

**Council of Europe Campaign to Combat Violence against Women,
including Domestic Violence**

Proceedings

**Conference on Support Services
for Women Victims of Violence**

Strasbourg, 6-7 December 2007

**Campagne du Conseil de l'Europe pour combattre la violence
à l'égard des femmes, y compris la violence domestique**

Actes

**Conférence sur les services d'assistance
aux femmes victimes de violences**

Strasbourg, 6-7 décembre 2007

**Stop domestic
violence
against women**



COUNCIL
OF EUROPE CONSEIL
DE L'EUROPE

**Stop à la violence
domestique
faite aux femmes**

**Council of Europe Campaign to Combat Violence
against Women, including Domestic Violence**

**Conference on Support Services
for Women Victims of Violence
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aux femmes victimes de violences
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ACTES

Gender Equality and Anti-Trafficking Division
Directorate General of Human Rights and Legal Affairs
Council of Europe
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INTRODUCTION

Summary

Conference proceedings

Violence against women is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms. It is the result of an imbalance of power between women and men, leading to serious discrimination against women, both in society and within the family. Despite positive developments in law, policies and practices, violence against women continues to exist in every Council of Europe member state.

Reaffirming their commitment to eradicating violence against women, including domestic violence, the Heads of State and Government of the Council of Europe adopted, during the Third Summit of the Organisation in May 2005, an Action Plan which included the launch of a *Campaign to Combat Violence against Women, including Domestic Violence*, and the institution of a *Task Force* on the same topic.

The Task Force, consisting of a group of eight international experts in the field of preventing and combating violence against women, developed a Blueprint for the Campaign. This document, which was approved by the Committee of Ministers of the Council of Europe serves as a roadmap for implementation of the Campaign. It contains a definition of violence against women, as well as the aims, objectives, messages and activities to be carried out in the context of the Campaign.

The Campaign, which was launched at a high-level conference in Madrid on 27 November 2006, incorporates three closely linked dimensions: governmental, parliamentary and local/regional. It is being carried out by the Council of Europe and its member states, in partnership

with international intergovernmental organisations and NGOs involved in the protection of women against violence.

Aiming to achieve significant progress in the areas of legal and policy measures, support and protection for victims, data collection and awareness raising, the Campaign aims to promote implementation of *Council of Europe Recommendation (2002) 5 of the Committee of Ministers to member states on the protection of women against violence*. Member states are invited to carry out national campaigns in parallel or as a follow-up to the Council of Europe Campaign.

To explore what progress signifies in relation to legal measures, support and protection for victims, and data collection, the Council of Europe carried out a series of regional seminars which highlighted international standards and good national practices in these fields. It became apparent that the knowledge base on support services for victims of violence against women consisted largely of individual practices in addressing violence against women or protecting victims. Very little work had focused on identifying the minimum standards and principles in the provision of such services which governments should respect in order to meet their international obligation to exercise due diligence to prevent, investigate and punish acts of violence, and provide protection to victims.

To address the international obligation of governments to provide immediate and comprehensive assistance for victims of violence, 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.

During the *Conference on Support Services for Women Victims of Violence*, held in Strasbourg on 6-7 December 2007, the main aspects of the *Council of Europe Study on minimum standards for support services for women victims of violence* were presented. Ninety participants from 38 Council of Europe member states discussed the benefits of defining

minimum standards, what they should encompass and how they should be applied.

These Proceedings are a collection of the speeches and presentations made during the two days and reflect the importance that both speakers and participants attach to the importance of introducing Europe-wide standards for quality services for women victims of violence.

The Campaign will end with a closing conference in June 2008. On

this occasion, the *Council of Europe Task Force to Combat Violence against Women, including Domestic Violence*, will present its conclusions and assessment of measures and actions taken at national level to combat violence against women, including domestic violence as well as its recommendations for future Council of Europe action in this field. ★

Résumé

Actes de la conférence

La violence faite aux femmes est une violation des droits humains, dont la nature même prive les femmes de la jouissance de leurs droits fondamentaux. C'est le résultat d'un déséquilibre des pouvoirs entre les femmes et les hommes, qui conduit à de graves discriminations à l'égard des femmes, tant dans la société qu'au sein de la famille. Malgré une évolution positive de la législation, des politiques et des pratiques, les femmes continuent de subir des violences dans tous les États membres du Conseil de l'Europe.

Réaffirmant leur engagement à éradiquer la violence à l'égard des femmes, y compris la violence domestique, les chefs d'État et de gouvernement du Conseil de l'Europe ont adopté, lors du 3^e Sommet de l'Organisation, en mai 2005, un plan d'action comportant le lancement d'une Campagne pour combattre la violence à l'égard des femmes, y compris la violence domestique et la création d'une Task force sur le même sujet.

La Task force, qui consiste en un groupe de huit experts internationaux s'intéressant aux moyens de prévenir et de combattre la violence à l'égard des femmes, a établi un programme de campagne. Ce document, approuvé par le Comité des Ministres du Conseil de l'Europe, sert de feuille de route pour la mise en œuvre de la campagne. Il contient une définition de la violence à l'égard des femmes ainsi que les buts, objectifs, messages et activités de la campagne.

La campagne, qui a été lancée lors d'une conférence de haut niveau le 27 novembre 2006, à Madrid, intègre trois dimensions étroitement liées : gouvernementale, parlementaire et locale/régionale. Elle est menée par le

Conseil de l'Europe et ses États membres, en partenariat avec des organisations intergouvernementales internationales et des ONG s'attachant à protéger les femmes contre la violence.

Dans l'optique de réaliser des progrès notables s'agissant de prendre des mesures juridiques et politiques, de recueillir des informations et de sensibiliser le public, la campagne s'efforce de promouvoir la *Recommandation (2002) 5 du Comité des Ministres du Conseil de l'Europe aux États membres sur la protection des femmes contre la violence*. Les États membres sont invités à mener des campagnes nationales parallèlement ou dans le prolongement de celle du Conseil de l'Europe.

Pour déterminer ce que recouvre la réalisation de progrès en rapport avec l'adoption de mesures juridiques, le soutien aux victimes et leur protection ainsi que la collecte de données, le Conseil de l'Europe a organisé une série de séminaires régionaux qui ont mis en lumière les normes internationales et les bonnes pratiques nationales dans ces domaines. Il est devenu manifeste que le fonds de connaissances sur les services d'aide aux femmes victimes de violences consistait essentiellement en pratiques individuelles visant à remédier à la violence ou à protéger les victimes. Très peu de travaux ont été consacrés à l'établissement, pour la prestation de ces services, de normes et principes minimums que les gouvernements doivent respecter s'ils entendent satisfaire à leur obligation internationale d'agir avec toute la diligence qui s'impose pour prévenir les actes de violence, enquêter sur ceux qui sont commis et les punir

ainsi que pour assurer la protection des victimes.

Afin de permettre aux gouvernements de remplir leur obligation internationale de fournir aux victimes de violences une assistance complète et immédiate, le Conseil de l'Europe a décidé d'étudier la question des normes minimales à mettre en place dans le domaine des services d'aide aux femmes victimes de violences domestiques et d'agressions sexuelles/viols.

Lors de la Conférence sur les services d'assistance aux femmes victimes de violences, tenue les 6 et 7

décembre 2007, les principaux aspects de l'étude du Conseil de l'Europe sur les normes minimales pour les services d'assistance aux femmes victimes de violences ont été présentés. Quatre-vingt dix participant(e)s de trente-huit États membres du Conseil de l'Europe ont discuté de l'intérêt d'établir des normes minimales, de leur contenu et de leurs modalités d'application.

Les actes de cette conférence rassemblent les discours et les exposés faits sur deux jours et reflètent l'importance que les orateurs et les participants attachent à l'établissement de

normes paneuropéennes garantissant aux femmes victimes de violences des services de qualité.

La campagne s'achèvera par une conférence de clôture en juin 2008. A cette occasion, la Task force du Conseil de l'Europe pour combattre la violence à l'égard des femmes, y compris la violence domestique, présentera ses conclusions et son évaluation des mesures et initiatives prises au niveau national pour lutter contre ce fléau. Elle formulera, en outre, ses recommandations pour de futures actions du Conseil de l'Europe dans ce domaine. ★

PROGRAMME

Thursday, 6 December 2007

9:00 Registration of participants

Chair

Mr Pēteris Kārlis Elferts, Extraordinary and Plenipotentiary Ambassador, Permanent Representative of Latvia to the Council of Europe, Thematic Co-ordinator on Gender Equality of the Committee of Ministers of the Council of Europe

I. Opening session

9:30 *Addresses by*

Mr Terry Davis, Secretary General, Council of Europe

Mr Emil Kuchár, Extraordinary and Plenipotentiary Ambassador, Permanent Representative of Slovakia to the Council of Europe, representative of the Committee of Ministers of the Council of Europe

II. Support services provided for women victims of violence: experiences in Council of Europe member states

10:30 Keynote speaker: Mr Thomas Hammarberg, Commissioner for Human Rights, Council of Europe

Questions and discussion

11:30 Coffee

III. International legal obligation to provide support services for women victims of violence

12:00 Keynote speaker: Ms Yakin Ertürk, United Nations Special Rapporteur on violence against women, its causes and consequences

Questions and discussion

13:00 Lunch

Chair

Ms Hilary Fisher, Chairperson, Council of Europe Task Force to Combat Violence against Women, including Domestic Violence

IV. Council of Europe Study on minimum standards of support services for women victims of violence

14:30 Keynote speaker: Ms Liz Kelly, Roddick Chair in Violence against Women, Child and Woman Abuse Studies Unit, London Metropolitan University, United Kingdom

Questions and discussion

15:45 Coffee

V. Minimum standards for shelters prepared by WAVE

- 16:15 Keynote speaker: Ms Rosa Logar, Domestic Abuse Intervention Centre, (Vienna, Austria), and WAVE-Network, member of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence

Questions and discussion

VI. Minimum standards for counselling and intervention centres

- 17:00 Keynote speaker: Ms Nicola Harwin, Chief Executive, Women's Aid Federation of England, United Kingdom

Questions and discussion

- 17:45 End of the first day

Friday, 7 December 2007

Chair

Ms Dubravka Šimonović, Vice-Chairperson of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence

VII. Multi-agency co-operation: structures, standards and guidelines

- 10:00 Keynote speaker: Ms Carol Hagemann-White, Professor, Faculty of General Pedagogy and Gender Studies, University of Osnabrück, Germany

Questions and discussion

- 11:15 Coffee

- 11:45 Practical experiences in Council of Europe member states

Ms Branislava Marvanová Vargová, Rosa Foundation, Prague, Czech Republic

Questions and discussion

VIII. Closing address

- 12:30 Mr Jan Kleijssen, Director of Standard-Setting, Directorate General of Human Rights and Legal Affairs, Council of Europe

- 12:45 End of conference

Jeudi, 6 décembre 2007

9h Enregistrement des participant(e)s

Présidence

M. Pēteris Kārlis Elferts, Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent de la Lettonie auprès du Conseil de l'Europe, Coordinateur thématique sur l'égalité entre les femmes et les hommes du Comité des Ministres du Conseil de l'Europe

I. Ouverture de la conférence

9h30 Allocutions de

M. Terry Davis, Secrétaire Général, Conseil de l'Europe

M. Emil Kuchár, Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent de la Slovaquie auprès du Conseil de l'Europe, représentant du Comité des Ministres du Conseil de l'Europe

II. Services d'assistance fournis aux femmes victimes de violences : expériences dans les États membres du Conseil de l'Europe

10h30 Orateur principal : M. Thomas Hammarberg, Commissaire aux Droits de l'Homme, Conseil de l'Europe

Questions et discussion

11h30 Café

III. Obligation juridique internationale de fournir des services d'assistance aux femmes victimes de violence

12h Oratrice principale : M^{me} Yakin Ertürk, Rapporteuse spéciale des Nations Unies sur la violence contre les femmes, ses causes et ses conséquences

Questions et discussion

13h Déjeuner

Présidence

M^{me} Hilary Fisher, Présidente, Task Force du Conseil de l'Europe pour combattre la violence à l'égard des femmes, y compris la violence domestique

IV. Étude du Conseil de l'Europe sur les normes minimum en matière de services d'assistance aux femmes victimes de violence

14h30 Oratrice principale : M^{me} Liz Kelly, Chaire « Roddick » sur la violence à l'égard des femmes, Unité d'études sur les mauvais traitements envers les femmes et les enfants, Royaume-Uni

Questions et discussion

15h45 Café

V. Normes minimum des centres d'accueil préparé par WAVE

- 16h15 Oratrice principale : M^{me} Rosa Logar, Centre d'intervention contre la violence domestique, Vienne, Autriche et réseau WAVE, membre de la Task Force du Conseil de l'Europe pour combattre la violence à l'égard des femmes, y compris la violence domestique

Questions et discussion

VI. Normes minimum des centres de conseil et d'intervention

- 17h Oratrice principale : M^{me} Nicola Harwin, Directrice générale, Organisation *Women's Aid*, Royaume-Uni

Questions et discussion

- 17h45 Fin de la première journée

Vendredi, 7 décembre 2007

Présidence

M^{me} Dubravka Šimonović, Vice-Présidente, Task Force du Conseil de l'Europe pour combattre la violence à l'égard des femmes, y compris la violence domestique

VII. Coopération multi-agences : structures, normes et lignes directrices

- 10h Oratrice principale : M^{me} Carol Hagemann-White, Professeur, Faculté pédagogie générale et d'études de genre, Université d'Osnabrück, Allemagne

Questions et discussion

- 11h15 Café

- 11h45 Expériences pratiques dans les États membres du Conseil de l'Europe

M^{me} Branislava Marvanová Vargová, *Rosa Foundation*, Prague, République tchèque

Questions et discussion

VIII. Discours de clôture

- 12h30 M. Jan Kleijssen, Directeur des activités normatives, Direction générale des droits de l'Homme et des affaires juridiques, Conseil de l'Europe

- 12h45 Fin de la Conférence

OPENING SESSION

Mr Terry Davis

Secretary General of the Council of Europe

Version française : page 21.

A study published by the Council of Europe suggests that one-fifth to one-quarter of all women in Europe 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%. More significantly, for women – unlike men, who also encounter a great deal of physical violence – the majority of such violent acts are carried out by men in their immediate social environment, most often by partners and ex-partners. 12% to 15% of all women have been in a relationship of domestic abuse after the age of 16. Many more continue to suffer physical and sexual violence from former partners after the break-up.

Let us be clear about two points.

First, violence against women, including domestic violence, is a violation of human rights and a criminal offence.

Second, violence against women concerns all of us. Again, research undertaken on behalf of the Council of Europe shows that violence against women is not only suffered by more women than commonly thought, but also that it is a reality in all Council of Europe member states.

After the identification of the problem comes the search for a solution. The Council of Europe launched our *Campaign to Combat Violence against Women, including Domestic Violence* in November 2006. As part of this campaign, we asked our member states to take a range of measures to provide the women victims of violence with the help they need. Equally important, the Campaign has aimed at reaching out to individuals in order to change attitudes and stereotypes

through education and awareness raising.

Throughout the year, regional seminars have explored different ways to tackle violence against women, including domestic violence. These included legal and policy measures, the support and protection of women, data collection and awareness raising. Together, they form a comprehensive approach to combating violence against women.

These regional seminars, some of which you may have attended, have identified many examples of good initiatives and good practices. They have helped the participants to learn from each other about how to work effectively towards eradicating violence against women.

But the Council of Europe has also gone beyond the collection of good initiatives and good practices. We have studied two areas in more depth, namely the provision of support services for women victims of violence and the collection of statistical data on violence against women. These are two priority areas in which member states are urged to make significant future progress during the duration of the Campaign. The Council of Europe has also looked into services provided to women victims of violence in several member states. The findings of this important piece of research are contained in a study which will be presented later today, together with a set of recommendations on minimum standards for such services.

These minimum standards indicate the different types of services which should exist in order to form a complete system of support for women experiencing gender-based violence. They also set minimum standards for the modalities of each of

these services. For example, it is obvious that it is not enough to provide help-lines, shelters and crisis centres only in urban areas.

Most support services are today being run by non-governmental organisations, which is very positive, but we must not forget that the availability of effective support and protection for women victims of violence is an obligation for the State authorities. The Council of Europe Recommendation of 2002 also spells out clearly that member states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence regardless of whether such acts are perpetrated by the state or private persons.

In recent years, we have seen significant improvements in policies and practices to tackle violence against women. But the fact is that, as I have already pointed out, violence remains widespread at all levels of society and in all Council of Europe member states. It is all too often considered a private issue and beyond the reach of public intervention.

The Council of Europe Campaign aims to change this attitude. Its success, however, depends on the contribution of your governments, your parliaments and your local and regional decision makers. Changes need to be initiated at all levels, and co-operation between all levels is essential. It is therefore important to use the

next six months of the Campaign to unite and join forces to achieve this change.

But even when the Campaign ends in June 2008, the need for further action will not end. Member states are encouraged to continue national action and launch national campaigns to combat violence against women as a follow-up to our Campaign.

This Conference and the standards on services for women should help all those working to tackle violence against women with the tools and the information they need in order to improve support services so that the victims can receive professional, adequate and compassionate support when they need it most. ★

M. Terry Davis

**Secrétaire Général du
Conseil de l'Europe**

English version: page 19.

Une étude publiée par le Conseil de l'Europe suggère qu'en Europe, un cinquième à un quart des femmes sont victimes de violences physiques au moins une fois dans leur vie d'adulte et plus d'un dixième des femmes subissent des violences sexuelles. Si l'on considère les statistiques toutes formes de violence confondues, y compris les assiduités agressives, la violence touche pas moins de 45 % des femmes. Ce qui est plus marquant encore, c'est que, contrairement à ce qui se passe pour les hommes qui, eux aussi, sont victimes de nombreux actes de violence physique, la majorité des violences à l'égard des femmes sont commises par des hommes appartenant à leur entourage immédiat, le plus souvent des partenaires ou d'anciens partenaires. 12 à 15 % des femmes de plus de 16 ans sont la cible de sévices domestiques. Un grand nombre d'entre elles continuent d'être agressées physiquement ou sexuellement par d'anciens partenaires.

Il faut bien comprendre deux choses.

Premièrement, la violence à l'égard des femmes, dont la violence domestique, est une violation des droits de la personne humaine et une infraction pénale.

