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**GROUP OF SPECIALISTS FOR COMBATING  
VIOLENCE AGAINST WOMEN  
(EG-S-VL)**

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**FINAL REPORT OF ACTIVITIES OF THE EG-S-VL  
including a  
Plan of Action for combating violence against women**

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**This report represents the personal opinions of the members of the Group of Specialists.  
The Council of Europe is not responsible for its contents.**



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## GLOSSARY

At an early stage, it became clear that members of the Group of Specialists were using words in a different way. Whilst mindful of problems in translating concepts between languages, the Group offers this glossary as a basis for limiting misunderstandings. The definitions are those agreed by the Group of Specialists, and indicate how these words should be understood when they appear in the text. The glossary is not presented in alphabetical order. Words are grouped with those which have similar meanings to enable easier understanding of the subtle differences in meaning involved.

### VIOLENCE/ASSAULT:

Narrower terms which often have a legal definition.

### ABUSE:

A wider term encompassing behaviours which may not be criminalised, such as verbal/emotional abuse. Use of violence is often referred to as an "abuse of power" - the potential problem here is that a legitimate "use" is implied.

### VIOLENCE AGAINST WOMEN:

Includes violence, assault and abuse, and has a range of particular forms: rape; sexual assault; sexual harassment; domestic violence; trafficking in women for sexual exploitation; harmful cultural and/or traditional practices. Girls and young women are included within the term "women".

### VICTIM:

An important legal concept which recognises the violation of rights and bodily integrity when violence is used. In a narrower definition, it can mean those who are killed.

### SURVIVOR:

A term developed in the women's movement to draw attention to the courage and creativity women use in their individual survival, both during and in the aftermath of assaults. It recognises resistance to victimisation and its consequences.

### PROTECTION:

Any action/measure designed to increase safety for women. This can range from arrest of offenders, to "protection orders", safe houses, planning policies which address safety in terms of the built environment, and organisational policies. These forms of provision are supported by the actions of individuals - families, friends, witnesses - who intervene to interrupt assaults, provide shelter and/or challenge abusive men. The effectiveness of protection depends crucially on the continued enforcement of various policies and sanctions, and the availability of sanctuary.

### PREVENTION:

Actions and policies, by individuals or organisations, which are intended to reduce the incidence of violence against women and gradually eliminate it; this would include aspects of repression and education, but has a broader scope. Prevention should be targeted at actual and potential perpetrators, not at actual or potential victims.

**EDUCATION:**

Ways to raise awareness, challenge misconceptions about equality between women and men and the role of violence in maintaining and reproducing inequality. This includes challenging aggressive masculinity and empowering girls and women. It takes place in the formal education system, professional education and public awareness/information campaigns. The twin goals should be creating "zero tolerance"<sup>1</sup> of male violence and enhancing safety and support for women. Work with perpetrators of violence should be included in this - as a form of re-education.

**ASSISTANCE/SUPPORT:**

These are broader concepts which include practical and emotional help for women and girls who have been victimised. They cover advocacy projects, advice, refuge (shelter) and crisis helplines as well as statutory rights to financial support, legal aid, housing, health services. Much unrecognised assistance and support comes from informal networks of family and friends.

**THERAPY:**

Skilled/professional help from a medical or psychological standpoint, primarily directed at internal issues. At its best it enables the process of change or more effective coping with the impacts and consequences of violence. Whilst therapy should be available for women and girls, it should not be compulsory. For many women and girls protection, assistance and support would be the most effective and relevant interventions. The Group has used the words "support/therapy" to describe work done with women who are victims and "education/therapy" to refer to work with men who are perpetrators of violence.

**REPRESSION:**

Actions and policies which are directed towards individuals who have perpetrated violence and the contexts which promote it, with the explicit intent of punishment/controls being an effective deterrent.

**CRIMINALISATION:**

The establishment of an offence against the person within the letter of the law and the enforcement in practice.

**SANCTION:**

Any action/measure aimed at:

- punishing violence through legal processes;
- protecting women through legal measures which, if broken, carry penalties;
- forms of redress such as financial compensation and/or fines paid by offenders;
- required/mandated attendance at group or individual re-education programmes for offenders;
- community intolerance.

**MEDIATION:**

A non-criminal/legal response which often begins from a position of neutrality/equal responsibility, and where notions of "blame" are discouraged. Power relations between parties are seldom recognised or addressed in mediation. Mediation should never be a formal policy in relation to violence against women, although individual women may choose this at certain points.

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<sup>1</sup> See Plan of Action 6.4 and 6.5.

## INTRODUCTION: HOW THE WORK WAS DONE BY THE GROUP OF SPECIALISTS FOR COMBATING VIOLENCE AGAINST WOMEN (EG-S-VL)

A Group of Specialists for combating violence against women (EG-S-VL)<sup>2</sup> was set up to develop this Plan of Action under the auspices of the Council of Europe's<sup>3</sup> Steering Committee for equality between women and men.<sup>4</sup> The nine members of the Group of Specialists were

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<sup>2</sup> The terms of reference of the Group of Specialists for combating violence against women (EG-S-VL) were as follows:

- i. identifying, in the light of the texts adopted by the 3rd European Ministerial Conference on equality between Women and Men (Rome, 21-22 October 1993), the different forms and aspects of violence against women and the questions related to it which could be studied in the relevant fields of activity of the Council of Europe;
- ii. carrying out hearings of professionals who are confronted with violence against women with a view to determining the questions which require action in the framework of the Council of Europe;
- iii. elaborating, on this basis and having regard in particular to the Declaration on policies for combating violence against women in a democratic Europe, adopted by the 3rd European Ministerial Conference on equality between women and men (Rome, 21-22 October 1993), a Plan of Action to combat violence against women, which identifies the measures to be taken and the national, international, governmental and non-governmental institutions entrusted with or involved in its implementation;

The Group was composed of the following experts:

Ms Soile POHJONEN, University teacher and Chair of the subcommittee on violence against women of the Council of Equality between women and men, Finland; Ms Catherine PAPARRIGA-COSTAVARAS, lawyer and sociologist, Greece; Ms Clara ABATECOLA, sociologist, Head of Secretariat of the Ministry of Cultural Heritage, Italy; Ms Halldis K. LEIRA, Senior Researcher, Centre for Women's Research, Norway; Ms Eleonora ZIELI\_SKA, Professor of Law, University of Warsaw, Poland; Ms Ewa CA\_CZY\_SKA, Chief Expert in the Office of the Plenipotentiary of the Polish Government for Women and Family Affairs, Poland; Dr Mária MIKULAJOVÁ, Associate Professor of Medicine, Comenius University, Slovakia; Prof. Dr Alberto GODENZI, Head of Department of Social Studies, University of Fribourg, Switzerland; Ms Cănă ARIN, lawyer and activist, Turkey; Dr Liz KELLY, Senior Research Officer, Child and Woman Abuse and Studies Unit, University of North London, United Kingdom.

<sup>3</sup> The Council of Europe is an international governmental organisation working for the protection and promotion of human rights and fundamental freedoms and the rule of law. On 15 November 1996, 40 States were members of the Organisation (Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Norway, Netherlands, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, "The Former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom).

<sup>4</sup> Driven on by the momentum created by the International Women's Year proclaimed by the United Nations in 1975, the Council of Europe in 1979 set up a "Committee on the status of women", whose primary responsibility was to establish a Council of Europe Action Programme aimed at promoting equality between the sexes. On completion of its terms of reference, the Committee considered that the Council of Europe should have a permanent structure to examine all aspects in this field, and therefore suggested setting up a "Committee for Equality between Women and Men" (CAHFM), an intergovernmental co-ordinating and consultative body of a multidisciplinary and inter-sectoral nature. Its main function from 1982 to 1986 was to evaluate and stimulate the Organisation's action in favour of equality between women and men, which was adopted as one of the principles behind the Council of Europe's intergovernmental activities.

On the expiry of the CAHFM's terms of reference in 1987, a new committee was set up, the "European Committee for Equality between Women and Men" (CEEG), whose functions were extended to promoting European co-operation to achieve real equality between women and men and promoting measures liable to be adopted at the level not only of the Council of Europe but also of the member States.

The Declaration of the Committee of Ministers, dated 16 November 1988, was a landmark in the policy of the Organisation in the field of equality between women and men. This Declaration affirms that the principle of equality of the sexes is an integral part of human rights, and that sex-related discrimination is an impediment to the exercise of fundamental freedoms. Its eradication is a *sine qua non* of democracy and an imperative of social justice.

As a follow-up to this policy, the CEEG was transferred, in 1989, from the field of social and economic affairs to that of human rights, which is the Council of Europe's prime area of activity.

selected so as to constitute a geographically balanced representation of the member States of the Council of Europe.

The Group of Specialists met five times between September 1994 and December 1996, usually for two days at a time, and much of the content of this document was discussed and debated during those meetings. In addition, a legal expert consultant was commissioned to conduct a comparative legal study,<sup>5</sup> the main findings of which are included in this document. The brief for this work was drawn up by the Group of Specialists.

At an early stage, the Group of Specialists decided that a consultation with the organisations most involved in working on this issue was essential, since nine individuals were unlikely to have the breadth of knowledge necessary to develop a plan of action which reflected the needs and concerns of those doing front line work.

A set of questionnaires was devised and sent out to government agencies, NGOs, women's organisations and other groups. Each of the nine specialists submitted address lists to the Secretariat of the CDEG, who supplemented these using formal contacts in the equality machinery in member States. This consultation was not intended to be "representative", but to enlarge the knowledge and perspective of the Group of Specialists. Questionnaires were sent to just under 500 agencies and organisations. Those who responded are listed in Appendix II.<sup>6</sup>

Separate questionnaires covered: rape and sexual assault; domestic violence; incest/sexual abuse of girls; sexual harassment; genital mutilation and trafficking in women. Questions included: the extent of reported and unreported incidents, legislative reform, police practice, professional practice, support services, prevention programmes, innovative responses, the most crucial changes needed within organisations and at national level. Information from these questionnaires is used at various points in this document.

At an early meeting, it became clear that the language used in relation to violence against women varied both within existing Council of Europe documents and between members of the Group of Specialists. As a consequence, a glossary of definitions was drawn up which clarifies how the Group defines particular terms (see Glossary at the beginning of this document). This is supplemented by a brief discussion of definitions of violence against women, and what the Group means by the elimination of violence against women. These preliminaries form the context in which the Plan of Action should be understood.

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The setting up of the current CDEG (Steering Committee for equality between women and men/*Comité directeur pour l'égalité entre les femmes et les hommes*) in 1992 was a further important step in the Council of Europe's policy to promote equality. Its promotion to the rank of "Steering Committee", which increased its importance and powers (including the right to set up subordinate structures), demonstrated that equality between women and men constituted a priority for the Council of Europe.

<sup>5</sup> Ms Jill RADFORD, University of Teeside, United Kingdom, *An Appraisal at National and European level of the Legislation (criminal, public and private) in force to Eliminate Violence against Women*

<sup>6</sup> Replies were received from twenty member States: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Finland, Germany, Greece, Liechtenstein, Malta, the Netherlands, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Sweden, Switzerland, Turkey and the United Kingdom.



The Group of Specialists had access to a wide variety of written materials. The document which was the most useful in its work, and which the Group regards as the most comprehensive attempt to date to tackle violence against women at a national level, is the final report of the Canadian Panel on Violence Against Women: *Changing the Landscape - Ending Violence, Achieving Equality*.<sup>7</sup> The Group commends this document to all governments and organisations.

The Group was also impressed by the Edinburgh Zero Tolerance public awareness and prevention campaign, which has also been positively evaluated by independent researchers in Scotland and England (see Section 7, and Appendix I).

Most of the work for the final drafting of the Plan of Action was undertaken by the Chair of the Group, Dr Liz Kelly. The University of North London made time available for her to complete this task.

The Group has divided its final report of activities into two parts. Part I deals with the overall context, including the definitions, the scale of the problem and current barriers to change. Part II comprises the Plan of Action.

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<sup>7</sup>

Canadian Panel on Violence against Women, *Changing the Landscape: Ending Violence - Achieving Equality*, 1993, Ministry of Supplies, Ottawa.

**PART I**

**BACKGROUND**

## SECTION 1: SETTING THE CONTEXT

1.1 This Plan of Action continues the work of the Council of Europe on violence against women as an area of specific concern which merits action.

1.2 Various United States recommendations have been made regarding the rights of victims of violence to assistance, legal remedies and respect throughout any criminal procedure. Prevention and education have also been highlighted. Other investigations and proposals have been made,<sup>8</sup> culminating in the 3rd European Ministerial Conference on equality between women and men (Rome, 21-22 October 1993) addressing "Strategies for the elimination of violence against women in society: the media and other means". The *Declarations and Resolutions*<sup>9</sup> adopted by the Ministers on that occasion contained an outline of a plan of action, which was to be expanded in the future. It is that task which the present document addresses.

1.3 The United Nations (UN) has also addressed violence against women. Following extensive consultation, coalitions of women's organisations from each continent lobbied the United Nations Conference on Human Rights (Vienna, June 1993) to have gender violence formally recognised as a fundamental violation of women's human rights. This position was reinforced in the Platform for Action, adopted by the UN 4th World Conference on Women (Beijing, 4-15 September 1995), which called upon governments to take integrated measures to prevent and eliminate violence against women. The Platform for Action includes a variety of measures which Governments are expected to implement in order to prevent and eliminate violence against women (see Chapter VI D of the Platform for Action).

