

# **Handbook for parliamentarians**

Parliaments united  
in combating domestic violence  
against women

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## **The Council of Europe** ([www.coe.int](http://www.coe.int))

The Council of Europe is the continent's oldest political organisation. Founded in 1949, it has 46 member states, representing more than 800 million Europeans, and five observer states (Canada, the Holy See, Japan, Mexico and the United States of America).

The main aims of the organisation are:

- ▶ to protect human rights, parliamentary democracy and the rule of law in all member states;
- ▶ to develop continent-wide agreements to approximate member countries' social and legal practices; and
- ▶ to promote awareness of a European identity based on shared values and cutting across different cultures.

Since November 1990, the accession of 21 countries of central and eastern Europe has given the Council of Europe a genuine pan-European dimension. Since then, its main job has become to act as a political anchor and human rights watchdog for Europe's post-communist democracies, to assist them in carrying out and consolidating political, legal and constitutional reform in parallel with economic reform, and to provide know-how in areas such as human rights, local democracy, education, culture and the environment.

The Council of Europe has its permanent headquarters in Strasbourg (France). By statute, it has two constituent organs: the Committee of Ministers, composed of the Ministers for Foreign Affairs of the member states, and the Parliamentary Assembly, comprising delegations from the national parliaments.

The 630 men and women who constitute the Council of Europe Parliamentary Assembly (<http://assembly.coe.int>) come together four times a year from the parliaments of the Organisation's member states to debate the issues of the moment, to request action from Europe's governments, and to hold those governments to account. They speak, in the name of the 800 million Europeans whom they represent, on any subject they choose, and Europe's governments – represented in the Council of Europe by the Committee of Ministers – are obliged to answer them. These parliamentarians are the democratic conscience of greater Europe.

## **A word from the President of the Parliamentary Assembly**

Domestic violence against women is a serious assault on human dignity and prevents women from enjoying the fundamental rights secured by the European Convention on Human Rights and the other relevant international instruments formulated by the Council of Europe and the United Nations. This assault on human dignity is perpetrated in silence, and often to general indifference, in homes across Europe. Whether we are national, regional or local elected representatives or simple citizens, this problem concerns us all. It is our individual and collective responsibility to break the silence and act on behalf of the values defended by the Council of Europe, the human rights Organisation par excellence.

Domestic violence against women is the result of a situation in which women have less power than men, which leads to serious discrimination against women and girls in communities and families. It is a growing problem in Europe and affects all the Council of Europe member states. Although available statistics only cover proven cases of domestic violence, the figures are worrying. They confirm the fact that domestic violence against women, whether physical, sexual, psychological or deriving from economic dependence, knows no geographical, age or ethnic distinction and affects every type of family relationship and every social milieu.

Parliamentarians can play a vital role by adopting legislation to establish domestic violence as a serious and unacceptable assault on human dignity, punish this offence, provide protection for the most vulnerable individuals, even in the private sphere, reinforce the rights of victims and promote prevention and public awareness policies, in order finally to change people's attitudes to the problem.

For all these reasons, the Council of Europe's Parliamentary Assembly has launched the project "Parliaments united in combating domestic violence against women", in co-operation with its member and observer parliaments and various regional and international parliamentary assemblies (particularly the European Parliament, the Nordic Council and the Inter-Parliamentary Union). This project is designed as a parliamentary contribution to the Council of Europe's campaign on combating violence against women, including domestic violence (2006-2008), which was decided upon at the 3rd Summit of Heads of State and Government of the Council of Europe in Warsaw in May 2005.

This handbook is a practical tool for parliamentarians. It sets out practical ideas for elected representatives who want to back the campaign and help fight the scourge of domestic violence against women. It comprises an overview of the problem, questions and answers, good practices for parliaments and a select bibliography of Council of Europe work regarding this matter.

Let us break the silence in our parliaments and resolutely combat domestic violence against women.

René van der Linden  
*President of the Parliamentary Assembly of the Council of Europe*



## **Overview**

### **Violence against women – Definition<sup>1</sup>**

“Violence against women” refers to any act of gender-based violence which causes, or is likely to cause, physical, sexual or psychological harm or suffering to women. It includes the threat of such acts, coercion and arbitrary deprivation of liberty, occurring either in public or in private life.