Deuxièmement, la violence faite aux femmes nous concerne tous. Là encore, des études menées pour le compte du Conseil de l'Europe montrent que non seulement la violence exercée contre les femmes est plus répandue qu'on ne le croit généralement mais aussi que c'est une réalité dans tous les Etats membres du Conseil de l'Europe, sans exception.

Une fois que l'on a cerné le problème, il faut trouver une solution. Le Conseil de l'Europe a lancé sa *campagne pour combattre la violence à*

l'égard des femmes, y compris la violence domestique en novembre 2006. Dans le cadre de cette campagne, nous avons demandé à nos Etats membres de prendre une série de mesures pour assurer aux femmes victimes de violences l'aide dont elles ont besoin. Tout aussi important, la campagne vise à sensibiliser et à éduquer la population afin de changer les mentalités et d'éliminer les stéréotypes.

Tout au long de l'année, des séminaires régionaux ont étudié différents moyens de s'attaquer à la violence faite aux femmes, y compris à la violence domestique. Ces moyens comprennent des mesures juridiques et politiques, l'assistance et la protection, le recueil de données et la sensibilisation. Tous ensemble, ces moyens constituent une stratégie globale pour lutter contre la violence à l'égard des femmes.

Ces séminaires régionaux, auxquels certains d'entre vous avez peut-être participé, ont permis de recenser de nombreux exemples d'initiatives judicieuses et de bonnes pratiques. Ils ont aidé les participants à apprendre les uns des autres comment œuvrer efficacement à l'éradication de la violence faite aux femmes.

Cependant, le Conseil de l'Europe ne s'est pas borné à recueillir des exemples d'initiatives judicieuses et de bonnes pratiques. Nous avons approfondi deux domaines, à savoir la prestation de services d'aide aux femmes victimes de violences et la collecte de données statistiques sur ces violences. Il s'agit là de deux domaines prioritaires dans lesquels les Etats membres sont exhortés à faire de notables progrès tout au long de la campagne. Le Conseil de l'Europe s'est également penché sur les services fournis aux femmes victimes de vio-

lences dans plusieurs Etats membres. Les conclusions de ces importants travaux de recherche figurent dans une étude qui sera présentée plus tard dans la journée, accompagnée d'une série de recommandations sur les normes minimales à appliquer pour la mise en place de tels services.

Ces normes minimales définissent les différents types de service qui devraient exister pour former un système complet d'assistance aux femmes en butte à des violences fondées sur l'appartenance sexuelle. Elles fixent aussi les conditions minimales dans lesquelles doivent être dispensés ces services. Il est, par exemple, manifeste qu'il ne suffit pas d'assurer des services d'assistance téléphonique, ou de mettre des centres d'aide et d'hébergement d'urgence à la disposition des femmes en situation de crise dans les seules zones urbaines.

Actuellement, la plupart des services d'aide sont gérés par des organisations non gouvernementales, ce qui est très positif, mais il ne faut pas oublier que c'est aux pouvoirs publics d'assurer la protection des femmes

victimes de violences et de leur fournir l'aide nécessaire. La Recommandation de 2002 du Conseil de l'Europe énonce, du reste, clairement que les Etats membres ont l'obligation de faire preuve de suffisamment de vigilance pour prévenir, instruire et réprimer les actes de violence, qu'ils soient perpétrés par l'Etat ou par des particuliers.

Ces dernières années, les politiques et pratiques visant à éradiquer la violence à l'égard des femmes se sont considérablement améliorées. Il n'en reste pas moins que, comme je l'ai déjà signalé, la violence demeure largement répandue dans toutes les couches sociales et dans tous les Etats membres du Conseil de l'Europe. Elle est trop souvent considérée comme une affaire privée qui échappe à toute intervention publique.

La campagne du Conseil de l'Europe vise à changer cette mentalité. Toutefois, son succès dépend de la contribution de vos gouvernements, de vos parlements et de vos responsables locaux et régionaux. Il faut susciter des changements à tous les

niveaux et promouvoir la coopération entre tous les échelons car elle est essentielle. Nous devons, par conséquent, mettre à profit les six prochains mois de la campagne pour unir nos forces, conjuguer nos efforts et réaliser ces changements.

Cependant, lorsque la campagne s'achèvera en 2008, nous n'en aurons pas terminé pour autant. Les Etats membres sont encouragés à poursuivre leur action et à lancer des campagnes au niveau national pour lutter contre la violence à l'égard des femmes et donner ainsi un prolongement à la campagne du Conseil de l'Europe.

Cette conférence et les normes sur les services d'aide aux femmes devraient fournir à tous ceux qui œuvrent à la suppression de la violence faite aux femmes les instruments et les informations qui leur sont nécessaires pour améliorer les services d'assistance de manière à ce que, lorsqu'elles en ont le plus besoin, les victimes bénéficient d'une aide appropriée, dispensée par des professionnels sensibles à l'épreuve qu'elles traversent. ★

**SUPPORT SERVICES
PROVIDED FOR WOMEN
VICTIMS OF VIOLENCE:
EXPERIENCES IN COUNCIL
OF EUROPE MEMBER STATES**

Keynote speaker: Mr Thomas Hammarberg

Commissioner for Human Rights, Council of Europe

Version française : page 27.

“Still not sufficient services for women victims of violence.”

A week ago I visited a refuge in Cork, Ireland, for women who needed shelter against violence at home. Here women had been received since the mid-seventies for a couple of days or up to several weeks, in most cases together with their children. This refuge had chosen not to operate under secret address but there was always a police car outside. There had been incidents of brutal attacks against the premises.

This refuge was now faced with new challenges as a consequence of the immigration to Ireland. The pressure had increased during recent years; language and cultural barriers had made the work more complex. However, the commitment of the staff and volunteers in this centre made it still work.

I talked with an immigrant from Hungary who had come here with her little daughter when the crisis had struck the family and the husband had become violent. The time in the refuge had given her perspective and self-confidence, she had been helped to establish her rights and in her case the marriage could be healed. She was now on a visit to thank the staff and reconnect to those who had become her friends for life.

I have similar experiences from several countries I have visited. The shelters are extremely important as a refuge; they are often run by voluntary organisations and often with economic support from local authorities. Another typical pattern nowadays is that a number of the guests are from other countries.

This was also the case with the shelter I visited in Graz in late May. They had a confidential address and

other security arrangements to prevent any risk of gate-crashing. Again, this was a well-run institution in a home-like atmosphere. The problem they raised was that bureaucratic rules for the grants did not allow them to retain a guest more than a set period of time. Typically, the staff now considered to pay themselves for the continued stay of a woman whose time was up but the crisis still unresolved.

However, not all cities in Europe have such shelters. I have talked with politicians in power who have argued that “in our country there is no need”. In fact, I have had some clearly negative experiences in talks with leading government representatives in recent times. Not only have they been dismissive about the problem as such; they have volunteered chauvinistic jokes which should belong to the past. This has to change – and it will.

Putting an end to domestic violence is of course very much a question of *political will*. What should be done in every country is really no secret. There should be precise and strict legislation; there should be by-laws or guidelines to enforce the law; there should be a thought-out strategy and an action plan covering both national and local levels; there should be a system for the support services which are aimed at prevention, protection, prosecution but also rehabilitation and rebuilding lives.

Much has been done to implement these obligations, but much remains to be done. Most governments have now picked up the principles, but some are far behind in implementation. These are some of the points which need to be stressed again:

► The *legal framework* is important and must provide for a wide defini-

tion of violence against women, including psychological forms. It must cover preventive and educational measures, as well as protection and assistance for victims and measures against perpetrators.

- ▶ A good law is the result of a broad *consultative process* involving women's groups and experts, including victims, and taking into account the opinions of civil society.
- ▶ The laws must be effectively *enforced*. Detailed guidelines or protocols to establish clear standards, for example for the police to follow when dealing with violence against women, are necessary.
- ▶ Education of police, social workers, health workers, teachers and the judiciary must include *training* on how to recognise and deal with violence against women. It is crucial that the response to such abuses is professional and gender sensitive. The rights of the victims to privacy, dignity and full autonomy should be met at all stages and by all authorities.
- ▶ The governments should support the civil society groups, but they must themselves take responsibility as well for informing the public about this plague. Creating genuine *awareness* in this field is essential.

Special attention should be given to those most at risk. A sensitive analysis would, for instance, detect the particular vulnerability of *migrant women*. A migrant woman who is subjected to domestic violence is unlikely to report to the police for fear of losing her residence status, if it is dependent on her husband's status. Some coun-

tries have addressed this concern by allowing victims of domestic violence to apply for permanent residence status irrespective of their spouses' support for the application. This is a responsible approach.

Sensitivity to the needs of the victims also calls for *comprehensive and accessible services*. The victim must be able to overcome all the various difficulties and consequences that violence has caused. Support services must take into account and respond to both immediate and long term needs of the victim.

- ▶ Health clinics are often first among services to come into contact with the victims of violence. It is important that *health personnel* are well trained, gender sensitive and have clear referral systems in place to link to other support sectors. Health care providers must be able to refer the victim to counselling or temporary safe housing, and if needed, to the police.
- ▶ Intervention centres which combine *comprehensive* police, judicial, social and health support should be developed in order to avoid the burden on the victims to go from one institution to the next. This is being tried in Austria with positive results.
- ▶ The service centres are crucial in the efforts to assemble information and data, which are important as a basis for political action to prevent and respond to abuses in future. The services are therefore also tools for planning policy and evaluation.
- ▶ Services must be provided without prejudices. We know that some women in need avoid to seek assist-

ance because they fear being stigmatized or blamed. Poor and marginalised individuals have the same rights as others.

- ▶ Essential services also include the provision of *information about the rights* of victims and access to legal aid.
- ▶ *Hotlines* and telephone help services must be set up to provide information free of charge. It is important that those who are at the other end of the line have training in coping with difficult circumstances.
- ▶ Ensuring that women have access to *shelters* to protect them from further violence is important. Good shelters also provide a range of other services. Even when the shelters are run by NGOs, the authorities have a responsibility and assist and co-operate. Shelters should be seen as an emergency, short term solution and of course not justify that the victim is the one who has to move.
- ▶ Decisions to restrain the perpetrator can be decisive. There should be legal possibilities for intrusive barring or non-contact orders.

Providing services are essential but they cannot eliminate the need to establish *an ethical consensus* that violence against women is an absolute taboo. The threshold must be made as high as ever possible.

This is why it is particularly important that leading politicians, male and female, do demonstrate that this is a priority issue and that there has to be *zero tolerance* towards domestic violence. ★

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Commissaire aux droits de l'Homme du Conseil de l'Europe

English version: page 25.

« Les services d'aide aux femmes victimes de violences sont encore insuffisants. »

Il y a une semaine, j'ai visité à Cork, en Irlande, un refuge pour des femmes victimes de violences conjugales. Depuis le milieu des années 70 des femmes battues y sont hébergées pour quelques jours ou quelques semaines, la plupart du temps avec leurs enfants. Ce refuge a choisi de ne pas cacher son adresse, mais il y a toujours une voiture de police stationnée devant l'entrée. Le local a été déjà plusieurs fois le théâtre d'attaques violentes.

Ce refuge se trouve confronté à de nouveaux défis résultant de l'afflux d'immigrants en Irlande. Les pressions ont augmenté au cours des dernières années et les obstacles linguistiques et culturels ont rendu le travail plus difficile. Pourtant, le centre fonctionne toujours, grâce au dévouement du personnel et des bénévoles.

J'ai parlé avec une immigrée originaire de Hongrie qui y avait séjourné avec sa petite fille lorsque sa famille avait vécu une crise et que son mari était devenu violent. Son passage au refuge lui avait permis de reprendre espoir et confiance en elle, on l'avait aidé à défendre ses droits et elle avait même pu reconstruire son couple. Elle venait maintenant au centre pour remercier le personnel et donner de ses nouvelles à ceux qui étaient devenus de vrais amis.

J'ai vécu des expériences analogues dans plusieurs pays que j'ai visités. Les refuges sont extrêmement importants pour les femmes battues. Ils sont souvent gérés par des associations et bénéficient d'un soutien financier des collectivités locales. Une autre caractéristique récente de ces centres est qu'ils accueillent de plus en plus de femmes d'origine étrangère.

C'était également le cas du refuge que j'ai visité en mai dernier à Graz. Son adresse était tenue secrète et d'autres dispositions de sécurité étaient prises pour prévenir tout risque d'intrusions violentes. Là encore, il s'agissait d'une institution bien gérée dans une atmosphère très familiale. Le problème rencontré par le personnel était que les règles de l'administration pour l'octroi de subventions ne permettaient pas de garder une pensionnaire au-delà d'une certaine période. Le personnel envisageait donc de financer lui-même la prolongation du séjour des femmes dont les problèmes n'étaient pas encore résolus à la fin de leur séjour « officiel ».

Malheureusement, toutes les villes d'Europe ne disposent pas de tels refuges. J'ai parlé avec des responsables politiques qui ont prétendu qu'ils n'avaient pas besoin de refuge dans leur pays. En fait, lors de conversations récentes avec des responsables gouvernementaux j'ai même rencontré des réactions extrêmement négatives. Non seulement, ils ne reconnaissent pas l'existence du problème, mais ils se sont permis des plaisanteries douteuses qui ne sont plus admissibles à notre époque. Ce type de comportement doit disparaître, et nous y veillerons.

Mettre fin aux violences conjugales dépend évidemment beaucoup de la *volonté politique* des gouvernements. Ce qui doit être fait dans chaque pays n'a rien d'extraordinaire. Il faut une législation précise et sévère, des règlements ou des lignes directrices pour l'application de la loi ; il faut une stratégie soigneusement préparée et un plan d'action concernant les autorités nationales et locales ; il faut un système de services d'aide visant la pré-

vention, la protection, la poursuite des auteurs de violence, mais aussi leur rééducation et la reconstruction des vies détruites.

Si bien des progrès ont été accomplis pour réaliser ces objectifs, il reste encore beaucoup à faire. La plupart des gouvernements ont adopté les principes, mais tardent à les mettre en œuvre. Il convient de rappeler certains points :

- ▶ Le *cadre logique* est important et doit fournir une large définition des violences à l'égard des femmes, y compris les violences psychologiques. Il doit couvrir des mesures de prévention et d'éducation, la protection et l'aide apportées aux victimes ainsi que des mesures à l'encontre des auteurs de violence.
- ▶ Une bonne loi est le produit de vastes *consultations* impliquant des groupes de femmes et des experts, y compris des femmes victimes, et prenant en compte les avis de la société civile.
- ▶ Les lois doivent être *appliquées* de manière effective. Des directives ou des protocoles détaillés sont nécessaires pour établir des normes claires, par exemple à l'intention des policiers qui ont à traiter des affaires de violences contre des femmes.
- ▶ La formation des policiers, des travailleurs sociaux, des travailleurs de santé, des enseignants et des membres du système judiciaire doit comprendre *une formation spécifique* permettant de reconnaître et de traiter les violences à l'égard des femmes. Il est essentiel de répondre à de tels abus de manière professionnelle et attentive aux différences entre les sexes. Toutes les autorités à tous les niveaux doivent tenir compte des droits des victimes au respect de la vie privée, à la dignité et à une pleine autonomie.
- ▶ Les gouvernements doivent soutenir les groupes de la société civile, mais ont également une responsabilité d'information du public au sujet des violences conjugales. Il faut absolument créer une véritable *prise de conscience* dans ce domaine.

Il faut accorder une attention particulière aux femmes qui courent le plus de risques. Une analyse menée avec tact permettrait par exemple de mettre en évidence la vulnérabilité spécifique des *femmes immigrées*. Il est peu probable qu'une femme immigrée victime de violences conjugales se présente à la police, puisqu'elle craint de perdre son statut de résidente, si celui-ci dépend de celui de son conjoint. Certains pays ont pris en compte cette préoccupation en permettant aux victimes de violences de faire une demande de statut de résidente permanente, que leur conjoint appuie ou non cette demande. Il s'agit d'une approche responsable.

La prise en compte des besoins des victimes exige aussi de mettre en place des *services généraux et accessibles*. Une victime doit pouvoir surmonter toutes les difficultés et les conséquences des actes de violence. Les services d'aide doivent prendre en compte ces besoins immédiats et à long terme et y répondre.

- ▶ Les dispensaires sont souvent les premiers services qui entrent en contact avec les victimes de violences conjugales. Il est important que les *personnels de santé* soient bien formés, attentifs aux différences entre les sexes et disposent de systèmes d'orientation clairs en liaison avec d'autres secteurs d'assistance. Les fournisseurs de soins de santé doivent pouvoir orienter une victime vers des conseillers ou un logement temporaire sûr, et si nécessaire vers la police.
- ▶ Il convient de mettre en place des centres d'intervention associant des services complets d'aide concernant la police, la justice, la protection sociale et la santé, afin d'éviter que les victimes soient obligées de passer d'une institution à l'autre. Une politique de ce type est à l'essai en Autriche et donne des résultats positifs.
- ▶ Les centres de service jouent un rôle essentiel pour rassembler des informations et des données, qui sont importantes pour fonder une action politique visant à prévenir les futurs abus et à les traiter. Les services sont donc également des

outils pour la planification des politiques et l'évaluation.

- ▶ Les services doivent être dispensés sans préjugés. Nous savons que certaines femmes en détresse ne demandent pas d'aide parce qu'elles craignent d'être méprisées ou critiquées. Mais les femmes pauvres et marginalisées ont les mêmes droits que les autres.
- ▶ Parmi les services essentiels, il y a la fourniture d'*informations concernant les droits* des victimes et l'accès à l'aide judiciaire.
- ▶ Il faut mettre en place des *lignes téléphoniques d'urgence* et des services d'assistance téléphonique fournissant des informations gratuites. Il est important que les personnes qui assurent ces permanences suivent une formation leur permettant de réagir à des situations difficiles.
- ▶ Il importe de veiller à ce que les femmes aient accès à des *refuges* où elles seront protégées contre les violences de leur conjoint. Les bons refuges offrent également un certain nombre d'autres services. Même lorsqu'ils sont gérés par des ONG, les pouvoirs publics ont le devoir d'aider ces refuges et de coopérer avec eux. Les refuges doivent être considérés comme une solution d'urgence à court terme, et évidemment ne pas justifier le fait que ce soit la victime qui doive quitter le domicile conjugal.
- ▶ Les décisions visant à empêcher un auteur de violences de contacter sa victime peuvent jouer un rôle décisif. Il devrait y avoir des possibilités juridiques de prendre des ordonnances interdisant le retour au domicile conjugal ou tout contact avec la victime.