1.4 In 1994, the United Nations appointed a UN Special Rapporteur on Violence against Women, its Causes and Consequences, entrusted with documenting and analysing the issue worldwide. In some regions, international conventions on violence against women have already been introduced, for example the American Convention on the Prevention, Punishment and

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<sup>8</sup> The Council of Europe's work in the field of violence against women, up till 1993, has resulted in the following texts:

- Report on sexual violence against women, by Ms A. Snare, presented at the 15th Criminological Research Conference (Strasbourg, 22-25 November 1982) (PC-CRC (83) 2 rev);
- Recommendation N° R (85) 4 of the Committee of Ministers to member States on violence in the family (26 March 1985);
- Proceedings of the Colloquy on violence within the family: measures in the social field (Strasbourg, 25-27 November 1987);
- Resolution N° 3 on sexual exploitation, pornography and prostitution of and trafficking in, children and young women, adopted at the 16th Conference of European Ministers of Justice (Lisbon, 21-22 June 1988);
- Recommendation N° R (90) 2 of the Committee of Ministers to member States on social measures concerning violence within the family (15 January 1990);
- Recommendation N° R (91) 11 of the Committee of Ministers to member States concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults (9 September 1991);
- Sexual violence against women - Contribution to a strategy for countering the various forms of such violence in the Council of Europe member States (EG (91) 1);
- Seminar on action against traffic in women and forced prostitution as violation of human rights and human dignity (Strasbourg, 25-27 September 1991), in particular the conclusions of the General Rapporteur;
- Communication from the Committee of Ministers on the practice of systematic rape in Bosnia-Herzegovina (9 December 1992).

<sup>9</sup> Document MEG-3 (93) 22. Readers interested in more details may write to: Council of Europe, F-67075 Strasbourg Cedex, France.

## Eradication of Violence against Women and the Draft Pan-African Treaty against Violence against Women.

1.5 Whilst the Council of Europe and the United Nations were developing policy, countless women's groups and NGOs throughout Europe (and elsewhere) were responding to violence against women. Refuges, rape crisis lines, incest survivors' groups, projects addressing sexual harassment, public safety, female genital mutilation, prostitution, pornography and trafficking exist in many European countries, and should be regarded by governments and professionals as possessing the strongest knowledge and practice bases in these areas. It is the tireless work of such organisations - both in terms of practical assistance and campaigning - which has placed violence against women so firmly on the public policy agenda.

1.6 The Group is, however, also mindful that the emergence of these issues and the social responses to them are not uniform across Europe. Some countries are only beginning the difficult journey of recognition and response, whereas others have over two decades of experience in attempting to develop new approaches. There are also differences between countries in terms of which particular forms of violence have been the focus of legal reform, assistance and media interest. Within countries, differences also exist in terms of the spread of provision between regions, especially in rural areas, and whether the additional needs of groups of women have been addressed (here, the Group means migrant women, black and ethnic minority women, poor women, young and old women, lesbians, disabled women). Such widespread variations in awareness and response mean, that it is impossible to create a plan of action which takes into account each of these differences. Rather, the Group has pulled together a range of suggestions which each member State should assess in relation to its current situation. Each country should also use this document as a motivator for further action.

1.7 Minimum standards could be a very useful tool, as a first step, for combating violence against women. However, both the evidence the Group has collected regarding the prevalence of the problem, and the fact that minimal impacts on prevalence have been noted in countries such as Canada and Australia with national statements of principle and plans of action, demonstrate that it is necessary to go beyond minimum standards.

1.8 The Group has attempted to create a useful document which furthers discussions and provisions, citing what the Group has discovered as innovative and challenging in Europe and elsewhere.

## SECTION 2: LANGUAGE AND DEFINITIONS

### Defining violence against women

2.1 The Group of Specialists spent two meetings exploring the issue of definitions and forms of violence against women. It was aware of debates within research literature in many countries about definitions, and of the problems with translation of concepts from one language to another. However, for a plan of action to be relevant throughout Europe, it is necessary to create a common understanding of the scope of the problem addressed. The words used and the way they are defined are extremely important. They set the parameters for the extent of change that needs to occur, extend or limit redress to victims, deny, condone or challenge men's behaviour (see also Glossary).

2.2 The Group concluded that two things were needed: general definitions such as those included in international documents, and a detailed description of what is currently known about the forms of violence, the relationships and contexts in which it occurs. Different definitions are encoded into national laws and have been used in research within and between countries. Whilst the Group does not seek to resolve these matters once and for all - not least because the range and extent of violence against women is still being discovered - this section is intended as a summary of the position at the time of writing.

### General definitions

2.3 The United Nations World Conference on Human Rights (Vienna, June 1993) recognised women's rights as human rights and defined the use of violence as a violation of human rights. In this definition, "gender violence" is:

"violence which jeopardises fundamental rights, individual freedom and women's physical integrity".

2.4 The United Nations Declaration on the elimination of violence against women<sup>10</sup> elaborated this further (Article 1):

"..., the term "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 deprivations of liberty, whether occurring in public or private life."

Article 2 of the Declaration adds to this:

"Violence against women shall be understood to encompass but not be limited to, the following:

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<sup>10</sup> *Declaration on the elimination of violence against women*, adopted by the United Nations' General Assembly on 20 December 1993.

- \* Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- \* Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- \* Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."

2.5 Other general definitions in international documents include:

"Any act involving the use of force or coercion with the intent of perpetuating/promoting hierarchical gender relations."<sup>11</sup>

"Any act or omission or conduct by means of which physical, sexual or mental suffering is inflicted, directly or indirectly, through deceit, seduction, threat, coercion or any other means, on any woman with the purpose or effect of intimidating, punishing or humiliating her or of maintaining her in sex-stereotyped roles or of denying her human dignity, sexual self-determination, physical, mental and moral integrity or of undermining the security of her person, her self-respect or her personality, or of diminishing her physical or mental capacities."<sup>12</sup>

"Violence against women shall be understood to include physical, sexual and psychological violence:

- \* that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the women, including, among others, rape, battery and sexual abuse;
- \* that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
- \* that is perpetrated or condoned by the state or its agents regardless of where it occurs."<sup>13</sup>

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<sup>11</sup> Asian Pacific Forum on Women, Law and Development 1990.

<sup>12</sup> Draft Pan-African Treaty against Violence against Women.

<sup>13</sup> Inter-American Convention on the prevention, punishment and eradication of violence against women, 1994. Reference should also be made to some of the General Recommendations made by the Committee on the Elimination of Discrimination against women (the CEDAW Committee), e.g. Recommendations No 12 (1989); No 14 (1990); No 19 (1992); No 21 (1994).

2.6 The Council of Europe's 3rd European Ministerial Conference on equality between women and men (Rome, 21-22 October 1993) adopted a rather more descriptive definition:

"Taking into consideration physical, sexual and psychological violence carried out by men against young or adult women, in the family, in the place of work or in society, *inter alia*, battering, genital and sexual mutilation, incest, sexual harassment, sexual abuse, traffic in women and rape."<sup>14</sup>

### **Some issues and detailed description**

2.7 The last twenty-five years of feminist activism have involved the recognition and naming of many forms of violation (creating, for example, the names sexual harassment and domestic violence) and, in some instances, re-naming and re-defining forms which already existed in language (for example, including rape within marriage, defining rape, incest and domestic violence as serious crimes against the person, violations of women's human rights). Definitions can be specific and narrow (as in many legal codes) or broad and general (as in those in the above section).

2.8 The way in which violence against women is defined is a critical issue, as it determines:

- \* research findings and official statistics - what counts as "violence";
- \* individual perception - whether women include themselves as victims and men see themselves as perpetrators;
- \* legal and social responses - which (and how many) women are seen as needing support and redress, and which (and how many) men deserve sanctions.

2.9 Many of the public debates in the media about violence against women have at their heart the issue of definition: that prevalence research findings are "incredible"; that so-called "date rape" is taking matters "too far"; whether "ritual/satanic" abuse exists. The Group neither questions research findings, nor the reality of these forms of abuse.

2.10 Part of the problem of definition is that most forms of sexual violence include a range of acts/behaviours which are not mutually exclusive. For example, sexual harassment encompasses forms of sexual assault and, in some instances, rape. Rape has a variety of forms and contexts and sexual abuse of girls combines what is covered in rape, sexual assault and sexual harassment. There are at least three different recognised forms of female genital mutilation, and trafficking in women and girls can encompass kidnapping, forgery (of papers), false imprisonment and a range of other offences.

2.11 Additionally many women and girls experience more than one form of violence, within the context of ongoing abuse and/or over their lifetime. Thus, victimisation at an experiential level often involves combinations of forms of violence and abuse. For example, domestic

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<sup>14</sup> Point 5 of the Declaration on policies for combating violence against women in a democratic Europe, in Declarations and Resolutions, document MEG-3 (93) 22.

violence frequently involves combinations of physical assault, rape and psychological abuse. Research in the United States<sup>15</sup> and Britain<sup>16</sup> has also highlighted the fact that domestic violence and child abuse (physical, sexual and emotional) are frequently committed by the same perpetrator.

2.12 One potential route out of this confusion is to specify boundaries in terms of aspects of context. Thus, sexual abuse is what occurs *before* adulthood; but this in turn requires consensus about what constitutes adulthood. The United Nations has defined this as beginning at 18, but that contradicts ages of heterosexual consent in many countries, and child marriage represents a particular dilemma here.<sup>17</sup> Limiting sexual harassment to employment contexts means that many of the forms which were originally outlined (harassment on the street, in public places, on transport) disappear - what Germaine Greer<sup>18</sup> termed "little rapes", and what is legislated against in India as "Eve-teasing".

2.13 In the vast majority of cases, abuse of women and girls is perpetrated by men. Whilst assaults and abuse by women do occur, and need to be addressed, the fact that they occur in a minority of instances should not be allowed to detract from the central issue - that violence against women and girls by men is endemic in most societies.

2.14 International research has also established that women are more likely to experience violence from men they know, especially relatives and partners. But a significant number of incidents involve men who are either acquaintances or strangers. This may be particularly the case for groups of women who do not share living arrangements with men, for example, lesbians, disabled women and older women who live alone. All the relationships, contexts and physical locations in which victimisation occurs must be understood and included in strategies for change.

2.15 Violence against women is committed in a wide range of relationships and locations. Abuse is perpetrated by: family members, current and former sexual partners, other relatives and friends, acquaintances (including colleagues and clients), those in a variety of authority relations (including bosses, doctors, therapists, carers, clergy/religious leaders, teachers, police, military, institutional staff) and strangers. The assault(s) most commonly involve one assailant, although multiple offenders are not uncommon. Men use violence either to demonstrate, or to re-assert, their control over women and children. Thus, men who have inferior status to a woman in certain ways - perhaps because of age, or having a subordinate position to a woman in a workplace hierarchy - may choose to use sexualised violence as a way of re-establishing their

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<sup>15</sup> E. STARK and A. FLITCRAFT (1988), "Women and children at risk: a feminist perspective on child abuse", *International Journal of Health Services* 18:1, pp. 97-118.

<sup>16</sup> E. FARMER and M. OWEN (1995) *Child Protection Practice: Private Risks and Public Remedies-Decision Making, Intervention and Outcome in Child Protection Work*, London, Her Majesty's Stationery Office (HMSO); A. MULLENDER and R. MORLEY (1984), *Living with Domestic Violence: Putting Men's Abuse of Women on the Childcare Agenda*, London, Whiting and Birch.

<sup>17</sup> In many countries systems of religious or "personal" law are in tension with national civil law in terms of age of consent and marriage. This creates difficulties since child protection frameworks may be in contradiction with cultural norms and values.

<sup>18</sup> Germaine GREER (1971), *The Female Eunuch*, London, Penguin.



power as men. This demonstrates that power is not simply a matter of economics or formal hierarchies, but resides in the social relations of gender.

2.16 This range of relationships in which violence is possible also means that it is often a repeated experience for women. Where the assailant is known and has regular contact with the woman, this increases the opportunity for repeated assaults.

2.17 Virtually any space which women and girls inhabit or visit can be a site for abuse: the woman's/girl's own home; the home of another person; a social event or function; an institution such as church, nursery, school, university, hospital, residential home, workplace, vehicle, prison cell through to various forms of public space such as the street, parks, beaches, open spaces. There are combinations of assailant and location which are more prevalent; custodial rape and prison/police cells, familial and marital rape in the woman's/girl's home. But even here, there are exceptions, such as in police/prison transport or being abducted by officials, and wives/daughters being assaulted in other locations such as on holiday, in cars, etc. Of interest here is why some locations and relationships seem particularly conducive to sexual violence: male family members and women's/girls' homes; authority relations and residential settings and state institutions (of particular concern here are orphanages, children's homes, mental hospitals, prisons and residential homes for disabled and/or elderly women). What is common to these is a combination of gender and other power/authority relations: father, husband/partner, professional, state functionary.

2.18 The context is also important in terms of the female life cycle; at each stage, whilst sexual violence is possible, changing relationships and familiar locations provide varying opportunities. In childhood, the contexts of family, peer relationships, education, play/recreation and religion are central (with, in some societies, child labour/street children). In adolescence heterosexual courtship, paid employment and public space exploration are added and, in adulthood, marriage and paid work are included along with migration and travel. For elderly women in developed countries, relationships with carers and institutions become more important and this is an issue throughout for disabled girls and women and girls who are living in institutions or who are in state care.