This definition applies, among other things, to violence occurring in the family or home, including physical and mental aggression, emotional and psychological abuse, rape and sexual abuse, incest, rape between spouses, regular or occasional partners and cohabitants, “honour” crimes, genital and sexual mutilation, and other traditional practices which are harmful to women, for example, forced marriages.

### **Domestic violence is an assault on human dignity**

It is internationally recognised that violence against women, including domestic violence, is an assault on human dignity. A global problem, it has been discussed at various international conferences and in various international texts (United Nations Conference on Human Rights, Vienna, 1993; Declaration on the Elimination of Violence against Women, adopted by the General Assembly of the United Nations on 20 December 1993; 4th World Conference on Women, Beijing, 1995). One result of all this has been the appointment of a special United Nations rapporteur on violence against women, its causes and its consequences. On the International Day for the Elimination of Violence against Women, the current Special Rapporteur,

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1. Source: Appendix to Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence.

Ms Yakin Ertürk, declared that, notwithstanding decades of effort to eliminate violence against women, this was still “perhaps the most widespread human rights violation.”

For many years, the Council of Europe, too, has been working on the various human rights aspects of this problem. On 30 April 2002, the Committee of Ministers adopted Recommendation Rec(2002)5 on the protection of women against violence, which provides a framework for a global approach.

## **Domestic violence – Extent of the problem in Europe**

Since 1995, an increasing number of member states have launched large-scale surveys to gauge the extent of violence against women. The prevalence figure (the proportion of women in the total population who have suffered acts of violence) varies with the method used, but an overview shows that one fifth to one quarter of all women in the countries surveyed have experienced physical violence at least once in their adult lives, and that more than one tenth have suffered sexual violence involving the use of force. The perpetrators were usually men in their immediate circles – most frequently partners and ex-partners. A significant number of women are victims of domestic abuse – repeated physical, emotional and sexual abuse which can, and does, cause fear, distress and, very often, damage to women’s health. Studies currently under way in several countries suggest that 12% to 15% of all women have been in a relationship of domestic abuse after the age of 16. The figures for physical and sexual assault by former partners, with whom the victims are no longer living, are a good deal higher – which shows that the danger persists, even when women have ended abusive relationships.<sup>2</sup> Alas, these figures do not reflect the full reality of domestic violence against women, but merely the tip of the iceberg.

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2. Source: CDEG (2006) 3, Combating violence against women: stocktaking study on the measures and actions taken in Council of Europe member states, Dr Carol Hagemann-White, University of Osnabrück, Germany, Directorate General of Human Rights, Strasbourg, 2006, pp. 9-10.

## Combating violence against women – A positive obligation for states

All the Council of Europe's member states have ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women. In its General Recommendation No. 12 on violence against women (6 March 1989), the Committee on the Elimination of Discrimination against Women, which monitors compliance with the Convention, noted that states parties are required to act to protect women against violence of any kind occurring within the family.

In General Recommendation No. 19 (29 January 1992), the Committee further made the point that: "Under 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." It accordingly recommended that "states parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act".

The European Court of Human Rights regularly reminds Council of Europe member states that the European Convention on Human Rights requires them to pass and enforce laws to ensure that the rights listed in the text are respected, *inter alia*, by adopting "measures designed to secure respect for private life even in the sphere of the relations of individuals between themselves"<sup>3</sup>

Finally, a declaration adopted at the 3rd Council of Europe Conference on Equality between Women and Men (Rome, 21-22 October 1993) noted that "the responsibility of states is engaged with regard to acts of violence carried out by public officials, and may also be engaged with regard to private acts of violence, if the state does not take action with sufficient diligence to prevent the violation of rights or investigate acts of violence, to sanction them and provide support for the victims".

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3. Source: ECHR, case of *X and Y v. the Netherlands*, No. 8978/80, judgment of 26 March 1985, and ECHR, case of *M. C. v. Bulgaria*, No. 39272/98, judgment of 4 December 2003.