Il est très important de fournir des services, mais cela ne dispense pas de rechercher un *consensus éthique* visant à faire de la violence à l'égard des femmes un tabou absolu. Il convient de fixer la barre le plus haut possible.

C'est pourquoi il est particulièrement important que les responsables politiques, hommes et femmes, montrent qu'il s'agit d'une question prioritaire et que les violences conjugales appellent une *tolérance zéro*. ★

**INTERNATIONAL LEGAL
OBLIGATION TO PROVIDE
SUPPORT SERVICES FOR
WOMEN VICTIMS OF
VIOLENCE**

Keynote speaker: Ms Yakin Ertürk

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on Violence against
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Introduction

It's a great pleasure for me to be here on the occasion of the Council of Europe's conference on support services for women victims of violence. The timing of the conference is particularly meaningful as it coincides with the 16 Days of activism to end violence against women.

I have been asked to speak on the international legal obligations with respect to the provision of support services to women victims of violence. In doing so, I would first like to reflect on the particular challenges domestic violence poses for designing strategies for intervention and delivering support services for the survivors of violence, while many may also apply to violence that takes place outside the home.

The 16 Days of activism is symbolic of the many innovative ways in which women have negotiated with and ruptured patriarchal gender structures. This particular campaign, which is now widely observed in all parts of the world, by linking 25 November – the International Day on the Elimination of Violence against Women and 10 December – Human Rights Day, firmly established that women's rights are human rights.

Transforming the human rights framework

The campaign grew out of women's local and international resistance and struggles against violence and evolved into a powerful global movement – mobilising activism and commitment as well as political and financial support to combat violence against women. Concerted efforts of women globally, resulted in the culmination of a distinct regime for women's human

rights, at international and regional levels, although the reality in all countries is in stark contrast to the aspirations and goals set. Persistence of violence in the domestic sphere with impunity is particularly striking.

Since the 1980s, women's rights activists have worked with the existing human rights framework to expand the vision of rights to embrace the diverse and specific ways in which women experience violation of their rights. Focus on violence against women was strategic as it helped break the silence around the problem, linked local women's struggles around the world and opened a most secluded sphere for public scrutiny, thereby demystifying the public/private dichotomy that kept the violation of rights in the private domain off limits to law, policy and state responsibility.

Renewed understanding of state obligation

It is now well-recognised that states have international human rights obligations to take effective action in response to domestic violence. This duty falls under the more general obligation of states to exercise due diligence¹ to prevent, protect from, investigate and, in accordance with national legislation, punish acts of violence against women. While much has been accomplished over the past 15 years in this regard, the struggle to combat violence against

1. Y. Ertürk (forthcoming), "The Due Diligence Standard: What Does It Entail for Women's Rights?" in C. Benninger-Budel (ed.), *Due Diligence: State Responsibility to Combat Violence against Women*. Leiden: Martinus Nijhoff Publishers; and report to the Commission on Human Rights E/CN.4/2006/61.

women, particularly in the domestic sphere, has been an uphill battle. In the fourteen official country visits I have conducted in my capacity as the UN Special Rapporteur, even in those countries where gender equality has been achieved at impressive levels and violence and discrimination against women has been relatively contained in public sphere, domestic violence is persisting.

Why has it been so difficult for anti-violence strategies to penetrate into the private sphere? What accounts for its resistance to change? In answering these questions while one needs to look into the internal dynamics of each society, some general and interrelated factors can be identified.

Difficulties in penetrating the private sphere of life

- i. Public/private dichotomy: Feminists for long have attributed the main obstacle to the protection of women's rights to the role of the public/private dichotomy in international human rights law, which is conventionally premised on the liberal, minimalist conception of the state. The public/private codification in international law has served to maintain a division between the hierarchical and political public domain governed by law and order and an intimate, non-political private domain which was to be off-limits to state intervention. The private sphere was regarded as the safe haven for the 'man' to take refuge from the oppression of public life. Restraining state tyranny emerged as a particularly important value after the atrocities experienced in the two world wars of the 20th Century. This liberal state tradition, therefore, came to be promoted and upheld as a guard against state intervention in private life.² It has, however, been revealed that such a division of spheres clouds the relations of domination and power that governs the domestic arena itself, making the home a risky place for women.
- ii. Patriarchal control: Male supremacy within the private sphere priv-

ileges male authority to discipline the members of the household. Domestic violence in particular is a tool of patriarchal control over the youth and over women to discipline and ensure obedience in the house, which also prepares individuals to behave "appropriately" outside of the house, thus creating a convergence between the interests of the public state and the private patriarch.³ The ideology of patriarchy is premised on the primacy and the privacy of the family and places strong pressures on women to submit and remain silent. A woman who seeks help outside the family risks being ostracized for betrayal and/or severe punishment.

- iii. Inadequate protective infrastructure: In many societies the protection provided for women experiencing violence is ad hoc and inefficient; therefore, it does not give confidence to women to go public with their problems. The inefficiency or the non-existence of a comprehensive system of protection can increase women's vulnerability to risk of further violence. This is particularly acute in the absence of safe houses for women who dare to seek help. Furthermore, those who provide public support are not necessarily free of patriarchal bias themselves. Therefore, their intervention may in fact be detrimental for women. For example, in a recent case in

2. A.A. An-Na'im, while recognising the need to protect rights in the private sphere, cautions against repudiating the distinction between public/private spheres. According to him, state intervention in private life carries the risk to abuse power to violate rather than protect human rights ("The Role of 'Community Discourse' in Combating 'Crimes of Honour': Preliminary Assessment and Prospects", in *Honour: Crimes, Paradigms and Violence against Women*, ed. L. Welchman and S. Hossain. London: Zed Books, 2005: 64-77). A counter-argument must, however, be made in that rights standards can enable the state to use its apparatuses to protect citizens against the tyranny of informal intermediary power. Where such political will is lacking the state machinery may indeed become a tool of tyranny itself, which potentially can transgress all spheres of life.

Turkey, a man who killed his wife because she insulted and pushed him in order to refuse his sexual advance, was given reduced sentence by the higher court which concluded that the women provoked him.

- iv. State politics and policy: Unlike other human rights violations, violence against women is not confined to a particular social group; rather it cuts across all segments of society. Therefore, interfering in domestic sphere carries a degree of risk for the state. In order not to challenge existing balances between different power blocks or display tolerance to diverse interest or cultural groups, policy of non-intervention in violation of rights in the private sphere is often a political choice on the part of the state. By adhering to such a political stand the state in fact allows a parallel normative system to prevail. In some countries local power blocks – such as chiefdoms – are even given legal recognition. The existence of parallel normative frameworks whether in the form of customary law, local jirgas, decentralized governance or federal state structures can potentially obstruct women's access to services and justice. The central authorities in Mexico could not effectively intervene in the femicides in Ciudad Juarez as these crimes were under local state jurisdiction.
- v. Separate regimes of responsibility: An individual perpetrator of an act of private violence is still not directly responsible under international human rights law, therefore, separate regimes of responsibility for private and public acts are sustained.⁴ Furthermore, despite the many achievements that have been recorded, issues of

3. The state / private patriarch relations are not free of tensions and divergence of interests. Autonomous space, although privileging male hegemony, is inherently contradictory as it allows for alternative masculine prerogative, thus providing grounds for multiple forms of dissent and resistance as well as solidarity and collaboration within a household.

public violence tends to be met with a more immediate and effective response at both the international and national levels, whereas identity politics entrenched in a cultural relativist discourse, or essentialising certain cultures as source of the problem dominates the discussions of private violence, thus contesting the universality of human rights standards.⁵ In many instances, misinterpretations of respect for multiculturalism has allowed for the tolerance of deviations from the rule of law. A German woman judge reprehended a Middle Eastern woman and rejected her case for divorce due to domestic violence on cultural essentialist grounds, arguing that domestic violence is normal in the Middle Eastern culture.

- vi. Lack of consensus on terminology, indicators and reliable data: Our knowledge of the problem is partial at best and often obscured by the gender neutral language used to describe the phenomenon, such as family violence, domestic violence and intimate partner violence. Such ambiguities reflect in the intervention programmes designed, which may deter women from reaching out for help. Therefore, there is an urgent need to develop gender sensitive indicators and measurement techniques to generate reliable data. Establishing violence against women indicators is a human rights obligation, linked to the actual content of human rights jurisprudence and the due diligence principle,⁶ which calls upon states, among other things, to ensure that interventions designed to combat violence against women are based on accurate empirical data. My next report to the Human Rights Council is devoted to the subject

of indicators on violence against women and on state response to it.

The due diligence obligation

The violence against women agenda has exposed the inconsistencies associated with the private sphere and the patriarchal biases that shape everyday life. On the other hand, applying the due diligence standard to women's rights has been instrumental in challenging and invalidating the liberal state theory and its ambiguous non-intervention policy.⁷ This has meant that a state, by failing to respond to domestic violence, can be held accountable for not fulfilling its obligation to protect and punish in a non-discriminatory way and can be charged as an accomplice to violations perpetuated by private actors.⁸

The due diligence standard has a long history in international law. More recent application of the standard was taken up in 1988 with the *Velásquez Rodríguez v. Honduras* case concerning the disappearance of Manfredo Velásquez, which by way of abstraction, provided a basis for the development of general guidelines on its requirements.⁹ Human rights bodies such as the Committee on the Elimination of Discrimination against Women (CEDAW Committee), the Committee on the Elimination of Racial Discrimination (CERD), the Human Rights Committee (HRC) and the various special procedures of the Commission and regional human rights institutions have also elaborated on the requirements of the due diligence standard in relation to specific country situations as well as on a more general level.

7. The principle of non-intervention is itself an ideological stand. State has always reserved the right to intervene in private life. This has perhaps been most manifest and durable in the heteronormal model of matrimony as the basis of the family institution.

8. Romany 1994; Christine Chinkin, "A Critique of the Public/Private Dimensions", *European Journal of International Law* (1999), Vol. 10, No. 2: 387-395.

9. Inter-American Court of Human Rights, *Velásquez Rodríguez v. Honduras*, judgment of 29 July 1988, Series C: Decisions and Judgments, No. 04. For a discussion of how the due diligence standard evolved see Romany (1994) and Joanna Bourke-Martignoni.

In 1992, the CEDAW Committee adopted its General Recommendation no. 19 on violence against women in which it specified that:

"[u]nder general international law and specific human rights covenants, 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."¹⁰

The 1993 Declaration on the Elimination of Violence against Women, which is the main international normative framework on violence against women, urges states in its article 4 (c) to "exercise due diligence to prevent, investigate, and, in accordance to national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons." This provision was reiterated in paragraph 125 (b) of the 1995 Beijing Platform for Action. At the regional level, article 7(b) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994) (Convention of Belém do Para), requires that States "apply due diligence to prevent, investigate and impose penalties for violence against women".

In two recent communications under the Optional Protocol to CEDAW, the CEDAW Committee found that Austria was in violation of the Convention for failing to exercise due diligence to adequately protect two victims of domestic violence and prevent their murder, although they had repeatedly complained to the police and asked for protection.¹¹ No alternative housing solutions were ever proposed to the two women, and only short term protection orders were issued against their respective

10. Committee on the Elimination of Discrimination against Women, General Recommendation no. 19, Violence against Women (eleventh session, 1992), UN Doc. A/47/38, para. 9.

11. *The Vienna Intervention Centre against Domestic Violence et al v. Austria*, CEDAW/C/39/D/5/2005, 6 August 2007; *The Vienna Intervention Centre against Domestic Violence et al v. Austria*, CEDAW/C/39/D/6/2005, 1 October 2007.

4. Mahmood Mamdani ed., *Beyond Rights Talk and Culture Talk* (New York: St. Martin's Press, 2000).

5. See my report on *The Intersections between Culture and Violence against Women* (A/HRC/4/34).

6. See my report on *Due Diligence*, E/CN.4/2006/61.

husbands. CEDAW thus found violations of a variety of articles of the Convention related to the State's commitments to pursue a policy of non discrimination and ensure effective protection of women against any discrimination (Article 2), to take all necessary measures to advance women's development and to promote gender equality (Article 3 read in conjunction with Article 1 and General Recommendation 19).

Other treaty bodies, such as the Human Rights Committee (HRC), which monitors the implementation of the ICCPR, have also adopted the due diligence concept, albeit to a smaller extent and not related to violence against women.¹² The standard is also being applied to a range of other human rights issues, such as protecting victims of trafficking¹³ and addressing corporate abuses.¹⁴

More importantly perhaps than the explicit use of the standard in existing legal instruments and case law is the fact that its four substantive elements – the obligation to prevent, protect victims from, and offer remedies for human rights abuses, and punish perpetrators whether those acts are committed by a state or a private actor – are undisputedly state obligations. The current challenge is to ensure that all aspects of the state duty to exercise due diligence, are implemented systematically, effectively and without discrimination and as a matter of law. This seems particularly

relevant to our discussion today, as an examination of States' reports to human rights bodies as well as studies (including the Council of Europe's own "Stocktaking study" on its member states' measures and actions with respect to violence against women)¹⁵ have shown that support services can be considered among the poor components within the due diligence obligation to protect.

United Nations human rights treaty bodies and special procedures – including the violence against women mandate – of the Human Rights Council have gone into some detail to elaborate upon what exactly such protection means, I will briefly reflect on the key elements, mainly in the monitoring committees of CEDAW and CRC, with respect to the provision of services.

Suggested service provision by human rights bodies

United Nations human rights bodies have mostly discussed services within the framework of domestic violence, although quite a few recommendations could apply to victims of other types of violence, such as trafficking. In addition, the examination of treaty bodies' commentaries makes clear that, while many services for victims of domestic violence have been provided by civil society organisations, the state is ultimately accountable for their provision and any failure of their delivery.

The following provisions are found in the reports of human rights bodies.

Shelters: Any programme of support to women should entail the provision of specialised shelters or refuges for victims or those under risk of violence in order to ensure their security and physical and mental integrity. A number minimum criteria that a shelter should have, has been highlighted by CEDAW and the Committee on the Rights of the Child (CRC):

- ▶ available in sufficient numbers;

- ▶ geographically accessible to all women (including those in rural or remote areas);
- ▶ accessible 24 hours a day, 7 days a week;
- ▶ of good quality, i.e. observing certain standards of professionalism and expertise;
- ▶ free of charge or affordable to all;
- ▶ guarantee of confidentiality and security for women and their children as well as staff and volunteers working in the shelter;
- ▶ allocation of adequate state resources, including non-governmental organisations managing such shelters.

The issue of who, how and by who, would need to be addressed and tailored carefully according to the specific context. In this regard, I have drawn attention in my mission reports to the need for centralised placement systems – monitored by the central government – for high risk women, for whom protection may not be possible in a shelter in their home town.¹⁶

Counselling: The CRC has repeatedly expressed concern over violence against women and its negative impact on children, as children are either victims of violence themselves or witnesses and recommended that specialized counselling for children and mothers be provided. It has further been emphasized that state parties should ensure access to assistance with recovery and reintegration to all victims of violence including children.¹⁷

Intervention centres and hot-lines are a key aspect of women's protection. These centres should reach those living in rural areas and vulnerable populations such as women of minority or immigrant communities, irrespective of their residence status.¹⁸

Specialised psycho-social and medical counselling particularly for women victims of sexual violence, in-

16. For example see my mission report to Turkey (A/HRC/4/34/Add.2).

17. Norway, CRC/C/15/Add.263 (2005), para 27.

18. E.g. CEDAW Concluding Observations on Czech Republic, CEDAW/C/CZE/CO/3 (2006), para 16.

12. See General comment No. 31, "The Nature of the General Legal Obligation Imposed on States Parties to the Covenant", adopted 29 March 2004 at para. 8. Other treaty body references are more piecemeal, with CERD for instance mentioning due diligence in passing only. What is clear is that the substantive elements of the concept of due diligence are upheld by all treaty bodies.

13. Economic and Social Council, Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1.

14. Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, *State responsibilities to regulate and adjudicate corporate activities under the United Nations core human rights treaties: an overview of treaty body commentaries*, A/HRC/4/35/Add.1.

15. *Stocktaking study on the measures and actions taken in Council of Europe member States*, Directorate General of Human Rights, Council of Europe, 2006.

cluding rape, either in shelters or independently.

Training, promoted and support by the state for health professionals, social workers and staff of shelters and intervention centres on violence against women, including domestic violence.

Access to immediate means of redress and protection for women and girl victims of violence, explicitly guaranteed in **State legislation**.¹⁹

Any support and protection services should be provided to victims **without discrimination**. The principle of non-discrimination requires the State to proactively identify and reach towards those women who may be more vulnerable to violence and may have disproportionately less access to services and state protection. Specific attention should be paid to women living in extreme poverty, women from immigrant or minority communities, and women with disabilities.

Expanding the due diligence framework²⁰

Current applications

These applications show that the due diligence standard has gained considerable ground under international human rights law with respect to women's rights. However, the general trend in the way states have dealt with their due diligence obligation in responding to violence against women has been guided by a victim subject perception; therefore, they have responded to violence when it occurred rather than taking a more holistic approach that aimed at preventive action. There is a clear need for a paradigm shift from a victim to agency and humanitarian to a human rights approach. The former emphasizes that women encounter violence

not because they are inherently weak and in need of protection but because of a patriarchal order that suppresses women's agency, and the latter emphasizes that a life free of violence is an entitlement.

Furthermore, the provision of services for protection, such as telephone hotlines, health-care, counselling centres, legal assistance, shelters, restraining orders and financial aid etc., has been inconsistent in implementation and in many cases ineffective in their consequence. Protection measures are also frequently based on short-term emergency assistance rather than on sustainable solutions to avoid re-victimisation. The lack of adequate enforcement by police and the judiciary of civil remedies and criminal sanctions for violence against women and an absence or inadequate provision of services such as shelters are major gaps observed in the current compliance with the obligation to protect. As a result, women often have no choice but to continue living with their abusers.