2.19 Other contexts also appear to create conditions in which violence against women is more tolerated, as recent documentation of abuse of women within armed conflicts and social dislocation demonstrate. The international relations between countries are also an important component - with women and girls from poorer countries being exploited in a variety of ways by men from richer countries (through sex tourism, trafficking and marriage bureaux). The Group believes that all forms of prostitution (including the use of women in pornography) are both the result of, and reproduce, women's inequality. We also include them in our definition of violence against women (see also 2.3-2.6). Trafficking and the explicit use of force are one end of a continuum of coercion which ensures that there is always a supply of women and girls who can be exploited by the sex industry. Women and girls would not "choose" sexual exploitation if they had other economic and social options. The sex industry trades in, and profits from, all forms of inequality, but especially that of gender. It also constantly reproduces traditional gender roles in the area of sexuality.

2.20 As research on the reality of women's lives has developed, some cultural and/or traditional practices have been highlighted as "harmful practices". Female genital mutilation is the most commonly cited example here, but forced marriage,<sup>19</sup> dowry deaths, sati, preference for boy children resulting in the aborting of female foetuses, infanticide and abandonment of girl children and sale of children to traffickers have also been noted. The presence of migrant communities and ethnic minorities in most European countries means these issues are as relevant to European citizens as anywhere else in the world. The Group was also made aware of harmful European traditions, which although formally illegal, continue to be practised with minimal law enforcement. Examples here include forced marriage, child marriage and bride price.

2.21 The increasing acceptance and promotion in developed countries of medical interventions which are (potentially) damaging to women's health could also be discussed within the context of "harmful cultural practices". Our concerns here are forms of surgical intervention undertaken only to enhance particular versions of "beauty" and attractiveness, and excessive assisted reproduction. The Group suggests that the widespread refusal of many men to use condoms - despite knowing that they have previously engaged in unsafe sex, or even that they are HIV positive - constitutes a harmful modern practice. Overuse of assisted reproductive techniques may also be harmful.

2.22 The combination of various relationships, political and cultural contexts and physical locations in which violence against women occurs, means that few women escape at least some experience of it. Rather, the more common pattern is that many women have multiple experiences which accumulate during their lifetime.

2.23 The following are offered as illustrations of the kinds of behaviour which the Group includes within the term "violence against women and girls":

#### *Physical violence*

Pushing, shoving, hair pulling, hitting, beating, kicking, burning, biting, strangling, stabbing, genital mutilation, torture, murder. Severity of injury ranges from minimal tissue damage, broken teeth and bones to permanent injury and death.

#### *Sexual violence*

Any non-consensual sexual activity including: sexual taunts and jokes, staring and leering, unwelcome comments, flashing (exposure), offensive phone calls, unwanted sexual propositions, forced viewing of/or participation in pornography, unwanted touching, coerced sex, rape, incest, being made to perform sexual acts the woman finds painful or humiliating, forced pregnancies, trafficking and exploitation in the sex industry.

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<sup>19</sup> We are not referring here to "arranged" marriage, where a partner is chosen by kin and both parties consent to this, but to situations in which the girl is either too young to give informed consent or where the girl/young woman voices her non-consent but is ignored.

### *Psychological violence*

Taunts, jeers, comments, threats, isolation, contempt, bullying, public insult. This is usually experienced as damaging to self-identity and well-being, especially if it is persistent.

### *Economic violence*

Inequitable control over access to shared resources, for example: denying/controlling access to money, preventing access to employment or education, denial of rights to property.

### *Structural violence*

A term closely related to economic violence, includes non-visible and non-tangible barriers against the realisation of potential options and basic rights. These obstacles are grounded and reproduced daily in the very fabric of society, i.e. the power differentials and power relations (structures) which generate and legitimise inequality.

### *Spiritual violence*

Eroding or destroying a woman's cultural or religious beliefs through ridicule and punishment or forcing someone to adhere to a belief system.

The majority of instances of violence against women are combinations of physical, sexual and psychological violence, underpinned by structural violence and some also include economic and spiritual violence.

2.24 The issue of "naming" for feminists has been to make visible, give voice and social existence to women's and girls' experiences. Naming involves two linked aspects - making explicit both violation and agency.

2.25 Definitions are not static, they change to reflect levels of social awareness and action. When deciding on what definition to use to describe gender-based or sexualised violence, the following issues ought to be borne in mind:

- gender violence is now recognised by the international community as a fundamental violation of women's human rights;
- the gender distribution of victimisation and perpetration ought to be recognised, as should the fact that certain forms are only experienced by women and girls;
- violence takes many forms, occurs in many contexts and relationships;
- some forms occur in most cultures (rape, violence to wives/partners, incest) whereas other forms are more specific to particular cultures and circumstances;
- violence against women should constitute a criminal offence.

### SECTION 3: SCALE OF THE PROBLEM

3.1 The Group was shocked to discover the limited knowledge of the groups and organisations responding to the questionnaires about the incidence (number of new cases in a year) and prevalence (the extent of the female population which has experienced various forms of violence) of violence against women in their country. The Group found more information about prevalence rates in Europe through published research reviews than it did from responses to the questionnaires. This confirmed an urgent need to collate and publicise information, ensure that research findings are widely disseminated and commission new research in this critical area.

3.2 An accurate estimate of the scale of the problem of violence against women and girls throughout the member States of the Council of Europe was not possible, for a number of reasons:

To collect and collate officially recorded incidents over periods of time would be a research project in itself, and one beyond the resources of the Group of Specialists.

Even if the Group had had the resources, many assaults would not be identifiable as "violence against women" since they appear within broader legal categories of assaults against the person.

International research now concurs that reported cases are the "tip of an iceberg"; that all forms of violence against women are both under-reported and under-recorded.

*Under-reporting* means that the majority of experiences of violence are not reported to official bodies. Again this can occur for a variety of reasons, including: shame; fear of retribution; limited access to official bodies by reason of geographical distance, language, age and disability; no faith that they will be believed and/or treated respectfully.

*Under-recording* means that official bodies often fail to record incidents of violence. This can occur for a number of reasons, for example, that the acts do not fall within current definitions of crime; local practices trivialising violence against women; women and girls not being believed; women and girls being treated disrespectfully so that they withdraw their complaint.

Very few countries (if any) in Europe have conducted careful, large scale representative surveys of women about the full range of forms of violence addressed in this report. Such surveys enable some of the "hidden figure" of unreported incidents to be discovered.

Some forms of violence are trivialised, making them appear "normal" (for example, "flashing" and some forms of sexual harassment) with the result that women often do not report them either to official agencies or to researchers.

The Group collected as much information as possible, within its limited resources. It was not, however, able to assess the accuracy of the data provided. The Group selected some of this data to give some indications, but stresses that comparisons should not be made between countries, since there is no way of ensuring comparability between either official statistics or research findings. This information has also been supplemented with data from what is currently understood to be the best international study on prevalence to date.

3.3 Before proceeding, however, the Group wishes to state that the level of official reporting should never be taken as an accurate estimate of the problem at national, regional or local level. What the past two decades have revealed is, that once the taboo on talking begins to be broken, and once agencies such as the police, social services and health begin to be seen as more willing to listen, hear and respond to violence, reporting increases. Across Europe, countries are at different stages in this process. Some countries are only just beginning this process of change, others are struggling with the implications of it, and still others have experienced a number of years of increasing official reports. Wherever particular societies are on this continuum, the fact remains that many women still do not report, and many that do are still treated disrespectfully. No country in Europe has yet created a climate of confidence for women and girls experiencing violence.

3.4 Admitting that one has been/is being victimised is difficult even for women themselves. There are many powerful reasons to stay silent. Women may belong to a community which views all sexual behaviour outside of marriage as "dishonouring", thus to make such events public means taking the risk of being shunned and rejected. Many women accept the blame for what has happened, thinking that somehow it was their fault. This may be due to things their abuser himself has said and/or acceptance of any of the multitude of victim-blaming myths which surround violence against women and girls. Many women also minimise what has happened. Sometimes this is because the form of violence is denied or legitimised by their community, or because some forms of violence are trivialised (such as "flashing", sexual harassment and "date" rape), or it may be that minimising is the way women and girls find to cope with ongoing abuse.

3.5 The first stepping stone in beginning to tackle violence against women and girls is that we name it - and name it unequivocally as violation of the person. It is this first step which begins to create a climate in which women are able to publicly name their own experience. Without it, both official statistics on reported cases and research findings will continue to be massive under-estimates of the scale of the problem. In creating this climate, we all need to remember the points made earlier in this document: that violence must be defined from women's point of view, and that limited definitions exclude occurrences which women experience as violations of their person and dignity.

3.6 Despite the current limitations of data, the Group of Specialists has no hesitation in stating that violence against women is a serious problem in Europe, and that it is one of the most serious barriers to the achievement of equality between women and men.

3.7 In the sections which follow, the information collected is presented in a summarised form. Unfortunately, the data is not always in the same form, so comparisons between countries are not easy to make. Most of the information available concerned domestic violence and child

sexual abuse, and there was less for trafficking and female genital mutilation. Unless otherwise stated, the source of the information was the comparative legal study commissioned by the Group and based on replies to questionnaires.

### **Rape and sexual assault**

3.8 In this paragraph, we discuss reported rapes and sexual assault. Direct comparisons were impossible since the data covered various combinations of reported rapes, prosecuted cases and/or convictions for rape and associated crimes.

There are several general points which can be made from our study of the information:

The levels of reporting vary greatly between European countries, with some having relatively high levels and others comparatively low ones. Whilst there may be some differences in prevalence involved here, some of this variation is due to differing levels of taboo, awareness and confidence in the police and other agencies.

In many European countries there has been an increase in reported rapes over the last decade, and the overall numbers are higher each year. This is probably a reflection of the breaking of taboos, and increasing confidence in the criminal justice system.

In some countries this increased faith in the criminal justice has not been borne out in practice, since whilst reporting has increased, the proportion of cases which result in guilty verdicts has decreased.<sup>20</sup>

3.9 There were only two prevalence surveys reported to the Group of Specialists on rape, surveys which ask women about their experiences and thus allow some estimate of the extent of under-reporting. In both, 20-25% of women reported rape or attempted rape. Husbands and partners were the most common category of rapists, and where rape occurred in the context of a ongoing relationship it was more likely to be a repeated experience.

3.10 The issues raised by this data are: the wide variations in reporting of rape, between - but also no doubt within - countries; the "attrition" of reported cases as they move through the criminal justice system; the limited research data on rape in Europe.

### **Domestic violence**

3.11 The information provided to the Group clearly demonstrated increased reporting and recording of domestic violence over the last decade. It also appears that more research has been conducted on this issue than many of the others with which this report is concerned. This increase in reporting has been particularly marked over the 1990s as is illustrated by the figures

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<sup>20</sup>

The proportion of reported rapes which result in a conviction in the UK has fallen from 34% in 1977 to less than 10% in 1994 (figures from the Home Office). This compares with figures from the Ministry of Justice in Poland which suggest that guilty verdicts occurred in two-thirds of reported rape cases in 1994. The Home Office announced, in late 1996, that it would conduct an investigation into the decrease in conviction rates for rape cases.

which were received from different countries, and different types of organisation. In other words, more women were reporting to the police, making contact with refuges/shelters, and other women's organisations.

3.12 Domestic homicide (men killing female partners and ex-partners, and women killing their abuser) is one useful indicator of the levels and seriousness of domestic violence, and such figures should be collected as a matter of course. The Group was especially concerned by figures published for Russia - 5300 women's deaths in 1991 and 14000 in 1993. If these Interior Ministry figures are correct, that is 20 times the equivalent figure for the United States.<sup>21</sup>

3.13 In this paragraph we discuss reported domestic violence. In many countries domestic violence constituted a significant proportion of crimes against the person, ranging from a high of 66% to 10%. Some countries also provided information from hospitals, where the proportion of injuries as a result of assault by a partner was surprisingly high. Another indication was the proportion of women citing violence or cruelty in divorce applications, the highest figure here being 70%.

3.14 The Group was informed of six prevalence studies about domestic violence, and collected data on four more. There was an astonishing consistency between these studies: it was a common finding that 25% of women suffered domestic violence and between 6% and 10% of women suffered violence in any one year.

3.15 Whilst there were variations in the reporting of domestic violence, it appeared that there was more consistency than for rape, and there was considerable agreement in the prevalence studies suggesting that at least one in four women in Europe suffers violence at the hands of a male partner or ex-partner.

### **Sexual abuse of girls**

3.16 The information the Group has collected demonstrates that sexual abuse of children has become an issue of increasing concern over the last decade. Whilst sexual abuse of all children needs to be taken seriously, our focus in this report is specifically on girls. Girls are more likely to be sexually abused than boys, especially by a family member. It is also far more likely for girls that this becomes part of a continuum of sexual violence where childhood experiences are compounded by harassment and assaults in adulthood.

3.17 In this paragraph we discuss reported cases of child sexual abuse. Again there was a pattern of increased reporting over time, but the overall numbers were lower than for rape or domestic violence. Clearly it is harder for children and young people to make official reports than for adult women. Whilst only limited information was provided on prosecutions, what we did discover suggests that very few cases reach this stage of the process, meaning that very few abusers are being sanctioned for their behaviour.

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Source: The Economist 12.8.1995.

3.18 The Group was able to find slightly more information on the prevalence of sexual abuse which uncovered the levels of under-reporting. The findings in these studies vary considerably with a low figure of 8% and a high of 59% of girls reporting some form of sexual abuse in childhood. Much of this variation is due to differences in the methods used by researchers, for example: the time the study was conducted (before taboos had been broken, or after); the definitions of childhood (ending at 14, 15, 16, or 17); and the definitions of sexual abuse (whether it includes "non-contact" forms and abuse by peers as well as adults). These substantial differences in methodology mean it is impossible to assess whether there are variations in prevalence between countries.

