rates for violence against women are high and conviction rates

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<sup>226</sup> Women's Aid Federation of England, Response to the 2002 Criminal Justice White Paper: "Justice for all", <http://www.womensaid.org.uk>.

<sup>227</sup> Beckman, S., *Intervention programmes: evaluation and future challenges*, paper presented at the Council of Europe Regional Seminar on Men's Active Participation in Combating Domestic Violence, Zagreb, Croatia, 9-10 May 2007.

<sup>228</sup> See, for example, the DULUTH model and the CHANGE programme.

low, the number of men sentenced to perpetrator programmes by the court remains minimal. There are therefore still few court-ordered perpetrator programmes and their effect on changing men's behaviour and protecting victims is very limited.

There is wide agreement among experts from organisations running perpetrator programmes and women's services that the safety of women and children should always be the main goal of work with perpetrators. Perpetrator programmes should not be organised in isolation, but should always be run in close cooperation with specialist women's services running victim support programmes which offer pro-active support to every partner or ex-partner of those taking part in perpetrator training. Work with couples, anger management, mediation and restorative justice are not appropriate responses to men's abusive behaviour towards women.<sup>229</sup>

Research has shown that the out-comes of perpetrator programmes are substantially influenced by how well the police, women's services, the courts and other services involved work together. In order to ensure that perpetrator programmes contribute effectively to protecting victims and preventing re-victimisation, those responsible for these programmes need to be actively involved in multiagency work and form part of the "intervention chain".<sup>230</sup>

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- In the United Kingdom, Respect – a membership association for domestic violence perpetrator programmes and associated support services – has developed accreditation standards (Respect Accreditation Standard) for Domestic Violence Prevention Programmes (DVPPs) and Integrated Support Services (ISS) working with male perpetrators of domestic violence.<sup>a</sup>
  - The European DAPHNE project "Work with Perpetrators of Domestic Violence in Europe" (WWP) has developed standards for perpetrator programmes in consultation with European experts from women's services and perpetrator programmes.<sup>b</sup>

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a. See <http://www.respect.uk.net>.

b. See <http://www.work-with-perpetrators.eu/>.

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<sup>229</sup> See Gondolf, E.W., *Batterer Intervention Systems: Issues, outcomes and recommendations*, Sage, London, 2002.

<sup>230</sup> See Respect Accreditation Standards developed by Respect, [www.respect.uk.net](http://www.respect.uk.net).

### 4.3. VIOLENCE AGAINST MEN AND THE ROLE OF MEN IN COMBATING THE CULTURE OF VIOLENCE

For decades, women have been raising awareness of gender-based violence against women in society and conducting research on the prevalence, context and root causes of the phenomenon. As a result, violence against women is now recognised as a human rights violation and a serious structural and social problem in societies worldwide.

The knowledge possessed by women academics and women's movements and their work in exposing the gendered power dynamics of violence against women has also fuelled interest in the context in which this violence takes place and how it affects men in society. Violence against women has been identified as gender-based violence rooted in the wider societal and historical context. This analysis does not apply to violence against men. Unlike violence against women, violence against men is not “a manifestation of the historically unequal power relations between men and women”, and has not led to domination over, and discrimination against, men by women or to the prevention of men's full advancement and enjoyment of their human rights.<sup>231</sup>

While men undoubtedly suffer violence at the hands of women, not much research has been undertaken into the extent to which men suffer from domestic violence and its impact on their lives, as prevalence studies of violence against women mainly consider women in their capacity as victims.<sup>232</sup> The few studies that specifically research the prevalence of violence against men show that, while men also suffer from domestic violence, they do so to a much lesser degree and the violence perpetrated against them is less severe. Moreover, men rarely suffer from multiple forms of violence, discrimination and dependency in relationships that make it difficult or impossible for them to leave their violent female partner.

Whereas violence against women is perpetrated mainly by men, which makes it gender-based violence, violence against men is often perpetrated by another male member of the family. Studies of sexual violence against men oc-

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<sup>231</sup> See *United Nations Beijing Declaration and Platform for Action*, 1995.

<sup>232</sup> Lenz, H.-J. and Puchert, R., *Violence within the family – men as victims*, keynote speech given at the Council of Europe Conference on Violence within the family: the place and role of men, Strasbourg 6-7 December 2005, p. 17.

curing in the private sphere show that in many cases young boys are violated by male relatives or stepfathers.<sup>233</sup>

Similarly, as far as violence against men in public places (at work, in schools, in the army) is concerned, empirical data demonstrate that much of the violence men experience is perpetrated by other men: men form the majority of offenders but also the majority of victims.<sup>234</sup> Consequently, violence suffered by men can – to a large extent – be characterised as an “inter-male issue” rather than gender-based violence.

All too often violence and violent behaviour are considered a key element of male cultures and male dominance and are exacerbated by popular culture and the media. Among male youths and young adult men, the display of violence plays an important role in power struggles and rivalries.<sup>235</sup> Male socialisation involving violence starts at an early age. Studies on child-rearing practices indicate that violence is seen as a more acceptable means for boys to express their emotions and even affection than it is for girls.

Men do not only play an important role in preventing violence against women: they also play a fundamental part in addressing violence against men and the general culture of violence. Men need to take an active part in addressing masculinity and male invulnerability stereotypes in society and promoting non-violent behaviour among men.

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<sup>233</sup> Puchert, R., and Jungnitz, L., *Violence against Men. The Hidden Side of Patriarchy?*, in *Men and Gender Equality – Towards Progressive Policies* (eds. Varanka, J., Närhinen, A., and Siukola, R.), Conference Report, Ministry of Social Affairs and Health, Helsinki, Finland, 2006, p.146.

<sup>234</sup> *Ibidem*, pp. 146-148.

<sup>235</sup> *Ibidem*, p. 148.

# 5 CONCLUSIONS AND RECOMMENDATIONS

## 5.1. INTRODUCTION

Chapter II.4 of the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 1617 May 2005) reads as follows:

“The Council of Europe will take measures to combat violence against women, including domestic violence. It will set up a task force to evaluate progress at national level and establish instruments for quantifying developments at pan-European level with a view to drawing up proposals for action. A pan-European campaign to combat violence against women, including domestic violence, will be prepared and conducted in close cooperation with other European and national actors, including NGOs.“

The expected results of the Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence*, as outlined by the Committee of Ministers in the framework of the Follow-up to the Action Plan adopted during the Third Summit of the Council of Europe, are among others to evaluate the effective functioning of the measures for preventing and combating violence against women adopted at national and international level and to make proposals for revising these measures or for adopting new measures.

One of the main responsibilities of the Task Force is to draw up proposals for future action by the Council of Europe and its member states to prevent and combat violence against women.

Despite the positive developments in law, policies and practices, violence against women in its various forms continues to be widespread in every Council of Europe member state. The evaluation of measures to prevent and combat violence against women clearly indicates to date that they are not sufficiently effective to eradicate this scourge.

Measures to protect women and punish perpetrators have had limited effect as can be seen by the alarmingly low conviction rate of perpetrators of vi-

olence against women, particularly in comparison with other violent crimes. Services for women victims of gender-based violence remain insufficient and inconsistent and in some countries nongovernmental organisations with limited resources are solely responsible for providing them without any support from the state. Very often national action plans have not addressed violence against women in a comprehensive, holistic way or been provided with sufficient financial and other resources to ensure their effective implementation. Where there are examples of “good practice” these are not always available to all women because of geographical, budgetary, language or access restrictions or because they are only being run as pilot projects.

Under international law states have a responsibility to act with due diligence to prevent acts of violence, protect women from violence and punish perpetrators and to provide remedies and redress to women who have experienced violence. All the Task Force’s recommendations are based on the importance of the recognition by member states that violence against women is a human rights violation, that it can only be tackled effectively by a comprehensive and holistic approach, and that it is supported by political will at the highest level to ensure that adequate resources are provided for long-term sustained action.

To reinforce and develop the ongoing work of the Council of Europe and its member states in preventing and combating violence against women, the Task Force prepared the recommendations set out below which are addressed to both. In accordance with the mandate of the Task Force, these recommendations focus on violence against women occurring in the family or domestic unit<sup>236</sup> and some forms of violence against women occurring within the community<sup>237</sup> such as rape and sexual abuse but not others such as harassment at work or trafficking in women as such forms of violence against women are already covered in specific Council of Europe conventions.<sup>238</sup> Recommendations at international level include: the drafting of a new legally bind-

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<sup>236</sup> See the definition of “violence occurring in the family or domestic unit” contained in the Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*.

<sup>237</sup> See the definition of “violence occurring within the general community” also contained in the Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence*.

<sup>238</sup> See, for instance, 1961 *European Social Charter* and 1996 *Revised European Social Charter* and the 2005 Council of Europe *Convention on Action against Trafficking in Human Beings*.

ing human rights international instrument to prevent and combat violence against women, establishing a European Special Rapporteur on violence against women and setting up a femicide watch. Recommendations at national level are two-fold: on the one hand they call for a comprehensive approach and for adequate resources to effectively prevent and combat violence against women, and on the other hand they call for specific measures to be adopted in the following five key areas: legislation, assistance and protection of victims, data collection, awareness raising and the role of men.

## **5.2. RECOMMENDATIONS AT INTERNATIONAL LEVEL TO PREVENT AND COMBAT VIOLENCE AGAINST WOMEN**

### **5.2.1. A European human rights convention to prevent and combat violence against women**

There is a clear need for a European Convention to prevent and combat violence against women and to protect its victims. The Council of Europe has a unique opportunity to lead the process in the preparation of the first European human rights treaty to prevent and combat violence against women. In this way, the measures and standards set out in the Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence* would thus become legally binding for all states parties to the new convention.

The absence of both a universal treaty and a European treaty in this field should be highlighted. The *European Convention on Human Rights* is a general international instrument on civil and political rights but it does not provide for specific protection to women victims of gender-based violence. Indeed, at present only the Organisation of American States and the African Union have treaties in this field. The Organisation of American States was the first international organisation to adopt, in 1994, a legally binding instrument to combat all forms of violence against women,<sup>239</sup> in force since March 1995. The fact that this is the most widely ratified convention within the inter-American system demonstrates the strong political will to set common legally binding

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<sup>239</sup> *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, “*Convention of Belém do Pará*”, Brasil (1994). See also section 3.1.5.

standards in this field. The African Union, in 2003, adopted the Protocol on the Rights of Women<sup>240</sup> in Africa which explicitly calls for the protection of women from violence – in private and public life – as a form of guaranteeing the right to life, integrity and security of the person.

One of the main messages of the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence* was “to urge states to demonstrate political will to stop violence against women”. In this respect, it could be considered that the agreement among Council of Europe member states to prepare a new legally binding human rights instrument will demonstrate their strong commitment to eradicating violence against women which they already showed through the adoption of *Recommendation Rec (2002) 5 on the protection of women against violence*.

In conformity with the Council of Europe Campaign Blueprint, “Violence against women is a human rights violation and therefore states have the responsibility to act with due diligence to prevent this type of violence, to protect its victims, to award them compensation and to prosecute and punish the perpetrators”. Consequently, it is strongly recommended that a future Council of Europe Convention to prevent and combat violence against women should be a human rights instrument containing justiciable rights in relation to the protection of the rights of victims (for example, *European Convention on Human Rights*).

Any future Council of Europe legally binding instrument to combat violence against women should be a comprehensive human rights treaty and its paramount objectives should be the prevention of gender-based violence, the protection of victims and the prosecution of the perpetrators.

The scope of such a convention, the areas to be covered and the possible monitoring mechanism of a future Council of Europe Convention in this field are detailed below.

### ***Underlying principle of a future convention***

It is important to recognise the gendered nature of the phenomenon of domestic violence and the structural causes of violence against women. Women

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<sup>240</sup> *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, entry into force on 25 November 2005, 21 ratifications as of 17 January 2008. See also section 3.1.6.

are disproportionately subjected to many forms of violence and they are subjected to this violence because they are women. Hence the term gender-based violence. This gender-based violence is a human rights violation which results from an imbalance of power between women and men and is an obstacle to achieving gender equality.

### ***Scope ratione personae of a future convention***

In conformity with the *Recommendation Rec (2002) 5 on the protection of women against violence*, which covers gender-based violence throughout the lifetime of women, a legally binding human rights instrument in this field should comprise all forms of gender-based violence perpetrated against women throughout their lifetime, and should therefore include girls.

Restricting its application to women who have reached the age of majority would limit the scope and effectiveness of such an instrument, as some severe forms of gender-based violence such as female genital mutilation, forced marriages and honour killings often concern girls under the age of 18. Furthermore, girls under 18 can also suffer violence at the hands of partners before marriage.

### ***Scope ratione materiae of a future convention***

Any legally binding international instrument of the Council of Europe in this field should be a human rights instrument and framed in the broader context of violence against women as gender-based violence. It is therefore vital to expand the scope of a possible convention to cover various forms of the following three types of violence against women: physical violence, sexual violence and psychological violence.

The forms of violence against women covered by such an instrument would therefore encompass, *inter alia*, forms of gender-based violence such as physical violence among partners or former partners, rape, sexual violence as well as sexual harassment, but also female genital mutilation, forced marriages and crimes committed in the name of honour. Furthermore, any definition of violence against women should be sufficiently broad to encompass other emerging forms of violence.

Including a range of forms of violence against women is all the more justified as it follows existing international instruments. *Recommendation Rec*

(2002) 5 on the protection of women against violence covers all forms of gender-based violence. Other international legally binding instruments such as the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (“*Convention of Belem do Para*”), and the *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa*, also extend to various forms of violence against women and are not confined to one type of violence only. In particular, the definition of violence against women on which the Protocol operates includes not only all acts causing physical, sexual and psychological harm, but also economic harm. This goes beyond the scope of violence against women included in both, *General Recommendation No.19* to the 1979 United Nations *Convention on the Elimination of All Forms of Discrimination against Women* and the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*.

### ***Areas to be covered by a future convention***

Council of Europe *Recommendation Rec (2002) 5 on the protection of women against violence* proposes a comprehensive strategy to prevent violence, protect its victims and punish the perpetrators.

Any legally binding human rights instrument in this field should also cover these three areas. This implies a holistic approach to preventing and combating violence against women, meaning that a future convention should contain a comprehensive set of measures covering the three areas above.

### ***Monitoring mechanism of a future convention***

It is generally recognised that the effectiveness of international instruments can be measured by the effectiveness of their monitoring mechanism. Therefore any future convention should be equipped with an effective and independent monitoring mechanism. Such independent human rights monitoring mechanisms are very well known in the framework of the Council of Europe and enjoy high credibility – as a result of the independence and impartiality of their members and due to the quality of their reports and conclusions resulting from the monitoring procedure. The monitoring body of such a convention should be composed of independent and highly qualified experts capable of monitoring implementation of the obligations contained therein.

In relation to the composition and competences of such a monitoring mechanism, it would be appropriate to examine existing human rights treaty bodies or monitoring mechanisms such as the monitoring mechanism of the Council of Europe *Convention on Action against Trafficking in Human Beings* (GRETA), the United Nations *Committee on the Elimination of Discrimination against Women* (CEDAW Committee) or the Mechanism to Follow Up on the Implementation of the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women* (MESECVI).

### ***Practical modalities***

To guarantee that such a wide range of diverse subject matters are adequately addressed in a future convention, the group in charge of drafting such a human rights instrument should be multidisciplinary and include experts with different professional experience on violence against women, gender equality, human rights in general, criminal and civil law as well as experts from nongovernmental organisations. Therefore, it is proposed that a new ad hoc committee is set up with the multidisciplinary expertise mentioned above and with the participation of representatives of the European Committee on Crime Problems (CDPC), the Steering Committee for Equality between Women and Men (CDEG), Steering Committee for Human Rights (CDDH), European Committee on Legal Co-operation (CDCJ) as well as other Steering Committees concerned (e.g. composition similar to the Ad-Hoc Committee on Action against Trafficking in Human Beings (CAHTEH)).

### **5.2.2. Special Rapporteur on violence against women**

A *Special Rapporteur on violence against women* should be established for Europe. This Special Rapporteur would work in collaboration with the Council of Europe Commissioner for Human Rights and the future monitoring mechanism of the envisaged Council of Europe convention to prevent and combat violence against women.

The mandate of this European Special Rapporteur would primarily be to place particular emphasis on the nature and specificities of violence against women in Europe. He or she should have the competence to carry out country visits and put forward specific recommendations to the Council of Europe and its member states in order to raise visibility of the problem, enhance

awareness raising both at the governmental level and within civil society, assist in the development of new jurisprudence and other measures on the basis of, *inter alia*, thematic studies and regional research.

When drawing up the mandate due note should be taken of the two existing regional mandates – Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights appointed in 1994 and the Special Rapporteur on Rights of Women in Africa appointed in 1998 as well as the United Nations Special Rapporteur on violence against women, its causes and consequences, appointed in 1994. To this end, a Council of Europe analytical study should be carried out to examine existing mechanisms and propose solutions to overcome existing problems.

### **5.2.3. Violence against women watch – Femicide watch**

Council of Europe member states should without any delay undertake effective measures to prevent the frequent and most blatant violations of women's human rights – murders of women by husbands, ex-husbands, intimate partners and relatives.

Member states should institute a method for collecting specific data on the number of such murders of women per year disaggregated by age, number of perpetrators disaggregated by age and sex of the perpetrators as well as the relationship between the perpetrator and the victim or victims. Information concerning the prosecution and punishment of perpetrators should also be collected. Each case of such a murder should be carefully analysed to identify any failure of protection in view of improving and developing further preventive measures.

In the collection, analyses and publication of such data member states should co-operate with NGOs working in this field. Such data should be made publicly available at the national level and by the Council of Europe and published during the 16 Days on Activism against Gender Violence. The Secretariat General of the Council of Europe should ensure the publication of such data.

Member states could entrust this task to the existing national structures mandated to work on violence against women or to the proposed national observatories on violence against women.

## **5.3. RECOMMENDATIONS AT NATIONAL LEVEL TO PREVENT AND COMBAT VIOLENCE AGAINST WOMEN**

### **5.3.1. Need for a comprehensive approach in preventing and combating violence against women**

States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims. In order to be able to fulfil this obligation, member states need to have evidence-based, comprehensive and coordinated policies in place, including adequate resources for effective implementation, monitoring and evaluation. This policy should focus on the needs of the victims and cover all aspects relevant to the prevention of violence and protection of victims, including service provision for victims, protective laws, awareness raising, education and training, systematic data collection and research, as well as the improvement of cooperation between the different areas and actors and the promotion of networking at the national and international level in order to reach good quality standards.

The Spanish Organic Act 1/2004 of 28 December on *Integrated Protection Measures against Gender Violence* clearly states in its Preamble the need for a comprehensive approach in preventing and combating violence against women:

“Gender violence is approached from an integrated, multidisciplinary standpoint, starting from the processes of education and socialisation. The pursuit of equality and respect for human dignity and individual liberties must be a priority objective at all levels of socialisation. The Act introduces sensitisation and intervention measures in the education sphere. It also seeks to reinforce an image of women that respects their dignity and equality, with particular reference to the world of advertising. Support is proffered to the victims of violence by recognising their right to information, free legal counsel and other measures of social protection and economic assistance. It thus provides an integrated legal response that encompasses both trial proceedings, with the creation of new courts, and substantive civil and criminal legislation, including specific training for the health, police and judicial personnel entrusted with obtaining evidence and enforcing the law. Sensitisation and intervention measures are likewise directed at the health sector, to optimise early detection as well as the physical and psychological care given to victims, in conjunction with other support measures. Situations of violence against

women also affect minors sharing their family environment, who may suffer their consequences both directly and indirectly. The Act also addresses their protection, not only to safeguard their rights as minors but also to ensure the effectiveness of the protection measures taken for women”.

The main goal of a comprehensive and co-ordinated policy is to establish a well functioning “intervention system” or “intervention chain” focused on the needs of the victims. According to *Recommendation Rec (2002) 5 on the protection of women against violence*, all relevant state institutions and non-governmental organisations should be associated with the drawing up and the implementation of necessary measures.

At the heart of any comprehensive strategy to combat violence against women there is a need for a clear definition of violence against women as gender-based violence and a human rights violation.

Legislation to protect and support women victims is a very important part of any strategy to combat violence against women. It is of utmost importance to bring the different fields of law such as criminal law, civil law, family law, and immigration law into line to ensure a comprehensive and harmonised legal approach.

A national action plan to prevent and combat violence against women is an effective way of putting a comprehensive and co-ordinated policy into practice, if it is based on a clear political commitment and accompanied by the necessary resources for its effective implementation. A governmental action plan should address all forms of gender-based violence against women. It should be comprehensive in the sense that it covers all legal and policy areas relevant for preventing violence and protecting women and co-ordinated in the sense that all measures are attuned to each other in order to avoid gaps and contradicting interventions.

A national action plan should be a public document and it should have a clear time-frame. It should be based on a thorough analysis of the status quo and the newest knowledge from research and practice. It also needs to contain concrete goals in all areas and defined indicators to evaluate the goals, including the systematic collection and gathering of data in all relevant areas. Action plans should be approved by the government and should include an adequate and secure budget for implementation.

Each member state should set up a governmental body with a clear and strong mandate to co-ordinate, develop, implement, and internally monitor and evaluate policies on violence against women and to guarantee the implementation and revision of the action plan. All relevant state agencies and institutions on the federal, regional and local level should be a member of the governmental body, as well as experts from NGOs, especially women's NGOs providing services to victims, and experts from academia.

### **5.3.2. Need for adequate resources to prevent and combat violence against women**

Member states of the Council of Europe have an obligation to devote adequate resources to the prevention of violence against women, the protection of victims, the punishment of perpetrators and the provision of services if they are to comply with their duty of due diligence. The political, social and economic costs of not addressing violence against women are enormous and impact directly on society. Political commitment at the highest level is essential in order to ensure that the necessary financial and other resources are allocated to protecting women from all forms of violence.

All National Action Plans should include a designated budget line, both at national, regional and local level, and member states should conduct a process of gender budgeting in order to establish the impact of the mainstream budget on women and the extent to which policy commitments towards gender equality and eradicating violence against women are adequately resourced. This would not only allow them to measure the cost-effectiveness of their work, it would also improve reporting.

### **5.3.3. Legal measures**

Legal measures are at the centre of effective strategies to combat violence against women. Current legal measures need to be improved in almost all Council of Europe member states and new measures need to be introduced to combat violence and sustain progress. States need to review and amend, where necessary, national legislation, in order to identify and fill gaps in the protection of women from all forms of genderbased violence, including violence occurring in the family or domestic unit, derogate laws that discriminate against women and adopt laws to combat discriminatory traditional attitudes towards women that can lead to violence.

Member states should set up a comprehensive and co-ordinated legal system to effectively prevent all forms of violence against women and to protect victims. Effective laws to protect victims and punish and deter violent acts, as well as legal provisions to tackle violence and its consequences need to be available in all relevant areas, including, *inter alia*, civil law, family law, child custody and child protection law, social security and public welfare law, employment law, immigration law, housing law as well as insurance law.

Member states should ensure that different fields of law are linked in order to ensure that all legal measures taken to protect women are consistent and are not thwarted by legal measures taken in other contexts, such as visitation rights of abusive fathers, revoked custody over the children or immigration laws and administrative procedures that prevent women from leaving violent relationships due to fear of deportation or loss of legal status. Mediation or out-of-court settlements should never be applied in any cases of violence against women, in either civil or criminal law matters.<sup>241</sup>

States should criminalise any act of violence against women. Effective implementation of the existing criminal law provisions such as those of assault and rape is needed in order to ensure criminal liability for all forms of violence against women and the effective prosecution of perpetrators. These should be supported by comprehensive civil law measures to protect women from violence, and states should ensure that the rights of perpetrators do not supersede the rights of victims to life and physical integrity.

Consideration should be given to the introduction in the national criminal code of specific criminal offences for each type of violence, *ex officio* prosecution, aggravating circumstances for gender-based violence and for recidivism. States should ensure the establishment of effective legal protection, including protection orders, for all women victims of violence, and regularly monitor and evaluate effective implementation to identify and put in place measures to increase the rate of reporting, prosecution and sanctions of per-

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<sup>241</sup> Indeed already *Recommendation No. R(98)1 of the Committee of Ministers to member States on family mediation* states that “the mediator should pay particular regard to whether violence has occurred in the past or may occur in the future between the parties and the effect this may have on the parties’ bargaining positions, and should consider whether in these circumstances the mediation process is appropriate” (see also *Recommendation No. R (99) 19 of the Committee of Ministers to member States concerning mediation in penal matters* and *Recommendation Rec (2002) 10 of the Committee of Ministers to member States on mediation in civil matters*).

petrators of violence against women. All legal systems should provide its authorities (police, prosecution service and the judiciary) with specific powers that enable effective criminal justice, particularly in cases of rape, sexual assault, crimes committed in the name of honour and traditional practices harmful to women.

Different kinds of protective measures have to be available in order to meet the differing needs of victims and to fulfil the obligation of the state to effectively protect victims and prevent violence. Comprehensive civil law measures such as protection orders, restraining and nonmolestation orders, to protect women from all forms of violence, including stalking, should be in place. Protection orders should be easily obtainable and enforceable and their scope of application should extend to all intimate partners, whether or not they have lived together, including same sex relationships. Breaches of such protective orders should be a criminal offence subject to a prison term, not only a fine.

Additionally, protection orders issued *ex officio* such as barring and eviction orders by the police should be considered. Restraining orders should be in place and applied *ex officio* by the criminal justice system, in order to prevent repeat victimisation.

Ensuring the safety of victims should be paramount and all states should ensure that risk assessment and safety measures are standard procedure in crime prevention to prevent violence against women, and ensure special attention is given to high risk victims who face repeated incidents of violence.

Member states should ensure the protection of the rights of victims before, during and after legal proceedings to avoid secondary victimisation. Measures to be taken to this end include, but are not limited to, the availability of free legal advice, sufficient information about their role and status in criminal proceedings, access to compensation, timely information about the outcome of proceedings and the release of the perpetrator from pre-trial detention or jail, witness protection policies and standards and all other measures that ensure the safety of and respect for the victim. To support successful prosecutions all victims should be provided with legal aid, psycho-social support and witnesses should be guaranteed protection.

Immigrant women who have been or are victims of domestic violence should be granted an independent right to residence in order to enable them to lead a life without violence.

Member states should ensure effective implementation and monitoring of all legal measures they adopted to strengthen the protection of women against gender-based violence.

#### **5.3.4. Assistance and protection of victims**

States should ensure that all women victims of violence have access to services facilitating longterm re-integration in society such as financial assistance, housing, and assistance in employment, education and training.

Providing a comprehensive, country-wide, adequately resourced network of services that deliver swift, effective and empowering support to all women victims of violence and their children, regardless of the form of gender-based violence or the status of the women, is essential for the protection of victims of violence and forms a core part of member states' due diligence obligation.

All Council of Europe member states should introduce general standards for support services which ensure that well-funded autonomous women's NGOs are central to their development and delivery. Services need to be independent, specialised and pro-active and ensure the coordinated cross-sectoral provision of support and advocacy, both crisis and long-term based on well-functioning multi-agency co-operation. Information about the availability of these support services should be made widely known on a regular basis to ensure women victims of violence know where and how to access them.

Service agencies must be able to respond and support all women victims of violence and be sensitive to their needs regardless of their cultural background, legal status or economic situation.

Health care and social service professionals should be adequately resourced and trained to deliver high quality services to assist women victims of violence and refer them to the appropriate specialised services.

States should ensure that all support services take a gender perspective, ensure the safety, security and dignity of the victims, respect and empower victims and guarantee access to all victims and respect diversity. Confidentiality should be central to all methods of working which should be based on user participation and consultation.

States should ensure that children who witness violence against women receive adequate protection and assistance.

Member states should develop minimum standards for the provision of specialised services which includes: at least one free national helpline covering all forms of violence against women operating 24 hours a day 7 days a week delivering crisis support in all relevant languages; safe accommodation in specialised women's shelters available in every region ensuring one family place per 10 000 of population; and one rape crisis centre per 200 000 women.<sup>242</sup>

Member states should ensure quick and appropriate responses to emergency calls as they are a key element in the role of the police to prevent and combat violence against women.

### **5.3.5. Data collection**

Member states should base their policies to prevent and combat violence against women on state-of-the-art research and knowledge in this field. This research should include the impact of policy and practices employed.

To this end, states should – at minimum – collect data on the following three levels: level one concerns data directly related to the victim and the perpetrator (e.g. data disaggregated by sex, age, legal status, type of violence, place where the violence has occurred, relationship of the perpetrator to the victim, educational level and professional activity of the victim and the perpetrator, etc.); level two concerns data related to the different stages of the legal procedure (for example, compile statistics on reporting incidents and conviction rates of cases of violence against women, including the number of protection orders issued, etc.); level three concerns data related to the victim's response to the violence and the consequences of the violence.

Council of Europe member states should set up national observatories to systematically collect and analyse all types of data on violence against women, producing indicators that can support decision-making and intervention and monitor and evaluate the implementation of policies and measures. Such data can take on multiple forms, and come from different sources (po-

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<sup>242</sup> Supra note 16. Table 7.1.

lice, judiciary, health services, national and regional surveys, NGOs and other organisations, and research studies).

National observatories should be set up as independent bodies. They should co-operate with relevant government and state organisations, on regional and national levels, NGOs and other organisations directly engaged in combating violence against women, especially with NGO observatories on violence against women. They could also network with national observatories in other countries and universities and organisations with expertise in this domain. National observatories should produce annual reports as a visible output of their work.

Member states need to co-operate in order to establish standardised indicators, methods and instruments for data comparison and collection. They should also widely share and disseminate the data collected.

Member states should encourage state authorities and public officials to co-operate with non-governmental organisations and civil society in establishing strategic partnerships with a view to making reliable data available for better preventing and combating violence against women.

### **5.3.6. Raising awareness, education and training**

Member states should play an active role in challenging and modifying gender discriminatory and cultural norms, prevailing gender stereotypes and social stigmatisation that legitimise and help perpetuate violence against women.

National and local community leaders and opinion formers should be encouraged to publicly acknowledge the gravity of violence against women, condemn its perpetration and the use of custom, tradition or religion to excuse it. They should commit to take action against it. Cultural and sport associations should also be encouraged to raise awareness on violence against women and challenge gender stereotypes. The work of women's NGOs in raising awareness and running campaigns should be encouraged.

Awareness raising activities and campaigns need to both inform the public of their rights and provide women with essential information for their protection. Member states should therefore conduct campaigns in collaboration

with women's NGOs, parliaments and regional authorities. The private sector and the media should be encouraged to support awareness raising initiatives by speaking out against violence against women.

Educational curricula in the formal sphere should include comprehensive programmes for all children from an early age and young people informing them about women's rights and challenging gender stereotypes and attitudes that lead to violence against women and include positive images of women. For young people in their teens educational programmes should focus particularly on healthy ways of forming intimate relationships. All such programmes need to include gender sensitive training for all personnel engaged in educating children and young people, the removal of any gender-based materials based on stereotypes or sexism from the curriculum.<sup>243</sup>

The education and training of all relevant professionals should include basic knowledge on violence against women, its causes and consequences as an obligatory part of the formal curricula, including in the examination syllabus. Professionals should also be taught skills for multi-agency co-operation. Basic education needs to be supported by further specialised training to all those working directly with victims to develop the necessary knowledge, sensitivity and skills required to respond appropriately and effectively.

Ongoing training for practitioners should be guaranteed and required throughout their professional lives. Training should be provided by experts including from women's NGOs with many years experience on the issue.

Clear protocols and guidelines for all personnel in their respective fields that lay out the standards staff are expected to follow should be provided as part of and to support and reinforce training. The effectiveness of these protocols should be regularly monitored and reviewed and where necessary improved.

### **5.3.7. The role of men**

Member states should ensure that national action plans or other measures directly engage men in the process of eradicating violence against women.

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<sup>243</sup> Recommendation CM/Rec (2007) 13 of the Committee of Ministers to member states on gender mainstreaming in education.

Positive attitudes of boys and men of all ages towards non-violent behaviour should be encouraged to ensure they will speak out against genderbased violence and become an active agent for change.

Perpetrator programmes for men should be widely established with the aim of increasing the safety of women and their children and preventing perpetrators from resorting to violence. Such programmes should be developed and implemented in close co-operation with women's organisations and providers of services for women victims.

Member states should review their national legal and policy measures in the field of family, employment and social benefits with a view to encouraging men to take on equal parenting and family responsibilities and act as caring role models.

Member states should organise awareness-raising campaigns on male violence towards women targeted at men, emphasising that men are responsible for their acts of violence, that such acts are illegal and will be punished, and encouraging them to examine and challenge cultural attitudes which are used to legitimate male violence against women.

# **A**PPENDIX I: **RECOMMENDATION REC (2002) 5 OF THE COMMITTEE OF MINISTERS ON THE PROTECTION OF WOMEN AGAINST VIOLENCE**

***Adopted by the Committee of Ministers on 30 April 2002 at the 794th meeting of the Ministers' Deputies***<sup>244</sup>

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Reaffirming that violence towards women is the result of an imbalance of power between men and women and is leading to serious discrimination against the female sex, both within society and within the family;

Affirming that violence against women both violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

Noting that violence against women constitutes a violation of their physical, psychological and/or sexual integrity;

Noting with concern that women are often subjected to multiple discrimination on ground of their gender as well as their origin, including as victims of traditional or customary practices inconsistent with their human rights and fundamental freedoms;

Considering that violence against women runs counter to the establishment of equality and peace and constitutes a major obstacle to citizens' security and democracy in Europe;

Noting with concern the extent of violence against women in the family, whatever form the family takes, and at all levels of society;

Considering it urgent to combat this phenomenon which affects all European societies and concerns all their members;

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<sup>244</sup> In conformity with Article 10.2c of the Rules of Procedure of the Ministers' Deputies, Sweden reserved its right to comply or not with paragraph 54 of this recommendation.

Recalling the Final Declaration adopted at the Second Council of Europe Summit (Strasbourg, 1997), in which the heads of state and government of the member states affirmed their determination to combat violence against women and all forms of sexual exploitation of women;

Bearing in mind the provisions of the European Convention on Human Rights (1950) and the case-law of its organs, which safeguard, *inter alia*, the right to life and the right not to be subjected to torture or to inhuman or degrading treatment or punishment, the right to liberty and security and the right to a fair trial;

Considering the European Social Charter (1961) and the revised European Social Charter (1996), in particular the provisions therein concerning equality between women and men with regard to employment, as well as the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Recalling the following recommendations of the Committee of Ministers to member states of the Council of Europe: Recommendation No. R (79) 17 concerning the protection of children against ill-treatment; Recommendation No. R (85) 4 on violence in the family; Recommendation No. R (85) 11 on the position of the victim within the framework of criminal law and procedure; Recommendation No. R (87) 21 on assistance to victims and the prevention of victimisation; Recommendation No. R (90) 2 on social measures concerning violence within the family; Recommendation No. R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults; Recommendation No. R (93) 2 on the medico-social aspects of child abuse, Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation and Recommendation Rec (2001) 16 on the protection of children against sexual exploitation;

Recalling also the Declarations and Resolutions adopted by the 3rd European Ministerial Conference on Equality between Women and Men held by the Council of Europe (Rome, 1993);

Bearing in mind the United Nations Declaration on the Elimination of Violence against Women (1993), the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Platform for Action adopted at the Fourth World Confer-

ence on Women (Beijing, 1995) and the Resolution on Further actions and initiatives to implement the Beijing Declaration and Platform for Action adopted by the United Nations General Assembly (23rd extraordinary session, New York, 5-9 June 2000);

Bearing in mind the United Nations Convention on the Rights of the Child (1989), as well as its Optional Protocol on the sale of children, child prostitution and child pornography (2000);

Also bearing in mind the International Labour Organisation Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) and Recommendation (R 190) on the Worst Forms of Child Labour (1999);

Recalling the basic principles of international humanitarian law, and especially the 4th Geneva Convention relative to the protection of civilian persons in time of war (1949) and the 1st and 2nd additional Protocols thereto;

Recalling also the inclusion of gender-related crimes and sexual violence in the Statute of the International Criminal Court (Rome, 17 July 1998),

Recommends that the governments of member states:

- I. Review their legislation and policies with a view to:
  1. guaranteeing women the recognition, enjoyment, exercise and protection of their human rights and fundamental freedoms;
  2. taking necessary measures, where appropriate, to ensure that women are able to exercise freely and effectively their economic and social rights;
  3. ensuring that all measures are coordinated nation-wide and focused on the needs of the victims and that relevant state institutions as well as non-governmental organisations (NGOs) be associated with the elaboration and the implementation of the necessary measures, in particular those mentioned in this recommendation;
  4. encouraging at all levels the work of NGOs involved in combating violence against women and establishing active co-operation with these NGOs, including appropriate logistic and financial support;
- II. Recognise that states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts

- are perpetrated by the state or private persons, and provide protection to victims;
- III. Recognise that male violence against women is a major structural and societal problem, based on the unequal power relations between women and men and therefore encourage the active participation of men in actions aiming at combating violence against women;
  - IV. Encourage all relevant institutions dealing with violence against women (police, medical and social professions) to draw up medium- and long-term co-ordinated action plans, which provide activities for the prevention of violence and the protection of victims;
  - V. Promote research, data collection and networking at national and international level;
  - VI. Promote the establishment of higher education programmes and research centres including at university level, dealing with equality issues, in particular with violence against women;
  - VII. Improve interactions between the scientific community, the NGOs in the field, political decision-makers and legislative, health, educational, social and police bodies in order to design co-ordinated actions against violence;
  - VIII. Adopt and implement the measures described in the appendix to this recommendation in the manner they consider the most appropriate in the light of national circumstances and preferences, and, for this purpose, consider establishing a national plan of action for combating violence against women;
  - IX. Inform the Council of Europe on the follow-up given at national level to the provisions of this recommendation.

## **Appendix to Recommendation Rec (2002) 5**

### ***Definition***

1. For the purposes of this recommendation, the term “violence against women” is to be understood as any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This includes, but is not limited to, the following:

- a. violence occurring in the family or domestic unit, including, *inter alia*, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages;
- b. violence occurring within the general community, including, *inter alia*, rape, sexual abuse, sexual harassment and intimidation at work, in institutions or elsewhere trafficking in women for the purposes of sexual exploitation and economic exploitation and sex tourism;
- c. violence perpetrated or condoned by the state or its officials;
- d. violation of the human rights of women in situations of armed conflict, in particular the taking of hostages, forced displacement, systematic rape, sexual slavery, forced pregnancy, and trafficking for the purposes of sexual exploitation and economic exploitation.

### ***General measures concerning violence against women***

2. It is the responsibility and in the interest of states as well as a priority of national policies to safeguard the right of women not to be subjected to violence of any kind or by any person. To this end, states may not invoke custom, religion or tradition as a means of evading this obligation.

3. Member states should introduce, develop and/or improve where necessary, national policies against violence based on:

- a. maximum safety and protection of victims;
- b. empowerment of victimised women by optimal support and assistance structures which avoid secondary victimisation;
- c. adjustment of the criminal and civil law including the judicial procedure;
- d. raising of public awareness and education of children and young persons;
- e. ensuring special training for professionals confronted with violence against women;
- f. prevention in all respective fields.

4. In this framework, it will be necessary to set up, wherever possible, at national level, and in cooperation with, where necessary, regional and/or local authorities, a governmental co-ordination institution or body in charge of the implementation of measures to combat violence against women as well as of regular monitoring and evaluation of any legal reform or new form of inter-

vention in the field of action against violence, in consultation with NGOs and academic and other institutions.

5. Research, data collection and networking at national and international level should be developed, in particular in the following fields:

- a. the preparation of statistics sorted by gender, integrated statistics and common indicators in order to better evaluate the scale of violence against women;
- b. the medium- and long-term consequences of assaults on victims;
- c. the consequence of violence on those who are witness to it, *inter alia*, within the family;
- d. the health, social and economic costs of violence against women;
- e. the assessment of the efficiency of the judiciary and legal systems in combating violence against women;
- f. the causes of violence against women, i.e. the reasons which cause men to be violent and the reasons why society condones such violence;
- g. the elaboration of criteria for benchmarking in the field of violence.

### ***Information, public awareness, education and training***

Member states should:

6. compile and make available to the general public appropriate information concerning the different types of violence and their consequences for victims, including integrated statistical data, using all the available media (press, radio and television, etc.);

7. mobilise public opinion by organising or supporting conferences and information Campaigns so that society is aware of the problem and its devastating effects on victims and society in general and can therefore discuss the subject of violence towards women openly, without prejudice or preconceived ideas;

8. include in the basic training programmes of members of the police force, judicial personnel and the medical and social fields, elements concerning the treatment of domestic violence, as well as all other forms of violence affecting women;

9. include in the vocational training programmes of these personnel, information and training so as to give them the means to detect and manage cri-

sis situations and improve the manner in which victims are received, listened to and counselled;

10. encourage the participation of these personnel in specialised training programmes, by integrating the latter in a merit-awarding scheme;

11. encourage the inclusion of questions concerning violence against women in the training of judges;

12. encourage self-regulating professions, such as therapists, to develop strategies against sexual abuse which could be committed by persons in positions of authority;

13. organise awareness-raising Campaigns on male violence towards women, stressing that men should be responsible for their acts and encouraging them to analyse and dismantle mechanisms of violence and to adopt different behaviour;

14. introduce or reinforce a gender perspective in human rights education programmes, and reinforce sex education programmes that give special importance to gender equality and mutual respect;

15. ensure that both boys and girls receive a basic education that avoids social and cultural patterns, prejudices and stereotyped roles for the sexes and includes training in assertiveness skills, with special attention to young people in difficulty at school; train all members of the teaching profession to integrate the concept of gender equality in their teaching;

16. include specific information in school curricula on the rights of children, help-lines, institutions where they can seek help and persons they can turn to in confidence.

## **Media**

Member states should:

17. encourage the media to promote a non-stereotyped image of women and men based on respect for the human person and human dignity and to avoid programmes associating violence and sex; as far as possible, these criteria should also be taken into account in the field of the new information technologies;

18. encourage the media to participate in information Campaigns to alert the general public to violence against women;

19. encourage the organisation of training to inform media professionals and alert them to the possible consequences of programmes that associate violence and sex;

20. encourage the elaboration of codes of conduct for media professionals, which would take into account the issue of violence against women and, in the terms of reference of media watch organisations, existing or to be established, encourage the inclusion of tasks dealing with issues concerning violence against women and sexism.

### ***Local, regional and urban planning***

Member states should:

21. encourage decision-makers in the field of local, regional and urban planning to take into account the need to reinforce women's safety and to prevent the occurrence of violent acts in public places;

22. as far as possible, take all necessary measures in this respect, concerning in particular public lighting, organisation of public transport and taxi services, design and planning of car parks and residential buildings.

### ***Assistance for and protection of victims (reception, treatment and counselling)***

Member states should:

23. ensure that victims, without any discrimination, receive immediate and comprehensive assistance provided by a co-ordinated, multidisciplinary and professional effort, whether or not they lodge a complaint, including medical and forensic medical examination and treatment, together with post-traumatic psychological and social support as well as legal assistance; this should be provided on a confidential basis, free of charge and be available around the clock;

24. in particular, ensure that all services and legal remedies available for victims of domestic violence are provided to immigrant women upon their request;

25. take all the necessary measures in order to ensure that collection of forensic evidence and information is carried out according to standardised protocol and forms;

26. provide documentation particularly geared to victims, informing them in a clear and comprehensible manner of their rights, the service they have received and the actions they could envisage or take, regardless of whether they are lodging a complaint or not, as well as of their possibilities to continue to receive psychological, medical and social support and legal assistance;

27. promote co-operation between the police, health and social services and the judiciary system in order to ensure such co-ordinated actions, and encourage and support the establishment of a collaborative network of non-governmental organisations;

28. encourage the establishment of emergency services such as anonymous, free of charge telephone help-lines for victims of violence and/or persons confronted or threatened by situations of violence; regularly monitor calls and evaluate the data obtained from the assistance provided with due respect for data protection standards;

29. ensure that the police and other law-enforcement bodies receive, treat and counsel victims in an appropriate manner, based on respect for human beings and dignity, and handle complaints confidentially; victims should be heard without delay by specially trained staff in premises that are designed to establish a relationship of confidence between the victim and the police officer and ensure, as far as possible, that the victims of violence have the possibility to be heard by a female officer should they so wish;

30. to this end, take steps to increase the number of female police officers at all levels of responsibility;

31. ensure that children are suitably cared for in a comprehensive manner by specialised staff at all the relevant stages (initial reception, police, public prosecutor's department and courts) and that the assistance provided is adapted to the needs of the child;

32. take steps to ensure the necessary psychological and moral support for children who are victims of violence by setting up appropriate facilities and providing trained staff to treat the child from initial contact to recovery; these services should be provided free of charge;

33. take all necessary measures to ensure that none of the victims suffer secondary (re)victimisation or any gender-insensitive treatment by the police, health and social personnel responsible for assistance, as well as by judiciary personnel.

## ***Criminal law, civil law and judicial proceedings***

### *Criminal law*

Member states should:

34. ensure that criminal law provides that any act of violence against a person, in particular physical or sexual violence, constitutes a violation of that person's physical, psychological and/or sexual freedom and integrity, and not solely a violation of morality, honour or decency;

35. provide for appropriate measures and sanctions in national legislation, making it possible to take swift and effective action against perpetrators of violence and redress the wrong done to women who are victims of violence. In particular, national law should:

- penalise sexual violence and rape between spouses, regular or occasional partners and cohabitants;
- penalise any sexual act committed against non-consenting persons, even if they do not show signs of resistance;
- penalise sexual penetration of any nature whatsoever or by any means whatsoever of a non-consenting person;
- penalise any abuse of the vulnerability of a pregnant, defenceless, ill, physically or mentally handicapped or dependent victim;
- penalise any abuse of the position of a perpetrator, and in particular of an adult *vis-à-vis* a child.

### *Civil law*

Member states should:

36. ensure that, in cases where the facts of violence have been established, victims receive appropriate compensation for any pecuniary, physical, psychological, moral and social damage suffered, corresponding to the degree of gravity, including legal costs incurred;

37. envisage the establishment of financing systems in order to compensate victims.

### *Judicial proceedings*

Member states should:

38. ensure that all victims of violence are able to institute proceedings as well as, where appropriate, public or private organisations with legal per-

sonality acting in their defence, either together with the victims or on their behalf;

39. make provisions to ensure that criminal proceedings can be initiated by the public prosecutor;

40. encourage prosecutors to regard violence against women and children as an aggravating or decisive factor in deciding whether or not to prosecute in the public interest;

41. take all necessary steps to ensure that at all stages in the proceedings, the victims' physical and psychological state is taken into account and that they may receive medical and psychological care;

42. envisage the institution of special conditions for hearing victims or witnesses of violence in order to avoid the repetition of testimony and to lessen the traumatising effects of proceedings;

43. ensure that rules of procedure prevent unwarranted and/or humiliating questioning for the victims or witnesses of violence, taking into due consideration the trauma that they have suffered in order to avoid further trauma;

44. where necessary, ensure that measures are taken to protect victims effectively against threats and possible acts of revenge;

45. take specific measures to ensure that children's rights are protected during proceedings;

46. ensure that children are accompanied, at all hearings, by their legal representative or an adult of their choice, as appropriate, unless the court gives a reasoned decision to the contrary in respect of that person;

47. ensure that children are able to institute proceedings through the intermediary of their legal representative, a public or private organisation or any adult of their choice approved by the legal authorities and, if necessary, to have access to legal aid free of charge;

48. provide that, for sexual offences and crimes, any limitation period does not commence until the day on which the victim reaches the age of majority;

49. provide for the requirement of professional confidentiality to be waived on an exceptional basis in the case of persons who may learn of cases of children subject to sexual violence in the course of their work, as a result of examinations carried out or of information given in confidence.

## ***Intervention programmes for the perpetrators of violence***

Member states should:

50. organise intervention programmes designed to encourage perpetrators of violence to adopt a violence-free pattern of behaviour by helping them to become aware of their acts and recognise their responsibility;

51. provide the perpetrator with the possibility to follow intervention programmes, not as an alternative to sentence, but as an additional measure aiming at preventing violence; participation in such programmes should be offered on a voluntary basis;

52. consider establishing specialised state-approved intervention centres for violent men and support centres initiated by NGOs and associations within the resources available;

53. ensure co-operation and co-ordination between intervention programmes directed towards men and those dealing with the protection of women.

## ***Additional measures with regard to sexual violence***

### *A genetic data bank*

Member states should:

54. consider setting up national and European data banks comprising the genetic profile of all identified and non-identified perpetrators of sexual violence in order to put in place an effective policy to catch offenders, prevent re-offending, and taking into account the standards laid down by domestic legislation and the Council of Europe in this field.

## ***Additional measures with regard to violence within the family***

Member states should:

55. classify all forms of violence within the family as criminal offence;

56. revise and/or increase the penalties, where necessary, for deliberate assault and battery committed within the family, whichever member of the family is concerned;

57. preclude adultery as an excuse for violence within the family;

58. envisage the possibility of taking measures in order to:

- a. enable police forces to enter the residence of an endangered person, arrest the perpetrator and ensure that he or she appears before the judge;
- b. enable the judiciary to adopt, as interim measures aimed at protecting the victims, the banning of a perpetrator from contacting, communicating with or approaching the victim, residing in or entering certain defined areas;
- c. establish a compulsory protocol for operation so that the police and medical and social services follow the same procedure;
- d. promote proactive victim protection services which take the initiative to contact the victim as soon as a report is made to the police;
- e. ensure smooth co-operation of all relevant institutions, such as police authorities, courts and victim protection services, in order to enable the victim to take all relevant legal and practical measures for receiving assistance and taking actions against the perpetrator within due time limits and without unwanted contact with the perpetrator;
- f. penalise all breaches of the measures imposed on the perpetrators by the authorities.

59. consider, where needed, granting immigrant women who have been/are victims of domestic violence an independent right to residence in order to enable them to leave their violent husbands without having to leave the host country.

### ***Additional measures with regard to sexual harassment***

Member states should:

60. take steps to prohibit all conducts of a sexual nature, or other conduct based on sex affecting the dignity of women at work, including the behaviour of superiors and colleagues: all conduct of a sexual nature for which the perpetrator makes use of a position of authority, wherever it occurs (including situations such as neighbourhood relations, relations between students and teachers, telephone harassment, etc.), is concerned. These situations constitute a violation of the dignity of persons;

61. promote awareness, information and prevention of sexual harassment in the workplace or in relation to work or wherever it may occur and take the appropriate measures to protect women and men from such conduct.

### ***Additional measures with regard to genital mutilation***

Member states should:

62. penalise any mutilation of a woman's or girl's genital organs either with or without her consent; genital mutilation is understood to mean sewing up of the clitoris, excision, clitoridectomy and infibulation;

63. penalise any person who has deliberately participated in, facilitated or encouraged any form of female genital mutilation, with or without the person's consent; such acts shall be punishable even if only partly performed;

64. organise information and prevention Campaigns aimed at the population groups concerned, in particular immigrants and refugees, on the health risks to victims and the criminal penalties for perpetrators;

65. alert the medical professions, in particular doctors responsible for pre-and post-natal medical visits and for monitoring the health of children;

66. arrange for the conclusion or reinforcement of bilateral agreements concerning prevention, and prohibition of female genital mutilation and the prosecution of perpetrators;

67. consider the possibility of granting special protection to these women as a threatened group for gender-based reasons.

### ***Additional measures concerning violence in conflict and post-conflict situations***

Member states should:

68. penalise all forms of violence against women and children in situations of conflict, in accordance with the provisions of international humanitarian law, whether they occur in the form of humiliation, torture, sexual slavery or death resulting from these actions;

69. penalise rape, sexual slavery, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity as an intolerable violation of human rights, as crimes against humanity and, when committed in the context of an armed conflict, as war crimes;

70. ensure protection of witnesses before the national courts and international criminal tribunals trying genocide, crimes against humanity and war crimes, and provide them with legal residence at least during the proceedings;

71. ensure social and legal assistance to all persons called to testify before the national courts and international criminal tribunals trying genocide, crimes against humanity and war crimes;

72. consider providing refugee status or subsidiary protection for reasons of gender-based persecution and/or providing residence status on humanitarian grounds to women victims of violence during conflicts;

73. support and fund NGOs providing counselling and assistance to victims of violence during conflicts and in post-conflict situations;

74. in post-conflict situations, promote the inclusion of issues specific to women into the reconstruction and the political renewal process in affected areas;

75. at national and international levels, ensure that all interventions in areas which have been affected by conflicts are performed by personnel who have been offered gender-sensitive training;

76. support and fund programmes which follow a gender-sensitive approach in providing assistance to victims of conflicts and contributing to the reconstruction and repatriation efforts following a conflict.

### ***Additional measures concerning violence in institutional environments***

Member states should:

77. penalise all forms of physical, sexual and psychological violence perpetrated or condoned by the state or its officials, wherever it occurs and in particular in prisons or detention centres, psychiatric institutions, etc.;

78. penalise all forms of physical, sexual and psychological violence perpetrated or condoned in situations in which the responsibility of the state or of a third party may be invoked, for example in boarding schools, retirement homes and other establishments.

### ***Additional measures concerning failure to respect freedom of choice with regard to reproduction***

Member states should:

79. prohibit enforced sterilisation or abortion, contraception imposed by coercion or force, and prenatal selection by sex, and take all necessary measures to this end.

### ***Additional measures concerning killings in the name of honour***

Member states should:

80. penalise all forms of violence against women and children committed in accordance with the custom of “killings in the name of honour”;

81. take all necessary measures to prevent “killings in the name of honour”, including information Campaigns aimed at the population groups and the professionals concerned, in particular judges and legal personnel;

82. penalise anyone having deliberately participated in, facilitated or encouraged a “killing in the name of honour”;

83. support NGOs and other groups which combat these practices.

### ***Additional measures concerning early marriages***

Member states should:

84. prohibit forced marriages, concluded without the consent of the persons concerned;

85. take the necessary measures to prevent and stop practices related to the sale of children.

# **A** PPENDIX II: **BLUEPRINT OF THE CAMPAIGN TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE**

*Prepared by the Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) and adopted by the Committee of Ministers on 21 June 2006*

## **Outline of the Campaign**

### ***I. Introduction***

Violence against women is the result of an imbalance of power between women and men, leading to serious discrimination against women, both within society and the family. Violence in the family or domestic unit occurs in every Council of Europe member state despite positive developments in law, policies and practices. Violence against women is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms. It often leaves women vulnerable to further abuse and is a major obstacle to overcoming inequality between women and men in society. Violence against women is a detriment to peace, security and democracy in Europe.

States have a responsibility to respect, protect and fulfil the human rights of all their citizens. Therefore, states must ensure that they have taken all reasonable measures to prevent, investigate and punish all forms of violence against women, including in the family and domestic unit. Violence against women is a complex issue, particularly when it occurs within the home, which can be compounded by the response of authorities to whom women turn for help.

While the specific approaches of governments to violence against women will vary depending on particular country situations, all require a multifaceted response. This needs to address both the root causes of violence and its consequences, as well as challenge attitudes and behaviours and extend to legal, policy and practical measures.

A recent Stocktaking Study prepared by the Council of Europe<sup>245</sup> pointed out that not all member states provide adequate resources for victims of violence, collect national data on the number of cases of violence occurring in the family or domestic unit that come to the attention of the police and/or health services and track neither referral nor judicial outcomes in a systematic process. Thus, there is no baseline from which the effectiveness of legal and other measures for combating violence against women can be measured.