The current understanding and application of the due diligence standard as well as the gaps and challenges identified above highlight the need to redefine the standard so that it responds more effectively to the specificities of violence against women. The major potential for expanding the due diligence framework lies in the full implementation of generalised obligations of prevention – while effectively realising protection of the victim and punishment of the perpetrator – and in the inclusion of relevant non-state actors as duty bearers in relation to combating violence against women.

Holistic and integrated approach

While international human rights law provides the guiding principles for state action, innovative strategies need to be employed using alternative discourses such as empowerment and “cultural negotiation” at different levels of intervention in order to challenge the foundations upon which gender hierarchies are constructed and violence and other forms of discrimination against women are justi-

fied and sustained. Cost efficiency models have also been developed to demonstrate the cost of violence against women on human resources and the economy at large.²¹

States, in their efforts to combat violence against women, must promote and support women's empowerment as highlighted in the Platform for Action and ingrained in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the CEDAW. This approach must embrace the progressive realisation of the full range of rights – economic, social, cultural, civil and political. Fulfilment of these rights requires political will and an equitable allocation of limited resources, ensuring that women's access to critical resources are not sacrificed to other priorities.

Empowerment discourse – through interventions ranging from education, skills training, legal literacy and access to productive resources, housing, sustainable livelihoods, among others – aims to enhance women's self-awareness, self-esteem, self-confidence and self-reliance. This enables women to understand that subordination and violence are not a fate; to resist internalising oppression; to develop their capabilities as autonomous beings; and to be able to constantly negotiate the terms of their personal existence in public and private spheres as well as basic tenets of the overall gender order in their societies, i.e. countering the dynamics of power and economic imbalances that constrain the realisation of women's rights. With this in view I will be preparing my 2008 thematic report to the Human Rights Council on the political economy of women's rights and its implications for violence.

Conclusion

The welfare/humanitarian approach that has over dominated the interventions to the problem inherently results in stigmatising women and fails to recognise their agency as

19. See e.g. CEDAW Concluding Observations on Togo, CEDAW/C/TGO/CO/5 (2006), para. 19.

20. This section is drawn largely from my forthcoming article: “The Due Diligence Standard: What Does It Entail for Women's Rights?”, C. Benninger-Budel (ed.), *Due Diligence: State Responsibility to Combat Violence against Women*. Leiden: Martinus Nijhoff Publishers.

21. Report of the UN Secretary-General, *In-depth study on all forms of violence against women*, UN Doc. A/61/122/Add.1, 6 July 2006.

well as the underlying multiple hierarchies that systematically reproduce violence. It must not be forgotten that women are subjected to violence not because they are inherently vulnerable or weak, but because of a discriminatory gender order that privileges the use of patriarchal violence to subordinate women. In this regard, it is essential that the agenda to end violence against women be approached within an empowerment rather than a victimisation framework, while recognising that there are victims. This means that the problem must be placed as part and parcel of the wider agenda for equality between women and men.

With such an approach in view, it is necessary to map out the parameters of state responsibility based on indicators derived from state obligations contained in international law. Precisely what is required to meet the standard of due diligence will necessarily vary according to the domestic context, internal dynamics, nature of the actors concerned, international conjuncture and, most importantly, political will at all levels. The progress achieved so far in the struggle to eliminate violence against women, although uneven and with notorious exceptions, has verified the conviction that oppressive values, institutions and relationships can be transformed.

Transformative change in gender structures is not an easy task, particularly in view of how deeply patriarchy is embedded. Furthermore, such change is inherently disruptive of the comfort offered by the status quo, as oppressive as it may be. While such change may hold risks, it also promises a step forward in greater emancipation not only for women, but for everyone. Eradicating violence against women and ensuring that human rights are universally enjoyed is, therefore, a shared interest and obligation. ★

**COUNCIL OF EUROPE
STUDY ON MINIMUM
STANDARDS OF SUPPORT
SERVICES FOR WOMEN
VICTIMS OF VIOLENCE**

Keynote speaker: Ms Liz Kelly

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Violence against
Women, Child and
Woman Abuse Studies
Unit, London
Metropolitan
University, United
Kingdom**

Developing minimum standards for violence against women services

Defining terms: violence against women

United Nations definition

... violence that is directed against a woman because she is a woman, or violence that affects women disproportionately

- ▶ Physical, sexual and psychological violence occurring in the family (including battering, sexual abuse of female children, dowry-related violence, marital rape)
- ▶ Physical, sexual and psychological violence occurring within the general community (including rape, sexual abuse, sexual harassment, trafficking in women and forced prostitution)
- ▶ Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs

Challenges

- ▶ To have the range of services which address all forms of violence
- ▶ Accessible to all women
- ▶ Operating within human rights standards
- ▶ May be integrated across forms of violence (domestic/sexual) or by functions (advice, advocacy, shelter, counselling)
- ▶ May be specialised – by form of violence, by functions and/or by target group (girls, migrant, BME, disabled women)

Defining terms: why services

- ▶ Began in 1970s to address hidden/silenced issues

- ▶ Enable women to name what has happened, make sense of and address it
- ▶ Depth understanding of violence in various forms
- ▶ Creative alternatives that met women's needs
 - Anonymity – helplines
 - Safety – shelters
 - Empowerment – self-defence
- ▶ And built confidence and institutions run by women
 - Re-training/personal development

The task

- ▶ To extend the current knowledge base on approaches to supporting and assisting women who become victims of violence through addressing:
 - what services should be available, and their distribution in terms of populations and geography;
 - who should provide services;
 - minimum standards across the different types of services.

Methodology

Phase	Task	Status
1	Desk-based research to develop a typology of provision	✓
2	Interview National Focal Points on existing/proposed standards	✓
3	Interview specialist NGOs and networks to identify existing standards, opinions and proposals	✓
4	Expert interviews [total of 99 contacts, from 35 countries]	✓
5	Data analysis, draft proposals	✓
6	Online consultation for all contacts/participants	Dec. 07
7	Revised standards and final report	Jan. 08

Defining terms: minimum standards

- ▶ The “lowest common denominator” basic standards that all states and services should aim to achieve
- benchmarks – for states and service providers
- both the extent and mix and services which should be available
- who should provide them
- the principles and practice base from which they should operate.
- ▶ Not aspirational: all provision should reach them
- ▶ Aspirational in that:
 - states may not have the requisite amount/distribution of services
 - some/all services may not yet meet all the standards in their policy and practice.
- ▶ Good practice should encompass minimum standards, but move beyond them, aiming to maximise both quality and outcomes

Core principles 1

Understanding of domestic and sexual violence

Services demonstrate an appropriate, and informed approach, relevant to their service users, which recognises the gendered dynamics, impacts and consequences of domestic and sexual violence within an equalities and human rights framework.

Safety, security and human dignity

Services ensure that all interventions prioritise the safety, security and dignity of service users and of staff.

Specialist services and staff

The knowledge and skill base of staff, and forms of provision, are 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 anti-discriminatory practice. Available free of charge and 24/7.

Core principles 2

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 agency response

Services operate within a context of relevant inter-agency co-operation, collaboration and co-ordinated service delivery.

Core principles 3

Responsibility for violence and 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 take part in awareness raising and prevention work in communities and with individuals.

Standards for distribution of provision

Helpline	1 covering all VAW/ or 1 on DV and SV
Advice/advocacy	1 per 50 000 women
Counselling	1 per 50 000 women
Shelters	1 family place per 10 000 women
Outreach	Minimum into largest local minority
Rape Crisis Centre	1 per 200 000 women
SARC	1 per 200 000 women

Core standards across all services

Respect and dignity

- ▶ Service user has a right to be treated with respect and dignity at all times
- ▶ Confidentiality
- ▶ Twin pillars: culture of belief, perpetrator responsibility

Safety and protection

- ▶ Safety should be paramount and includes immediate physical protection, and psycho-social safety, including social inclusion.
- ▶ Crisis services should be available and accessible round the clock i.e. 24 hours a day, 365 days a year
- ▶ Services should be holistic and user-led
- ▶ Pro-active stance, following up contact and providing services on an ongoing basis.

Access

- ▶ Available to all women
- ▶ Outreach and adaptation to service user's needs
- ▶ Anti-discrimination and equal opportunity policies
- ▶ Free of charge

Children

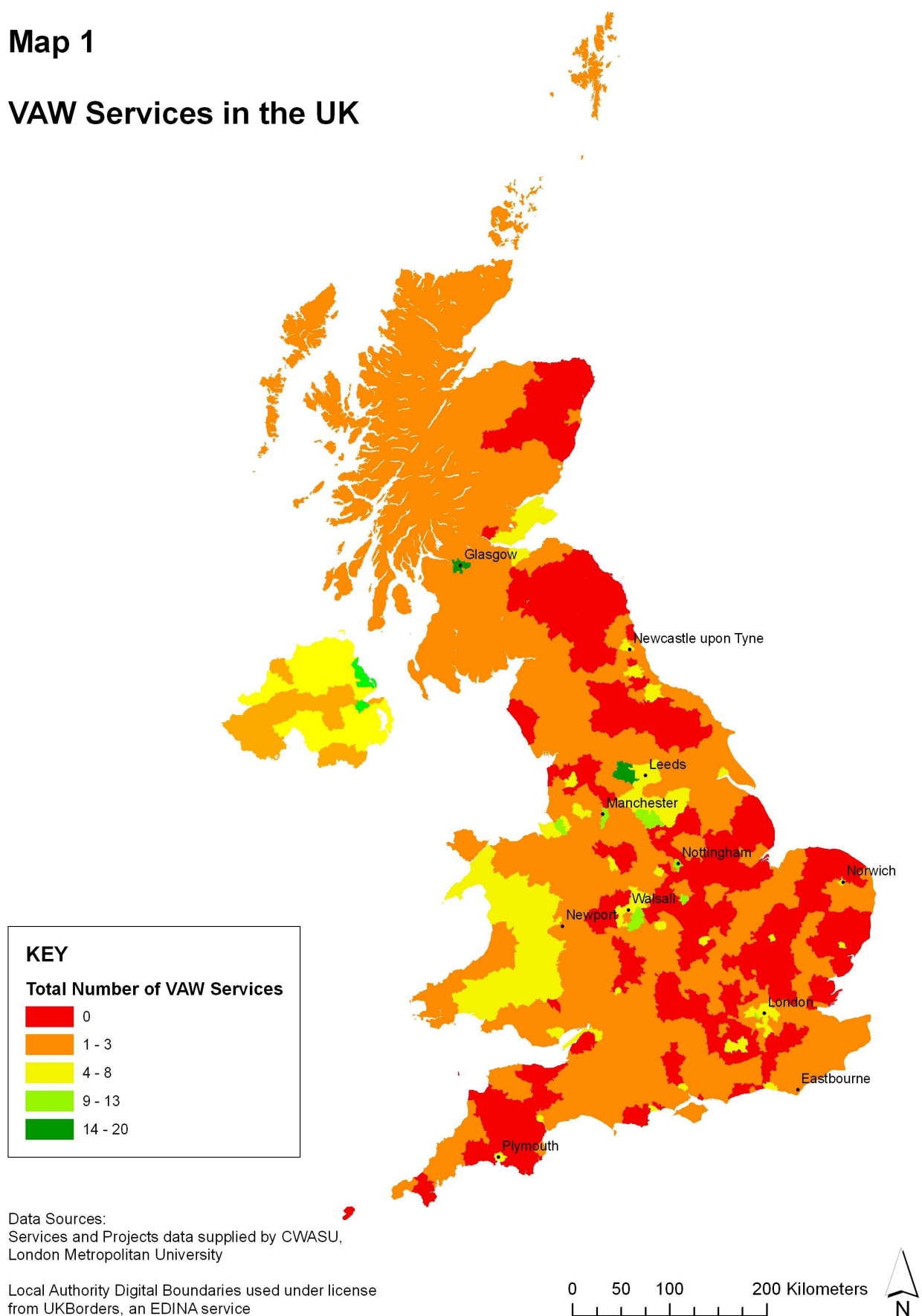
- ▶ Mindful of needs

Staff

- ▶ appropriately qualified, and trained
- ▶ understanding
- ▶ of the gendered dynamics of violence against women, different forms of violence against women
- ▶ anti-discrimination and diversity, legal and welfare rights
- ▶ Women's NGOs should be staffed by women, other agencies should