3.19 Whilst a significant proportion of sexual abuse is perpetrated by family members (father, stepfather, brother, grandfather and uncle) and a smaller proportion is committed by strangers, the intermediate grouping of known adults and peers also needs to be addressed. This group includes, for example, family friends, male peers, teachers, sports coaches, neighbours, religious leaders and residential staff.

### **Sexual harassment**

3.20 The Group received far less information about either reported sexual harassment or studies of it.

3.21 In terms of reported cases, some countries recorded an increase in cases, whereas others stated that there had been no official reports. It was not clear whether there were distinct official channels, through which such data would be compiled, since in many countries sexual harassment is not a criminal offence. The Group had very limited data on cases being taken through the legal process, and could not assess whether this was because there were very few, or because there were no mechanisms in place for collating this information.

3.22 Six European studies provided prevalence estimates of the proportion of women experiencing sexual harassment in the workplace of between 45% and 81%, with between 5% and 22% reporting it.

3.23 As noted earlier in this report, studies of sexual harassment tend to focus on the workplace. The harassment women encounter in public places is seldom studied. Recent high profile cases in Britain of "stalking" (repeated harassment including following, telephoning, sending letters and making face to face contact) by men women hardly knew have highlighted this issue and the limited legal and protective remedies available to victims.

3.24 Other research data from the United Kingdom highlight the importance of other "neglected" forms of violence against women and girls:

63% of women report at least one experience of flashing.<sup>22</sup>  
2 out of 3 women have received abusive/obscene phone calls.<sup>23</sup>

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<sup>22</sup> Source: Sandra MCNEILL (1988) "Flashing - its effect on women" in: *Women, Violence and Social Control*, London, MacMillan.

<sup>23</sup> Source: Glasgow Women's Support Project (1990).



1 in 10 women receive at least one such phone call each year.<sup>24</sup>

Substantial proportions of women in a Merseyside survey (between 50% and 80% depending on the activity), report not doing certain things (for example, walking alone at night, going out at night, attending evening classes/leisure activities, going on holiday alone) due to concerns about their safety.<sup>25</sup>

### **Female genital mutilation (FGM)**

3.25 Very few European countries collected statistics on this issue, the exception being the United Kingdom. There were no prevalence studies anywhere which included this or studied it directly. In fact (see comparative legal study) many countries asserted, on the basis of little or no evidence, that FGM was not relevant to them. The United Kingdom organisation FOWAAD, which is dedicated to addressing FGM, estimates that in the United Kingdom alone there are at least 10 000 girls and young women at risk of FGM.

### **Trafficking and the sex industry**

3.26 Again, few countries could provide accurate information with regard to trafficking in women and girls, although several noted the increase in trafficking within Europe and into Europe from elsewhere in the world.<sup>26</sup> These increases are in turn reflected in the growth of the sex industry within Europe, with new forms emerging, including those which use technology such as telesex, virtual sex and computer pornography.

3.27 The increase in trafficking between European countries appears to be from Eastern European countries to Western European countries. The forms here range from kidnapping and bogus marriage bureaux to being given false information about one's destination and future employment.

3.28 The Group supplemented the data provided by the questionnaires with that from a recently published book on global trafficking in women.<sup>27</sup> In several European countries, both in cases prosecuted by the police and women using NGOs for women who had been victims of trafficking, at least three-quarters are women from other countries. Whereas the countries of origin used to be from outside Europe, an increasing number of reported (and prosecuted) cases involve women from Eastern Europe. Some European countries have a significant number of prosecutions each year for forced prostitution and trafficking, whereas others have virtually none. This suggests that there is differential enforcement of this legislation within Europe.

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<sup>24</sup> Source: *Obscene, threatening and other troublesome telephone calls to women in England and Wales: 1982-1992* (1995) Research and Planning Unit Paper 92, London, Home Office.

<sup>25</sup> M. FOLEY and K. COOK (1995) *Women's Safety Survey*, unpublished.

<sup>26</sup> *A Plan of Action for combating traffic in women and forced prostitution* has been prepared by an independent expert under the auspices of the Council of Europe. Readers interested in more details can obtain it by writing to: Council of Europe, F-67075 Strasbourg Cedex, France.

<sup>27</sup> Source: Sietske ALTINK, *Stolen Lives: Trading Women into Sex and Slavery*, (1995), London, Scarlet Press.

3.29 The increase in marriage bureaux specialising in women from Eastern European countries, especially Russia and Poland, is also a cause for concern. The advertisements in Britain for such groups combine sexism and racism, suggesting that these women are more submissive and controllable than British women, but stressing the fact that unlike women from South-East Asia, they are white.

3.30 A recent Norwegian study focused on male customers. Thirteen per cent of men surveyed had paid for sex on more than one occasion, the majority having done so abroad. The men came from all social classes, occupations, age groups and regions. They were motivated primarily by a wish to control sexual relationships, to have sex on their own terms, when, how and with whom they wanted. Another Norwegian study found that most women working as prostitutes had been sexually abused as children.

3.31 The involvement of European nationals in sex tourism is also a matter which the Group feels must be addressed. Whilst data is very limited, NGOs in South-East Asia have highlighted Germany, the United Kingdom and Scandinavian countries as over-represented with men seeking sex with exploited women and children.

3.32 Data on prosecutions from some European countries highlights that girls are being prosecuted for prostitution offences, when they are in fact below the age of consent. Practice here should emphasise the crime against the girls, in terms of both targeting customers and procurers/pimps for prosecution and finding ways to support the young women.

### **Statistics Canada study**

3.33 The most detailed and sophisticated study of violence against women to date was conducted by Statistics Canada in the early 1990s. A national random sample of 12 300 women were interviewed on the telephone. Data is still being analysed, but the basic findings were:

- \* 1 in 2 women have experienced at least one incident of violence since the age of 16;
- \* 1 in 4 women have experienced violence from a current or ex-partner;
- \* 1 in 6 currently married women reported violence;
- \* 1 in 2 separated women reported violence in previous relationships;
- \* 1 in 10 women currently experiencing violence feared for their life;
- \* 1 in 3 women who had ever experienced violence feared at some point for their life;
- \* for a significant proportion, violence began on separation, or increased in severity from then on;

- \* 1 in 4 women experiencing domestic violence reported at least once to the police;
- \* only 1 in 20 of sexual assaults were reported.

### **Under-acknowledged forms of violence**

3.34 We have already noted the fact that FGM, trafficking, flashing and harassment outside the workplace are neither as studied nor as recognised as other forms of violence against women. There are several other forms to be noted here which should be included within the framework of this document. We are drawing here on a similar section in the Canadian report *Changing the Landscape*.<sup>28</sup>

3.35 Accounts by children and adults of "ritual abuse" (the term used in New South Wales, Australia is "organised sadistic abuse")<sup>29</sup> need to be taken seriously. We have yet to understand this form of violence adequately, but ignoring or denying it will hinder rather than aid understanding. The Canadian Panel Report defines ritual abuse as: "a combination of severe physical, sexual, psychological and spiritual abuse used systematically and in combination with symbols, ceremonies and/or group activities that have a religious, magical or supernatural connotation. Victims are terrorised into silence by repetitive abuse over time and indoctrinated into the beliefs and practices of the cult or group" (p.45).

3.36 Sexual abuse by professionals and those entrusted with positions of authority. Recent revelations of therapists and priests sexualising relationships with women who have gone to them for support and guidance are examples of what is included in this category, but there are many other contexts in which this occurs which have yet to be properly understood and studied.

3.37 The revelations of "war-rape", forced pregnancy and "ethnic cleansing" in former Yugoslavia raised the question of organised violence against women by the military, police and armed forces. The prevalence of this form of violence is yet to be adequately addressed. Within this area, however, are also included incidents of individuals using the institutional power invested in them by the state as a form of access in order to perpetrate violence against women.

3.38 Honour killings still occur in parts of Europe. This form of violence involves the brutal murder of young women by family members - usually young men, who are often below the age of criminal liability - for perceived breaches of expected feminine behaviour which are considered to be "dishonouring". The Group found evidence of a number of such murders in Turkey, one case from the United Kingdom and anecdotal evidence from other areas. Whilst not widespread, this issue needs to be included in strategies to eliminate violence against women.

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<sup>28</sup> Canadian Panel on Violence against Women, *Changing the Landscape: Ending Violence - Achieving Equality*, 1993, Ministry of Supplies, Ottawa.

<sup>29</sup> Eithne O'DONOVAN (1995) *Organised Sadistic Abuse: Current Knowledge, Controversies and Treatment Issues*, New South Wales, Ministry for the Status and Advancement of Women.

3.39 The forms of violence in this section have either been recently recognised or not addressed as strongly in terms of public debate and support services. This means that they are less likely to be reported to official agencies or addressed in research projects. This "under-recognition" also tends to mean that women are less likely to be believed, and there is a particular urgency to increase their recognition.

### **Commentary**

3.40 The Group is aware that violence against women is no respecter of class or race, or any other difference between women. However, this does not mean that differences are not relevant in addressing the problem. Some examples will illustrate this point:

- Migrant and refugee women may have been abused before migration, or may be abused within refugee camps and hostels. The experience of displacement creates contexts in which the opportunities for abuse might be enhanced. Women are at risk from men of their own community, from those of the host country and even from "peace-keeping" forces. The meanings of abuse will also be linked to having to move, and limited knowledge of language, culture and provision will restrict access to support services. This situation is made even more difficult for women whose residence status is linked by marriage to a man who is being violent. For women in such a situation, trying to end the violence means running the risk of being deported.
- Women and girls who have been victims of trafficking are usually illegal entrants into countries, and at the very least have false papers. Sometimes they do not even know what country they are in, and seldom speak the language or know how they might seek support or redress. Their ability to resist sexual exploitation and violence by clients and traffickers is affected by these factors.
- There is increasing evidence that disabled women and girls are targeted for abuse, especially in residential settings. Many people find the idea that anyone would abuse a disabled girl or woman "unbelievable", making it harder to tell and be believed. Some disabilities involve using forms of communication other than the voice, which makes it harder to be understood. Some of these communication systems do not have signs or symbols which stand for physical or sexual abuse, meaning it is virtually impossible to report it.
- Black and ethnic minority women living in predominantly white cultures may be deterred from reporting abuse or seeking help. This may be because they anticipate a racist response, or because the services provided are not organised in such a way that women think they are "for them" - for example, materials not being available in different languages, not having access to translators, only having a white staff group.
- Lesbians who have experienced abuse in the past, or who are currently experiencing abuse, are unlikely to seek help if the services provided either presume all women are heterosexual, or presume that women choose to be lesbians because they have experienced abuse by men.

- Women living in rural areas often have limited opportunities to report violence, as well as less access to support services.
- Women living in poverty also have specific problems; their lack of economic independence often limits their access to support and legal services.

3.41 Much of the current official data and research studies available exclude the above groups of women, or fail to collect data which would enable an assessment of the extent of violence they experience, whether they report violence and whether they are treated respectfully when they do. These issues need to be addressed in order for the similarities and differences in women's experiences to be addressed.

3.42 From the information the Group has gathered, it is clear that violence against women is a major problem in Europe, as it is elsewhere in the world. The Group is also aware that what is known now, in 1996, is the tip of an iceberg. What is obvious is that violence against women occurs mainly in day-to-day relationships and contexts, which include the public sphere and institutional settings.

3.43 The recommendations which are set out in the Plan of Action, in Part II of this report, are based on what is currently known, and will probably have to be revised as the European knowledge base expands.

3.44 Whilst this Plan of Action was being drafted, news throughout Europe focused on the kidnapping, sexual abuse and murder of girls in Belgium and Germany. Everyone knows about these deaths, but there are far more females killed each day across Europe by men known to them. These men are often their partners or relatives. The following testimonies aim to ensure that the reality of violence against women is addressed, and they also illustrate some of the complex issues involved.

## SECTION 4: TESTIMONIES FROM WOMEN AND MEN

### 4.1 Greece

This story has been chosen by a women's organisation because the woman suffered a number of forms of violence, fought back and has now managed to establish a new life.

*A. was married in Athens, aged 20. Her husband, a specialised technician, came from Mani - a region of Greece famous for male aggression. He was violent and continually compared his new wife unfavourably to his mother. Two children were born early in the marriage. Whilst caring for her children and the household, A. also continued her education, taking classes in English and computing, and she intended to seek employment. Her husband became increasingly jealous and violent. Every activity outside the home prompted violent outbursts, some of which took place in front of the children. He also maltreated the children.*

*A. did not accept all of this passively, but no-one supported her. Neighbours in the apartments where the family lived heard the violence but no-one even knocked on the door. The only neighbour to say anything was an elderly woman who said "It's a good thing you don't fold your hands, my child. My husband has beaten me for 45 years". The husband was earning a lot of money, but never gave any to A., he just brought home groceries. He eventually stopped paying the rent and A. began looking for a job, and thinking about leaving.*

*When she found a new home, her husband removed all the furniture, including the refrigerator and the kitchen stove. Her rent was being paid by her father's family and she had to go to court to get maintenance for the children. Even though she was awarded only a minimal amount, this was seldom paid and always late.*

*Finding work was not easy, and she had to cope with serious sexual harassment in one workplace. She undertook all sorts of marginal women's employment, even though she had skills in computing, accountancy and English. She raised her children alone, and without adequate child care support.*

*She herself says she experienced all forms of violence:*

*From her husband: physical violence of all kinds, beatings, attacks and injuries. He assaulted her in the corridors of the court; sexual violence through marital rape as he considered it his right to have any kind of sex he wanted when he wanted; verbal violence, he called her all sorts of unspeakable names; economic violence, through depriving the family of finances whilst they shared a home and refusing to pay maintenance; disputing the divorce to ensure that A. had to pay all sorts of legal costs, and prohibiting and obstructing her attempts to become self-supporting (the worst example of this was taking her to court for using her maiden name in her application to have her contract renewed in a job she was enjoyed before the divorce was finalised. A. was convicted and lost her job).*

*From employers: sexual harassment of various kinds. There was no welfare state to support A, the police never acted to protect her, but she managed through strength and determination to escape violence and establish a new life for herself and her children.*

### 4.2 Finland

This is an extract from a Finnish book translated as *Getting Rid of Violence: Women Tell about their Experience*, edited by Mirja Kuivaniemi. This translated extract refers to how one woman came to understand that she had to end the relationship.