To this end, member states of the Council of Europe are urged to prioritise preventing and combating violence against women, including violence in the family or domestic unit and are encouraged to become actively involved in implementing this Council of Europe Campaign that calls for strong commitment at the national level.

## **II. Definition**

In accordance with the definition contained in the appendix to *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*, the term “violence against women” is to be understood as any act of genderbased violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This includes:

“violence occurring in the family or domestic unit”, including, *inter alia*, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages.

This definition is used for the purpose of the Council of Europe Campaign to *Combat Violence against Women, including Domestic Violence*.

## **III. Main theme**

Bearing in mind the Action Plan adopted during the 3rd Summit of the Council of Europe and *Recommendation Rec (2002) 5 of the Committee of*

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<sup>245</sup> Supra note 1.

Ministers, the theme of the Campaign will be: *Prevent and combat violence against women occurring in the family or domestic unit (domestic violence)*.

#### **IV. Aims of the Campaign**

The aims of the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence* are:

- to raise awareness across the Council of Europe member states that violence against women is a human rights violation and encourage every citizen to challenge it;
- to urge states to demonstrate political will by providing adequate resources to deliver concrete results in ending violence against women;
- to promote the implementation of effective measures for preventing and combating violence against women, through legislation and national action plans for the implementation of *Recommendation Rec (2002) 5* of the Committee of Ministers and to regularly monitor the progress achieved;

#### **V. Objectives**

Protection of women against violence in the family or domestic unit should be placed at the highest political level in all Council of Europe member states, and should consequently be allocated the necessary financial resources. All member states should be committed to preventing this type of violence, to protect its victims and provide adequate services, legal redress and compensation as well as to prosecute, punish and provide treatment to the perpetrators. In addition, member states should raise awareness of this problem with all available means, in particular through the media and educational curricula.

Patriarchal culture is an important force in legitimising power inequalities between women and men. It is therefore essential that member states address discriminatory traditions and attitudes as well as gender stereotypes as root causes of violence against women.

Low income, unemployment and poverty are major risk factors for violence against women in the family or domestic unit. Therefore, states should take effective measures to promote economic independence of women.

Member states should commit themselves to elaborate and implement concrete and effective measures for preventing and combating violence

against women as contained in *Recommendation Rec (2002) 5* through legislation and national plans of action and, at the end of this Campaign, to report on progress achieved.

All measures contained in this Recommendation are equally important and should be fully implemented. Recognising the different stages of member states in implementing this Recommendation, member states are urged to make significant progress during the Campaign in the following areas:

*a. Legal and policy measures*

- review and amend, where necessary, national legislation in order to identify and fill gaps in the protection of women from all forms of violence occurring in the family or domestic unit, repeal laws that discriminate against women and criminalise any act of such violence against women including rape between spouses;
- establish effective legal protection, including protection orders, for all women victims of violence, and regularly monitor and evaluate its effective implementation;
- ensure that immigration laws and administrative procedures do not prevent women from leaving violent relationships due to fear of deportation, loss of legal status or revoked custody over the children;
- identify and put in place measures to increase the rate of reporting, prosecution and sanctions of perpetrators of violence against women occurring in the family or domestic unit;
- provide victims with legal aid, psycho-social support and guarantee protection for witnesses;
- develop risk assessment and safety planning as standard procedure in crime prevention to prevent violence against women, and ensure special attention is given to high risk victims who face repeated incidents of violence.

*b. Support and protection for victims*

- provide the necessary resources for free 24-hour helplines staffed by adequately trained personnel and other emergency services for all women victims of violence;
- provide adequate support and advocacy services, that meet quality standards, to all victims of violence and empower women and ensure that services are accessible to all women, including socially excluded

- women and recent migrants, refugees, women from ethnic minority groups and those with disabilities;
- provide resources for an adequate number of safe shelters for women victims of violence who have to flee from violence (one place in a women’s shelter per 7 500 inhabitants) as well as for women’s advocacy services and crisis centres in all regions of the country and provide these services with the necessary human and financial resources;
  - develop a co-ordinated, well-resourced multidisciplinary specialist sector to increase capacity building across core national and local agencies such as health, justice, social welfare and education, in order to provide women victims of violence with immediate, comprehensive and coordinated support;
  - organise integrated training on the continuum of violence against women for professionals who deal with women victims of violence occurring in the family or domestic unit (e.g. police, medical professionals, judicial officials, etc.);
  - include the issue of violence against women as a violation of women’s human rights and a public health issue in the education curricula of all studies and training for judicial and security personnel, health care professionals, social workers, teachers and others;
  - encourage at all levels the work of NGOs involved in combating violence against women, and establish active co-operation with these NGOs, including appropriate logistic and financial support;
  - provide financial support, housing, independent rights to residence as well as training and employment to women victims of violence to enable them to freely decide whether or not to leave their violent partner;
  - encourage the establishment of nationally co-ordinated and locally based programmes for perpetrators. These programmes must have at their core the need for women’s safety and be organised in close co-operation with services for women victims.

### *c. Data collection*

- ensure the systematic collection of statistical data disaggregated by sex, by type of violence as well as by the relationship of the perpetrator to the victim in all fields. This collection should be carried out by national statistics offices or other bodies (e.g. national observatories on domestic violence);
- develop and use a methodology that allows for gender analysis and comparison with other member states of the Council of Europe;

- collect and disseminate good practices for preventing violence occurring in the family or domestic unit, protecting its victims and prosecuting the perpetrators at national, regional and local level.

#### *d. Awareness-raising*

- publicly denounce violence against women occurring in the family or domestic unit as a violation of women’s human rights and commit to taking action against it at the highest political level;
- raise awareness on violence against women occurring in the family or domestic unit using all available means, in particular through the media and educational curricula to challenge prevailing gender stereotypes, and discriminatory cultural norms and public opinion about its acceptability;
- encourage national and community leaders and opinion formers to publicly acknowledge the gravity of violence against women occurring in the family or domestic unit, to condemn its perpetration and the use of custom, tradition or religion to excuse it;
- translate, if they have not done so, into their national language(s) and disseminate *Recommendation Rec (2002) 5* and its Explanatory Memorandum;
- support specific awareness raising initiatives aimed at men in order to mobilise them to take an active part in eliminating all forms of violence against women, including violence in the family or domestic unit.

## **VI. Messages**

### *Combating domestic violence calls for joint public action*

Violence against women occurring in the family or domestic unit (domestic violence) continues to be a serious problem that extends to all Council of Europe member states, regardless of culture, religion, times of peace, conflict or disaster. It takes on many forms and is too frequently tolerated. Therefore, urgent action is required by governments, parliaments, local and regional authorities and international governmental organisations as well as civil society to stop violence against women occurring in the family or domestic unit.

### *Domestic violence is a human rights violation*

Violence against women occurring in the family or domestic unit should not be regarded as a private matter. Violence against women both violates

and impairs or nullifies the enjoyment of their human rights and fundamental freedoms. Therefore, states have the responsibility to act with due diligence to prevent this type of violence, to protect its victims, to award them compensation and to prosecute and punish the perpetrators. Consequently, states have an obligation to take all reasonable measures to ensure that women are not exposed to violence and provide protection for those at risk as well as redress for victims. Culture, custom, family or religion should never be used as an excuse for turning a blind eye to human rights violations against women in the home.

*Domestic violence seriously injures women and damages the whole of society, including future generations*

Many women in many countries die as a result of violence occurring in the family or domestic unit. Furthermore, the physical and psychological health of the surviving victims is seriously affected. This type of violence also has serious consequences for the families as well as society as a whole and is often perpetuated from one generation to another. Violence against women, over and above the personal and social consequences, has a high economic cost (medical care, psychological treatment, absenteeism, less productivity at work etc.). Ending violence against women in the family or domestic unit is the responsibility of everyone. Being silent means complicity.

*Domestic violence calls for men's active participation to combat violence against women*

During this campaign, active participation of men in activities aimed at combating violence against women was encouraged. Men have the responsibility to stand up and challenge violence occurring in the family or domestic unit. To this end, they have an important role to play and can bridge the gap to other men as well as encourage them to speak out against such violence.

## **VII. Target groups**

The Council of Europe has worked with a variety of partners and target groups to deliver the *Campaign to Combat Violence against Women, including Domestic Violence*. These include:

- Heads of State
- Heads of Government
- Ministers of national governments

- Presidents of parliaments
- Members of parliament
- Members of regional and local authorities
- International intergovernmental organisations
- International and regional women’s and human rights nongovernmental organisations
- National opinion formers
- Local community leaders
- Regional and national business leaders
- Law-enforcement officials
- Members of the judiciary
- Social and health-care workers and state-run social services organisations
- National women’s NGOs providing support services to women
- Education professionals and groups
- Trade unions
- All women
- Women victims and survivors
- Men as agents of change
- Youth audience
- Youth workers

### ***VIII. Slogan***

The slogan of the Council of Europe Campaign was “Stop domestic violence against women”.

### ***IX. Duration***

Preparations for the Council of Europe Campaign began at the beginning of 2006. A high-level conference to launch the Campaign, with participants from governments, parliaments, local and regional authorities, international intergovernmental organisations and NGOs was organised in the Spanish Senate in Madrid, Spain, on 27 November 2006. The Campaign ended at a high-level closing conference in Strasbourg on 10 and 11 June 2008.

### ***X. Division of responsibilities***

The implementation of the Campaign was carried out involving the Committee of Ministers through the Directorate General of Human Rights and

Legal Affairs (Gender Equality and Anti-Trafficking Division) for the intergovernmental dimension of the Campaign, the Parliamentary Assembly of the Council of Europe for the parliamentary dimension and the Congress of Regional and Local Authorities of the Council of Europe for the local and regional dimension. Furthermore, this Campaign was carried out in partnership with governments and parliaments of the member states, international intergovernmental organisations as well as NGOs involved in the protection of women against violence.

## **Action carried out in the framework of the Council of Europe Campaign**

The Council of Europe Campaign included two implementation levels through which the Campaign was carried out. The first level included activities directly carried out by the Council of Europe, reflecting its intergovernmental, parliamentary and local and regional dimensions. The second level consisted of national campaigns and national activities carried out by the member states of the Council of Europe at national, local and regional level.

### ***I. Council of Europe activities***

#### ***a. A launching conference***

A high-level conference to launch the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence* with participants from governments, parliaments, local and regional authorities, international intergovernmental organisations and NGOs was organised on 27 November 2006 in the Spanish Senate in Madrid, Spain.

The *Task Force to Combat Violence against Women, including Domestic Violence* had recommended that the launching conference of the Council of Europe Campaign be organised at the highest political level and with wide participation of NGOs working in this field.

#### ***b. Media and campaign activities***

The launching Conference of the Campaign was given wide media coverage throughout Council of Europe member states.

### *c. Regional seminars*

Five high-level seminars were organised in the requesting Council of Europe member states highlighting the different objectives of the Campaign. Member states were encouraged to undertake this activity.

### *d. Activities carried out by the Parliamentary Assembly (PACE) and Congress of Local and Regional Authorities*

The Parliamentary Assembly of the Council of Europe implemented the parliamentary dimension of the Campaign. Similarly, the Congress of Local and Regional Authorities implemented the local and regional dimension of the Campaign.

### *e. Setting up a special Campaign website*

A special Web site devoted to the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence* was created at <http://www.coe.int/stopviolence/>, providing detailed information on the campaign and its activities. The Web site also provided information on national activities and campaigns and a link to national campaign websites. In addition, it served as an interactive forum for exchanging information and good practices.

### *f. Dissemination of Campaign material for member states and Council of Europe Information and Field offices*

- Campaign material was distributed to participants at the Council of Europe’s launching Conference and regional seminars as well as to the Council of Europe’s Information and Field Offices.
- Campaign material was distributed to NGOs and the general public by the Council of Europe Secretariat.

## ***II. Activities organised by the member states***

### *a. Setting up Focal Points*

Each member state was invited to appoint a high-level official and a focal point for the purpose of the Council of Europe Campaign as well as for na-

tional campaigns. The highlevel official was invited to champion the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, with the support of a Focal Point. Focal Points were encouraged to be supported by a national Task Force on violence against women occurring in the family or domestic unit which should include women's NGOs and others working to combat violence against women. The role of the national Task Force was to support the delivery of member states' national campaigns to combat violence against women, including violence in the family or domestic unit.

It was considered advisable that this Focal Point appointed by national authorities would be a person holding responsibilities at national level in the field of combating violence against women. National Focal Points were invited to contribute to the Council of Europe Campaign by providing information and making available national good practices to combat violence against women which were published on the Council of Europe website. The Council of Europe encouraged member states with experience and expertise in legislative, policy and other measures to share their knowledge with other member states to support the national campaigns.

Focal Points were encouraged to disseminate campaign material as widely as possible for all requesting actors at national level, in particular social and health care workers, the police, the judiciary, policy makers and NGOs working to combat violence against women.

Each member state was invited to inform the Council of Europe Secretariat about the appointment of a national Focal Point. Subsequently, information concerning all 46 national Focal Points was published on the Council of Europe's website.

#### *b. Campaign Action Plans*

National Task Forces were encouraged to develop their own National Campaign Action Plan based on the Blueprint, including the following:

- Analysis of the country situation to identify success and gaps in combating violence against women.
- Collection and/or organisation of existing data to develop a baseline national information sheet.
- Define concrete activities based on the objectives in the Blueprint to fill the gaps.

- Earmark appropriate resources, identify time-frame, etc.
- Campaign Action Plans should be shared with the Council of Europe for information and exchange.

Member states were invited to submit to the Council of Europe Secretariat an interim report in 2007 and a final report on activities and concrete results of their national campaigns in 2008 for consideration by the Task Force. In accordance with its mandate, the Task Force evaluated progress at national level and established instruments for quantifying developments at pan-European level with a view to drawing up proposals for action.

### *c. Key Opportunities for Campaigning*

- Date: 8 March. Significance: International Women’s Day

International Women’s Day is a key opportunity to organise public events and carry out media work in partnership with women’s organisations in the field of violence against women occurring in the family or domestic unit. All member states participating in the Council of Europe Campaign were invited to prioritise this type of violence as their theme for International Women’s Day 2007 and 2008 and to promote the messages of the Campaign.

- Date: 15 May. Significance: International Day of the Family

International Day of the Family provides an important opportunity to highlight violence against women in the family or domestic unit. Member states were invited to organise public campaigning and media activities to speak out against such violence.

- Date: 25 November – 10 December. Significance: International Day for the Elimination of Violence against Women and 16 Days of Activism Against Gender Violence

International Day for the Elimination of Violence against Women and the 16 Days of Activism campaign provide an opportunity for media action and campaigning. Member states participating in the Council of Europe campaign were invited to speak out publicly on violence against women occurring in the family or domestic unit and join women’s non-governmental organisations and others at the national level that are participating in the 16 Days of Activism to campaign together on ending violence against women.

Member states were also invited to use key national dates to publicly highlight the Campaign and to issue joint statements during Committee of Ministers’ meetings over the course of the Campaign.

## Campaign material

### *Printed material produced*

- posters
- factsheets
- bookmarks
- folders
- booklets
- stickers
- calendars

### *Audiovisual material produced*

- television and radio spots
- public service announcements
- video packages
- photographic exhibition
- video

The Campaign material produced is available at the Council of Europe website devoted to the Campaign at <http://www.coe.int/stopviolence/>.

## Timetable

### *Year 2006*

- The blueprint for the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence* was finalised by the Task Force during its second meeting on 25-27 April and adopted by the Committee of Ministers on 21 June.
- The Launching conference took place in the Spanish Senate in Madrid, Spain, on 27 November.
- A special Council of Europe website devoted to the Campaign was set up at <http://www.coe.int/stopviolence/>.
- Council of Europe member states were requested to appoint highlevel officials and national focal points and to launch national camwebsite devoted to the Campaign paigns as far as possible in 2006.

### *Year 2007*

- Regional seminars were organised in the Council of Europe member states.
- National campaigns were carried out and launched by those member states which had not yet done so.
- Interim national reports on Campaign activities were submitted to the Task Force for consideration.

### *Year 2008*

- The closing conference of the Campaign was organised in Strasbourg on 10 and 11 June 2008.
- Final national reports on Campaign activities were submitted to the Task Force for consideration.
- Final activity report of the Task Force (including evaluation of the Council of Europe Campaign) was adopted.

# **COMBATING VIOLENCE AGAINST WOMEN:**

## **MINIMUM STANDARDS FOR SUPPORT SERVICES**

**PROF. LIZ KELLY, RODDICK CHAIR ON VIOLENCE AGAINST WOMEN, LONDON METROPOLITAN UNIVERSITY AND LORNA DUBOIS**

**Directorate General of Human Rights and Legal Affairs**

Council of Europe

*Strasbourg, September 2008*

Gender Equality and AntiTrafficking Division Directorate General of  
Human Rights and Legal Affairs Council of Europe F67075 Strasbourg Cedex

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## *The Council of Europe*

The Council of Europe is a political organisation which was founded on 5 May 1949 by ten European countries in order to promote greater unity between its members. It now numbers forty-seven European states<sup>1</sup>

The main aims of the organisation are to promote democracy, human rights and the rule of law, and to develop common responses to political, social, cultural and legal challenges in its member states. Since 1989 it has integrated most of the countries of central and eastern Europe and supported them in their efforts to implement and consolidate their political, legal and administrative reforms.

The Council of Europe has its permanent headquarters in Strasbourg (France). By Statute, it has two constituent organs: the Committee of Ministers, composed of the foreign ministers of the 47 member states, and the Parliamentary Assembly, comprising delegations from the 47 national parliaments. The Congress of Local and Regional Authorities of the Council of Europe represents the entities of local and regional self-government within the member states.

The European Court of Human Rights is the judicial body competent to adjudicate complaints brought against a state by individuals, associations or other contracting states on grounds of violation of the European Convention on Human Rights.

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<sup>1</sup> Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

## **The Council of Europe and equality between women and men**

The consideration of equality between women and men, seen as a fundamental human right, is the responsibility of the Steering Committee for Equality between Women and Men (CDEG). The experts who form the Committee (one from each member state) are entrusted with the task of stimulating action at the national level, as well as within the Council of Europe, to achieve effective equality between women and men. To this end, the CDEG carries out analyses, studies and evaluations, defines strategies and political measures, and, where necessary, frames the appropriate legal instruments.

For information on the activities of the Council of Europe in the field of equality between women and men please contact:

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## INTRODUCTION: SETTING THE CONTEXT

Violence against women is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms. It often leaves women vulnerable to further abuse and is a major obstacle to overcoming inequality between women and men in society. Violence in the family or domestic unit occurs in every Council of Europe member state despite positive developments in law, policies and practices.

States have a responsibility to respect, protect and fulfil the human rights of all their citizens. Therefore, states must ensure that they have taken all reasonable measures to prevent, investigate and punish all forms of violence against women, including in the family and domestic unit. Violence against women is a complex issue, particularly when it occurs within the home, which can be compounded by the response of authorities to whom women turn for help.

During the Third Summit of the Council of Europe in May 2005, the Heads of State and Government of the Council of Europe reaffirmed their commitment to eradicating violence against women, including domestic violence. In adopting an Action Plan envisaging the launch of a *Campaign to Combat Violence against Women, including Domestic Violence*, and the institution of a Task Force on the same topic, they defined future activities by the Council of Europe in this field.

The *Task Force to Combat Violence against Women, including Domestic Violence*, consisting of a group of eight international experts in the field of preventing and combating violence against women, developed the Blueprint for the Campaign. This document serves as a roadmap for the implementation of the Campaign and was approved by the Committee of Ministers of the Council of Europe. It contains a definition of violence against women, as well as aims, objectives, messages and activities to implement the Campaign.

The Task Force chose four core objectives in which member states are urged to make significant progress during the Campaign. These objectives are:

- Legal and policy measures
- Support and protection for victims

- Data collection
- Awareness raising.

This study concentrates on support and protection for victims, the second of the core objectives. In this context, member states are urged to make resources available to ensure the quality and equitable availability of:

- free 24 hour help lines;
- safe shelters;
- support and advocacy services;
- accessible services for socially excluded women, especially recent migrants, refugees, women from ethnic minority groups and those with disabilities;
- access to financial support, housing, residence rights education, training; networking between specialist NGOs;
- multiagency coordination;
- training curricula for professionals addressing the continuum of violence against women within a human rights framework;
- work with perpetrators rooted in women's safety and prevention.

This study aims to develop consensus on minimum standards for support services: their range and extent, core principles and practices.

## WHY MINIMUM STANDARDS?

*Men and women have the right to live their lives and raise their children in dignity, free from the fear of violence [United Nations General Assembly Millennium Declaration 55/ 2 Paragraph 6].*

Whilst there is now much broader recognition of the need for support services which enable women to realise their rights to protection, access to justice, redress and rehabilitation, alongside growing awareness of the need for certain forms of provision, such as shelters, the availability and quality of services varies considerably within and between states. If women are truly to have the right to live free of violence, then there needs to be basic agreements across states about the extent and range of services that should be provided. This is the rationale for developing minimum standards.

Fourteen years ago, through the Declaration on the Elimination of Violence against Women, the United Nations called upon States to ensure to *“the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance”*<sup>2</sup>. Note the reference here, which has been continued through later documentation, to specialisation; an explicit recognition of the depth of knowledge, built over decades in women’s nongovernmental organisations (NGOs), which has come to inform the policies and responses adopted by some state agencies.

Since then, violence against women has become widely recognised as a form of discrimination, violating a number of human rights. Beginning with the CEDAW Committee in 1992, jurisprudence has extended understandings of due diligence responsibilities with respect to protection, access to justice and rehabilitation<sup>3</sup>.

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<sup>2</sup> G.A. res. 48/104, 1993 (DEVAW) Article 4 (g).

<sup>3</sup> Committee on the Elimination of All Forms of Discrimination Against Women General Recommendation 19, 11<sup>th</sup> Session 1992 para 9, and see Ertürk, Yakin, (2006) Report of the Special Rapporteur on violence against women, its causes and consequence, *The Due Diligence Standard as a Tool for the Elimination of Violence Against Women*, E/CN.4/2006/61, UN Commission on Human Rights.

Support for victims<sup>4</sup> has historically been provided by women's NGOs, herein referred to as the specialist violence against women sector. As noted above, it is they who have delivered the specialised assistance designated as crucial by the United Nations. Often underfunded, such groups have overcome immense barriers to create not only new forms of provision, but also establish the issue and their expertise on national and international agendas. It is now incontrovertible that these poorly resourced, but deeply committed organisations have changed international and national laws in profound and multiple ways (Merry, 2006) and offered multiple routes to safety and enhanced the wellbeing of countless women and children.

It is also often the specialist violence against women sector which has shaped the development of service provision. The Stocktaking study on the measures and actions taken in Council of Europe member states (hereinafter Stocktaking study)<sup>5</sup> revealed that few member states could claim to provide adequate resources for victims of violence. Moreover, coverage was inconsistent with more emphasis having been placed on domestic than sexual violence, and little provision with respect to harmful traditional practices. These deficiencies have recently been mapped, using an innovative methodology, in the United Kingdom (Coy, Kelly & Foord, 2007), a member state considered to have amongst the most extensive provision in Europe.

Research on support services is not as extensive as that on the prevalence of violence against women, and has tended to focus on evaluation, mapping existing provision and establishing promising practices. Little work, to date, has addressed minimum standards which governments and service providers should achieve/implement in order to meet their international obligation to exercise due diligence to investigate and punish acts of violence, provide protection to victims and prevent violence against women in the first place. In that sense this study is unique.

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<sup>4</sup> While many of the support services referred to would use the term "survivor", the concept of "victim" is used to reflect the legal status of victims of a crime.

<sup>5</sup> *Combating Violence Against Women: Stocktaking study on the measures and actions taken in Council of Europe member States*, Directorate General of Human Rights, Council of Europe, CDEG(2006)3, Strasbourg, 2006.

## A study on minimum standards

The Council of Europe has a commitment to extend the current knowledge base on approaches to supporting and assisting women who become victims of violence. To this end, this study addresses the following questions:

- What services should be available, and their distribution in terms of populations and geography?
- Who should provide services?
- What minimum standards should be adopted across Europe?

The outcome of the research was to be a set of proposals for minimum standards across all forms of violence against women, but excluding trafficking, as this is extensively addressed through Council of Europe action on preventing trafficking in human beings. The services to be addressed, offered either by non-governmental or governmental providers, were to include at minimum: telephone helplines; counselling and intervention services; shelters/refuges; sexual assault referral and rape crisis centres. The methodology of the study involved consultation with key stakeholders. Our approach has been designed to maximise input across member states.

## Methodology

The study was designed using a phased approach, each stage of which built on the previous ones. The timeline from inception to reporting at a planned conference at the end of 2007 was five months. The phased framework and original timeline is set out in Table 1.

**Table 1**  
*Phases and timeline for project*

Phase	Tasks
1	Desk-based research to develop a typology of provision, the human rights foundations for standards and existing proposals.

**Table 1 (continuation)**  
*Phases and timeline for project*

Phase	Tasks
2	Design of a short questionnaire on service provision and any current standards for national focal points appointed in the framework of the <i>Council of Europe Campaign to Combat Violence against Women, including Domestic Violence</i> ; <sup>1</sup> interviews to be undertaken over the telephone.
3	A parallel questionnaire for specialist NGOs, including umbrella networks to identify existing standards, opinions about them, and what Council of Europe proposals should comprise.
4	Telephone interviews with five experts on standards.
5	Analysis of all data leading to a draft of proposed minimum standards.
6	A one-week online consultation to both improve the proposals and build support for them – governmental and non-governmental participants to take part.
7	Drawing on phases 1-6, completion of a report including proposals for core minimum standards, professional and philosophical principles which was to be presented in Strasbourg at a conference
<sup>1</sup> These are government representatives from all member states selected to implement the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, at national level.	

Due to an extended responding period in Phases 24, the proposal for core minimum standards were presented as a draft at the conference. The online consultation followed the conference and took place in January 2008, and lasted for two weeks. The standards have been substantially reworked during this process. The sections below outline in more detail how the study was conducted, participation by member states, NGOs and experts.

### *Phases 1-4*

The deskbased research resulted in a 100 page document tabulating all proposals for standards from human rights documentation and existing proposals. These are not presented here, since it was both repetitive and too extensive for standards designed for regional implementation.

The sample for interviews was agreed as all national focal points of the Council of Europe Campaign, and an NGO network or NGO from each member state. The project was undertaken in English. It proved difficult to find an appropriate participant in some countries, even where additional searches for relevant NGOs were made. No responses were received from 12 member states, but 35 did take part (see Annex 2 for full details).

Fiftytwo individuals took part: 23 NGOs, and 27 national Focal Points. In the case of 13 states both focal points and NGOs responded, for 15 only the focal point and for 7 only NGOs. Questions covered current service provision, whether standards exist and/or were planned, what participants thought about the idea of standards and what they regarded as core requirements. Respondents were able to choose between completing the questionnaire themselves and returning it electronically or doing it by telephone interview; 27 chose the latter and all interviews were tape recorded alongside entering responses onto a blank questionnaire<sup>6</sup>.

Where electronic questionnaires were returned unclear responses were, where possible, clarified via email and/or telephone.

In cases where both a focal point and NGO took part, inconsistency in responses to the same questions was common, with very different estimates being provided, for example, of current service provision. This is further evidence of the limitations of the current knowledge base on support services in Europe, and significant gaps with respect to the most basic data (see also Stocktaking study).

Expert interviews were undertaken with three NGO networks and two academics. The most detailed contributions here came from Women Against Violence Europe (WAVE), Women's Aid England and the Rape Crisis Network, all of which have been involved in developing service standards, either for their own local contexts or for regional use.

## *Phases 5-7*

All proposals from existing documentation and interviews in Phases 3 and 4 of the original research were tabulated, and from this a set of core principles and proposed standards was prepared for the *Council of Europe Conference on Support Services for Women Victims of Violence* in Strasbourg in December 2007. Conference attendees broadly supported the standards project, and the principles, with some raising points of clarification with respect to specific proposals.

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<sup>6</sup> With consent of the interviewee.

The online consultation prompted much higher engagement. All interviewees from Phase 3 and participants at the Conference were invited to participate in a two-week online consultation. The instructions requested that participants have a copy of the draft standards close to hand and questions began with overall support for the project and addressed each section in turn. Lead in questions canvassed overall positions, with further options with respect to there being too many/too few standards, gaps and proposals for revision. This methodology proved effective in participation – with 91 individuals taking part<sup>7</sup>: 42 per cent were NGOs/NGO networks; 28 per cent were focal points; 23 per cent state agency employees. Participants were knowledgeable and thoughtful, with over two thirds (67%) had read the draft standards carefully/in detail.

Over the entire project only four member states made no contribution (see Annex 2). Whilst developing the online process required some preparation, this proved not only more time efficient for the researchers, but also a rigorous and engaging consultation process. All responses were registered and tabulated.

The vast majority welcomed the proposals, with some making suggestions that widened their relevance and application to local contexts. All proposed amendments were extracted and recorded in relation to the standards they referred to, thus highlighting areas of common concern and disagreements. We worked through each proposal, assessing the extent to which they clarified or made important additions, could be applied across member states and were not in tension with either existing international standards or points made by other participants. These were the criteria used to decide whether suggested amendments should be accepted. Those which were accepted became part of the final version of the standards presented here.

## Concepts and definitions

In this section the working definitions that underpin the study are outlined, some of which were provided as part of the documentation to participants.

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<sup>7</sup> Only eight Council of Europe member states did not take part: Andorra; Armenia; Croatia; Italy; Lithuania; “the former Yugoslav Republic of Macedonia”; Monaco; Russian Federation.

## *Violence against women*

In the framework of the work of the Council of Europe the term ‘violence against women’ is understood as “any act of genderbased violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life”. This includes: domestic and sexual violence, sexual harassment, crimes committed in the name of honour, female genital mutilation and other traditional practices harmful to women, such as forced marriages”<sup>8</sup>. The United Nations SecretaryGeneral’s report reminds us of the wording in the 1993 Declaration on the Elimination of Violence against Women that violence against women “is understood to mean any act of gender based violence that is directed against a woman because she is a woman or that affects women disproportionately” (p. 12).

## *Support services, service providers and service user*

Individuals access support from a range of sources, including informal network members, especially (female) friends and family (Kelly, 1999; Wilcox, 2000). These are not “services” – available to anyone needing support – but the responses of confidantes can either encourage or discourage wider help-seeking. We know, for example, with respect to rape, that reporting to the police and/or seeking healthcare is often the outcome of being encouraged by others to make those moves (Lovett et al, 2004). The term ‘support service’ encompasses organisations providing a range of options that enable women to create safety, seek justice and undo the harms of violence. Such options include: listening; advice; advocacy; shelter; selfhelp; counselling, protection and prosecution; and access to activism. These services can be provided by either NGOs or governmental agencies, which together constitute “service providers”. The knowledge and skills of the specialist violence against women sector have already been noted. When reporting violence to state agencies women may be lucky to encounter pockets of excellence; these, however, often depend upon the knowledge and empathy of committed and skilled individuals. ‘Service users’ are the individual women and children who seek support/ intervention.

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<sup>8</sup> Definition contained in the Appendix to *Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence*.

Specialised provision has its origins and deep roots in the NGO/voluntary sector. In just over three decades women's organisations, singly and through their shared experience, have not only created diverse contexts in which women feel able to name and discuss experiences of violence, but also achieved widespread recognition for previously hidden, private and normalised practices (Kelly, 2005). In the process, innovative forms of provision, which are now considered essential responses to a range of social problems, were created: refuges/shelters, helplines; selfhelp groups, and advocacy all have their origins in 1970s grass roots responses to rape and domestic violence (Schechter, 1982; Bevacqua, 2000; Dobash & Dobash, 1992). The foundational principles of these support services were commitments to providing spaces in which women felt safe to tell, where they would be believed and respected and had the possibility to explore options. Access was not dependent on any legal or other requirements, was available free at the time of need and based on the principles of confidentiality and empowerment (WAVE, 2002). The international knowledge and practice base suggests that services provided by specialist NGOs are consistently the most responsive to women who have suffered violence, and as such should be supported and recognised by governments. They should be core service providers, and key partners in the development of more effective interventions by state agencies, especially law enforcement and the legal system.

### *Minimum standards*

Minimum standards are the lowest common denominator or basic standards that all states and services should aim to achieve. Standards provide benchmarks – for states and service providers – with respect to both the extent and mix of services which should be available, who should provide them, and the principles and practice base from which they should operate. They are aspirational in the sense that many states will not yet have the requisite amount of services, and some services may not yet meet all the standards within their current policies, practices and resources. Yet they are not truly aspirational because they represent the levels and quality of provision which women across Europe should have access to. Good practice should encompass minimum standards, but move beyond them, aiming to maximise access, quality and positive outcomes.

Because this is the first Council of Europe study on minimum standards in this field, existing standards have, therefore, been sourced from outside the

region. A number of standards were found within Europe for shelters and intervention projects, but only Ireland and the United Kingdom had begun work on standards for sexual violence services. Much of the European documentation referred to by participants was not available in English, and so could not be analysed in detail.

## SERVICE PROVISION ACROSS EUROPE

This section integrates guidance on the kinds of provision that should be provided with participants' recommendations, alongside data on estimates of current provision in their jurisdictions. Precise figures are not presented since only a minority of respondents could provide this. Rather we summarise which kinds of provision are more and less common, what forms of violence against women they specialise in, and identify significant gaps. Definitions of these forms of provision can be found in the glossary in Annex 1.

The international community has provided some guidance on the types of services that are required to combat violence against women. Specifically these have come from the CEDAW Committee<sup>9</sup>, the Beijing Platform for Action<sup>10</sup> ("Beijing Platform") and the United Nations Secretary-General's recent in-depth study on violence against women<sup>11</sup>. Additional services considered vital to holistic responses in some European states, such as intervention projects, are also included. Human rights documents further specify that services must be linguistically and culturally accessible to migrant women and girls<sup>12</sup>, cater for women with disabilities<sup>13</sup>, for women displaced due to conflict, including those who become refugees<sup>14</sup>, and women living in rural areas<sup>15</sup>. Women who are known to have been abused, including those living in institutions where abuse is discovered and families where sexual abuse has taken place, have a right to counselling and support<sup>16</sup>.

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<sup>9</sup> CEDAW Committee Recommendation 19, 11th Session 1992 para 9.

<sup>10</sup> A/CONF.177/20, 1995.

<sup>11</sup> 2006 A/61/122/Add.1 refers to the above instruments in a summary of service provision and standards that States ought to be adopting as 'good practice'.

<sup>12</sup> Beijing Platform Strategic Objective D1 para 125 (b), echoed by the Secretary General at p80 of his report.

<sup>13</sup> Beijing Platform Strategic Objective D1 para 125.

<sup>14</sup> Beijing Platform Strategic Objective E.5. para 147 (n).

<sup>15</sup> CEDAW Recommendation No. 19, para 24 (o).

<sup>16</sup> Beijing Platform Strategic Objective D1 para 126 (c); CEDAW Committee Recommendation 19 para 24 (r) (v).

## Types of services

### *Refuges/shelters*

The Beijing Platform, in addition to supporting shelters, added that they should be well-funded, and accessible. A recent legal ruling has established that failure to provide access to immediate protection (in this case where a victim could not access a shelter and had no legal or other avenues to create safety) will mean a state is in violation of the United Nations Convention on the Elimination of all Forms of Violence against Women (*AT v Hungary*<sup>17</sup>).

Whilst associated with domestic violence, shelters may be open to any woman who has sustained violence, or they may specialise in other forms, offering protection from female genital mutilation, forced marriage, crimes in the name of honour, sexual violence including sexual exploitation and sexual abuse of girls. The latter are relatively rare.

Whilst shelters/refuges were undoubtedly the most common form of service provision, many felt that there needed to be more. Whilst some shelters only offer safe housing, many provide some combination of: outreach; advocacy; advice; counselling; resettlement; follow up support; children's services. Key messages here were the need for sufficient provision within the capital or major cities and at least one shelter within every municipality/canton/province. Others argued for setting a number of required family places with reference to the national population and current prevalence estimates.

### *Counselling and psychological services*

A number of international documents reiterate the need for longer term support (often described as 'rehabilitation'<sup>18</sup>) to overcome the harms of violence. The Beijing Platform, for example, suggests that mental health services should be integrated "into primary health care systems" and other appropri-

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<sup>17</sup> CEDAW Committee Recommendation No. 19 para 24 (r) (iii); Beijing Platform Strategic Objective D1 para 125 (a), echoed by the Secretary General at p80 of his report; CEDAW Committee Decision 2005 Communication No.2/2003.

<sup>18</sup> CEDAW Recommendation No. 19 para 24 (k) and (r) (iii).

ate locations. The United Nations Secretary-General's report cites the Autonomous Women's Centre in Belgrade as a good practice example, including their three basic principles: "trust women's experience, do not blame women for the violence they have experienced, and do not give advice but foster women's selfdetermination"<sup>19</sup>.

Considerable support was evident for counselling, with requirements for sufficient number of centres and even distribution. Again there were differences of opinion as to whether these should target specific forms of violence against women or be able to address the diverse forms: an argument in favour of the latter is that women who sustain the most harm have often suffered multiple forms of abuse.

### *Health care/medical services, including Sexual Assault Centres*

Under the Beijing Platform state parties should provide or support 'specially trained health workers'<sup>20</sup>. Primary health workers should be trained "to recognise and care for girls and women of all ages who have experienced any form of violence especially domestic violence, sexual abuse or other abuse resulting from armed and nonarmed conflict"<sup>21</sup>. The United Nations Secretary-General's report adds that training protocols were good practice, and added the following: integration of Sexual Assault Centres within the healthcare system, and the establishment of referral systems that link relevant sectors, such as health care, counselling, housing, law enforcement services and programmes for perpetrators<sup>22</sup>. These echo CEDAW Committee recommendations<sup>23</sup>, which further specify access to: protection, trauma treatment and counselling. Additional standards refer to: informed consent; respect for dignity; confidentiality; privacy and choice<sup>24</sup>.

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<sup>19</sup> CEDAW Recommendation No. 19 para 24 (r) (iii); Beijing Platform Strategic Objective C1 para 61 (q); UN Secretary General's Report p. 91 para 328.

<sup>20</sup> Beijing Platform Strategic Objective D1 para 125 (a); CEDAW Committee Recommendation 19 para 124 (k).

<sup>21</sup> Beijing Platform Strategic Objective C1 para 61 (q).

<sup>22</sup> P. 91 para 322.

<sup>23</sup> Article 12 of the Convention, CEDAW General Recommendation No. 24 (20th Session 1999) para 15 (b) and 31 (f). para 16 and 25.

<sup>24</sup> Ibid para 31 (e).

## *Legal and other forms of advice*

Negotiating criminal and civil justice systems is complex in any eventuality, but in the aftermath of violence it is even more daunting. But this and other systems – housing, income maintenance – are critical if women are to exercise many of their human rights<sup>25</sup>. Access to advice should, therefore, be mandatory and without charge. More recently the role of advocacy in ensuring that rights are realised has been stressed (Kelly and Humphreys, 2001) and has become a keystone in United Kingdom responses (Home Office, 2007) to domestic and sexual violence. Advocates can be described as a ‘one-stop-person’ who enables women to understand and exercise their rights; here knowledge is a route to empowerment.

There was widespread agreement among interviewees that advice and advocacy services should be provided across domestic and sexual violence, offering the possibilities of early intervention, support through legal cases, practical support, and ensuring that rights and entitlements were forthcoming. The need for more such resources was evident to many, with their availability evenly distributed, free at point of use, accessible for ethnic minority, migrant and disabled victims.

## *Hotlines/helplines*

This form of provision is now *“considered a standard component of services in many countries”*, and the United Nations Secretary-General’s report further emphasises the importance of anonymity and open access *“because many women are hesitant to seek help”*. It concludes that: *“the operation of at least one 24hour national emergency telephone line providing information, advocacy, support and crisis counselling would constitute good practice”*. Help and advice lines preserve privacy and confidentiality, provide information free of charge and often are the first step into other services. They are also a critical resource for women living in rural areas. Some services in Canada serving remote communities and deaf women have begun using computer instant messaging as another way of creating access to support.

There was a strong consensus on the necessity of at least one national, 24hour free telephone helpline; some limited this to domestic violence, others

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<sup>25</sup> Beijing Platform Strategic Objective D1 para 125 (a), UN Secretary General para 329.

thought that two were needed in order to make provision for sexual violence, whilst still others envisaged integrated provision across all forms of violence against women. Making helplines accessible to migrant and ethnic minority women through integral translation services was stressed by some.

### *Selfhelp groups*

Women supporting other women, finding a voice and perspective has always been part of feminist responses to violence against women, and selfhelp groups have been an important form of provision in this respect. Such groups can be shortlived local services or organised through organisations like rape crisis, shelters and women's centres. The United Nations Secretary-General's report notes their role in providing "*support for women while respecting their autonomy and encouraging their independent decision-making*"<sup>26</sup>.

### *Rape Crisis Centres*

Rape crisis centres are NGOs that provide some combination of helpline, counselling, advocacy and selfhelp in supporting women and girls who have been assaulted recently or in the past. A practice principle has always been that reporting to state agencies is women's choice. They work, therefore, with a much wider group of service users than Sexual Assault Centres (SACs): those who choose not to report to police and those who are struggling with the legacies of abuse from the past, and often over longer time periods.

The limited current provision of these services and lack of awareness of their role meant fewer respondents emphasised the need for more provision. One noted that there was no provision for sexual violence despite the recognition that it intersects with domestic violence, thus leaving substantial groups of women without advice or support.

### *Self defence, training and education*

The Beijing Platform recommended that States "*promote training for victims and potential victims so that they can protect themselves and others*

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<sup>26</sup> UN Secretary General (2006) p. 93.

*against such violence*”, and Women’s Self Defence forms an important, if neglected, form of response in a number of European countries (Seith and Kelly, 2003). It further notes that states support and promote the role of intermediate institutions which may be key in early detection and intervention<sup>27</sup>. Education on many levels for the community at large and women who seek help and for professionals is a key in both responding to and preventing violence against women. A number of participants highlighted that deficiencies here were one of the weakest elements of current service provision. Yet almost every international document refers to the importance of training for professionals. By implication, therefore, standards must address this critical issue.

### *Perpetrator programmes*

Work with perpetrators of domestic violence which seeks to hold them accountable for violence and change their perceptions of gender relations has been endorsed by the CEDAW Committee, the Beijing Platform and the UN Secretary-General’s report<sup>28</sup>. The standards they are expected to work within prioritise women and children’s safety. Programmes for sexual offenders remain within the psychology and corrections fields, are limited to the minority who are convicted, and are not addressed here.

As noted above, European responses are more extensive, and the provisions noted below are key elements in some state responses to violence against women.

### *Intervention projects*

These interagency projects emerged first in Austria, and are increasingly common in German-speaking and some Eastern European countries. Through working at the system level, creating protocols and providing proactive advocacy they ensure women and children are better protected and that agencies link to provide an appropriate ‘basket of resources’ (Sen, 1998).

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<sup>27</sup> Strategic Objective D1 para 125 (g) and (f).

<sup>28</sup> CEDAW Committee Recommendation No. 19 para 24 (r) (iv)] AND Beijing Platform Strategic Objective D1 para 125 (j), echoed by the Secretary General at p. 80 of his report.

## *Outreach*

Outreach is a proactive approach, whereby a project or service seeks to identify victims in community contexts who are yet to access support. It is frequently used to engage with 'hard to reach' groups. In this sense, outreach provides a route to make real access for migrant women, women with disabilities, women in rural areas, women in the sex industry and women in prison.

## *Current service provision in Europe*

One of the key research aims was to outline current provision of support services across Europe. This forms the basis for exploring what currently exists and areas where standards are needed. Focal points and NGOs were asked not only if a range of services were provided, but also the number of such services. Most interviewees found estimating the extent of provision in their country difficult, and very few were able to draw on any form of needs assessment that referred to either prevalence studies or evaluation, albeit that in four countries this analysis was planned or in process. The lack of an agreed methodology for undertaking needs assessment was considered a considerable drawback.

It is also important to note here that some services provide integrated responses, offering a combination of types of support (shelter, outreach, advocacy and counselling, for example) and/or work across forms of violence. Mapping this, however, is extremely complex, even at the level of nation states, and has not been attempted here.

The forms of provision most commonly reported (present in 90% of member states) were: shelters/refuges; advice and advocacy; helplines. This was followed (present in 60.80%) by: counselling; intervention projects; perpetrator programmes; and women's centres. Less commonly identified were selfhelp groups (n=19) and outreach (n=14). Revealingly, rape crisis centres or sexual assault centres were only reported as present in 12 states (33% of those responding). This data highlights the relative lack of sexual violence services, and the importance of remedying this if due diligence requirements are to be met. Even less provision was evident with respect to harmful traditional practices (crimes in the name of honour, forced marriage and female genital mutilation). Just under a quarter of respondents argued that this was because there was no need due to the size or structure of their migrant populations. Re-

spondents were asked about service provision for sexual harassment; many thought that this was encompassed by sexual violence services, or something that was dealt with in the workplace and via employment tribunals or investigations.

Just knowing a type of service is present tells us little about the extent of provision, and therefore what proportion of women and children have access. Table 2 summarises data on the numbers of services that were reported in member states and the forms of violence they address. It demonstrates that there is huge variation, with some states only having a single shelter, whereas

**Table 2**  
*Level of services provided in member states by number of services and forms of violence addressed*

	Shelters	Helplines <sup>1</sup>	Advice/Advocacy	Counselling <sup>2</sup>	Intervention projects <sup>3</sup>	Perpetrator programmes <sup>4</sup>	Women's centres	RCCs	Outreach <sup>5</sup>
Unknown	06		05	07	02	04	06	02	
None	02	02							
1	04	10	01	01	01	06	01	02	02
2-5	06	11	07	05	02	04	05	02	02
5+		3							
6-10	06		1	01	01	03	01	02	
11-20	03		1	03	03		02	02	
21-40	03		1	02		01	02		
40+	05							02	
DV	18	19	04	04	05	13	05		03
DV/SV	14		04	04	02	02	01	03	01
VS		07		02		01		07	
VAW	03	05	02	08	01		05		
VS		05							
FGM/HTP		1							

**KEY: DV domestic violence only; DV/SV domestic and sexual violence; SV sexual violence only; VAW all violence against women; VS generic victim services; FGM/HTP female genital mutilation/harmful traditional practices**

<sup>1</sup> Nine also reported local helplines.

<sup>2</sup> Ten noted that counselling was integrated into other services.

<sup>3</sup> Fourteen noted that interagency links and networking were underdeveloped.

<sup>4</sup> Two also cited counselling centres for men.

<sup>5</sup> Four noted that shelters undertook outreach.

in others there were more than 100. The table also provides further evidence of the lack of sexual violence support services. What is not possible to represent in table format is the relationship between the number of services and population. We did analyse this and drew the conclusion that smaller populations did not always mean the least number of services. Similarly, the relative wealth of countries was not always predictive of more extensive service provision. This suggests that some governments have been more responsive to both the case made by NGOs and international policies in ensuring the wider availability of support services. The emphasis on domestic violence in national and European policies has also played a part in the neglect of services dealing with sexual violence and harmful traditional practices.

Despite providing a definition of each type of service, in the domestic and sexual violence category some referred to shelters working with marital rape/sexual violence by current/ex partners, stating that these services could in theory help victims of sexual violence. At the same time in many of the Nordic countries shelters were more holistic, seeing their services as available to any woman who had suffered violence from men. The advice and advocacy category was not always distinguished from aspects of provision by helplines; shelters, rape crisis centres and a few respondents interpreted this as meaning legal aid. The data on selfhelp was limited and is thus not included in the table.

## **Reflecting on the distribution of services**

Very few respondents made claims to having sufficient services, which is unsurprising considering that the majority of provision was concentrated in urban areas, sometimes limited to capital cities. Whilst these serve significant populations, with the exception of helplines they are unavailable to large sections of the female population. In the case of shelters/refuges this is not an absolute exclusion, since some women are willing to move to find safety.

Europe contains several very small countries, both geographically and in terms of population; at the other end of the spectrum are countries with large land masses and scattered populations. Whilst both land mass and population distribution have an impact on availability and accessibility to support services, neither should become an excuse for minimal provision, especially with respect to rural/ remote communities.

States with federated structures and multiple languages also need to ensure that provision is not skewed in ways that seriously disadvantage women living in entire areas. Some interviewees argued that inequities can be even more marked in federal systems, where regional governments can differ markedly in the priority allocated to violence against women<sup>29</sup>. Only four states could provide examples of services designed to meet the needs of women from minority communities and/ or disabled women.

A number of respondents argued strongly that it was not appropriate to locate services, especially shelters, in rural areas, since it was difficult to maintain confidentiality. At the same time large numbers of women are living far away from, not only women's NGOs, but also police and hospital care. The Swedish Crisis Centre model has created 'safe houses' in rural areas for short stays throughout the country. Any woman needing longer term safe housing can be moved in that time to a citybased shelter. There is an urgent need for more developmental work on how to make support more accessible to those in sparsely populated areas, this may mean investing in helplines, outreach and online support groups in first instance, and it may be that they should span a range of forms of violence against women (Schuler et. al, 2008).

There was strong evidence from the early phases of the project that a needs assessment tool is required across Europe, since hardly any of our interviewees were aware of systematic analyses of current support needs among recent and historic victims of male violence in their countries. Rather provision has grown in an organic but uneven way, affected initially by the strength, resources and orientations of national women's movements, followed by the preferences among donors and most recently by European and international policy and national government priorities. For example, several respondents from central and eastern Europe noted that even if they wanted to offer services integrated across all forms of violence against women, donors were currently only interested in domestic violence and trafficking. Others referred to specificities in their context.

*Activities aimed at preventing and combating domestic violence are dominated by organisations and agencies dealing with alcoholism and alcohol abuse, often managed by men [NGO].*

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<sup>29</sup> A recent project (Map of Gaps, 2007) has used digital mapping techniques and illustrates the uneven distribution of services across the nations and regions of the United Kingdom (see [endviolenceagainstwomen.org.uk](http://endviolenceagainstwomen.org.uk)).

*The government has made a big effort in creating shelter provision. However, the result has been that many of the created shelters are being directed by organisations that have never previously worked on gender based violence [NGO].*

A number of respondents commented on the reluctance (or even at times outright opposition) of their governments to accept the human rights and gendered analysis of violence, now championed by the United Nations. For some, this translated into an inhospitable context for women's NGOs.

The outcome of these processes is an uneven spread of services within and between countries and across forms of violence. It is not inaccurate to speak of a 'Euro lottery', since which part of which country a woman lives in will determine not only what kind of support is available, but whether there is any at all. The availability of services – in terms of their numbers and geographical distribution remains a major problem. It is to address this that minimum levels of provision are suggested.

## Current recommendations

The United Nations Secretary-General's report listed the following guiding principles for service provision<sup>30</sup>:

- Promote the well-being, physical safety and economic security of victims and enable women to overcome the multiple consequences of violence to rebuild their lives.
- Work from understandings of violence against women, which neither excuse or justify men's violence or blames victims.
- Empower and enable women to take control of their lives.
- Ensure that victims have access to appropriate services and that a range of support options are available that take into account the particular access needs of women facing multiple discrimination.
- Ensure that service providers are skilled, gender-sensitive, have ongoing training and conduct their work in accordance with clear guidelines, protocols and ethics codes and, where possible, provide female staff.

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<sup>30</sup> See para 321 p. 91.

- Maintain the confidentiality and privacy of the victim.
- Co-operate and coordinate with all other relevant services.
- Monitor and evaluate service provision, seeking participation of service users.

Most of the European standards identified by participants had been created by individual service providers. These included shelters and shelter networks, counselling centres, intervention centres (Austria only), legal aid centres (“the former Yugoslav Republic of Macedonia” only) and hotlines (Ukraine only) and perpetrator programmes (Austria and United Kingdom only). In some states, the government required standards to be met as a condition of recognition/funding, though invariably no assistance was provided for NGOs to meet those standards. Where NGO services were members of networks, this often involved signing up to codes of ethics and criteria for membership (nascent standards), for example, the Rape Crisis Network, Ireland. The WAVE Manual for Refugees was used by a number of NGOs, but standards had yet to be formalised in most countries, especially where there was no mechanism for cooperation between NGOs. Concerns were also expressed about the imposition of standards on small/under-funded NGOs which had no resources to meet them.

Participants did provide a few examples of standards being encompassed in legal provisions, plans of action, or through government funding.

- Legal responsibility to house victims being placed on local municipalities, with criteria for admission and anonymity (Denmark Consolidation Act on Social Services 2007).
- Qualitative standards developed collaboratively with NGOs applicable to all services covering infrastructure, inter-agency cooperation, networking and evaluation (Luxembourg).
- Government funding for the development of integrated service standards across domestic and sexual violence services (England).
- Standards for interagency work with victims and perpetrators (Poland), sexual assault multiagency guidelines (Ireland), interagency child protection standards (Norway).
- Standards for state operated shelters – domestic violence and trafficking (“the former Yugoslav Republic of Macedonia”, Bosnia and Herzegovina).
- Standards for shelter distribution (Portugal).

There was considerable variation between focal points and NGOs from the same member state in the standards they referred to, reflecting a lack of awareness amongst both NGOs and government agencies about each other's activities. National standards are currently under development in at least 17 member states, but the overall picture is of fragmentation and a field in motion. The following sections outline the existing proposals we have drawn on in making our proposals.

## SOURCING FOUNDATIONS FOR STANDARDS

Foundations for general standards can be found in overarching Council of Europe, United Nations and European Union recommendations. We have also drawn extensively on a current project in England which is making proposals for minimum standards across domestic and sexual violence services<sup>31</sup>.

Virtually all identified standards focus on what are considered the predominant forms of violence against women; domestic and sexual violence<sup>32</sup>. Given the dearth of policies and services addressing other forms of violence against women across much of Europe, identified by both the Stocktaking study and confirmed here, this is not surprising. That said, many of the core themes identified below apply across both forms of violence and the contexts they occur in. The adaptation to local conditions will be a matter of how to implement or move towards implementing them.

The following themes represent areas where the most consensus was evident in the data collected in phases 24. They were used, therefore, as the foundations from which the basic standards should be developed.

- Confidentiality.
- Safety, security and respect for service users and staff, within a 'culture of belief'/ 'taking the side of' the victim.
- Accessibility – ensuring all women can access support wherever they live and whatever their circumstances. Included here would be the needs of specific groups, such as migrant, young, disabled women and women living in rural areas or those who have been displaced.

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<sup>31</sup> Funded by the government, the shelter network – women's Aid, England – has worked with a group representing sexual violence services (including trafficking and female genital mutilation) to create common core and service specific standards. An agreed draft is currently being sent out for wider consultation.

<sup>32</sup> Recent prevalence studies in Germany and France both conclude that sexual harassment is the most prevalent form of violence against women, but domestic violence is the most studied/measured.

- Availability – crisis, mediumterm and longterm provision are all needed, with access 24/7 where safety is immediately compromised. This provision can be met in a variety of ways, including ‘on call’ systems.
- Support should be available free of charge.
- Services should work within a gender analysis of violence against women, seeing it both as cause and consequence of women’s inequality.
- Support and interventions should employ the principles of empowerment and selfdetermination.
- Specialist provision should be provided by women for women.
- The expertise of the specialist violence against women sector should be recognised, and developed through training.
- Holistic services – working across forms of violence against women and/or support needs – are good practice. These can be delivered through ‘one-stop shop’ or multidisciplinary teams, or a ‘one-stop person’ (advocates who ensure rights are realised) approaches.
- Inter-agency coordination, establishing intervention chains and referral processes and protocols.