## **Domestic violence – The cost to the community**

Gender-based violence affects not only the immediate victims but also the entire community. The high cost of gender-based violence is a serious burden on society, governments, individuals, organisations and businesses – which is why it has ceased to be just a private problem, and become a social and public problem, in urgent need of a solution.

Some Council of Europe member states have actually estimated the costs involved. Most of their research focuses on domestic violence against women – physical, psychological or sexual violence perpetrated by men, with women as the victims. Its costs are felt across a broad spectrum: health care, social services, the economy, police, criminal and civil justice, and housing. These studies vary greatly in method and scope, making it hard to generalise from them. Taking a mean figure, €40 is the likeliest estimate we have of the annual per capita cost. In other words, a country with a population of 10 million faces an annual bill of some €400 million for intervention, policing, health care and services, while the annual cost of domestic violence alone in the whole Council of Europe area runs to at least €33 billion.<sup>4</sup>

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4. Source: CDEG (2006) 3, op. cit., pp.10-12.

## Guidelines

Parliamentarians can play an active, committed and indeed vital role in combating violence against women by promoting prevention, help for victims and/or survivors, action to make the public aware of this assault on human dignity, and by criminalising acts of domestic violence. Political determination is essential if we want to put a stop to domestic violence and change mentalities.

### Several types of action are possible:

#### Taking a clear, decisive stand on domestic violence against women

- ▶ Making sure that parliament discusses action to stop domestic violence.
- ▶ Organising public and parliamentary debates to highlight the problem, and parliamentary hearings to review laws and other measures introduced to deal with it, and assess their effectiveness.
- ▶ Taking a political and public stand against domestic violence. Possibilities include a solemn declaration, in which parliament affirms its determination to eliminate such violence, or a declaration signed by individual parliamentarians, who themselves pledge to work against it.

#### Promoting laws and regulations

*What can parliaments and parliamentarians do?*

##### *Ratification of international instruments*

Parliaments can ask governments to keep them informed of their plans for ratification and implementation of international in-

struments. If ratification requires parliament's approval, it can urge the government to send it the texts concerned for that purpose, thus expediting ratification and ensuring that they take effect rapidly.

### *Harmonisation of national and international law*

Parliaments can ensure that governments table legislation which accords with international agreements. Parliamentarians should also use their constitutional right to initiate legislation and table bills themselves in parliament. This will lead to:

- ▶ adoption of laws, budgetary measures and national plans to put a stop to domestic violence against women. Such action should include:
- ▶ criminalising and punishing rape within marriage, in the same way as rape outside marriage, and barring violent spouses from the home (if not already provided for);
  - opening shelters for victims of domestic violence and for their children;
  - training the staff concerned (health workers, police, the courts, social and education services, etc.);
  - setting up treatment centres for the authors of domestic violence;
  - compiling gender-disaggregated data, including the type of violence and relationship between perpetrator and victim;
- ▶ proposing that effective action be taken to prevent and combat violence against women, through laws and national action plans based on Committee of Ministers Recommendation Rec(2002)5, with regular assessment of such measures;
- ▶ setting up multi-party parliamentary committees on domestic violence to propose new initiatives and monitor existing ones.

### *Supporting the preparation of national action plans*

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Parliamentarians represent the people, are themselves the product of civil society, and are well placed to promote the interests of those who elected them. Being in close contact with their constituents, they are fully aware of their problems. They can play a useful part in devising action plans to ensure that national and international legal obligations are respected – and their involvement brings these plans more fully into line with the public's real needs and concerns. They can help by:

- ▶ involving national and local NGOs working against domestic violence in parliamentary discussion of new laws and regulations;
- ▶ organising seminars on domestic violence with medical and paramedical staff, school staff, police officers, socio-professional groups working in particular with women, and trade union and NGO representatives;
- ▶ paying special attention to the groups most exposed to the dangers and consequences of domestic violence, for example, migrant women and women with immigrant backgrounds, Roma women, women from other ethnic minorities, pregnant, disabled or vulnerable women, women in precarious situations, and women with alcohol and drug problems.