*I came to the following remedy to reduce my feelings of guilt. I decided to follow certain tactics. I developed three different patterns of behaviour towards Jarmo, I wanted to see my husband's reactions if I behaved during three different months as three different women. I wanted to know whether the violence would stop if I changed my personality.*

*The first month I tried to be calm and quiet, support and encourage the man. I showed in a controlled manner that I was offended by the insults and violence. I did not lose my temper, although Jarmo was away from home for nights. The consequence: the violence went on.*

*The second month I was indifferent. Jarmo could do what he wanted. I did not react to attempts to pick a quarrel. I did not ask any questions or discuss anything. The consequence: the violence went on.*

*The third month I fought for my rights, threatened Jarmo with the police, demanded explanations. In other words I was just as tough. The consequence: the violence went on.*

*After these painful months I realised that violence was primarily Jarmo's problem. He needed to think about his behaviour and find other ways to give vent to his aggression.*

*In our relationship, the tactics in the third month worked best, since I demanded that Jarmo should answer for his actions.*

*Although the tactics failed, I felt I had done all in my power. I was free of the guilt. I did not deserve such treatment!*

*So I started to make my way from the bottom towards the top. I began to seek friends, I did not reject them any more. I opened myself even to people I hardly knew telling them about the violence. I noticed I could even bear to hear criticism of Jarmo by others.*

*My friends told me that they had guessed what the reality behind my constant "small accidents" was, but did not have the courage to interfere. On the other hand, I knew that I had always "slammed the door" as soon as someone tried to ask about my circumstances in a helpful tone.*

*I had come to the end of my tether ... I told Jarmo the facts, revealed threats and use of violence to our friends and my family, and left. This time for good.*

*Jarmo harassed me, threatened, phoned me up and called me a whore on several occasions for about a year. Sometimes, in my weak moments, I still fear that Jarmo will break into my new home. That is not a fear based on reality any more. Jarmo is living a new life as a restaurant owner with a new fiancée who is fourteen years younger. It is rumoured that the vicious circle of violence has already begun in their relationship.*

### 4.3 Turkey

This story from Turkey demonstrates that violence against women and women's equality are intimately connected, and the role sometimes played by cultural traditions in perpetuating and justifying violence.

*and Urfa is a small town in the South East of Turkey. On 26 February 1996 a young woman of 16 was slaughtered there, watched by a circle of people. She was murdered by a 14-year-old male cousin. This was an honour killing. The young woman was known to have escaped from home on a number of occasions to go to the market place. Comments and complaints were made about her behaviour by others to the family, the men of the family were told to keep her at home otherwise she would ruin the family honour. The father is reputed to have said that he was unable to control the girl and "let the family do whatever they will to her". The 14-year-old murderer told a journalist that he had cut her throat in the middle of the town in front of everybody to teach a lesson to girls who disobey their family.*

### 4.4 Ireland

The "X" case made legal history in Ireland, and the issues it raised have been a matter of much debate since. It highlights the role that religion and the state can play in these issues.

*X. was 12 when she was first sexually abused by the father of her best friend. He warned her that if she told anyone it would break up both families. The abuse continued for 18 months. She became pregnant as a result, and her mother guessed about the pregnancy and then heard the rest of the story. The young woman wanted to have an abortion (illegal in Ireland) saying she would rather kill herself than have a child conceived through abuse. The parents arranged this only to arrive in England and be told that the Irish Attorney General had applied for and got an injunction which required the family to return to Ireland immediately. The family's appeal to the Supreme Court was successful. As a result of this publicity, X.'s abuser tried to have his trial stopped on the grounds that he could not be guaranteed a fair trial. The family had to move house, faced intimidation and relentless publicity. Just before the trial, X.'s father announced he was leaving. The trial was eventually held in May 1994 and the defendant pleaded guilty.*



#### 4.5 United Kingdom

The quotations which follow are all taken from *Surviving Sexual Violence*<sup>30</sup> and illustrate the range of sexual harassment, sexual assault and rape, each example is from a different woman.

*Men at work - commenting on the way you dress, the shape of your legs, the size of your bum, your bust, looking up your skirt at every opportunity they got.*

*Some would stand really close, breathe down your neck, put their arms around the back of the chair - that sort of thing makes you feel really uncomfortable. They never did that sort of thing to the other men in the office.*

*Working as a barmaid you get this thing that you are public property, you're the girl behind the bar. If you look at the bar, most of the people there are men and there's that whole sexual undertone a lot of the time.*

*I now see a lot of that relationship as being some kind of sexual assault. He used to use pornography at the same time as having sex with me - it was as if I became one of those pictures ... that's a much more subtle form of assault.*

*How do you define rape? The pressure to have sex was so overwhelming ... I was made to feel guilty. It isn't rape, but **incredible** emotional pressure was put on and I wanted that man out of my room as quickly as possible.*

*You know that feeling when you are just **out** [totally asleep], I was completely unconscious. The next thing I knew I woke up - I was in bed with **my baby son** - and he [her friend's husband] was raping me **then** ... I can remember saying to him "what are you doing!" and he went "Ssssh" - and he got out of the bed and left!*

<sup>30</sup>

Dr Liz KELLY (1988) "Surviving Sexual Violence", Cambridge, Polity Press.

*He put a knife to me and said if I didn't he'd stab me - well what do you do - you choose your life.*

The following are extracts from a 29-year-old woman's story which she submitted to the United Kingdom National Commission of Enquiry into Child Abuse.<sup>31</sup> It shows that class is no protector, and the complex role that ideas play in explaining and justifying abuse.

*My story comes from the complacent heart of British middle-class life. This is the section of society held up as an example to foreigners, unemployed youth and single mothers. I will show you what the middle class can do to its own.*

*When my dad wanted me to come he whistled to me. I was lower than a dog. They started as socialists, both my grandfathers were socialists. .. My parents were aspiring to the leftist middle class intelligentsia type of lifestyle and they thought that this attention that my Dad paid to me was part of that, very French, very sophisticated, like Papa and Nicole on the advert - I hate that advert so much....*

*My mother believes in the Oedipal complex and the Electra complex, which meant essentially that my Dad could help himself, he wasn't responsible for his feelings and I was seducing him, leading him on. I was lucky with my family - at least I wasn't raped - but every day, from when I was 4 to when I was 11, he would whistle for me, take me away, then masturbate himself or me, or make me stroke his penis ... In front of others he behaved as though he and I were lovers. He would grin at me or kiss me in a sloppy lustful way or grope me.*

*The first person I told was almost as soon as I went to university when I met my best friend. I told her and I told the university medical officer and he was very sympathetic. Then I saw the university psychoanalyst for three years. That was an interesting experience. She reminded me an awful lot of my mother, because she kept quoting Freud at me as well. She tried to make me believe that what had happened to me was somehow my responsibility and that I had somehow caused it, not because she was a bad or spiteful person but because she followed Freud, or what she had received from Freud, down to the letter and she hadn't questioned it.*

The following are short stories (all taken from the Guardian 01.05.1996) about what has been recently named "stalking". Whilst most of the media stories focus on famous people with obsessive fans, or women repeatedly harassed by strangers, the majority of stalking is in fact done by current or ex-partners who are attempting to maintain or regain control over women's lives.

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<sup>31</sup> The Guardian Weekend, 14.09.1996.

*G.'s ex boyfriend bombarded her with phone calls, vandalised her father's car, sprayed graffiti on the house, burnt their garden furniture, and put pornographic photographs of her up in public places.*

*T.'s ex-boyfriend conducted a three-year hate campaign against her which included stealing her underwear, pouring solvent on her car and writing threatening letters.*

*A man sent L. 800 letters, besieged her with flowers and phone calls and repeatedly visited her house in the middle of the night.*

#### 4.6 Testimonies from men

Recent research involving violent men - both convicted and unconvicted - has used strategies which reveal not only their behaviour, but also the ways in which they justify and minimise assault and abuse. The following examples illustrate the gap between the experiences of women victims and the accounts of male perpetrators. They are selected samples taken from anonymous interviews with both non-detected and incarcerated persons.<sup>32</sup>

*Because we worked in the same place, I knew her in passing. At the company's yearly celebration, we then danced together and later I drove her home. I thought that I could go to bed with her, otherwise she won't have danced with me or let me in. But then she acted coy and I had to help a little.*  
(non-detected offender)

*I admit I forced her, but not like in the movies, brutal with blows and weapons. I simply threatened her with her husband. That was also not new for her, she is after all married.*(non-detected offender)

*The fright of the woman had an effect on me, I was then totally different. Sex was for me not concerned, instead I wanted to humiliate this woman. The force released something in me - that somehow I am practically a man.*  
(incarcerated offender)

<sup>32</sup>

Alberto GODENZI, "What's the big deal? We are men and they are women", in "Just boys doing business" *Men, masculinities and crime*", edited by Tim NEWBURN and Elizabeth A. STANKO, Routledge, London and New York, 1994.

A colleague of mine told me that he had also already done that, simply helped a bit. Otherwise nothing happens with women. That he said that, gave me courage.  
(non-detected offender)

I thought a long time whether violence is the correct way to make my wife have sex. One day I decided then, I thought it was the right occasion. She could have done it in order to make me happy. It was my birthday.  
(non-detected offender)

Basically the wife enjoys sex. But it was probably painful for her. Perhaps she was hurt but she is certainly sorry that I must be in prison. I went along for the fun, I certainly didn't want to do harm.  
(incarcerated offender)

I always told my wife that I would immediately stop the violence when she again participated in sex. At some point she understood. Sometimes it needs just a little pressure.  
(non-detected offender)

I hate someone who really rapes and with whom I am put on the same level.  
(incarcerated offender)

I was violent with my first wife. She was my secretary. With my second wife, such behaviour seemed to be somehow inappropriate. She is a faculty member like me.  
(non-detected offender)

These are different stories, from different countries about different forms of violence, and they do not cover all the areas with which this document is concerned. However, there are some common themes:

- the sense of male entitlement to use violence, enforce their will, have sexual access to women and girls;

- the guilt and self-blame which women often feel, and the ways in which others respond which blame the victim;
- that others frequently know, are aware of, or are witnesses to assaults but fail to either intervene at the time, or offer support subsequently;
- the failure of law and law enforcement to protect and provide redress;
- the complicity of religion, tradition and the state;
- the cost to women and girls, not just of violence itself, but of making it public;
- the complex role of the media, which often sensationalise and stereotype particular cases, and yet can also be a powerful source of educational reporting.

## **SECTION 5: CURRENT PROBLEMS AND DIFFICULTIES**

5.1 The consultation conducted by the EG-S-VL, and its working sessions, revealed that many difficulties and obstacles exist which prevent effective and determined responses to violence against women and girls. The issues involve profound challenges to relationships between men, women and children, and raise uncomfortable questions about family life, relations in the workplace and traditional values and customs. They are also intimately connected to other equality issues, combining in complex ways with the oppression of black and women from ethnic minorities, poor women, disabled women, lesbians, young and old women, migrant women. In each case violence "works"; it maintains and reproduces relationships of inequality and these inequalities must be addressed within strategies to tackle violence against women. This is the message which forms the sub-title of the Canadian Panel report - *Ending Violence - Achieving Equality*.

5.2 The "discovery" of violence against women has also involved challenges to ways in which crime is defined and responded to, and raised doubts about the effectiveness of current criminal and civil law, law enforcement and the administration of justice. Only countries which are willing to face these complex questions with honesty and integrity are likely to be effective in tackling this critical issue.

5.3 One of the main difficulties is that violence against women is still taboo. On the one hand, women and girls who have experienced violence frequently do not dare to speak or try to obtain redress. On the other hand, this issue is seldom high on any government's agenda. Although the awareness of the problem in general has increased in many countries, particularly among the police and professionals, change is still extremely slow and variable. Many still cling to explanations which suggest violence is not widespread, and those who perpetrate it are a "sick" minority. Alternatively some still argue that much violence is not "serious", or that it is acceptable in relation to traditional values and customs. No significant change can be expected until it is realised that violence is widespread, having serious social and economic costs and constituting a breach of women's fundamental human rights.

5.4 Myths and stereotypes continue to disguise the reality of violence against women. Some of these function to blame the victims - suggesting that if they had acted/not acted in particular ways they would not have been victimised. Examples include: the ways in which women dress; their presence in a particular place at particular times; their behaviour (being friendly, not leaving an abusive relationship); and their status (women working as prostitutes are often denied credibility). In short, women are often held responsible for "being there". Other myths function to excuse or redefine men's behaviour, for example, that they "lost control"; that they are "sick"; that they are stressed due to overwork or unemployment (both of which women experience); that they got the wrong "message"; they had been drinking alcohol; and they were in various ways justified in their actions. It is alarming how many of these myths have become accepted as "explanations" when translated into academic language. All of these ideas create a climate in which violence against women is excused, trivialised and even justified.