Map 1

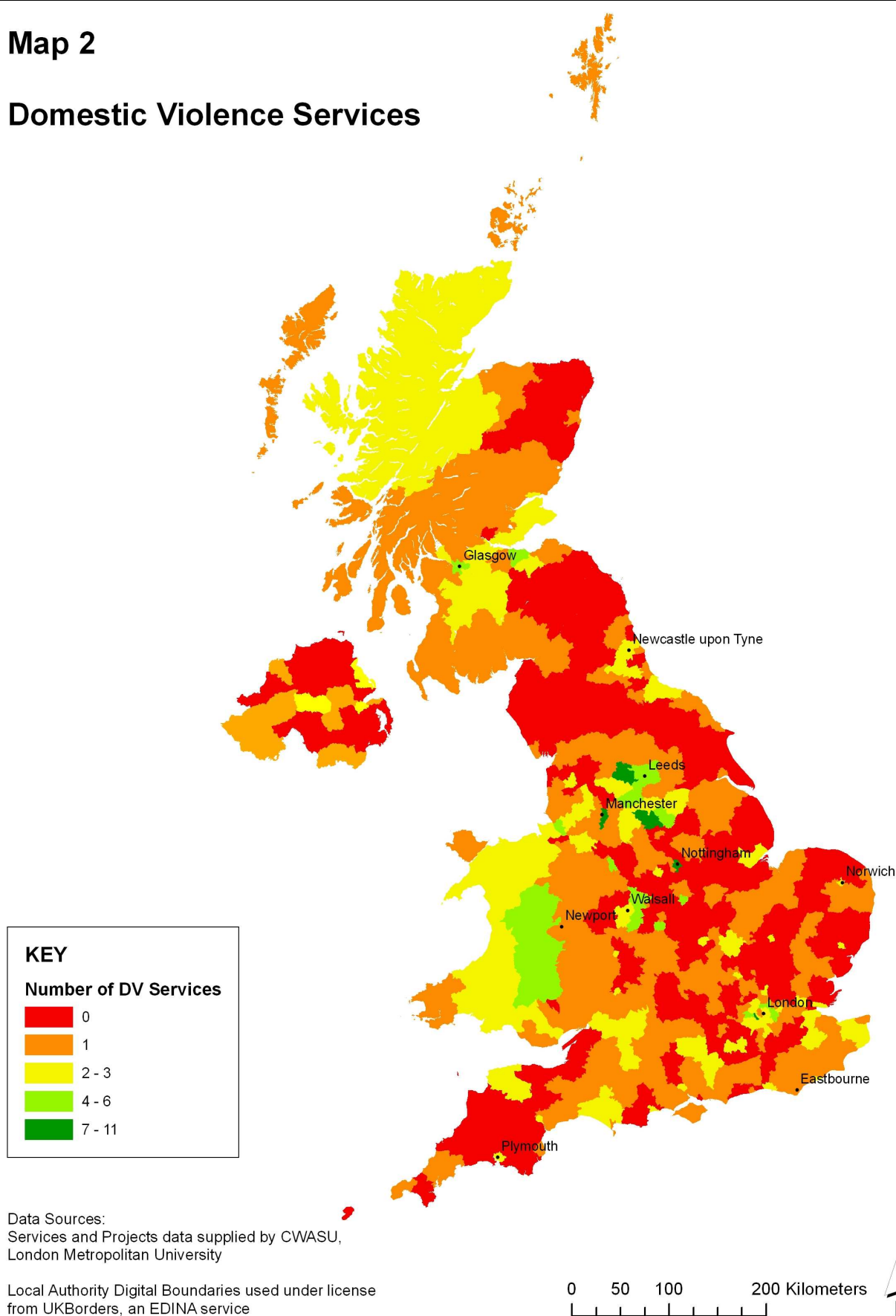
VAW Services in the UK



Map prepared by Cities Institute, London Metropolitan University

Map 2

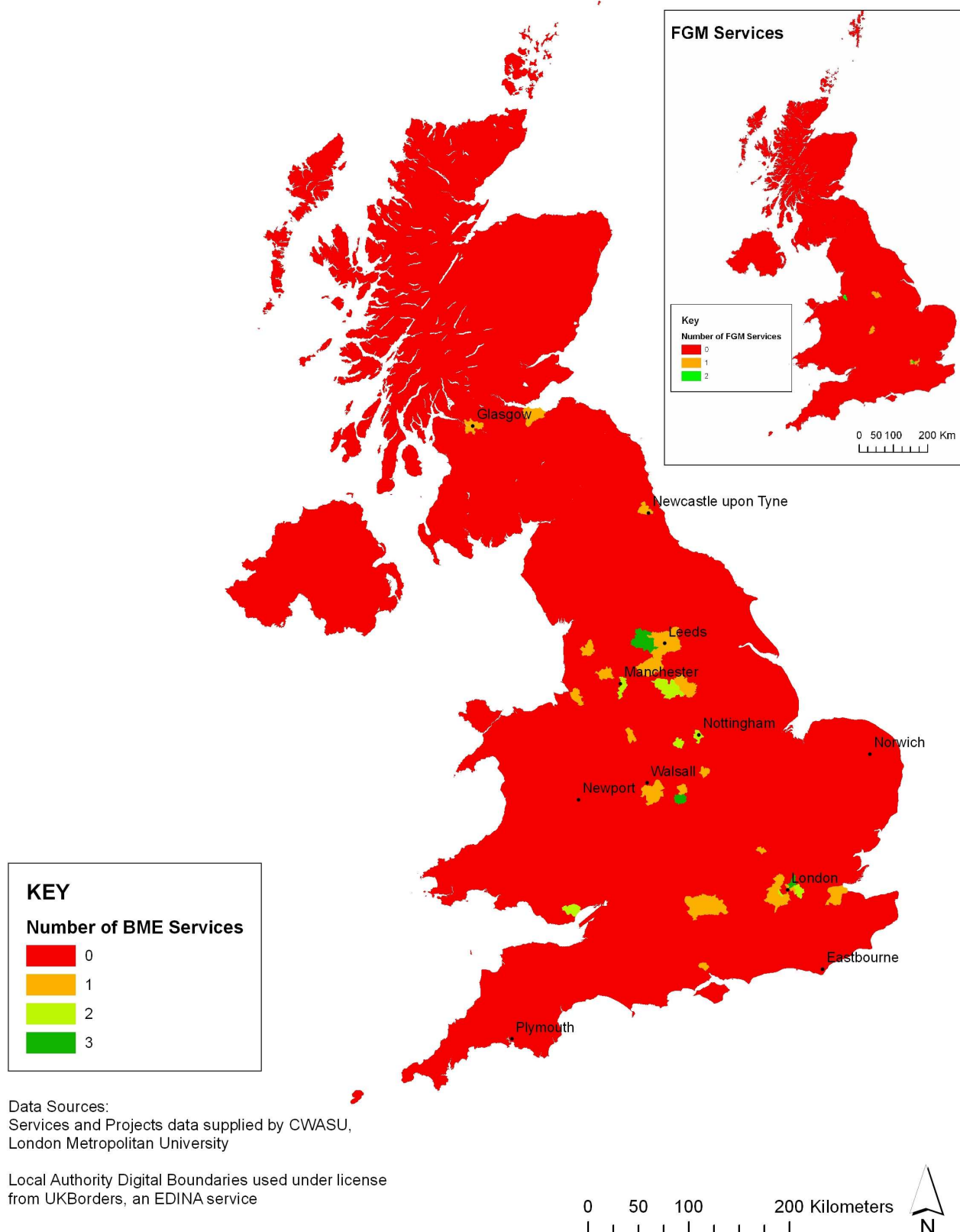
Domestic Violence Services



Map prepared by Cities Institute, London Metropolitan University

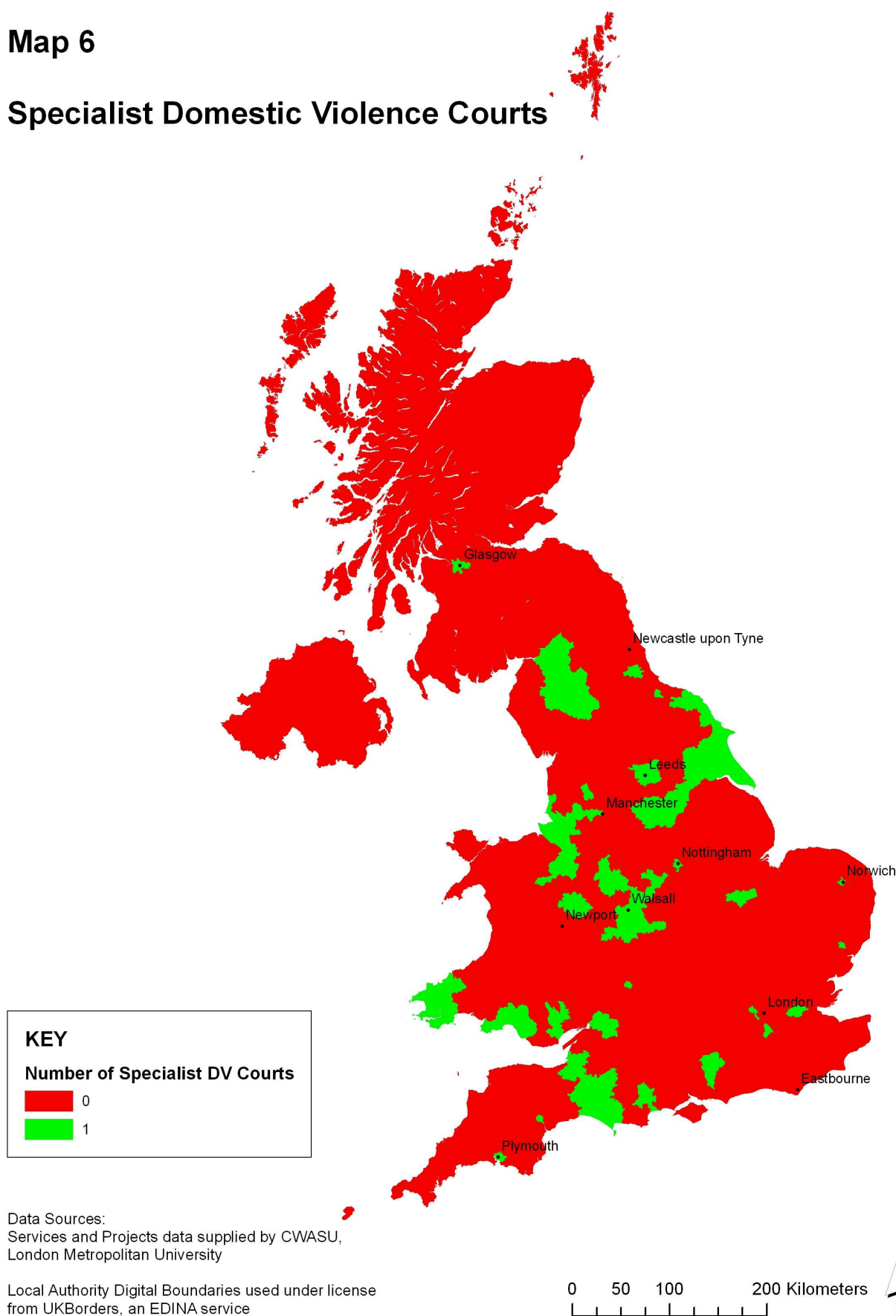
Map 4

Services for BME Women



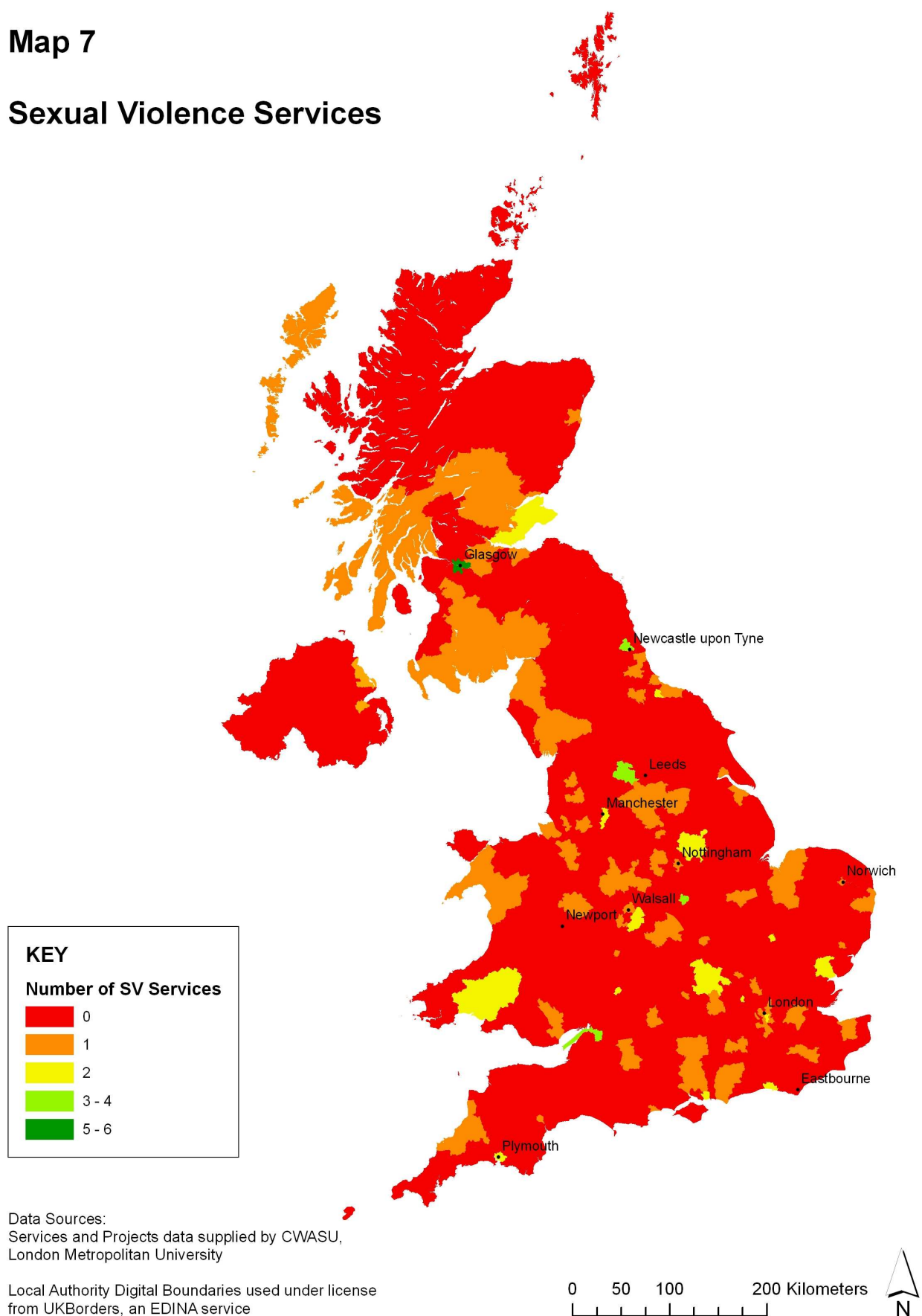
Map 6

Specialist Domestic Violence Courts



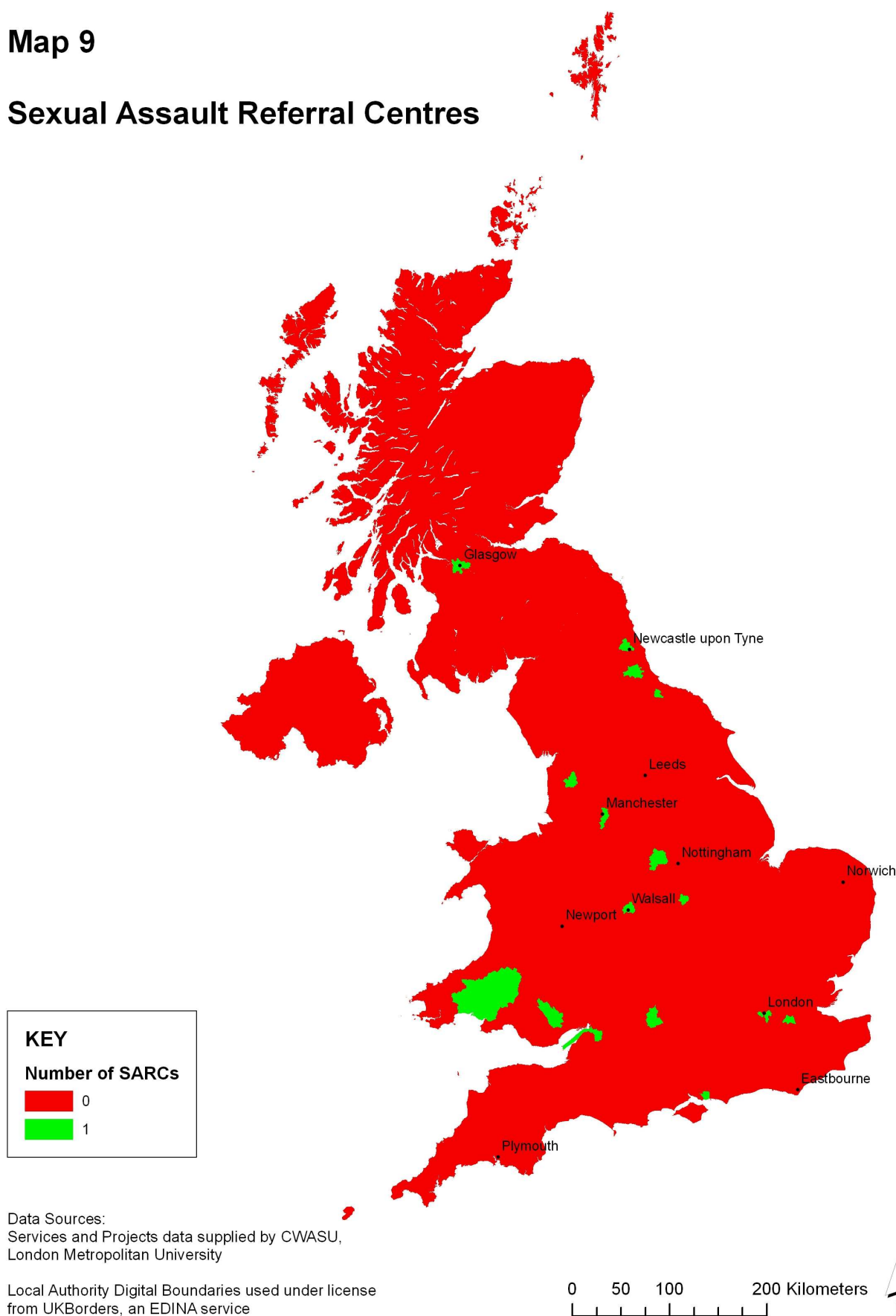
Map 7

Sexual Violence Services



Map 9

Sexual Assault Referral Centres



ensure availability of sufficient female staff

Empowerment

- ▶ Democratically managed, participation of staff and services users
- male dominance should not be replaced by institutional dominance
- ▶ Service users should be informed of their rights, including legal and human rights
- ▶ No requirement to make any official complaint or attend any kind of programme/group/service
- ▶ Time to reflect
- ▶ All information, advice and counselling should be based on empowerment and victim rights models
- Informed consent

Provision

- ▶ Services provided by NGOs should be autonomous and non-profit making

- ▶ All services should be based in a gendered understanding of violence as a cause and consequence of women's inequality
- ▶ Active involvement of service users in monitoring
- ▶ National and local governments
- ▶ violence against women funding streams

Specific standards

- ▶ helplines
- ▶ shelters/refuges
- ▶ advice and advocacy
- ▶ counselling
- ▶ outreach
- ▶ intervention projects
- ▶ rape crisis centres
- ▶ sexual assault referral centres
- ▶ law enforcement
- ▶ perpetrator programmes.

Good and bad news

- ▶ Unprecedented interest in standards
- ▶ Uneven starting points
 - DV/IPV or VAW
- ▶ Continuum of interests
 - States, organisations, NGOs and academics
- ▶ Difficult conundrums
 - Common understandings and principles across ongoing debates and varied legal contexts. ★

*The maps illustrating this contribution are taken from **Map of Gaps: The Postcode Lottery of Violence against Women Support Services** by Maddy Coy, Liz Kelly and Jo Foord, published by End Violence against Women, 2007, available at*

<http://endviolenceagainstwomen.org.uk/>

MINIMUM STANDARDS FOR SHELTERS PREPARED BY WAVE

Keynote speaker: Ms Rosa Logar

**Domestic Abuse
Intervention Centre,
(Vienna, Austria), and
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Combat Violence
against Women,
including Domestic
Violence**

Overview

I will talk about:

- ▶ What is the problem and what do victims/survivors need?
- ▶ Importance of specific services for women survivors of violence and their children
- ▶ What a waste: lost opportunities and potentials
- ▶ Importance of women's NGOs in preventing and eliminating violence against women and children
- ▶ Minimum standards for governments regarding service provision policies
- ▶ Minimum standards for service providers (especially for running shelters)
- ▶ Conclusions

The problem: domestic violence against women is gender-based violence

- ▶ Domestic violence against women is a specific form of violence, it is gender-based violence (GBV).
- ▶ GBV is "violence that is directed against a woman because she is a woman or violence that affects women disproportionately". (CEDAW Recommendation No. 19/1992)
- ▶ According to police statistics in Austria, about 94% of the victims of domestic violence are female, and about 95% of the perpetrators are male family members.
- ▶ Thus, domestic violence against women is a specific form of violence, it is a form of gender-based violence.
- ▶ In order to be successful in preventing and eliminating domestic violence against women we have to take into account the underlying causes and the gender dimension.

The underlying causes of violence against women

- ▶ Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women.
- ▶ Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.
- ▶ Violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights.
United Nations Declaration on the Elimination of Violence against Women, 1993

Definition

- ▶ Violence against women means any act of gender-based violence that 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 in private life.
United Nations Declaration on the Elimination of Violence against Women, 1993

Domestic violence against women is violence against children, too!

- ▶ Domestic violence against women always affects children, either directly or indirectly.

- ▶ When a woman is abused by her partner, it is very likely that he abuses the children as well.
- ▶ The more severe the violence against the mother, the more severe the violence against the children.
- ▶ Children suffer from multiple forms of violence, also after separation.
- ▶ Women's shelters have always been children's shelters as well; women's shelters have to respond to the needs of women and children.

Violence against women and children concerns all of us

- ▶ Since DV is widespread, all of us can be or could become victims of domestic violence.
- ▶ The risk is especially high for the women among us.
- ▶ If we belong to an especially vulnerable group like immigrant women or women with disabilities, our risk is even higher.
- ▶ We all are likely to know a woman or a child in our family or among our friends who is a victim/survivor of domestic violence.
- ▶ We have to approach the problem from the perspective that it is our problem, our concern – it is not about “them” it is about “us”.

Responsibilities of states

- ▶ States 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.
- ▶ Council of Europe Recommendation (2002) 5 on the protection of women against violence (see below, page 87).
- ▶ United Nations Declaration on the Elimination of Violence against Women, 1993.

The impact of domestic violence

- ▶ In domestic violence, women and their children suffer multiple forms of violence.

- ▶ Violence leaves **scars**, on body and soul.
- ▶ **It affects the victim's/survivor's physical and psychological integrity.**
- ▶ The violent **partner intends to weaken the victim** so that she **cannot resist or leave him.**
- ▶ Violence **can lead to low self-esteem and can cause substance abuse, depression and other mental health problems.**
- ▶ Survivors of violence are not to be blamed for that, they just need more and more intensive support!

Domestic violence is dangerous: it costs lives.

- ▶ Survivors of domestic violence are often dependent on the perpetrator in several ways (economically, because of the residence permit, age, strict family norms etc.).
- ▶ If the violence is severe and the victim feels there is no escape (“I will find you anywhere; I will destroy your life”), identification with the aggressor becomes her **only survival strategy** (known as the **Stockholm Syndrome**).
- ▶ For various reasons, it is not easy, and it is dangerous, to leave a violent partner: at the time of separation, the violence tends to escalate and almost all homicides are committed at that time.
- ▶ Victims need effective protection and active support!

Need for specific services for survivors of domestic violence

- ▶ Thus, domestic violence against women and their children is a **specific, highly complex** and dangerous problem.
- ▶ It requires **specific measures and specific services**, with **adequately trained staff** (just like specific health problems need specialised treatment).
- ▶ Services need to be tailored to the needs of the individual victims.
- ▶ General social services or shelters are *not* sufficient for tackling the problem.