### *Assistance in ensuring that compulsory reports are submitted*

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Many international instruments require governments to submit regular reports on action taken to comply with them. Parliamentarians, as representatives of the people, are particularly well placed to assess the work of the executive in preparing these reports.

## **Exercising parliamentary supervision**

Parliaments exercise their supervisory function in several ways: by examining governments' reports on their activities; by putting questions and

parliamentary questions to ministers; by setting up special committees, by organising field trips to check on government action and by suggesting corrective measures, etc.

*What can parliament and parliamentarians do?*

They can:

- ▶ put pressure on governments to ensure that they respect their international legal obligations;
- ▶ question the government on action taken to enforce laws on domestic violence, and on resources committed to combating it;
- ▶ campaign for the appointment of a parliamentary commissioner/ ombudsperson for violence against women;
- ▶ promote discussion in parliament on issues connected with the Parliamentary Assembly's work on domestic violence;
- ▶ make sure that every effort has been taken to publicise the laws adopted and action taken to assist the victims of domestic violence;
- ▶ help to audit/assess action taken by government on domestic violence, and promote the necessary reforms;
- ▶ include action against domestic violence on the programme for study visits aimed at allowing parliamentarians to learn from one another, exchange good practices and/or provide technical assistance for parliaments wishing to make their laws on domestic violence more effective.

### **Mobilising appropriate financial resources in parliament**

Most national budgets must be approved by parliament, and this gives the latter a substantial say in the use of public money.



*What can parliament and parliamentarians do?*

They can:

- ▶ ensure that substantial sums are spent on combating domestic violence. Parliaments can usually insist on changes in national budgets, within the limits of the total sums provided – and can thus ensure that this sector gets adequate funding;
- ▶ set up a compensation fund for victims, based on fines paid by perpetrators of domestic violence;
- ▶ encourage governments to contribute voluntarily to the funding of international co-operation schemes aimed at stopping domestic violence against women. These contributions should be formally provided for in national budgets;
- ▶ encourage governments to fund specific national and European projects at intergovernmental, parliamentary, local and regional level.

**Using parliamentary office to help combat domestic violence against women, on all levels of action and representation**

Parliamentarians are, first and foremost, elected representatives with local constituencies. They promote their fellow citizens' interests, and protecting their human rights is part of this. As parliamentarians and party members, they have influence and the power to initiate change. Often, too, they have community functions. Their contacts with local business, social and cultural actors put them in close touch with the public and their everyday problems – even private problems.

*What can parliamentarians do?*

They can:

- ▶ suggest ways of publicising the problem of violence against women, making people see that this is an assault on human

dignity in the member states of the Council of Europe and encourage every citizen to act to stop it;

- ▶ launch, support and raise funds for local anti-violence projects, having first identified local needs and interests – and the type of project likeliest to serve them. Get involved in the implementation of these projects. This is something which parliamentarians can do particularly well;
- ▶ help secure parliamentary backing for anti-violence projects launched by NGOs and by local and regional authorities;
- ▶ promote dialogue with local authorities, encourage them to combat domestic violence, and persuade decision makers and fund providers to back their efforts;
- ▶ remind the media that stereotyped images of women can trivialise domestic violence;
- ▶ ensure that their own party acts to stop domestic violence and promotes human rights as a keystone priority in its policy statements and other guiding texts.

## Questions and answers

You want to do something about domestic violence, but your associates are hard to convince? The following are some of the most common objections – and a few counter-arguments.

### **“The anti-violence measures you’re proposing cost too much.”**

Providing protection and social back-up for the victims of domestic violence certainly costs a lot of money, but dealing with the financial consequences of violence – legal costs, medical care, lost working hours, emergency accommodation, legal and psychological support for victims, etc. – costs even more.

Money spent on preventing domestic violence reduces its financial impact and opens the way to increased gender equality.

### **“Does domestic violence really exist in each European country? Surely it’s limited to certain social groups or ethnic minorities?”**

Domestic violence against women is a problem in all Council of Europe member states, and an attack on human dignity. It is not specific to certain countries, age groups or communities, and occurs in all types of family relationship and in every social milieu.