5.5 One of the consequences of these widespread perceptions is that women internalise responsibility for abuse. They examine their own behaviour to see where they were at fault, feel ashamed of what has happened, take seriously the ways in which abusive men deflect blame

from themselves and onto their victims. The precise way this happens will vary according to the type of violence and the cultural frame of reference which women inhabit. What is the same, however, is that women take on responsibility for the actions of men, and men seek to blame the woman or girl rather than shoulder any responsibility for their actions.

5.6 Very few countries have recognised the immense costs of violence against women. The majority of these costs are borne by women and girls, but there are significant costs to the state. Some of these costs include: criminal and civil investigations and proceedings; health care costs (in terms of physical and mental health); lost days at work; provision of temporary and permanent rehousing and the loss of education for children whose lives are disrupted by domestic violence. Whilst methods for calculating the financial costs are only just developing, recent estimates in Australia include the following: the annual costs in relation to domestic violence in New South Wales were \$1.5 billion; the annual costs in Queensland were \$557 million for domestic violence, \$63 million for rape and sexual assault. Such figures are indications, since it is impossible to calculate the extent of the loss to society of women not being free, equal and safe, nor is it possible to estimate all the ramifications of living with the threat and reality of gender violence. It is possible to say, however, that more effective responses to violence against women and girls could have substantial spinoffs in the long term which save both public money and private pain.

5.7 The comparative legal study revealed that women and girls throughout Europe are not provided with similar forms or levels of protection and redress. The definition of offences in law and the sanctions which accompany them vary dramatically between countries. Alongside this, virtually every respondent country noted that there were serious problems with under-reporting and under-prosecution.

5.8 The Group is aware that political, economic, cultural, social and technological developments are creating opportunities for new forms of violence. Globalisation enables traffic in women and girls to occur, both on a wider scale and across greater distances than ever before. Conflicts within countries also frequently involve sexual violence to women and girls. Rapid changes in technology are establishing new ways in which violence against women can be reproduced and reinforced. Of particular concern here are virtual violence and the widespread use of computers to distribute pornography and as powerful organisational tools in the hands of men who seek to abuse and exploit women and children. The Group is aware that it has not been able to explore these new ways of reproducing and reinforcing violence, and recommends that specific attention be given to them in the future.

5.9 Whilst in many countries legislation has been strengthened, more account needs to be taken of the needs and the rights of victims in legal proceedings. Only fundamental changes in the legal system (for example, procedural rights and guarantees for the victim to remain anonymous during the criminal proceedings, the possibility of using audio-visual statements by the victim, the possibility of choosing a female police officer, prosecutor and judge and allowing women's support agencies and/or organisations to participate in the proceedings as a plaintiff on behalf of the victim)<sup>33</sup> will result in an increase in protection, redress and justice for women and girls.

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<sup>33</sup> This is particularly important where the woman has been killed, and therefore has no voice in the proceedings. Especially where here

5.10 The incessant work of women's organisations working in this field has produced the changes which have been witnessed to date, not least by their endeavours to bring the problem into the open. They have also been instrumental in developing more sensitive and appropriate services and in the development of professional and governmental policies to address violence against women. In most countries this record has been achieved despite consistent lack of financial and human resources. Governments need to be mindful, when acting on the Plan of Action which follows, to pay due respect to such organisations, involve them in the development of new law, policies and approaches, and to respect their independence and autonomy whilst providing (increased) financial support.

5.11 There is substantial evidence that both the extent and forms of support available to women and girls who have been victimised are inadequate and inappropriate. Individuals and agencies are working with myths and stereotypes which blame women and excuse men. Thus, women and girls are not treated with respect and violent men are not called to account for their actions. For too many women and girls there are no support services that they either have access to, or can afford. It is still the case that many organisations are simply unaware of both the extensiveness of violence against women and its many consequences. They are, therefore, working with victims whilst not being aware of it, and consequently the support and advice which is offered is not appropriate. One example here is the way histories of abuse lie behind many women's (and some men's) mental health problems. The failure to recognise this results in many unsuitable responses, such as being prescribed drugs, or mixed sex treatment groups and hospital wards.

5.12 Some forms of violence are taken less seriously than others. In recent years, priority by governments and in international policy seems to have been given to domestic violence. Concerns about rape seem to have disappeared from the public and policy agenda in many countries, except where the issue is "war-rape". This point is illustrated further with a discussion of sexual harassment which has tended to be engulfed by other forms of violence that are often seen as "worse". Worse for whom, and according to what criteria? The EG-S-VL takes the view that it is inappropriate to create such hierarchies - all forms of violence are grave, all have consequences for the victim, and all represent denials of human rights. As Jan Bauer notes:

*"Incidents of harassment and sexual misconduct occur in both politically determined or influenced and domestically defined situations. (...) Sexual harassment, in both developed and developing countries can and also does occur in both the public and private spheres including, for example, public transit, educational institutions and any number of workplaces. Irrespective of the setting, the constant for women is that in many if not the majority of cases they do not report either violent incidents, coercion, harassment or unwanted attention because of fear - fear of losing access to food, shelter, support, employment, social inclusion, community, family."*<sup>34</sup>

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murder is seen as in some senses "justified" by her family - as in "honour killings".

<sup>34</sup> Jan BAUER, "Only Silence will Protect You. Women, Freedom of Expression and the Language of Human Rights", *Essays on Human Rights and Democratic Development Paper n° 6*, International Centre for Human Rights and Democratic Development, Montreal (Canada) 1996, p. 87.



5.13 Although not new, it is only recently that sexual harassment has been taken seriously and recognised by the international community as a serious problem, in particular in the context of the workplace. Its prevalence in the workplace communicates messages to women that they are not present as co-workers, equals of men. This may be especially the case where women are entering areas of work that have traditionally been male strongholds. Recent studies in Britain, for example, have revealed alarmingly high levels of sexual harassment in the police force.

5.14 The focus on the workplace in most legislation and policy makes invisible the many other contexts in which sexual harassment occurs. Many women, for example, report incidents on public transport and in public places. This means that women and girls effectively do not have the same freedom of movement in the world as men do.

5.15 Attitudes to sexual harassment which treat it as a "joke" or a "bit of fun" imply that women should not complain about such behaviour, and label those that do complain as "trouble-makers". This creates very difficult decisions for women, and many decide to ignore or tolerate the unwanted attention, because that is preferable to the consequences of reporting.

5.16 In many European countries, this behaviour has been made punishable by law and policy (externally by governments, internally by companies and other bodies).<sup>35</sup> Acting on sexual harassment, however, requires more than law and policy, it involves a shift in consciousness amongst men and women, so that such behaviour becomes unacceptable.

5.17 By way of conclusion, the Group wants to emphasise:

- that all women and girls who are victims of violence should have immediate access to safety and protection, and their victimisation should be treated as a serious crime and a fundamental violation of human rights;
- that fundamental attitudinal change is needed to develop community intolerance of violence against women, which holds men responsible for their behaviour and demands that they choose to stop being violent;
- that women/girls are empowered, for example, through the strategy of mainstreaming, aiming at integrating the gender equality perspective into all policies and programmes at all levels, and through all forms of traditional equality policies.

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<sup>35</sup> For example, "How to combat sexual harassment at work - A guide to implementing the European Commission Code of Practice", Office for Official Publications of the European Communities, Luxembourg, 1993.



## **PART II**

# **PLAN OF ACTION TO COMBAT VIOLENCE AGAINST WOMEN**



## SECTION 6: STATEMENT OF PRINCIPLE: CREATING "ZERO TOLERANCE" OF VIOLENCE AGAINST WOMEN AND GIRLS

6.1 This Plan of Action<sup>36</sup> is not intended simply to improve the situation, but is rather seen as a platform on which European countries can build (or, in some cases, begin to develop) strategies which are intended, in the short term, to limit and, in the long term, to eliminate violence against women.

6.2 Women must be entitled to the guarantee, protection and enjoyment of all human rights. Violence against women is a fundamental violation of human rights and human dignity, including:

- \* the right to life;
- \* the right to liberty and security of person;
- \* the right to personal, mental and physical integrity;
- \* the right not to be subject to torture or to inhuman or degrading treatment or punishment;
- \* the right to equal protection before the law; and
- \* the right to equality within the family.

6.3 Given the prevalence of violence against women, its presence throughout Europe and the world, and the legacies of tolerance and legitimacy that remain, this is no small task. It requires nothing more and nothing less than women's equality and a sea change in how men become men.

6.4 There are many definitions and forms of violence against women. The links between these forms must be recognised and the fact that most girls and women have experiences of at least one form in their lifetime, and many suffer more than one.

6.5 The term "zero tolerance" is the fundamental principle of the National Canadian Action Plan *Changing the Landscape: Ending Violence - Achieving Equality* and means "that no level of violence is acceptable, and women's safety and equality are priorities".<sup>37</sup> Zero tolerance has been adopted as the essence of a challenging British public education and prevention campaign developed in Edinburgh.<sup>38</sup> This campaign stresses the three p's: provision, protection and prevention (see Glossary; provision is covered by support, education and repression).

6.6 We propose that all countries adopt the following principles of zero tolerance policy which we have adapted from the Canadian report:

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<sup>36</sup> The Group wishes to state clearly from the outset that neither the sequence of the sections, nor their length, reflects the importance of each issue.

<sup>37</sup> Canadian Panel on Violence against Women, *Changing the Landscape: Ending Violence - Achieving Equality*, 1993. Ministry of Supplies, Ottawa.

<sup>38</sup> The Zero Tolerance Campaign has now run in many Scottish and English local authority areas. See also note 46.

- Equality and freedom from violence are rights of all women and children, and it is the responsibility of every individual, community, government and institution to work towards securing those rights.
- The elimination of violence will best be achieved through the adoption and rigorous application of a policy of zero tolerance.
- No amount of violence is acceptable, and the elimination of violence against women and children must be an absolute priority.
- The taboos on speaking about violence, naming the gendered distribution of victimisation and offending and recognising its prevalence must be broken at all levels in societies and communities.
- Violence must be identified and defined from the perspective of women's and girls' experiences.
- Those with responsibility for public safety have an obligation to take the most comprehensive and effective action possible to prevent violence from happening and to limit the harm from violence when it has occurred, including the use of prosecution and sanctions.
- Sexist and racist practices and other forms of discrimination and bias which encourage or support acts of violence must be eliminated.
- The rights of the victims in the legal system must be at least equal to the rights of the accused.
- Victims must not be blamed for the violence committed against them.
- Governments,<sup>39</sup> ministries<sup>40</sup> and institutions<sup>41</sup> have a primary responsibility to demonstrate leadership and provide resources to empower women, achieve equality and end violence. This must be done in partnership with women's organisations and NGOs which focus on violence against women.
- Individuals and all communities have a responsibility to work toward ending violence and achieving equality for all.

6.7 Whilst these principles appear fair and simple, implementing them in an effective way requires considerable commitment to change on a multitude of levels. The rest of this Plan

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<sup>39</sup> This includes all levels of government - national, European, international, federal, regional and local.

<sup>40</sup> All ministries should be required to address the implications for women's equality and safety of any policy or legislative proposal, as well as producing their own strategies to create zero tolerance.

<sup>41</sup> Included here are government institutions, professional bodies, private companies, NGOs and community associations. Commitment to zero tolerance throughout all levels of societies must be created.

addresses some of the changes which will be needed. The following are some of the more general implications.

6.8 A fundamental shift is required in how knowledge is understood and created. Most knowledge to date has been created from an androcentric<sup>42</sup> point of view, that is: taking men as the norm and placing them at the centre. In this model, women are viewed as the exception to the norm. A shift is needed towards gynocentrism: placing women at the centre in the creation of knowledge about and for them. Much of recent knowledge about violence against women is the result of this shift being made by feminist researchers. This is explicit in the principle that violence must be understood and defined from the standpoint of the women and girls who experience it.

6.9 Whilst it should be accepted that there is an urgent need for all countries, regions and communities to respect differences of culture and tradition in deciding how violence against women should be dealt with, this should never be used as a justification for harmful practices. Where customs or tradition explicitly support or tacitly allow any form of violence against women, women's fundamental human rights to life and freedom shall take priority. Majority groups must, however, use tact and sensitivity when addressing the beliefs and behaviours within minority groups. Wherever possible, women from the communities concerned should be encouraged to address the issues themselves (with government support). Where this is already the case, legislators, policy makers and professionals should consult with such groups before developing new strategies.

6.10 The Plan which follows addresses particular organisations and areas: the Council of Europe, governments, research, legislation and legal practice, social support and assistance, health, employment and the workplace, education, and the media. Some of these areas were outlined in the original terms of reference of the Group, others have been added. The Group is, however, aware that the Plan is not comprehensive. The fact that some areas do not appear does not mean they are exempt from either the general principles or the need for change.

6.11 Any framework to tackle violence against women and girls should aim at all points to empower<sup>43</sup> women and challenge abusive men. The empowerment of women and girls can only be achieved if the legacies of permission (both explicit and implicit) and cultures of justification which men have used for centuries are removed.

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<sup>42</sup> The words "androcentric" and "gynocentric" have begun to be used in discussions of feminist research, especially in the US, UK and Scandinavia. They draw attention to the presumptions underlying the creation of knowledge which have, until now, not been questioned.

<sup>43</sup> The words "empower" and "empowerment" have been created in the English language in the last decade. It will probably be necessary for new words to be created in other languages to convey the same meaning.