Whilst the final two themes stress the importance of integration in approaches to violence against women, most existing standards are service specific. In the later proposals the former is covered through a set of overarching principles and below we explore in more detail the basis on which service specific proposals have been built. Readers should note that whilst we address, for example, shelters under the heading of domestic violence, safe housing and support services are also relevant for, and in some cases provided to, women escaping trafficking, girls seeking protection from sexual abuse, forced marriage and female genital mutilation.

## **Domestic violence services**

The majority of the existing standards literature is focused on domestic violence, specifically shelter/refuge provision. Existing standards are predominantly created and applied by individual service providers, or in some cases by an NGO Network. Some governmental standards were identified, often applying to government run shelters and/or certification of NGO shelters.

## Shelters/refuges<sup>33</sup>

In addition to the key themes outlined above, existing standards for shelters were very specific and detailed. The primary aim of a shelter is to secure physical safety, and the extent to which this is possible depends on some combination of keeping its location confidential and practical security measures such as who can visit and intruder alerts. Refuges are, as the WAVE documentation makes clear ‘more than a roof’ (WAVE, 2005). They provide a variable combination of additional services: outreach; advocacy; advice; counselling; selfhelp; resettlement and support for children.

Obstacles to achieving equitable access are the resources needed to find and maintain premises that meet the needs of women and children with disabilities, having finances to support migrant women, especially those who are legally excluded, often through immigration laws, from financial assistance and other welfare rights. Shelter provision should, ideally, also accommodate those women who suffer from mental health or substance abuse problems, and women with older male children. However, the principles of safety and empowerment mean that not all these groups can necessarily be accommodated together, and the needs of some service users require additional resources.

Shelters are the only support service for which there is a recommended standard for levels of provision in European instruments: set at one place or family place per 7,500 of the population to 10,000 of the population<sup>34</sup>. We define a family place as an adult plus the average number of children. Clearly a family place is a larger number of beds than a ‘place’, and recognises that half or more of shelter residents are children. Several countries with small populations argued that their needs were not recognised in these standards

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<sup>33</sup> Whilst refuge is the concept used in English speaking countries in Europe, it has been translated as shelter in many other European countries, this latter term is also used in North America. We use both interchangeably.

<sup>34</sup> Council of Europe, Group of Specialists for Combating Violence against Women (1997), *Final Report of Activities of the EGSVL including a Plan of Action for combating violence against women*, Strasbourg; Blueprint of the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*, EGTFV(2006)8rev5, Strasbourg, 2006; EU European Parliament Resolution on Violence Against Women (1986) Doc. A244/86 OJ. C. 176. EU Conference on Violence Against Women Cologne (1999) Expert Forums Recommendations; EU Austrian Presidency of the Council of the European Union (1998), Conference of Experts – *Police Combating Violence Against Women*, Baden; EU Expert Meeting on Violence Against Women Recommendations (1999) Jyväskylä, Finland.

which were too high for their context, conversely some states had reached, and even exceeded this level of provision. Few countries had an evidence base – other than whether shelters were full – to support claims with respect to this standard.

Empowerment was considered an inherent principle in the provision of shelters, encompassing information to enable service users to make choices and the environment and practices within shelters. The rationale is to enable service users to (re)gain power over their own lives, and efforts should ensure that the patriarchal control of an abusive partner is not replaced by institutional control. One aspect of empowerment is knowledge and understanding, providing opportunities to make sense of violence through a gender analysis, which challenges both victim blame and excusing perpetrators. One strong example offered of an empowerment approach was ensuring that all rules and regulations were formulated in positive and inclusive (rather than repressive) language. Rules should also not reproduce the restrictions of movement that are often a part of the coercive control perpetrators frequently exert. Inclusionary principles also place a responsibility on shelters to address inequalities between women, to ensure that service users are not excluded by discriminatory views of others. Again, how such work is undertaken should be empowering.

Many existing standards for shelters assert that they should be independent of the state, political parties and faith based organisations, and that they be notforprofit organisations. If funding determines who can use the shelter, it's philosophical framework and preferred outcomes, then these core philosophical standards will be compromised. Management of shelters by women's NGOs is a commonly cited standard, justified both in terms of the needs of service users and the historical expertise.

*Abused women suffer greatly from being dominated and abused by their male partners. It is therefore important for them to receive support and help from a female counsellor specialised in the field (WAVE, 2002).*

Services for children are considered an essential component of refuge provision<sup>35</sup>. Existing standards specify that during a child's stay: their educa-

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<sup>35</sup> Detailed standards for counselling and forensic services for children who have suffered sexual abuse are beyond the scope of this project and were not incorporated in the literature review.

tion should continue, preferably through attendance at their existing school; provision of play space and activities; nonviolent discipline should be fostered in all adult/child interactions; a child protection protocol should be developed to ensure children's rights to safety are not compromised. Enabling children to discuss their concerns, receive counselling and understand violence is also vital for their wellbeing and that of their mothers.

Currently limited provision across Europe means that many abused women and their children live in settings that fail to meet these standards: they are residential services that focus on child welfare or family problems, homelessness provision (see also Stocktaking Study). These are not ideal, and invariably focus on mother or child, rather than the dual focus that shelters strive to achieve.

### *Perpetrator programmes*

There is a growing body of research on perpetrator programmes for domestic violence offenders, with recommendations being made by European Union expert groups<sup>36</sup>. The most detailed standards and protocols for programmes come from the United Kingdom and the United States of America. Individual providers were identified as having their own standards in two member states. The Stocktaking study notes the ongoing debate over whether entry into perpetrator programmes should be voluntary or mandated by courts. Most experts concur that both are needed, since it remains the case across Europe that a small minority of perpetrators are convicted. Minimum standards should apply to both kinds of provision, with adjustments for variations in routes in and possible sanctions for nonattendance. Programmes should not be used as an alternative to punitive sanctions, especially since the potential of such sanctions can be a spur to complete programmes.

Recognised good practice includes ensuring perpetrators accept responsibility for their behaviour, prioritising women and children's safety, and associated support projects for current and expartners. The paramountcy of safety for women and children is the foundational standard, from which a series of policies and practices flow, including limitations of confidentiality for perpetrators.

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<sup>36</sup> The European Daphne II project work with Perpetrators of Domestic Violence in Europe (WWP) has developed standards (minimum and ideal) for perpetrator programmes. <http://www.workwithperpetrators.eu/guidelines?.php>

*Domestic violence is a public not a private matter. The safety and welfare of the survivors must take precedence over attempts to maintain the family as a unit. The human rights of women to have freedom from violence and from abuse must be recognised as their rights as individuals, not just as the mothers of children*<sup>37</sup>.

The minimum standards for work with perpetrators mean that family counselling, mediation or reconciliation and anger management are not appropriate responses in domestic violence services in general and work with perpetrators in particular (RESPECT, 2004)<sup>38</sup>.

### *Intervention projects*

Intervention projects have their origins in Austria and Germany, being European variations of the Duluth model in the United States of America (Logar, 2005; Seith, 2005). Through recognition as a promising practice<sup>39</sup> and promotion through training and exchanges, the 'Austrian model' has been adopted/adapted now in a number of European countries. Standards have been proposed by the Austrian government, bolstered by evaluations in Germany. Many of the core themes introduced earlier in this section are reiterated, with an emphasis on multiagency coordination, protocols and proactivity.

## **Sexual violence services**

Reflecting the more limited development of services, standards for sexual violence services are much less common, with minimal development in Europe beyond particular centres of excellence. The only exceptions identified being Ireland and an ongoing United Kingdom project. Additional service standards were, therefore, sourced from the USA, Australia and the

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<sup>37</sup> Recommendations of EUExpert Meeting in Jyväskylä (1999), Recommendations for good practice in developing programmes for perpetrators of domestic violence.

<sup>38</sup> Whereas perpetrators could seek treatment for substance misuse, behavioural problems elsewhere at a different stage or at the same time as enrolling on a Perpetrator Programme – the Programme itself is not the place to provide such treatment.

<sup>39</sup> EU Conference on Violence Against Women Cologne (1999) Expert Forums Recommendations.

World Health Organisation (WHO). While there was recognition amongst a minority of respondents that domestic violence and sexual violence were often intertwined, it was sometimes erroneously presumed that domestic violence service providers were able, and did, cover both. Recent research suggests that such assumptions are inaccurate (Ullman and Townsend, 2007), even where the offender is an intimate. Even if it were the case it would still leave women sexually assaulted by other categories of offenders without protection or support.

The medical and forensic components of responses to sexual assault require additional standards with respect to dignity and bodily integrity. The mental health consequences, and thus support needs, in the aftermath of sexual violence also require specific attention. Though the specific standards for child victims were beyond the remit of this project, they may need to be consulted if services are available to minors.

### *Rape Crisis Centres*

The only European sources for standards were the Council of Europe Group of Specialists report of 1997<sup>40</sup>, the Irish Rape Crisis Network and the United Kingdom. Standards include safety assessments including in crisis situations, for example, suicide attempts and selfharm. Some standards stress service user control of contact, whereas others (primarily from the United States of America and Australia) promote proactive follow up “to ensure continuity of care, safety and access to support during the crisis period”.

Access and availability standards are far more difficult to achieve for Rape Crisis Centres, which are less well resourced than shelters, and often rely on volunteers to operate helplines. Current research in the United Kingdom shows that, apart from Scotland, the number of Rape Crisis Centres has declined, and many of those remaining are ‘fragile’. Resource poor local contexts mean many can only offer skeleton services (Coy, Kelly and Foord, 2007).

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<sup>40</sup> Council of Europe, Group of Specialists for Combating Violence against Women, *Final Report of Activities of the EGSVL including a Plan of Action for combating violence against women* (Strasbourg, Council of Europe, 1997).

## *Sexual Assault Centres/specialist health provision*

Standards for this layer of provision were sourced from the World Health Organization, Australia, United States of America and the United Kingdom. At European level, health professionals dealing with sexual violence were referred to at the EU Jyväskylä Expert Forum, which recommended that medical professionals be trained in conducting medico-legal examinations. The WHO standards<sup>41</sup> were more extensive, albeit that the forensic details are beyond the scope of this study<sup>42</sup>.

New themes here are the importance of informed consent, and service users being afforded control over decisions with respect to forensic/medical examinations, reporting, treatment, referral, and content of medical records. Training of professionals needs to stress the service user's right to be treated with dignity, her right to receive adequate health services – including post-coital contraception, HIV prophylaxis, and where needed and wanted, abortion. Ideally all examinations and treatments should take place in a single specialist location.

*Victims of sexual assault shall receive the same standard of care regardless of the circumstances of the sexual assault.*<sup>43</sup>

An essential standard linked with safety and dignity is that medical practitioners should be female. Several respondents also noted that there should be no charge for examinations or medical reports. WHO guidance further provides that the certificate should entitle the service user to make a criminal complaint or claim compensation for up to 20 years after it is issued (allowing her considerable time to choose whether or not to use it). Whilst specialist centres are not possible in rural or sparsely populated areas, there are examples internationally of peripatetic services, often staffed by forensically trained nurses (Kelly, 2008).

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<sup>41</sup> WHO (2003) Guidelines for medicolegal care for victims of sexual violence, Geneva; WHO/ UNHCR (2004) Clinical Management Of Rape Survivors; Developing Protocols for use with refugees and internally displaced persons, Revised Edition.

<sup>42</sup> Guidance on forensic practice has also been produced by Ireland, Department of Health and Children (2006) Rape/Sexual Assault: National Guidelines on Referral and Forensic Clinical Examination in Ireland, Dublin, [http:// www.icgp.ie/index.cfm/loc/6143/articleId/17E8DE25A6A302CA3DCDBB88C6767C80.htm](http://www.icgp.ie/index.cfm/loc/6143/articleId/17E8DE25A6A302CA3DCDBB88C6767C80.htm).

<sup>43</sup> NDCAWS/CASAND (2005) *North Dakota Sexual Assault Medical Standards Of Care* (North Dakota Sexual Assault Medical Standards Committee and North Dakota Council on Abused Women's Services/ Coalition Against Sexual Assault in North Dakota).

## Other services

In this section standards relating to more generic services are summarised. Helplines, for example, may address all forms of violence against women, domestic or sexual violence.

### *Helplines*

Very few standards were identified specific to helplines, and they came from European level recommendations, and American domestic and sexual violence models. Only two countries had separate standards for helplines (Hungary and the Ukraine). Current proposals emphasise the themes of availability, confidentiality, information and referral.

### *Advice and advocacy*

These forms of provision are often integrated into the work of shelters, helplines, Rape Crisis Centres and Sexual Assault Centres, but are also increasingly becoming specific community based services, in the case of the United Kingdom attached to Specialist Domestic Violence Courts (Cook et al, 2004) and in Spain in community-based women's Centres.

European level recommendations include that legal advice should be provided without charge, but the primary sources for advocacy standards came from a United Kingdom domestic violence NGO<sup>44</sup> and rape crisis networks beyond Europe. A key standard was that any advocate should act independently of the criminal justice system, other statutory body, and focus on safety.

### *Counselling*

NGOs that specialise in counselling have specific standards in at least three member states (Austria, United Kingdom, "the former Yugoslav Republic of Macedonia"), but again most identified in the literature review were American and Australian. There are also professional standards for qualified counsellors in many countries, but these are outside the remit of this study.

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<sup>44</sup> See also CAADA, <http://www.caada.org.uk/>

The key principles of confidentiality and an empowerment or “victims rights models” were emphasised, with varying models for assessment and provision of short and longer-term engagements. The availability of services was entirely dependent on funding, with some services having to limit provision to 10 sessions, and some reporting unacceptable waiting lists. Standards sourced from North America recommend individual action plans be developed with the service user, which specify the key issues to be addressed<sup>45</sup>.

## *Outreach*

Standards for outreach were only found within a North American source<sup>46</sup>, and these comprised variations on the already identified key themes. Outreach is a key method of reaching service users who would otherwise have difficulty in accessing any support, for example, women with disabilities, women in prison, women who sell sex<sup>47</sup>.

## *Law enforcement*

Whilst not originally considered a key part of this project, the stress by focal points and NGOs on standards for law enforcement agencies has led to this being included. The literature review also resulted in identification of a considerable number of European recommendations focused on police, prosecutors, judges and magistrates: with the twin concerns of the treatment of victims and the principle of holding perpetrators to account predominating. Again, the majority of European standards are oriented towards domestic violence. The core themes identified are outlined below. We build the proposed standards out of these accepted principles of good practice.

- Violence against women offences should be treated at least as seriously as other violent offences. Some suggest further that assaults by an intimate partner/household member should be considered an aggravating factor<sup>48</sup>.

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<sup>45</sup> South Carolina Coalition Against Domestic Violence and Sexual Assault (undated), Service Standards and Outcomes for Sexual Assault Centres.

<sup>46</sup> Ibid.

<sup>47</sup> There are protocols for outreach with women who sell sex created by EUROPAP, they are not, however, specific to violence against women.

<sup>48</sup> See, for example, EU Jyväskylä Expert Forum, Austrian Models of Intervention.

- Justice system personnel should be trained on all aspects of violence against women.
- European Recommendations from the late 1980s suggested that there should be at least one specialised officer per police unit, for domestic violence and for sexual violence<sup>49</sup>.
- The Austrian Model of Intervention proposes the creation of specialist investigation units.
- Whilst there is widespread support for ending the impunity which has protected most perpetrators from legal sanction, there is a potential conflict between compelling an unwilling victim/witness to testify and the principles of empowerment. The European Union Baden Conference of Experts – Police combating violence against women in December 1998 recommended that:

*Criminal proceedings should, to the greatest possible extent, take into account the interests of victims of violence, with a view to encouraging them to participate in the proceedings voluntarily as active parties.*

*Guidance for prosecutors in the United Kingdom is helpful here.*

*The decision whether to compel a victim of domestic violence to attend court against their wishes requires great sensitivity and discretion. In many cases of withdrawal, compulsion will not be appropriate. A compelled witness is likely to become hostile to the prosecution and either refuse to testify, or give an account that undermines the prosecution case. It is important that Crown Prosecutors are able to identify those cases in which compulsion is appropriate. In order to do so, they should ensure that their decisions are informed by the views of the police on the victim's likely reaction to compulsion, including her views on the possible risks to her safety<sup>50</sup>.*

- Protection orders requiring perpetrators to leave the household, especially where they can be actioned by police attending, are core to enhancing protection and safety.<sup>51</sup> The Stocktaking study notes:

*When the power to evict is reserved to prosecution authorities or the courts, the purpose of the measure – immediate temporary safety – is defeated, and*

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<sup>49</sup> EU Resolution on violence against women, 1986; EU Baden Conference of Experts – Police combating violence against women, December 1998; *Council of Europe Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence*, para.29.

<sup>50</sup> Home Office (Undated) *Domestic Violence: Break the Chain Multi Agency Guidance for Addressing Domestic Violence*.

*barring orders are rarely issued at all. Rights of men accused of violence can be secured by requiring that police orders be routinely approved by a relevant authority within three days, or by rapid judicial response to any complaints. (Stocktaking study, 2006, p. 38).*

The United Nations CEDAW Committee, reviewing a case referred under the optional protocol, has ruled that: “women’s human rights to life and to physical and mental integrity cannot be superseded by other rights, including the right to property and the right to privacy”<sup>52</sup>.

- Justice agencies should coordinate with, and refer to, specialist violence against women support services. Where the police act as the initiators of co-ordination, they must ensure that the expertise of women’s NGOs is placed at the centre (Logar, 2005).
- Discriminatory legal provisions with respect to evidence in sexual assault cases should be removed, and rape defined in law as a crime against sexual autonomy.
- Rape in marriage should be a criminal offence.
- Perpetrators should be brought to justice as speedily as possible, within the rule of law<sup>53</sup>.
- Advocates who support victims through criminal process should be permitted and promoted, offering a simple route of keeping someone up to date on the status of any legal case, and making it less likely that a complaint will be withdrawn.
- States should ensure that victims have a right to compensation.<sup>54</sup>
- Procedural changes should ensure that victims are able to give their best evidence, through both limiting the number of times she has to repeat her story and providing a conducive context in which to give evidence to the court.<sup>55</sup>

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<sup>51</sup> Council of Europe Recommendation Rec(2002)5, EU Cologne Expert Forum and Logar, 2005 (Austrian Models of Domestic Violence Intervention).

<sup>52</sup> *A.T v. Hungary* 2/2003, of 26 January 2005, 9.3

<sup>53</sup> EU Austrian Presidency of the Council of the European Union (1998), Conference of Experts – *Police Combating Violence Against Women, Baden*.

<sup>54</sup> Council of Europe Recommendation (2002)5 on the protection of women against violence, Appendix, para.36; EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, Official Journal L82.

<sup>55</sup> EU Resolution on Violence against Women (1986) *ibid*.

- The right to anonymity in the media.<sup>56</sup>
- Ensuring that the letter, procedures and practices of law are nondiscriminatory – with respect to gender and its intersections with other inequalities, such as disability and migrant status.

## Potentials and challenges

In this section we report on the potentials and challenges of introducing regional standards. Interviewees thought that the absence of agreed European standards could be attributed to some combination of: lack of political will or interest, or violence against women being relatively new or underdeveloped in their context.

*It is easier for the government not to have standards, as then they do not have to give the shelters much money [Focal Point].*

*The shelters and NGOs have been very successful and the government have been happy that they are taking care of the problem [NGO].*

NGOs repeatedly stressed the dangers of imposing standards on an already inadequately resourced sector; that this might serve to reduce capacity, and could even result in loss of services<sup>57</sup>. The balance between government funding and autonomy of NGOs needs to be delicately negotiated within the framework of the *Council of Europe Recommendation Rec (2007) 14 of the Committee of Ministers to member states on the legal status of NGOs*, if standards are to maximise the extent and quality of service provision.

*NGOs currently do not want to have state standards imposed on them because they are working well as they are. State social service standards related to children/ mothers and children are so low they would prefer not to use them or anything similar [NGO].*

There are also issues of state infrastructure that may prove to be local obstacles. For example, two respondents identified federal systems as barriers to common standards within the country. Governments need to consider

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<sup>56</sup> Ibid. also: EU Expert Conference (1998) Baden supra; EU European Parliament Resolution on Violence Against Women (1986) Doc. A244/86 OJ. C. 176; Logar (2005).

<sup>57</sup> WAVE Network Conference “Stop domestic violence against women” (1820 October 2007), Vilnius/Lithuania, unpublished conference notes provided to this project.

innovative ways of overcoming these hurdles if they are to meet their international obligations. All international guidance supports NGO service provision, and they are undoubtedly best placed to continue providing services where they are already doing so competently. Sustainable funding, inter-agency partnerships and drawing on the knowledge and skills of violence against women experts make standards achievable. The decision as to who provides what services should not be an arbitrary, but a practical one, with the needs of the service user, competencies and powers of agencies the determining factors. It is, for example, clearly the responsibility of the state to deliver effective law enforcement: protection, prosecution and justice. Similarly, medical and health provision, social housing and social welfare are the remit of the state.

## DEVELOPING EUROPEAN MINIMUM STANDARDS

The vast majority of participants in this project supported framing standards in human rights terms, primarily because this approach foregrounded governmental obligations which required attention and action. One noted that a human rights framework would prevent service provision from being consumed into social welfare policy. Some qualified their opinion by adding conditions to how human rights terms should be used.

*Their use depends on the audience, and should only be used if within an easily understandable format [INGO].*

*For general standards only – this would be a good way of informing society of their rights/entitlements. But on the ground – at national social and legal systems there is difficulty in translating human rights and international standards/norms [Focal point].*

Linking human rights norms with existing standards and strong support from interviewees produced the following foundations for standards.

- Understanding violence against women as cause and consequence of inequalities between women and men.
- Confidentiality.
- Safety, protection and security.
- Working within an empowerment approach.
- Creating a culture of belief and respect for victims.
- Equitable access across geography and for excluded/disadvantaged women.
- Availability of crisis services 24/7.
- Recognition of children as service users.
- Holistic service provision.

We explore some of these themes in more detail drawing on issues raised in interviews and explaining how these have been addressed in creating the proposed standards.

## Gendered understanding of violence

*Our work starts with belief [NGO].*

United Nations and European policy documentation on violence against women has, for more than a decade, stressed that this issue needs to be addressed through a gender equality framework: that violence is both cause and consequence of the inequality between women and men. The extent to which this underpins service provision and is acknowledged by governments varies considerably across the region. This gendered perspective is the foundation for recognition of violence against women as a human rights issue, and as such is fore grounded as a core principle underpinning all standards. This framing has implications for both how violence against women is understood – that it is not the fault of individual women and that perpetrators should be held to account – and for how services are delivered.

*Violence towards women is based on relationships of power and domination and the wish to control which stem from social structures that are themselves based on sexual inequality. There is no ambiguity in acts of violence: they are intended to maintain the unequal relationship between men and women and to reinforce women's subordination. Membership of the female sex is at the basis of this violence and the majority of societies tolerate it<sup>58</sup>.*

*Male violence against women is a manifestation of the historically unequal power relations between men and women and a reflection of existing gender relationships in society and in politics. It must therefore be regarded primarily as a social and political problem. Women's refuges need to create awareness of the social, historical, cultural and political framework that fosters male violence. Activists seek to give women and children a voice to speak out against violence. Society has to make perpetrators responsible for their actions. The feminist principles as implemented in the refuge should demonstrate ways for women and children to free themselves from violence (WAVE, 2004 - Manual for Refuges para 3.2.1).*

Some interviewees viewed creating a 'culture of belief' as an important expression of this understanding, given the many ways in which women and children's word has been denied and questioned. Some expressed this in

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<sup>58</sup> Committee on Equal Opportunities for Women and Men report to the Parliamentary Assembly of the Council of Europe on Violence against women in Europe Doc. 8667 5 March 2000, Explanatory Memorandum para 9.'

other terms: “trying to remain neutral about what has happened means running the risk of tolerating violence”<sup>59</sup>.

## A culture of empowerment

A recurrent feature in the standards literature and emphasised by many interviewees, was that support services should empower service users. The underlying principles here are respect for her integrity, the provision of information and support that enables her to make informed decisions and access to provisions that offer the potential for undoing the harms of violence. An empowerment philosophy takes as its point of departure recognition that inherent in violence against women is being subjected to the power and control of another human being, being treated as worth less than others. Legacies of victimisation include damage both to one's sense of self and trust of and connections to, other, human beings. There are many ways to create cultures of empowerment, beginning with the language we use to name and make sense of violence, and spanning the environment of service provision and possibilities to avoid social exclusion through employment and vocational training. Empowerment is also evident in processes for participation and consultation: many NGOs have structures which invite service users to, at minimum, give feedback on service provision, and at maximum once they have moved on to join organisations and advocate for other women.

The proposed standards address all these aspects of empowerment.

## Conflicting principles

Safety and confidentiality were the two practice-based standards most frequently identified. One focal point noted early in the research that there could be tensions between confidentiality and other core principles, and this was further explored with other respondents. Most service providers reported that information is not passed on to any other person, organisation or authority without the permission of service user. A tension for many was situations where women declined legal protection whilst the service regarded them as in need of

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<sup>59</sup> Logar, R. (2006) Bridging Gaps - From good intention to good cooperation, WAVE, Vienna p. 27.

it. This becomes even more complex where child protection was at issue, since in some states service providers are legally obliged to report if a child is at risk. Beyond this, there is a debate over the correct protocols to be followed. Many NGOs have made confidentiality an absolute, especially where law enforcement has historically failed to implement effective protective measures. To make an official report means that the giving of consent goes beyond a relationship of trust in the service provider – and extends to placing trust in law enforcement and other authorities. But state agencies also have to be ‘trust worthy’ and across much of Europe law enforcement and the courts still have a long way to go in this respect. In the meantime NGOs face decisions where concerns for the life of service users is in tension with confidentiality principles.

The confidentiality standards negotiate, but do not resolve, this dilemma.

## Holistic service provision

A specific question probed the issue of holistic services and the majority of respondents supported this kind of provision, with some qualifying this as not applicable to all services. Some were eloquent about the difference it makes to women.

*The current system is not working, in fact it can raise a false hope in victims that they will be taken care of. It's like providing the operation but not providing the antibiotics afterwards. In fact it can be more dangerous to have an operation if there is no aftercare. In the current system women are encouraged to make first contact and access initial support, after which they are left on their own. That can make the situation more dangerous because if they knew they would only receive short-term help they would assess their own risks in a different way [NGO].*

There was a difference of opinion as to whether the specialist NGOs should provide all the services women need, or whether this was the role of, and reason for, inter-agency networks.

*Holistic services need not all come from the same organisation. The community must be organised to provide a holistic perspective, to work in community coalitions. They must agree on proceedings, strategies, common grounds, common definitions and frameworks within local communities [NGO].*

*Holistic provision to all women by individual services, taking into consideration their needs but without creating separate services. Guidance can be cre-*

*ated separately for women with special needs, but it is most effective for assistance to be provided from one centre [Focal point].*

The main barrier to the development of holistic responses was the under-resourcing of specialist NGOs. Holistic provision is included as a core principle, but without specifying how this is to be achieved in local contexts.

## **Access and non-discrimination**

The fact that services are not distributed equitably across the landmasses of states creates inequity of access to protection, support and justice. The insufficiency of services has the same impacts; meaning, for example, that even if one lives in a capital city there may be no refuge space, or a long waiting list for counselling. Proposals are made with respect to minimum standards for the distribution and extent of services in order to ensure that all women can access support where and when they need it.

Access remains a problem for specific groups of potential service users. For example, in some European countries migrant women, in principle, have access to the same services, but unless their additional needs – for translation, legal advice on immigration status and asylum law, understandings of harmful traditional practices – are met, access is not equitable. Many interviewees made the point that migrant women's additional needs meant they needed longer interventions, including shelter stays, with considerable resource implications. Resources were also key in providing services in rural areas and for women with disabilities.

A standard for equitable access is little more than rhetoric when there is no funding to enable NGOs to achieve it. It is in recognition of this that some of the specific proposals have been deemed aspirational. At the same time it should be taken as read that all service providers should aspire to exceed minimum requirements.

## **Children as service users**

Most responses here focused on children living with domestic violence, and the importance of shelters making appropriate provision for them. We have included standards drawing on children's rights to reflect this, most of

which constitute existing practice in some shelters. We also refer in places to child protection issues, but recognise that there is a different legal framework for children in most states, which has not been integrated into this document. The overlaps between violence against women and child abuse needs more elaboration – both in terms of the kinds of abuse girls are subjected to and the co-occurrence of domestic violence and child abuse (Kelly, 1996).

## **Inter-agency co-operation**

One interview question asked what ideal integrated service provision would look like. Some found it difficult to describe something, which, for them, was currently little more than a dream. Many made reference to multi-disciplinary and/ or inter-agency working, interestingly locating it not in the roles and responsibilities of agencies, but the needs and rights of service users. One used the image of a spider's web with the service user at the centre, with agencies weaving a close and interconnected web of protection and support around her. Another talked of a safety net that came into play at the first point of contact. It is not necessary for agencies to agree on everything in order to do this, merely to have protocols or memorandums of understanding, which specify common aims, working definitions and principles of co-operation. Others envisioned national level co-ordination that both reflected local arrangements and served to spread and endorse more coherent and consistent approaches.

Enabling first responders, most of whom will not be specialists, to listen, validate and then make appropriate referrals was another recurring theme, often connected to the importance of integrating violence against women into all professional training. Holistic service provision, 'one stop shops' and 'one stop people' were other ways inter-agency work could be developed and promoted. The role of intervention projects was also referred to.

Multi-agency initiatives are a relatively recent development so a variety of models are being explored. Their primary role has been to address the frequently noted lack of co-ordination between agencies. One area of consensus was the importance of the specialist violence against women sector being equal partners in such efforts at local and national levels.

All of these issues are addressed in the proposed standards.

## Long-term support needs

Some women have complex histories of multiple abuses, and others complex situations which need to be resolved. These individuals need support over longer time periods than crisis provision allows for. Restrictions on length of stay in shelters, numbers of counselling sessions or length of engagement by an advocate will be inadequate to their needs. Ensuring that service users are not left vulnerable, and that services are available to meet their needs was an important principle for many NGOs and focal points. Ideally, services should aim to provide assistance for as long as it is needed, but this in turn leads back to resources and sustainability.

## The draft proposals

Drawing on all the materials gathered in the first phases of the project, and mindful that too complex standards were likely to be ignored, a draft set of basic principles and standards covering the distribution and practice foundations of a range of types of service provision were presented at the conference in Strasbourg in December 2007. This draft was also the basis of the online consultation that took place in January 2008. The next section reports on the outcomes from that process.

## The online consultation

Overall the project on minimum standards for support services was strongly welcomed: 95 % expressed support for the draft standards – with over half stressing support for the clear principles and more than a third (39%) thinking that they would improve service provision. A specific question on the overarching principles showed overwhelming support (93%) for them, with only eight suggested amendments.

Probably the most contentious section of the minimum standards is that designating basic levels of provision, since there has been limited international and national guidance on these issues, and even less consensus. This was the first attempt to make such comprehensive suggestions, since the only widely accepted previous standard referred to shelter places. We are also conscious that states are at very different points in the development of sup-

port services. Just under twothirds (60%) supported the proposals, with almost a tenth thinking they were too high (there would be too few services) and a fifth (20%) wanting to adjust some and not others. Most concerns centred on the proposal for shelters, which were somewhat different than those which have been cited previously. The comments led us to reinstate the previous recommendation, in order not to create confusion.

Table 3 below outlines the support for the sections on the standards that apply to specific services and the numbers of proposed amendments. Reflecting the more limited provision of sexual violence services a higher proportion of participants (20%) responded that they had no knowledge of this form of provision.

**Table 3**  
*Support for proposed standards through the online consultation*

Standards	Level of support	Proposed amendments
Core standards	82%	08
Helplines	80%	14
Shelters	73%	19
Advice and Advocacy	84%	16
Counselling	82%	14
Outreach	83%	08
Intervention projects	71%	15
Rape Crisis Centres	76%	09
Sexual Assault Centres	63%	06
Law enforcement	83%	13
Perpetrator programmes	70%	16

We can conclude, therefore, that there is widespread support for the standards. We have already outlined the process by which proposed amendments were assessed and that we have made a number of adjustments. More extensive comments on the potential gains and dangers of minimum standards reveals that there are a number of caveats, and necessary conditions to be met if the benefits to NGOs, service users and states are to be realised. We now turn to these.

## Benefits, dangers and requirements

The clearest gains for NGOs were thought to be improvements in the quality of services and accessibility (n=17), assistance in negotiation and lobbying with governments (n=14) and guidelines for the expansion/creation of new services (n=10). A technical limitation of the outline survey software means that comments here cannot be affiliated to NGOs, focal points or state officials.

*... provided that the standards are adopted and applied in individual countries - acknowledgment of their work and know-how, sufficient funding by the state will enable NGOs not to concentrate on their survival, but develop services further.*<sup>60</sup>

*...for all parties: it makes policy more measurable and more uniform and equal treatment for all involved.*

*It will differentiate specialised and quality organisations which are dealing with the issue from those who are focused on different topics and just take domestic violence as a part of their agenda for fundraising.*

For service users the primary gains were considered to be improved and consistent support services (n=27), and the enhanced availability of specialised services (n=10).

*The victim will benefit from the universal and standardised application of these criteria in whichever service they turn to.*

*Minimum standards will ensure that the victims will get equal services all over the country.*

*Victims can expect a minimum level of quality around a federal country, no matter which regional authority is in charge.*

*...safeguarding of professional, gentle, regardful and holistic aid.*

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<sup>60</sup> Because the consultation data was collected online, and was anonymised, we have been unable to produce data that identifies the individual who makes each statement, in contrast with data collected by interview/questionnaire.

*...the knowledge that they are being provided services by well trained, well supervised staff who understand the issues and will respond appropriately and sensitively to their needs.*

*... the modelling of respect, human rights and power utilised in a nonabusive way.*

There was less consensus on the gains for governments, with guidance of various kinds the most common theme.

*Knowledge of good quality service provision encourages the government to fund services and reassures the electorate.*

*... better results in fulfilling obligations to protect and support victims and in the long run better results in preventing and eliminating violence against women.*

*They provide a framework against which to measure progress in improving gender equality/ending violence against women.*

Whilst a large number (n=14) thought there were no dangers for NGOs, slightly more were anxious that without resources it would not be possible to attain the standards (n=18), and a further nine worried that groups operating effectively currently could be closed if they failed to meet externally imposed standards.

*... no capacity or resources to meet the standards. Competing with services that do have them. Stretched to capacity trying to meet them and collapsing under the pressure, resistance from front line workers.*

*To be overweighed with the obligations of them without the necessary support of the governmental sector.*

*... overstretched and under-resourced services will have funding cut or be closed down for failing to meet standards that they do not have the resources to meet.*

By far the largest response with respect to service users was that there were no dangers for them (n=19). Others worried that bureaucratic nonresourced standards would result in closures – less rather than more services.

*If NGOs can't demonstrate they meet standards, states may cut services – is half a service better than no service?*

The biggest danger for governments was a failure to find the funds to implement the standards appropriately (n=14), with a significant minority concerned that states with high standards currently might level down, the minimum becoming a maximum (n=10).

*Government may be unable to provide financially to enable services to meet the standards. [Then] opting for cheap, unspecialised service options in order to meet national targets.*

*They may see the task as impossible and therefore avoid tackling it at all. Standards should be backed by a 'step by step' action plan toolkit!*

Participants in the consultation were asked how the Council of Europe could maximise the benefits whilst minimising the dangers. There was considerable support for developing a strategy to encourage states to adopt and implement the standards, and for a monitoring system (n=17). There was no agreement on the status of standards, with some opting for mandatory status and/or time lines (n=9) and others for them to be only guidance (n=4).

- *Stress that all victims have the right to protection and adequate support and that this can only be guaranteed by a well co-ordinated, comprehensive policy on violence against women at all levels and by providing adequate resources to service providers; you can not get good quality standards without adequate resources; not to invest in good quality services and effective protection and support in the long run costs more to society. Member states should also be made aware that women's NGOs are, besides providing excellent services to survivors, often very committed and engaged in social change and that by funding women's NGOs actively engaged in social change, governments get "more" for the money, than just good services.*
- *On-going campaigns such as the present one to continually prioritise the issue of violence against women on the political and public agenda of member states.*
- *By making the standard a signatory obligation by member states whilst at the same time establish a system of independent evaluation, updating and referral with the participation of victims, NGOs and governments.*
- *Demonstrate leadership by publishing standards, but make it possible for states and NGOs to actively engage with the challenge of meeting*

*the standards, for example by developing a toolkit that assists with breaking the standards down into more manageable chunks. Set a reasonable timescale for achieving targets/milestones.*

- *Developing comparative studies and monitoring the level of implementation of Council of Europe recommendations by the member states, thus identifying progress and obstacles met and disseminating best practices and ways to overcome the identified barriers.*

Further specific proposals were to open a discussion with ministers and parliamentarians, and developing an implementation guide.

## SETTING THE STANDARDS

Creating regional service standards, especially with respect to the mix and extent of provision is important for a number of reasons, not least the ability of states to fulfil their positive human rights obligations. It is common sense, but also confirmed by recent international case law, that this necessitates there being sufficient services, capable of providing immediate protection, ensuring access to justice, rehabilitation and prevention of violence, for all who need this, and across all forms of violence against women. There is also a responsibility on states and NGOs to ensure that all women have equitable access, and that services work to similar practice principles that enable women not only to end violence, but also to undo its harms and realise their rights to justice.

One of the reasons given for the development of shelters across Europe has been that domestic violence is the most common form of violence against women. It is undoubtedly the most researched within Europe, but recent surveys in Germany and France have both found that sexual harassment is significantly more prevalent in women's lives<sup>61</sup>. Whilst studies of sexual violence are less common, those that have been conducted find that one in four women have been sexually assaulted in childhood and/or adulthood (HagemannWhite, 2001). This data provides strong support for the need to enhance services addressing sexual violence across Europe, as does the data which shows falling prosecution and conviction rates for rape across much of Europe (Regan and Kelly, 2003).

The Ninth WAVE Network Conference *Stop Domestic Violence Against Women* held in October 2007 discussed common standards for service provision, but concluded that the diverse contexts of NGOs precluded agreement. In previous sections we have outlined some of these variations, and been mindful of them throughout this project. Our point of departure has been that international law already provides the foundations for standards rooted in women's human rights. At the same time, agreeing and implementing standards at national levels must be a process of negotiation between govern-

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<sup>61</sup> Schröttle, M. and Müller, U. (2004) *Health, WellBeing and Personal Safety of Women in Germany: A Representative Study on Violence Against Women In Germany*, and Jaspard, M., et al (2003) *Violence Against Women in France: a National Survey*.

ents, the specialist violence against women sector and other key stakeholders. Within this the continued independence of NGOs, their ability and capacity to innovate is critical. The Committee of Ministers of the Council of Europe recently adopted a recommendation on NGOs that promotes selfregulation<sup>62</sup> and outlines the rights and freedoms which civil society organisations should enjoy<sup>63</sup>. These should be the basis on which such negotiations take place.

The proposals on minimum standards for Europe reflect these concerns, and are those that garnered the widest consensus during the project. They are the outcome of the processes described in this report, and are divided into three sections: overarching principles; the minimum levels of provision that should be available; and practice standards for specific services. We present some further discussion of the first two sections here. The practice principles are selfexplanatory and are organised with respect to the type of service they refer to, for example, shelters, helplines, rape crisis centres, and outreach.

## The overarching principles

We have drawn heavily here on the ongoing standards project in England. NGOs across the domestic violence and sexual violence sectors have agreed these as common foundations for all of their work. They combine human rights thinking and the practices which NGOs have developed, championed and proved effective in supporting women in the aftermath of violence. They can be adapted and applied to work undertaken within state agencies, and indeed internationally recognised good practice is invariably based on these orienta-

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<sup>62</sup> *Recommendation Rec(2007)14 of the Committee of Ministers to member states on the legal status of nongovernmental organisations in Europe*, adopted by the Committee of Ministers on 10 October 2007 at the 1006th meeting of the Ministers' Deputies, see paras. 9 to 10.

<sup>63</sup> In particular NGOs should: enjoy the right to freedom of expression and all other universally and regionally guaranteed rights and freedoms applicable; not be subject to direction by public authorities; ensure that their management and decisionmaking bodies are in accordance with their statutes but otherwise be free to determine how to pursue their objectives. NGOs should not need any authorisation from a public authority in order to change their internal structure or rules, should be consulted during the drafting of primary and secondary legislation that affects their status, financing or spheres of operation. Further governments and state level organisations are urged to engage in open and ongoing dialogues with NGOs.

tions. They are presented here, in order that readers can see how they integrate themes and address concerns from previous sections. A brief explanation of how each principle would be discernable in practice is included.

### *Working from a gendered understanding of violence against women*

Services demonstrate an appropriate, and informed approach, relevant to their service users, which recognises the gendered dynamics, impacts and consequences of violence against women within an equalities and human rights framework, including understanding violence against women as both a cause and consequence of inequalities between women and men and the need for women-only services.

### *Safety, security and human dignity*

Services ensure that all interventions prioritise the safety, security and dignity of service users and of staff.

### *Specialist services*

The knowledge and skill base of staff, and forms of provision, are specialised; that is appropriate and tailored to the specific needs, which may be complex, of service users.

### *Diversity and fair access*

Services respect the diversity of service users and positively engage in antidiscriminatory practice. Provision should be available free of charge, equitably distributed across geography of the country and crisis provision available 24/7.

### *Advocacy and support*

Services provide both case and system advocacy to support and promote the rights and meet the needs of service users.

### *Empowerment*

Services ensure service users can name their experiences, are familiar with their rights and entitlements and can make decisions in a supportive environment that treats them with dignity, respect and sensitivity.

### *Participation and consultation*

Services promote serviceuser involvement in the development and evaluation of the service.

### *Confidentiality*

Services respect and observe service users' right to confidentiality and all service users are informed of situations where that confidentiality may be limited.

### *A co-ordinated response*

Services operate within a context of relevant interagency cooperation, collaboration and coordinated service delivery.

### *Holding perpetrators accountable*

Services work from the twin foundations of belief and respect for victims and that perpetrators should be held accountable for their actions.

### *Governance and accountability*

Services are effectively managed, ensuring that service users receive a quality service from appropriately skilled and supported staff.

## Challenging tolerance

Services model nonviolence internally and externally and use gender analysis to raise awareness, educate and undertake prevention work, both in communities and with individuals.

## Minimum levels of provision

These proposals draw on the only existing standards for shelters, supplemented by the need to enhance earlier access to support, provide equitable access and address the serious gaps with respect to sexual violence. They are presented here in two layers:

**Table 4**  
*Minimum levels of provision*

Required provision	
Helpline	One national line covering all violence against women or one for domestic violence and one for sexual violence. The number of help lines should reflect the population size. In small countries one may be sufficient. For more densely populated states there should be at least one helpline in each region.
Shelters	One family place <sup>1</sup> per 10 000 of the population. There should be at least one specialist violence against women shelter in every province/region. The range of provision should also accommodate women with additional needs – migrant and minority women, women with disabilities, women with mental health and/or substance misuse issues, and young women needing protection from female genital mutilation, forced and child marriage, crimes in the name of honour.
Rape crisis centres	One per 200 000 women. There should be at least one centre per region. Given that Rape Crisis Centres support women who do and do not report, those assaulted recently and in the past, there need to be more of them than Sexual Assault Centres.
Sexual assault centres	One per 400 000 women, to enable ease of reporting recent assaults and ensure high quality of forensic and medical services
<sup>1</sup> A “family place” requires a bed space for the mother and the average number of children in the country (See Glossary at Annex 1, p. 59).	

1. Absolute requirements and;
2. Provision of services as freestanding projects, or integrated into other services such as shelters or rape crisis centres.

Ways in which national contexts, including variations in the ways violence against women is addressed, can be taken into account when implementing these standards are also suggested.

**Table 5**  
*Independent/integrated services*

Advice/advocac	One service per 50 000 women, enabling early intervention and access to legal and other support.
Counselling	One service per 50 000 women, to provide longer term support to address the consequences of violence against women. There should be one violence against women specialist counselling service in every regional city.
Outreach	Designed locally to address the largest local minority groups, women with disabilities, and other underserved groups.

### *Services which may be independent or integrated*

Shelters and rape crisis groups provide support to many women through advocacy, counselling and outreach services. In other contexts these forms of support may be provided by separate organisations. In the case of shelters these services must be available to women not living in the safe houses for them to fulfil this standard.

There are few, if any, states that could claim to be close to achieving the sexual violence standards, and only a few in Europe have reached the shelter standard. In this context it is unrealistic to expect these requirements to be met in the immediate future. What states should be expected to demonstrate is a direction of travel – that they have a plan for how current deficits are to be addressed, and that the extent of provision and its equitable distribution is increasing year on year.

Contexts where provision for protection, justice and support has taken a different trajectory, or where additional services are provided needs to be taken into account. States can make an evidence based argument for how they are meeting the standards through alternative routes. Evidence here would need to include documentation of the extent of use of alternatives by women, and that this is increasing. It would not be acceptable, for example,

simply to assert that currently relatively few women report sexual violence, since this could be the result of a lack of provision and/or a failure to create a context in which women are confident to seek help.

If we begin from the most common form of provision, shelters, it would be possible to argue that there is a need for less shelter places:

- if there are increasing numbers using protection measures, accompanied by increases in prosecutions and advocacy interventions
- **and** excess capacity in existing shelters.

The latter is crucial, since the other measures might increase need for shelter provision, rather than replace it. The case of Austria is instructive here, where the removal law and Intervention Projects have expanded women's options, and they have already reached the minimum standard for the number of shelter places. Yet, shelters are still not able to accommodate every woman requesting their services.

An argument that there is less need for all violence against women services can only be sustained if at least two successive prevalence studies, undertaken to internationally recognised academic standards, show a marked trend of lower than average across Europe, or falling, rates of violence against women in the twelve months prior to the survey.

## A HUMAN RIGHTS FRAMEWORK

Council of Europe member states have undertaken to protect and respect the human rights of their citizens under many different human rights treaties and in the framework of various international intergovernmental organisations. Many of these treaties entail the obligation to protect women against violence, as they set out a series of rights, including the right to life, liberty, physical inviolability or personal security, freedom from slavery, equality and non-discrimination.

The standards proposed below provide a guide to member states on how best they can ensure that they are fulfilling these obligations. Equally, human rights standards, some of which are very basic, and others that are aspirational, affirm the importance of many of the proposed standards.

This section provides a brief summary of the range of international obligations and declarations that form an essential part of this process. Many obligations are legally binding, where member states have ratified conventions and accepted the scrutiny of international mechanisms. The obvious starting point is the European Convention of Human Rights and Fundamental Freedoms as monitored by the European Court of Human Rights. These obligations may be subject to reservations or declarations individual member states may make in respect of certain rights. There are also declarations, recommendations and other instruments that, although not legally binding, provide strong evidence of political will, and the promise to take particular actions in enforcing human rights and protecting women from violence. The Beijing Platform for Action is an example of this type of obligation. Key standards contained across these various instruments are explained briefly below, although this is not an exhaustive commentary.

### Legally binding international obligations

#### *Council of Europe*

The *European Convention for the Protection of Human Rights and Fundamental Freedoms* [ECHR]<sup>64</sup> has been ratified by all Council of Europe mem-

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<sup>64</sup> European Convention for the Protection of Human rights and Fundamental Freedoms (ETS No.005), 4 November 1950.

ber states. The jurisprudence of the European Court of Human Rights has developed the rights protected by the Convention, which often requires states to take positive action to protect their citizens. The right to life (Article 2) includes the obligation to provide individuals with suitable measures of protection<sup>65</sup>. The right to freedom from torture, or inhuman or degrading treatment or punishment (Article 3), requires member states to take measures to ensure individuals in their jurisdiction are not subjected to ill-treatment by state agents and are protected from ill-treatment by private individuals. For example, a failure to investigate effectively and prosecute rape allegations has been found to be a violation<sup>66</sup>. The right to private life (Article 8) also includes a positive obligation to protect an individual's physical and moral integrity<sup>67</sup>. The right to physical integrity is also relevant to obtaining consent to medical or other treatment<sup>68</sup>.

Private life includes the right to establish and maintain relationships with other human beings<sup>69</sup>. Access to and protection of data is also the realm of "private life". An individual has a right of access to records the state holds on them. The protection of personal data, especially medical data is crucial<sup>70</sup>. However a member state may be able to justify interference such as the withholding or releasing of data, if it is done in accordance with the law, for a legitimate aim such as prevention of a crime, protection of the rights of others, and is necessary in a democratic society<sup>71</sup>. The right to receive and impart information is protected by freedom of expression (Article 10), often associated, but not limited to, freedom of the press. This is highly relevant to the provision of information to service users, and the collection and exchange of information held about victims and perpetrators by service providers.

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<sup>65</sup> *Osman v. United Kingdom*, Grand Chamber decision of 28 October 1998, Reports 1998VIII.

<sup>66</sup> *M.C. v. Bulgaria* no. 39272/98 judgment of 4 March 2004.

<sup>67</sup> *X and Y v. The Netherlands* judgment of 26 March 1985, Series A no. 91.

<sup>68</sup> See *Glass v United Kingdom* no. 61827/00 judgment of 9 March 2004 para. 70.

<sup>69</sup> *Pretty v. the United Kingdom*, no. 2346/02, § 61, ECHR 2002III.

<sup>70</sup> *Z v. Finland* 1998 25 EHRR 371, para 95 "the protection of personal data, not least medical data, is of fundamental importance to a person's enjoyment of his or her right to respect for private and family life as guaranteed by Article 8 of the Convention. Respecting the confidentiality of health data is a vital principle in the legal systems of all the Contracting Parties to the Convention. It is crucial not only to respect the sense of privacy of a patient but also to preserve his or her confidence in the medical profession and in the health services in general"; see also *TV v. Finland* No. 21780/93 76 ADR 140.

<sup>71</sup> Consider *Gaskin v. United Kingdom* no. 10454/83 of 07 July 1989.

Every convention right must be enjoyed without discrimination on any ground, such as sex, race/ethnicity, political or other opinion, national or social origin. “No one shall be discriminated against by any public authority on any ground” (Article 14 of the Convention). A general prohibition on discrimination by any public authority, in particular on the grounds of sex, regarding the enjoyment of any right set forth by law and not only rights and freedoms of the Convention is contained in Protocol 12 to the Convention – an important instrument for building equality *between women and men*.

Additionally, the *Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* [CPIAPPD] and its Additional Protocol<sup>72</sup> provides some basic principles on the processing of data: it must be lawfully obtained for legitimate purposes; of an adequate but not excessive quality; accurate; up to date; not identify the subject longer than is necessary; be protected, and accessible to subjects (see Articles 5 to 9). Where cross border issues arise, it is noteworthy that in principle, a member state should not prohibit or require official authorisation of transborder exchanges of personal data solely on the basis of protection of privacy (Article 12).

The *European Social Charter* of 1961 [Social Charter] and its revised version of 1996 [Revised Social Charter] which entered into force in 1999 and which is gradually replacing the Social Charter in its 1961 version provide a wide scope of social rights, *inter alia*, on matters of employment, health and social welfare. The status of signature and ratification of the Charters and their provisions are not uniform across Council of Europe member states. All 47 member states of the Council of Europe have signed one or the other version. As regards ratification 39 member states have ratified one version of the Charter: 24 states are bound by the Revised European Social Charter and 15 by the Charter in its 1961 version.

To ensure the effective exercise of the right to health, member states undertake (directly or indirectly in cooperation with public or private organisations) to take measures to remove as far as possible the causes of ill health and to provide advisory and educational facilities for the promotion of health

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<sup>72</sup> The 1981 *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* (ETS 108) has been ratified by most Council of Europe member states (all but 7), and the *Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows 2001* (ETS 181) has been ratified by 20.

and encouragement of individual responsibility in the matters of health (Article 11 of the Charter).

Everyone has a right to benefit from social welfare services, within which member states undertake to promote or provide services that contribute to the “*welfare and development of both individuals and groups in the community, and to their adjustment to the social environment*”, and to encourage participation of individuals, as well as other organisations, in the establishment and maintenance of such services (Article 14). Anyone without their own resources such as separated dependents has the right to receive social and medical assistance, which includes providing “*such advice and personal help as may be required to prevent, remove, or to alleviate personal or family want*” (by public or private services). This may extend to foreigners such as partners of nationals of another contracting state (Article 13).

The Social Charter provides that member states will take all appropriate and necessary measures to protect the right of mothers and children to social and economic protection, including the establishment and maintenance of appropriate institutions and services (Article 17). Under Article 17, the Revised Social Charter only focuses on measures to protect children from neglect, violence or exploitation. However, social and economic protection as well as the protection of women against domestic violence are dealt with by the European Committee of Social Rights under Article 16 of the Revised Social Charter.

## United Nations

The United Nations human rights legacy begins with the *Universal Declaration of Human Rights* 1948 (discussed further below), from which sprung two Covenants creating different binding obligations. Together they are known as an international bill of human rights. The *International Covenant on Civil and Political Rights* 1966 [ICCPR]<sup>73</sup>, is supplemented by two protocols and monitored by the Human Rights Committee, which hears interstate and individual complaints. The ICCPR protects civil rights including: the right to life (Article 6), freedom from torture or inhuman treatment or punishment (Ar-

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<sup>73</sup> All Council of Europe members are parties to this convention, which has been ratified by 166 states in total.

ticle 7), the right to private life (Article 17), and the right to enjoy equal protection by the law – without discrimination (Article 26). The *International Covenant on Economic, Social and Cultural Rights* 1966 [ICESCR], monitored by a separate body<sup>74</sup>, provides rights that are to be attained progressively rather than automatically, unlike its twin covenant. The ICESCR provides the right to the highest attainable standard of health (Article 12 (1) and the right to education (Article 13 (1)). Men and women are entitled to enjoy the rights contained within both Covenants equally (Article 3 of both).

The *Convention on the Elimination of all forms of Discrimination against Women* 1979 [CEDAW]<sup>75</sup> does not contain any explicit provisions addressing violence against women. However, the United Nations Committee on the Elimination of All Forms of Discrimination Against Women has confirmed that violence against women is a form of discrimination within the meaning of the Convention, and that it infringes the following human rights<sup>76</sup>:

- the right to life;
- the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- the right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- the right to liberty and security of person;
- the right to equal protection under the law;
- the right to equality in the family;
- the right to the highest standard attainable of physical and mental health. There is also a right to
- receive equal treatment in health care – providing free services where necessary (Article 12);
- the right to just and
- favourable conditions of work.

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<sup>74</sup> Virtually all Council of Europe members are parties, with the exception of Andorra. The Committee on Economic, Social and Cultural Rights does not have the same powers as its sister Committee.

<sup>75</sup> All Council of Europe members are parties to this convention.

<sup>76</sup> General Recommendation No. 19, 11th Session 1992 para 67.

The general right to equality between women and men includes a right to equal protection by the law, and equal recognition before the law. Member states are obliged to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination (Article<sup>77</sup>), and provide women and men with identical legal capacity in civil proceedings (Article 15)<sup>78</sup>.