The Assembly rejects any attempt to link domestic violence with specific cultures or religions, since this may lead states to shirk their duty of eliminating such violence in all its forms.<sup>1</sup> Statistics

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1. Document 10934 (19 May 2006): “Parliaments united in combating domestic violence against women”, Parliamentary Assembly of the Council of Europe, Ms Cliveti.

do not seem to show that domestic violence is more widespread in immigrant communities. However, immigrant women victims of domestic violence encounter extra problems, due to language barriers, family pressure, and sometimes the fact that their legal status depends solely on the husband they have joined. Specific measures must therefore be taken to ensure that immigrant women who are victims of domestic violence enjoy equal and effective access to legal rights and protection.

### **“Why is nothing ever said about violence against men, including domestic violence?”**

The Council of Europe does not deny that men can also be subjected to psychological or physical violence by partners or families (see explanatory memorandum on Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence). At the same time, research carried out in some member states on male victims of violence by women shows that this, statistically, remains a minor phenomenon for the time being.

Moreover, the special features of violence against women and girls, as compared with other types, justify the action taken against it. For one thing, it reflects general domination of one sex over the other. For another, society is frequently readier to accept it. Often, too, violence against girls is an expression of cultural or religious traditions which conform to those patterns.<sup>2</sup>

Thus, the Declaration on the Elimination of Violence against Women, adopted by the General Assembly of the United Nations on 20 December 1993, clearly states that “violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over

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2. Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence, adopted on 30 April 2002, explanatory memorandum, paragraph 24.

and discrimination against women by men and to the prevention of the full advancement of women” and that “violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”. Moreover, as Yakin Ertürk, Special Rapporteur on violence against women, says in a report for the United Nations Economic and Social Committee: “This universal phenomenon is embedded in a patriarchal legacy, at the core of which lies the interest of a social group in sustaining and controlling socially acceptable lines of reproduction of the species. Within this context, as an institutionalised special mechanism, male power is used to control women’s reproductive capacity and sexuality. [...] This basic tenet of patriarchal gender order represents a convergence of cultures where violence or the threat of violence has been used as a legitimate mechanism of enforcing and sustaining that system of domination.”

These are some of the reasons which led the Council of Europe to focus its campaign on violence inflicted on women.

Source: Economic and Social Council of the United Nations, doc E/CN.4/2004/66, Integration of the human rights of women and the gender perspective: violence against women – towards an effective implementation of international norms to end violence against women, 26 December 2003.

## **“I can’t ‘sell’ domestic violence – the press and my constituents aren’t interested.”**

In denouncing domestic violence, we are promoting human rights and personal dignity. This is something which affects voters in their daily lives, and parliamentarians have a chance to break the silence, start working on the issue – and change those daily lives.

In denouncing domestic violence, we are fighting for greater gender equality and taking arms against a patriarchal culture which locks people into a relationship where men have power over women and control their lives.

Eliminating domestic violence is a major social challenge – and men, women and the whole community will benefit if we meet it successfully.

Every day, the media report domestic tragedies which show how little the authorities can do to protect certain members of the public. In combating domestic violence, parliamentarians show the media that they are not prepared to sit back and accept a situation which no state governed by the rule of law can tolerate.

**“All the same, you can’t put a violent husband out of his own home – it’s his property and he has a right to it!”**

Article 1 of Protocol No. 1 to the European Convention on Human Rights states: “No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

When domestic violence puts a person at risk, the police should have power to expel the culprit from the home at once, regardless of who owns it and of any objections by others who live there.

Recommendation Rec(2002)5 provides for restraining orders, banning perpetrators from approaching the victim’s residence and/or other places (in the past, it was the victim who had to leave the home). Some Council of Europe member states already have rules of this kind, which are designed to protect victims and also spare them the additional trauma of having to leave their homes. In Austria, for example, expulsion by the police is an administrative measure, and must later be confirmed by the courts.