## **SECTION 7: THE COUNCIL OF EUROPE**

7.1 The Council of Europe should take a lead in encouraging member States to make eliminating violence against women a priority. It should also encourage co-operation and shared goals within Europe. To these ends, we make the following recommendations.

7.2 The Council of Europe should recommend that member States recognise and mark 25 November as International Day to End Violence Against Women.<sup>44</sup> This day is to be promoted by the Council of Europe and its member States and to be marked either by the wearing of purple ribbons or the adoption of the Zero Tolerance Z badges and logo - both to mourn women and girls who have been killed in the previous year and celebrate the courage and creativity of survivors. Public events should be encouraged, especially those which combine remembrance and change. Possible ideas for such events include: public tribunals in which women give testimony about their experiences; marches and demonstrations; book/film fairs and exhibitions; media campaigns; commemorative literature such as postcards, calendars; events such as creating quilts or "washing lines"<sup>45</sup> which commemorate women and girls; local meetings and campaigns.

7.3 The Council of Europe should develop a set of awards for work on violence against women, which reward contributions to the elimination of it. Such awards should be announced on 25 November each year (or possibly bi-annually). Examples would be the country, city, campaign, politician, activist, organisation (state or professional) and group (NGO), art and literature, education programme, legal reform or environmental programme which has contributed significantly either to eliminating violence against women or, more widely, to implementing the Council of Europe Plan of Action.

7.4 Each member State should be required to issue an annual (or bi-annual) report to coincide with 25 November which includes data on reported cases in the previous year and details their actions in the intervening time in implementing this Plan of Action.

7.5 The Council of Europe should develop mechanisms which would enable cross-national links between refuges, rape crisis agencies undergoing the change process, community organisers and activists, NGOs working on violence. Such exchanges could be linked to 25 November. The possibility of Europe-wide events to mark the International Day to End Violence Against Women should be explored.

7.6 The Council of Europe should propose standards for the development of national legislation on the issue of violence against women and explore the possibility of drafting a binding European legal instrument on the question.

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<sup>44</sup> The day was first named thus by women in Latin America and it commemorates the deaths of the Mirabel sisters who were killed by the military for resisting repression. It is now recognised and celebrated by women's organisations across the globe.

<sup>45</sup> Women in various countries have created "washing lines" on which tee-shirts with messages are pegged. Some of the tee-shirts carry the names of women and girls who have been killed, others statements about violence against women.



7.7 The Council of Europe should consider adopting the Edinburgh Zero Tolerance Campaign as a model prevention and education project throughout the member States.<sup>46</sup> This should be more than a simple endorsement. It must emphasise a commitment to extensive and ongoing public education, since we know that change in complex areas such as this requires continuing education over relatively long time scales. In the first instance this must involve resourcing the Zero Tolerance Trust to do an exploratory study on whether the campaign and its core concepts could become a Europe-wide initiative (there are critical issues about whether the concepts will translate into other languages).

7.8 The Council of Europe should ensure that all member States make their citizens aware of the procedures and where to apply for redress using international law, especially the United Nations and Council of Europe human rights machinery.

7.9 The Council of Europe should support European research (see Section 9) and the harmonisation of official data collection.

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<sup>46</sup>

This would require negotiating with the copyright holders of the ZT campaign - the Zero Tolerance Charitable Trust, c/o 22 Hawthornebank, Edinburgh, EH6 4HG, Scotland (0131 555 6644 - fax). The first phase comprises a series of five powerful black and white posters (see Appendix I). The first four focus on rape, child sexual abuse, domestic violence and sexual harassment. The final poster carries the message "No man has the right". This phase runs for five months, with each poster being displayed for a month. The posters are produced in various sizes from billboards down to postcards. Supporting local activities are organised to coincide with the campaign. A new phase focusing on the criminal justice system was recently launched in 1997 in Scotland.

## SECTION 8: GOVERNMENTS

8.1 Governments have a responsibility to take a leading role in developing zero tolerance, provision, protection and prevention (see Sections 6.4-6.10). To this end each government should issue a statement of principle about violence against women, accompanied by a plan of action for the next three years, which draws on the Beijing Platform for Action and this document.

8.2 A number of European governments have taken strong public initiatives regarding violence against women, which might provide a source of inspiration. Some examples include: the Netherlands issued two policy memoranda in 1982 and 1990 (these were placed within a human rights framework and addressed legislation, law enforcement, preventive measures, research and victim assistance); a series of programmes of action took place in Norway in 1983 to combat violence against women, in 1986 with specific reference to domestic violence, and in 1992-93 on child sexual abuse; an independent committee was established by the Irish Minister of Justice to review the legal framework for women and girls reporting crimes of violence against them;<sup>47</sup> in 1997, the first national Swiss public awareness campaign on violence against women is being launched. These are examples of the kinds of initiatives that governments should undertake as a matter of course.

8.3 Short term priorities will vary between countries. For example, where services and awareness are currently low, raising public awareness and supporting emerging women's organisations will be a priority (the pace of change can be accelerated by drawing on work already done in other places). But the fact remains that there are many countries in Europe where women's organisations have been raising these issues for over two decades and the extent of change has been neither sustained nor integrated.

8.4 The following additional recommendations to governments are intended as extensions of Section 6.6 of the Plan of Action.

- Violence against women is to be placed high on the policy agenda, and defined as a human rights issue.
- The principles of zero tolerance in this document should be adopted as a policy framework.
- National three-year plans of action should be developed, including specific targets, which should be monitored and reviewed every year. The targets set will vary from country to country and should be negotiated with women's organisations which should also be included in the monitoring and review processes.
- A senior woman member of government or government official, preferably in a Ministry dealing with equality issues, should be responsible for the implementation of this Plan of

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Working Party on the Legal and Judicial Process (1996), *Victims of Sexual and other Crimes of Violence Against Women and Children*, Dublin, The National Women's Council.

Action, and the national Plan which develops out of it. This position is necessary to ensure that violence against women and girls is made an urgent priority. The post holder ought to have powers to influence policy and practice, and co-ordinate action between ministries.

- Designated and protected financial resources to tackle the problem should be allocated in budget setting, and the administration of this fund should be under the control of the previously mentioned senior female member of government.
- Governments should seriously consider undertaking a consultation, similar to that of the Canadian Panel, in order that women's voices may be heard and the unsatisfied needs and potential solutions to them be explored.
- Governments should take the lead in challenging victim-blame, cultural beliefs and practices which legitimise violence against women. This means that members of governments and legislative bodies will need some basic training/education about the connections between equality and violence against women.
- Governments should encourage and provide the necessary resources for the development and/or maintenance of autonomous support services by women for women.
- Governments must ensure that accurate data on the incidence of reported violence against women and girls is collected, collated and published yearly (further detail is included later in this section), and support research which uncovers the extent of unreported cases and more complex issues involved (see Section 9).
- Governments should support research which records the experiences of women and girls, and which addresses issues of current concern within each country.
- Governments should conduct a review of the legal framework - both criminal and civil law - drawing on Section 10 below, in order to ensure that there are adequate measures and access routes to redress and protection. Maximal, rather than minimal, standards and fundamental reform should underpin these reviews.
- Policies aimed at increasing awareness, skills and resources amongst professionals should be developed which apply both to new entrants into the professions and to those currently employed (see also Section 13).
- Local governments should develop mechanisms for conducting safety audits of public and semi-public spaces. The availability of safe, cheap and frequent public transport and the possibility of late night women's taxis in particular should be addressed. The differing needs of urban and rural areas should also be examined.
- Governments are responsible for ensuring that all women have accurate information in a language (or form of communication in the case of disabled women and girls) which they understand, on their legal rights and the support services available to them.

- Governments should consider using contract compliance to ensure that the principles of zero tolerance (see Section 6.5) are transmitted into the private sector. Violence against women and children and women's equality should be a consideration in all international aid and development activities.

8.5 There is one area of government responsibility which is highlighted: the production of official statistics on reported incidents. These form the "baseline" in each country whereby it is possible to assess change - both an increase in reporting which signifies the breaking of taboos and increasing confidence in institutions and, at a later date, a decrease in reporting, due to the success of policies aimed at preventing violence against women and girls. Experience in gathering material for this Plan revealed that such "baseline" figures are simply not available in many countries. Any country which is committed to tackling violence against women must review the ways in which cases are currently recorded. Within this review the following bodies/institutions must be included: police; courts (including criminal prosecutions; applications for protection orders, and civil cases); hospitals and health care settings (systematic collation of mortality and morbidity rates); social security bodies; social work agencies; schools, colleges and universities; shelters/refuges; hotlines.

8.6 Within a review such as this, attention must be given to both the content and quality of information, and all countries are urged to begin a "process of improvement" in relation to both issues. Mechanisms have to be developed to ensure that all reported cases are recorded, and that agreed standardised measures are used. It would be useful if such baseline measures could be agreed throughout all the member States of the Council of Europe, but the following minimum proposals are made in the interim. All member States ought to be able to provide the following information/data:

- How many incidents of rape, sexual assault, sexual abuse in childhood, domestic violence, sexual harassment, female genital mutilation, dowry deaths and trafficking cases are reported each year to police, health and social workers and other official institutions, and whether this constitutes an increase or decrease compared to previous years.
- For each incident, the following should be noted: the gender of the assailant(s), their relationship to the victim and the setting in which the incident took place. Data also ought to record the ethnicity of victims, whether they have a disability and their age.
- The outcome of all civil and criminal proceedings, with reasons recorded for cases not proceeding through the legal process and comparison with previous years.
- All statistics on interpersonal violence should be broken down by the gender of victim and perpetrator, and the relationship between the two parties.
- Additional baseline data should be included for specific institutions - such as medical settings recording injuries at the time and additional consequences over time.

- Linking the data on violence against women to whatever measures are currently in place to assess the status of women, and identifying reasons for non-reporting.

8.7 In order to ensure that such data are collected, collated and published we recommend that the initial review of recording practices, implementing reforms and collating and publishing results each year should be the defined responsibility of a government official who could be located either in the ministry in charge of equality issues where there is one, or in the government research and statistics department where there is no such ministry. The initial review and implementation of reform should take place within the first three-year national Plan of Action, in order that at least one year's figures can be produced at the end of that three-year period. Progress should be monitored by a Standing Committee whose membership is drawn both from researchers in the field and from members of women's organisations working on violence against women (this has recently been proposed in Ireland).<sup>48</sup>

8.8 Additional issues have been raised which require government action. These appear in the sections which follow, alongside recommendations directed towards other actors in the field.

## **SECTION 9: RESEARCH**

### **Problems highlighted**

9.1 The importance of research and the availability of its findings was illustrated by the limited information the Group of Specialists was able to access from official sources and specialist organisations as background information to this Plan. The necessity of improving the collection and collation of official statistics has already been dealt with in the previous section. The role of research, however, goes far beyond establishing the scale of the problem. It includes studies which look at the practice of agencies and organisations, evaluations of new initiatives, studies which look at the impacts of violence against women and which explore its causes and possible prevention.

9.2 Research has played an important role in making violence against women a public issue, in breaking the taboos and challenging some of the myths surrounding it. Studies which have made a difference have been both quantitative and qualitative, and some of the most powerful have been small-scale studies which documented the range and complexity of women's and girls' experiences. The Group wishes to stress the vital importance of research which involves victims of violence directly. Making sure that the experiences of marginalised groups of women's experiences are included, or studied in their own right, is an important element in developing research programmes.

9.3 Across Europe it has been feminist researchers who have led the way in establishing violence against women as a valid and important research topic. Much of their ground-breaking work has been done with minimal - or insubstantial - research funding. The contribution which feminism and feminists have made in creating new knowledge and in developing new, more effective and ethical methodologies must be acknowledged, and seen as an important resource in any future developments.

9.4 The Group could only find one country which has dedicated substantial resources to an integrated and incremental research programme on violence against women and girls; namely Norway. The first programme began in 1985 and lasted for five years. It was co-ordinated by two senior women academics, organised by the Norwegian Research Council and funded by the Ministries of Justice, of Children and Family and Social Welfare. The overall theme was "Research Programme on Woman Battering". It included projects on woman battering, children living with domestic violence, as well as studies of mothers of incest abused daughters, rape and prostitution. The research was presented at a conference in Oslo. A second five-year programme on "Sexualised (gendered) Violence" began in 1991. Priority was given to offences against children, men as offenders and cultural resistance to knowledge about violence. A conference was held in 1995 reporting on these studies. A new five year programme is planned to begin in 1997. More than 30 projects have been supported and the findings from many of them have influenced policy and practice. In 1992 a network of researchers in the field was established. This network now has 90 members and holds two or three meetings a year.

The Group commends this model of developing research methodology, topics and networking and exchange between researchers themselves and with policy makers and practitioners and encourage governments to consider similar undertakings.

9.5 The fact that few outside Norway are aware of either the research programme in general or the specific studies undertaken within it demonstrated something fundamental for the Group of Specialists. Whilst important research has been conducted in Europe, awareness of it is limited outside the country in which it was conducted. This lack of exchange serves further to enhance the status of work that is reported in English, and to feed the dominance of work conducted in the United States. The Group thinks that an important regional resource - European research on violence against women - is currently not being utilised to its best effect, and that this work should become more internationally available and acknowledged.

### **Recommendations**

9.6 The Group recommends the establishment, by the Council of Europe, of a European observatory/research centre on violence against women. One of the major roles of this institution would be to establish and maintain a database on recent and current research and to find a mechanism - or mechanisms - to ensure that European research becomes more widely known. Two examples of such mechanisms could be a newsletter/journal and the Internet. The organisation would also keep separate databases on organisations working on the recent legislative and policy initiatives. It should also be possible for this centre to conduct its own independent research, and to encourage cross-boundary studies. The centre should be established through an open and transparent process.