- ▶ For more than 30 years women's NGOs have been developing a range of specific services and methods to be able to provide adequate support to survivors.

Role of women's NGOs in service provision

- ▶ In all parts of Europe, women's groups and initiatives have set up services over the last 35 years.
- ▶ BUT: in too many regions there are still no or no adequate services!
- ▶ In some countries, like in my own, Austria, women's NGOs have been fairly successful in building a network of support services and effective intervention chains to prevent domestic violence.
- ▶ This success was and is possible because of the good co-operation between the government and women's NGOs.
- ▶ In Austria, a 24 hour national helpline for women, 29 women's shelters, 9 Intervention Centres and other services are funded by the regional governments and run by women's NGOs.

What a waste: lost opportunities and potentials

Unfortunately, the co-operation between governments and women's NGOs is not well developed everywhere. In too many countries or regions, there are committed women's NGOs and initiatives who cannot use their potentials and skills. Sometimes active women's NGOs are silenced, discredited, marginalised or put under pressure by bureaucratic procedures and lack of support and funding, especially if they have a feminist and gender specific approach. Many women's shelters that could save lives and ensure the health of women and children were never opened, in spite of committed women's initiatives trying to establish a shelter. Several of them had to be closed again due to lack of resources. I do not want to name and shame anybody here, I would just like you to go and search for such lost potentials in your country. Over the last few years I have met many brilliant experts who are skilled

and well trained according to international standards, but who are not able to use their potentials to support women and children victims of domestic violence due to lack of resources to run a service. I have met others who work as volunteers and have to have another job to be able to earn a living. We cannot afford to waste our potentials! In all our countries, so much needs to be done to prevent domestic violence, there are so many victims without support – we need *all* experts and we have to support our experts so that they may pass on their know-how and skills to others. We also cannot afford to start all over again – we must value and support the expertise of independent women's NGOs and international networks and see them as partners.

Good and successful practice: Public-private partnerships between governments and independent women's NGOs

- ▶ State agencies alone cannot be successful in ending domestic violence against women.
- ▶ Civil society organisations, especially women's initiative organisations, have a very important role to play.
- ▶ Research shows that countries that have a wide and active network of women's NGOs achieve better results in developing effective laws and services.
- ▶ Women's NGOs as actors of civil society tend to be and have to be critical in order to promote social change. This might not always be easy for governments to accept, but it is certainly fruitful for innovations and the democratic development of our countries.
- ▶ Thus, it is vital to involve critical and feminist women's NGOs. And:
- ▶ We need **public-private partnerships** between governments and women's NGOs.

Council of Europe Recommendation 2002 (5) on the importance of NGOs

Council of Europe Recommendation (2002) 5 (see below, page 87) sup-

ports that and states that member states should review their policies with a view to:

- ▶ “ensuring that all measures are co-ordinated nationwide 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”;
- ▶ “encouraging at all levels the work of NGOs involved in combating violence against women and establishing active co-operation with these NGOs, including appropriate logistical and financial support”.

Standards for governments regarding service provision policies

Council of Europe Recommendation (2002) 5 on support for victims¹

Regarding international obligations, it is the responsibility of the state to provide the necessary means for adequate services to all victims. Council of Europe Recommendation (2002) 5 says that member states should:

- ▶ ensure that victims, without any discrimination, receive immediate and comprehensive assistance provided by a co-ordinated, multidisciplinary and professional effort, ... this should be provided on a confidential basis, free of charge and be available around the clock;
- ▶ in particular, ensure that all services and legal remedies available for victims of domestic violence are provided to immigrant women upon their request;

Basic considerations for quality services

- ▶ Services should be **non-bureaucratic, confidential, non-stigmatising, non-judgmental, empow-**

ering and focusing on the needs of the survivors, not on the needs of the institution.

- ▶ If they do not fulfil these criteria, they are no effective alternative and survivors will be reluctant to use them.
- ▶ Experienced women's NGOs have specialised in such services and, as mentioned already, are excellent partners to run and further develop such services.

What we need as survivors of violence

Some leading questions in policy-making in the area of service-provision should be:

- ▶ What would *we* need as survivors of violence?
- ▶ Which kind of support would *we* regard as helpful and effective?
- ▶ What services are available, are they adequate?
- ▶ Would *we* ourselves use the services provided to us in our countries?

An invitation to a thought experiment

At this point I would like to invite you to join in a thought experiment and to put yourself in the shoes of a victim/survivor of violence in your country. Imagine you are a women with two children, living in a rural area. You can not stand the abuse from your husband any longer. You are desperate to get help but do not know where to turn to. One evening the violence gets so bad that you have to run away. You barely manage to leave the house, without proper clothes, and most distressing, you have to leave the children behind. What services would be provided to you in such a crisis situation? What short-term help would you be offered? What medium-term and long-term help? Would there be a women's shelter? What quality of service would you get there? Can you imagine that you are satisfied with the service? What would be the positive and negative points?

1. Reproduced below, page 87.

Standards of service provision for governments: Basic criteria

- ▶ **Specialised services for women survivors of violence**
- ▶ Adequate number of services for *all* survivors of violence
- ▶ Sufficient services also in **rural areas**
- ▶ **Easy access to services** (widely disseminated information, free transport)
- ▶ Proactive and outreach services
- ▶ User-friendly/family-friendly services providing comprehensive support for women and their children *at one location* (i.e. women's shelters provide comprehensive legal and social counselling as well as practical support and advocacy for women and children)
- ▶ **High quality services** (more than a roof over the head)

Standards for governments: A comprehensive network of specific services for women

- ▶ At least one national emergency helpline (depending on the size of the country) operating 24 hours a day free of charge, counselling in several languages; regional help lines
- ▶ Adequate number of women's shelters also in rural areas (minimum capacity of one place per 10 000 inhabitants), 24-hour services in the shelter, free transport to the shelter
- ▶ Adequate safety and quality standards in women's shelters
- ▶ A network of women's support and intervention centres (one centre per 50 000 inhabitants)
- ▶ Proactive approach: if a case of violence becomes public (at the police, the hospital ...) the survivors shall be actively contacted and offered help
- ▶ Outreach services
- ▶ Adequate help for specific groups of women: immigrant women, members of ethnic minorities, women with special needs
- ▶ Comprehensive help for children
- ▶ Support of multi-agency initiatives
- ▶ Services free of charge

- ▶ Adequate (sufficient and long-term) financing of women's services by the government

Further standards: Alternatives to violence

- ▶ Effective laws to protect victims and prevent violence, guaranteeing victims the right to stay in their own home.
- ▶ Training of all professionals who might be confronted with the problem (health services, social services, police, justice system ...)
- ▶ Efficient housing programmes (e.g., to avoid that women have to live with the violent partner even after divorce or that they cannot leave the women's shelter because of lack of housing)
- ▶ Support to secure a sustainable livelihood (right to financial aid; right to alimony, support in education and employment matters...)
- ▶ For immigrant women, a right of residence independent of their husbands, as well as the right to enter the labour market
- ▶ Visas granted on humanitarian grounds for survivors of violence without proper documentation; no repatriation of victims of violence
- ▶ Political asylum for women facing severe violence (e.g. honour killings) in their home countries

Standards for service providers

Standards developed by women's NGOs within the WAVE network

- ▶ WAVE: network of women's NGOs working in the field of domestic violence against women and children
- ▶ Founded in 1994, operating in 44 countries in Europe
- ▶ DAPHNE projects: development of quality standards for services to women and children victims of domestic violence
- ▶ WAVE Network Manuals:
- ▶ Away from violence: Standards for women's shelters
- ▶ Bridging gaps: Guidelines for multi-agency co-operation

- ▶ Download: <http://www.wave-network.org/>

General quality standards for services

Quality standards for service providers must be based on:

- ▶ Clear goals, principles and procedures
- ▶ Orientation towards the needs of the service users (not the needs of the institution)
- ▶ Transparency to the services users of the services provided, their rights and responsibilities
- ▶ Service users' participation and feedback as an important part of quality control

General principles for adequate support services

- ▶ Non-bureaucratic, non-stigmatising and non-judgemental support
- ▶ Empowering support
- ▶ The service as a model: women supporting women, services run by women
- ▶ Confidentiality and anonymity
- ▶ Relationships of trust and empathy, emotional support, understanding and responding to complex fears of the survivor
- ▶ Recognition of diversity (services for minority and immigrant women, women with disabilities etc.)
- ▶ Respect and right to self-determination
- ▶ Empowering structures (i.e. democratic structures, participation of survivors)
- ▶ Recognition of underlying causes of VAW and structural violence in society
- ▶ Awareness-raising and campaigns as an important part of the goals and work of the women's service
 - Advocacy for victims/survivors (on an equal footing)
 - Support for children
 - Services free of charge
 - Safety as a priority
 - Ongoing risk assessment and safety planning together with the victim
 - Proactive support (maintaining contact with the survivor, showing

her that somebody cares and that she is not alone etc.)

- Comprehensive support (counseling, legal aid, as well as practical help and assistance (money, job, housing, safety devices etc.)
- Crisis intervention as well as medium- and long-term support (survivors decide how long they need support, not the organisation)

Goals and principles of women's shelters

- ▶ **Goals:**
 - Protection and safety
 - Empowerment
 - Social change (awareness raising, campaigning and networking as integral parts of the work of the women's shelter)
- Women's shelters should be open to *all* women and children survivors of domestic violence (regardless of age, religion, nationality, ethnicity, social or marital status...)
 - 24-hour services, no time limit for stay, services free of charge
 - Feminist/gender analyses (DV as gender-based violence)
 - Women helping women
 - Advocacy for women
 - Right to self-determination
 - Confidentiality/anonymity
 - Recognition of diversities
 - Team work and flat hierarchies
 - Participation of service users, democratic structures
 - Accountability
 - Comprehensive and high quality services in the shelter

Services for women in women's shelters

- ▶ Comprehensive services for women:
 - 24-hour services
 - Individual counselling and support
- Safety planning
- Group work
- Self-defence
- Legal aid
- Support in financial matters, housing matters
- Support in health-related matters
- Support in job-related measures

- Special support for immigrant and minority women
- Services for women with special needs (women with disabilities ...)
- Support in leaving the shelter/after-care

Services for children in women's shelters

Services for children:

- ▶ **Goals:**
 - Ensuring the physical and emotional safety of the children
 - Promoting their sense of security
 - Helping them to regain their childhood
 - Supporting the mother-child relationship
- ▶ **Support:**
 - Individual counselling
 - Group work
 - Conjoint work with mothers
 - Play therapy/art therapy
 - Support through legal proceedings

Safety and security measures

- ▶ Confidential addresses or other effective measures to guarantee safety, especially for high risk victims
- ▶ Technical security precautions
- ▶ Security in temporary accommodation
- ▶ Police security plan to guarantee the safety of shelters/other services
- ▶ Security plan for the shelter
- ▶ Self-defence
- ▶ Fire protection and other safety precautions

Democratic structures and participation

- ▶ Clear shelter guidelines – rights and responsibilities
- ▶ Important rights: right to comprehensive and professional support, fair procedures, right to participation
- ▶ Forms of participation: shelter assembly, children's assembly, shelter council, conflict resolution...
- ▶ Further important issues: preventing violence, respecting diversities, balance of power, solidarity, involvement in social change

- ▶ Right to voice complaints, clear complaints procedures

Adequate infrastructure

- ▶ Minimum standard: a room for each woman and her children (two rooms if the woman has more than two children)
- ▶ Not more than two women sharing a bathroom
- ▶ Good practice: a small unit (bedroom, shower, kitchen) for each family
- ▶ Adequate number of rooms for confidential counselling
- ▶ Rooms for working with children

Minimum standards for staff

- ▶ Medium-sized shelter (25-35 places) running a 24-hour help line and providing support to women and children as well as other necessary services
- ▶ 8-10 full-time staff
- ▶ Adequately trained staff with specific training in domestic violence: at least 10 days of training course

Quality assurance

Quality assurance: regular evaluations should be carried out to monitor and improve quality standards.

Service users as stakeholders

- ▶ Asking the women and children about their opinions on the quality of the service should be a regular procedure in the women's shelter and in all services (i.e., through questionnaires, interviews ...)
- ▶ All services (also police, the courts, ...) should be open to feedback from clients, even if it is criticism, and should encourage and facilitate such feedback (i.e. through surveys or questionnaires).

Funding needs

Women's shelters need adequate and secure funding by the government to be able to provide adequate and professional support. They should be run by experienced women's NGOs in close co-operation with governments (based on a contract). Basic funding covering all services is needed (project-based funding

or funding per person/night is not adequate). Funding should be legally secured and extend over a medium-term period (at least 3-year contracts). The contract should recognise the professional independence of the women's NGO. Private sponsoring is no adequate form of funding and should only be used to cover extra expenses.

*Can we afford it? We have to
and we can!*

- ▶ There is no country in Europe that is too poor to be able to provide support to victims!
- ▶ We all spend money on armies, sports, football ...
- ▶ We can afford it and we have the obligation to provide adequate services to victims of domestic violence!

Violence is not cost-free. Effective action and prevention pay off!

Violence is not cost-free, it costs individuals and society a lot. In order to be successful in the prevention of domestic violence against women, we have to invest adequate financial resources. This is a good investment in the future of our societies, equality, peace and the realisation of women's and children's human rights. ★

MINIMUM STANDARDS FOR COUNSELLING AND INTERVENTION CENTRES

Keynote speaker: Ms Nicola Harwin

Chief Executive,
Women's Aid
Federation of England,
United Kingdom

National service standards for domestic and sexual violence

Introduction

Women's Aid Federation of England

- ▶ National domestic violence co-ordinating body
- ▶ 370 local organisations running 500 services
- ▶ Up to 50 000 women and children stay in refuges (shelters) each year
- ▶ 320 000 women and children receive help and support

Women's Aid strategic aims

- ▶ To improve the **protection** available to women and children by ensuring their needs and experiences inform law, policy and practice
- ▶ To work towards the **prevention** of domestic violence (DV) through public awareness and education
- ▶ To ensure the **provision** of high quality services for abused women and children

3 key areas for ensuring quality services for victims/survivors

- ▶ National service standards for all domestic and sexual violence services (NSS)
- ▶ Occupational standards for staff working in them (the qualified workforce)
- ▶ Accredited training/qualifications for staff and volunteers that underpins both these quality frameworks

Quality Service Framework



Key elements to achieve this

- ▶ Government commitment and strategic approach to domestic violence and violence against women
- ▶ Resources and investment in infrastructure within women's voluntary sector

Development drivers in the United Kingdom (England)

From Government

- ▶ Quality service standards and skilled workforce
- ▶ Commissioning framework for service delivery
- ▶ Focus on outcomes
- ▶ Strategic policy approaches to domestic violence and violence against women
- ▶ Government recognition of need for capacity building in voluntary sector
- ▶ Aim to end postcode lottery

From Women's Aid

- ▶ Protect and raise service standards
- ▶ Complement existing standards on the provision of supported housing (QUAF)

- ▶ Ensure appropriate services delivered to abused women and children
- ▶ Ensure right knowledge and skills from staff and volunteers
- ▶ To meet the challenges of the new Government funding and skills framework
- ▶ Ensure continuance/provision of gender-specific and gender sensitive services

- ▶ Prevent loss of existing specialist services
- ▶ Provide an appropriate commissioning framework

Development of National Service Standards for Domestic and Sexual Violence (2005-2007)

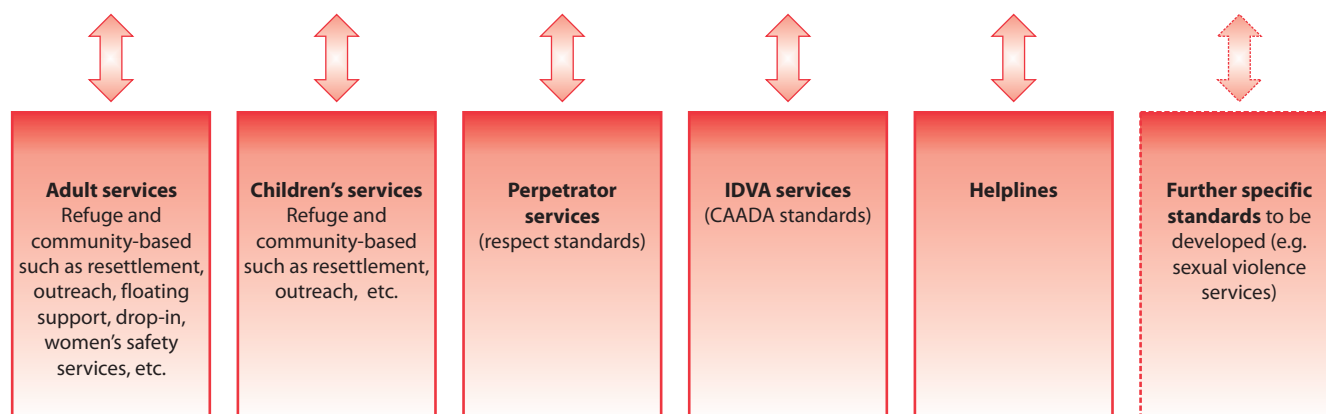
- ▶ Government funding stream for capacity building

- ▶ Consultation with Women's Aid national network
- ▶ Draft standards – issues and challenges
- ▶ Further consultation with sexual violence services
- ▶ Further consultation on the evidence framework

Core service standards for domestic and sexual violence

Understanding domestic and sexual violence and its impact • Safety • Diversity and equal access to services • Advocacy • Empowerment and a survivor-centred approach • Confidentiality • A co-ordinated community response • Responsibility for the violence and holding perpetrators accountable • Accountability

Supported by service specific standards



Core standards (underpinning all services)

Understanding domestic and sexual violence and its impact

Services demonstrate an appropriate and informed approach to service delivery, which recognises the nature, prevalence, dynamics and effects of domestic and sexual violence.

Safety

Services ensure that all intervention prioritises the safety of survivors and of staff.

Diversity and equal access to services

Services respect the diversity of survivors and apply anti-discriminatory practice to all aspects of their work; survivors are supported and assisted to access services on an equitable basis.

Advocacy

Services provide both institutional and individual advocacy to support and promote the needs and rights of survivors.

Empowerment and a survivor centred approach

Services ensure survivors are able to identify and express their needs and

make decisions in a supportive and non-judgemental environment; that survivors are treated with dignity, respect and sensitivity; and promote service-user involvement in the development and delivery of the service.