The *Convention of the Rights of the Child* 1989 [CRC]<sup>79</sup> imposes the obligation to take all appropriate legislative, administrative, social and educational measures to protect a child (under 18) from “*all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child*” (Article 19). The Convention provides that protective measures should, as appropriate include “*effective procedures for the establishment of social programmes to provide*” the following:

- necessary support for the child;
- necessary support for those who have the care of the child;
- identification;
- reporting;
- referral;
- investigation;
- treatment;
- followup of instances of child maltreatment;
- judicial involvement.

Children also have a right to education. With a view to achieving this right progressively, member states are expected to take measures to encourage regular school attendance (Article 28).

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<sup>77</sup> General Recommendation No. 12, 8th Session 1989 makes clear that Article 2 requires States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life.

<sup>78</sup> Including property, movement of persons and the freedom to choose their residence and domicile.

<sup>79</sup> Also binding on all Council of Europe member states.

## Non-binding international obligations

The following instruments are not legally binding, however they provide strong evidence of expressions of political will, and fundamental human rights principles at international level.

### Council of Europe

Since the 3rd European Ministerial Conference on Equality between Women and Men (Rome, October 1993) devoted to the theme of combating violence against women, the Council of Europe has intensified its action in this field. In 1997, when implementing the recommendations of the 3rd Ministerial Conference, an Action Plan to Combat Violence against Women was developed, providing a global strategy for combating violence against women. This Action Plan was followed by the adoption of *Recommendation Rec(2002)5 on the protection of women against violence* [Rec(2002)5] by the Committee of Ministers in April 2002. This first international legal instrument proposes a global strategy to prevent violence and to protect victims and makes clear that violence against women runs counter to human rights, fundamental freedoms and the establishment of equality.

### United Nations

The *Universal Declaration of Human Rights* 1948 [UDHR], although it is not a treaty, remains a very important international law instrument, and is often thought of as having the status of customary international law. As part of the international bill of human rights (explained above), it establishes that all human beings (are) born free and equal in dignity and rights (Article 1). The UDHR proclaims there is a right to life (Article 3); freedom from torture or inhuman or degrading treatment or punishment (Article 5); that human beings are all equal before the law and entitled to equal protection of the law – including being entitled to equal protection against discrimination (Article 6 and 7); have a right to protection of privacy (Article 12); have a right to seek, receive and impart information and ideas (Article 19); a right to a standard of living adequate for the health and well being of himself and his family – motherhood and childhood being entitled to special care and assistance (Article 25) and have a right to education (Article 26)). Readers should also be aware of the *Declaration of the Rights of the Child* 1959 and the *Declaration on the*

*Elimination of Discrimination against Women* 1967, both being predecessors to the above binding Conventions.

The *Declaration on the Elimination of Violence against Women* 1993 [DEVAW] created a broad definition of violence against women, and called on states to refrain from and condemn any violence against women. Amongst various specific measures suggested, such as developing legal and other sanctions, gender-sensitive training, national action plans, allocating resources, preventative measures, recognising NGOs and research, the Declaration specifically called on states to:

*Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons (Article 4 (c)).*

This has become known as the due diligence obligations, and has been echoed throughout other human rights instruments and mechanisms. The Committee on the Elimination of Discrimination against Women emphasised that states could be held responsible for failing to act with due diligence to *prevent, investigate and punish* the acts of non-state actors in this regard, as well as for providing compensation to the victims.<sup>80</sup> This was expressly adopted by the Council of Europe Committee of Ministers in *Recommendation Rec(2002)5 to member states on the protection of women against violence*<sup>81</sup>, echoing the same terminology of the Beijing Platform for Action (see below)<sup>82</sup>.

The United Nations Commission of Human Rights has consistently passed resolutions reaffirming member state's obligations to exercise due diligence to *prevent, investigate and punish* the perpetrators of violence against women and girls and to provide protection to the victims<sup>83</sup>, and the term has even begun to emerge amongst recent United Nations General Assembly re-

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<sup>80</sup> General Recommendation No. 19 (Eleventh Session) 1992 on Violence against women, para 9.

<sup>81</sup> Point II "*Recognise that states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims*" and see para 52 of the Explanatory Memorandum.

<sup>82</sup> Platform for Action Strategic Objective D.1. para 124 (b).

<sup>83</sup> Since 1998, see 1998/52, 1999/42, 2000/45, 2001/49, 2002/52, 2003/45, 2004/46 and 2005/41.

solutions<sup>84</sup>. These bodies emphasise that a failure to exercise due diligence violates and impairs or nullifies the enjoyment of human rights and fundamental freedoms. All human rights obligations should therefore be understood in the context of the recognised obligation to combat violence against women with “due diligence”. The United Nations Special Rapporteur on violence against women has argued that there is a rule of customary international law that obliges states to prevent and respond to acts of violence against women with due diligence<sup>85</sup>.

The *Beijing Declaration and Platform for Action* 1995 [Beijing Platform] arose from the Fourth World Conference on Women; the objectives being to uphold CEDAW, and achieve the empowerment of women through the enjoyment of equality and human rights. Violence against women was one of the key areas of concern, for which the Platform outlined strategic objectives (at paras 112 to 130). Specific measures were recommended for governments, and various bodies working separately or in partnership such as NGOs, community organisations, employers, public and private sectors generally. The full list is not produced here, but examples range from the adoption of new laws, exercising due diligence, to provision of shelters, support, counselling, legal aid, services that are culturally and linguistically accessible, awareness raising and campaigns, education, perpetrator rehabilitation programmes. In 2000 the United Nations General Assembly adopted a political declaration reaffirming member states’ commitment to the objectives set forth in the *Beijing Declaration and Platform for Action* and to assess their implementation<sup>86</sup>. The United Nations Commission on the Status of Women undertook this assessment in 2005<sup>87</sup>.

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<sup>84</sup> Implementation of the Beijing Declaration and Platform, including GA/RES/61/145 2007 para 8, GA/RES/60/140 para 9 2006, GA/RES/62/ 137 2008 para 8; elimination of domestic violence against women GA/RES/58/147 2004, Para. 5; intensification of efforts to eliminate all forms of violence against women GA/RES/61/143 2007 paras 7 to 8 & GA/RES/62/133 2008 preamble. Trafficking in women and girls GA/RES/59/166 2005 & GA/RES/61/144 2007 preamble; Working towards the elimination of crimes against women and girls committed in the name of honour, GA/RES/ 59/165, 2005, preamble, 2005.

<sup>85</sup> Report of the Special Rapporteur on violence against women its causes and consequences ‘The due diligence standard as a tool for the elimination of violence against women’ 20 Jan 2006 E/ CN.4/2006/61 para 29.

<sup>86</sup> A/RES/S23/2 16 November 2000.

<sup>87</sup> Final Report on the 49th Session of the Commission on the Status of Women E/CN.6/2005/11, Declaration adopted by the Commission on the Status of Women at its forty-ninth session as orally amended. E/CN.6/2005/L.1, Report of the UN Secretary General on Measures taken and progress achieved in the follow-up to, and implementation of the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, with an assessment of progress made on mainstreaming a gender perspective within the United Nations system E/ CN.6/2005/3.

The *United Nations Millennium Declaration* 2000 [Millennium Dec]<sup>88</sup> declared a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. Fundamental values include freedom – men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice, and equality – equal rights and opportunities of women and men must be assured (see para 6).

## The European Union Charter of Fundamental Human Rights [EU Charter]

Many member states of the Council of Europe are also members of the European Union<sup>89</sup>. Whereas historically the focus of the European Union has been on economic cooperation, this has necessarily expanded to address rights and issues of discrimination of a European workforce with freedom of movement. In December 2007 the European Parliament approved the Charter of Fundamental Human Rights, setting out rights that exist under European Union law and the European Convention on Human Rights, that member states are expected to apply when interpreting European Union law<sup>90</sup>. While the Charter is not yet in force, the rights do provide some useful guidance and principles. Specifically:

- human dignity is inviolable – it must be protected and respected, as a right in itself and as the basis of fundamental rights (Article 1)<sup>91</sup>;
- everyone has the right to respect for their physical or mental integrity. In the fields of medicine this includes respect for free and informed consent of the person concerned (Article 3)<sup>92</sup>;

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<sup>88</sup> A/RES/55/2.

<sup>89</sup> 27 in total, while 3 other members are also candidates to join.

<sup>90</sup> 2007/C 303/01, the Treaty of Lisbon will, once in force, amend the Treaty of the European Union to recognise the Charter as having the same legal value as treaties, and the European Union will accede to the ECHR (Article 1 (8) Treaty of Lisbon 2007/C306/01 Official Journal Vol 50 17 December 2007). The United Kingdom and Poland, by way of Protocol 7 to the Treaty of Lisbon, have declared that the Charter does not create any new rights within their countries, and does not extend the power of any court to strike down national legislation.

<sup>91</sup> See the explanatory memorandum to the Charter. Case C377/98 *Netherlands v. European Parliament and Council* [2001] ECR I7079 of the European Court of Justice confirmed that a fundamental right to human dignity is part of Union law.

<sup>92</sup> See *Netherlands v. European Parliament and Council* cited above.

- everyone has the right to the protection of personal data, which must be processed fairly and lawfully on the basis of consent, or some other legitimate basis laid down by law. Everyone has the right of access to their data, and the right to have it rectified (Article 8)<sup>93</sup>;
- any discrimination based on any ground shall be prohibited; including sex, race, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation (Article 21);
- respect for cultural, religious and linguistic diversity (Article 22);
- respect for the rights of persons with disabilities and to benefit from measures designed to ensure their independence, social and occupational integration, and for the elderly to lead a life of dignity and independence (Articles 25 and 26).

Other key rights that are reinforced by the Charter include the right to life (Article 2), prohibition of torture or inhuman or degrading treatment or punishment (Article 4), right to respect for private life (Article 7), freedom to receive and impart information and ideas (Article 11), right to education and to have access to vocational and continuing training (Article 14), principle of equality before the law<sup>94</sup> and equality between women and men (Articles 20 and 23), right to access health care (Article 35), rights of the child to protection (Article 24)<sup>95</sup>, and the right of the family to legal, economic and social protection (Article 33 §1)<sup>96</sup>.

In the following section, both legally binding and non-binding human rights obligations are cited together as human rights principles, where they support the proposed minimum standards (see part 8). Remembering that civil rights are automatic – but qualified rights, and economic, social and cultural rights are aspirational – but also basic rights, these principles provide a guide for states and service providers in the quest to implement basic requirements to fulfill human rights obligations and prevent violence against women.

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<sup>93</sup> Based on Council of Europe CPIAPPD, EC Regulation No 45/2001 and aspects of the EU Treaties themselves.

<sup>94</sup> Recognised by the European Court of Justice as a basic principle of Community law e.g. Case C0292/97 *Karlsson* [2000] ECR 2737.

<sup>95</sup> Based on the CRC.

<sup>96</sup> Based on the Social Charter.

## SUMMARY AND RECOMMENDATIONS

We return here to the three aims of this study and make a small number of recommendations on how the standards project can be taken forward within the Council of Europe and member states. We summarise our findings under each of the aims in turn.

### *What services should be available, and their distribution in terms of populations and geography?*

This study has explored violence against women in the round, with the exception of trafficking, not just domestic violence. This framing opens up the debate about what services should be available, since a deficit of sexual violence support services was identified across much of Europe, as was limited provision with respect to harmful cultural practices. Even the provision of shelters, the most available service, was considered insufficient in most countries. Earlier intervention across all forms of violence against women can take place through the provision of helplines, advice and advocacy projects. At the other end of the spectrum counselling offers those who have sustained harm the opportunity to address these legacies and rebuild their sense of self and connections to others. All of these resources should be available to women if international obligations on violence against women are to be met. We also argue that effective law enforcement and expertise in forensic examinations are critical components of a holistic response.

Ensuring equitable access to support has two layers to it. Firstly, extending provision across the geography of states, and ensuring the availability of services that can function across a landmass, such as helplines. Secondly, there are specific groups of women who have additional needs, which must be addressed if they are to access support. Some of these groups – rural women, women with disabilities and migrant women – are specifically mentioned in international documentation. Others, including minority populations, women in the sex industry, women in prison and women with mental health and substance misuse issues, have been identified through NGO practice. Creating access for these groups may require specialist provision – such as the shelters and advocacy projects for Black and Minority women in the United Kingdom – or the adaptation of existing services. Outreach into underserved groups of women ensures that they are aware of their right to support and what services are available.

A series of proposals with respect to the distribution of services have been made, with the aim of ensuring the appropriate mix of services and equitable access across populations.

### *Who should provide services?*

The majority of the support services explored in this study should be provided by specialist women's NGOs, which have proved the most responsive and effective in enabling women to realise their rights to live free from violence and overcome its debilitating effects. Throughout this report we have emphasised that in order to fulfil their responsibilities NGOs need to have skilled and knowledgeable staff, sufficient resources and work within a set of philosophical principles. It is the responsibility of states to ensure that sufficient resources are made available to sustain NGOs in providing quality services to all women who seek support. Such resources should also enable NGOs to continue to innovate, including putting into practice recognised international good practices.

At the same time there are elements of any effective support system which are the responsibility of the state, and without which NGOs cannot operate effectively. The two given most emphasis in this report are law enforcement and health services in the aftermath of sexual violence.

### *What minimum standards should be adopted across Europe?*

Part 8 of this study details the minimum standards which this project has identified as having the widest consensus, including relevant human rights jurisprudence, across Europe. In recognition of the extent of change that some of the practice standards for specific support services will require they have been divided into two sections: basic standards which all services must achieve, and aspirational standards which require more time and additional resources to make real.

### *Recommendations*

The standards proposed here are on the one hand basic, and on the other a challenge to NGOs and member states to make considerable investment

in improving responses to violence against women. For the standards project to take root the Council of Europe will need to invest in garnering political support, and taking implementation forward. To this end we make the following recommendations.

The Council of Europe:

- should adopt the standards and promote their adoption in member states;
- should produce a step by step implementation guide for the standards, offering advice on how states can demonstrate movement towards ensuring equitable distribution and quality of violence against women support services;
- should develop a template for a needs assessment – combining data on the prevalence of various forms of violence against women, current distribution of support services, the levels of use and unmet needs –which states should undertake to assess gaps in local contexts;
- should review progress and the standards themselves.

Member states:

- should adopt the standards through a process of negotiation with relevant NGOs and NGO networks;
- should produce a plan, covering at least five years, which outlines how they will implement the standards –this can be integrated into Plans of Action on violence against women and/or gender equality;
- should undertake an audit of existing service provision and a needs assessment as one of the first steps in implementation;
- should develop funding mechanisms to secure existing support services and enable their expansion to address identified gaps and ensure equitable distribution of services.

NGOs/NGO Networks:

- should examine their own practices with respect to the standards and adapt where necessary;
- should develop ways of documenting how they work from the overarching principles and implement the relevant standards in their work;

- should adopt the standards, promote their implementation and enable member groups to meet them;
- should engage constructively with state bodies to implement the standards in their local context;
- should report to the state and the Council of Europe any identified barriers to implementation of the standards.

## THE MINIMUM STANDARDS

This section presents the proposed minimum standards, beginning with the principles which were first outlined in part 5. These principles should be the basis of all practice in support services.

### Key themes and overarching principles

#### *Working from a gender analysis perspective*

Services demonstrate an appropriate, and informed approach, relevant to their service users, which recognises the gendered dynamics, impacts and consequences of violence against women within an equalities and human rights framework, including understanding violence against women as both a cause and consequence of inequalities between women and men and the need for women-only services.

#### *Safety, security and human dignity*

Services ensure that all interventions prioritise the safety, security and dignity of service users and of staff.

#### *Specialist services*

The knowledge and skill base of staff, and forms of provision, are specialised; that is appropriate and tailored to the specific needs, which may be complex, of service users.

#### *Diversity and fair access*

Services respect the diversity of service users and positively engage in antidiscriminatory practice. Provision should be available free of charge, equitably distributed across geography of the country and crisis provision available 24/7.

### *Advocacy and support*

Services provide both case and system advocacy to support and promote the needs and rights of service users.

### *Empowerment*

Services ensure service users can name their experiences, are familiar with their rights and entitlements and can make decisions in a supportive environment that treats them with dignity, respect and sensitivity.

### *Participation and consultation*

Services promote service-user involvement in the development and evaluation of the service.

### *Confidentiality*

Services respect and observe service users' right to confidentiality and all service users are informed of situations where that confidentiality may be limited.

### *A co-ordinated response*

Services operate within a context of relevant inter-agency co-operation, collaboration and co-ordinated service delivery.

### *Holding perpetrators accountable*

Services work from the twin foundations of belief and respect for victims and that perpetrators should be held accountable for their actions.

### *Governance and accountability*

Services are effectively managed, ensuring that service users receive a quality service from appropriately skilled and supported staff.

## *Challenging tolerance*

Services model non-violence internally and externally and use gender analysis to raise awareness, educate and undertake prevention work, both in communities and with individuals.

## **Proposed minimum standards**

Standards have been developed in three different sections:

### **Levels of service provision**

- Core minimum standards applicable to all types of services, for all forms of violence against women.
- Service specific standards that apply to: helplines; advice and advocacy; counselling; outreach; intervention projects; shelters/refuges; rape crisis centres; sexual assault referral centres; law enforcement and perpetrator programmes.

In each section the proposed standards are often accompanied by the details of “aspirational standards”. These are standards which are ideal, and for which there was much support amongst the literature review or respondents, but have been deemed too high to be achievable across Europe. There may be member states who are able to satisfy minimum standards in some areas, and these aspirational standards can serve as a guide to international obligations in combating violence against women.

Where relevant, support for each minimum standard has been indicated by symbols (explained at the key below), and by reference to specific human rights principles and obligations (as outlined in Part 6 above).

The overarching principles are not cited in the following tables, but they thread through all the standards (whether or not there is any specific support noted).

## Notes for reading tables

Most columns in the tables are self-explanatory, with columns for the minimum standards and those designated aspirational. The human rights column includes the support for the standards from legally binding obligations, and non-binding instruments, identified in italics, that should be considered international best practice.

The final support column contains symbols which indicate the support for the recommendations from the research data and European policy documents.

Support	
Supported by NGO and focal point respondents	♀ ▲
Supported by NGO respondents	♀
Supported by focal point respondents	▲
Supported by several European documents	📄
Supported by one or two European documents	📄

## Levels of service provision

**Table 6**  
*Levels of service provision*

Service type	Basic provision	Aspirational standards	Human Rights	Support
Helpline	One covering all violence against women or one on domestic violence, one on sexual violence. The number of help lines should reflect the population size. In small countries one may be sufficient. For more densely populated states there should be at least one helpline in each region.	<ul style="list-style-type: none"> <li>• Should always be answered by someone "live".</li> <li>• Monitoring of extent of missed calls.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art.1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art.3</li> <li>• <i>Due diligence to prevent</i>, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> <li>• Prohibition of discrimination, CEDAW &amp; EU Charter Art.21</li> </ul>	

*continuous*

**Table 6 (continuation)**  
Levels of service provision

Service type	Basic provision	Aspirational standards	Human Rights	Support
<b>Advice/ advocacy project</b>	One per 50 000 women.		<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
<b>Counselling</b>	One per 50 000 women. This can include existing specialist violence against women groups such as shelters, rape crisis centres, and women's counselling centres, if they offer long term counselling/group work. There should be one specialist violence against women counselling service in every regional city.		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, EU Charter Art. 35</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
<b>Outreach</b>	Should be reaching out to the largest local minority groups and women with disabilities.	<ul style="list-style-type: none"> <li>• Should be targeting women who have limited access to services such as women in prison, mental hospitals.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Protocol 12, Art.1, CEDAW, UDHR Art. 7, &amp; EU Charter Art. 21.</li> <li>• <i>Respect for the right of persons with disabilities, EU Charter Art. 26.</i></li> </ul>	
<b>Shelters</b>	In member states where shelters are the predominant/only form of service provision, there should be one place per 10 000 population. In member states where shelters form part of a community strategy with intervention projects, there should be one family place <sup>1</sup> per 10 000 women. There should be at least one specialist violence against women shelter in every province/region.	Where the need is identified, shelter services should be available for victims of crimes of honour-based violence, forced marriages, female genital mutilation, child sexual abuse, and trafficking. <ul style="list-style-type: none"> <li>• Provisions to be accessible to rural women.</li> <li>• Shelters should provide or make arrangements for free transport.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	

**Table 6 (continuation)**  
Levels of service provision

Service type	Basic provision	Aspirational standards	Human Rights	Support
<b>Rape crisis centres</b>	One per 200 000 women. There should be at least one specialist sexual violence centre, specifically in the form of a rape crisis centre per region.		<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent</i>, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12 EU Charter Art. 35</li> </ul>	
<b>SACs (sexual assault centres)</b>	One per 400 000 women		As above	

<sup>1</sup> A "family place" is for the mother and the average number of children (See Glossary at Annex 1, p. 59).

## Core minimum standards

**Table 7**  
Core minimum standards. **Respect and dignity**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
Service user has a right to be treated with respect and dignity at all times.	Face-to-face contact should be within a safe, clean, and comfortable environment.	• <i>Respect for dignity</i> , EU Charter Art.1, UDHR Art.1 & Millennium Dec para 6	
Confidentiality must be guaranteed. Any written or spoken communication or other information containing anything that can identify the service user should only be passed on to others with the service user's <i>informed consent</i> . The only exceptions are: <ul style="list-style-type: none"> <li>• to protect the service user, when there is reason to believe that her life, health or freedom is at risk.</li> <li>• to protect the safety of others, when there is reason to believe that they may be at risk.</li> </ul> Confidentiality policies should be explained clearly to the service user before any services are provided.	All records should be kept locked and secure, only accessible by authorised persons. Services should have a policy for obtaining written consent to the release of confidential information, and staff must be trained on this.	<ul style="list-style-type: none"> <li>• <i>Respect for dignity</i>, EU Charter Art.1, UDHR Art. 1 &amp; Millennium Dec para 6</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art.1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent</i>, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> <li>• Protection of personal data, ECHR Art. 8 &amp; EU Charter Art. 8</li> </ul>	♀ ▲ ■
All services should begin from the twin principles of a culture of belief with respect to victims and accountability of perpetrators.		• <i>Respect for dignity</i> , EU Charter Art.1, UDHR Art.1 & Millennium Dec para 6	♀ ▲

**Table 8**  
Core minimum standards. **Safety and security**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
Safety and security should be the paramount considerations. This refers to the safety of the service user, any children and vulnerable persons related to their case, and staff. Safety here is not just immediate physical protection, but psycho-social safety, including social inclusion.	Services should be equitably distributed across geographic areas and population densities.	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art. 3, EU Charter Art. 2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	♀ ▲ ■
Crisis services should be available and accessible round the clock, i.e. 24 hours a day, 365 days a year.		<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
Services should be holistic and user-led. The service provider should be competent to: <ul style="list-style-type: none"> <li>• provide what the service user needs or is requesting;</li> <li>• where this is not possible, refer the service user to relevant services.</li> </ul>		As above	♀ ▲

**Table 9**  
Core minimum standards. **Accessibility**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
Services should be available to all women. This may require outreach, adaptation of service provision to service user's needs and the development of specialist services (i.e. for migrant, ethnic minority, or disabled women).	<ul style="list-style-type: none"> <li>• Interpreters should be trained to deal with violence and sign confidentiality agreements;</li> <li>• Service Providers should ensure that their buildings and facilities are accessible for women with physical, auditory and learning disabilities;</li> <li>• Outreach should be undertaken with underserved/hidden (migrants, women with disabilities, lesbians, women in the sex industry) communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Protocol 12, Art.1, CEDAW, <i>UDHR Art. 7, &amp; EU Charter Art.21</i></li> <li>• <i>The commitment to undertake special measures to eliminate violence against women, especially violence against the vulnerable, Beijing Platform para 126<sup>1</sup></i></li> </ul>	♀ ▲ ■

*continuous*

**Table 9 (continuation)**  
Core minimum standards. **Accessibility**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
Services should have anti-discrimination and equal opportunity policies with respect to staff and service users.	<ul style="list-style-type: none"> <li>• Services should be moving towards widening access;</li> <li>• Links with services that provide specialist services to minority communities – building joint training and satellite services.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, UDHR Art. 7, &amp; EU Charter Art. 21</li> <li>• The commitment of governments to ensure that women with disabilities have access to information and services on violence against women, Beijing Platform para 124</li> <li>• Respect for the rights of persons with disabilities, EU Charter Art. 26</li> <li>• Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</li> </ul>	
Services should be provided free of charge.	Where this is not possible, invoices should be subject to the clear condition that service provision would not be withheld on the grounds of the service user's inability to pay.	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art. 3, EU Charter Art. 2</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1.</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Protocol 12, Art.1, CEDAW, UDHR Art. 7, &amp; EU Charter Art. 21</li> </ul>	♀ ▲ ▣

<sup>1</sup> i.e. young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, aimed at governments, community organisations and NGOs.

**Table 10**  
Core minimum standards. **Children**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
Service providers should be mindful of the needs of children of service users and their specific responsibilities with respect to girls and young women.	<ul style="list-style-type: none"> <li>• Attached specialist provision for children/girls/young women;</li> <li>• Services should have a child protection policy and staff should be trained on it.</li> </ul>	<ul style="list-style-type: none"> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art.17, EU Charter Art. 24</li> </ul>	♀ ▲
Children should not be used as regular translators for their mothers.		As above	

**Table 11**  
*Core minimum standards. Staff*

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
<p>Staff should be appropriately qualified and trained:</p> <ul style="list-style-type: none"> <li>• Minimum initial training and a minimum on-going training should be part of employment contracts;</li> <li>• Initial training should include understanding of the gendered dynamics of violence, awareness of the different forms of violence against women, anti-discrimination and diversity, legal and welfare rights;</li> <li>• This standard also applies to all relevant professionals in state and non-state agencies. Here, specialist NGOs should be used as trainers and paid appropriately.</li> </ul>	<p>Service providers should ensure they and their staff are up to date on current research and recognised good practice.</p> <p>Staff should receive regular supervision and support.</p>	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Protocol 12, Art. 1, CEDAW<sup>1</sup>, UDHR Art. 7, &amp; EU Charter Art. 21</li> <li>• <i>The commitment of governments to provide a gender mainstreaming policy, Beijing Platform para 124</i></li> </ul>	▲ ■
<p>Women’s NGOs should be staffed by women, and other agencies should ensure availability of sufficient professional female staff, including interpreters, medical staff, and police officers.</p>	<p>Staff recruitment should reflect diversity</p>	<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1 &amp; Millennium Dec para 6</i></li> <li>• <i>Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</i></li> </ul>	♀ ▲ ■

<sup>1</sup> CEDAW General Recommendation 19 (1992) para 24 (b) provides a specific recommendation that gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention.

**Table 12**  
*Core minimum standards. Empowerment*

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
<p>Services should be managed democratically. Both staff and service users should have opportunities to participate, ensuring that male dominance is not replaced by institutional dominance in the service user’s decision-making processes.</p>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art. 1, &amp; Millennium Dec para 6.</i></li> <li>• Prohibition of discrimination, CEDAW, &amp; EU Charter Art. 21</li> </ul>	
<p>Service users should be informed of their rights i.e. what services they are entitled to receive, what their legal and human rights are.</p>		<ul style="list-style-type: none"> <li>• General right to seek and receive information <u>without interference of the state</u>, ECHR Art. 10, UDHR Art. 19 &amp; EU Charter Art. 11</li> </ul>	
<p>Service user’s right to receive information and support should not be conditional upon making an official complaint or agreement to attend any kind of programme/group/service.</p> <p>Service users should have sufficient time to reflect on information in order to make informed decisions.</p>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art. 1, &amp; Millennium Dec para 6</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Protocol 12, Art. 1, CEDAW, UDHR Art. 7, &amp; EU Charter Art. 21</li> </ul>	

**Table 12 (continuation)**  
Core minimum standards. **Empowerment**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
<p>All information, advice and counselling should be based on empowerment and victim rights models:</p> <ul style="list-style-type: none"> <li>• Informed consent should be obtained before any action or procedure is undertaken;</li> <li>• All service providers should prioritise the best interests of the service user;</li> <li>• It is the service users decision whether to make an official report to the police.</li> </ul>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art. 1, &amp; Millennium Dec para 6</i></li> <li>• <i>Respect for free and informed consent in the field of medicine, EU Charter Art. 3</i></li> <li>• <i>Respect for physical and moral or mental integrity, ECHR Art. 8</i></li> <li>• <i>Respect for consent in the processing of personal data, EU Charter Art. 8</i></li> </ul>	
<p>Service users should have the right to access their own records, including making comments and request that they be amended or updated.</p>		<ul style="list-style-type: none"> <li>• <i>Right to respect for private life, ECHR Art. 8, CPIAPPD Art. 8 &amp; EU Charter Art. 8 (2)</i></li> </ul>	

**Table 13**  
Core minimum standards. **Provision**

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
<p>Services provided by NGOs should be autonomous, non-profit-making, sustainable and capable of providing long-term support.</p>	<p>Face-to-face contact should be within a safe, clean, and comfortable environment.</p>	<ul style="list-style-type: none"> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
<p>National and local governments should have funding streams for violence against women services.</p>		<ul style="list-style-type: none"> <li>• <i>Governmental commitment to allocate adequate resources and budgets, Beijing Platform paras 124-5<sup>1</sup></i></li> </ul>	▲ ■
<p>All services should be based in a gendered understanding of violence as a cause and consequence of women's inequality.</p>	<p>Service providers should engage in community awareness-raising to change the conditions which make violence acceptable.</p>	<ul style="list-style-type: none"> <li>• <i>Prohibition of discrimination, CEDAW<sup>2</sup></i></li> </ul>	♀ ▲ ■
<p>Services should develop through attention to service user needs; actively seeking the views of service users and taking them into account should be a core part of regular monitoring procedures.</p>	<p>Services should;</p> <ul style="list-style-type: none"> <li>• have clear complaints procedures;</li> <li>• seek funding to enable participation;</li> <li>• seek external evaluation which prioritises the perspectives of service users.</li> </ul>		

<sup>1</sup> i.e. under para 124 to “Allocate adequate resources within the government budget and mobilise community resources for activities related to the elimination of violence against women”, and para 125 Government, Community and NGO action “Provide well-funded shelters and relief support for girls and women subjected to violence”.

<sup>2</sup> CEDAW General Recommendation 19 (1992) para 11. “Gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”.

**Table 13 (continuation)**  
*Core minimum standards. Provision*

Basic standards – applicable to all services	Aspirational standards	Human Rights	Support
Services should develop guidelines for multi-agency co-operation.	Protocols and memorandums of understanding with key external agencies.	<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent &amp; investigate, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)</i></li> </ul>	
Data should be collected and maintained in a systematic way on service user demographics and nature of offences, in ways that do not violate the service user's rights to confidentiality.	Services should produce annual or bi-annual analysis of their users and their experiences.	<ul style="list-style-type: none"> <li>• Right to respect for private life, ECHR Art. 8, CPIAAPD Arts.5 to 7 &amp; EU Charter Art. 8</li> </ul>	

## Service-specific standards

The following service specific standards must be read and understood with the overarching principles and core minimum standards, which apply across all service provisions.

**Table 14**  
*Service-specific standards. Help/hotlines*

Minimum standards	Aspirational standards	Human Rights	Support
Specialist staff to be trained to deal with all forms of violence against women.	<p>Training should enable staff to provide assistance on the law, medical/health/ counselling, financial matters, welfare rights, housing, and human rights.</p> <p>Services should create and maintain a database to enable accurate and appropriate referrals.</p>	<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art.3</li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
Should provide crisis/emergency counselling/support.	Crisis support should be available 24/7.	As above	
Should be advertised, listed in telephone directories, advertised in relevant agencies such as hospitals and health centres.	Access should be developed in different languages and Braille.	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12 , Art. 1, CEDAW, UDHR Art. 7, &amp; EU Charter Art. 21</li> <li>• <i>The commitment to disseminate information on assistance available to women and families who are victims of violence, Beijing Platform para 125<sup>1</sup></i></li> </ul>	

<sup>1</sup> Applied to governments, community organisations and NGOs.

**Table 15**  
**Service-specific standards. Advice and advocacy**

Minimum standards	Aspirational standards	Human Rights	Support
<p>Advocates should have sufficient knowledge of other services and staff should be able to provide information, advice and referrals on the following:</p> <ul style="list-style-type: none"> <li>• Support and health services;</li> <li>• Law enforcement;</li> <li>• Legal rights and remedies;</li> <li>• Welfare rights, education, job training;</li> <li>• Safe short-term, transitional and/or permanent housing;</li> <li>• Child care services and parenting education;</li> <li>• Child protection;</li> <li>• Alcohol and drug services;</li> <li>• Services for persons with disabilities;</li> <li>• Translation services and/or immigration assistance;</li> <li>• Asylum/immigration status.</li> </ul>	<p>Service providers should maintain an up to date list of contacts on:</p> <ul style="list-style-type: none"> <li>• Criminal justice;</li> <li>• Local, state and national resources for complex legal issues, such as immigration;</li> <li>• Local lawyers, including pro bono, who work on violence against women.</li> </ul>	<ul style="list-style-type: none"> <li>• Right to benefit from social welfare services (Social Charter &amp; Revised Social Charter Arts. 14)</li> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> <li>• <i>Right to education including vocational training, EU Charter Art. 14</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art.17, <i>EU Charter Art. 24</i></li> <li>• Right to equal protection from the law, ICCPR Art 26, CEDAW Art. 2, <i>UDHR Art. 7, EU Charter Art. 20</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, <i>UDHR Art. 7, &amp; EU Charter Art. 21</i></li> </ul>	
<p>Advocate should be able to explain criminal and civil justice processes, reporting options, and the service user's rights.</p>	<p>Advocates should have working knowledge of the local law court rules, and the local justice response.</p>	<ul style="list-style-type: none"> <li>• Right to equal protection from the law, ICCPR Art. 26, CEDAW Art. 2, <i>UDHR Art. 7, EU Charter Art. 20</i></li> <li>• <i>Governmental commitment to provide women who are subjected to violence with access to the mechanisms of justice, Beijing Platform para 124</i></li> </ul>	
<p>Funding for advocacy services should not be provided in a way that would compromise their independence.</p>		<ul style="list-style-type: none"> <li>• A consideration is Protection of personal data, ECHR Art.8 &amp; <i>EU Charter Art. 8</i></li> </ul>	
	<ul style="list-style-type: none"> <li>• In crisis work, especially for sexual violence, every service user should have access to an Advocate prior to any evidence collection or law enforcement interview.</li> <li>• Advocates should be able to respond to police and victim requests for assistance rapidly.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• <i>Governmental commitment to create and strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties to retaliation, and file charges para 124</i></li> </ul>	

**Table 15 (continuation)**  
**Service-specific standards. Advice and advocacy**

Minimum standards	Aspirational standards	Human Rights	Support
	Accompaniment to meetings with other professionals should be a core part of advocacy.		
	In cases of ongoing abuse, advocates should work with service users to create a safety plan that should be regularly revisited and updated.		
	Holistic provision of services should include a helpline, drop-in sessions, self-help groups, case work and long-term support.		
<p>Advocate's training should include a minimum of 30 hours and cover:</p> <ul style="list-style-type: none"> <li>• A gendered analysis of violence against women;</li> <li>• Crisis intervention techniques;</li> <li>• Confidentiality;</li> <li>• Communication skills and intervention techniques;</li> <li>• How to make appropriate referrals</li> <li>• Information on trauma, coping and survival</li> <li>• An overview of criminal and civil justice systems;</li> <li>• An update and review of relevant state laws;</li> <li>• The availability of state and community resources;</li> <li>• Non-discrimination and diversity;</li> <li>• Empowerment.</li> </ul>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• Protection of personal data, ECHR Art.8 &amp; EU Charter Art.8.</li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, UDHR Art. 7, &amp; EU Charter Art.21</li> <li>• <i>The commitment to gender mainstreaming and creation, improvement, developing or funding of training programmes, Beijing Platform para 124 – see Core Standards</i></li> </ul>	

**Table 16**  
**Service-specific standards. Counselling**

Minimum standards	Aspirational standards	Human Rights	Support
Counsellors should make individual action plans with the service user addressing safety, support and practical needs.	A minimum waiting time for service users to receive counselling should be set.	<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
<p>Counsellor's training should include a minimum of 30 hours and cover:</p> <ul style="list-style-type: none"> <li>• A gendered analysis of violence against women;</li> <li>• Crisis intervention techniques;</li> <li>• Trauma, coping and survival;</li> <li>• Current understandings of well-being and social inclusion;</li> <li>• Confidentiality;</li> <li>• Communication skills and intervention techniques;</li> <li>• An overview of criminal and civil justice systems;</li> <li>• An update and review of relevant state laws;</li> <li>• The availability of state and community resources;</li> <li>• Non-discrimination and diversity;</li> <li>• Empowerment.</li> </ul>		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> <li>• <i>The commitment to gender mainstreaming and creation, improvement, developing or funding of training programmes, Beijing Platform para 124 – see Core Standards</i></li> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art. 1,</i></li> <li>• <i>&amp; Millennium Dec para 6</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, <i>UDHR Art. 7, &amp; EU Charter Art. 21</i></li> <li>• <i>Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</i></li> <li>• Right to respect for private life, ECHR Art. 8, CPIAPPD Art.8 &amp; <i>EU Charter Art. 8</i></li> </ul>	
Referrals to other therapeutic services should only be to appropriately qualified professionals who have specialist experience or training in the field of violence against women.		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art. 11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> </ul>	
Access should be provided to both individual and group work.		As above	

**Table 17**  
*Service-specific standards. Outreach*

Minimum standards	Aspirational standards	Human Rights	Support
Outreach should be undertaken with groups who are at risk of social exclusion or have difficulty in accessing services, as well as with minority groups and materials should be produced in a format capable of reaching these groups.	<ul style="list-style-type: none"> <li>• Outreach should be undertaken with identified individuals at risk of exclusion or who face difficulty in accessing services.</li> <li>• Enhanced outreach can mean co-location with other agencies in satellite offices and in churches, schools, and other community sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12 , Art. 1, UDHR Art. 7, &amp; EU Charter Art. 21</li> <li>• Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</li> </ul>	
Staff should be trained in cultural competence.	Translators should be appropriately trained and experienced.	As above	

**Table 18**  
*Service-specific standards. Intervention projects*

Minimum standards	Aspirational standards	Human Rights	Support
Should be conceived of as an inter-agency partnership.	There should be clear protocols in place for data collection and information sharing between organisations.	<ul style="list-style-type: none"> <li>• Due diligence to prevent, &amp; Investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> </ul>	■
All interventions should involve partnerships with women's support organisations/ NGOs.		<ul style="list-style-type: none"> <li>• The commitment to gender mainstreaming, Beijing Platform para 124 – see Core Standards</li> </ul>	
Co-operation of the police and the judiciary with the intervention project should be mandatory.	Service Providers should have a pro-active approach in both case and system advocacy.	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art.3, EU Charter Art. 2</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> </ul>	■
Other agencies should include at minimum health and social services.		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, EU Charter Art. 35</li> </ul>	

**Table 19**  
*Service-specific standards. Shelters*

Minimum standards	Aspirational standards	Human Rights	Support
Services in shelters should be provided by female staff.		<ul style="list-style-type: none"> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	☐
The security of residents should be addressed through confidential addresses and/or through appropriate security measures and monitoring.	There should be a written policy on visitors (where they are permitted). This should include ensuring that visitors understand confidentiality.	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art.3, EU Charter Art. 2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
If there are insufficient places, or services are withdrawn – the shelter should assist in finding a suitable safe alternative accommodation.	Any alternative accommodation should be evaluated for compliance with the shelter's safety and confidentiality policies.	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art. 3, EU Charter Art. 2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art. 1, CEDAW, <i>UDHR Art. 7, &amp; EU Charter Art. 21</i></li> </ul>	
Refusal to provide or re-admit to services should ONLY be undertaken where serious breaches of rules have taken place, or for safety of women and children.		<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	

**Table 19 (continuation)**  
**Service-specific standards. Shelters**

Minimum standards	Aspirational standards	Human Rights	Support
Shelter support should be available for as long as the service user needs them.		As above	
Staffing levels should be sufficient to meet the needs of current service users and children.		As above	
Crisis support and safety planning for each service user.	<ul style="list-style-type: none"> <li>• Should provide information on the service user's rights and responsibilities (including confidentiality policies) within 24 hours of admission.</li> <li>• Rules should be presented in empowering language.</li> </ul>	As above	
<p>A written needs assessment should be completed within 3 to 7 days of admission. This should encompass:</p> <ul style="list-style-type: none"> <li>• health/medical needs;</li> <li>• children;</li> <li>• housing;</li> <li>• legal options;</li> <li>• financial assistance and options;</li> <li>• job training, employment, and education.</li> </ul>	Specialist shelter provision should be made for women who are substance abusers.	<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art. 11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> <li>• Right to benefit from social welfare services (Social Charter &amp; Revised Social Charter Arts. 14)</li> <li>• <i>Right to education including vocational training, EU Charter Art. 14</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art.17, <i>EU Charter Art. 24</i></li> </ul>	
Should be able to provide (or make referral to) legal advice, advocacy, accompaniment and other support services.			
Should provide assistance to ensure that service users have independent economic means when they leave the shelter.		<ul style="list-style-type: none"> <li>• Right to benefit from social welfare services (Social Charter &amp; Revised Social Charter Arts. 14)</li> <li>• Rights of mothers to social and economic protection, Social Charter Art. 17</li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art. 17, <i>EU Charter Art. 24</i></li> <li>• <i>The commitment to provide shelters and relief support as well as appropriate assistance to enable them to find means of subsistence, Beijing Platform para 125<sup>1</sup></i></li> </ul>	

**Table 19 (continuation)**  
**Service-specific standards. Shelters**

Minimum standards	Aspirational standards	Human Rights	Support
Should have at least one qualified child care worker on the staff.	<ul style="list-style-type: none"> <li>• One child care worker per 10 children;</li> <li>• Safe play areas;</li> <li>• Outings and activities for children</li> <li>• Child protection policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art. 17, EU Charter Art. 24</li> </ul>	■
Shelters should model and promote respect and non-violence in all interactions including those between adults and children.		As above	
Where a place is unavailable due to the age of an accompanying male child. The shelter should assist in providing or finding an alternative safe place for the family.	Any alternative accommodation should be evaluated for compliance with the shelter's safety and confidentiality policies.	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art. 3, EU Charter Art. 2</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> </ul>	
Should assist in maintaining the child's education.	<ul style="list-style-type: none"> <li>• Have protocol with local schools to address child residents' needs.</li> <li>• Have space and facilities for adolescents to do homework.</li> </ul>	<ul style="list-style-type: none"> <li>• Right of the child to education, CRC Art. 28, ICESCR Art. 13, UDHR Art.26, EU Charter Art. 14</li> </ul>	
Service users should have access to a telephone.		<ul style="list-style-type: none"> <li>• Right to respect for private life, ECHR Art. 8</li> </ul>	
Both staff and environment should be culturally sensitive.	Communal areas should be accessible to disabled women and accommodating.	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, UDHR Art. 7, &amp; EU Charter Art.21</li> <li>• Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</li> </ul>	

**Table 19 (continuation)**  
**Service-specific standards. Shelters**

Minimum standards	Aspirational standards	Human Rights	Support
<p>Training for volunteers and staff working in shelters should be a minimum of 30 hours and cover:</p> <ul style="list-style-type: none"> <li>• A gendered analysis of violence against women;</li> <li>• Communication and intervention techniques;</li> <li>• Confidentiality;</li> <li>• Child Protection;</li> <li>• Accessing translation and disability services;</li> <li>• How to make appropriate referrals;</li> <li>• Information on trauma, coping and survival;</li> <li>• Assessing risk;</li> <li>• Non-discrimination and diversity;</li> <li>• Empowerment.</li> </ul>	<ul style="list-style-type: none"> <li>• There should be staff trained/ able to communicate in sign language. Information and counselling should be available in several languages reflecting the communities the shelter provides services to.</li> <li>• Staff should receive some basic training on immigration status/law.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>The commitment to gender mainstreaming and creation, improvement, developing or funding of training programmes, Beijing Platform para 124 – see Core Standards</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art.17, <i>EU Charter Art.24</i></li> <li>• Right to respect for private life &amp; protection of personal data, ECHR Art.8, CPIAPPD Art.8 &amp; <i>EU Charter Art.8</i></li> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, <i>UDHR Art. 7, &amp; EU Charter Art.21</i></li> <li>• <i>Respect for cultural, religious and linguistic diversity, EU Charter Art.22</i></li> </ul> <p>Resettlement and follow-up services should be available to ex-residents and their children.</p> <ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art.1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art.3</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art.17, <i>EU Charter Art.24</i></li> <li>• Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> </ul>	

<sup>1</sup> Applied to governments, community organisations and NGOs.

**Table 20**  
**Service-specific standards. Rape crisis centres**

Minimum standards	Aspirational standards	Human Rights	Support
<p>Services should include:</p> <ul style="list-style-type: none"> <li>• Anonymous telephone helpline;</li> <li>• One-to-one support and counselling;</li> <li>• Accompaniment to other services i.e. hospital, police, and court.</li> <li>• Group work;</li> <li>• Advocacy.</li> </ul>	<p>Should also include awarenessraising and engaging in advocacy in community for social change.</p>	<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> </ul>	■
<p>Training for volunteers and staff should be a minimum of 30 hours and include:</p> <ul style="list-style-type: none"> <li>• A gendered analysis of violence against women (including child sexual abuse);</li> <li>• Confidentiality;</li> <li>• Diversity;</li> <li>• The impacts and meanings of sexual violence, including trauma;</li> <li>• Active listening;</li> <li>• Assessing risk;</li> <li>• Empowerment.</li> </ul>	<p>Volunteers/staff should have access to training materials on assessment/ intervention and a referral/ resource list at all times. All volunteers should have a minimum number of hours (e.g. 8) of ongoing in-service training per year to retain volunteer status.</p>	<ul style="list-style-type: none"> <li>• <i>The commitment to gender mainstreaming and creation, improvement, developing or funding of training programmes, Beijing Platform para 124 – see Core Standards</i></li> <li>• Right to respect for private life &amp; protection of personal data, ECHR Art.8, CPIAAD Art.8 &amp; <i>EU Charter Art.8</i></li> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• <i>Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</i></li> </ul>	
<p>Centres should ensure safety of both service users and staff/volunteers.</p>	<ul style="list-style-type: none"> <li>• Protocols for suicide calls and crises.</li> <li>• Transportation should be arranged in emergency situations.</li> <li>• Should consider protocols for third-party anonymous reporting i.e. to provide police with information about the type of assault/perpetrator/location for intelligence gathering purpose.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
<p>After hours information can be provided by answering machine and/or be diverted to a national crisis hotline.</p>	<p>Callers leaving messages on answer phones should receive a follow up response in 48 hours. Ideally calls should be answered by staff “live”.</p>	<p>As above</p>	

**Table 20 (continuation)**  
**Service-specific standards. Rape crisis centres**

Minimum standards	Aspirational standards	Human Rights	Support
All services should be provided in comfortable private environments.		<ul style="list-style-type: none"> <li>• Right to respect for private life &amp; protection of personal data, ECHR Art.8, CPIAPPD Art. 8 &amp; EU Charter Art. 8</li> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art. 1, &amp; Millennium Dec para 6</i></li> <li>• <i>Governmental commitment to ensuring safe and confidential reporting, Beijing Platform para 124<sup>1</sup></i></li> </ul>	
Services should be holistic, and include <ul style="list-style-type: none"> <li>• Legal advice/advocacy;</li> <li>• Practical support;</li> <li>• Information and referral;</li> <li>• Assistance with compensation.</li> </ul>			

<sup>1</sup> “Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation, and file charges”. Whereas this can apply directly to police, it is of great relevance to creating safe environments before or after contact with police.

**Table 21**  
**Service-specific standards. Sexual assault centres and specialist hospital services**

Minimum standards	Aspirational standards	Human Rights	Support
Victims of sexual assault shall receive the same standard of care regardless of the circumstances of the sexual assault, their legal or social status.	<ul style="list-style-type: none"> <li>• Health providers should ensure equitable access to quality medical care.</li> <li>• Services should develop age specific protocols and responses.</li> </ul>	<ul style="list-style-type: none"> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Protocol 12, Art.1, CEDAW, UDHR Art. 7 &amp; EU Charter Art. 21</li> </ul>	
Services should develop good working relationships with rape crisis centres, shelters and any other local service provider.		<ul style="list-style-type: none"> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art.1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent &amp; investigate, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	

**Table 21 (continuation)**  
*Service-specific standards. Sexual assault centres and specialist hospital services*

Minimum standards	Aspirational standards	Human Rights	Support
Hospital emergency departments should have protocols for handling sexual violence and staff training.		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> <li>• <i>Due diligence to investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
The reception and treatment environment should be secure, clean and private.		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	
Hospital based sexual violence services should work from a victimrights model (see core standards).		As above	
Forensic examiners should be female, unless the service user specifies otherwise. Services should: <ul style="list-style-type: none"> <li>• increase capacity in female forensic examiners.</li> <li>• build skills of forensic examiners in evidence collection, documentation, including writing medico-legal reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers should consider developing forensic nursing to expand access.</li> <li>• Health services should be provided in the mother tongue of the service user, or in a language she or he understands.</li> <li>• Service users should have access to female interpreters experienced in dealing with trauma.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• <i>Due diligence to investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, <i>UDHR Art. 7 &amp; EU Charter Art. 21</i></li> <li>• <i>Respect for cultural, religious and linguistic diversity, EU Charter Art. 22</i></li> </ul>	
Forensic examiners should develop organic informed consent processes throughout the entire process.	For minimum standards of treatment, forensic examination and documenting findings the WHO Guidelines should be followed. <sup>1</sup>	<ul style="list-style-type: none"> <li>• Respect for free and informed consent in the field of medicine, <i>EU Charter Art.3</i></li> <li>• Respect for physical and moral or mental integrity, <i>ECHR Art. 8</i></li> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> </ul>	
All staff should be trained in confidentiality, including with respect to samples and medical records.		<ul style="list-style-type: none"> <li>• Right to respect for private life and the protection of personal data, <i>ECHR Art.8, CPIAPPD Art.8 &amp; EU Charter Art. 8</i></li> </ul>	

**Table 21 (continuation)**  
*Service-specific standards. Sexual assault centres and specialist hospital services*

Minimum standards	Aspirational standards	Human Rights	Support
During examination, treatment or counselling only the following people should be present: <ul style="list-style-type: none"> <li>• People whose involvement is necessary;</li> <li>• People who the service user requests are present to support them.</li> </ul>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• Right to respect for private life, ECHR Art. 8</li> </ul>	
Services should provide on common physical and emotional responses.		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> </ul>	
The full range of options should be presented to all service users, including post-control contraception and where relevant abortion.		<ul style="list-style-type: none"> <li>• Right to adequate standards of health and medical treatment, Social Charter &amp; Revised Social Charter Art.11, CEDAW Art. 12, ICESCR Art. 12, <i>EU Charter Art. 35</i></li> <li>• <i>Respect for dignity, EU Charter Art. 1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	
Any medico-legal report or certificate should be provided free of charge and should not expire for legal purposes.		<ul style="list-style-type: none"> <li>• Right to equal protection from the law, ICCPR Art 26, CEDAW Art. 2, <i>UDHR Art. 7, EU Charter Art. 20</i></li> <li>• <i>Governmental commitment to take measures to ensure the protection of women subjected to violence access to just and effective remedies, Beijing Platform para 124</i></li> </ul>	
Any medical evidence and medical certificates should only be collected and released to the authorities with the service user's consent.		<ul style="list-style-type: none"> <li>• <i>Respect for free and informed consent in the field of medicine, EU Charter Art.3</i></li> <li>• Right to respect for private life and the protection of personal data, ECHR Art.8, CPIAPPD Art.8 &amp; <i>EU Charter Art.8</i></li> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	

<sup>1</sup> The Beijing Platform also provides at para. 128 Government, IGO and NGO action: "Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees".

**Table 22**  
**Service-specific standards. Law enforcement**

Minimum standards	Aspirational standards	Human Rights	Support
Provision of free legal advice or legal aid for all stages of legal proceedings <sup>1</sup> .	Relevant law should be disseminated to migrant communities in their own languages.	<ul style="list-style-type: none"> <li>• Right to equal protection from the law, ICCPR Art. 26, CEDAW Art. 2, <i>UDHR Art. 7, EU Charter Art. 20</i></li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, <i>UDHR Art. 7 &amp; EU Charter Art. 21</i></li> <li>• Commitment to provide free or low cost legal aid where needed, and establish linguistically accessible services for migrant women &amp; girls, Beijing Platform para 125<sup>2</sup></li> </ul>	■
All violence against women should be treated as seriously as other violent crimes.		<ul style="list-style-type: none"> <li>• Right to equal protection from the law, ICCPR Art 26, CEDAW Art. 2, <i>UDHR Art. 7, EU Charter Art.20</i></li> <li>• <i>Due diligence to prevent, investigate and punish, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
Victims should be seen as soon as possible by a specially trained officer.		<ul style="list-style-type: none"> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent &amp; investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
There should be one specially trained officer in domestic violence, and one in sexual violence per police force area.		<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art. 3, EU Charter Art.2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
Specialist Police units should be created in densely populated areas.		As above	

**Table 22 (continuation)**  
**Service-specific standards. Law enforcement**

Minimum standards	Aspirational standards	Human Rights	Support
Police should have powers to enter private property, arrest and remove a perpetrator.	Protection orders should be <ul style="list-style-type: none"> <li>• Available from the police to tackle all forms of violence against women.</li> <li>• Mandatory where there is a risk to life, health or freedom of a victim.</li> </ul> Removal orders should be available i.e. to remove a perpetrator from the home, even when they are a legal owner.	As above	■
Non-compliance with a protection order should be a criminal offence.		As above	
In terms of evidence gathering and case building investigations of sexual violence should be built around the fact that most attackers are not strangers but are known to victims in some way.		<ul style="list-style-type: none"> <li>• <i>Due diligence to investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• <i>The commitment of governments to provide a gender mainstreaming policy, Beijing Platform para 124<sup>3</sup></i></li> </ul>	
Police should refer all victims to relevant support organisations.		<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art.3, <i>EU Charter Art.2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art.1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8 &amp; <i>EU Charter Art.3</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
Police should permit and enable advocates or other support persons to attend during police interviews and court proceedings – subject to the request or consent of the victim.		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	

**Table 22 (continuation)**  
**Service-specific standards. Law enforcement**

Minimum standards	Aspirational standards	Human Rights	Support
Police record systems should enable identification of cases of violence against women, and permit monitoring of interventions, repeat victimisation and case outcomes.		<ul style="list-style-type: none"> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• Right to equal protection from the law, ICCPR Art 26, CEDAW Art. 2, UDHR Art. 7, EU Charter Art. 20</li> </ul>	
Police should have protocols on information sharing with other agencies – covering both anonymised aggregate data that identified by case.		<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art.3, EU Charter Art.2</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art.1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art.3</li> <li>• <i>Due diligence to prevent, &amp; investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
The requirement of the victim to give their story repeatedly from interviews to court should be restricted to a minimum.		<ul style="list-style-type: none"> <li>• Respect for moral or mental integrity, ECHR Art. 8, EU Charter Art.3</li> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	■
Prosecutors should ensure that the victim has the right to be heard and/or supply evidence in proceedings. <sup>4</sup>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	■
Violence against women responses should be integrated into witness protection policies and standards.		<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art.3, EU Charter Art.2</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art.1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art.3</li> <li>• <i>Due diligence to prevent, &amp; investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• The commitment of governments to provide a gender mainstreaming policy, Beijing Platform para 124</li> </ul>	■

**Table 22 (continuation)**  
**Service-specific standards. Law enforcement**

Minimum standards	Aspirational standards	Human Rights	Support
Criminal proceedings in violence against women related cases should be expedited.	Access to interpreting and other communication devices should be provided.	<ul style="list-style-type: none"> <li>• <i>Due diligence to prevent, &amp; punish DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
Courts should ensure anonymity of victims in the media.		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• <i>Right to respect for private life, ECHR Art.8, &amp; EU Charter Art.7</i></li> </ul>	
Court proceedings should adopt procedures that both protect the victim from re-victimisation and enable them to provide their best evidence. <sup>5</sup>	<p>These methods may include:</p> <ul style="list-style-type: none"> <li>• Use of screens to shield the witness from the perpetrator(s);</li> <li>• Use of video technology;</li> <li>• Clearing the court;</li> <li>• Legal representation for victims;</li> <li>• Acceptance of written evidence.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</i></li> <li>• <i>Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</i></li> <li>• <i>Due diligence to prevent, &amp; investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	■
The Court should ensure that victims are treated with respect throughout proceedings. <sup>6</sup>		<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> </ul>	
Victims should be supported so they may exercise their right to compensation. <sup>7</sup>	<p>Compensation should include:</p> <ul style="list-style-type: none"> <li>• expenses for attending as a witness or otherwise participating in proceedings;</li> <li>• compensation for the harm suffered and losses as a result of that harm.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Respect for dignity, EU Charter Art.1, UDHR Art.1, &amp; Millennium Dec para 6</i></li> <li>• <i>Governmental commitment to ensure access to just and effective remedies, including compensation and indemnification, Beijing Platform para 124</i></li> </ul>	■
<p>All victims should be provided with:<sup>8</sup></p> <ul style="list-style-type: none"> <li>• information on the status of their case;</li> <li>• legal aid and advice services</li> <li>• access to civil remedies and protective measures;</li> <li>• information on bail conditions, when perpetrator is to be released;</li> <li>• information on available support;</li> <li>• how to obtain compensation.</li> </ul>		<ul style="list-style-type: none"> <li>• <i>Right to equal protection from the law, ICCPR Art 26, CEDAW Art. 2, UDHR Art. 7, EU Charter Art. 20</i></li> <li>• <i>Governmental commitment to provide women who are subjected to violence with access to the mechanism of justice, effective remedies and inform women of their rights in seeking redress through such mechanisms, Beijing Platform para 124</i></li> </ul>	

**Table 22 (continuation)**  
**Service-specific standards. Law enforcement**

Minimum standards	Aspirational standards	Human Rights	Support
<p>Mandatory training of all law-enforcement professionals (including the judiciary) should include:</p> <ul style="list-style-type: none"> <li>• a gender analysis of violence against women;</li> <li>• understanding of victimisation and the various responses to it;</li> <li>• best evidential practice (in evidence collection and court procedure);</li> <li>• a rights-based approach;</li> <li>• non-discrimination.</li> </ul>		<ul style="list-style-type: none"> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• <i>Due diligence to prevent, &amp; investigate DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• Right to equal protection from the law, ICCPR Art 26, CEDAW Art. 2, UDHR Art. 7, EU Charter Art. 20</li> <li>• Prohibition of discrimination, ECHR Art. 14 &amp; Proto 12, Art.1, CEDAW, UDHR Art. 7 &amp; EU Charter Art. 21</li> <li>• <i>The Commitment of governments to provide a gender mainstreaming policy, Beijing Platform para 124</i></li> </ul>	

<sup>1</sup> EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, Official Journal L82, 22 March 2001, binding on European Union member states, EU Council Decision, Art.6.