## Good practices: specific parliamentary initiatives – a few examples

### Domestic violence, an aggravating circumstance

**France:** Act No. 2006-399 of 4 April 2006, introducing more stringent measures to prevent and punish violence perpetrated by spouses/partners or inflicted on minors

The act introduces harsher penalties for violence on the part of previous or present husbands/partners.

**Spain:** Implementing Act 1/2004 on measures to provide comprehensive protection against gender-based violence

Violence perpetrated by a spouse/partner is an aggravating circumstance and carries a heavier penalty. Under Article 147 of the Criminal Code, for example, the normal prison sentence for assault and wounding is 6 months to 3 years, but this increases to 2 to 5 years, when the offender is a spouse/partner.

**Cyprus:** The Act on violence “in the family”

Under the act, violence committed in the family is an aggravated offence, and carries a heavier penalty than other forms of violence covered by the Criminal Code.

### Shelters and accommodation for victims of domestic violence

#### Legislation on housing/tenancy agreements

**United Kingdom:** Housing Act 1996, Homelessness Act 2002, the Homelessness (priority need for accommodation) (England) Order 2002 with accompanying Code of Conduct

Under Article 6 of the above order, priority goes to persons who are “vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out”.

The Code of Guidance says that local authorities should not, when enforcing the act and assessing the risks in specific cases, endeavour to secure proof of violence or contact the perpetrator. It makes the point that the effects of domestic violence are sometimes cumulative, and that incidents recurring over time can undermine victims’ self-confidence and so make them more vulnerable.

**Canada:** Amendment to Article 174 of the Quebec Civil Code

In cases of domestic violence or sexual aggression threatening the safety of the victim or her children, Article 174.1 of the Quebec Civil Code can be used to annul a tenancy agreement. The landlord must be given three months’ notice, accompanied by a signed statement from a civil servant or representative appointed by the Minister of Justice, confirming that a danger exists. The person signing must first see a declaration, made by the victim on her honour, detailing the risk to which she is (or has been) exposed. The whole must be accompanied by supporting documents from persons familiar with the victim’s situation.

**France:** Circular of the Ministry of Housing and the Ministry of Women’s Rights

This circular asks heads of department to give priority to the special needs of women in situations of extreme distress, including women heads of family and victims of domestic violence with children, when drawing up departmental action plans for under-privileged persons.

## Shelters for women and children

**Turkey:** Municipalities Act

Section 14 of the Municipalities Act (Law No. 5272) which came into force on 24 December 2004, requires major cities and towns



with over 50 000 inhabitants to provide shelters for women and children. The Directorate General for the Status of Women is preparing a standard service model to provide local authorities with guidance on running the services for women which the Act requires them to provide. This has been sent to municipalities and provincial governments. To ensure a certain level of quality in these shelters, norms have been drawn up and sent to the major cities.

## Removing violent spouses

**Austria:** Federal act on protection against violence in the family, 1 May 1997, amended in 2003 (came into force on 1 January 2004)

This act allows the police to expel any person who represents a threat to others in the home, regardless of his relationship with them or his rights as owner of the home, for a period of ten days, which may be extended at the victim's request.

The 2003 amendment extends this protection to anyone who lives, or has lived, with a potentially violent person in a family or family-type relationship. The police have sole authority to enforce these measures, no action by the victim is necessary. The violent person in question is banned from entering the home or any place frequented by the victim (workplace, school, etc.) specified in "Needs of the victim for effective protection".

The police are even required to seek injunctions against arrested offenders, since release is a constant possibility. If an injunction is annulled, the victim must at once be informed.

The police visit and interview the victim within 24 hours, and refer the case to the relevant provincial action centre, which then contacts the victim, gives him or her free advice on securing his or her rights and provides free assistance during court proceedings.

## The police, first resort in cases of domestic violence

Most victims of domestic violence turn first to the police for help – but the police are not always diligent in following up their

complaints. There are countries where certain forms of violence against women are traditionally seen as private matters – with the result that victims get no justice and are deterred from reporting offences. Research shows indeed that a mere 2% to 20% of women victims file complaints, or do so only when repeatedly subjected to violence.