Confidentiality

Services respect and observe survivors' right to confidentiality and ensure they are informed of situations where that confidentiality may be limited.

A co-ordinated community response

Services operate within a context of inter-agency co-operation, collaboration and co-ordinated service delivery.

ery, to ensure a culture of intolerance about domestic and sexual violence is developed in communities and by individual.

Responsibility for the violence and holding perpetrators accountable

Services operate within a culture based on the belief that perpetrators are held accountable for their violence.

Accountability

Services are managed effectively so that survivors receive a quality service from appropriately skilled staff.

Service-specific standards: adult services

- ▶ Refuge Services
- ▶ Resettlement Services
- ▶ Outreach, Advice and Floating Support Services
- ▶ Independent Domestic Violence Adviser Services
- ▶ Women's Services linked to Perpetrator Programmes
- ▶ Helplines – National and Regional

Service-specific standards: children and young people's services

- ▶ Refuge services

- ▶ Outreach, drop-in, advice and floating support services

Standards and evidence

- ▶ 9 Core Standards for all services
- ▶ Supported by Service Specific Standards
- ▶ Each Standard has detailed sub headings with evidence for implementation

Safety: Services demonstrate that all intervention prioritises the safety of survivors and of staff

Standard	Evidence in policies and procedures	Evidence in practice
Standard 2.1 Services acknowledge that safety is paramount and that all survivors, their children and staff working with them have a right to be protected from violence and abuse, and will take action in accordance with procedures to ensure this.	Agency definition of domestic & sexual violence Business Plan – Mission Statement Referral, Initial Assessment and Application Policies on: Health and Safety + lone working Risk Assessment and Risk Management – Service Users Support Planning Protection from Abuse Harassment Confidentiality Induction Training and Development Complaints	Procedures for survivors to raise concerns are publicly available and accessible. Written documentation where action is taken to protect individuals from abuse. Records show that decision making always considers and minimises risk factors. Staff promote and support survivors with a violent free approach to parenting . Staff are provided with support and supervision to ensure concerns regarding their own or others safety can be raised and action agreed.

Women's Aid

Until women and children are safe
<http://www.thehideout.org.uk/>

Until children are safe
 0808 2000 247 Freephone – 24-Hour National Domestic Violence

Helpline Run in partnership between Women's Aid and Refuge. ★

**MULTI-AGENCY
CO-OPERATION:
STRUCTURES, STANDARDS
AND GUIDELINES**

Ms Dubravka Šimonović

Vice-Chairperson of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence

Through its interpretive work, reflected in general recommendation No. 19, the UN Committee on the Elimination of Discrimination against Women established under the UN Convention on the Elimination of All Forms of Discrimination against Women, in which I have the privilege to serve as member and Chair, made it clear in its General recommendation No. 19, that violence against women falls squarely within the scope of the definition of discrimination and is thus covered by the Convention.

The CEDAW Committee places a high priority on the need for comprehensive measures to address all forms of violence against women and girls. Such a comprehensive approach should include specific legislation on violence against women, and its effective implementation, as well as specific legislation where certain forms of violence persist. Other elements of a comprehensive approach include policies and action plans, awareness-raising and capacity-building efforts

for different groups of public officials and the general public, as well as services for victims of violence. The Committee also places high priority on the need for co-ordinated, multi-sectoral and multi-stakeholder strategies to prevent and address violence against women in a comprehensive, systematic, and sustained manner.

The Committee has, in its views adopted under the Optional Protocol with respect to two cases against Austria on violence against women in 2007 provided further guidance regarding the co-operation needed between different executive parts of the Government and NGOs. It recommended “enhanced co-ordination amongst law enforcement and judicial officers, as well as a need to ensure that all levels of the criminal justice system (police, public prosecutors, judges) routinely co-operate with non-governmental organisations that work to protect and support women victims of gender-based violence”. ★

Keynote speaker: Ms Carol Hagemann- White

Professor, Faculty of
General Pedagogy and
Gender Studies,
University of
Osnabrück, Germany

Introduction and overview

With good reason, the first day of this conference has been devoted to establishing and setting standards for support services helping women who are victimised by domestic violence. Such services are the foundation for the success of any legal or political strategy to combat the existence of such violence, for a number of reasons.

- ▶ They are indispensable to make the problem visible, since women who cannot leave safely or seek help will not disclose the violence to anyone;
- ▶ They give a clear message to the public that domestic violence is not legitimate and should not be tolerated;
- ▶ All other institutions and agencies, whether in policing, health care or social work, need to be able to call on these specialised services for victimized women in order to respond effectively.

Once services are in place, even if they are not sufficient to meet the need, concern about violence against women spreads from women's advocacy groups to the various professions and institutions, which begin to recognise the problem as one that challenges how well they do their job. Especially police and social welfare agencies begin to think about responding more effectively.

Developing multi-agency work as a holistic approach

In 2000 a British group of experts (Humphreys et al. 2000) surveyed the existing research and developed a catalogue of indicators or criteria for good practice. In 2004, when completing six years of country-wide evaluation in Germany (cf. WiBIG 2004), the

evaluation team developed that catalogue further, drawing as well on the research existing in Switzerland (Gloor et al. 2000, Seith 2003) and Austria (Haller et al. 1999, Logar et al. 2002). The result is a structured document setting forth elements of good practice founded on a transnational basis of data and experience.¹

I will begin by sketching the process of moving from single measures, services and professions to multi-agency work.

Inter-agency co-operation has proven to be an indispensable part of any effective change in intervention practice and any support network concerned with safety issues. It begins as a rule bilaterally and across professions, sometimes with a focus on concrete procedure in individual cases, sometimes aiming at a more general co-ordination of responsibilities. Multi-agency work is a response to the need for co-operation that emerges when general agencies undertake to deal with a problem that also requires specialized expertise. It often grows out of local networks. The work of women's advocates, and the courage of victimised women in speaking out, now reaches the sphere of politics, but legal reforms² cannot be implemented without a holistic approach on the practical case level. The holistic approach means that the three

1. See Barbara Kavemann et al.: *Elements of good practice and indicators of social progress*, Berlin 2004, <http://www.wibig.uni-osnabrueck.de/wibig1.htm>.

2. See Humphreys, Cathy and Rachel Carter: *The justice system as an arena for the protection of human rights for women and children experiencing violence and abuse*, 2006, <http://www.cahrv.uni-osnabrueck.de/>.

key obligations of the state in relation to human rights violations – to prevent, protect and punish – are implemented in a consistent and co-ordinated way in each individual case; this is only possible if the different agencies responsible for each aspect work together.

However, unless it is set up in a binding form, co-operation often remains a mere declaration of intent and expression of good will. Often it is individuals taking part in co-operation forums who work for their institutionalisation and who develop interdisciplinary work on a structural basis or based on individual cases, sometimes without any reduction in work load or sometimes even in their free time.

For example, in Germany the process began with city-wide model projects, and then spread to the regional or *Länder* level as well. The initial aims were to co-ordinate short term police response, women's advocacy counselling, and long term civil protection orders, and to link active criminal prosecution with court-mandated men's programmes. Such projects should ensure that different institutions will complement and not controvert each other. Furthermore it was agreed that in all procedures, the women's safety and her self-determination must be the top priority. More recently, the health care system is being included, and there has been an upsurge of interest and concern within the health care professions as well as in communities. Making health care more responsive to the needs of women who are victims of violence is an important step forward in the development of a broader approach to overcoming violence.

Structures for multi-agency work

There are a number of ways to organise multi-agency work, but the successful "intervention projects", as we call them in Germany, share certain characteristics. They are institutionalised co-operative alliances that work on an inter-institutional and interdisciplinary basis. They bring together representatives of all agencies,

institutions, projects and professions in a given region that work specifically with domestic violence or carry social responsibility for it. Participants do not take part as individuals but as delegates sent and mandated by their institutions. They aim not only to improve practice by taking a multidisciplinary approach, but to develop a common understanding of domestic violence between and within institutions that co-ordinate procedures on this basis. The guiding ideal has been to create and maintain an unbroken "chain of intervention" on offer to every victim.

A study in London in the 1980s found that abused women made between 5 and 12 separate contacts before finding sympathetic or helpful response. Prevalence studies asking about help-seeking have found a similar pattern: Women turn first to family or friends, then to a health practitioner; later and less often to the police and to social agencies. One main goal of developing a chain of intervention is to ensure that a helpful response comes earlier and forges a link to the next agency when needed. The "unbroken chain" does not mean, either as an ideal or in practice, that a woman is obligated to proceed from one step to the next. In a democratic society, it is her fundamental right to choose whether to ask the courts for further protection, whether to accept the offer of counselling, whether and when to seek divorce or separation. The meaning of the chain of intervention is that at every stage, further protection and support is available without barriers or delay if needed. A great deal of co-ordination and many procedural changes were needed to make this possible.

The intervention projects developed agreements on police intervention, such as requiring the police to record and label **every** visit to a situation of domestic violence, permitting the results of the intervention to be followed over time; using the police power to protect by sending perpetrators out of the home for a few days; training police on principles of good intervention; and training specialised officers in each police unit to raise

awareness as well as to ensure clear understanding of the obligations of the police in such situations. Based on this experience, a law of protection against violence was drafted (in force since 1 January 2002) that improved the option for civil injunctions and on-site police bans. Some *Länder* have authorised the police to inform intervention centres directly after any expulsion or ban, so that they can offer outreach and proactive counselling to women who would not otherwise have sought support. When the state intervenes in personal life, there is an obligation of the community to reach out to the victims, rather than leaving them alone and confused.

Regrettably, despite the shift to active intervention in the law, there is a strong tendency within the police and the justice system as well as among political decision-makers to make law enforcement dependent on whether the victim takes rapid and decisive action, and to think that women who hesitate, or who do not come to the police to make a statement, do not wish for intervention and should be left alone. There has been some backsliding as well as obstruction to implementation. Traditional legal thinking has undermined the new measures in some parts of Germany, restricting police bans or proactive support services with arguments of privacy. Thus, sustained multi-agency work as well as education of police will be needed for some time in the future to ensure that the intentions of the "Protection Against Violence" Law are actually put into practice.

In sum, it is now clear that multi-agency work is not a transitional measure to organise better co-operation. It goes through several stages.

- ▶ Building co-operation: "Learning systems" can adapt their procedures to fit into an overall strategy
- ▶ Improving practice: design new ways of intervention, change laws and norms
- ▶ Train all actors for new paradigms: This takes time and must be repeated regularly
- ▶ Monitor, revise and renew the purpose when retrograde trends appear

Foundations for successful co-operation

Multi-agency co-operation addressing domestic violence first began to be formalised in an institutional way in the United Kingdom in the late 1980s and became a standard there during the 1990s. Evaluations suggest that the practice varies considerably. Guidance for the complex challenges facing such work was issued by the Home Office in 2000, based on an understanding that a comprehensive and holistic strategy is needed to overcome gender violence. Although politically framed as crime control, “on the ground” recognising women’s human rights and empowerment are central to good co-operation.

Some elements of good practice, such as the existence of legal standards, an agreement on appropriate and binding definitions and an articulated policy to back intervention against violence in the private sphere, constitute the foundation of qualified intervention and support; they are basic to all further efforts. Without an appropriate legal framework for protection and support services, such as powers to intervene etc., domestic violence will be regarded as a purely private matter and treated as such. Without a firm budgetary framework, state funding of protection and support services, for example, is not possible, and without a statement of political will these services will not be set up or, if they are, may easily be closed down again. Without an appropriate definition of domestic violence, effective intervention and protection are not possible.

Co-operation *between* agencies cannot eliminate inadequacies existing *within* an institution. Often, a multi-agency forum operates in an environment of competing priorities with few resources, and the participating agencies may have little trust or real respect for each other. It is thus essential that the co-operation fora can also address deficits within agencies in a constructive spirit.

A multi-agency forum needs to

- ▶ adopt guiding principles and agreement on a shared under-

standing of domestic violence, and develop clear aims and objectives

- ▶ ensure that agencies delegate consistent, committed and active members who have senior management support in their institution;
- ▶ agree that policy and practice changes are needed and will be implemented both within and between agencies.

Violence is a cross-cutting problem: It affects women’s emotional, social, legal, economic, and parental well-being, and confronts them with the threat of further violence if they stay and also if they leave. For most women who have lived in a regime of gender violence for some time, no one agency can offer her the immediate protection, support, redress, resources, and long-term safety that will enable her to recover and shape for herself and her children a life free of violence. Multi-agency networks not only need to develop a shared understanding of the nature of domestic violence; each participating agency also has to face the fact that what they offer is necessarily, inevitably, not adequate, not enough, and possibly not even useful towards ending the violence, unless it is co-ordinated with what other agencies can do.

Organisations do not find it at all easy to grasp this idea. Their procedural rules, rational decisions and logical conclusions are based on the social task allotted to them. Multi-agency work is an opportunity to understand why women live in fear and may not accept the interventions, such as prosecution, offered them. All participants need to be open to changing their procedures, and they need to have the power within their own institutions to make sure that needed changes happen.

Whilst on a highest level a National Action Plan, a public and credible commitment of parliament and government, and allotting appropriate funding are best practice, effective implementation calls for translating the multisectoral approach into practice on the local and regional levels. Although this approach originated in countries that already had a number

of institutionalised activities and resources in place, such as the United States of America, the United Kingdom, and Germany, with a focus on harmonising procedures, creating synergy and ensuring that there should be no gaps in the “chain of intervention”, the idea has also proved valuable in countries at an early stage of building awareness, services and specific agency procedures.

Following Barbara Kavemann, I will now look at how the multi-agency approach operates in more detail. This begins with a shared philosophy defining domestic violence and the commitment to zero tolerance. This is a vital step and needs significant time allotted to working it out.

- ▶ Develop and agree on a definition of domestic violence in inter-agency co-operation forums.
- ▶ Choose pragmatic wording that nevertheless does not oversimplify the complexity of the problem.
- ▶ Use inclusive wording to communicate the gender dimension of the problem while ensuring a focus on violence.
- ▶ The definition should not be confined to physical violence, but include sexual violence, stalking and the significance of threats, power and control.
- ▶ The definition should not be confined to violence in marriage.
- ▶ Run in-service training courses to introduce the definition.

When a foundation of shared definitions and overall objectives is reached, there is a good foundation for identifying where changes in agency practices are needed. As a rule, all participating agencies will find themselves challenged to re-assess established ideas, methods and procedures in order to develop a co-ordinated approach. This should not be misunderstood as calling the quality of work into question; it is an inevitable part of the learning process involved in creating a coherent system that can address violence effectively.

Consequent changes within institutions and agencies

It is vital that the links between domestic violence and other possible

problems, such as illness, alcohol, poverty, social isolation etc. be recognised. “Support services tailored to needs” are an essential element of good practice. Furthermore, it is vital that co-operation is actively desired and not merely tolerated. If an organisation wishes to co-operate with others, it needs procedures and regulations in which the interaction between reciprocal provision of information, acceptance and passing on of responsibilities and distribution of roles are agreed. Co-operation agreements integrate collaboration into the catalogue of responsibilities and self-understanding of an organisation.

Multi-agency work always needs to assess the local situation, the resources, existing agencies and their responsibilities, and realistic objectives to improve practice. Almost everywhere, there will be a need to improve and probably extend the available range of services and structures. Some of these are:

- ▶ Specialised units in public prosecution services, in the police, or in social services can promote competence in dealing with cases of domestic violence.
- ▶ Adequate range of refuges and counselling agencies for women, so that victims can choose a protection and support service that suits their needs
- ▶ Group programmes aimed at behavioural modification for violent men who have self-referred or been referred through the justice system.

A key function of multi-agency networks is to provide a framework within which perpetrators can be called to account. The aim is to ensure that violent men face criminal prosecution, but are also offered “alternatives to violence” in the form of programmes that teach them how to understand and change their behaviour. Evaluation research found that men are much more likely to complete such a programme if they are mandated by the justice system to do so,

for example when prosecution is suspended dependent on their attending and completing such a programme. Men who come out of their own initiative or on recommendation by social services tend to break off early, unwilling to be confronted with an honest evaluation of their actions as violations.

Other additional measures address the need for more accessible and more responsive services of all kinds.

- ▶ Emergency cards for seeking help, brochures, stickers and media actions that give concrete access to safety and support
- ▶ Compulsory in-service training on domestic violence in all public authorities with responsibilities for intervention in cases of domestic violence.

Setting and implementing standards, visa guidelines and agreements

When concrete goals for improving the work between agencies and within each agency have been identified, there will be a need to develop guidelines for how each participating agency will proceed. These translate the agreement of good will into practical actions, and clarify how implementation will be carried out.

- ▶ The guidelines and recommendations are addressed specifically to each relevant field of practice.
- ▶ The guidelines set out how the agency sees its responsibilities in cases of domestic violence and when it co-operates with other agencies.
- ▶ Guidelines should be complemented by checklists to facilitate rapid verification and as a memory aid in crisis situations.

Many excellent guidelines can be found in Internet sources, but they need to be adapted to local structures, working methods, resources, legal frameworks and institutional cultures to be useful in practice.

Finally, concrete agreements should be codified in writing.

- ▶ Co-operation agreements should be established with other agencies, including agreements on sharing information and passing on data to other agencies.
- ▶ Establish procedures for monitoring compliance, and define the responsibility for this task clearly. Monitoring should feed into regular reassessment of whether practice shows progress towards goals.

It should be noted that all institutions everywhere (including women's services) incline to inertia and the persistence of habitual patterns; thus, the best guidelines and agreements are likely to be undercut by practitioners who revert to old habits, applying regulations that pre-date the new approaches, or losing touch with the overall mission. Periodic assessment is best assured when multi-agency co-operation is a sustainable, organised commitment.