<sup>2</sup> Applies to governments, community organisations and NGOs – and includes women migrant workers.

<sup>3</sup> Promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women; actively encourage, support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and develop strategies to ensure that the re-victimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices”.

<sup>4</sup> EU Council Decision Arts. 2 & 3.

<sup>5</sup> This is to ensure that aspects of legal procedure do not adversely limit the quality of the evidence which a witness can provide to the court, i.e. being cross-examined by the accused, or having to give evidence in their presence, to the detriment of the justice system.

<sup>6</sup> EU Council Decision, Article 2 (1).

<sup>7</sup> EU Council Decision, Article 9 “Each Member State shall ensure that victims acts are entitled to obtain a decision within reasonable time limits on compensation by the offender in the course of criminal proceedings, except where, in certain cases, national law provides for compensation to be awarded in another manner” and, “shall take appropriate measures to encourage the offender to provide adequate compensation to victims”.

<sup>8</sup> EU Council Decision Article 4 (1), right to receive information: “Victims in particular have access from their first contact with law enforcement agencies, by any means it deems appropriate and as far as possible in languages commonly understood, to information of relevance for the protection of their interests”.

**Table 23**  
*Service-specific standards. Perpetrator programmes*

Minimum standards	Aspirational standards	Human Rights	Support
<p>Programmes must prioritise women's and children's safety and wellbeing. This includes placing limits on the perpetrator's confidentiality rights Programmes should still work from a gender analysis understanding of violence against women.</p>	<ul style="list-style-type: none"> <li>• Develop an active child protection policy.</li> <li>• Should maintain active links with child protection and social service agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art.3, EU Charter Art. 2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art.17, <i>EU Charter Art. 24</i></li> <li>• <i>Due diligence to prevent, DEVAW Art. 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
<p>There should be an attached or associated women's support service available for the victim.</p>	<p>The Women's Support Services should be proactive in contacting female partners or ex-partners and offer support (though women should not be coerced into participation).</p>	<ul style="list-style-type: none"> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• <i>The Commitment of governments to provide a gender mainstreaming policy, Beijing Platform para 124</i></li> </ul>	
<p>Work with perpetrators should be located separately from a women's support programme.</p>		<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art.3, EU Charter Art. 2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art. 17, <i>EU Charter Art. 24</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	
<p>Programmes should not be considered an alternative to prosecution, conviction or sentence.</p>		<ul style="list-style-type: none"> <li>• <i>Due diligence to prevent &amp; punish, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> </ul>	

**Table 23 (continuación)**  
**Service-specific standards. Perpetrator programmes**

Minimum standards	Aspirational standards	Human Rights	Support
Programmes should not engage in any relationship counselling or mediation, anger management or substance abuse treatment.	Should have protocols for co-operation with local substance abuse programmes.		■
Programmes should conduct an assessment of suitability prior to acceptance.		<p>Perpetrators should be asked to sign an agreement on the release of confidential information before being enrolled on a programme</p> <p>Programmes should continually conduct risk assessments.</p> <ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, UDHR Art. 3, EU Charter Art. 2</li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; UDHR Art. 1</li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, EU Charter Art. 3</li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art. 17, EU Charter Art. 24</li> <li>• <i>Due diligence to prevent</i>, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</li> </ul>	
<p>Programmes should have:</p> <ul style="list-style-type: none"> <li>• Clear protocols on information sharing between a perpetrator programme and women's support service;</li> <li>• A condition of joining the programme that perpetrators provide addresses of current and former partners, and this information will be passed on to the Women's Support Service.</li> </ul>	Perpetrators should be asked to sign an agreement on the release of confidential information before being enrolled on a programme.	As above	■
<p>Programmes should inform a female partner/ex-partner if:</p> <ul style="list-style-type: none"> <li>• The perpetrator leaves the programme;</li> <li>• The perpetrator is suspended from the programme;</li> <li>• There are any other concerns for her or her children's safety.</li> </ul>		As above	
Programmes should be available both by mandatory and voluntary referral.	Programmes may charge a means-tested fee to the male service user for participation.		■

**Table 23 (continuación)**  
*Service-specific standards. Perpetrator programmes*

Minimum standards	Aspirational standards	Human Rights	Support
Programmes should provide both individual and group work.			■
<p>Staff working in perpetrator programmes should have a minimum of 30 hours training covering:</p> <ul style="list-style-type: none"> <li>• A gendered analysis of violence against women;</li> <li>• Women's perspectives / experiences;</li> <li>• Perpetrator patterns of minimising and manipulation;</li> <li>• Children's experiences;</li> <li>• The legal framework;</li> <li>• Child protection;</li> <li>• Diversity;</li> <li>• Substance misuse;</li> <li>• Understanding the process of change;</li> <li>• Risk assessment and risk management.</li> </ul>		<ul style="list-style-type: none"> <li>• Right to life, ECHR Art. 2, ICCPR Art. 6, <i>UDHR Art. 3, EU Charter Art. 2</i></li> <li>• Prohibition of inhuman treatment, ECHR Art. 3, ICCPR Art. 6 &amp; <i>UDHR Art. 1</i></li> <li>• Respect for physical and moral or mental integrity, ECHR Art. 8, <i>EU Charter Art. 3</i></li> <li>• Right of the child to be protected, CRC Art. 19, Social Charter Art. 14, Revised Social Charter Art. 17, <i>EU Charter Art. 24</i></li> <li>• <i>Due diligence to prevent, DEVAW Art 4 (c), Beijing Platform para 124 (b) &amp; CoE Rec(2002)5</i></li> <li>• <i>The commitment of governments to provide a gender mainstreaming policy, Beijing Platform para 124</i></li> </ul>	

## GLOSSARY

**Helpline:** A free telephone line that provides advice, information, support and crisis counselling.

**Shelter/refuge:** A safe house in which women and their children can stay. Such services also offer advice and support and should have specific services for children.

**Rape crisis centre:** A community based organisation providing some combination of helpline, advocacy, support and counselling. For women who suffered sexual violence recently and/or in the past, as adult or child.

**Sexual assault (referral) centre:** Based in a hospital, responding to recent assaults, offering forensic examination, medical services, crisis intervention. Many also provide advocacy and short term counselling.

**Intervention project:** A co-ordination project, currently specialising in domestic violence, which aims to develop single agency and multiagency approaches through policy and protocol development, and in some models through case work. These projects take a pro-active approach.

**Outreach:** Pro-active efforts to invite women into support often directed to “hidden” or “hard to reach” communities. For example, reaching women in prison requires services to go there or reaching deaf women requires adapting phone technology, staff with sign language skills and/ or interpreters, and working with deaf communities.

**Advocacy:** To advocate for someone is to act in their interests to ensure that they get what they are entitled to. It is work that ensures women know and can exercise their rights, including their human rights.

**Counselling:** This is one-to-one or group work that explores the meaning and consequences of violence for individuals. It seeks to undo some of the harms through making them visible and offering alternate ways of being and understanding.

**Perpetrator programmes:** Here only applied to domestic violence, programmes which require perpetrators to examine and take responsibility for their behaviour and how they could have acted otherwise, with the aim of preventing further violence in current and future relationships.

**Law enforcement:** Includes police, prosecutors and judges/magistrates who have the social and legal responsibility to investigate and prosecute crime, and protect victims from further harm.

**Staff:** All references to staff include trained volunteers.

**Family place:** A place that accommodates one woman with her children based on the average number of children per family within the member state. This will be, therefore, more than a single “bed space”.

## TABLES OF RESPONSES TO INTERVIEWS AND CONSULTATION

### Key

FP = National focal point

NGO = Non-governmental organisation

### Phase 1: Interviews/questionnaires

Respondents were from 35 out of 47 member states.

**Table 24**

*Form of data collection by type of respondent*

	Focal points	NGOs	Other	Total
Interviews	12	15	0	27
Questionnaires	15	8	2	25
<b>Total</b>	27	23	2	52

**Table 25**

*Respondents by member state*

Countries that responded	Number	Focal point/NGO
Albania	2	1 FP, 1 NGO
Andorra	1	1 – Anon
Austria	3	1 FP, 2 NGOs
Belgium	1	1 FP
Bosnia and Herzegovina	3	2 FP, 1 NGO
Bulgaria	2	1 FP, 1 NGO
Cyprus	1	1 NGO, 1 Expert
Czech Republic	1	1 NGO
Denmark	1	1 FP
Estonia	1	1 FP
Finland	2	1 FP, 1 NGO

*(continuous)*

**Table 25 (continuation)**  
*Respondents by member state*

Countries that responded	Number	Focal point/NGO
Georgia	2	1 FP, 1 NGO
Germany	1	1 NGO
Greece	2	1 FP, 1 NGO
Hungary	2	1 FP, 1 NGO
Iceland	1	1 FP
Ireland	2	1 FP, 1 NGO
Italy	1	1 NGO
Latvia	1	1 FP
Liechtenstein	1	1 FP
Lithuania	1	1 FP
Luxembourg	1	1 FP
“The former Yugoslav Republic of Macedonia”	1	1 FP
Malta	1	1 FP
Moldova	2	1 NGO, 1 Other
Norway	1	1 FP
Poland	2	1 FP, 1 NGO
Portugal	2	2 NGOs
Romania	1	1 NGO
Serbia	1	1 FP
Slovakia	2	1 FP, 1 NGO
Slovenia	2	1 FP, 1 NGO
Sweden	2	2 NGOs
Switzerland	1	1 FP
Ukraine	1	1 NGO
<b>TOTAL</b>	<b>52</b>	

## **Phase 2: Consultation**

A total of 91 respondents completed the online consultation survey.

**Table 26**  
*Consultation respondent by type*

<b>Type of respondent</b>	<b>Number</b>	<b>%</b>
NGO working on violence against women	25	27
Focal Point	23	25
State Agency Employee	19	21
NGO Umbrella/Network on violence against women	10	11
Academic	4	4
Other	1	1
Unknown	10	11
Total	91	100

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# **ADMINISTRATIVE DATA COLLECTION ON DOMESTIC VIOLENCE IN COUNCIL OF EUROPE MEMBER STATES**

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## PART 1. INTRODUCTION

Violence against women is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms. It often leaves women vulnerable to further abuse and is a major obstacle to overcoming inequality between women and men in society. Violence in the family or domestic unit occurs in every Council of Europe member state despite positive developments in law, policies and practices.

States have a responsibility to respect, protect and fulfil the human rights of all their citizens. Therefore, states must ensure that they have taken all reasonable measures to prevent, investigate and punish all forms of violence against women, including in the family and domestic unit. Violence against women is a complex issue, particularly when it occurs within the home, which can be compounded by the response of the authorities to whom women turn for help.

During the Third Summit of the Council of Europe in May 2005, the Heads of State and Government of the Council of Europe reaffirmed their commitment to eradicating violence against women, including domestic violence. In adopting an Action Plan envisaging the launch of a *Campaign to Combat Violence against Women, including Domestic Violence*, and the institution of a Task Force on the same topic, they defined future activities by the Council of Europe in this field.

The *Task Force to Combat Violence against Women, including Domestic Violence*, consisting of a group of eight international experts in the field of preventing and combating violence against women, developed the Blueprint for the Campaign. This document serves as a roadmap for the implementation of the Campaign and was approved by the Committee of Ministers of the Council of Europe.<sup>1</sup> It contains a definition of violence against women, as well as aims, objectives, messages and activities to implement the Campaign.

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<sup>1</sup> *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*, Council of Europe, Strasbourg, 2006, EG-TFV(2006)8rev5.

The Task Force chose four core objectives in which member states are urged to make significant progress during the Campaign. These objectives are:

- Legal and policy measures
- Support and protection for victims
- Data collection
- Awareness raising.

This study concentrates on data collection, the third of the core objectives chosen by the *Task Force for the Campaign to Combat Violence against Women, including Domestic Violence*. In this context, member states are urged to:

- ensure the systematic collection of statistical data disaggregated by sex, by type of violence as well as by the relationship of the perpetrator to the victim in all fields. This collection should be carried out by national statistics offices or other bodies (e.g. national observatories on domestic violence);
- develop and use a methodology that allows for gender analysis and comparison with other member states of the Council of Europe;
- collect and disseminate good practices for preventing violence occurring in the family or domestic unit, protecting its victims and prosecuting the perpetrators at national, regional and local level.

## **1.1. The context and the scope of the study**

Data on domestic violence against women can be collected in many ways. In its *Final Activity Report the Task Force to Combat Violence against Women, including Domestic Violence* presents four types of data that can be generated and collected in order to study and combat violence against women: data based on surveys, data from national statistic agencies, administrative data and qualitative data.<sup>2</sup> The focus of this study is on administrative data.

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<sup>2</sup> *Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence*, Strasbourg, 2008, EG-TFV(2008)6.

While many member states of the Council of Europe have, in recent years, embarked on the important process of collecting population-based data on the prevalence of women victims of violence, service-based administrative data are – despite the benefits of information technology – rarely collected. Government agencies such as the judiciary, the police, social welfare services as well as the public (and private) health sector dispose of a wealth of information on how victims of domestic violence are using such services and how they, in return, are serving them in their plight to seek justice, medical care, counselling, housing or other support. However, these agencies often do not have data systems in place that go beyond internal recording needs of the agency. Another problem is that information is rarely recorded and used for an analysis of the effectiveness of policies in place in support of victims of domestic violence or any other assessments, conclusions and research. As a consequence, violence against women remains invisible in the public administration system because it is difficult to track cases even across the criminal justice system. Similarly, it is difficult to assess whether any improvements in reporting and prosecution have occurred.

The advantage of administrative data is that agencies collect some such data anyway, as is noted above. However, the disadvantage of administrative data is that they can never be representative since a large number of women never report violence to official agencies; no extrapolation of administrative data will yield information about the extent of the hidden violence against women. (Walby 2005.)

The problems, challenges and possibilities of data collection on violence against women have also been addressed in seminars and conferences organised by the Council of Europe during the *Campaign to Combat Violence against Women, including Domestic Violence (2006-2008)*. A regional seminar on *Data collection as a prerequisite for effective policies to combat violence against women, including domestic violence* was held in Portugal in July 2007. Renée Römken of the University of Tilburg, the Netherlands, gave a keynote speech on the methods of data collection at the *Conference of National Focal Points and Contact Parliamentarians* in Strasbourg in June 2007. The speech also concerned agency-based client data systems.

Römken (2007) noted that administrative data are usually used for internal monitoring and evaluation purposes. If client-based data are used for external purposes it is important to remember that this kind of record system comes from a non-representative sample and that the data can not be easily generalised to the larger population. Römken also pointed out that the use-

fulness and relevance of agency-based databases depend above all on the quality of the registration.

According to Römken (2007), agency-based client records can be used to answer different kinds of questions. Firstly, the data can be used when addressing capacity issues: how many women make use of agencies and their services? Römken underlines that capacity data are not prevalence data. Information collected by services can not be used to measure the prevalence of violence since in most societies very few abused women actually report violence to the police or other services, and those that do tend to be the most seriously injured and marginalised women (Report of an Expert Group Meeting 2005). Secondly, agency-based client records can be used when assessing the adequacy of existing provisions: what kind of help do the victims need and what kind of help can the agencies offer? Also the effectiveness of agencies used by the women can be monitored with this kind of data. (Report of an Expert Group Meeting 2005.) Thirdly, administrative data can be useful when the quality of services is evaluated and improved (Römken 2007; Walby 2005). In addition to providing information needed to improve the services, the data on service use provides a basis for estimating the administrative cost of violence against women (Walby 2005).

Agency-based client data are important for local and national monitoring and evaluation purposes, according to Römken (2007). Tracking the availability of services for abused women can also be used in evaluating a society's response to the problem (Report of an Expert Group Meeting 2005.) However, research in many Council of Europe member states shows that systematic or simply structured records of clients are still missing and that definitions of domestic violence vary. Data collection is not the primary responsibility of service agencies and hence the quality of data they collect may be weak and inconsistent (Report of an Expert Group Meeting 2005.) For example, double counting is a common problem whereby women seeking services from the same agency or from more than one agency over time are counted more than once.

Römken (2007) points out that representative surveys are needed in addition to the agency-based data. Where administrative data can provide an in-depth picture of the problem, a national survey can provide more general sociologically oriented insights into the prevalence, nature, determinants and consequences of domestic violence. In other words, agency-based client data and surveys serve different purposes and answer different questions.

Monitoring the implementation of Council of Europe *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*<sup>3</sup> shows that statistical data collection on domestic violence is only beginning in a few countries and is still very unreliable.<sup>4</sup> Only the United Kingdom has introduced statistical procedures for marking domestic violence cases consistently and tracing them through the criminal justice system. The Spanish Observatory has begun such tracking but this work is still in the initial phase.

23 member states keep police statistics of both sex of the victim and perpetrator and the relationship between them. However, this data is rarely combined so that male violence against women in a close relationship could be identified. Another problem is that many domestic violence laws include a wide range of relationships so that it is not possible to distinguish partner abuse from child abuse in the data based on these laws. Statutory agencies besides the police should therefore be trained to identify and recognise violence against women and to keep records on the cases they face. This applies, for example, to medical personnel, welfare services and housing authorities. Wide-ranging data collection on violence against women has also been called for by many researchers outside of Europe. One example of this is the *Workshop on Data Systems for Monitoring and Responding to Violence against Women* that was held in the United States in 1998. The Workshop concluded (2000) that data can be organised into four major categories: nationally representative surveys, local health data, local criminal justice data and non-nationally representative data from service providers. The Workshop recommended that all the potential of existing data sets should be assessed. This has not yet happened in Council of Europe member states.

This study intends to assess current efforts to collect administrative data on domestic violence by Council of Europe member states, identify legal and practical obstacles to enhanced data collection and issue recommendations to all member states on how to set up a model system to collect such data. It examines the collection of information in administrative data systems related to domestic violence against women in Council of Europe member states.

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<sup>3</sup> Council of Europe *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*, adopted by the Committee of Ministers on 30 April 2002, hereinafter *Recommendation Rec (2002) 5*

<sup>4</sup> See *Protecting women against violence: Analytical study on the effective implementation of Recommendation Rec (2002) 5 on the protection of women against violence in Council of Europe member states*, Council of Europe, Strasbourg, 2007, CDEG (2007)3.

This includes violence against women occurring in the family or domestic unit, including, *inter alia*, physical and mental aggression, emotional and psychological abuse, sexual abuse and rape between spouses, regular or occasional partners and cohabiting persons. Other forms of violence against women included in the definition of violence as contained in *Recommendation Rec (2002) 5* such as incest, crimes committed in the name of honour, female genital and sexual mutilation and other traditional practices harmful to women, such as forced marriages, are not included in the scope of the study. Similarly, the study will not include trafficking in women.

Besides assessing what administrative data are being recorded in Council of Europe member states, this study includes guidelines for the collection of administrative data for, *inter alia*, the following governmental agencies and institutions: police, judiciary, public prosecutors, public health institutions (public hospitals, health centres and other institutions, emergency and non-emergency services), social services and social welfare institutions (hotlines, shelters, counselling services, employment and housing services). To complement these, the study will include recommendations for the collection of administrative data for, *inter alia*, the following private agencies and institutions: shelters, counselling services or other support services such as hotlines and private health services.

In conclusion, the objectives of the study are to:

- assess what type of administrative data Council of Europe member states are currently collecting on domestic violence against women;
- design a model approach containing recommendations on the collection of administrative data beyond current practices;
- issue guidelines on;
  - which levels of state authority and in which public or private institutions to collect which type of data,
  - how to establish an administrative data system in institutions that do not yet collect the recommended data.

In the *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*, the Task Force recommends that data collection should be disaggregated by sex, the type of violence as well as by the relationship of the perpetrator to the victim. In consequence, the scope of this study is limited to finding out how these issues and the age of

victim and perpetrator are currently being recorded by different agencies and institutions in Council of Europe member states. Many agencies probably record and should record other kind of administrative data as well but information on these issues is not the main objective of this study.

## 1.2. Implementation of the study

The study was carried out by the *European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)*. The HEUNI research team comprises director Kauko Aromaa and researcher Elina Ruuskanen.

The study was implemented in several phases. It was started by mapping the situation of administrative data collection on domestic violence against women in Finland. Based on the information collected from different data sources in Finland, a questionnaire on administrative data sources for all Council of Europe member states was drafted. Study visits to some Council of Europe member states were carried out to gain more detailed information on administrative data recording in these countries. The countries visited were Spain, the Czech Republic, France, Italy, the Netherlands, Slovakia, Switzerland and Sweden.

Before the visit to Spain where Mr Aromaa and Ms Ruuskanen visited the State Observatory on Violence against Women, Mr Aromaa had already visited the Federal Office for Gender Equality in Switzerland in October 2007. Mr Aromaa travelled to the Czech Republic to meet representatives of the Czech Ministry of Justice and the NGO White Circle. Based on the information collected from different data sources in Finland and on the findings from Spain, Switzerland and the Czech Republic, the questionnaire on administrative data sources for all Council of Europe member states was finalised in consultation with the Secretariat of the Council of Europe. The questionnaire comprises several sections that contain questions on authorities and agencies that work with the issue of domestic violence. The sections in the questionnaire are: police, emergency calls, public prosecutors, courts of first instance, case flow within the criminal justice system, cause of death investigators, restraining orders, public healthcare institutions and services, private healthcare institutions and services, and social services and social welfare institutions which include shelters, telephone helplines and other service providers. Two versions of the questionnaire were designed: a basic one and a more de-

tailed one. All sections except the one on the case flow contain similar questions on what kinds of data on domestic violence against women are recorded by the authority or agency in question. Basically, all sections contain the following questions, with some variations in the wording:

- Does this authority/agency record information on domestic violence?
  - If yes, what exact definition of domestic violence is applied?
- Is it possible to distinguish domestic violence against women in this data?
- Is it possible to distinguish the victim in this data?
  - If yes, what is the definition of the victim?
- Is the age of the victim recorded?
- Is the age of the perpetrator recorded?
- Is the relationship of the perpetrator to the victim recorded in cases of domestic violence against women?
  - If yes, is there a list of possible relationships to choose from?
  - If yes, what are the options in the list?
- Is the type of violence recorded in cases of domestic violence against women?
  - If yes, is there a list of different types of violence to choose from?
  - If yes, what are the options in the list?
- Is there some other information that this authority/agency records on domestic violence against women?

Questions regarding the relationship of the perpetrator to the victim and the type of violence included examples of possible relationships and types of violence so that it would be easier for the respondent to understand what type of information was aimed at. The examples included choices such as boyfriend/girlfriend, cohabiting partner, spouse, ex-partner/ spouse, other relative (relationship between victim and perpetrator) and physical violence, mental violence, economic violence, sexual violence, cultural violence; petty violence, serious violence, very serious violence (types of violence). First and foremost these choices were derived from existing Council of Europe work in

this field; concrete examples of relationships and types of violence were also found when mapping the situation of administrative data collection in Finland and Spain.

The questionnaires were sent to all national focal points or high-level officials appointed by Council of Europe member states for the purpose of the Council of Europe *Campaign to Combat Violence against Women, including Domestic Violence*. The detailed version of the questionnaire was sent to the countries that were destinations for country visits and the basic version of the questionnaire to all other Council of Europe member states. Both English and French versions of the questionnaire were sent to the focal points in mid-November 2007.

In order to secure answers to all questions, focal points were asked to forward the questionnaire to national specialists and experts knowledgeable on different fields and aspects of data on domestic violence in the country. The deadline for the answers was set on mid-December 2007. However, only 8 countries out of 45 replied in time, so a reminder was sent to the rest of the countries and a new deadline for answers was set on mid-January 2008. The following countries had completed the questionnaire by that time:

- Austria
- Azerbaijan
- Belgium (only the Flemish part of the country)
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- Georgia
- Greece
- Hungary
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Moldova
- Poland
- Portugal

- Romania
- Slovakia
- Slovenia
- Switzerland
- United Kingdom.

Montenegro, Netherlands, Sweden and Spain sent their answers in February and March 2008.

Since the answers from quite a few countries were still missing by the end of January and because many of the Western European countries had not replied, focal points and other contacts of HEUNI were contacted. The following countries were contacted: Norway, France, Italy, United Kingdom and Ireland. Replies from the United Kingdom and other countries were received, while others were unable to complete the questionnaire and some said that they would still try to do it.

By mid-March 2008 30 out of 45 Council of Europe member states had completed the questionnaire – partially or completely.<sup>5</sup>

While the questionnaire was being filled in by different specialists in the Council of Europe member states, more country visits were organised. Mr Aromaa visited the Victims squad of the French Gendarmerie, the French National Institute of Demographic Studies and the National Center for Scientific Research in Paris in the beginning of November. Mr Aromaa and Ms Elina Ruuskanen travelled to Stockholm in the end of January and visited the National Board of Health and Welfare, the Ministry of Integration and Gender Equality and the Swedish National Council for Crime Prevention. Due to time constraints and organisational difficulties, the rest of the country visits (Italy, Netherlands and Slovakia) could not be realised. Country reports on Sweden, France, Spain, Switzerland and the Czech Republic were drafted and sent to the national specialists HEUNI staff had met with for crosschecking.

Also, a description of administrative data collection in Finland was written up. This country report includes detailed information on how and what kinds of administrative data are and are not collected in Finland by different au-

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<sup>5</sup> Responses were not received from Albania, Andorra, Armenia, Bosnia and Herzegovina, France, Iceland, Ireland, Malta, Monaco, Norway, San Marino, Serbia, the “former Yugoslav Republic of Macedonia” and Turkey.

thorities and agencies dealing with (domestic) violence against women. In addition to the description of data collection, examples of recorded information are included in the country report of Finland. This was done because it is easier to comprehend the advantages and deficiencies of the current way of collecting data when the actual figures are shown.

The country report of Finland is the most detailed of all. The reason for this is simple: since HEUNI is located in Finland and the members of the research team are Finnish, finding information on domestic violence in Finland and relevant national experts was easy, and not limited to the brief time-frame of a country visit.

## **P**ART 2. **EXISTING MEASURES TO COLLECT DATA ON DOMESTIC VIOLENCE IN MEMBER STATES**

This chapter presents the results obtained from the questionnaire sent to all member states for an overview of administrative data collection about domestic violence against women. Furthermore, an overview of the information collected during country visits is presented (for more detailed information see Appendix 17). First, it is necessary to discuss the problems that are related to collecting data with an extensive questionnaire from so many sources. In this context, also the reliability of the data must be considered.

The questionnaire developed for this study was very extensive, the reason being that many different authorities and institutions working with violence against women were to be covered by the study. It is very likely that the size of the questionnaire has affected many respondents' willingness and ability to complete it. Another feature that probably reduced the number of replies was the fact that so many different people were needed to complete the questionnaire. The questionnaire includes questions from many fields, requiring more than one person to provide all answers. Circulating the questionnaire made the process of answering heavy which may explain why many of the questionnaires were filled in only partially. This was the case with most countries that replied: only a few countries had filled in all sections of the questionnaire.

Another problem with analysing the data collected with the questionnaire is that the yes and no answers are not always unambiguous. In some cases it was impossible to track interpretations of the questions by some respondents and, as a result, it was difficult to interpret the answers. For this reason there are some problems with the reliability of the information collected with the questionnaire.

Why was the rate of misunderstanding of the questions so high and why were many of the answers ambiguous? There may be many reasons for this. Firstly, the fact that the questionnaire was only available in English and French may have presented a linguistic barrier which was evident in some responses. Secondly, although the high-level officials and focal points appointed by the member states are experts and specialists in equality issues

and questions on violence against women they are not always familiar with questions or concepts regarding data collection. Focal points probably work with political and/or practical questions and not so much with issues regarding administrative data collection or statistics. This might have been one reason for ambiguous replies and misunderstandings. Finally, the questions may have been unambiguous, and therefore part of the problem may have been with the questionnaire itself.

The best and most reliable information in this study was gained and collected during the country visits. Talking face to face with experts on the topic was very advantageous. This allowed the quick and effective collection of information required by the questionnaire, with the possibility of asking additional questions if something was unclear. Furthermore, the concrete examples which respondents gave in relation to questions on definitions of domestic violence and the concept of “victim” as well as the options of relationships between the victim and the perpetrator and the type of violence provide information valuable for all member states when they consider and reconsider the definitions they use in their work on preventing and combating domestic violence.

The main results of replies to each section of the questionnaire are briefly described and compared to the information from the country profiles. It is important to note that there seems to be some discrepancy between the information obtained from the questionnaire and the country visits. When looking at the questionnaire, the situation of data collection might seem to be quite good and extensive, but a closer look at the country profiles shows that in reality the situation is more complicated and multidimensional. A simple *yes* in the questionnaire often turned out to be a *yes, but* when discussing the matter face to face with a national expert. Face to face discussions revealed problems and complexities behind simple-looking answers in the questionnaires. This needs to be borne in mind when interpreting the results of the questionnaire.

All answers to the questionnaire are compiled in tables according to each authority and agency that was covered in the questionnaire. The idea is that the following descriptions, the tables and the country profiles complement each other. The tables and country profiles can be found in Appendices 1–17. In all tables the symbol – means that the respondent replied *I don't know* to that particular question. The problems presented above regarding information collection with a questionnaire should be kept in mind when interpreting the results.

## 2.1. Police

The information obtained from the questionnaire and from country visits shows that, in general, the police have quite good data recording methods in use. Almost all countries that replied to the questionnaire had filled in the section on police.

The police record data on domestic violence in 27 countries that replied to the relevant section of the questionnaire. Furthermore, in 25 of these countries it is possible to distinguish *domestic violence against women* in the data. In many countries the police also record who the victim is as well as the victim's age. The relationship between the victim and the perpetrator is recorded in 23 countries whereas the question on the type of violence was more often the one to which the answer was negative (9 countries answering no). However, when looking at the more detailed information obtained during the country visits, it becomes quite obvious that *yes* and *no* answers are not necessarily as unambiguous as they may seem. For example, it might be possible to distinguish *violence against women* in the data but not *domestic violence against women* (which is the case in Sweden, for example).

The police are in the process of making considerable changes and improvements in their data collection methods and systems in two of the countries visited, those being Switzerland and Spain. The Swiss police are introducing a new electronic standard data system which is to be applied in all Cantons. This data collection system may be considered as an example of good practice: all relevant information such as the victim and perpetrator's sex and age, the relationship between them and the type of violence as well as many other kinds of issues regarding domestic violence against women will be included in the system.

The new Spanish system is called the *System of Indicators and Variables on Gender-Based Violence*. This system was developed by the *State Observatory on Violence against Women*. One part of the system covers data from the security forces, i.e. data recorded by different bodies of the police. According to the system, the police are required to record the victim and suspect's socio-demographic characteristics, the relationship between them and the type of violence. In addition to these the graveness of injuries and actions taken by the police should be recorded. The *System of Indicators* is an ambitious project, and should its implementation be successful, it will be an important example of good practice.

Overall, the findings on the police data suggest that the situation is quite good in most Council of Europe member states. However, it needs to be pointed out that although the police record the same data in many countries, the classifications and variables used are heterogeneous and therefore making comparisons is difficult. A good example of this is the way the relationship between the victim and the perpetrator is classified in the police in different countries. This is illustrated in the following examples of classifying relationships from three different countries:

- any current intimate relationship, any former intimate relationship, parent, step-parent, foster parent/ child, any other relative;
- husband and wife, father, mother, child, brother/sister, cohabiting as husband and wife;
- spouse, cohabiting partner.

The police record the relationship between the victim and the perpetrator in all three countries from which these examples are taken. However, it is not possible to compare the data recorded according to these classifications. Exspouses and ex-partners are not included in the second and third example, so data recorded according to these can not be compared to data recorded according to the classifications in the first example. Also, the third example includes only spouses and cohabiting partners and not other family members, so comparability with the other two countries from the example is not possible. A minimum requirement for comparability would be that all relationship subcategories that apply are given separately.

The same problems with the comparability apply to the way types of violence are classified by the police, although according to the findings these proved to be less heterogeneous than the way the relationship between the victim and the perpetrator is classified. The main problem is that agencies of the criminal justice system typically apply classifications based on the criminal code, and such classifications are usually not very concrete and do not describe details of actual events.

Problems caused by different definitions and classifications run through the whole of this study and apply to all organisations and institutions that are covered here. This issue will be further discussed in *Definitions of domestic violence*, Section 2.10 of this study.

## 2.2. Emergency calls

The questions on emergency calls had been misunderstood in the replies of many countries. Some respondents provided the same information in response to the questions on emergency calls as to the questions related to telephone helplines although the questions referred to distinctly different issues. Section 2 on Emergency calls was aimed at obtaining information on calls made to emergency numbers such as 112; *Telephone helplines* under section 10 referred to helplines for victims of domestic violence that are in most cases run by NGOs. As misunderstandings occurred in a number of replies, the instructions on how to reply to the questions attached to this section of the questionnaire had not been sufficiently detailed.

The replies concerning helplines run by NGOs and the third sector will be discussed under *Telephone helplines* while those concerning emergency numbers such as 112 will be discussed here. It should also be noted that in Appendix 2, replies on emergency calls, the figures in the last row of the table stand for the number of *countries* that have answered yes to the questions in section 2. There are countries that gave information on more than one emergency number and they are all included in the table. However, as it was important to present the *number of countries* that have answered yes (at least once) to the questions on emergency calls, this is shown in the last row of the table.

The section on emergency calls was filled in by 21 countries of which 20 replied that information on emergency calls is recorded. In 15 of these countries emergency calls are received and dealt with at least partly by the police, so it can be assumed that police data systems are used when information on emergency calls is recorded. Though information on emergency calls is recorded quite frequently, it is only possible to distinguish the cases where the reason of the call is domestic violence in 16 countries. Information on who the victim is or on the victim's characteristics is being recorded in even fewer countries. Getting a clear picture about the family connections or who the victim is might be hard for the person receiving the call and it might therefore not be included in the data collection system. The type of violence is recorded in 13 of the 20 countries that record information on emergency calls.

Information on emergency calls was not obtained during most of the country visits. In the countries where this information was available, singling out domestic violence cases from the mass of all emergency calls is either not possible at all or it is problematic. In Finland, for example, cases of violence taking

place in a private residence are coded as domestic violence, regardless of the relationship between the individuals involved. This means that cases that are actually not domestic violence cases are coded as such, which might in turn lead to misleading interpretations of the situation.

### **2.3. Public prosecutors**

The replies to the questionnaire reveal that there is quite a substantial difference in data collection on domestic violence between the police and other criminal justice authorities. 28 countries answered the questions on public prosecutors, but only in 14 countries information on domestic violence is recorded by the public prosecutors. In 11 of these countries it is possible to distinguish domestic violence against women in the data and in many of these countries information on the victim and the victim-offender-relationship is also recorded.

Information obtained during the country visits paint a similar picture. In some countries public prosecutors record no or hardly any data on domestic violence against women while in other countries the situation is much better, or changes in data collection are currently being undertaken.

An example of a good practice comes from the Crown Prosecution Services (CPS) in the United Kingdom. Information about domestic violence is monitored by a new *Violence against Women Indicator*. Several different issues may be monitored with this indicator: the outcomes of domestic violence cases, the number of cases that are discontinued, and the reasons for unsuccessful outcomes (e.g. key witness/victim does not support case, victim fails to attend unexpectedly, victim refuses to give evidence or retracts, essential legal element missing, etc.). Equality and diversity information for defendants, victims and witnesses – including gender, age, religion or belief, ethnicity, and disability – is also recorded. Enhanced electronic monitoring was introduced in the Crown Prosecution Services in April 2007 to gather information about what happens to cases after a victim has retracted his/her statement. For example, does the case proceed with other evidence, using victim statements only or through victims summons? Does the defendant plead guilty or is the case unsuccessful? This will be helpful in order to analyse the patterns in domestic violence cases following victim retractions. In November 2007 the CPS also began to monitor relationship information

(spouse/civil partner, ex-spouse/ civil partner, partners or ex-partners, family or extended family), information on whether the victim and defendant are of the same sex, and data on whether support was provided to victims of domestic violence by specialist agencies.

Judicial authorities, including public prosecutors, are making changes in their data collection in two of the countries visited for the purpose of this study: Spain and Sweden. The new Spanish *System of Indicators and Variables on Gender-Based Violence* is introduced in the section on *Police* of this report (Section 2.1). The system contains a section on judicial data which includes proposals for what kind of data on domestic violence against women judicial authorities, including public prosecutors, should start recording.

The judicial authorities of Sweden have taken an initiative to create a new structure for classifying crimes. This initiative is called STUK; the acronym stands for “structured information on crime”. The aim of STUK is to have a uniform set of provisions for all judicial authorities on how to compile and structure the kind of information on crimes that authorities are dealing with within the criminal procedure. For more detailed information on STUK, see Appendix 17.

## 2.4. Courts of first instance

In section 4 of the questionnaire (*Courts of first instance*), the respondents were given the opportunity to answer the questions several times to allow for the fact that there are many types of courts of first instance that handle cases of domestic violence and use different data systems in the country. All answers are compiled in Appendix 4. It should be noted that the figures in the last row of the table stand for the number of *countries*, not the number of courts that have answered yes to the questions in section 4.

Of the 30 countries that completed the questionnaire, 28 had answered the questions regarding data collection in courts of first instance. Three countries answered the questions several times and thus gave more information regarding more than one type of court of first instance. The results are similar to the ones regarding public prosecutors: information on domestic violence is recorded in the courts of first instance in 16 countries, but only in 9 of these is it possible to distinguish violence against women. Less than ten countries

answered yes to the rest of the questions in section 4, except for the question on the perpetrator's age which is recorded by courts in 12 of the countries that replied to this section of the questionnaire.

A look at the country profiles shows that the situation regarding data collection on domestic violence by courts is quite similar in Finland and France: recording is done according to the sentence/sentenced person, not the victim. In the Czech Republic courts record domestic violence only in restraining order cases. Judicial authorities, including courts of first instance, are making changes in their data collection in Spain and Sweden (see previous section).

## **2.5. Cause of death investigators**

23 countries replied to questions regarding data collection by cause of death investigators and 13 countries answered that cause of death investigators record information on domestic violence. Distinguishing domestic violence against women and the victim in the data is possible in only 12 countries. Cause of death investigators record the relationship between the victim and the perpetrator in 11 countries. This means that it is possible to identify the number of women who die as victims of domestic violence from cause of death investigators in only 11 of the 30 countries that replied. The number of victims of lethal domestic violence may, of course, be recorded by some other authority as well (such as the police). However, the result of this section of the questionnaire are quite alarming. Recording reliable data on the number of women who die as victims of domestic violence each year is much easier – their number being relatively small – than recording reliable data on, for example, the number of women who are victims of assaults in their own home each year. The number of deceased women would give at least some idea of violence against women in a certain country, and this is why recording this data would be very important.

On the other hand, when looking into the detailed information obtained during the country visits, the situation regarding data collection by cause of death investigators seems more positive. All countries visited have some kind of information about lethal domestic violence. The situation is similar in France and in Sweden in the sense that a separate study or studies have been conducted on this topic. These studies cover the questions addressed in this report, such as the number of women killed by their partners or ex-partners and

the sex and age of victims and perpetrators. However, these studies do not contain “administrative data” as the French study has been conducted only once and in Sweden the information is not recorded by a single authority and is thus not directly available from one single source.

An example of a good practice in data collection on lethal domestic violence can be found in Finland. The *Data Collection Instrument of the Finnish Homicide Monitoring System* is a database based on police data on each individual homicide taking place in Finland. The database contains information on the main characteristics of the crimes, on their regional and temporal distribution, on the socio-demographic background of both the victim and the main offender and on their crime-scene behaviour. The system also contains information related to the investigation of the crimes and information on the behaviour of the suspects after the crime and during the investigation. Consequently, detailed and particular information on the number of female victims of lethal domestic violence as well as on the socio-economic background of both the victim and offender, and the relationship between them is available with this instrument (for more details see Appendix 17).

## 2.6. Restraining orders

28 countries replied to section 7 of the questionnaire, revealing that in 18 countries at least one authority dealing with restraining orders records data on them. From the replies received, it seems that information is recorded more often on the person on whom the order is imposed than on the person to be protected by the order. This is not surprising since the person on whom the order is imposed is the one who has to obey the order and who is also often being supervised in one way or another. In this sense it is understandable that the authorities are more focused on recording data on the person on whom the order is imposed than on the person to be protected by the order. This situation should nevertheless be amended and this does not require great effort as all the necessary information is generally available directly from the authority issuing the order.

It is worth noting that in Appendix 6, the figures in the last row of the table stand for the number of *countries* that have answered *yes* to the questions in section 7. There are countries that gave information on more than one authority dealing with restraining orders, and these authorities are all included

in the table. However, it was important to present the *number of countries* that have answered yes (at least once) to the questions on restraining orders, which is shown in the last row of the table.

A good example of data collection on restraining orders was found in the Czech Republic.<sup>6</sup> Restraining orders may be imposed by the police on the spot, even against the will of the parties concerned, if they recognise a domestic violence situation when responding to an emergency call. For restraining orders, specific information about the victim is collected. In this system, the victim is defined as the person who suffered damage, and a special form is completed. This is used to collect details about each case, such as the region, the date/month, the sex of the victim, the sex of the offender, the age of the victim, the relationship between victim and offender, and what happened. There is no direct information on the type of violence involved. In addition, data are collected on children, on contacts with the intervention centre, etc. Except for the type of violence that is not being described, this solution clearly corresponds to the basic requirements of data collection on domestic violence as expressed by the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, as set out in the Campaign Blueprint.<sup>7</sup>

## 2.7. Public healthcare institutions and services

Overall, the findings from both the country visits and the questionnaire show that data collection in public healthcare institutions and services leaves much room for improvement. Although more than 20 countries answered the questions regarding public healthcare institutions and services, only 16 countries reported that public hospitals record information on domestic violence, while six countries replied that public health centres were doing so, and 9 maintained that such information is being collected by public maternity clinics. 10 member states report that public emergency services recorded such data. The most extensive data collection seems to be taking place in public hospitals, and public hospitals in the following countries record all or almost all of the information asked about in the questionnaire<sup>8</sup>: Austria, Finland, Greece,

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<sup>6</sup> The solution is based on the Austrian model.

<sup>7</sup> Supra note 1.

<sup>8</sup> For the exact questions that were asked, see Appendix 7, page 35.

Latvia, Portugal, Spain, Sweden, Switzerland and the United Kingdom. However, conclusions from these replies should be drawn with great care. For example, the country report of Finland shows that, in theory, all the information asked for in the questionnaire is recorded, in practice there are very serious shortcomings in the recording and the data is, for various reasons, unreliable (see Appendix 17).

Data collection in public healthcare institutions is somewhat problematic and questions of unreliability exist also in other countries visited. The problem is that information is not recorded on a routine basis and identical classifications are not applied. Many countries use the International Classification of Diseases (ICD-10) when recording the patient's reason for seeking treatment. In theory, the coding of the ICD-10, allows the collection of information on the number of women who have sought treatment from hospitals or health centres for injuries caused by domestic violence. In practice, this information is unreliable in many countries for several reasons. There are over 10 000 codes in the ICD-10, leaving a wide range of codes to choose from. When the reason for seeking treatment is known to be domestic violence, there are still more than 80 codes to choose from. It is therefore very likely that the nursing staff and doctors complete the form incorrectly or inaccurately – an assumption shared by experts representing this sector. Furthermore, healthcare staff members might not see it as their duty to go beyond their “core” responsibilities which are to see to the patient's medical needs rather than prodding into their private affairs. It is very likely that patients who are victims of domestic violence do not always reveal the real reason for seeking treatment. Consequently, medical staff are not always able to tell whether the injury is caused by physical violence or an accident. Cases where the reason for injuries is not disclosed by the patient or the doctor does not know what caused the injury are not coded as injuries caused by domestic violence.

## **2.8. Private healthcare institutions and services**

According to the replies received, recording data on domestic violence is even more infrequent in private healthcare institutions and services than in their public counterparts. Almost all countries either did not reply or answered *no* to the questions regarding data collection by private health centres and general practitioners. Private hospitals record data on domestic violence in 9 countries. One possible explanation to the differences in data collection between public

and private health care could be that in many countries the personnel in public health care are probably obliged to report and record their activities and operations in a more extensive and detailed way than their counterparts in private health care. Some respondents said that for example general practitioners may quite freely decide on their own what kinds of data they record about their patients. This impression was strengthened during the country visits.

## 2.9. Social services and social welfare institutions

According to the research findings, data collection on domestic violence is extensive in social services, social welfare institutions and NGOs that are engaged in work with violence against women. Section 10 on *Social services and social welfare institutions was, together with section 1 (Police)* the most frequently answered and thoroughly completed section of the questionnaire. This was the case in particular in the part regarding shelters.

Information on shelters, telephone helplines and other service providers is summarised in the tables in Appendices 14-16. It should be noted that the figures in the last row of each table stand for the number of *countries* that have answered yes to the questions in section 10. Most countries have more than one shelter, telephone helpline or service for victims of domestic violence and many countries gave information on a number of agencies working with domestic violence. These are all included in the tables. However, the *number of countries* that have answered yes (at least once) to the questions on shelters, telephone helplines and other service providers is shown in the last row of each table in Appendices 14-16.

### **Shelters**

The respondents had answered the questions on shelters very actively. Out of the 30 countries that replied to the questionnaire 27 had filled in the part on shelters. Overall, it can be said that the data recorded by shelters is quite extensive in most countries. According to the results of the questionnaire at least one shelter in almost every country records all the information sought by the questionnaire.<sup>9</sup> However, this does not necessarily mean that the data

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<sup>9</sup> For the exact questions that were asked, see Appendix 14, page 42.

recording is done systematically. Some respondents pointed out that the clients are not asked any questions for the sake of just asking them. Information is recorded only if it comes up during the client's visit to the shelter or if the client is willing to talk about the violence she or he has experienced. The importance of not stressing the client with difficult questions was emphasised in some replies.

Most member states reported having shelters where only women are accepted as clients. According to the replies received, 9 countries – Belgium, Finland, Hungary, Latvia, Lithuania, Montenegro, Netherlands, Poland and Romania – have a shelter or shelters that accept both women and men as clients.

Two examples of good data collection practice in shelters can be found in the country reports. The first one is the Spanish *System of Indicators and Variables on Gender-Based Violence*, which contains a section on data collection in social services, including shelters, immediate refuge centres and protected housing. Except for the sex and age of the perpetrator and the relationship between the victim and the perpetrator, this solution corresponds to the basic requirements for data collection in this field as established by the Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence* in the Campaign Blueprint.<sup>10</sup> The second example is from Finland, where the Federation of Mother and Child Homes and Shelters is using a detailed standard data collection form in all of its 13 shelters around the country. The form contains questions on all essential issues on domestic violence against women, such as the personal data of the client and the perpetrator, type of violence the client has experienced and the perpetrator's relationship to the victim. For a more detailed description, see Appendix 17.

### **Telephone helplines**

Similar to the questions on shelters, the ones on telephone helplines were answered by many countries very thoroughly. Telephone helplines seem to collect data on domestic violence quite extensively and many countries reported that they have telephone helplines that record all or almost all of the information sought by the questionnaire.<sup>11</sup> However, the issue of the callers' voluntariness to answer was pointed out also here.

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<sup>10</sup> Supra note 1.

<sup>11</sup> For the exact questions that were asked, see Appendix 15, page 44.

24 countries provided information on telephone helplines and 22 of these replied that they have helplines that record information on the calls. It should be noted that only some of the helplines listed in Appendix 15 are national while most of them operate locally.

Information regarding telephone helplines was found in only two of the countries visited, these being Spain and Finland. Both mobile and landline telephone assistance is provided to victims of gender-based violence in Spain, and according to the *System of Indicators and Variables on Gender-Based Violence*, the number of clients who use these services and their socio-demographic characteristics should be recorded.

In Finland, the *National Women's Line* and *Rape Crisis Centre Tukinainen* use their own standard data collection forms with everyone calling in the toll-free telephone helplines that provide help, advice and support to female victims of violence. Both of these NGOs record all relevant information regarding domestic violence against women.

### ***Other service providers***

The last part of the questionnaire covered other agencies (private, public, NGOs) that provide help or services for victims of domestic violence. These services could be, for example, the church, counselling services, legal aid services, employment services or housing services. The respondents were asked to name the agency and then answer the questions.

Many of the respondents gave information on several service providers in their country. However, 17 countries answered the questions at *least once*. Service providers in 16 of these countries record information on domestic violence. Although there are a variety of agencies that the answers were given for, it can be said that many of them record data quite extensively.

## **2.10. The issue of definitions**

### ***Definitions of domestic violence***

Respondents were asked to provide definitions of domestic violence in almost all sections of the questionnaire. The definitions given by the respondents are summarised below.

Different countries defined domestic violence in many ways in different sections of the questionnaire. The existing definitions can however be grouped loosely. One quite explicit way of defining domestic violence was following the definition available in national law. Definitions accordant with laws were common in sections on the police, emergency calls, public prosecutors and courts of first instance. At least Bulgaria, Cyprus, Greece, Luxembourg, Poland, Portugal, Romania, Slovakia, Georgia, Montenegro, Croatia and Czech Republic defined domestic violence according to national law in one or many of the abovementioned sections of the questionnaire.

Another group of definitions can be found in the section on healthcare institutions and services. Here, domestic violence is often defined in medical terms, i.e. the definition is based on the diagnosis which can be done according to the ICD- 10 or the European Injury Database, for example. Healthcare institutions often include only physical and sexual violence in their definitions of domestic violence.

A third group of definitions of domestic violence is the one used by shelters, telephone helplines and other service providers. This group includes miscellaneous definitions of domestic violence that often depend on the purpose and target group of the service in question.

Overall, an extensive definition of domestic violence seems to be a combination of many definitions: definition of who the victim is, definition of types of violence that are considered to be domestic violence and definition of the relationship between the victim and the perpetrator. In adopting Council of Europe *Recommendation Rec (2002) 5 of the Committee of Ministers to member states on the protection of women against violence* standards have been set on measures to protect women from different forms of violence against women, including domestic violence. The following definition of domestic violence contained in the Recommendation lies at the heart of this study:

“...any act of gender-based violence, which results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. This includes, but is not limited to, the following:

violence occurring in the family or domestic unit, including, inter alia, physical and mental aggression, emotional and psychological abuse, rape and sexual abuse and rape between spouses, regular or occasional partners and cohabitants (...)”

In this definition the victim is defined (a woman), type of violence is defined (physical, mental, emotional, sexual and psychological) and victim-offender relationship is defined (occurring in the family or domestic unit, between spouses, regular or occasional partners and cohabitants).

When comparing the various definitions of domestic violence collected during this study to the definition of the Council of Europe, it is evident that none of the definitions used by the member states coincide with the Council of Europe definition as such. The existing definitions are both narrower and broader than the one used by the Council of Europe. The following definitions are examples of definitions used by the police in some member states:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender.

Violence in the family is any intended action or inaction, except the actions of self-defence or defence of other persons, manifested physically or verbally, by physical or sexual abuse, or by causing moral damage and physical injury, committed by a family member against other members of the family, including against children as well as against common and private property.

Domestic violence is an act of violence that is committed by a person from within the victim's domestic circle. Domestic violence can relate to forms of physical and/or sexual violence as well as threatening behaviour and stalking. Suspects of domestic violence can be (ex) partners, family members and house friends. Suspects and victims of domestic violence can be male or female, they can be minors, adults or elderly people. The word domestic violence not only refers to the place in which the violence takes place (it can take place inside as well as outside the home), but also to the relationship between the perpetrator and the victim.

In some of the definitions collected for this study domestic violence is restricted to violence taking place inside the family home, while in others the relationship between the perpetrator and the victim is the determinant. In some definitions, like in the definition contained in *Recommendation Rec (2002) 5*, both the place and the relationship are significant. It is worth noting that the replies to the questionnaire showed that many member states explicitly include ex-spouses and partners in their definition of domestic violence.