Women victims of domestic violence should be able to count on a sympathetic hearing at their local police station, and rely on the police to treat them respectfully, offer help and protection, and explain procedures. They must also be certain that appropriate action will be taken against the perpetrator. Police officers whose behaviour is incompatible with respect for human rights or victim protection should be prosecuted or disciplined. Models might include the UK approach to dealing with rape victims, the Family Violence Unit at the Strasbourg police headquarters (the only one of its kind in France) and the “specialist officers” appointed at Paris police stations.

**In Austria**, many *Länder* authorise or require the police to send personal details of victims to a special guidance centre (action centre), advise it of all banning orders, and indeed all cases in which the police take action on domestic violence.

**In Denmark**, police training covers violence against women.

**In Germany**, many of the schools which train social workers cover domestic violence in depth, and some *Länder* have arranged special training for police and appointed trained facilitators to police units; the government has also produced interactive CD-Roms to train police and hospital staff.

Source: Document 10934 (19 May 2006), “Parliaments united in combating domestic violence against women”, rapporteur: Ms Cliveti (Romania, Socialist Group).

## **Guaranteeing the economic survival of victims of domestic violence**

### *Budgetary provision for victims*

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**United Kingdom:** Domestic Violence, Crime and Victims Act 2004

- ▶ The authority responsible for awarding compensation in cases of criminal injury may compel offenders to pay victims compensation.
- ▶ Serious and repeat offenders face additional fines on conviction, and these are paid into a special fund for victims.

#### *Domestic violence and immigration law*

**Austria:** Regulations limiting the number of work permits issued to aliens

Under these regulations, the statutory limit on the number of work permits issued to aliens may be exceeded in certain cases, including cases of domestic violence. This provision was inserted in the regulations in 1997 (*Federal Law Gazette II*, No. 256).

The aim was to ensure that women migrants exposed to domestic violence could earn a living, but the rules proved over-restrictive. They were accordingly supplemented in 2003 (*Federal Law Gazette II*, No. 249). The following now suffice for entitlement to a work permit: a police report on a violent spouse (a final criminal conviction was the previous requirement), a divorce under foreign law (a decree of divorce based on fault, granted by an Austrian court, was the previous requirement), or report or confirmation of presumed domestic violence by qualified persons or institutions, for example, doctors, hospitals, action centres, shelters for battered wives, youth aid bureaux, etc.

#### *Domestic violence and labour law*

**Spain:** regulations on civil servants who are victims of gender-based violence. The Concilia Plan was signed by the Spanish Government in December 2005 and is aimed at the country's 500 000 civil servants, giving them:

- ▶ the right to apply for transfer to another unit or locality
- Civil servants subjected to gender-based violence and obliged to leave their jobs may ask to be appointed to another unit or locality.

- ▶ the right to take special leave without first working for a minimum period

The Concilia Plan allows civil servants to take special leave, for the purpose of defending themselves effectively, without stipulating that they must have a minimum period of service or hold a permanent post. For the first two months, they receive their full salary.

## **Select bibliography for Council of Europe work on combating violence against women**

### **Intergovernmental activity**

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Blueprint of the Council of Europe Campaign to combat violence against women, including domestic violence, CM (2006) 93, adopted by the Committee of Ministers on 21 June 2006.

VIP Guide, Vision, innovation and professionalism in policing violence against women and children, Council of Europe, Police and Human Rights 1997-2000, Programme by Professor Liz Kelly.

### **Parliamentary Assembly texts**

Resolution 1512 (2006) on parliaments united in combating domestic violence against women, adopted by the Parliamentary Assembly on 28 June 2006.

Recommendation 1759 (2006) on parliaments united in combating domestic violence against women, adopted by the Parliamentary Assembly on 28 June 2006.

Document 10934 (19 May 2006) on parliaments united in combating domestic violence against women, rapporteur: Ms Cliveti (Romania, Socialist Group).

Recommendation 1681 (2004) on the campaign to combat domestic violence against women in Europe.

Document 10273 (16 September 2004) on the campaign to combat domestic violence against women in Europe, rapporteur: Mr Branger (France, Group of the European Peoples Party).