Conclusions

In conclusion, let me underline that multi-agency work has a great potential to improve practice and increase the safety of women and children as well as addressing and, in the long run, reducing men's violence against women in the home. It does more than that, however. Across the lines of women vs. men, feminist vs. mainstream, legal sanctions vs. helping professions, state agencies vs. volunteer groups, something like a new public sphere for debate on addressing and ending gender-based violence has been created. Implementing these projects generates an institutional and societal infrastructure which defines domestic violence as a public concern requiring public response and public debate. In doing so, it redefined the line separating private and public. Thus, multi-agency work has a unique potential to push forward deeper changes in social values and the ideas of practices of gender. ★

PRACTICAL EXPERIENCE IN THE CZECH REPUBLIC

**Ms Branislava
Marvanová
Vargová**

**Rosa Foundation,
Prague, Czech
Republic**

Dear Ladies and Gentlemen,

I should like to thank to the organisers of this Conference for inviting me to participate at this forum. I am very pleased to be here, to have the chance to meet experts from different countries and to share our experiences and ideas. Firstly, I would like to introduce the organisation which I am representing here today, than I will give you general perspective about the situation in the Czech Republic and then we will take a look at multi-agency co-operation.

The civic society ROSA was established 15 year ago as the first organisation in the Czech Republic dealing with violence against women. Since that time we are providing direct services for women and children endangered by domestic violence. It is providing following services:

- ▶ Individual psychological, social and legal counselling
- ▶ Group therapy for victims of domestic violence
- ▶ Individual and group work with children, witnesses of domestic violence
- ▶ SOS hotline
- ▶ Internet counselling (for victims as well as for professionals working with victims)
- ▶ Shelter with secret address

ROSA's goal is to improve the system of assistance to female victims of domestic violence and their children. This involves providing training to professionals (the police, health

and social workers, psychologists), who give assistance to abused women, and creating complex projects of co-operation among government, authorities and non-profit organisations.

Prevalence of violence against women and children in the Czech Republic

Because of the fact that the topic of violence against women is relatively new in our country, there had not been any findings about prevalence of this phenomenon in Czech society till 2003. Women's NGOs were assuming similar prevalence as in the neighbouring countries and believed in a number of 10% to 30% of women with experience with partner violence.

In 2003, the Czech Academy of Science carried out the International Violence against Women Survey. This survey was responded to by 2000 women and showed that 59% of them have had experience at least one of form of violence during their lives. 38% of those women experienced physical or sexual violence from their (ex-)partners. Among most frequently named forms of violence belonged slaps, kicking, biting, slugging, threats of physical violence, pushing, arm twisting, pulling hair, etc. 20-25% of women admitted experience with these forms of violence. 41% of women said that they felt their life was

in danger during those attacks. (Pikálková, 2004).³

Statistics of ROSA repeatedly show that in cases of domestic violence against women, children are exposed to the violence in more than 90% of cases and are in greater risk to also become victims of violence. Exposure to violence leaves a huge trauma on children. Not only the numbers and high prevalence rate but also dramatic traumatic effect of violence on women and children has to ground bigger effort of governmental and non-governmental institutions to join their effort.

Services for women, victims of domestic violence and their children

We can say that specialised services for abused women are provided mainly by non-governmental organisations. There are several centres for victims of domestic violence, providing psychological, social and legal help, however their background varies from feminist approaches to charity organisations or criminological approaches without gender perspective. In 2005 the Ministry of Labour and Social Affairs carried out a study about Quality and accessibility of services for victims of violence. According to their findings, services for abused women are concentrated to several big cities; some parts of the country are entirely lacking specialised services. Also, for women from rural areas and disabled women specialised services are inaccessible. In the Czech Republic there are no obligatory specific standards for organisation working with victims of domestic violence.

Shelters for victims of domestic violence

The network of shelters with secret address is insufficient. In fact, there are only three for the whole country; two of them are located in Bohemia

region and one in the Moravian region. There is another charity network of shelter for women in need, however the addresses are publicly known and they are not specialised only for victims of domestic violence. In the Czech Republic there are no specific standards and methodical guidelines for shelters with secret address.

The stay in the shelter for abused women with secret address is not free of charge. The payment in the shelter is regulated by Law 108/2006 Sb. The situation of funding shelters for victims of domestic violence is very unstable. Organisations providing this type of service have to apply each year for new funding and the amount of funds is not secure.

SOS hotline

In the Czech Republic there is no hotline for victims of violence available free of charge. Almost all NGOs working in the field operate lines offering counselling for victims. Some hotlines are operating 24 hours a day, some only during working days.

Concerning the perpetrators, there is no programme specialised for them. The Ministry of Health has, among its priorities, the creation of three programmes already for 3 years, but there are no funds allocated for them.

Legal protection of victims of domestic violence

Protection under the Criminal Code

§215 a) of the Criminal Code entered into force in July 2004. This paragraph punishes the abuse of a close person living in the same residence. The punishment is up to 3 years if someone maltreats a person, who is in a close relationship with him/her and who is living on the same premises. In cases where violence is committed over long-term period or against more persons, the sentence can be from 2 to 8 years.

In the Czech legislation, there is no definition of domestic violence. Abuse is understood as intentional maltreatment of a close person. This

behaviour should content higher degree of crudeness, it is supposed to be repeated, last for longer periods of time and the victim has to perceive the perpetrator's behaviour as an *injures graves*. Interpretation of the §215 a) of the Criminal Code considers abuse to include not only beating or physical violence, but also psychological and/or sexual abuse, threatening, forcing to do humiliating favours to the perpetrator or to other activities which are psychologically or physically exhausting to the victim. If the perpetrator is accused under §215 a) of the Criminal Code, the victim does not have to agree with the prosecution, it is done independently of her/his will. In spite of the fact that the §215 a) of the Criminal Code is in force for more than 3 years, there are still problems with the implementation. The police does not use this legal provision to combat domestic violence as often as it could. The table below shows the numbers of cases prosecuted under §215 a) of the Criminal Code since July 2004 in the Czech Republic. For better illustration it is important to mention that the Czech Republic had 10 234 092 inhabitants in 2005.

	Number of cases §215 a) of Criminal Code
1 July 2004- 31 December 2004	161
1 July 2005- 31 December 2005	546
1 July 2006- 31 December 2006	532
1 July 2007- 31 December 2007	533

Civil Court protection

§215 a) of the Criminal Code enabled the prosecution of acts of domestic violence, but it did not bring better protection from rehearsal of violence. In the Czech legislation a system of protection and restraining orders had not been established, so victims could not apply for this kind of protection. After long discussions and pressure from non-governmental organisations, the Act 135/2006 of protection of victims of domestic violence was adopted in March 2006 and entered into force in January 2007. This new legislation is based on the

3. Pikálková S., International research on violence on women – CR; contribution to sociological research of violence in families. (<http://studie.soc.cas.cz/index.php3?shw=246>).

Austrian model of protection against domestic violence and the proposal had been introduced in co-operation with NGOs working in this field. Here are the main changes:

Changes in the police law

Since January 2007, the police has had the right to evict a perpetrator of domestic violence from the house for a period of 10 days if there is a risk of dangerous attacks against life, health, freedom or threats of very severe humiliation. The decision to evict the perpetrator is based on evidence of violence, with stress on previous attacks. Police can issue an order to forbid entry at home and/or to contact the endangered person. The eviction can be prolonged by the civic court for up to one year at most. Police must report the eviction to the Intervention centre within 24 hours. If there are underage children in the family, the police has to inform the Social Welfare Office.

Between 1 January and 30 September 2007, 665 perpetrators (660 men and 5 women) were evicted. Endangered by violence were 689 persons (664 women and 25 men). 773 children have witnessed the violent incident and police intervention.

Changes in Civic Law

§ 76b of the Civil Procedure Code provide the court with the possibility to order the perpetrator

- ▶ to provisionally leave a flat or house which he/she shares with the applicant of the protection order as well as the proximate surroundings or does not enter the flat or house
- ▶ to stop to contact and meet the applicant

Changes in Law about Social Provisions

Since January 2007 local government has been responsible for establishing and running Intervention Centres. In the Czech Republic, there are 13 regions with local governments plus the capital Prague. The Intervention Centres are responsible for co-ordinating multi-agency co-operation in tackling domestic violence and for

providing pro-active help to victims. Persons who are endangered by domestic violence are entitled to get immediate psychological and social support. Intervention centres should also arrange subsequent social, medical, psychological and legal help. Within 48 hours after expulsion, the Intervention centre should contact the victim and offer information about supporting organisations, shelters, legal steps etc.

Multi-agency co-operation in the Czech Republic

Multi-agency co-operation is in the Czech Republic a relatively new form of preventing and tackling the widespread problem of domestic violence. It is realised on several levels and takes on different forms.

Multi-agency co-operation at governmental level

There is no special National Plan of Action for Combating Violence against Women. There is not separate budget for the issue of domestic violence/violence against women in state or municipality budgets.

The Governmental Committee for Equality between Men and Women has recently established the Commission for Prevention of Domestic Violence. The first meeting of this Commission will be held on December 2007. Representatives of all respective Ministries and NGOs working in field of domestic violence will participate in this Commission. The priority should be formulating a National Action Plan against Domestic Violence in the Czech Republic.

Multi-agency co-operation organised by NGOs

Non-governmental organisations dealing with the issue of violence against women and/or specifically domestic violence had not been established until 1990. In 1995 *Koordináční kruh proti násilí na ženách* (Co-ordination Circle Against Violence on Women), consisting of five organisations, had started to work. It was the first attempt to join activities of NGOs working in the same area and raise

awareness about domestic violence among public and professionals. Although this co-operation had never formally stopped, since the end of 90's it does not go on. One of the reasons can be the different backgrounds of organisations and different views on domestic violence (gender-based and criminological).

In 2003 the organisation ROSA became a co-ordinator of the *Media Campaign against Domestic Violence against Women* which covered the whole Czech Republic. The campaign was financially supported by the Open Society Fund. Ten NGOs from different regions in our country were involved in the campaign. All these organisations have been working together for almost two years and finally decided to continue in this co-operation by establishing the *Coalition of Organisations against Domestic Violence*. Nowadays there are 12 member organisations in Koordona. One of the main goals is to establish common quality standards of services provided to the victims.

Many NGOs feel the need of multi-agency co-operation and start to co-ordinate round tables with professionals and governmental bodies, multi-agency teams etc. Since January 2007, the Intervention centres have been expected to co-ordinate co-operation of respective institutions engaged in tackling domestic violence at regional level.

Multi-agency co-operation on local level (projects of ROSA organisation)

ROSA organisation participated in the DAPHNE Project **Bridging Gaps**, co-ordinated by WAVE – Women against Violence Europe – in 2005-2006. This project was aimed on forms of multi-agency co-operation, best practice models in different countries of the EU and as a result, a manual *From Good Intention to Good Co-operation* was published. Participation in this project had been very inspiring and motivating for us, so we decided to translate this manual into the Czech language and start multi-agency co-operation at local level in

the Prague 4 district, where our organisation is based.

We started the work of a multi-agency team against domestic violence in January 2006 with support of the Open Society Fund Prague. The main aim was at the beginning to start co-operation between non-governmental organisations and key institutions in the field of prevention and intervention in domestic violence cases at local level. Firstly, the participation at the multi-agency co-operation had been based mostly on personal motivation of particular key persons at different institutions. Further development of the work in the multi-agency team had been supported by the fact that the Parliament of the Czech Republic adopted in 2006 the new Act 135/2006 Sb. for better protection of victims of domestic violence, so we had a better legal framework. Because of this legal change, there had been also better conditions for training of different groups of professionals. For example, police had to prepare for their new task – eviction of perpetrators from home.

The multi-agency team meets regularly once every 6 weeks and the following institutions and organisations participate at the meetings:

- ▶ Police of the Czech Republic (Prague IV district);
- ▶ City Police of Prague;
- ▶ Social Welfare Department (Prague 4 district);
- ▶ Social Welfare Department (Prague 12 district);
- ▶ Department for Legal Offence (Prague 4 district);
- ▶ Director of the primary school (Prague 4 district);
- ▶ Hospital at Prague 4 district;
- ▶ Lawyer;
- ▶ Psychiatrist;
- ▶ Co-ordinated by ROSA, o.s. (psychologist, social worker).

At the first meetings we introduced our organisation and institution and defined the role in the chain of intervention in domestic violence cases. We worked on rules of meetings, standards and principles for co-operation and a common definition of domestic violence.

The main goals of multi-agency team work were:

- ▶ Preparation to implementation of the new Act 135/2006 Sb. against domestic violence;
- ▶ Effective help to victims of domestic violence at Prague 4 district;
- ▶ Application of guidelines from the manual *From Good Intention to Good Co-operation* to practice at the Prague 4 district;
- ▶ Monitoring of domestic violence cases in the area of Prague 4.

To settle baseline of knowledge about domestic violence, the dynamics of violent relationships, standards of work with victims, risk assessment and safety planning, we agreed within the team to prepare training for different institutions. During the year 2006, ROSA organisation provided:

- ▶ 2-day training for 40 policemen (Prague 4 district);
- ▶ 2-day training for Department for Legal Offence (all officers);
- ▶ 2-day training for Social Welfare Department (Prague 4 district);
- ▶ Seminar for teachers from basic school about effects of domestic violence on children.

At the beginning of 2008 we are planning to provide training for nurses from Thomayer Hospital at Prague 4 district, especially from emergency, surgery and gynaecology.

Among other activities of the multi-agency team we can mention e.g.:

- ▶ Creating and publishing leaflets for victims of domestic violence (with special contacts for Prague 4 district). The leaflet should empower victims and inform them about their rights, so it contained also information what they can ask and expect from different institutions, e.g. what police should do for them, how social workers can help them, what doctors should examine etc. This information had been provided by institutions participating in the multi-agency team and the leaflets had been distributed to victims by professionals from these institutions.
- ▶ Map of services for women victims of domestic violence in the Prague 4 district;

- ▶ Co-ordination of services according to the new law against domestic violence.
- ▶ Public discussion about domestic violence, primary school (Prague 4 district);
- ▶ Translation of the manual *From Good Intention to Good Co-operation* to practice and its distribution to all relevant Ministries, newly established Intervention centres, key institutions and NGOs working with domestic violence issue

As very useful we found co-operation with local primary school. Our organisation provides accommodation in shelter with secret address to endangered women and children. Because of safety, children often have to change their school. The director of the primary school keeps some places for children from our shelter and also co-operates very well in creating individual safety planning for children.

Half of each meeting we dedicate to concrete cases we are dealing with. We plan possible activities to improve protection or we share important information about the case (with the agreement of the victim).

After evaluation of the team work, the participating institutions have found these interim results:

- ▶ Higher respect between partners;
- ▶ Raising awareness about the topic at particular institutions;
- ▶ Easier co-operation and exchanging information about clients;
- ▶ Training sessions;
- ▶ Distribution of leaflets through the project partners;
- ▶ Greater respect for the work of the NGO;
- ▶ Monitoring of domestic violence.

Since 2007 we have had no financial sources for multi-agency co-operation. In spite of this, we are continuing our work, because we can see the importance of common activities, case management and closer co-operation between NGOs and governmental institutions.

Currently we are planning the following activities:

- ▶ Training for health care providers;
- ▶ Proactive approach and closer case-by-case co-operation (in case of urgent need social workers and

psychologist from ROSA will provide telephone intervention or go directly to meet victims at respective institution);

- ▶ Seminar about multi-agency co-operation for representatives of different Prague districts, local governments, police, health care providers and NGOs;
- ▶ More detailed monitoring of domestic violence cases in the Prague 4 area.

With support from the Prague City Hall we recently started deeper co-operation with the Prague City Police: project Partnership. In October 2007 we trained 40 city policemen on how to identify and treat victims of domestic violence, how to do risk assessment, safety planning etc. The training was very successful and for the future we are planning to train in each

Prague district 2 city policemen specialised in domestic violence. Within the project Partnership we also created new Web pages, which are divided into 4 sections: for victims, children who are witnesses of domestic violence, for teenagers and for professionals. This web page will be connected to the Web page of the Prague City Police and in the section for professionals the police will be able to download forms for risk assessment and safety planning. The address of Web page is <http://www.stopnasili.cz/>.

Challenges for multi-agency co-operation in the Czech Republic

In spite of the fact that we reached some goals which we set at the beginning of our multi-agency co-operation, there are still many challenges we have to face. The work of our team

started from activities of committed individuals to the idea of elimination of violence against women and children. There is also a legal framework for the protection of victims. But we still miss mandatory standards for different key professions and institutions in cases of domestic violence, as well as written commitment to multi-agency co-operation signed by responsible officers. Therefore, there is a question of sustainability and further development. Recently, we have to ask, what will happen if one or more of the participants will leave or will be replaced by another person, which may not be so committed to co-operate and how we can reach systematic change and adoption of mandatory standards for treating victims of domestic violence. ★

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Around 80 government and NGO representatives working to prevent and combat violence against women gathered for a day and a half to discuss the cutting-edge issue of standards for the different kinds of support services women victims of violence need to lead a life free of violence.

The presentations and discussion have shown that providing good and effective services to women who have gone through the worst imaginable experience should not just rest on the shoulders of those willing to respond to the call and should not depend on the availability of resources. All too often, the only services available are offered by non-governmental organisations with very little funds. Rather, providing support services forms part of the obligation of governments to protect, respect and fulfil the human rights of all citizens.

Taking this obligation seriously means assessing the needs of women from their point of view and how to meet them in the best possible way. The study that the Council of Europe has commissioned and the findings of which were presented yesterday by Liz Kelly represents an assessment of these needs and proposes common standards on how to address them.

Two levels of standards need to be distinguished. The first concerns the question of which **types of services** should be available to women victims

of violence in all Council of Europe member states (minimum standards of what type of service is necessary, for example shelters, rape crisis centre, helplines, counselling etc). The second concerns minimum standards **in service delivery**, meaning ethical and professional standards when running a service for any type of victim of gender-based violence.

In exploring the topic of support services for women victims of violence, the Council of Europe hopes to shed light on the real needs of victims of gender-based violence. The preliminary standards drawn up by Liz Kelly are a first step in identifying what needs to be done. She has invited you as experts to contribute to the consultation she is planning to test her proposed standards against the views of those whose daily work it is to support women in leading a life free of violence. Please make use of this opportunity and share your comments and thoughts with her.

The Council of Europe would also like to encourage you to incorporate the standards contained in the final study in your daily work once the study is completed early next year. The key objective of the Campaign of improving protection and support for women victims of violence can only be realised through your contribution at national level. ★

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RECOMMENDATION

REC (2002) 5

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' Deputies¹**

1. 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.

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;

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 Conference 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 co-ordinated 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 occur-

ring 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 co-operation 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 intervention 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 crisis 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, includ-

ing 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 personality 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 pre-natal 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 hon-

our”, 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. ★