All of the examples of definitions above partly overlap with the definition in the Council of Europe Recommendation. However, in none of these examples is the victim defined as female. This is probably partly due to the fact that a definition of *domestic violence* was sought without emphasis on the sex of the victim. Furthermore, many of the actors and institutions that filled in the questionnaire work in a field where domestic violence is only one of the problems they handle. Therefore it is probably not in their interest to define the victim as female only.

The second and the third example above are broader than the Council of Europe definition in the sense that common and private property are included in the second example, and threatening behaviour and stalking in the third one. However, broad definitions often include the definition contained in *Recommendation Rec (2002) 5* in some form and can be narrowed down to correspond to the definition used by the Council of Europe. Data collection based on broad definitions is not necessarily problematic, since it is often possible to record the minimum data (sex and age of victim and perpetrator, the relationship between them, type of violence) and also all kinds of additional data. Narrow definitions are more problematic in regard to data collection. If the definition of domestic violence does not include definitions of victim, type of violence and victim-offender relationship, it is not possible to record information on these categories. Adding new variables to existing data collection systems may be quite troublesome and requires a real interest in matters of data collection.

It is also worth considering whether a harmonised definition of domestic violence used by all actors at national level would facilitate the collection of necessary data – a question discussed in the final chapter of this report.

### ***Definitions of victim***

In most of the replies, the victim was defined in a gender neutral way, meaning that both men and women may be victims. This was particularly often the case in definitions used, for example, by the police and courts whose work and services are aimed at all members of society, not only women. Expressions such as “family member”, “close family member”, “household member”, “persons in close relationship”, and “any person or anybody experiencing violence” were used.

Some shelters, telephone helplines and other service providers whose main target group is women define women to be the victims of domestic vio-

lence. Expressions such as “female person”, “woman survivor of violence”, “women”, “women and children” or “violence of one family member – in most cases a male – towards another member of the family – in most cases female” were common.

## **2.11. Relationship between the victim and the perpetrator**

Lists of possible relationships between the victim and the perpetrator are used by many authorities and institutions which record information on violence against women in Council of Europe member states. According to the replies received, these kinds of lists are most often used by the police, shelters, telephone helplines and other service providers. The lists are diverse but most of them include “spouse”, “cohabiting partner”, “parents”, “children”, “other family members” and many of them also “friends and acquaintances”. It is worth noting that most of these lists also distinguish former partners, exspouses and ex-boyfriends/girlfriends, which is important since there is significant evidence according to which violence often takes place after the relationship has been terminated. It is therefore relevant to collect systematic data also about this aspect of the problem.

## **2.12. Types of violence**

A range of options for recording the type of violence in cases of domestic violence against women are used especially by shelters, telephone helplines and other service providers. The lists were diverse but almost all of them included physical violence, mental/emotional/psychological violence and sexual violence. These were the most common options of types of violence and also the ones that are included in the definition of domestic violence set out by the Council of Europe in *Recommendation Rec (2002) 5*. Economic and cultural violence are typically not included in the options.

Sometimes, especially in police or court data, the type of violence is defined according to the crime the perpetrator is suspected of, i.e. in terms of the applicable criminal code paragraph(s). By contrast, in health care the type of violence is often defined according to the victim’s injuries, for example on the basis of the codes of ICD-10. Physical violence prevails in the definitions used

by healthcare institutions and services. In all replies, it was more common to categorise the type of violence according to the actual “type” of violence (such as mental, physical, sexual) rather than according to the severity of violence.

### **2.13. Case flow within the criminal justice system**

The questionnaire included a question on the case flow, i.e. if it is possible to track the cases of domestic violence against women through the criminal justice procedure. This question included four sub-questions which were:

- Is it possible to follow the cases from the report of an offence to the end of the crime investigation?
- Is it possible to follow the cases from the end of the crime investigation to the prosecutor?
- Is it possible to follow the cases from the prosecutor to the court?
- Is it possible to follow the outcome of the cases that go to court?

Firstly, obtaining answers to these types of questions with a questionnaire is quite challenging. The respondent is asked to explain in writing issues that can be quite complicated. As a result, misinterpretations of the questions and blanks were quite common in the replies to the questionnaire. A face-to-face interview with an expert on these issues would significantly enhance the results since the risk of misunderstanding would be reduced.

Examples of misinterpretations of the questions on case flow were replies where the respondents had explained the criminal procedure of the country or issues of access to justice. One answer explained the rights of the accused, the victim or anyone involved in the case regarding the investigation or the court decision.

Of the 30 countries that replied to the questionnaire, 9 did not answer the questions on case flow. 8 respondents had apparently misinterpreted the question, providing information which is irrelevant to this analysis, or had only replied yes or no. Thus, 13 countries replied to the question in a way that information on how cases may be tracked through the criminal procedure was gained. Those replies are listed below:

## ***Austria***

“The individual steps of a criminal proceeding from the point when the courts receive the police report until the closure of the criminal proceedings can be traced, both in the field of public prosecution as well as in the judicial field. These individual steps include closing the case on the police information or filing a formal accusation by the public prosecutor, imposing pre-trial detention, ordering special investigative measures such as search warrants, telephone surveillance and the like, scheduling a date for a hearing, summoning suspects and/ or witnesses, excluding and including different proceedings, resuming the proceedings and many more. A query can also be conducted on the question whether the criminal proceedings ended with a guilty or not-guilty verdict, but not on the sentence itself. The sentences imposed are categorised according to the criminal offences and presented in a combined form in groups of types of offences in the judicial criminal statistics (Gerichtliche Kriminalstatistik), published by Statistik Austria.”

## ***Croatia***

“In the Ministry of the Interior, the records on domestic violence are kept by the Juvenile Delinquency Department. The data in the records are numerical and are recorded separately for each of the 20 Police Administrations and collectively for the whole territory of the Republic of Croatia (RC). Individual case data are recorded in the Ministry of Interior (MoI) Information System and are accessible to the police officers in the whole RC territory, those authorised access to these data. The data are entered into the Information System the moment a case of domestic violence is reported or the communication of such a case is received. The data are being updated upon the completion of a criminal or a contravention investigation. If a case is treated as a contravention, then the police officers operating the MoI Information System are advised to register the information on the outcome of a contravention procedure and the petty offence court decision thereof. If a case is treated as a criminal offence, police officers do not receive criminal court decisions, and so they are not able to enter such information into the Information System and may not follow the outcome of criminal procedures.

In the Municipal Criminal Court in Zagreb it is possible to follow the outcome of the cases that go to court once the decision has been made and/or sanctions have been imposed.”

## ***Estonia***

“On the level of meta-data it is possible to track the procedure:

- 1) from the report of an offence (when the investigation was initiated) to the end of the crime investigation;

- 2) from the end of the crime investigation to the prosecutor;
- 3) when the case is sent into court, not in the report of the court.

Most of the statistics are available from the initiating of the procedure until the formation of the final procedure decision.”

### ***Finland***

“It is possible to follow the cases from the report of an offence to the end of the crime investigation. This information is recorded in the police data systems. From this point onwards it is not possible to follow the cases since the data systems used by the police, the prosecutor and courts are not compatible with each other.”

### ***Georgia***

“The criminal cases concerning the alleged commission of the offences related to domestic violence are followed from the moment of the reporting of a crime until the final decision is rendered by the court. The report received through the emergency calls or through the written application about the alleged commission of the acts that at first glance might entail the elements of criminal violation is examined at the Office of the Prosecutor General of Georgia and then referred to the relevant law enforcement agency that has the jurisdictional competence. In case the investigation is launched in response to the report, the body conducting the criminal proceedings shall periodically forward the updated information on the flow of the case at issue to the Office of the Prosecutor General of Georgia. What is most important with regard to the flow of the cases concerning the alleged fact of domestic violence is the role of the Human Rights Protection Unit at the Office of the Prosecutor General of Georgia. The Unit carries out the monitoring of the investigation/prosecution of certain types of crimes that fall within the priorities of the Office of the Prosecutor General. Cases of domestic violence fall within these priorities. The Unit is informed about the initiation of an investigation and remains fully informed and updated about the flow of the case from the investigative stage of proceedings until the final adjudication of the case by the relevant judicial institution.”

### ***The Netherlands***

“You can follow domestic violence (DV) cases, but there is no specific label for violence against women cases. You can also see how many DV cases are annually settled/finished and in what way (if and if yes, what

kind of penalty? did the case come before a judge or was it handled by the public prosecutor? was the case dismissed? was a financial or other kind of transaction made? etc.).”

## **Poland**

“It is possible to follow the course of the proceedings in each individual case, since the court repertories include *inter alia*: date of submitting the indictment, surname and forename of the accused, legal qualification of the alleged act, designation of the wronged person, dates of hearings and their outcomes, date of pronouncing the judgment along with its content, or, if the case was closed by any other means, the date of closing the case together with the defined means of closing it shall be indicated, the date of lodging an appeal, as well as the party lodging the appeal, and the decision of the court of second instance.”

## **Romania**

“The Police and the Prosecutor’s Office give a unique number to each file, including the files on domestic violence crimes. The option “domestic violence” is currently available in the recordings of the Police and of the Prosecutor’s Office, but the courts have no special statistics regarding the cases of domestic violence – thus, the tracking of the domestic violence case from one institution to another is not possible at the moment.

The National Agency for Family Protection requested this year to the Ministry of Justice and to the Public Ministry to insert a special mention in their common information system called ECRIS regarding the cases of domestic violence in order to track their evolution. According to the experts’ opinion, the update of ECRIS will take place at the beginning of 2009.”

## **Slovenia**

“The cases are possible to track only by tracking the documents in each single case. Police can track the cases of domestic violence from the report of an offence to the end of the crime investigation.”

## **Spain**

“There is a Central Register for the Protection of Domestic and Gender Violence Victims, either of domestic or gender violence, maintained by

the Ministry of Justice. Data for this Register come from the courts. Data on convicted aggressor and victim are recorded. Data on penal proceedings are recorded from the initial steps to the sentence. Protection measures are recorded when adopted and also when prescribed. Civil measures are also recorded. The Central Register is regulated by Royal Decree 355/2004, of 5 March.”

### **Switzerland**

“From the report of an offence to the end of crime investigation: *yes* and *no*. The data of police Crime Statistics progress with the investigation acts. Changes are always possible. We keep only the most actual information.

From the end of crime investigation to prosecutor: *no*.

From prosecutor to court: *no*.”

### **Sweden**

“Yes, to some extent. It is possible to follow the cases from the report of an offence to the end of the crime investigation as well as from the end of the crime investigation to the prosecutor and from the prosecutor to the court. It isn’t however possible to follow the outcome of the cases that go to court.”

### **United Kingdom**

Two replies were received from the United Kingdom. They are both presented here.

“It is possible to track from pre-charge to prosecution outcome. It is not currently possible to compare police data with CPS data, nor to routinely get data on sentences from the courts. Data is recorded by CPS (Crown Prosecution Service) for all domestic violence cases in England and Wales on a computer system – COMPASS that records defendant data (CMS) and victim/witness data (WMS). CMS data is quite robust as started in 2004, but victim/witness data is new and not yet robust. Cases in Specialist domestic violence courts are also recorded.”

“It is possible to track the report of an offence to the end of the crime investigation but only within the police service. The information throughout the investigation will be kept and updated by the officers dealing with the case. This information would not be accessible to the general public and

there is no shared database at this stage between the police and other agencies. If there were concerns, for example, about children residing in the house, a referral may be made to social services but this would be on an individual basis.

Once the police have collected the relevant evidence to support the case, they make a decision to charge, in consultation with the Crown Prosecution Service. The charging guidelines have changed in recent years so that cases can now go to court even if the victims retract their statement. This was seen as a positive step in terms of dealing with domestic violence cases in that if women are threatened to withdraw their statements, the case will now continue to court instead of being dropped.

After police charge, the case will then pass to the Crown Prosecution Service and will be heard, initially in magistrates court and then crown court if necessary. Court results are available to the public although, without knowing the details of the case and the names of the people involved, it would not be possible to track the case from the initial report. As there is no specific offence of domestic violence, this provides a barrier to tracking cases throughout the process.”

There seems to be one thing in common with all member states that replied to the question on case flow: it is possible to follow the case flow in one part/some parts of the criminal procedure (for example, from the end of the crime investigation to the prosecutor) but not throughout the whole procedure, i.e. from the report of an offence to the final court decision. This is because the data systems and especially the classifications used by different authorities are not compatible with each other. One example of an attempt to standardise the classifications used by different authorities can be found in Sweden. The planning of this initiative, which is called STUK, was started already in 2000 and most parts of it are to be implemented in 2012. One purpose of STUK is that it makes it possible to follow the case flow through the whole criminal procedure. However, the amount of time the project has taken shows well the extent of the problem, and this is probably why most countries have not tried to create such a system of their own.

## **P**ART 3. CONCLUSIONS AND RECOMMENDATIONS

The purpose of this study is to assess what type of administrative data Council of Europe member states are currently collecting on victims of domestic violence and to issue recommendations on the collection of administrative data beyond current practices. This chapter contains the results of the study, followed by recommendations.

### **3.1. Results**

Of the data collection methods applied, the most concrete and useful information in this study was obtained during the country visits. This information is compiled in the in-depth country reports contained in Appendix 17. The purpose of the country reports is to show in a more or less detailed way the various ways in which different authorities and agencies have or have not organised data collection on domestic violence in different countries. Country reports can be used as examples or models of data collection for other countries when different ways and systems of data recording are being planned or considered. It should be noted, however, that the time-frame of the project allowed for short country visits only. Due to the necessary extensive preparations for a successful country visit, it proved impossible in some cases to coordinate relevant visits so that they could be organised in a smoothly working visiting programme. A longer time for preparations together with additional time allocated per country visit would have yielded more information.

The study has, however, yielded important results of practical value in relation to the different definitions of the following basic issues found to be applied in practice: domestic violence, victim, relationships between victim and perpetrator and types of violence. This is definitely the most valuable information that was collected with the questionnaire. The amount of different definitions is a good illustration of the current situation where an attempt to introduce uniform definitions that could be used in all Council of Europe member states is likely to be quite challenging and time-consuming, given the fact that every country would need to assess their current situation, identify data production systems, variables and classifications and convince the various actors to change their data systems accordingly. It can also be argued that using

uniform definitions everywhere would not always be expedient. This issue is further discussed below.

Despite the sometimes questionable level of reliability of the answers to the questionnaire, the replies received indicate clearly that the most comprehensive data collection practices can be found in the police and within the social services, NGOs and third sector actors. According to the results of the questionnaire, the situation is least satisfactory in health care and within judicial authorities. The problem in data systems used by judicial authorities is that public prosecutors and courts do not distinguish cases of domestic violence in many countries. Cases are coded according to crimes as defined in criminal codes, and criminal acts. As a result, cases of domestic violence cannot be distinguished in the systems of public prosecutors and courts unless domestic violence is a specific crime of its own. A further problem is that criminal law administrations, as a rule, do not record statistical information about victims of crimes, or about the relationship between victim and perpetrator, and consequently there are usually no data available that could describe domestic violence against women by partners or ex-partners.

As far as health care is concerned, the problems in data collection are somewhat different. Some respondents said that medical and nursing staff might feel that it is not their responsibility to inquire whether the patient is a victim of domestic violence. Their responsibility is to take care of injuries, not so much to find out what caused them. Difficulties in identifying the problem are one reason for poor data recording in health care. Medical and nursing staff members do not always have the skills and tools for identifying the kinds of injuries that are typical of domestic violence. Also, asking about domestic violence is not easy, especially if there is no certainty about it. It can also be argued that asking about domestic violence might endanger the confidentiality between the patient and the doctor and discourage the patient from contacting healthcare agencies. It thus becomes a matter of treatment ethics. These problems could be solved, at least partly, with additional training on how to identify the problem and how to discuss it with the patient. Another problem that might lead to poor recording in health care in many countries is the increasing number of patients per doctor/nurse and the need to prioritise tasks. If confronted with serious time constraints, recording data on domestic violence may not be considered to be among the most important tasks. Data collection might be improved by allocating more resources to health care. However, asking the patient about domestic violence and being interested in recording information on domestic violence is also a matter of attitudes. Changing attitudes combined with adequate training may be a bigger challenge than the allocation of additional resources.

Before setting out a series of recommendations on how and what kind of administrative data on domestic violence should be collected, it is important to discuss the purpose of administrative data collection and questions of data comparability.

First and foremost, the main objective of administrative data collection on domestic violence against women is gathering information that is comparable within countries and within authorities and agencies. This means that administrative data can be used by different authorities and agencies when assessing changes in domestic violence against women over time and in their own field. For example: a shelter can record certain data about its clients for years, compare the figures from different years and draw conclusions based on the recorded data. Also, identical data may be recorded by all public hospitals in one country and then be compared both over time and between hospitals.

In an ideal situation, administrative data can also be comparable between countries. This would require that authorities and agencies working in the same field in different countries would record data on certain variables in a uniform way. These variables could be, for example, the sex and age of the victim and the perpetrator, the relationship between them and the type of violence the victim has suffered. The full classification of the variables could however vary across authorities, depending on the type and purpose of the activity. Comparability between countries would mean that, for example, hospitals in different countries could compare the number of women who seek help for injuries caused by domestic violence, the type of violence these women have experienced and whether the perpetrator is typically the current or ex-partner/husband.

There are, however, several reasons why comparing administrative data between countries is challenging. One of the main reasons is that dissimilar definitions and terminology are used in different countries and by different authorities. Definitions of domestic violence, victim, or type of violence vary between authorities and between countries. This is most evident within the police and judicial authorities since they often rely on definitions that are accordant with the law. For example, the system and contents of restraining orders vary from country to country, and consequently the data recorded on them varies as well. Even though some member states do have rather similar legal systems and legislation, individual criminal acts and therefore definitions that are applied may be very different.

Definitions of domestic violence, victim and type of violence naturally depend on the context in which they are created and used. The activities and operations and also the purpose of the activities of, for example, the police, medical staff or shelters are different, and therefore the definitions they use are not identical. Creating an “all-inclusive”, fully consistent definition of domestic violence or victim that could be used everywhere is thus perhaps neither reasonable nor practical. A realistic objective would be to introduce uniform definitions for each area of operation so that for example all courts, all hospitals and all shelters in one country or in different countries would use uniform definitions. This would facilitate comparisons not only between different courts, hospitals or shelters in one country but also between countries.

### **3.2. Recommendations**

When giving recommendations to authorities and agencies on data collection on domestic violence against women, it should be remembered that data collection is not a core priority of these agencies.<sup>12</sup> Their main task lies elsewhere (finding out if a crime has been committed, finding out if the suspected perpetrator is guilty or not, taking care of a patient, providing refuge to a victim of violence, giving social support to a victim of violence) and data is collected as a side product in the process. Consequently, it is often felt that it is not realistic to ask these agencies to start recording data on the same scale as such authorities whose main task is the collection of data. Also, these authorities and agencies are professionals in their own field, not in data collection. This means that they do not always have the know-how or prolific interest in data collection, and this might in turn lead to incorrect and unreliable registrations of data.

Furthermore, it is important to consider how much information authorities, agencies and NGOs can be expected to record on domestic violence against women, since their area of operation and responsibilities is broad and not very specified. Many countries have telephone helplines and other services that can be used in many kinds of difficult situations in life, including in the case of domestic violence. These kinds of services may be provided for example by a religious agency (church), a victim support agency, or municipal

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<sup>12</sup> This was pointed out in a number of replies received.

social welfare offices. When the service is not exclusively aimed at female victims of domestic violence, data collection on domestic violence can not easily be that specific either. Some basic information can and should however be recorded. What this basic information is and how it can be recorded should be negotiated together with the relevant helping authorities and agencies. A good example of this kind of co-operative activity can be found in Spain where the State Observatory on Violence against Women has developed a *System of Indicators and Variables on Gender-Based Violence*. Members of the Observatory are and have been organising seminars and meetings with the institutions that are involved in combating gender-based violence and encountering victims in order to motivate them to start planning and carrying out data collection according to the *System of Indicators and Variables on Gender-Based Violence*. It is recommended that this kind of approach is implemented elsewhere as well.

It may not be realistic to demand that agencies working with domestic violence against women create and introduce completely new data recording systems. Nevertheless, changing and improving existing data collection systems is usually done on a regular basis in any case, and these situations could be taken advantage of so that classifications are changed to meet the basic requirements of data collection as set out by the Council of Europe *Task Force to Combat Violence against Women, including Domestic Violence* in the Campaign Blueprint.<sup>13</sup> Changing already existing classifications is possible, and if this is done, the following recommendations should be taken into consideration.

### ***Recommendation on establishing a co-ordinating body on data collection***

Currently it is typical that different agencies produce data on domestic violence against women practically without any co-ordination. Consequently, the variables and classifications applied do not follow uniform rules. Without systematic co-ordination, progress in this respect is difficult. Therefore, a national central agency or focal point should be set up that could monitor and give instructions to this effect. This agency could, for example, be the national statistical office or an observatory like in Spain.

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<sup>13</sup> Supra note 1.

### ***Recommendation on which levels of state authority and in which public or private institutions are to collect which type of data***

The collection of administrative data on domestic violence against women is the responsibility of the agencies that work to combat domestic violence at the grassroots level. In practice, this means, for example, the police officer who goes to the scene of domestic violence, the doctor who takes care of the patient's injuries caused by domestic violence or the employee who answers the phone of a telephone helpline. Superior authorities and administrations, public or private, are however responsible for controlling that relevant and useful data are actually being recorded and that this is done properly and according to instructions. Thus, public and private authorities such as ministries, national boards, associations, unions and central organisations are responsible for organising, monitoring, controlling and giving instructions on and training staff in the collection of administrative data on domestic violence against women in their field and within the agencies working at the grassroots level.

The second part of this recommendation, concerning which public or private institutions are to collect which type of data, will be discussed below under Chapter 3.3., *Model approach on the collection of administrative data collection*.

### ***Recommendation on how to establish an administrative data system in institutions that do not yet collect the recommended data***

When establishing administrative data systems at national level, the starting point is to find out and examine all relevant authorities, agencies, institutions and NGOs that work with the issue of domestic violence against women. Examples of authorities and institutions can be found in the country reports of this study. The next step is to make an inventory of the situation of administrative data collection on domestic violence against women within these authorities and institutions since all agencies usually collect some sort of data on their activities and clients. What kind of data, with which methods and with what kinds of variables, are already being collected? Is data collection done systematically and is a specific form and/or data system used when recording data? There should be a central body to do this inventory and to provide further guidance to each relevant agency on this matter.

According to the *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*, data collection

should be disaggregated by sex, the type of violence as well as by the relationship of the perpetrator to the victim. This has been taken as a guideline in this study and hence it is recommended that at least these data and the age of both victim and perpetrator be recorded by all agencies and institutions working with (domestic) violence against women. Thus, if the inventory of data collection shows that information on these matters is not already being recorded, they should be taken up in the data collection procedure.

If a data collection form and/or electronic data system already exist, the possibly lacking information should be added to this existing system. It is very likely that existing data systems are insufficient since data collection is not a priority of these agencies and institutions, and each system has been developed to serve agency-specific interests. If no information is recorded at all, a basic data sheet should be designed. This form should comprise at least questions on sex and age of victim and perpetrator, type of violence and relationship of the perpetrator to the victim. In addition to these basic questions, the agency or institution may and should of course add questions it finds relevant or essential regarding its particular field of action.

As was noted in the previous recommendation, the planning and coordination of a data collection form is the responsibility of superior authorities and administrations. This should however be done in co-operation with members of the relevant profession who are confronted with domestic violence in their everyday work to tap into their opinions and ideas about the questions the clients should and can be asked.

In addition to the data collection form, instructions on how to use the form and how to identify a victim of domestic violence should be prepared. Instructing and training the people who are expected to start using the form and collecting data is very important when establishing a data collection system. Only data that are recorded accurately and according to standard rules and principles are useful. That is why it is important that everyone participating in data collection is aware of how it should be done.

In the context of training, the importance of administrative data collection should also be emphasised. People often feel that they have to record data just for the purpose of keeping statistics when in reality data can be useful for those who record it too. Data can be used for administrative purposes such as analysing and developing activities, budget planning, resource allocation and in personnel administration. Administrative data should be reported in such a way that it can be easily made use of in practice. Employing a specialist who

can analyse administrative data might also be in the interests of these agencies and institutions.

Instructing and training the personnel whose job it is to collect data can be organised in many ways. One example can be found from Spain where the State Observatory on Violence against Women has organised seminars and meetings with the institutions involved in combating domestic violence, in order to motivate them to start collecting data on domestic violence against women. These meetings should include reciprocal discussions so that both sides could express their opinions and ideas about data collection. Many agencies and institutions are not officially obliged to record data, which means they must be convinced to do it voluntarily. Open discussions in seminars and meetings are therefore important when convincing people of the importance of high quality data collection and when motivating them to record such data.

The last step in establishing a data system is to decide how the material is processed. Many authorities and agencies (such as the police) usually already have an electronic data system where new variables and information should be added. If no data system exists, some kind of electronic system for processing the recorded data should be designed or acquired.

The following table shows how mapping the existing situation of administrative data collection was done in Finland. The table serves as an example of what steps are needed when mapping the existing situation in any country.

**Table 1**  
*Mapping the existing situation of administrative data collection in Finland*

What needs to be found out	What was done
Which institutions, authorities and agencies work, in one way or another, with the issue of (domestic) violence against women in Finland?	A list of institutions, authorities and agencies was compiled with the help of previous studies, reports and web-based research. Also, specialists and experts in the field of domestic violence were contacted and asked what they knew about data collection. Finding experts was done by “snowballing”: if someone said s/he does not know about the issues, s/he was asked to name someone who does. This way it was possible to find the focal specialists and institutions in the field of data collection on domestic violence against women. This was done as extensively as possible.
What kinds of data systems do these agencies have? What kind of data do these agencies record? What kinds of variables and classifications do they use?	Information on existing data systems and data collection was acquired from previous studies, publications and reports published by the agencies themselves and by researchers/research institutes. Institutions’ and agencies’ web pages and annual reports were also used as sources of information. If information on data collection was not found by these means, the institutions were contacted by phone or email and asked whether they record administrative data and if they do, what kind of data it is. Contact details were found on the ↓

**Table 1 (continuation)**  
*Mapping the existing situation of administrative data collection in Finland*

What needs to be found out	What was done
	<p>↓ Internet. Furthermore, key persons in some institutions and agencies such as Statistics Finland, the National Research and Development Centre for Welfare and Health were visited to ask questions on administrative data collection on domestic violence against women. Some agencies, especially NGOs, shared the data collection form they use with their clients. This was the most detailed information received and also the most useful since it revealed the exact questions/variables that were being used.</p>
Is the sex and age of victim and perpetrator, the relationship between them and the type of violence recorded? What kind of data is not recorded?	After an initial assessment of data systems and what kind of administrative data different institutions and agencies record, this information was summarised in written form. A description of the data system was drawn up followed by an explanation of what kind of data is and is not recorded. Special attention was paid to whether the sex and age of victim and perpetrator, the relationship between them and the type of violence is recorded.
Examples of actual recorded data	If possible, examples of recorded data were looked for. Examples were found in research reports and studies, agencies' web pages and annual reports. It is easier to comprehend the advantages and deficiencies of the current way of collecting data when examples of actual figures are shown.
What kind of data should be recorded? What should be done differently?	After assessing what kind of data the institutions and agencies do and do not record and with the help of examples of these, recommendations on what kind of data they should record were drawn up. This was done mainly according to the guidelines on data collection set up by the <i>Task Force to Combat Violence against Women, including Domestic Violence</i> <sup>a</sup> so that if information on the sex and age of victim and perpetrator, the relationship between them and the type of violence was missing, it was recommended that these should be recorded in the future. In some cases recommendations included suggestions on how the actual, practical change should be made in the data system, for example by adding an obligatory field in the data recording system.
What happens next?	After the recommendations have been given to the institutions and agencies, it is time for them to consider whether the recommended changes are useful and well justified. It is then for the decisionmakers in these institutions to decide whether the changes are to be implemented or not. National co-ordination is required, the responsible agencies in this respect being ministries, local authorities, and national boards.
<p><sup>a</sup>. See the Campaign Blueprint, supra note 1.</p>	

### 3.3. Model approach to the collection of administrative data

This section contains recommendations on the type of administrative data that should be collected in different public and private institutions that work with the issue of domestic violence against women. The main proposal is that data collection should be disaggregated by sex and age of the victim and perpetrator, the type of violence as well as by the relationship of the perpetrator

to the victim. These are the minimum requirements for data collection and information on these categories should be recorded in one way or another in all agencies working with domestic violence against women. These requirements are discussed one by one below.

First of all, there should be an explicit definition of victim and perpetrator, since it is about these that details should be recorded. Once these definitions are adopted, the following standard data on victims and perpetrators should be collected.

### ***1. Sex of victim and perpetrator***

Recording the sex of the victim is probably already done in most places that record information on domestic violence but the sex of the perpetrator might be missing. Both of these are equally important and that recording the sex of victim and perpetrator may easily be accomplished.

### ***2. Age of victim and perpetrator***

This information is important because the age difference between the victim and the perpetrator can be calculated from their ages. The age difference may be an important detail when different aspects of domestic violence are being assessed. Age can be recorded by recording the year of birth or the age of the person at the time of the recording, or at the time of the violent event.

### ***3. Type of violence***

If recording the sex and age of victim and perpetrator is quite straightforward, recording the type of violence is more complicated. Types of violence can be defined in many ways and it may not be realistic or reasonable to use the same definition everywhere. This is because different authorities and agencies work in different environments, with different purposes and with different kinds of problems. For example, it is reasonable for the police, the public prosecutor and the courts to use definitions based on the law. This means that categories such as assault, rape, coercion into sexual intercourse, manslaughter and murder are used when defining the type of violence. In health care, the type of violence may be defined for example according to the

*International Classification of Diseases*. As a result, definitions such as assault by drugs, medication and biological substances, assault by hanging, strangulation and suffocation, assault by handgun discharge, assault by smoke, fire and flames, assault by sharp object, assault by bodily force, sexual assault by bodily force, and neglect and abandonment may be used when defining the type of violence in health care.

Agencies that do not work within the judicial or healthcare system are recommended to use more general definitions of types of violence in their data collection. These could include for example: physical violence, mental/psychological violence, economic violence, sexual violence and cultural violence. No matter what the options of types of violence are, **the main concern is that the content of these options has been explicitly defined**. For instance, the person recording the type of violence must know what physical or sexual violence means and what the difference between them is. Economic or cultural violence, for example, may be interpreted in various ways. The concrete contents of the terms and options should be decided before data recording takes place, i.e. when the decision on which terms and options to use is being made. Options of types of violence as well as the definitions and contents of the categories that are used should be included in the training of the personnel whose job it is to collect data. Data collection forms should also always include written definitions of the core items.

#### **4. Relationship between the perpetrator and the victim**

This information is very important to record since it reveals an essential aspect of domestic violence: who are the victim and the perpetrator? It is important to classify the relationship of the perpetrator to the victim as precisely as possible in order to get an elaborate picture of who are involved in domestic violence situations. That is why expressions such as “family member” or “intimate person” are not precise enough. The relationship between the perpetrator and the victim can be defined in many ways, and many options of relationships may be used. One such list could include for example: spouse, ex-spouse, boyfriend/girlfriend, ex-boyfriend/ex-girlfriend, cohabiting partner, ex-cohabiting partner, other family member, other relative, friend/acquaintance, and stranger. What is important is that former spouses and partners are distinguished in the options.

Similarly, as was argued with regard to types of violence, defining the meaning of different options of relationships is of equal importance. The per-

son recording the relationship between the victim and the perpetrator must know the exact meaning of spouse, boyfriend or cohabiting partner in order to do the recording correctly and without interpretation problems that would hamper the recording process. Detailed classifications will also allow comparisons across data sources even if they apply dissimilar overall definitions.

The following table shows what kinds of administrative data should be collected by agencies and institutions that work with the issue of domestic violence against women. It should be noted that only minimum requirements are presented in the table and that different agencies and institutions may and should record also other data that is relevant or essential regarding their particular field of action.

**Table 2**  
*Minimum data that should be collected by different agencies on domestic violence*

Authority/agency	Recommendation on what data to record
<b>Police</b>	Distinguishing domestic violence cases from other cases
	Sex of victim and perpetrator
	Age of victim and perpetrator
	Relationship between victim and perpetrator
	Type of violence (according to criminal codes)
	Outcome of cases: is the case investigated, is an arrest made, is the case reported to the prosecutor etc.
<b>Public prosecutor</b>	Distinguishing domestic violence cases from other cases
	Sex of victim and perpetrator
	Age of victim and perpetrator
	Relationship between victim and perpetrator
	Type of violence (according to criminal codes)
	Outcome of cases: are charges dropped or withdrawn, does the case go to court etc.
<b>Courts of first instance (both criminal and civil courts)</b>	Distinguishing domestic violence cases from all cases
	Sex of victim and perpetrator
	Age of victim and perpetrator
	Relationship between victim and perpetrator
	Type of violence (according to criminal acts)
	Outcome of cases: found guilty or not guilty, sentenced or not, type of sentence (fine, imprisonment, community service etc.)

**Table 2 (continuation)***Minimum data that should be collected by different agencies on domestic violence*

<b>Authority/agency</b>	<b>Recommendation on what data to record</b>
<b>Cause of death investigators</b>	Distinguishing deaths caused by domestic violence from all deaths
	Sex of victim and perpetrator
	Age of victim and perpetrator
	Relationship between victim and perpetrator
	Type of violence (e.g. according to ICD-10)
<b>Healthcare services</b>	Sex of victim and perpetrator
	Age of victim and perpetrator
	Relationship between victim and perpetrator
	Type of violence (e.g. according to ICD-10)
<b>Social services (for example, shelters, telephone helplines and other social service providers)</b>	Sex of victim and perpetrator
	Age of victim and perpetrator
	Relationship between victim and perpetrator
	Type of violence

Similar recommendations should also be given to other relevant agencies where they are found to be active.

In summary, it can be concluded that training and awareness raising are key elements when data collection systems are initially set up but also when an already existing data recording system is improved. Much remains to be done regarding administrative data collection on domestic violence against women in Council of Europe member states. This is an important issue to tackle as data on the functioning of the most important social institutions are a key element in a strategy to address domestic violence as a widespread form of violence against women.

# PART 4.

## APPENDICES

### Appendix 1

Replies to Section 1 of the questionnaire: Police

	Name of the organisation	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	yes	yes	yes	yes	yes	yes	yes	no	answer	
Azerbaijan	District police stations, Ministry of Interior	yes	no answer	yes	yes	yes	yes	yes	yes	yes
Belgium	no answer									
Bulgaria National	Police Service	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	Juvenile Delinquency Sector, General Crime Department, Criminal Police Directorate, General Police Directorate	yes	yes	yes	yes	yes	yes	yes	no	
Cyprus	Cyprus Police	yes	yes	yes	yes	yes	yes	yes	yes	yes
Czech Republic	Directorate of order and railway police service	no								
Denmark	Danish Police	no								
Estonia	The Police Board, Police prefectures	yes	yes	yes	yes	yes	yes	yes	yes	yes
Finland	The Finnish Police	yes	yes	no	no	yes	no		no	
Georgia	Information-Analytical department, Ministry of Internal Affairs	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 1 (continuation)

### Replies to Section 1 of the questionnaire: Police

	Name of the organisation	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Greece	Police Headquarters/Public Security Division	yes	yes	yes	yes	yes	yes	no	yes	no
Hungary	Hungarian National Police Headquarters	yes	yes	yes	yes	yes	yes	yes	yes	yes
Italy	Data related to all Police Authorities (Gendarmerie, State Police, Revenue Guard Corps, Penitentiary Police, Civil Guard)	yes	yes	yes	yes	yes	yes	no	yes	yes
Latvia	State Police of the Ministry of Interior of the Republic of Latvia	yes	no							
Liechtenstein	Landespolizei des Fürstentums Liechtensteins	yes	yes	yes	yes	yes	yes	yes	no	
Lithuania	The Police of Lithuania	yes	yes	no	no	no	no		no	
Luxembourg	Police Grand-Ducale	yes	yes	yes	yes	yes	yes	yes	yes	yes
Moldova	Ministry of Interior (General Department of the Police)	yes	yes	yes	yes	yes	yes	yes	yes	yes
Montenegro	Police Directorate of Montenegro	yes	yes	yes	yes	yes	yes	no	no	
Netherlands	Police of the Netherlands	yes	yes	yes	yes	yes	yes	yes	yes	yes
Poland	Prevention and Road Traffic Bureau of General Headquarters of Police	yes	yes	yes	yes	yes	no		no	

## Appendix 1 (continuation)

### Replies to Section 1 of the questionnaire: Police

	Name of the organisation	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Portugal	The Republican National Guard (GNR) and the Police of Public Security (PSP)	yes	yes	yes	yes	yes	yes	no	no	
Romania	County Police Inspectorate	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovakia	Ministry of Interior, Police Headquarter	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovenia	General Police Directorate, Criminal Police Directorate	yes	yes	yes	yes	yes	yes	yes	no	
Spain	EMUME – Guardia Civil	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden <sup>a</sup>	The Swedish Police	yes	yes	yes	yes	yes	yes	no	no	
Switzerland		yes	yes	yes	yes	yes	yes	yes	yes	yes
United Kingdom	Police services across the country	yes	yes	yes	yes	yes	yes	no	yes	yes
<b>Number of countries answering yes</b>		<b>27</b>	<b>25</b>	<b>24</b>	<b>24</b>	<b>25</b>	<b>23</b>	<b>17</b>	<b>16</b>	<b>15</b>
<p>a. It should be noted that the answers of Sweden apply to the crime code "gross violence against a woman's integrity" which is a combined title for certain criminal acts such as assault, unlawful threat or coercion, sexual or other molestation, or sexual exploitation. If these acts are committed by a man against a woman (at least 15 years of age) to whom he is, or has been, married or with whom he is, or has been cohabiting under circumstances comparable to marriage, he shall be sentenced for gross violation of a woman's integrity.</p>										

## Appendix 2

### Replies to Section 2 of the questionnaire: Emergency calls

	Name of the agency	Is information on emergency calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	no answer											
Azerbaijan	no answer											
Belgium	no answer											
Bulgaria		no										
Croatia	Mol Operative- Communications Centre, General Police Directorate	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Cyprus	Cyprus Police	yes	–	–	yes	yes	yes	yes	yes	no	no	
Cyprus	Social Welfare Services	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Czech Republic	Police of the Czech Republic, emergency line 158	yes	yes	no	yes	no	no	no	no		no	
Czech Republic	Safety Line Association; Safety Line for Children	yes	yes	no	no	no	no	no	no		no	
Denmark	Danish Police Districts 1 – 12	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
Estonia	Police Board (all emergency calls are saved in police database Polis)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Finland	Emergency Response Centre	yes	yes	no	no	no	no	no	no		no	
Georgia	General Inspection of the Office of the Prosecutor General of Georgia	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Georgia	Patrol Police	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 2 (continuation)

### Replies to Section 2 of the questionnaire: Emergency calls

	Name of the agency	Is information on emergency calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Greece	Police Headquarters/ Division of Emergency Calls	yes	no									
Greece	National Center of Emergency Care (EKAB)	yes	no									
Hungary	no answer											
Italy	National Emergency Calls Agency	yes	yes	yes	no	no answer	yes	no	yes	yes	yes	yes
Latvia	State Police of the Min- istry of Interior of the Republic of Latvia	yes	no									
Latvia	State Fire and Rescue Service of Latvia	yes	no									
Liechtenstein	no answer											
Lithuania	Emergency response Centre	yes	no									
Luxembourg	Police Grand-Ducale	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
Moldova	The Territorial Com- missariat of police	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Montenegro	Police Directorate of Montenegro	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Netherlands	Police of the Nether- lands	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Poland	no answer											
Portugal	Direcção Geral da Saúde (Centro de Atendimento do Serviço Nacional de Saúde)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 2 (continuation)

Replies to Section 2 of the questionnaire: Emergency calls

	Name of the agency	Is information on emergency calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Portugal	Instituto Nacional de Emergência Médica (INEM)	yes	no									
Portugal	144 Line – Social Emergency National Line	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Romania	no answer											
Slovakia	Police Force SR	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovenia	General Police Directorate, Operation and Communications Centre	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	
Spain	112 Agency	yes	yes	yes	yes	yes	yes	no	no		yes	yes
Sweden	no answer											
Switzerland												
United Kingdom	999 emergency line and local police	yes	–	–	yes	yes	yes	yes	no answer		no answer	
<b>Number of countries answering yes</b>		<b>20</b>	<b>16</b>	<b>1 4</b>	<b>1 5</b>	<b>14</b>	<b>1 5</b>	<b>1 3</b>	<b>13</b>	<b>10</b>	<b>13</b>	<b>12</b>

### Appendix 3

#### Replies to Section 3 of the questionnaire: Public prosecutors

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	yes	no	no	yes	yes	no		yes	yes
Azerbaijan	no								
Belgium	no answer								
Bulgaria	no answer								
Croatia	yes	yes	yes	no	yes	yes	yes	no	
Cyprus	no								
Czech Republic	yes	yes	yes	no	yes	yes	yes	no	
Denmark	no								
Estonia	yes	yes	yes	yes	yes	no		yes	yes
Finland	no								
Georgia	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	yes	no	yes	no	answer	no	no	yes	yes
Hungary	yes	yes	yes	yes	yes	yes	yes	no	
Italy	yes	yes	yes	no	yes	yes	no	yes	no
Latvia	no								
Liechtenstein	no								
Lithuania	no								
Luxembourg	yes	yes	yes	yes	yes	yes	yes	yes	no
Moldova	no								
Montenegro	yes	yes	yes	yes	yes	yes	no	yes	no
Netherlands	yes	no	no	no	yes	no		no	
Poland	no								
Portugal	no								
Romania	yes	yes	yes	yes	yes	yes	yes	no	
Slovakia	no								
Slovenia	no								
Spain	no								
Sweden <sup>a</sup>	yes	yes	yes	yes	yes	yes	no	no	
Switzerland	no								
United Kingdom	yes	yes	yes	yes	yes	yes	no	yes	yes
<b>Number of countries answering yes</b>	<b>14</b>	<b>11</b>	<b>12</b>	<b>9</b>	<b>13</b>	<b>10</b>	<b>7</b>	<b>8</b>	<b>5</b>

a. It should be noted that the answers of Sweden apply to the crime code "gross violence against a woman's integrity" which is a combined title for certain criminal acts such as assault, unlawful threat or coercion, sexual or other molestation, or sexual exploitation. If these acts are committed by a man against a woman (at least 15 years of age) to whom he is, or has been, married or with whom he is, or has been cohabiting under circumstances comparable to marriage, he shall be sentenced for gross violation of a woman's integrity.

## Appendix 4

### Replies to Section 4 of the questionnaire: Courts of first instance

	Name of the type of the court	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	In criminal cases: district courts and provincial courts; in cases of family law: district courts	yes	no	no	yes	yes	no		yes	yes
Azerbaijan	There is no specified court dealing with domestic violence against women	no answer								
Belgium	no answer									
Bulgaria	District court	yes	yes	no	yes	yes	yes	yes	yes	yes
Croatia	Misdemeanour Court	yes	no	no	no	yes	no		no	
Croatia	Municipal Criminal Court in Zagreb	yes	no	no	no	yes	no		no	
Cyprus	District Court (Criminal Jurisdiction)	yes	no	no	no	no	no		no	
Czech Republic	District courts	yes	yes	yes	no	yes	yes	yes	no	
Denmark	no answer									
Estonia	County court (court of first instance)	yes	yes	yes	yes	no	no		no	
Estonia	Court of Appeal	yes	yes	yes	yes	yes	no		yes	yes
Finland	District court	no								
Georgia	Tbilisi City Court, Collegium of the Administrative Affairs	yes	yes	no answer	yes	yes	yes	yes	yes	yes
Greece	Court of First Instance – Magistrate's court	no								

### Appendix 4 (continuation)

Replies to Section 4 of the questionnaire: Courts of first instance

	Name of the type of the court	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Hungary		no								
Italy	Criminal courts	yes	yes	yes	no	yes	yes	no	yes	no
Latvia	District/city court	yes	no							
Liechtenstein	no answer									
Lithuania	National Courts Administration	no								
Luxembourg	Tribunal de Diekirch et Tribunal de Luxembourg	yes	yes	yes	yes	yes	yes	no	yes	yes
Moldova		no								
Montenegro		no								
Netherlands	Criminal court	no								
Poland	1. District Court – Criminal Division 2. District Court – Family and Juvenile Division (family court)	no								
Portugal	For trial: – Tribunal de comarca; – Vara criminal; – Juízo criminal; – Juízo de pequena instância criminal.  For previous phases (enquiry and instruction): – Tribunal de instrução criminal.	yes	no	yes	yes	yes	yes	yes	no	

### Appendix 4 (continuation)

*Replies to Section 4 of the questionnaire: Courts of first instance*

	Name of the type of the court	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Romania	The Court of first instance in every municipality in Romania	no								
Slovakia	The court of first instance	yes	no							
Slovenia	Local Courts and District Courts	no								
Spain	Courts of first instance, instruction, civil, penal or gender violence	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden <sup>a</sup>	District court	yes	yes	yes	yes	yes	yes	no	no	
Switzerland	We don't make any distinction between the instances. The statistic of conviction and sentence is only based on the register of convictions for adults.	yes	no							
United Kingdom	Criminal cases are heard in the Magistrates Courts and Crown Courts. Within the magistrates courts there are currently 64 Specialist Domestic Violence Court systems. Civil/family cases are heard in county courts; Family Proceedings Courts (at Magistrates' Courts level), High Court. Answers relate to civil/family cases.	yes	no	no	no	no	no		no	

### Appendix 4 (continuation)

#### Replies to Section 4 of the questionnaire: Courts of first instance

	Name of the type of the court	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
United Kingdom	Magistrates Courts, criminal cases	yes	yes	yes	yes		yes	no	yes	no
United Kingdom	Specialist DV courts	yes	yes	yes	yes	yes	yes	yes	yes	yes
United Kingdom	Other magistrates courts	no								
<b>Number of countries answering yes</b>		<b>16</b>	<b>9</b>	<b>8</b>	<b>9</b>	<b>12</b>	<b>9</b>	<b>6</b>	<b>8</b>	<b>7</b>
<p>a. It should be noted that the answers of Sweden apply to the crime code "gross violence against a woman's integrity" which is a combined title for certain criminal acts such as assault, unlawful threat or coercion, sexual or other molestation, or sexual exploitation. If these acts are committed by a man against a woman (at least 15 years of age) to whom he is, or has been, married or with whom he is, or has been cohabiting under circumstances comparable to marriage, he shall be sentenced for gross violation of a woman's integrity.</p>										

## Appendix 5

*Replies to Section 6 of the questionnaire: Cause of death investigators*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	no answer								
Azerbaijan	no								
Belgium	no answer								
Bulgaria	no answer								
Croatia	yes	yes	yes	yes	yes	yes	no	no	
Cyprus	yes	yes	yes	yes	yes	yes	yes	yes	yes
Czech Republic	yes	yes	yes	yes	yes	yes	yes	yes	yes
Denmark	yes	yes	yes	yes	no	no		–	–
Estonia	no								
Finland	yes	yes	yes	yes	yes	yes	yes	no	
Georgia	no								
Greece	yes	yes	yes	yes	yes	no answer	no	yes	yes
Hungary	–								
Italy	yes	yes	yes	yes	no	yes	yes	yes	yes
Latvia	no								
Liechtenstein	no answer								
Lithuania	no answer								
Luxembourg	yes	yes	yes	yes	yes	yes	yes	yes	–
Moldova	no								
Montenegro	no								
Netherlands	yes	yes	yes	yes	no	yes	no	yes	no
Poland	no								
Portugal	yes	no	no	yes	no	yes	no	yes	no
Romania	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovakia	no answer								
Slovenia	yes	yes	yes	yes	yes	yes	yes	no	
Spain	yes	yes	yes	yes	yes	yes	yes	yes	–
Sweden	no answer								
Switzerland	no								
United Kingdom	no								
<b>Number of countries answering yes</b>	<b>13</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>9</b>	<b>11</b>	<b>8</b>	<b>9</b>	<b>5</b>

## Appendix 6

### Replies to Section 7 of the questionnaire: Restraining orders

	Name of the authority	Is information on restraining orders recorded?	Is the gender of the person to be protected recorded?	Is the gender of the person on whom the order is imposed recorded?	Is the age of the person to be protected recorded?	Is the age of the person on whom the order is imposed recorded?	Is the relationship between them recorded?	If yes, is there a list of possible relationships to choose from?	Is it possible to distinguish cases where the reason is domestic violence?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	District court	yes	yes	yes	yes	yes	no		yes	no	
Azerbaijan	Restraining order not applied										
Belgium	no answer										
Bulgaria	The court	yes	yes	yes	no	no	yes	yes	no	yes	no
Croatia	Ministry of the Interior	yes	yes	yes	yes	yes	yes	no	no	no	
Croatia	Misdemeanour Court	yes	no	yes	no	yes	no		yes	no	
Croatia	Municipal Criminal Court in Zagreb	no									
Cyprus	Police, Department of Welfare, Attorney General	no									
Czech Republic	Police presidium of The Czech Republic, Crime Investigation Department, Prague	yes	no	no	no	no	yes	yes	yes	yes	yes
Czech Republic	Directorate of order and railway police service	yes	no	yes	no	no	no		yes	no	
Denmark	no answer										
Estonia	Court, prosecution	no									
Finland	The Finnish Police	yes	yes	yes	yes	yes	yes	–	yes	no	
Finland	District court	yes	yes	yes	yes	yes	no	yes	no		
Georgia	Ministry of Internal Affairs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 6 (continuation)

### Replies to Section 7 of the questionnaire: Restraining orders

	Name of the authority	Is information on restraining orders recorded?	Is the gender of the person to be protected recorded?	Is the gender of the person on whom the order is imposed recorded?	Is the age of the person to be protected recorded?	Is the age of the person on whom the order is imposed recorded?	Is the relationship between them recorded?	If yes, is there a list of possible relationships to choose from?	Is it possible to distinguish cases where the reason is domestic violence?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Greece	A) Single –judge court of the first instance (emergency procedure) B) The competent criminal court, the competent examining judge and the competent judicial council	no									
Hungary	The court	no									
Italy	Preliminary Hearing Judge and the judge of first instance	yes	yes	yes	yes	–	yes	–	yes	yes	no
Latvia	Judges	yes	no	no	no	yes	no		no	no	
Liechtenstein	Landespolizeit des Fürstentums Liechtensteins	yes	yes	yes	yes	yes	yes	yes	yes	no	
Lithuania	no answer										
Luxembourg	Tribunal d'arrondissement compétents	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Luxembourg	Police Grand-Ducale	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
Moldova	Restraining order not applied										
Montenegro	Restraining order not applied										
Netherlands	The investigation Judge (Rechter Commissaris), the criminal court judge, the public prosecutor, civil court, the maire	no									

## Appendix 6 (continuation)

### Replies to Section 7 of the questionnaire: Restraining orders

	Name of the authority	Is information on restraining orders recorded?	Is the gender of the person to be protected recorded?	Is the gender of the person on whom the order is imposed recorded?	Is the age of the person to be protected recorded?	Is the age of the person on whom the order is imposed recorded?	Is the relationship between them recorded?	If yes, is there a list of possible relationships to choose from?	Is it possible to distinguish cases where the reason is domestic violence?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Poland	Criminal Courts	yes	no	yes	no	no	no		no	no	
Portugal	Juge d'Instruction Criminelle (Juiz de Instrução Criminal)	no									
Portugal	Ministério Público	no									
Romania	The Penal Court/ The Civil Court	yes	yes	yes	–	–	yes	–	no	no	
Slovakia	The court of first instance	yes	yes	yes	yes	yes	yes	no	yes	yes	yes
Slovenia	General Police Directorate, Criminal Police Directorate	yes	yes	yes	yes	yes	yes	yes	yes	no	
Spain	Courts	yes	no answer	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	Police, Court, The Swedish Prosecution Authority	yes	yes	yes	yes	yes	no		no	no	
Switzerland	Police and courts	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
United Kingdom	The police	yes	yes	yes	yes	yes	yes	no	yes	yes	yes
United Kingdom	HM Courts Service	yes	no	no	no	no	no		no	no	
<b>Number of countries answering yes</b>		<b>18</b>	<b>14</b>	<b>17</b>	<b>13</b>	<b>13</b>	<b>14</b>	<b>8</b>	<b>12</b>	<b>9</b>	<b>7</b>

## Appendix 7

*Replies to Section 8 of the questionnaire:  
Public healthcare institutions and services, public hospitals*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	yes	yes	yes	yes	yes	yes	yes	yes	no
Azerbaijan	no								
Belgium	no answer								
Bulgaria	yes	yes	no	yes	no	yes	no answer	yes	no
Croatia	no answer								
Cyprus	no								
Czech Republic	no answer								
Denmark	yes	yes	yes	yes	no	no		no	
Estonia	no								
Finland	yes	yes	yes	yes	no	yes	yes	yes	yes
Georgia	no								
Greece	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	yes	no	no answer	yes	no	yes	no	yes	no
Italy	yes	yes	yes	yes	no	yes	yes	yes	yes
Latvia	yes	yes	yes	yes	no	yes	yes	no	
Liechtenstein	no								
Lithuania	yes	no							
Luxembourg	no								
Moldova	no								
Montenegro	no								
Netherlands	no								
Poland	no								
Portugal	yes	yes	yes	yes	–	–		yes	yes
Romania	yes	yes	yes	yes	–	no		no	
Slovakia	yes	yes	yes	yes	–	yes	no	no	
Slovenia	no	answer							
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	yes	yes	yes	yes	no	yes	yes	yes	yes
Switzerland	yes	yes	yes	yes	no	no	yes		yes
United Kingdom	yes	yes	yes	yes	–	yes	yes	yes	yes
<b>Number of countries answering yes</b>	<b>16</b>	<b>14</b>	<b>13</b>	<b>15</b>	<b>3</b>	<b>11</b>	<b>8</b>	<b>11</b>	<b>8</b>

## Appendix 8

*Replies to Section 8 of the questionnaire:  
Public healthcare institutions and services, public health centres*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	no answer								
Azerbaijan	no answer								
Belgium	yes	no answer	yes	yes	no	no		no	
Bulgaria	no								
Croatia	no answer								
Cyprus	no								
Czech Republic	no answer								
Denmark	no answer								
Estonia	no								
Finland	yes	yes	yes	yes	no	yes	yes	yes	yes
Georgia	no								
Greece	no								
Hungary	yes	yes	yes	yes	no	yes	no	yes	no
Italy	yes	yes	yes	yes	no	yes	yes	yes	yes
Latvia	yes	yes	yes	yes	no	yes	yes	no	
Liechtenstein	no answer								
Lithuania	no answer								
Luxembourg	no								
Moldova	no								
Montenegro	no								
Netherlands	no								
Poland	no								
Portugal	–	–		yes	yes	yes	yes	yes	yes
Romania	no								
Slovakia	no								
Slovenia	no answer								
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	no								
Switzerland	–								
United Kingdom	no answer								
<b>Number of countries answering yes</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>2</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>4</b>

## Appendix 9

*Replies to Section 8 of the questionnaire:  
Public healthcare institutions and services, public maternity clinics*

	Are there public maternity clinics in your country?	Is information on domestic violence recorded?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	yes	yes							
Azerbaijan	no								
Belgium	no answer								
Bulgaria	no								
Croatia	no answer								
Cyprus	yes	no							
Czech Republic	no answer								
Denmark	yes	yes	yes	yes	no	no		no	
Estonia	no								
Finland	yes	yes	yes	no	no	no		yes	yes
Georgia	yes	no							
Greece	yes	yes	yes	yes	yes	yes	yes	yes	no
Hungary	yes	no							
Italy	yes	–	–	–	–	–	–	–	–
Latvia	yes	yes	yes	yes	no	yes	yes	no	
Liechtenstein	no								
Lithuania	no answer								
Luxembourg	yes	–							
Moldova	yes	no							
Montenegro	yes	no							
Netherlands	no								
Poland	yes	no							
Portugal	yes	yes	no	yes	yes	yes	–	yes	yes
Romania	yes	no							
Slovakia	yes	yes	yes	yes	–	yes	no	no	
Slovenia	no answer								
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	yes	–							
Switzerland	yes	yes	yes	yes	no	no		yes	yes
United Kingdom	no answer								
<b>Number of countries answering yes</b>	<b>19</b>	<b>9</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>4</b>

## Appendix 10

*Replies to Section 8 of the questionnaire:  
Public healthcare institutions and services, public emergency services*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	no								
Azerbaijan	no								
Belgium	no answer								
Bulgaria	yes	yes	yes	yes	no	no		yes	no
Croatia	no answer								
Cyprus	no								
Czech Republic	no answer								
Denmark	yes	yes	yes	yes	no	no		no	
Estonia	no								
Finland	no								
Georgia	no								
Greece	no								
Hungary	no								
Italy	yes	yes	yes	yes	no	yes	yes	yes	yes
Latvia	yes	yes	yes	yes	no	yes	yes	no	
Liechtenstein	no answer								
Lithuania	no answer								
Luxembourg	–								
Moldova	yes	yes	yes	yes	no	no		no answer	
Montenegro	yes	yes	yes	yes	no	yes	no	no	
Netherlands	no								
Poland	no								
Portugal	no answer								
Romania	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovakia	yes	yes	yes	yes	–	–		no	
Slovenia	no answer								
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	yes	yes	yes	yes	no	yes	yes	yes	yes
Switzerland	–								
United Kingdom	no answer								
<b>Number of countries answering yes</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>2</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>4</b>

## Appendix 11

*Replies to Section 9 of the questionnaire:  
Private healthcare institutions and services, private hospitals*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	yes	yes	yes	yes	yes	yes	yes	yes	no
Azerbaijan	no								
Belgium	no answer								
Bulgaria	yes	yes	yes	yes	no	no		no	
Croatia	no answer								
Cyprus	no answer								
Czech Republic	no answer								
Denmark	no								
Estonia	no								
Finland	yes	yes	yes	yes	no	yes	yes	yes	yes
Georgia	no								
Greece	no								
Hungary	–								
Italy	–								
Latvia	yes	yes	yes	yes	no	yes	yes	no	
Liechtenstein	no answer								
Lithuania	yes	no							
Luxembourg	no								
Moldova	yes	yes	yes	yes	no	no		yes	yes
Montenegro	no								
Netherlands	no								
Poland	no								
Portugal	–								
Romania	no								
Slovakia	yes	yes	yes	yes	–	–		no	
Slovenia	no answer								
Spain <sup>a</sup>									
Sweden	yes	yes	yes	yes	no	yes	yes	yes	yes
Switzerland	yes	yes	yes	yes	no	no		yes	yes
United Kingdom	no answer								
<b>Number of countries answering yes</b>	<b>9</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>4</b>

a. Private healthcare institutions and practitioners in Spain may use the same data recording protocol as the public ones but it is not mandatory for them.

## Appendix 12

*Replies to Section 9 of the questionnaire:*

*Private healthcare institutions and services, private health centres*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	no								
Azerbaijan	no answer								
Belgium	no answer								
Bulgaria	yes	yes	yes	yes	no	no		no	
Croatia	no answer								
Cyprus	no answer								
Czech Republic	no answer								
Denmark	no								
Estonia	no								
Finland	no								
Georgia	no								
Greece	no answer								
Hungary	–								
Italy	–								
Latvia	yes	yes	yes	yes	no	yes	yes	no	
Liechtenstein	no answer								
Lithuania	no answer								
Luxembourg	no answer								
Moldova	no								
Montenegro	no								
Netherlands	no								
Poland	no								
Portugal	no answer								
Romania	no								
Slovakia	no answer								
Slovenia	no answer								
Spain <sup>a</sup>									
Sweden	no								
Switzerland	–								
United Kingdom	no answer								
<b>Number of countries answering yes</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>		<b>1</b>	<b>1</b>		

a. Private healthcare institutions and practitioners in Spain may use the same data recording protocol as the public ones but it is not mandatory for them.

## Appendix 13

*Replies to Section 9 of the questionnaire:*

*Private healthcare institutions and services, general practitioners*

	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	yes	no answer							
Azerbaijan	no								
Belgium	no answer								
Bulgaria	no answer								
Croatia	no answer								
Cyprus	no answer								
Czech Republic	no answer								
Denmark	no								
Estonia	no								
Finland	no								
Georgia	no								
Greece	no answer								
Hungary	–								
Italy	–								
Latvia	no answer								
Liechtenstein	no answer								
Lithuania	no answer								
Luxembourg	–								
Moldova	no								
Montenegro	no								
Netherlands	yes								
Poland	no								
Portugal	yes	yes	yes	–	–	no answer		no	
Romania	no								
Slovakia	no answer								
Slovenia	no answer								
Spain <sup>a</sup>									
Sweden	no								
Switzerland	–								
United Kingdom	no answer								
<b>Number of countries answering yes</b>	<b>3</b>	<b>1</b>	<b>1</b>						

a. Private healthcare institutions and practitioners in Spain may use the same data recording protocol as the public ones but it is not mandatory for them.

## Appendix 14

*Replies to Section 10 of the questionnaire:  
Social services and social welfare institutions, shelters*

	Name of shelter/organisation	Is information on clients recorded?	Are both women and men accepted as clients?	Is the client's gender recorded?	Is the reason of the visit to the shelter recorded?	Is it possible to distinguish the cases where the reason is domestic violence?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	Austrian Women's Shelter Network (AÖF)	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Azerbaijan	no shelters in the country											
Belgium	Centres for general social welfare	yes	yes	yes	yes	yes	yes	no		no	no	
Bulgaria	Crisis Unit at Animus Association Foundation	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
Croatia	Women's Group Karlovac STEP's Secret Shelter for Abused Women and Children	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	Domestic Violence Shelter/Association "MiRTa"	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	Shelter for Victims of Family Violence Osijek	yes	no	yes	yes	yes	yes	yes	yes	no	yes	no
Cyprus	Association for the Prevention and Handling of Violence in the Family	yes	no	yes	yes	yes	yes	yes	yes	no	yes	no
Czech Republic	Caritas Czech Republic, Project Magdala	yes	no	no	yes	yes	no answer	no	yes	yes	yes	yes
Czech Republic	ROSA	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Denmark	National Organisation of Shelters for Battered Women and their Children	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Estonia	NGO Tallinn Women's Crisis Centre	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 14 (continuation)

*Replies to Section 10 of the questionnaire:*

*Social services and social welfare institutions, shelters*

	Name of shelter/organisation	Is information on clients recorded?	Are both women and men accepted as clients?	Is the client's gender recorded?	Is the reason of the visit to the shelter recorded?	Is it possible to distinguish the cases where the reason is domestic violence?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Estonia	Women's Shelter of Tartu (NGO)	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
Finland	The Federation of Mother and Child Homes and Shelters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Finland	Private shelter in Espoo	yes	no	yes	yes	yes	yes	no	no		yes	yes
Georgia	Anti-Violence Network of Georgia	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
Georgia	"Sakhli" Advice Center for Women	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
Greece	National Center of Social Solidarity, Dept. of Shelters	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	European Network of Women	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	Office of Equality of the Municipality of Athens – Shelter for Abused Women	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	Anyaothton = Mother's Shelters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Italy	LE ONDE	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
Latvia	Social services of municipalities	yes	yes	yes	yes	–	yes	yes	yes	yes	yes	yes
Latvia	7 shelters which provide social rehabilitation services for children and women victims of violence run by NGOs	yes	yes	yes	yes	yes	yes	no	yes	no	yes	yes
Latvia	Zante's Family Crisis Centre	yes	yes	yes	yes	yes	yes	no	yes	–	yes	–

## Appendix 14 (continuation)

*Replies to Section 10 of the questionnaire:  
Social services and social welfare institutions, shelters*

	Name of shelter/organisation	Is information on clients recorded?	Are both women and men accepted as clients?	Is the client's gender recorded?	Is the reason of the visit to the shelter recorded?	Is it possible to distinguish the cases where the reason is domestic violence?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Liechtenstein	Frauenhaus Liechtenstein	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Lithuania	Klaipeda social and Psychological Services centre	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes
Luxembourg	L'ensemble des centres d'hébergement est chapeauté par le Ministère de l'Égalité des chances	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Moldova	no answer											
Montenegro	Centre for Social Welfare	yes	yes	no	yes	yes	–	–	–		no	
Netherlands	Parent organisation for the women shelters in the Netherlands: Federatie Opvang	yes	yes	yes	yes	yes	yes	no	yes	no	yes	no
Poland	Special supporting institutions for victims of domestic violence	yes	yes	yes	yes	yes	yes	–	yes	yes	yes	yes
Portugal	UMAR – Uniao de Mulheres Alternativa e Resposta	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Romania	Parent organisation = National Agency for Family Protection	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovakia	NGO Gate into the Life	yes	no	yes	yes	yes	yes	yes	yes	no	yes	no
Slovakia	Naruc Child Crisis Centre	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
Slovakia	Civil Association Pro Familia, Shelter: Dakini	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 14 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, shelters*

	Name of shelter/organisation	Is information on clients recorded?	Are both women and men accepted as clients?	Is the client's gender recorded?	Is the reason of the visit to the shelter recorded?	Is it possible to distinguish the cases where the reason is domestic violence?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Slovenia	Association SOS Helpline for Women and Children – Victims of Violence	yes	no	yes	yes	yes	yes	yes	yes	no	yes	no
Slovenia	Mother's home, Shelters for women	yes	no	yes	yes	yes	–	–	yes	–	yes	–
Slovenia	Women's Counselling Service	yes	no	no	yes	yes	yes	no	yes	no	yes	no
Spain		yes	no	yes	yes	yes	–	–	–	–	–	–
Sweden												
Switzerland		yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Switzerland	DAO, umbrella organisation of shelters in Switzerland and Liechtenstein	yes	no	yes	yes	yes	yes	no	yes	yes	yes	yes
United Kingdom	no answer											
<b>Number of countries answering yes</b>		<b>26</b>	<b>9</b>	<b>25</b>	<b>25</b>	<b>26</b>	<b>24</b>	<b>18</b>	<b>23</b>	<b>20</b>	<b>23</b>	<b>20</b>

## Appendix 15

*Replies to Section 10 of the questionnaire:  
Social services and social welfare institutions, telephone helplines*

	Name of the helpline	Is information on the calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	Women's Helpline against Male Violence	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	
Azerbaijan	no helplines in the country											
Belgium	Tele-Onthaal (Tele-Accueil) 106	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Bulgaria	24 Hour Helpline for victims of violence	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	yes
Croatia	Domestic Violence Helpline	yes	yes	yes	yes	yes	no	no	yes	yes	yes	yes
Croatia	Women's Help Now – SOS Line for Women and Children Victims of Violence	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	SOS Helpline for Women Victims of Violence	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	SOS Helpline Association for Family Protection U.Z.O.R.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Cyprus	Association for the Prevention and Handling of Violence in the Family – Crisis Helpline 1440	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Czech Republic	Helpline Magdala, Caritas Czech Republic	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes
Czech Republic	Helpline of the Intervention centre Prague	yes	yes	yes	yes	yes	no answer	no	yes	yes	yes	yes
Czech Republic	DONA line	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 15 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, telephone helplines*

	Name of the helpline	Is information on the calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Denmark	Hotline – Stop Violence against Women – Break the Silence	yes	yes	no answer								
Estonia	no answer											
Finland	National Women's Line in Finland	yes	yes	yes	yes	yes	yes	no	yes	yes	no	
Finland	Rape crisis centre Tukinainen	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes
Finland	Victim Support Finland	yes	yes	yes	yes	no	no	no	no		no	
Georgia	no answer											
Greece	Telephone Helpline "197"	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	SOS Helpline "By Your Side"	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	Szociálpolitikai és Munkaügyi Intézet, Országos Kríziskezelő és Információs Telefonszolgálat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	NANE Helpline for violated women and children, ran by NANE-Women for Women Organisation	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Italy	1522	yes	yes	yes	yes	no	yes	no	yes	no	yes	no
Latvia	no answer											
Liechtenstein	Tel 143 Die Dargebotene Hand	yes	no	yes	yes	yes	yes	no	no		yes	yes
Lithuania	Women's Helpline 8 ~ 800 66366	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 15 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, telephone helplines*

	Name of the helpline	Is information on the calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Luxembourg	Centre de consultation pour femmes VISAVI Centre de consultation pour femmes Centre Ozanam Centre de consultation pour femmes Fraentelefon Centre de consultation pour femmes Foyer Sud	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Moldova	no answer											
Montenegro	In Montenegro there are SOS Helplines in nine municipalities. All of them have the same system of record and they are of NGO status	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Netherlands	38 Advies – en steunpunt huiselijk geweld (Advice and support Centres Domestic Violence)	yes	yes	yes	–	–	–	–	–		–	
Netherlands	Advice and Report Office Child Abuse and Neglect (AMK)	yes	yes	yes	yes	–	–	–	yes	–	yes	–
Netherlands	Stichting Korrelatie	yes	yes	yes	–	–	–	–	yes	–	–	
Poland	Polish Nationwide Emergency Service for Victims Of Domestic Violence "Blue Line"	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Portugal	800202148	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

## Appendix 15 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, telephone helplines*

	Name of the helpline	Is information on the calls recorded?	Is it possible to distinguish cases where the reason is domestic violence?	Is it possible to distinguish the victim?	Is the gender of the victim recorded?	Is the gender of the perpetrator recorded?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Romania	Emergency telephone number for domestic violence victims	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovakia	Naruc Counselling and Training Centre Helpline	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes
Slovakia	C.A. Aid to children in risk	no										
Slovakia	Fenestra	yes	yes	yes	yes	yes	no	no	yes	no	yes	yes
Slovakia	Telephone serving police, prosecutors and court	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Slovenia	SOS Helpline for Women and Children – Victims of Violence	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no
Slovenia	Association against Violent Communication	yes	yes	yes	yes	yes	no	no	yes	no	yes	yes
Slovenia	EMMA organisation, Help centre for victims of violence	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Spain	016	yes	yes	yes	no answer	no answer	no	no	no		no	
Sweden												
Switzerland	Beratungsstelle Opferhilfe, Bern	no										
Switzerland	Frauentelefon, Opferhilfe Kanton Thurgau	no										
United Kingdom	no answer											
<b>Number of countries answering yes</b>		<b>22</b>	<b>21</b>	<b>21</b>	<b>20</b>	<b>17</b>	<b>19</b>	<b>16</b>	<b>19</b>	<b>15</b>	<b>19</b>	<b>15</b>

## Appendix 16

*Replies to Section 10 of the questionnaire:*

*Social services and social welfare institutions, other service providers*

	Name of the agency	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Austria	Intervention Centres (against violence in the family)	yes	yes	yes	yes	yes	yes	yes	yes	yes
Azerbaijan	no answer									
Belgium	Unified welfare-centres	yes	yes	yes	yes	no	no		no	
Bulgaria	Bulgarian Gender Research Foundation and Animus Association	yes	yes	yes	yes	no	yes	yes	yes	yes
Croatia	Business Centre ROSA	yes	yes	yes	yes	no	yes	no	yes	yes
Croatia	Counselling Centre for Victims of Domestic Violence Slavonski Brod	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	Women Centre ADELA Sisak	yes	yes	yes	yes	yes	yes	yes	yes	yes
Cyprus	no answer									
Czech Republic	Interventional centre	yes	yes	yes	yes	yes	yes	yes	yes	no
Czech Republic	White Circle of Safety	yes	no answer	yes	yes	yes	yes	no	yes	no
Czech Republic	Intervention centre Brno	yes	yes	yes	yes	no	yes	yes	yes	no
Denmark	Mother's Aid	yes	yes	yes	yes	no	yes	no		no
Denmark	Victim Consulting	yes	yes	no	yes	no	no		no	
Denmark	Joan-Sisters	yes	yes	no	yes	yes	yes	no	yes	no
Estonia	Victim Support (public agency)	yes	no	yes	no answer					

## Appendix 16 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, other service providers*

	Name of the agency	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Finland	Social services departments and social welfare offices in cities and municipalities	yes	yes	yes	yes	no	yes	yes	yes	yes
Finland	The Evangelical Lutheran Church of Finland	yes	no	yes	yes	no	no		yes	yes
Finland	The Finnish Association for Mental Health	yes	yes	yes	yes	no	no		yes	no
Finland	The Family Federation	no								
Georgia	no answer									
Greece	Consultation Centre for violence against women/General Secretariat for Gender Equality/Ministry of Interior	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	no answer									
Italy										
Latvia	Woman and Children Crisis Centre in Talsi	yes	yes	yes	yes	no	yes	–	no	answer
Liechtenstein	Office for Social Affairs (public service)	yes	yes	yes	yes	yes	yes	no	yes	no
Liechtenstein	NGO, legal aid and counselling service for women	yes	no	no	no	no	no		no	
Lithuania	no answer									
Luxembourg	no answer									

## Appendix 16 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, other service providers*

	Name of the agency	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Moldova	Maternal Centre "Ariadna"	yes	yes	yes	yes	yes	yes	yes	yes	yes
Moldova	Centre for Victims' Information and Counselling from Cahul, Republic of Moldova	yes	yes	yes	yes	yes	yes	yes	yes	yes
Montenegro	NGO "Legal Centre"	yes	yes	yes	yes	yes	yes	yes	yes	yes
Netherlands	no answer									
Poland	Women's Right Centre	no								
Poland	Caritas	no								
Poland	City Council Social Help Centre (nationwide)	no								
Poland	Amnesty International	no								
Poland	Fenix, Counteracting Violence Centre Praga Południe, Warsaw	no								
Portugal	no answer									
Romania	Romanian Orthodox Church, through: a) Asociația DIA-CONIA, Bucharest; b) Fundația "Sf. Sava", Buzău.	yes	yes	yes	yes	–	yes	yes	yes	yes
Romania	Centres for counselling the victims of domestic violence	yes	yes	yes	yes	–	yes	yes	yes	yes

## Appendix 16 (continuation)

Replies to Section 10 of the questionnaire:

*Social services and social welfare institutions, other service providers*

	Name of the agency	Is information on domestic violence recorded?	Is it possible to distinguish domestic violence against women?	Is it possible to distinguish the victim?	Is the age of the victim recorded?	Is the age of the perpetrator recorded?	Is the relationship of the perpetrator to the victim recorded?	If yes, is there a list of possible relationships to choose from?	Is the type of violence recorded?	If yes, is there a list of possible relationships to choose from?
Romania	Centres for the assistance of perpetrators	yes	yes	yes	yes	yes	yes	yes	yes	yes
Romania	Probation Services with the County Tribunals	yes	yes	yes	yes	no	no		no	
Slovakia	C.A. Aid to help children in risk – Hope Centre	yes	yes	yes	yes	yes	yes	no	yes	no
Slovakia	Fenestra (Counselling services)	yes	yes	yes	yes	yes	yes	no	yes	yes
Slovakia	Department of counselling and psychological services, Offices of Labour, Social Affairs and Family	yes	yes	yes	yes	yes	yes	no	yes	no
Slovakia	Departments of socio-legal protection of children and social custodianship	yes	yes	yes	yes	yes	yes	no	yes	no
Slovenia	Associations against sexual abuse	yes	yes	yes	yes	yes	yes	yes	yes	no
Slovenia	Legal-information Centre for NGOs – LIC	yes	no	no	no	no		no	no	
Spain	no answer									
Sweden										
Switzerland	no answer									
United Kingdom										
<b>Number of countries answering yes</b>		<b>16</b>	<b>15</b>	<b>16</b>	<b>15</b>	<b>11</b>	<b>14</b>	<b>10</b>	<b>13</b>	<b>9</b>

## **Appendix 17**

### *National practices as examples of existing administrative data collection on domestic violence against women*

#### **FINLAND**

##### **1. The Police**

The Finnish Police use nationwide data systems called RIKI and Patja where reported crime is recorded. The report of an offence form contains both compulsory and optional information on the crime. Gender and other personal data such as the age and address of the suspect(s) and the complainant(s) are always recorded. The problem with the report of an offence form is that it does not specify who the victim is. In many cases the complainant and the victim are the same person but that is not always the case. Thus, comprehensive information on the victims of domestic violence can not be found in police data.

The report of an offence form contains a field where it is possible to define the crime or case as domestic violence. Other options in this field are for example drug related crime, organised crime, crime against public order and security, or racist crime. This information is not compulsory, and only one of the listed options can be chosen. Consequently, some cases of domestic violence are being recorded as something else and some other cases might be recorded as domestic violence. Furthermore, because of the voluntary nature of the item, domestic violence is often not recorded as such.

The following definition of domestic violence is used in the police: A case is defined as domestic violence when violence has taken place in the family and has been directed at a member of the family. Domestic violence should be understood very broadly when it comes to the parties involved and the violence. Physical violence or threat of physical violence is considered to be domestic violence regardless of the scene when the perpetrator and the victim have an emotionally intimate relationship. The crime in question is often an offence defined in Chapter 21 (an assault, for example) or Chapter 25 (threat, for example) of the Penal Code of Finland.

Also, the information on the relationship of the suspect to the victim is optional. However, there is a part in the form where the police officer can verbally describe what happened, who was involved in the events etc. It is possible

that the relationship of the suspect and victim is recorded here but there is much variation in the accuracy of the descriptions: some police officers describe the events and circumstances very thoroughly while others might only write down a few lines. The statistical problem with this information is that its recording is not systematic and standardised, and it is not in numeric form.

*EXAMPLE OF RECORDED INFORMATION*

The following tables are from the police data system called Polstat which includes information on police activities, personnel, resources etc. The information on crimes in Polstat is derived from the police data systems RIKI and Patja. This means that the information and figures in Polstat are only as reliable as the information and figures in RIKI and Patja. As was mentioned above, information on domestic violence recorded by the police is not reliable because it is not compulsory to indicate whether the case is domestic violence or not.

**Table 1**  
*Number of cases defined as domestic violence by the police in Finland in 2000–2006*

Year	Number of cases
2000	2 233
2001	2 380
2002	2 621
2003	2 348
2004	2 249
2005	3 691
2006	4 168
<i>Source of information: Police database Polstat</i>	

**Table 2**  
*Crimes of homicide and bodily injury defined as domestic violence by the police in Finland in 2000–2006*

Year	Number of crimes
2000	902
2001	987
2002	1 488
2003	1 717
2004	2 015
2005	3 302
2006	3 801
<i>Source of information: Police database Polstat</i>	

**Table 3**  
*Sex offences defined as domestic violence by the police in Finland in 2000–2006*

Año	Number of crimes
2000	10
2001	9
2002	68
2003	28
2004	39
2005	60
2006	55
<i>Source of information: Police database Polstat</i>	

**2. Emergency calls**

The authority responsible for emergency calls in Finland is the Emergency Response Centre which works in close cooperation with the police. The person on call at the Emergency Response Centre records data based on the information given by the caller. If a patrol has been sent to the scene, the per-

son on call at the Emergency Response Centre completes the recording according to the information the patrol gives on the circumstances and actions taken on the scene. Reporting the information from the scene is the responsibility of the police patrol, and recording the information as accurately as possible is the responsibility of the person on call at the Emergency Response Centre.

The reason of the call is recorded in one of the four following categories: domestic or family violence, disturbing noise, disturbing person or other reason. Emergency calls classified as domestic violence are cases where the police are asked to come to a private residence where violence is taking place. Here, violence means any kind of violence excluding cases where firearms or edged weapons are used. If firearms or edged weapons are used in a private residence, a different code is applied. This means that all other cases of violence taking place in a private residence are coded as domestic violence, regardless of the relationships between the people involved. Sirén and Lehti (2006) note that rather than domestic or family violence, these cases should be named as “residential violence” since the people involved in the violent situation do not necessarily live together or belong to the same family. Getting a clear picture about the family connections might be hard for the person receiving the call, and classifying the case can then be problematic.

*EXAMPLE OF RECORDED INFORMATION*

**Table 4**  
*Number of emergency calls in Finland in 2002–2006*

Year	Total number of calls	Number of calls for which the reason is domestic violence
2002	59 896	15 086
2003	63 888	15 300
2004	74 209	15 837
2005	81 227	17 133
2006	85 591	17 648

*Source of information:* Annual Report of the Finnish Police 2006

**3. Restraining orders**

Restraining orders are issued by the police or the District Courts in Finland. Different kinds of restraining orders are in place: a basic restraining order, an extended restraining order and an insidethe- family restraining

order. The restraining order is valid for the period ordered by the District Court, however, for a maximum of one year, but this period may be extended, if necessary. An inside-the-family restraining order can, however, be imposed for a maximum of three months. Its period of validity will be decided case by case.

The reason behind most of the inside-the-family restraining orders is domestic violence. The following information is recorded by the police on inside-the-family restraining orders. The lists are not complete; only the information considered essential for the purposes of this study is listed below.

Information on the person on whom the order is imposed:

- name
- gender
- address
- social security number
- occupation
- citizenship

Information on the person to be protected by the order:

- name
- gender
- address
- social security number
- occupation
- citizenship
- type of restraining order
- length of restraining order
- relationship between the person to be protected and the person on whom the order is imposed
- date when the order comes into force
- date when the order expires

In addition to the information listed above, the form contains a part where the circumstances and events behind the need for an inside-the-family restraining order can be described. A description of the type of violence as well as what happened and who was present can be written down in this part of the form. The problem with this information is that it is not standardised, and consequently its accuracy depends on the person who writes it down.

District Courts have their own records on restraining orders. The record includes the name, age and other personal information of the parties involved as well as basic information about the case. More detailed information and a description of the circumstances and events behind the restraining order can be found from the application for a restraining order and the court decision.

*EXAMPLE OF RECORDED INFORMATION*

The following table is from the police data system Polstat. The figures include restraining orders issued by the District Courts, inquiries on restraining orders requested by District Courts, applications for restraining orders and restraining orders issued by the police. The figures include all restraining order matters, not only inside-the family restraining orders. More detailed information on restraining orders is not available in Polstat. It should also be emphasised once more that the reliability of the figures is not necessarily the best possible because of deficiencies in the original recordings of the police data system.

**Table 5**  
*Restraining order matters in Finland in 2003–2006*

Year	Number of crimes
2003	1 521
2004	1 775
2005	2 167
2006	2 104

*Source of information:* Police database Polstat

**4. The public prosecutor**

The public prosecutor does not record any information on domestic violence against women in Finland. The public prosecutor’s statistics focus on the prosecuted persons and on the crime for which the person is prosecuted. The prosecuted person’s date of birth and gender are recorded. Thus, it is possible to single out the number of men prosecuted for an assault from all the assaults but there is no information on the victim. Therefore assaults on women, for example, can not be distinguished from all assaults.

## 5. Judicial system

Statistics Finland produces statistics on sentences passed by courts of first instance. Statistics on sentences are compiled in the same way as in the prosecutors' statistics: they are made according to the sentenced person, not the victim. Information on the crime for which the person has been sentenced is available, as well as his/her gender. Distinguishing the cases of domestic violence or cases where the victim is a woman is not possible.

The same applies to prisoner statistics. Data are available on the prisoner's gender and principal offence but more specified information is not recorded.

### EXAMPLE OF RECORDED INFORMATION

**Table 6**

*Number of men sentenced to summary penal judgment or accused in courts of first instance, by principal offence, in Finland in 2005*

<b>Manslaughter</b>	71
<b>Murder</b>	36
<b>Assault</b>	8 078
<b>Aggravated assault</b>	599
<b>Petty assault</b>	952
<b>Negligent homicide, grossly negligent homicide</b>	100
<b>Negligent bodily injury, grossly negligent bodily injury</b>	295
<b>Rape, aggravated rape, coercion to sexual intercourse</b>	84
<i>Source of information: Statistics Finland: Yearbook of Justice Statistics 2006</i>	

## 6. Healthcare institutions and services

### ◦ *The Malmi Hospital Emergency Clinic in Helsinki*

The Malmi Hospital Emergency Clinic in Helsinki and the Malmi Police Precinct have adopted a new system to improve the legal protection of the victims of violence and to facilitate co-operation between the authorities. The tool developed for this purpose is PAKE, a form charting the injuries sustained by the victim, in order to ensure that the patient's injuries and other related data are duly recorded. The idea is to fill in the form with every patient who is

a victim of violence. Those patients who explain that their injuries were caused by an accident are interviewed carefully so that the possibility of violence can be ruled out.

The PAKE form consists of two parts. The first part includes background information on violence and information on the course of events. Also the patient's personal information such as gender and age are recorded in this part of the PAKE form. Other issues that are recorded in this part of the form are:

- The venue
  - home, other apartment (address), other place
  - has the police been on the spot
  - has a report of an offence been made
- The perpetrator
  - identity is known; relationship to the victim
  - identity is unknown
  - victim doesn't want to tell, why
  - the same person has been violent before
- The offence/threats
  - hits, punches; with what instrument, where
  - kicks; where
  - strangling, suffocating; with what instrument
  - pushing over
  - unconsciousness
  - sexual violence; how
  - verbal violence, how
  - other kind of violence; what
- Pain caused by the violence
- Mental condition, the result of alcohol breath test
- Children
  - age of children
  - were the children on the spot; where and with whom are they at the moment
  - has child welfare been contacted
- Referral to other treatment

The second part of the PAKE form is a map of a human body where the patient's injuries and their locations are marked and drawn after they have been measured. The injuries are also photographed with a digital camera. The form and the photos are included in the patient's file. They can be used in the police investigation if there is one.

The Malmi Model Expert Network seeks to promote the approach and the PAKE form developed in Malmi, Helsinki, for wider application within the Province and beyond.

*EXAMPLE OF RECORDED INFORMATION*

**Table 7**  
*Relationship between the perpetrator and the victim in cases of partner and domestic violence. Malmi Hospital Emergency Clinic 2003*

Perpetrator	Victim	
	Woman (N=86)	Man (N=19)
Spouse	19 (22%)	3 (16%)
Ex-spouse	7 (8%)	
Partner	22 (26%)	5 (26%)
Ex-partner	3 (3%)	
Own child	6 (7%)	1 (5%)
Brother/sister	1 (1%)	3 (15%)
Boyfriend/girlfriend	23 (27%)	7 (37%)
Ex-boyfriend/ex-girlfriend	5 (6%)	

*Source of information: Noponen 2007*

Tanja Noponen (2007) carried out a research project on the PAKE form. She analysed 399 forms that had been completed in the Malmi Hospital Emergency Clinic in 2003. It should be noted that the PAKE form is used in all cases of violence, not only domestic violence. Noponen however distinguished information on partner and domestic violence in the data. The report includes several tables of which one, showing the relationship between the perpetrator and the victim is reproduced below.

◦ *Maternity and child welfare clinics*

Maternity and child welfare clinics are organised within public health centres and are intended to ensure a good standard of health for the mother, the unborn child, the infant and the family as a whole. The services are provided

free of charge. The Ministry of Social Affairs and Health has issued a recommendation to maternity and child welfare clinics about screening for domestic violence in 2004. This should be done by asking questions about violence from all women during the two first thirds of the pregnancy and in child welfare clinics when the mother brings her child to the six month check-up and in yearly check-ups after that. A screening form that should be used as a tool in these situations has been designed. It should be noted that the form is not yet being used in every maternity and child welfare clinic in Finland, since its implementation requires training and also organising a chain of services for those mothers and women who are victims of domestic violence. The form includes the following questions which are always asked in private:

1. How do you feel about your relationship?
2. Does your partner ever behave in such a way that you are afraid of him?
  - a. yes
  - b. no
3. Does your partner humiliate, control or insult you?
  - a. yes
  - b. no
4. Has your present partner
  - threatened you with violence (including threatened by using a weapon or some other instrument)?
  - grabbed, pushed, hit, or kicked you?
  - used some other kind of physical violence against you?
  - pressured, forced or tried to force you into sexual intercourse?
5. When is the last time your present partner was violent against you?
  - during the last 12 months
  - during pregnancy
  - after childbirth
6. Has your present partner been violent against your child/children?
  - a. yes
  - b. no
7. Has any of your children seen or heard when your partner has been violent?
  - a. yes
  - b. no
8. What kind of support/help would you like to get?

In addition to these data, the mother's age (i.e. the potential victim's age) is recorded.

For other data recorded in healthcare institutions and services see Chapter 7: *National Research and Development Centre for Welfare and Health, STAKES*.

## **7. National Research and Development Centre for Welfare and Health, STAKES**

### ◦ *Care register*

STAKES is an expert agency whose key functions are research, development and statistics in the fields of welfare and health. One statistical source that STAKES maintains is the care register (register of patients) Hilmo. This register contains information about patients and the type of injuries and the treatment given in different hospital districts. The information is collected in STAKES from electronic forms that are filled in by the nursing staff in hospitals and health centres. The form is completed when:

- a patient is admitted to the hospital ward, both in public and private hospitals;
- a patient is admitted to the municipal health centre ward;
- a patient is treated at the outpatient department in a public hospital;
- a patient undergoes day surgery in a private hospital or health centre.

This means that the form is not used when a patient visits the municipal health centre but is not admitted to the ward, when the patient visits the company doctor/occupational health physician or a private medical centre.

The form contains a part about why the patient was seeking treatment (disease, injury, disorder). This is done by using the codes of the Finnish version of the International Classification of Diseases (ICD-10). Chapter 10 in ICD-10 is called External causes of morbidity and mortality. This chapter includes the subtitle Assault. This subtitle includes the codes that should be used when someone has tried to hurt someone else physically and on purpose. It is also possible to code who the perpetrator of violence is. The options are: spouse or partner; parent; victim's child; acquaintance or friend; official authority representative; other specified persons; unspecified person. It is im-

portant to take note of the fact that the codes in the chapter External causes of morbidity and mortality can only be used as sub or side diagnoses. The code of the main diagnosis for the patient must be chosen from other chapters in ICD-10.

In theory, with this coding it would be possible to get information on the number of women who have sought treatment from hospitals or health centres for injuries caused by domestic violence. In practice, the information in the care register Hilmo is not reliable and does not give a correct picture of violence against women. There are many reasons why the information is not reliable:

- There are over 10 000 codes in the ICD-10. When the reason for seeking treatment is known to be domestic violence, there are still more than 80 codes to choose from. It is therefore probable that the nursing staff and doctors do not fill in the form properly or accurately. The main diagnosis of the patient can not be chosen from the external causes of morbidity and mortality. These codes are therefore additional codes that are not necessarily used very often. It is also possible that the nursing staff does not know how to fill in the form or that they are not aware that there are so many codes that can be used.
- It is very likely that patients who are victims of domestic violence are not telling the real reason for seeking treatment. The medical staff is not always able to tell whether the injury is caused by physical violence or an accident. Cases where the patient does not disclose the cause of injuries or the doctor does not know what caused the injury are not coded as injuries caused by domestic violence.
- The Finnish version of ICD-10 is a translation of the original, English-language version. The translation of the perpetrators of violence in the category of spouse or partner has turned out to be ambiguous. This has led to a situation where violence between men is coded into the category of domestic violence. In other words, the term partner is misunderstood to stand for a friend, a buddy or a drinking friend. This means that according to this statistical source, it looks like more men than women are being treated for injuries that are caused by domestic violence.
- For all these reasons, the real number of men and women who have sought treatment for injuries caused by domestic violence cannot be found in Hilmo. The administrators of the register have tried to inform the

hospitals and health centres about the meaning of the category spouse or partner. Even though there has been some decline in the number of men who have been treated for injuries caused by domestic violence in this source, the proportion of men and women is still incorrect. As long as the term partner is misunderstood in the hospitals and health centres, the information in the care register is not going to be useful if the objective is to assess the problem of domestic violence.

#### EXAMPLE OF RECORDED INFORMATION

Table 8 illustrates the problems with the reliability of the information recorded in the care register Hilmo when it comes to violence against women. It seems that more men than women have been treated for their injuries caused by domestic violence, which is not the case in reality.

**Table 8**  
*Number of treatment periods for injuries caused  
 by assaults in Finland in 2006*

Assailant	Patient	
	Men	Women
Spouse, partner	19 (22%)	3 (16%)
Parent/child	7 (8%)	
Acquaintance or friend	22 (26%)	5 (26%)
Other specified person		3 (3%)
Unspecified person	6 (7%)	1 (5%)
<i>Source of information: National Research and Development Centre for Welfare and Health (STAKES), Care register Hilmo</i>		

## 8. Statistics Finland

### ◦ *Statistics on domestic violence*

Statistics Finland produces statistics on domestic violence based on domestic violence recorded by the police. Statistics Finland gets information on all manslaughters, murders, attempted manslaughters, attempted murders, assaults, aggravated assaults, petty assaults, sexual abuses of a child, aggravated sexual abuses of a child, rapes, aggravated rapes, coercions into sexual intercourse, other sex offences and other offences in the category of homicide and bodily injury recorded by the police during one year. This information is combined with data from the family statistics produced by Statistics Finland.

The police record the suspect's and complainant's personal identity number. By using this number, these people and their address and family relations can be found in the family statistics. However, there are cases when the personal identity numbers are not recorded (for example not all foreign persons have a Finnish personal identity number). In these cases the suspect and complainant cannot be found in the family statistics. Also, the police data is not combined with the family statistics at the time the crime is committed but at the end of each year. This means that possible changes in the family relations after the crime took place are not recorded in the family statistics.

Statistics Finland considers persons living in the same address to be a family. This means that violence between people who live in the same address is considered domestic violence in this compilation. Family members who are not living in the same address are also taken into account in the statistics on domestic violence: violence towards father, mother, foster father, foster mother, child, spouse, ex-spouse or guardian who is not living in the same household with the perpetrator is also considered to be domestic or family violence.

Statistics Finland is also able to distinguish violence between cohabiting partners from the police data. Certain rules are used when reasoning who is a cohabiting partner. People:

- who regularly live together in the same address
- who are of opposite sex
- whose age difference is not larger than 14 years
- who are not siblings

are considered to be cohabiting partners. In case the couple has children together they are considered to be cohabiting partners no matter what their age difference is. However, the rules of reasoning who is a cohabiting partner are not without problems:

- a man and a woman who live together as flatmates are considered to be cohabiting partners
- cohabiting partners whose age difference is more than 14 years are not considered to be cohabiting partners (unless they have a child together)
- same sex couples who live together are not considered to be cohabiting partners.

The statistics produced by combining police data with the family statistics suffer from the same problem as police statistics on domestic violence against women: there is no information on the victim, only the complainant. Also, no information on violence between couples who are not living together is shown in this statistical source.

The statistics on domestic violence produced by Statistics Finland includes information on all domestic violence recorded by the police, domestic violence within the same household and domestic violence between close relatives. The following background information can be found in this source: age of complainant at the time of the incident, and gender of complainant. The violent offence is also recorded. Offences are from Chapters 20 and 21 in the Penal Code of Finland. Possible offences are: manslaughter, murder; attempted manslaughter, attempted murder; assault, aggravated assault, petty assault; sexual abuse of a child, aggravated sexual abuse of a child; rape, aggravated rape, coercion into sexual intercourse; other sex offences; other offences in the category of homicide and bodily injury.

#### EXAMPLE OF RECORDED INFORMATION

The four tables below are from Statistic Finland's statistics on domestic violence. The first table shows changes in domestic and intimate partner violence reported to the police in 1997–2005. The other tables show more specific information on incidents of domestic violence reported to the police in 2005.

**Table 9**  
*Domestic and intimate partner violence reported to the police in 1997–2005*

Year	All complainants in domestic violence cases	Complainant female	Age Total						
			14	15-20	21-29	30-39	40-49	50-59	60+
1997	2 694	2 178	97	119	448	680	573	191	70
1998	2 646	2 129	96	127	364	712	569	200	61
1999	2 756	2 221	83	141	369	696	615	246	71
2000	3 031	2 402	112	150	380	750	622	317	71
2001	3 167	2 532	126	152	449	780	673	275	77
2002	3 158	2 507	115	179	435	763	623	302	90
2003	3 567	2 801	225	178	456	779	738	316	109
2004	3 911	3 008	280	226	448	776	802	386	90
2005	4 109	3 195	307	236	574	818	776	366	118

**Table 9 (continuation)***Domestic and intimate partner violence reported to the police in 1997–2005*

Year	All complainants in domestic violence cases	Complainant female	Age Total						
			14	15-20	21-29	30-39	40-49	50-59	60+
<b>Of which: intimate partner violence</b>									
1997	1 719	1 556	–	63	344	552	435	136	26
1998	1 649	1 503	–	46	295	553	425	150	34
1999	1 762	1 594	–	47	311	549	469	192	26
2000	1 878	1 684	–	55	312	563	481	240	33
2001	1 969	1 766	1	64	379	586	504	189	43
2002	2 023	1 807	–	79	358	614	489	219	48
2003	2 183	1 956	6	89	367	624	566	241	63
2004	2 269	1 976	–	93	349	580	607	296	51
2005	2 423	2 153	–	108	470	635	587	277	76
<i>Source of information: Statistics Finland: Crimes recorded by the police 2005</i>									

**Table 10***Incidents of domestic violence reported to the police by age of complainant in 2005, complainant female*

Crime	Total	Age of the complainant at the time of the incident							
		-14	15-20	21-29	30-39	40-49	50-59	60+	
Manslaughter, murder	23	5	6	4	3	2	3	-	
Attempted manslaughter, attempted murder	22	3	-	6	2	4	4	3	
Assault	1 973	138	144	350	540	506	232	63	
Aggravated assault	129	8	10	33	25	26	15	12	
Petty assault	845	33	65	161	229	217	106	34	
Sexual abuse of a child, aggravated sexual abuse of a child	116	108	8	-	-	-	-	-	
Rape, aggravated rape, coercion into sexual intercourse	37	-	2	9	13	9	1	3	
Other sex offences	13	-	2	9	13	9	1	3	
Other offences in the category of homicide and bodily injury	37	12	-	6	3	9	4	3	
Total	3 195	307	236	574	818	776	366	118	
<i>Source of information: Statistics Finland: Yearbook of Justice Statistics 2006</i>									

**Table 11**

*Incidents of domestic violence reported to the police by age of complainant within same household in 2005, complainant female*

Crime	Total	Age of the complainant at the time of the incident						
		-14	15-20	21-29	30-39	40-49	50-59	60+
Manslaughter, murder	18	5	6	3	2	1	1	-
Attempted manslaughter, attempted murder	16	3	-	4	2	3	2	2
Assault	1 629	100	136	299	438	414	194	48
Aggravated assault	98	3	10	27	21	21	9	7
Petty assault	716	22	59	149	190	175	89	32
Sexual abuse of a child, aggravated sexual abuse of a child	57	51	6	-	-	-	-	-
Rape, aggravated rape, coercion into sexual intercourse	28	-	1	9	9	5	1	3
Other sex offences	7	-	-	2	3	1	1	-
Other offences in the category of homicide and bodily injury	25	10	-	3	1	5	4	2
Total	2 594	194	218	496	666	625	301	94
<i>Source of information: Statistics Finland: Yearbook of Justice Statistics 2006</i>								

**Table 12**

*Incidents of domestic violence reported to the police by age of complainant among close relatives in 2005, complainant female*

Crime	Total	Age of the complainant at the time of the incident						
		-14	15-20	21-29	30-39	40-49	50-59	60+
Manslaughter, murder	5	-	-	1	1	1	2	-
Attempted manslaughter, attempted murder	6	-	-	2	-	1	2	1
Assault	344	38	8	51	102	92	38	15
Aggravated assault	31	5	-	6	4	5	6	5
Petty assault	129	11	6	12	39	42	17	2
Sexual abuse of a child, aggravated sexual abuse of a child	59	57	2	-	-	-	-	-
Rape, aggravated rape, coercion into sexual intercourse	9	-	1	-	4	4	-	-
Other sex offences	6	-	1	3	-	2	-	-
Other offences in the category of homicide and bodily injury	12	2	-	3	2	4	-	1
Total	601	113	18	78	152	151	65	24
<i>Source of information: Statistics Finland: Yearbook of Justice Statistics 2006</i>								

◦ *Statistics on causes of death*

Statistics Finland also produces statistics on causes of death. The statistics on causes of death are compiled from data obtained from death certificates made by medical authorities, combined with data from the population information system of the Population Register Centre. Only the main cause of death is registered in the death certificate. This is done by applying the codes of the International Classification of Diseases (ICD-10) at its most accurate level (3 or 4 digits). When the cause of death is not clear but an indication of violence is present, the death certificate is not written until the preliminary re-

*EXAMPLE OF RECORDED INFORMATION*

**Table 13**

*Victims of lethal domestic violence by the relationship of offender to victim, and victim's gender in Finland in 2000–2006*

Offender	Victim	2000	2001	2002	2003	2004	2005	2006
Spouse	Total	22	30	19	18	19	14	11
	Male	3	5	4	5	4	3	2
	Female	19	25	15	13	15	11	9
Parent	Total	5	5	13	2	5	7	2
	Male	1	4	5	2	3	4	2
	Female	4	1	8	-	2	3	-
Victim's child	Total	8	7	8	3	1	3	5
	Male	5	3	3	1	1	1	3
	Female	3	4	5	2	-	2	2
Acquaintance or friend	Total	40	55	36	28	38	23	41
	Male	32	44	31	26	32	18	29
	Female	8	11	5	2	6	5	12
Someone else (relationship to the victim known)	Total	37	37	39	20	39	26	19
	Male	33	36	28	18	35	23	19
	Female	4	1	11	2	4	3	-
Identity unknown	Total	27	20	18	28	28	32	29
	Male	22	15	18	18	25	26	22
	Female	5	5	-	10	3	6	7
Total	Total	139	154	133	99	130	105	107
	Male	96	107	89	70	100	75	77
	Female	43	47	44	29	30	30	30

*Source of information:* Statistics Finland: StatFin database

sults from the police investigation on whether the case is a suicide, accident, or crime, are available. Medical authorities thus co-operate with the police and for example information on the offender in the statistics on causes of death is received from the police. The statistics on causes of death cover persons who have died in Finland or abroad during the calendar year and who at the time of death were domiciled in Finland.

One of the statistical tables on causes of death shows the number of women who are killed by domestic violence each year. This table contains data on deaths and mortality by gender of victim and offender, age of the victim and the relationship of the offender to the victim. The optional relationships are: offender is victim's spouse, offender is victim's parent, offender is victim's child, offender is victim's acquaintance or friend, offender is someone else whose relationship to the victim is known, offender's identity is unknown. This means that information on how many women, according to the death certificates made by medical authorities, are killed by domestic violence each year is available. However, the type of the violence that has caused the death is not recorded in this statistical source.

## **9. *The National Research Institute of Legal Policy and the Police College of Finland***

### **◦ *The Data Collection Instrument of the Finnish Homicide Monitoring System***

The Data Collection Instrument of the Finnish Homicide Monitoring System (FHMS) was created as a joint effort of the Criminological Unit of the National Research Institute of Legal Policy and the Research Unit of the Police College of Finland, and it became operative as of 1 June 2002. The aim of the FHMS is to monitor the homicide phenomenon, to create a database for in-depth research, and to serve crime prevention and prevention targeting purposes. The database is based on the police data. The FHMS is thus based on information produced in preliminary police investigations. The data are collected directly from the chief investigator of each individual homicide on a standard electronic form. It is compulsory for the investigating officers to complete the questionnaire. The general crime reporting system of the police is used in FHMS as a control and follow-up instrument to make sure that the data are really acquired from each registered homicide.

The database registers information on crimes investigated by the police under the following Penal Code titles: murder, manslaughter, killing, infanticide and negligent homicide committed in a single act with an intentional assault crime. Attempted homicides are not included.

Registering the information takes place primarily after the preliminary investigation has been closed. For crimes which are not cleared within a reasonable space of time, however, the available data are registered about one year after the start of the investigation, if the case is still being investigated as a probable homicide.

The database contains information on the main characteristics of the crimes, on their regional and temporal distribution, on the socio-demographic background of both the victim and the main offender and on their crime scene behaviour. The system also contains information related to the investigation of the crimes and information on the behaviour of the suspects after the crime and during the investigation. The number of internal variables for each case is about 90. In addition, the National Research Institute of Legal policy inserts external data on prior crimes of offenders and victims, and also on the punishments received by offenders. This information is retrieved from the information system of the courts kept by Statistics Finland and the crime sanctions register, kept by the Ministry of Justice.

Of the total of 90 variables the following can be considered essential when assessing domestic violence against women:

1. Victim data (note that the questionnaire contains several other questions about the victim but the following ones are those considered essential when assessing domestic violence against women):

*Victim sex*

- male
- female
- unknown

*Date of birth*

*Marital status at the time of the offence*

- married
- cohabitation
- long-term boy/girlfriend, separate apartments
- no intimate partnership
- not known
- the sole adult of a single-parent family

*Does the victim have children?*

- yes
- no
- not known

*Was the victim born in Finland?*

- yes
- no
- not known

*Citizenship*

- Finnish citizen
- Finnish and other citizenship, what other: \_\_\_\_\_
- Other citizenship, what: \_\_\_\_\_
- unknown

*Did the victim live in Finland permanently or temporarily?*

- long-term resident
- temporary (visit etc.)
- not known

*Victim's living conditions at the time of the offence*

(Note: this question refers to living conditions, not to the place of the offence)

*The victim lived (or stayed on a long-term basis)*

- apartment owned by the victim or his/her spouse
- apartment rented by the victim or his/her spouse
- with his/her parents
- in student dormitory
- in other dormitory
- with friends, acquaintances or relatives
- outdoors, junk boxes, makeshift huts, in forest
- prison
- other institution (for example, hospital)
- other situation, what: \_\_\_\_\_
- unknown

2. Information describing the offence (note that the questionnaire contains several other questions about the offence):

*What kind of violence resulted in the victim's death (You may choose multiple options)*

- hitting by hands
- kicking
- options 1 or 2, not known which
- the victim was pushed to ground
- strangulation by hands

- strangulation by rope etc.
- asphyxiation caused by a soft object
- asphyxiation caused by water
- injury caused by firearm
- injury caused by sharp object
- injury caused by blunt object
- injury caused by asphyxiation
- falling from high place
- injury caused by fire
- poison injuries
- injury caused by bacteria or viruses
- biting
- other mode of violence, what: \_\_\_\_\_

*Concerning the injuries inflicted on the victim, was there something that could point to the sexual motivation of the offender?*

- no
- yes, what: \_\_\_\_\_

3. Offender data (note that the questionnaire contains several other questions about the offender):

*Offender's personal id number:*

\_\_\_\_\_

*Offender's address and post code:*

\_\_\_\_\_

*Date of birth*

- born: \_\_\_\_\_
- unknown

*Offender's sex*

- male
- female
- unknown

*Marital status at the time of the offence*

- married
- cohabitation
- long-term boy/girlfriend, separate apartments
- no intimate partnership
- not known
- the sole adult of a single-parent family

*Does the offender have children?*

- yes
- no
- not known

*Was the offender born in Finland?*

- yes
- no
- not known

*Does the offender live in Finland permanently or temporarily?*

- long-term resident
- temporary (visit etc.)
- not known

*Offender citizenship*

- Finnish citizen
- Finnish and other citizenship, what other: \_\_\_\_\_
- other citizenship, what: \_\_\_\_\_
- unknown

*Offender's living conditions at the time of the offence*

(Note: this question refers to living conditions, not to the place of the offence)

*The offender lived (or stayed on a long-term basis)*

- apartment own by the victim or his/ her spouse
- rented apartment rented by the victim or his/her spouse
- with his/her parents
- in student dormitory
- in other dormitory
- with friends, acquaintances or relatives
- outdoors, junk boxes, makeshift huts, in forest (koija)
- prison
- other institution (for example hospital)
- other situation, what: \_\_\_\_\_
- unknown

4. Victim-offender relationship:

*What was the relationship between the victim and the offender?*

(Choose only one option. If two options fit the relationship, choose the one which is first on the list and with a smaller number. For example: if the offender was brother to victim, but also neighbour then choose brother).

*The victim was to the offender:*

- wife
- cohabiting female intimate partner
- girlfriend (=long-term intimate partnership without cohabitation)
- ex-wife, ex-cohabiting female partner, or ex-girlfriend
- husband
- cohabiting male intimate partner
- boyfriend (long-term intimate partnership without cohabitation)

- ex-husband, ex-cohabiting male partner, or ex-boyfriend
- intimate partner, same sex
- ex-intimate partner, same sex
- father
- mother
- brother
- sister
- son
- daughter
- child, sex unknown
- grandparent
- cousin
- “in-law”-relationship
- stepfather
- stepmother
- half sibling
- stepchild, adopted child, non-biological child
- intimate partner’s ex-partner or other partner
- ex-partner’s present intimate partner
- friend, pal, drinking buddy
- member of the same criminal organisation/group
- member of a competing criminal organisation/group
- co-worker
- neighbour
- resident in the same apartment/ dormitory
- cellmate or fellow inmate
- other client to a bar/restaurant, previously unknown
- other client waiting to get inside a bar/restaurant, previously unknown
- restaurant doorman, previously unknown
- police/guard attempting arrest
- escaping crime suspect
- member of the same tribal or ethnic group
- totally unknown
- known by face, or by name
- other relationship, what: \_\_\_\_\_
- cannot be ascertained

*For how long had the victim and the offender known one another?*

Please give your estimate even if the exact duration cannot be known.

- offender did not know at the time of the offence who the victim was

*Offender had known the victim for:*

- less than one day
- more than a day but less than a week

- at least week but no longer than one month
- at least a month, but no longer than a year
- more than a year but less than 2 years
- more that 2 year but less than 10 years
- more than 10 years

Overall, the information on homicides collected with the FHMS is extensive. With this data collection instrument it is also possible to get particular information on domestic violence against women that has resulted in the death of the victim.

#### EXAMPLE OF RECORDED INFORMATION

The National Research Institute of Legal Policy publishes a Review on Homicides based on the information collected with the FHMS. The following table is from the Review on Homicides 1/2007.

**Table 14**  
*Victims of lethal domestic violence by offender and gender in Finland  
between 1 June 2002 and 30 June 2006*

Offender	Victim	1-30 June 2006
Spouse, ex-spouse (different sex)	Total	113
	Male	95
	Female	18
Spouse, ex-spouse (same sex)	Total	2
	Male	2
	Female	-
Mother or father	Total	33
	Male	20
	Female	13
Other relative	Total	33
	Male	19
	Female	14
Acquaintance or friend	Total	249
	Male	229
	Female	20
Identity unknown	Total	64
	Male	57
	Female	7

**Table 14 (Continuation)**

*Victims of lethal domestic violence by offender and gender in Finland  
between 1 June 2002 and 30 June 2006*

Offender	Victim	1-30 June 2006
No information on the offender	Total	20
	Male	20
	Female	-
Total	Total	514
	Male	365
	Female	149
<i>Source of information: Lehti 2007</i>		

It is worth noting that data on homicides is compiled in two different statistics in Finland. The first one is the statistics on causes of death which is compiled from data obtained from death certificates made by medical authorities and data from the population information system of the Population Register Centre. The statistics on causes of death have been introduced earlier in this report, under the chapter Statistics Finland. The second source of information on homicides is the Data Collection Instrument of the Finnish Homicide Monitoring System. The information in this system is based on crimes recorded by the police.

There are differences in the information between the homicide monitoring system and the statistics on causes of death. Several reasons for the differences have been found (Lehti 2002), such as the timing of the data registration. However, what is mainly causing the differences are the cases of ambiguous deaths that are registered as homicides in one statistical source and as ambiguous deaths with an intentional assault crime, accidents or suicides in the other. Despite the differences, Lehti (2002) states that the information in these two statistical sources is fairly reliable, and fairly similar.

## **10. Social services and social welfare institutions**

- *Social services departments and social welfare offices in cities and municipalities*

At the moment, there is no systematic or nationwide data collection on domestic violence against women in social services departments or social wel-

fare offices in Finland. Some departments or offices record information on their clients. At the moment, it is not possible to combine or aggregate this information since the variables and classifications applied as well as the data collection procedures are not uniform.

The Ministry of Social Affairs and Health is at present co-ordinating a project the aim of which is to define what kinds of information is to be collected nationally in the social services in the future. One part of this project is to define the information that is to be collected in each agency of the social welfare services. The idea is to create a data system that is used in every social welfare office throughout the country. With a standardised data system and standardised forms it would be possible to collect commensurable, nationwide data on the clients of social welfare offices. The project is to be finished in 2011.

A working group consisting of specialists from the Ministry of Social Affairs and Health, Ministry of Justice, Ministry of the Interior and National Research and Development Centre for Welfare and Health (STAKES) has drafted a standard form with questions on violence. This form is to be included in the client database of the social welfare services. The idea is that every client of the social services is asked a question on possible experiences of violence. If the answer is no, no further questions are asked. People who are either victims or perpetrators of violence are often seeking help for other problems than violence and this is why it is hard for people working in the social services to recognise the victims and perpetrators. The idea is that asking a question on possible experiences of violence makes it easier to screen for people who are or have been victims of violence and who need help with the problem.

The “violence form” has been drafted and its field testing started in a couple of municipalities in the autumn of 2007. The following items are recorded when the client is either the victim or perpetrator of violence:

1. Information on the authority
  - unit, municipality, who is filling in the form
2. Information on the visit
  - is it a visit or a call, new client or repeated visits
3. Basic information on the client
  - gender, year of birth

4. Client's status

- client is victim, client is perpetrator, client is both victim and perpetrator (in the same case), a child has been exposed to violence

5. Last occurrence of violence

- during the last 24 hours, during the last week, during the last month, during the last year, earlier

6. Type of violence (it is possible to choose many)

- physical violence, sexual violence, emotional/psychological violence, economic violence, neglect, cultural or religious violence

7. The relationship between victim and perpetrator:

<b>Client is the victim of violence</b>	<b>Client is the perpetrator</b>
– perpetrator's relationship to the victim:	– victim's relationship to the perpetrator:
a) spouse	a) spouse
b) ex-spouse	b) ex-spouse
c) boyfriend/girlfriend	c) boyfriend/girlfriend
d) parent or step-parent	d) parent or step-parent
e) child or step-child	e) child or step-child
f) sibling or step-sister/ brother	f) sibling or step-sister/ brother
g) other relative, acquaintance	g) other relative, acquaintance
h) client, patient, student, co-worker, boss, fellow student	h) client, patient, student, co-worker, boss, fellow student
i) unknown	i) unknown
j) many perpetrators	
– perpetrator's gender:	– perpetrator's gender:
a) male	a) male
b) female	b) female

8. Physical injuries
  - a list of physical injuries
9. Mental or social damage
  - a list of mental and social damage
10. Were children exposed to violence?
11. Duration and recurrence of the violence
12. Has the client received help from the following places:
  - shelter, social welfare office, child welfare office, police, social worker at the police, legal aid office, family counselling centre, telephone help-line, support group, health centre or doctor, maternity clinic, day care, school, mental health clinic, AA, church, friends and acquaintances, relatives.
13. Has a crime report of an offence been made to the police?

The idea is that all municipalities in Finland should start using this form in their social welfare offices. The primary aim or purpose of the form is not collecting data on the prevalence of violence or single incidents but to make it easier for the staff to recognise violence and provide help for the client. The questions are not compulsory and they should not be asked just for the sake of data collection.

◦ *The Evangelical Lutheran Church of Finland*

The church offers different kinds of services and help for people who are in difficult situations in their lives or have problems or worries. One of such services is a national telephone help-line where people can call when they feel like talking to someone. The following information on the calls and callers is collected: caller's gender, caller's age, living circumstances (alone, in a partner relationship, family, single parent), livelihood (employed, unemployed, retired, student) and the reason for calling/the topic of the call. The following categories are used when collecting information on the reason of the call: loneliness, sexuality, partner, family and relatives, other relationships, living circumstances, fundamental questions, death and grieving, suicide, illness (physical/mental), addiction, violence (domestic/other). Though it is probable that the reason for calling is discussed in a more detailed way during the con-

versation, the emerging information is not systematically recorded. This means that the church has the information on how many calls they have received because of domestic violence but more detailed information is missing.

The church also provides family counselling services. Family counselling centres provide support and help for people who have problems in the family or relationship. A question form is filled in for every client. The following items are recorded: client's gender, client's age, client's family, client's marital status, client's employment status and the reason for the visit. If the reason for the visit is relationship problems, the following categories are used when collecting information: crisis connected to a phase in life, traumatising, sudden crisis, psychosocial crisis, interaction problems, infidelity, physical/ mental violence, sexual problems, divorce questions, problems with relatives or other close relationships, religious questions. The categories that are being used in the form have been changed since 2006 and therefore they are not the same as in table 15. A straight question about domestic violence (Has domestic violence occurred in your family?) has been added to the question form in recent years. There are no specific questions about domestic violence against women and more detailed information that might come up during the visit is not systematically recorded.

*EXAMPLE OF RECORDED INFORMATION*

Tables 15 and 16 show that the information collected by the church is not very accurate and that detailed information on violence against women can not be found from the church statistics.

**Table 15**

*The most common reasons for coming to the church family counselling centres in 2006. (One client can have several reasons for coming to the centre.)*

<b>Reason for coming</b>	<b>Percentage of all clients</b>
Contradictions in the relationship	23.1%
Communication problems	11.1%
Infidelity	9.7%
Divorce crisis after the decision of divorce has been made	7.7%
Crisis connected with a phase in life	7%
Mutual alienation	5.9%
Individual psychological problems	4.8%
<i>Domestic violence</i>	4.5%
Other individual, couple or family problems	26.2%
<i>Source of information: The Family Unit of the Church Council</i>	

**Table 16**

*Topics of the calls to the national help-line of the church in 2006.  
(Many topics may be discussed during one call.)*

Topic	Percentage of all calls
Living circumstances	26%
Loneliness	25%
Fundamental questions	19%
Mental sickness	16%
Family and relatives	14%
Spouse/partner	12%
Sexuality	11%
Physical sickness	10%
Other relationships	9%
Addictions	8%
Death and grieving	4%
Suicide	3%
<i>Violence</i>	2%
<i>Source of information: The Family Unit of the Church Council</i>	

○ *The Federation of Mother and Child Homes and Shelters*

The Federation of Mother and Child Homes and Shelters is a central organisation for the member associations assisting families by means of institutional and community services and projects. The Federation is the biggest provider of shelter services in Finland (13 shelters with 61 places). These shelters have collected information on their clients since 1979. The information collection has become more detailed over the years, and from the beginning of October 2007, shelters under the Federation have been using a detailed standard form in their data collection. The form contains questions on the following issues:

- client's personal data
- name, social security number, gender, address, citizenship
- client's employment situation, client's living circumstances
- client's social worker and other service providers
- client's children
- essential health information (diseases, medication, allergies, substance abuse, mental problems, treatment)

- perpetrator's personal data,
  - name, gender, year of birth, address, citizenship
  - relationship to the victim, options: partner; cohabiting partner or spouse; divorced; divorce pending; registered relationship
- situation when the client enters the shelter:
  - who has referred the client to the shelter
  - reason for coming to the shelter
  - type of violence, options: physical, mental, sexual, economic, cultural, religious, material
  - duration of violence (occasional, repeated)
  - child's position in the violent situation (victim, has been exposed to violence, has been neglected)
  - previous visits to shelters
- information on restraining order
- action plan for the time in shelter and after the shelter

◦ *Private shelter in Espoo*

The private shelter in Espoo provides services and help for women and their children who have experienced violence in the family or partner relationship. A form is filled in with every client and it includes the following information:

- client's personal data
- client's children
- type of violence (physical, sexual, mental, economic, cultural)
- who has referred the client to the shelter
- duration of violence
- previous visits to shelters
- contacts with other service providers and authorities

The relationship between the victim and the perpetrator is not recorded and no systematic information about the perpetrator is recorded.

◦ *National Women's Line in Finland*

The National Women's Line in Finland is a national, free of charge telephone helpline that provides help, advice and support to girls and women who have experienced violence or threat of violence, and also to their friends and family. A form is filled in about every caller. The following issues are recorded:

Caller

- gender
- is the caller the victim of violence, close relative, other relative, friend or acquaintance, colleague or fellow student, neighbour, authority representative, perpetrator, other.

Victim

- gender
- age
- place of residence
- for how long violence, threat of violence or fear of violence has continued (once, less than one year or one year, less than five years or five years, less than ten years, ten years or more than ten years, no information)

Perpetrator

- who is or was the perpetrator: spouse or partner, boyfriend/girlfriend, ex-spouse or ex-boyfriend/ girlfriend, parent or parents, child, other relative, friend or acquaintance, colleague or fellow student, authority, neighbour, client or patient, other.
- gender

Type of violence

- physical, mental, sexual, breaking of belongings and property, hidden (feeling of threat), economic, religious, sexual harassment, discrimination, other, no information

Caller's situation

- what does the caller talk about (what is the caller's situation like)

- what topics are discussed during the call: violence or threat of violence; fear, anxiety, insecurity; powerlessness, frustration; guilt, shame; loneliness; sexuality, corporality; information on support and help services; other
- who has the victim told about the violence: authorities; spouse, partner or boyfriend/girlfriend; family members or relatives; friends or acquaintances; colleagues or fellow students; someone else, who; no one
- where has the victim received help: health services; social services; criminal system; shelter; mental health services; family clinic; spiritual services; peer group support; somewhere else, where; nowhere
- what sort of support is the caller looking for: criminal matters; divorce or property matters; custody or visiting rights matters; social services and benefit matters; residential matters; healthcare matters; mental health questions; spiritual questions; support groups; support person; other support
- what sort of support has been given to the caller

◦ *Rape crisis centre Tukinainen*

Tukinainen rape crisis centre is a national resource centre that provides support and guidance for persons who have been sexually assaulted or abused, as well as for their families. There is a helpline for conversations and information about sexual assault and abuse. There is also free legal consultation for victims of domestic violence. A form is filled in for every caller. The following issues are recorded:

- caller's gender
- victim's gender (if the caller is not the victim)
- caller's place of residence
- victim's place of residence (if the caller is not the victim)
- is the caller: victim; spouse, partner, boyfriend; near relative; other relative; friend or acquaintance; colleague; neighbour; authority; perpetrator; other
- victim's nationality
- where did the caller hear about Tukinainen

- victim's age at the time of the call
- victim's age at the time of the offence
- the reasons of contacting Tukinainen: rape; attempted rape; sexual abuse; sexual harassment or molesting; coercion into a sexual act; incest; other sexual abuse of a child; doubt about incest or abuse; domestic violence/abuse; mental violence; pandering; trafficking in human beings; restraining order; consultancy; other, what
- scene of the offence: victim's private apartment; perpetrator's private apartment; shared private apartment; other private apartment; public space; workplace; cruise ship; means of transport; outdoors; other, what
- country of the offence
- perpetrator(s): partner, boyfriend; spouse; ex-partner; parent; other family member; other relative; friend; colleague; neighbour; other acquaintance; acquaintance from restaurant; acquaintance from the internet; professional helper (e.g. doctor, therapist); authority representative (e.g. police); someone in an authoritative position (based in the perpetrator's position; based on dependence; based on significant age difference); unknown; no information
- number of perpetrators
- gender of perpetrator(s)
- nationality of perpetrator(s)
- how long is it since the last offence
- consequences of the offence to the victim: physical, mental, posttraumatic stress disorders, social, sexual, changes in the ability to work or study, changes in living circumstances, suicidal symptoms, use of intoxicants, legal consequences
- estimate of how many times the victim has experienced sexual violence
- legal process: report of an offence has been made to police; report of an offence has not been made; report of an offence has been withdrawn; conciliation; legal process is pending; legal process is closed; waiving of charges; no information
- medical examination of the victim

- guidance/informing of the victim
- guidance to other services of Tukinainen

○ *Victim Support Finland*

Victim Support Finland offers practical advice and psychological support to victims of crimes or attempted crimes and those closest to them, and witnesses of crime. Victim Support Finland maintains a national helpline offering callers practical advice and psychological support. Victim Support Finland also provides personal help in group activities or with a support volunteer. Certain information on the clients is collected in all services. This information includes the gender of the client/caller and the crime he/she has experienced. The options of the crimes are: domestic violence; sexual violence; other assault, robbery; threats, harassment, mental violence; homicide; burglary, theft; fraud, defalcation; racism; traffic offence; other crime. More detailed information that might come up during the call/visit is not systematically recorded. Victim Support Finland does not connect the information of the experienced crime to the caller's/client's gender and therefore the number of women who have experienced domestic violence can not be distinguished from the data.

*EXAMPLE OF RECORDED INFORMATION*

Some statistics on Victim Support Finland's clients and services can be found in the Internet. Table 17 shows the crimes that Victim Support Finland's clients have experienced.

**Table 17**  
*Crimes experienced by those who have sought help from  
Victim Support Finland's helpline in 2006*

<b>Crime</b>	<b>Percentage of callers</b>
Threats, harassment, mental violence	19%
Domestic violence	13%
Other assault, robbery	12%
Sexual violence	10%
Burglary, theft	4%
Fraud, defalcation	2%
Homicide	1%
Other crime	7%

- *The Finnish Association for Mental Health*

The Finnish Association for Mental Health is an expert organisation that collects and disseminates information on mental health to serve planning and decision-making, proposes initiatives and publishes reports, trains professionals and volunteers and publishes books and journals. The Association has a national crisis telephone, 10 crisis centres and an SOS service unit that provides services such as telephone consultation, crisis hours in the client reception, psychological first aid from an ambulant unit, and client group activity. The Finnish Association for Mental Health collects information about its clients. The following data are recorded on the callers/clients: gender, age, employment situation and the reason of the call/visit. If the reason of the call or visit is violence, further questions on the type of the violence (domestic violence or sexual violence) are asked. Also, information on whether the caller/client is the victim or the perpetrator is recorded.

- *The Family Federation*

The Family Federation is a social and health sector organisation focusing on families. The Federation provides services, acts as an advocate and carries out research. The Federation has a Partner Relationship Project that has its own national helpline as well as a Partner Relationship Centre that provides counselling, training, job consultation and therapy. The only information the Federation collects on the clients of the Partner Relationship Project is the number of clients or calls.

- *France*

Maryse Jaspard et al. (2003, 15)<sup>14</sup>, commenting on the incompleteness of French violence statistics, states that the Ministry of the Interior has been publishing annual statistics of recorded crime in France, but these focus primarily on the perpetrators of violence. The Ministry of Defence is, on the other hand, publishing their statistics “État des victimes, des crimes et délits à la police judiciaire”. Furthermore, in their “Annuaire statistique de la Jus-

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<sup>14</sup> Maryse Jaspard, Elizabeth Brown, Stéphanie Condon, Dominoque Fougeyrollas-Schwebel, Annik Houel, Brigitte Lhomond, Florence Maillochon, Marie-Josèphe Saurel-Cubizolles and Marie-Ange Schiltz (2003). Les violences envers les femmes en France. Une enquête nationale. Paris: La Documentation Française.

“lice”, the Ministry of Justice reports on sentences but not on victims. There are some higher level tribunals (TGI) that are currently or in the near future assessing “les violences conjugales” (intimate partner violence). Some medico-legal units have produced statistical accounts about violence victims for whom they have provided services. Finally, the National Observatory of Decentralised Social Action (ODAS) has established statistics on features of abused children and of victims of sexual abuse. NGOs that provide aid and support to female victims of violence collect statistics on persons with whom they have been in contact. There is a report (CESUR 1998) analysing 9 000 calls to a national helpline of the National Federation of Women’s Solidarity. The “Collectif féministe contre le viol” makes up annual statistics of its clients (around 2 500 cases of rape and other sexual aggression/assaults). Finally, the “Association européenne contre les violences aux femmes au travail (AVFT)” has published an analysis of part of their files in a report on sexual harassment (Cromer 1995).<sup>15</sup>

Jaspard et al. do not provide detailed information about the exact statistical contents of the sources they mention. However, only the first ones of the administrative sources mentioned above can be seen as administrative data sources proper in the sense that they report on a regular basis and contain some relevant data on domestic violence against women. It would seem that none of the sources identified here provide comprehensive information about the topic of the present study.

Nevertheless, there have been important advances: the gendarmerie has established a special unit for victims, and this unit is also developing systematic data on domestic violence against women. A first achievement has been the compilation of a first national study on women killed in intimate relationships. The data had to be collected separately from each police district as such information is not recorded on a routine basis. A second important achievement is that a special government-commissioned national survey of violence against women (ENVEFF) has been carried out in 2000 (reported 2003 in the book by Maryse Jaspard et al.), which provides, for the first time, a comprehensive picture of women’s victimisation to male violence. This work is, however, beyond the scope of the present study, as it focuses on standard administrative data sources rather than on survey sources.

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<sup>15</sup> Cromer S. (1995). *Le harcèlement sexuel en France – la levée d’un tabou 1985-1990*. Paris: La Documentation Française.

Routine data at police level suffer from similar weaknesses found in many other countries. Also, prosecutor and court data contain little information on domestic violence against women. The only – and quite interesting – exception is that, after a recent law amendment, partner violence is interpreted as an aggravating factor in violent offences. As a consequence of this innovation, police, prosecutor and court data do provide information on the number of offences, suspects, prosecuted, and convicted persons where the crime is an assault offence aggravated by the feature of being perpetrated by a partner. Consequently, police-recorded assaults do presently provide a figure on the number of those assaults where this provision was applied. Other characteristics of the violent event or of the parties involved are not recorded. Similarly, prosecutor and court data would reflect the same situation, i.e. no other data of relevance to this project are currently being recorded.

Homicides: the 2006 homicide situation has been analysed and reported by the Gendarmerie (Direction Générale de la Gendarmerie Nationale). This study is based on homicide data collected separately from all local units of the Gendarmerie, counting victims of partner and family violence, speaking about “homicides conjugaux”. This study is able to distinguish women killed by their male partners, including ex-partners, from the rest. It also provides data on the age of victims and perpetrators – however not separately for cases where women were killed by their (ex)partners; but this would of course be possible to do from the original data. Similarly, the modus operandi is provided as a simple one-dimensional distribution. (Type of violence is thus not provided). There is a plan to continue with such special studies. As this is – for the time being – a single study, it can not be considered standard “administrative data”, at least not until this report becomes a regular routine.

Hospitals: No information was found.

Social services: No detailed information was found. There is however a special unit in the Ministry of Social Affairs and Health, responsible for domestic violence against women. Their possibilities for effective action have however been severely limited by systematic resource reductions.

Emergency calls: No information was found.

Telephone helplines: See Jaspard et al.

Shelters: No information was found – but see Jaspard et al.

◦ *Czech Republic*

A new law on domestic violence took force on 1 July 2004. Police use this as the basis for recording. The variables and classifications do not correspond to the variables suggested by the Council of *Europe Task Force to Combat Violence against Women, including Domestic Violence* as contained in the Campaign Blueprint. Two levels of police are dealing with domestic violence. In the first place, it is the local police, but criminal cases may go to the criminal investigation police. Both are applying a common unified data system. The general crime data recorded by the police do not comprise victim characteristics or type of violence, or relationship between victim and offender, as is the case in most police crime data systems in other countries too.

In the Czech Republic, there is a recently introduced system of restraining/protection/barring orders that are being imposed by police on the spot if they recognise a domestic violence situation on an emergency call. The solution follows the Austrian model. After a three-year pilot in some parts of the country, restraining/protection/barring orders were introduced nationally as of 1 January 2007, accompanied by substantial training efforts. The system seems to produce a lot of cases, 700 until the end of September 2007. The order must be given by the police if domestic violence is observed, even against the will of the parties concerned, if the policeman has recognised domestic violence as defined in the SARA methodology, and if there is a high level of risk of future violence; then police can remove the offender. 24 hours is the time limit for handing the case over to a multi-disciplinary intervention centre. Next, within another 24 hours, the intervention centre must contact the victim to start finding a way to solve the problem. The victim will have 10 days to consider and decide what to do – whether to allow the man to return or to ask for a prolongation of the order from the court, for a maximum of 6 or even 12 months.

In the law, there is not a narrow provision on domestic violence against women. Instead, the law speaks about domestic violence as violence in the home by or against a dependant. Consequently, the law does not concern only female victims of partner violence, but any family/household member may be involved, and there is no discretion as to the relationship between victim (the person who suffered damage) and the perpetrator.

At least for the time being, the government has assigned the NGO White Circle with the task of monitoring the implementation of the new system of restraining/protection/barring orders.

For restraining/protection/barring orders, specific information about the victims is collected. In this system, the victim is defined as the person who suffered damage; a special form (a “SARA card”) is completed. This is used to collect details about each case, such as the region, the date/month, the sex of the victim, the sex of the offender, the age of the victim, the relationship between victim and offender, and what happened. There is no direct information on the type of violence involved. The relationship between victim and offender is classified in detail: married; only partners; divorced (by law) but living together in the same address (because of housing shortage, this is said to be quite common), relatives (sisters, brothers), trans-generational (parentchild- grandparent), other (such as parent and adult daughter whose boyfriend abuses her parents, i.e. a kind of “informal in-law”), ex-partner. In addition, also other data are collected on children, on contacts with the intervention centre, etc. Except for the type of violence that is not being described, this solution is clearly corresponding to the basic requirements of the Council of Europe criteria.

The completed “SARA card” is given to the next step of the procedure, a specialist policeman from a special unit for domestic violence against women, with special training.

In the (Swedish and Canadian inspired) SARA methodology, domestic violence is defined for the policemen by four factors:

- violence, repeated between the same people;
- escalation;
- we can recognise who is the abuser and who is the victim;
- private place.

This means that the domestic violence against women as understood in the Council of Europe definition cannot be singled out from all cases. Rather, the criteria applied here are more specific and would likely exclude part of the kinds of events that meet the Council of Europe criteria: it is not clear for instance how expartners should be treated in this system.

The NGO White Ring provides shelter services for victims of domestic violence. It also runs a special hotline, but in this context only very basic information is recorded, no details sought for in this study. The hotline is open 24 hours a day, providing expert advice and professional counselling. The helpline

is not free but the client pays the cost of the call, as it is run by paid professionals, and without regular public funding.

In prosecutor and court data, domestic violence against women is not recorded, apart from the protection/expulsion/barring/ restraining order cases.

The cause of death statistics contain the standard information based on the ICD-10 classification, and are therefore not up to the requirements of the Council of Europe.

Hospitals: The Ministry of Health has prepared a special card for awareness-raising among doctors, not a statistical form. They are obliged to record, and this is considered to work well. There is also a special provision on child victims of domestic violence (Act on family and social care institutions for children). There is no information on the variables and classifications applied.

The social services are recording domestic violence if they suspect something. Only basic information is being recorded such as name, age, and the fact that domestic violence is being suspected. No information on the definition of domestic violence applied in this context was found.

◦ *Spain*

In Spain, the collection of data on domestic violence against women is currently at a turning point. This is because a State Observatory on Violence against Women was established in Spain in June 2006. This Observatory is a collegiate body with representatives of the administration and civil society (including, among others, unions, NGOs, and researchers) attached to the Ministry for Equality under the Government Delegation on Gender Violence. The Observatory is in charge of collecting all information held by the public and private institutions that are involved in combating gender-based violence, such as social services, health care, education, judicial authorities and police. The task of the Observatory is to assess the magnitude of the phenomenon of violence against women and its evolution, with a special focus on the groups of women who are most severely affected, their ages and the circumstances in which violence usually takes place so that the main risk situations can be determined. The purpose of this collection of data is to assess and evaluate the political initiatives that have been put into practice, to make proposals for new measures and for amending those that are malfunctioning in order to eradicate violence against women

from Spanish society and to diminish its impacts on society. The definition of gender violence that the State Observatory addresses is established in Article 1 of the 1/2004 Act on *Measures for Protection against Gender Violence*, “to combat the violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes”.

According to the comment in the second statistical bulletin of the Government Delegation on Gender Violence and the State Observatory on Violence against Women, one of the difficulties in analysing the evolution and extent of genderbased violence is the heterogeneity of the data and information available. To solve this problem, a *System of Indicators and Variables on Gender-Based Violence* has been developed in the State Observatory on Violence against Women. The idea is that by pulling together certain variables and indicators, a database on genderbased violence could be developed in the future. This database would contain continuous, up-to-date data that could be useful when planning action and policies on violence against women.

The purpose of the indicators comprised in the database is not only to describe the extent of violence but also to assess the resources and measures taken against the problem. Some of the indicators are based on information that already exists or will soon be available, while others refer to information that is necessary but unavailable or not disposable for the time being.

Before discussing the System of Indicators and Variables on Gender-Based Violence in detail, some features of already existing data collection on domestic violence against women are briefly introduced. The description is based on discussions Mr Aromaa and Ms Ruuskanen had with Mrs Carvajal and her colleagues in Madrid in October 2007.

### *1. Police*

The Spanish police are divided into the National Police and the Civil Guard (Guardia Civil). These police bodies have consistent data on domestic violence since 1995. The Autonomous Communities of the Basque Country, Catalonia and Navarra have their own police forces and also their own data collection. Data on domestic violence are available from the police forces of

the Autonomous Communities as well, but it is not compatible with the data of the National Police and the Civil Guard. The police are obliged to record cases of domestic violence so that they can be distinguished from other cases. A new, uniform police data system has been designed at the Ministry of Interior and its implementation was started in the autumn of 2007.

## *2. Judicial authorities*

Two different data sources, the judicial authorities and the Ministry of Justice, provide information. The Ministry of Justice also maintains a register on victims of violence based on information received from courts. It is possible to distinguish female victims of domestic violence in this register.

## *3. Health care*

The statistics on domestic violence in the health care sector are not reliable. However, a health care protocol aiming at consistent practices in the whole country has been created in 2007. The aim is to create common indicators related to gender-based violence that would be accepted and used in the whole country, including the Autonomous Communities. The idea is to connect health care data with information on assaults from courts. The intention is that if health care staff suspects that the patient is a victim of domestic violence, they could report the case to the police without the patient's approval.

## *4. Social services*

The social services in Spain have a uniform data system that covers 70% of the country. The Basque Country and Catalonia are not part of the system, and they do not send their information to the central government. Overall, information on domestic violence against women gained by the social services is quite insignificant.

## *5. The System of Indicators and Variables on Gender-Based Violence*

The System of Indicators and Variables on Gender-Based Violence is divided into three parts. Each part includes indicators that can be used for different purposes when describing the extent of violence against women, the available resources, and the measures taken against violence. The contents and the structure of the system are shown in the following table.

**Table 18**  
*The System of Indicators and Variables on Gender-Based Violence*

Analysis and magnitude of gender-based violence	Recorded violence
	Description of the victim
	Description of the suspected perpetrator
	Deceased victims
	Indicators from the Macro surveys on violence against women and other studies
Analysis of the adopted measures	Data from the security forces (Fuerzas y Cuerpos de Seguridad)
	Judicial data
	Training of the professionals
	Education
	Media and public opinion
	Health care
	Social services
	Labour
Resources	Police resources
	Judicial resources
	Training of the professionals
	Education resources
	Media resources
	Healthcarehealthcare resources
	Social services resources
	Social security and labour resources
	Budget for developing the measures

The second one of the three parts of the system of indicators, i.e. *Analysis of the adopted measures*, is the most relevant one considering the purpose of this study. This part shows what kinds of data and information different public and private institutions should collect on violence against women. Some of the institutions included in the Spanish system are not in the scope of this study and therefore they are not discussed in this report. The ones that are covered here are: security forces, justice system, health care and social services. Also, information on deceased victims from the part *Analysis and magnitude of gender-based violence* are included here. The indicators are introduced here in the same way as they are written down in the System of Indicators and Variables on Gender-Based Violence. Below, only data directly relevant to the present task are presented. The system comprises a large number of other variables as well.

## 1. Data from the security forces (*Fuerzas y Cuerpos de Seguridad*)

Data from the security forces means basically data recorded by different bodies of police, i.e. the National Police, the Civil Guard, the police of autonomous regions and the municipal police.

Number of charges of gender-based violence pressed

Number of charges that have been withdrawn

Charges pressed by

- victim
  - yes
  - no
- if no: relationship to the victim
  - none
  - family member
  - neighbour
  - acquaintance
- victim's socio-demographic characteristics

Suspect

- relationship to the victim
  - spouse
  - ex-spouse
  - companion
  - ex-companion
  - fiancé/fiancée
  - ex-fiancé/ex-fiancée
- suspect's socio-demographic characteristics

Type of the reported violence

- physical
  - injuries
    - › yes
    - › no
  - if yes:
    - › slight
    - › grave
    - › very grave
    - › disability
- mental

- sexual
  - injuries
    - › yes
    - › no
  - if yes:
    - › slight
    - › grave
    - › very grave
    - › disability
- economic

Risk assessment reports

Actions taken by the police

Interventions because of gender-based violence

- number
- date
- place

Police detentions because of gender-based violence

- facts of the detention, date and place
- socio-demographic characteristics of the arrested person
- possession of arms (legal or illegal)

## *2. Judicial data*

The chapter dealing with judicial data is very long and for someone not familiar with the Spanish legal system quite hard to understand. Since 2005 special courts for gender violence are being created. These courts deal with the penal as well as the civil aspects that may be involved in the case. A Public Prosecutor for cases of Violence against Women with the status of Divisional Prosecutor has been established to coordinate the action guidelines for Prosecutor's Offices in gender violence that have been created in the Regional High Courts and the County Courts. Some other types of courts, as courts on duty, may have to take decisions on gender violence cases. Due to the complexity of the Spanish judiciary system, the judicial data is recorded, even duplicating the information, by all legal practitioners involved in the case: judge, prosecutor and solicitors.

Besides the recording of the personal data of victim and suspect, such as birthday, relationship between both, nationality, etc., the system intends to provide indepth information in areas such as:

#### Judicial processes

- Person or body who reports: victim, family member of the victim, police, health system, social services, prosecutor
- Kind of procedure: fast judgement, ordinary judgement, jury court, etc.
- Legal aid to victims
- Data protection
- Forensic reports either on the victim or on the aggressor

#### Protection orders

- Type, length, control mechanisms

#### Protective custody

- Dismissal of the proceedings
- No evidence of crime
- Attrition

#### Sentences

- Condemnation
  - Type of court that issued the sentence
  - Type of crime: homicide, injuries, coercion, offences, threats, etc.
  - Type of penalties: prison, services for the benefit of the community, non-molestation orders, mandatory participation in perpetrator programmes, other protective measures
- Absolutory sentences

### *3. Health care*

#### Victims of gender-based violence as patients of health care

- number of female victims of gender-based violence as patients of health care
  - in hospitals
  - in health centres
  - in mental health centres
  - in centres of primary care (Centros de Atención Primaria)

#### 4. Social services

Female victims of gender-based violence as clients of consultation centres and information services

- client's socio-demographic characteristics
- number of clients of psychological consultation services provided for female victims of violence, organised by autonomous communities
  - number of used services
- number of users of judicial consultation services
  - number of used services
  - women's socio-demographic characteristics
- number of clients of mobile or landline telephone assistance
  - number of clients of mobile telephone assistance
  - number of clients of phones provided by the security forces
  - number of clients of phones provided by social services
  - women's socio-demographic characteristics
- number of clients of free telephone assistance
  - national
  - autonomous communities
  - local

Female victims of gender-based violence who use services offering immediate help (emergency devices, online consultation, emergency number 112 etc.)

- number of clients according to the type of immediate help
- client's socio-demographic characteristics Clients of temporary refuge (immediate refuge centres, shelters, protected housing)
- number of clients of temporary refuge centres
  - number of children of women who are clients of the temporary refuge centres
- number of clients of temporary refuge centres according to the type of centre
  - immediate refuge centres
  - shelters
  - centres of integral attention (centros de atención integral)
  - protected housing
  - other
- average stay in temporary refuge centres
- number of demands of admission to refuge centres

- number of denials
- number of clients
- client's socio-demographic characteristics

### 5. *Deceased victims*

Deceased victims of gender-based violence according to the Organic Law 1/2004<sup>16</sup>

- number of victims
- socio-demographic characteristics of
  - victims
  - perpetrators
- facts of the aggression
- relationship to the perpetrator
  - living together or not
  - couple in crisis
- previous institutional protection
  - denunciations
  - protection measures
  - social services
  - health services
  - mobile or landline telephone assistance
  - other

Deceased victims in family environment

- number of victims
- socio-demographic characteristics of
  - victims
  - perpetrators
- facts of the aggression

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<sup>16</sup> It should be noted that according to the Organic Law 1/2004, the purpose of the Act is “to combat the violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes”.

- relationship to the perpetrator
  - living together or not
- previous institutional protection
  - denunciations
  - protection measures
  - social services
  - health services
  - mobile or landline telephone assistance
  - other

The *System of Indicators and Variables on Gender-Based Violence* is an important and challenging project that attempts to create a tool for uniform, comparable data collection on violence against women in Spain. The system is very extensive and detailed, and only some parts of it have been discussed in this report. Despite its extent, the system is still lacking some essential variables from the point of view of the present study.

According to the *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*, data collection should be disaggregated by sex, the type of violence as well as by the relationship of the perpetrator to the victim. This was taken as a guideline when drafting the questionnaire on administrative data collection on violence against women, and questions of sex, type of violence and relationship of the perpetrator to the victim were included in each part of the questionnaire. It should be noted that recording data according to the *System of Indicators and Variables on Gender-Based Violence* is planned to be done for the first time in 2008. Not all of the information will be recorded at the first time. This means that the implementation of the system is still in its early stage and only starting off. The State Observatory on Violence against Women is and has been organising seminars and meetings with the institutions that are involved in combating gender-based violence in order to motivate them to start planning and carrying out data collection according to the System of Indicators and Variables on Gender-Based Violence.

Overall, assessing the System of Indicators and Variables on Gender-Based Violence as a whole is quite challenging. Evaluating the advantages and disadvantages of the system is possible only after it has been in use for a few years. An evaluation of the system should definitely be done so that other countries could learn from the Spanish experience.

- *Sweden*

- 1. Police and criminal justice system*

Sweden's official crime statistics are produced by The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – Brå). The Council compiles statistics on offences that are reported to the police, the customs authority and the prosecution service. This statistical source distinguishes some characteristics of the victim in crimes against life and health (chapter 3 of the Penal Code). The sex of the victim is expressed by distinguishing for example assaults against women and assaults against men. Children are divided into age groups and are as of 2008 even distinguishable by sex. Information on the victim's age (for men and women) is not available.

The statistics on reported offences do not contain information on the perpetrator. Consequently, information on the perpetrator's sex or age is missing. The relationship between the victim and the perpetrator is classified for assaults with codes acquainted with victim and not acquainted with victim. The definition of acquainted with victim is quite broad and covers basically everyone who is not a complete stranger to the victim. Thus, it is not possible to distinguish cases of domestic violence against women in this source.

Another statistical source compiled by the Council is the statistics on persons convicted of offences. This source does not contain information on the victim, and thus it is not possible to distinguish how many men have been convicted of, for example, assaults against their wives or girlfriends each year.

- 2. STUK – structured information on crime*

The judicial authorities of Sweden have taken an initiative to create a new structure for classifying crimes. This initiative is called STUK; the acronym stands for "structured information on crime". The aim of STUK is to have a uniform set of provisions for all judicial authorities on how to compile and structure the kind of information on crimes that authorities are dealing with within the criminal procedure. For example, the codes and classifications used by the police are to be replaced by new ones after the introduction of STUK. One objective of the new system is to make it possible to follow the flow of cases through the criminal procedure, i.e. to follow several aspects of each crime from the report of an offence to the final court decision. Structured information makes it easier for authorities to change and reuse the information. STUK

is not a new data system but a model that will be implemented for use in already existing data systems of the relevant authorities. Most parts of STUK are to be implemented in 2012.

STUK contains legal information, operational information and criminological information of which the latter is of interest. Legal and criminological information is based on data recorded by crime detecting authorities when a suspected crime is discovered and investigated. The criminological classification is dealt with by the authority – police, customs or public prosecutor – that makes the initial legal classification. Even the initial legal classification can be changed by different authorities that participate in the investigation and detection of the crime – if it is found to be needed. After that, criminological information is updated by different authorities that participate in the investigation and detection of the crime. The criminological part of STUK is presented here on a general level. It is worth noting that the following categories contain very detailed options to choose from when classifying a crime. These options are not presented here, except for the ones that describe the relationship between the victim and the perpetrator.

#### *Time*

- time, date and day of the week when the crime took place

#### *Place*

- geographical location and physical environment of the crime

#### *Method of crime*

- description of how the crime was committed

#### *Situation*

- description of the circumstances of the crime

#### *Effect*

- description of the consequences of the crime

#### *Specific focus area*

- information on the kinds of crimes that have taken place in a specific context and are of specific interest is described here

### *The object of crime*

- the property that the crime is directed at

### *The person who is exposed to the crime*

- physical or legal person who has been exposed to the crime
- terms such as victim or complainant are not used on purpose since these terms can not be used for both physical and legal persons
- the following information is recorded for identified physical persons:
  - personal identity number
  - sex
  - age at the time of the crime
  - role in the event (for example police officer, social worker, taxi driver, tourist, client etc.)
  - branch of employment of the person
- there are also variables that are recorded if the physical person is unidentified or if the exposed person is a legal person

### *The person who has committed the crime*

- this is a summary term for all the roles that a person suspected of a crime can have
- the following information is recorded for identified physical persons:
  - personal identity number
  - sex
  - age at the time of the crime
  - role in the event (for example police officer, social worker, taxi driver, tourist, client etc.)
  - branch of employment of the person
- in STUK, different authorities may use different terms for the person who has committed the crime, for example:
  - suspect
  - accused
  - condemned

## *Relationship*

- the possible relationship between the person exposed to the crime and the person who has committed the crime is recorded
- options for relationships are:
  - unknown
    - › recognises from before
    - › does not recognise at all
  - casual acquaintance
  - acquaintance
    - › family/related
      - parent
      - parent's partner
      - child
      - partner's child
      - partner
      - sibling
      - other relative
    - › ex-partner
    - › friend, close acquaintance
    - › professional relationship

*Source of information:* Strukturerad information om brott. STUK – Ett nytt sätt att koda brott. Slutrapport. September 2002.

STUK is a very useful project. One of its advantages is that it allows the case flow through the criminal justice process to be followed. This would be quite unique in the world. In the light of the aims of this study, STUK allows the collection of reliable information on (recorded) violence against women. STUK includes all the relevant indicators (victim and perpetrator, their sex and age as well as the relationship between them and the type of violence) that are needed for getting a sufficiently detailed overall picture of cases of domestic violence against women recorded by the police and the criminal justice system.

### *3. Restraining orders*

Restraining orders are issued by public prosecutors in Sweden. On the restraining orders, a lot of data are recorded; however, systematic information on the relationship between the person to be protected and the person on

whom the order is imposed is not included. It is of interest that Brå published a study on restraining orders in 2007. This study deals with experiences of people who have been involved in restraining order cases, in one role or another. The study contains information on sex and age of the person to be protected and the person on whom the order is imposed as well as on the relationship between them. However, this information can not be found from one single source. The study combined data from several sources of information. This means that this kind of information is not routinely recorded by one single authority dealing with restraining orders in Sweden. However, the Council is looking into possibilities to start compiling this type of statistics on a more regular basis. According to Brå sources, the statistics may nevertheless only contain information on sex and age of the person to be protected and the person on whom the order is imposed.

#### *4. Victims of lethal domestic violence against women*

The Swedish National Council for Crime Prevention publishes studies on lethal domestic violence against women. Several sources of information have been used for collecting the data for these studies. These include for example the National Police Board's report of an offence register, original reports of an offence, interviews with police officers investigating the cases, and court decisions. The most recent study (Brå 2007) contains information for example on the sex, age, country of birth and the social status of the victim and the perpetrator. The relationship between victim and perpetrator is also dealt with in the study.

The perpetrators are either:

- men who have or have had an intimate relationship with the woman – meaning spouse, cohabiting partner, a man engaged to her, or boyfriend;
- family members (other than men in an intimate relationship with the woman);
- children under 15 years old;
- acquaintances or friends who are not members of the family;
- strangers.

The Council's most recent study (2007) covers very well the questions addressed in this study. The information is however not recorded by a single

authority and is thus not directly available from one single source (cf. The Data Collection Instrument of the Finnish Homicide Monitoring System, page 27). Consequently, the information must be compiled from several sources by a researcher when it needs to be updated.

### *5. Health care*

The National Board of Health and Welfare publishes statistics in the areas of health and medical care (including causes of death) and social services in Sweden. The board compiles statistics on inpatient care from the Hospital Discharge Register and visits to the medical practitioner in outpatient care in hospitals (including emergency care). The Hospital Discharge Register covers both public and private hospitals. The following information, among other items, is recorded:

- patient's gender
- patient's age
- patient's home county
- principal and side diagnosis according to the International Classification of Diseases (ICD-10)

As in Finland, also in Sweden the codes in the chapter External causes of morbidity and mortality can only be used as sub or side diagnoses. The code of the main diagnosis of the patient must be chosen from other chapters in ICD-10.

In the Swedish version of the chapter Assault (codes X85–Y09) in ICD-10, only sub-chapter Other maltreatment syndromes (code Y07) includes codes for defining who the perpetrator of the violence is. The options are:

- spouse or partner;
- parent;
- acquaintance or friend;
- official authority;
- other specified person;
- unspecified person.

These codes are in active use but in practice the most common choice is “unspecified person”. It should also be noted that the codes of the chapter External causes of morbidity and mortality are actually being used very comprehensively in Sweden: in recent years, the code was not used in a maximum of only 3% of cases where there was an external cause.

While ICD-10 is the main source of healthcare information in Sweden, information on injuries is recorded also in the Injury Data Base IDB which is a European database. IDB Sweden includes information from outpatient departments and emergency centres in hospitals and covers approximately 7% of the population at the moment. Information on injuries was in 2007 recorded in eight hospitals that have agreed to apply the IDB. The National Board of Health and Welfare has estimated that the database should eventually include approximately 15% of the population so that it would in the future be representative for the whole country.

Data are collected with question forms filled in by patients. The form includes detailed questions about the incident that has caused the injury. Some of the information is filled in by the administrative and the medical staff of the hospital. The information is then coded and recorded by trained coders. The coding is done according to NCECI (NOMESCO Classification of External Causes of Injuries). This classification is designed by the Nordic Centre for Classifications in Health Care which operates under Uppsala University and is responsible for the co-ordination of classifications used within the healthcare systems in the Nordic countries.

The NOMESCO Classification of External Causes of Injuries includes many indicators and variables concerning for example the reason for contacting healthcare personnel, place of occurrence, natural forces, accidental events, violent events and intentional self-harm events. Only the indicators and variables that are concerned relevant regarding the aims of this study are presented here. This does not mean that indicators that are not shown here would not bring additional information about domestic violence against women. It should also be noted that the variables are introduced here on a general level; for example the options in chapter *Violence events* include many sub-choices and explanations that can be found in the classification.

### 1. Reason for contact

- violence
  - assault, fight

- sexual assault
- neglect
- violence, other specified
- violence, unspecified

## 2. *Violence events*

- assault by release of energy
- assault by collapse of materials
- assault by use of machinery, equipment and materials
- assault by use of means of transport
- push or pull resulting in fall (assault)
- assault by bodily force (incl. sexual assault)
- assault by use of biological substances
- neglect, abandonment and other maltreatment
- violence event, other specified and unspecified

## 3. *Violence module*

- counterpart in event of violence
  - person unknown
  - person known
    - › present spouse/partner
    - › former spouse/partner
    - › child/grandchild
    - › parent/grandparent
    - › other family member
    - › friend
    - › acquaintance
    - › person in dependence
    - › person known, other specified
    - › person known, unspecified
  - police authority
  - counterpart unspecified
- number of counterparts
  - one person
  - two persons
  - 3-5 persons
  - six persons or more
  - number of counterparts unspecified

- counterpart's sex
  - male
  - female
  - counterpart's sex unspecified
- counterpart's age
  - child
  - adolescent
  - adult
  - old
  - counterpart's age unspecified
- event of violence in home/residence
  - injured person's home
  - counterpart's home
  - other person's home
  - home/residence unspecified

In addition to these data, personal data of the victim are recorded. These include: victim's age, gender, date of birth, residence and occupation.

The NCECI is a very good and useful tool for the recording of information on injuries. With this classification it is possible to distinguish the cases where a woman has sought medical help for injuries caused by domestic violence.

## *6. Causes of death*

The Causes of Death Register is maintained by The National Board of Health and Welfare. The Causes of Death Register includes all those who have died during one calendar year and were registered in Sweden at the time of death, regardless of whether the death occurred inside or outside the country. The underlying cause of death is coded according to the International Classification of Diseases, ICD-10. For injuries, the external cause of the injury is shown.

The main variables included in the register are: social security number, home district, sex, date of death, underlying cause of death, nature of the injury, multiple causes of death, has an autopsy been made and if so what kind of autopsy, operations within four weeks before death, injuries/poisoning, was the death alcoholrelated, was it narcotics-related and did the deceased have diabetes.

The cause of death is coded with three-digit codes of ICD-10. This means that when the cause of death is from the chapter Assault, only the “method” of assault can be distinguished (such as assault by hanging, strangulation and suffocation, assault by drowning and submersion or sexual assault by bodily force). As noted earlier, only code Y07 of the Swedish version of ICD-10, Other maltreatment syndromes, includes options for defining who the perpetrator of violence is. This is however not possible in causes of death statistics since only three digits are used, while defining the perpetrator of violence would require a fourth digit. This means that it is not possible to find out the number of women who have died because of an assault by their spouses, partners or other family members from the Causes of Death Register.

- *Switzerland*

- 1. *Police*

Until very recently, each Canton had its own manually created police information system, and these were neither compatible nor comparable. Each of them was designed differently, and they did not comprise systematic victim information. This is because a new electronic standard data system is currently being introduced these days (2006–2009), eventually to be applied in all Cantons in the same fashion.

The new system comprises explicit codes for the kind of issues explored in this study, i.e. crimes against persons. One category of crimes against persons in this system is “häusliche Gewalt” (domestic violence). Its definition is not fully identical with the Council of Europe definition of domestic violence – instead, it comprises only violence against women by her intimate partners, family members and relatives. Furthermore, whether the violence takes place at the victim’s home or elsewhere is not of relevance in the Council of Europe framework.<sup>17</sup>

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<sup>17</sup> Definitions are not unimportant: the comparability of any data on domestic violence clearly depends on, i.e., what is comprised in the term domestic violence and what is not. It would seem quite likely that identical definitions are not to be found very often in comparisons across countries, or, for that matter, in comparisons across the different administrative sectors that deal with victims of domestic violence.

The system does recognise suspect, victim<sup>18</sup>, their age and nationality, residence status (refugee/asylum seeker etc.), their relationship, their age, the type of violence according to the criminal code and also the kind of weapon used in cases of physical violence<sup>19</sup>, and a few other variables. The victim is defined as the person who suffered harm, physical or psychological. The family relationship between victim and perpetrator is classified as follows (for women and men, and victims and suspects alike):

- spouse, intimate partner
- ex-spouse, ex-partner
- parent, replacement parent, child
- relative

The full code for the relationship between suspect and victim is much longer, and allows also for multiple choices, since a person can, for example, indeed simultaneously be child and neighbour, or relative, workmate and client.

According to the Swiss experts, what variables/characteristics were still felt to be of interest but not comprised in the data system were socio-economic data and information about the involvement of alcohol and narcotics. These were, however, felt to be very difficult for practical purposes, and likely to remain relatively unreliable and incomplete, the insufficient quality making it probably not worth the considerable extra effort their inclusion would require. Consequently, these variables are not comprised in the new system.

When considering whether the police data are generally speaking reliable, it was felt to be usually at good level, admitting that they are only as good as police can be – police may be incompetent, unmotivated, or biased, and the way to control the volume and impact of such possible sources of

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<sup>18</sup> The same person can in principle be both victim and suspect, as it is often both participants in a violent encounter who resort to violence and who are being assaulted at the same time. Also, there may be situations with several participants – how these are coded is also of some relevance. A technical note: police data define the roles of the persons involved in principle as “alleged” as there is not yet a binding legal decision as to what happened and what can be proven.

<sup>19</sup> The issue of “type of violence” is not fully covered by these characteristics: if there is a need to distinguish between physical, sexual, emotional, psychological, economic or any other such violence, then these variables do not provide a full description. Similarly, if the violence should be subdivided into serious and not-so-serious, and maybe some further category, the same problem arises.

error are random checks, done with the objective of controlling whether the original police crime report and the recorded data are in conflict or not. Generally speaking there was a good level of confidence in this feature of the data.

Police statistics now reflect the situation as seen when the investigation is completed (output statistics), not when it was initiated (input statistics). However, cases where the victim withdraws claims/ the report (this is legally allowed in many lenient offences/complainant offences) and where the charges were consequently dropped, do not disappear from the system. It is instead possible to see what such cases were like (applying the same suspect- victim variables across the line), and what happened to them in the process.

The new information system is not yet operational in all Cantons but will be soon. It replaces an old manual system where this kind of data was not available, except if the original files are consulted (retrospective time series are thus not possible in realistic terms). The new system allows all kinds of analyses on top of routine reporting templates. This was considered to be a major advantage as compared with the manual system. (Of course, in principle, also manual data can be analysed freely, but the practical cost would in fact usually be prohibitive).

The police data are validated by the Federal Statistics Office, and published by that office. The FSO also validates the data, making both routine automatic logic checks and random checks that go back to original files, in order to control the validity and the reliability of the data. What was felt to be lacking is adequate resources for further analysis and development – the FSO has access to much valuable data that could be analysed further, in part to better understand what the figures mean and how they can be interpreted, in part to further improve future data.

What would still be of interest is a solution that allows a follow-up of the case flow. This is presently not possible as prosecutors and courts are not applying the same definitions and classifications that have been adopted at police level.

## *2. Police emergency calls*

Police emergency calls are recorded according to the kind of emergency expressed when police are called to intervene, but since there is no obvious

offence, there are no obvious suspects or victims either, and normally, no police investigation can be carried out. Therefore, this source is currently not available for singling out domestic violence from the mass of all emergency calls. Neither is it possible to see what kind of parties were involved (sex, age), what their relationship was, or what type of violence was possibly used.

### *3. Restraining orders*

Restraining orders are used widely in the country. They can be granted on a temporary basis by police, and also by courts. The data about them do not comprise sex and age of perpetrator, or the relationship between perpetrator and victim, or the type of violence.

### *4. Health care*

In Switzerland, hospitals use a data system where domestic violence is recognised. However, the use of the code is voluntary, and the experience was that very often, healthcare staff members do not see it as their duty to go beyond their “core” responsibilities which are to see to the patient’s medical needs rather than prodding into their private affairs. Consequently, while police record 2 000 cases of domestic violence annually, the hospitals record 20. Whether the definition of domestic violence in the hospital information system is identical to the one used in the police system is not clear. Furthermore, there are Canton-level differences in these data.

Public and private hospitals and emergency clinics, as well as private practitioners could use the same variables and classifications but they are not doing this. In any of these, there is no systematic data on the perpetrator or the relationship between victim and perpetrator, or the type of violence used, beyond what the patient chooses to disclose. Also, such information is not recorded at standard basis, and identical classifications are not applied.

### *5. Social services*

For the social services, much the same seems to be true as was observed for the healthcare services. It was felt that there is a long way to go before more accurate and comprehensive information about domestic violence can be expected to become available from this sector.

## 6. Shelters

Shelters are being maintained by different kinds of public, semi-public, and private agencies, including NGOs. They are all members of a national union of shelters, and are collecting uniform data on their clients. The data neither comprise sex and age of the perpetrator, nor the relationship between victim and perpetrator, nor the type of violence that was used prior to the victim's arrival at the shelter.

### ◦ *Germany*

Initially, a separate country report on Germany had not been envisaged. However, due to its federal structure and size, Germany is a special case among the countries the questionnaire was sent to, which requires a short description.

Germany, a federal state, reported that given the time-frame of this study, it was impossible to fill in the questionnaire as none of the questions referred to federal responsibility. This means not only that a German version of the questionnaire would need to be forwarded to 16 Länder administrations, followed by a translation of the answers into English, but also that these administrations would need to forward the questionnaire for example in the field of courts of first instance to 803 of these courts. This would also mean involving 5,000 prosecutors for the area of prosecutors and an unknown number of police stations. In addition there are more than 400 women's shelters in Germany. Neither the Federal Government nor the Länder-Governments keep statistics and data available on their work.

However, data on crime are collected systematically on a yearly basis in the police crime statistics. The Police Crime Statistics of 2006 records information on, among others, suspects and victims. Age and sex of suspects are recorded regularly, while information on victims is recorded only for certain offences or offence categories. These are: murder and manslaughter; offences against sexual self-determination with the use of violence or exploiting a state of dependence; robbery, extortion accompanied by violence, and assault on motorists with intent to rob; bodily injury; offences against personal freedom. The following information is recorded on victims: age, sex, endangerment and victim-suspect-relationship. Options for relationships are: related, acquainted, fellow countryman, passing relationship, no relationship, unclear. The closest

relationship always has priority when a case is coded. According to the German Penal Code, related means:

“A relative is whoever belongs among the following persons:

- a) relations by blood or marriage in direct line, the spouse, the fiancé, siblings, the spouses of siblings, siblings of spouses, even if the marriage upon which the relationship was based no longer exists, or the relationship by blood or marriage has ceased to exist;
- b) foster parents and foster children”.

Since spouses and partners are not distinguished from other relatives in German police statistics, it is not possible to find out for example the number of assaults where the victim is a woman and the suspect is her spouse, partner.

## **P**ART 5. **REFERENCES AND SOURCES OF INFORMATION**

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**T**he Council of Europe possesses a huge store of information on matters such as violence against women, human trafficking, gender perspective, positive action, fair representation in positions of responsibility, government bodies and public policies aimed at promoting gender equality.

This 4<sup>th</sup> issue in the Collection *Against Gender Violence*. Documents is the result of the work of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) during 2006-2008, the years covered by the Pan-European campaign to combat violence against women promoted by the Council. In Spain the campaign slogan was *Stop a la violencia doméstica contra las mujeres*.

This Final Activity Report evaluates the impact of the campaign and the measures taken at national and international level to prevent and combat violence against women, and suggests a series of proposals for future actions in the field, along with two specific studies on the basic aims of the campaign: identifying minimum standards for support services for women victims of violence and improving data collection guidelines for Governments to help them set up administrative data systems.



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DELEGACIÓN  
DEL GOBIERNO  
PARA LA VIOLENCIA  
DE GÉNERO