9.7 Either as part of the centre (if it is established) or independently of it, a European Network of Researchers on violence against women should be established by the Council of Europe, through inviting researchers from the member States for a seminar to share knowledge and explore ways to maintain the network over time. One of the tasks set for this meeting should be to draw up a framework for the collection and collation of comparable data both from reported cases and from national victimisation surveys.

9.8 The European Union could usefully create a special section for research on violence against women in the framework of its activities and programmes.

9.9 National science and research funding bodies should consider financing linked programmes of research on violence against women, especially those projects which speak directly with victims.

9.10 At a national level, consideration should be given to setting up regional research centres on violence against women, which both act as clearing houses to distribute information from completed research, and which have budgets for small scale local research directed at creating and monitoring change. Six of these centres established in the early 1990s in Canada<sup>49</sup> would be the model.

9.11 In terms of particular research needs, several areas should be highlighted:

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<sup>49</sup> These centres were established as one of the Canadian Government's responses to the "Montreal Massacre". Marc Lepine killed 14 female engineering students and explicitly referred to feminism as part of his motivation.

- The nature of violence against women as it has emerged and possibly changed over time.
- The costs of violence against women and girls - financial, social and human.
- The consequences of violence against women and in particular the reasons for women's differing reactions to this violence, for example, why it is that some females appear to be resilient, whilst many others end up in mental health institutions and in women's prisons.<sup>50</sup> Within this theme attention should also be given to similarities and differences for different groups of women, such as women from national minorities, rural women, disabled women, migrant women, lesbians and women working in the sex industry.
- Evaluation of various attempts at legal reform and changes to legal procedures.
- The relative effectiveness of various interventions with both victims and perpetrator.
- Evaluation of public education programmes which either use the media or are directed at children and at young people.
- Further exploration of the many ways in which violence against women is connected to social dislocation, migration and tourism.
- The persistence of "harmful traditional practices" within Europe, such as child marriage, bride price and honour killings.
- The causes of violence and its connection with masculinity. Attention should be paid to the factors which produce non-violent masculinity.

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Several research projects have shown that very high proportions of women with mental health problems, or who have been convicted of crimes, have been victimised and that their current problems are connected to the abuse/violence.



## **SECTION 10: LEGISLATION, LEGAL PROCEDURE AND PRACTICE**

10.1 The law provides the institutional framework for defining and responding to violence against women - it sets the boundaries of what is deemed acceptable and unacceptable. It is also one of the most important routes whereby protection, redress, sanction, repression and justice are created. The Group therefore thought that investigating this area further should be a priority. It has commissioned a comparative legal study and this section is based on its findings.

10.2 Historically, violence against women has been responded to as a problem rather than as a crime. To build the principle of zero tolerance throughout societies and communities, the law must be strongly and consistently enforced, sentencing must reflect the severity of the crime committed and the danger represented by the offender must be recognised. We also recall here one of the zero tolerance principles set out in the first section of the Plan of Action; that the rights of victims in the legal process ought to be at least equal to those of the accused (in Europe, Finland appears to come closest to this). The legal system has an important role in promoting safety, security and equality for women.

10.3 The principles underlying this section are that member States should see it as their duty to achieve more just and equitable responses from the criminal justice system, highlighting the seriousness of offences and strengthening the authority of the law in its effective and important role of influencing community attitudes and supporting social change. The revision of legislation and legal procedure (where needed) and the consistent application of criminal and civil law should provide a clear message that society condemns violence against women and girls.

10.4 The work of the Group revealed a number of important points:

- \* women's rights to protection and redress are not uniform;
- \* in some countries, forms of violence against women and girls are not defined as human rights issues or violations of the person;
- \* in all countries, concerns were expressed about both the legislative framework and legal procedures.

10.5 There are major differences between legal systems within Europe. Two examples which have an impact in this area are: whether the legal system is inquisitorial or adversarial; and whether there is a constitution within which human rights are guaranteed. The former affects legal procedure more than the form and content of legislation, and the latter determines whether it is possible formally to recognise violence against women as a violation of fundamental human rights.

10.6 The other significant difference is that some countries have introduced specific legislation and/or legal procedures to deal with violence against women, thereby communicating important signals that violence against women is taken seriously and will no longer be tolerated.

10.7 A common factor noted in most of the consultation questionnaires was the attrition rate: the huge difference in number between reported cases and those which result in court cases and convictions.

10.8 The remainder of this section will examine the problems highlighted in relation to various forms of violence against women and girls, and will list some of the more positive and creative strategies for legal reform. These positive changes combined with the general principles outlined at the end of this section should be used as the framework for the legal review noted in the section on governments above.

However, some general points need to be made first:

- \* an important theme throughout is the role and status of the victim in the case, and within this the necessity for increased understanding of the varied responses to trauma, so that the behaviours of victims can be better understood;
- \* reforms and positive changes in some countries have been long-established in others;
- \* whilst sentencing has important symbolic and protective functions, it is being caught, prosecuted and convicted which has more impact both in terms of justice for victims and deterrence.

It has been necessary in this section to look at each form of violence separately, since each is covered by different laws, with the result that this section is considerably longer. The length is not an indication of relative importance compared to other sections.

## **Rape**

### *Problems highlighted*

10.9 Rape is prohibited under the penal codes of all member States, but the crime of rape is defined in different ways. The definitions range from very narrow to much wider and more inclusive. The most common differences are: the range of forms of penetration that are included; whether men are included as potential victims; whether rape in marriage is recognised; where the crime of rape is located - as a crime against the person or an honour crime, or a crime against morality; whether rape requires force or violence to be used.

10.10 Rape can be prosecuted in different ways depending on the legal system; through a motion or criminal case and through private and public law.

10.11 Many European countries include the use of force or violence (and in some cases threat) in the legal definition of rape. Scandinavian women's organisations noted the problems associated with having to demonstrate resistance in order to prove that force had been used. An example of two sisters who were raped by their grandfather illustrated the contradictions of this requirement: the man was found guilty of raping the older girl since she struggled but not of the younger girl (who was under five years old) since she did not resist. Here the possibility of being

overpowered by threat, coercion or simple authority is not acknowledged, and the fact that the acts were against the will of the victim is lost.

10.12 A minority of countries use the concept of non-consent to define rape, but this is not without its problems, since the most common defence used is that the woman consented, resulting in humiliating cross-examination for the victim.

10.13 Many countries have aggravating and mitigating factors which affect the charge and the potential sentences. The comparative legal study revealed that these factors are inconsistent and even contradictory across Europe. For example, rape of a family member is an aggravating factor in some countries but is defined as a mitigating one in others.

10.14 The most common aggravating factors or circumstances are: the victim is a "vulnerable person" (this usually refers to mental or physical impairment); the assault involves abuse of authority/dependency relationships; the victim was a minor; the victim was a family member, partner or spouse; gang or collective rape. These aggravating factors or circumstances further illustrate the problem with force being required in law, since the relationships involved provide other means of control, including misrepresentation by those in authority such as therapists who suggest sexual contact as an element in "treatment".

10.15 Some countries still allow prosecutions to be dropped if the rapist marries the victim.

10.16 There is extremely wide variation in the minimum and maximum sentences for rape and sexual assault. The minimum is six months with the maximum being life imprisonment. The Group was unable to assess sentencing practice, but many of those responding to the questionnaires commented both on the inconsistencies in sentencing policy and on the fact that, when compared to property offences, sentences suggested that rape and sexual assault were not serious crimes.

10.17 In some countries, the methods used to assess the credibility of women's testimony seem to indicate a general climate of scepticism. For example, in one country, rape complainants are required to undergo psychiatric examination to test their credibility.

10.18 The requirement of full disclosure of evidence to the defence has sometimes resulted in women and girls' witness statements circulating in men's prisons and being used as a form of pornography.

10.19 In some countries, the discretion of prosecutors has resulted in unequal justice for women who are not the stereotypical victim. The most common groups discriminated against here are women working in the sex industry, especially those involved in prostitution, who report rape. In Britain in the last eighteen months two women who worked as prostitutes brought the first private rape prosecution, having had their case dropped by the Crown Prosecution Service. The man was found guilty. Women with disabilities are also more likely to be defined as "poor" witnesses by prosecutors.

10.20 The findings from most studies of rape victims is that where the investigation and criminal case is not conducted in a respectful way, they experience this as a "second assault",

and have the strong sense that it is they, rather than the accused, who are under suspicion and on trial.

*Potential positive reforms and changes*

10.21 Rape in marriage has recently been recognised in Belgium, Finland, Slovenia, England and Wales and Germany.

10.22 Portugal has recently (1995) introduced the crime of sexual coercion, and Spain revised its law (1996) to one on "sexual aggression" which has two levels of offence.

10.23 Germany and Portugal have provisions that women reporting rape will only be interviewed by female police officers.

10.24 Germany also introduced a wide-ranging "Victims Act" which allows for a joined civil suit for damages which then permits the victim to be a party in the proceedings. This has long been the case in Finland, and most Scandinavian countries have provisions which provide victims with access to legal aid so that they can be represented in court by a lawyer. It appears that in many countries there are procedures whereby suits for damages can be attached to criminal cases, but these provisions are not always used.

10.25 Many countries seem to have introduced training for police officers in the last decade. In some countries, there are now specialist women officers who investigate the case, sexual assault examination suites and trained women police doctors who conduct forensic examinations.

10.26 A number of countries have recognised the importance of support through the legal processes and being kept informed of developments. This has been addressed through various means including civilian support workers and victim witness support schemes.

10.27 Other changes in law and legal processes:

- Sweden no longer requires the woman's consent to continue with prosecutions;
- rules of evidence limit the kind of evidence that can be introduced regarding the women's character and previous behaviour (Denmark, Germany, Sweden and United Kingdom);
- specialist prosecuting teams staffed mainly by women (Italy and Ireland);
- the right of women to give evidence in camera or with the defendant excluded;
- the right to give evidence via video link or on video (Ireland);
- the right of the victim to prosecute (Finland);
- free legal representation (from public funds) for the victim during the court case (Denmark, Germany, Netherlands and Norway);
- anonymity for victims in terms of media reporting (Ireland and United Kingdom);
- compensation suit for damages linked to criminal cases (Denmark, Germany and Ireland);
- compensation through public funds (Germany and United Kingdom);
- victims can lodge an appeal against a judgment (Ireland and United Kingdom).

Legal representation paid for by the state was extended in 1989 in Denmark beyond the trial to cover the investigation and any claim for compensation.

10.28 Wide-ranging reforms that were introduced in New South Wales, Australia in the 1980s and Canada continue to experiment with new approaches towards rape and sexual assault. The outcomes of the New South Wales reforms were increased reporting, a higher proportion of cases going to trial and higher conviction rates. These reforms included:

- restriction of sexual history evidence;
- overhaul of the prosecution process including training of prosecutors in the realities of rape and rapists;
- the proper application of "similar fact" evidence;<sup>51</sup>
- video recording of the woman's statement and the use of screens in court;
- speedier processing of cases;
- monitoring of trials and analysis of acquittal rates to look at regional variation.

10.29 Canada and various states in Australia have introduced radical reform in the definition of rape. In these jurisdictions rape is defined through non-consent. Previously, in all jurisdictions it was the task of the prosecution to prove that the woman did not consent and it was possible in some jurisdictions for rapists to argue that they "believed" the woman consented, even though there was no evidence to support this belief. The law in these jurisdictions now demands evidence from the accused that consent was sought and given, and it is the defence which has to demonstrate this fact. For example, the law in Western Australia refers to "a consent freely and voluntarily given".

#### *Basic recommendations*

10.30 Rape should be considered to be a crime against the person and personal freedom.

- The definition of rape should not require physical force, but should recognise the many other forms of coercion and duress that can be brought to bear. Where rape is defined in terms of consent, this should be amended so that there is a requirement that consent was explicitly sought and obtained.
- There should be no exemptions for rape in marriage, or dropping of prosecutions on the promise of marriage.
- All forms of rape should be considered to be serious crimes and have commensurate sentences.
- There should be an attempt to consolidate a common set of aggravating factors throughout Europe, and there should be no mitigating factors encoded in law.

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<sup>51</sup> This means that where the same man is accused of raping more than one woman, and there are "similar facts" in the cases, then they can be tried together.

- Rules of evidence should prevent the irrelevant and humiliating questioning of women, and evidence in relation to the woman's past sexual history should not be allowed.
- Rape victims must be entitled to the best investigation and prosecution possible, and measures such as training for police officers, specialist prosecutors and designated courts should be introduced to ensure equal rights under the law.
- The rights of victims to information and support during legal processes should be recognised, and mechanisms put in place to ensure that there is access to these services.
- Victims should have the right to protection when giving evidence and this should comprise some combination of closed courts, screens, video links and video testimony.
- The possibility of women's NGOs being civil parties to cases should be explored.

## **Domestic violence**

### *Problems highlighted*

10.31 In many countries, domestic violence is not dealt with explicitly in criminal law, but is covered under general assault/offences against the person statutes. Most countries with this form of provision reported that very few prosecutions occur. Having a specific offence does not guarantee that the issue is dealt with effectively, but only a specific law can recognise the combination of physical, sexual and psychological abuse within domestic violence, and the unique and complex circumstances of being assaulted by a partner.

10.32 The problems of under-reporting, under-recording and under-prosecution were stressed by many countries, with some emphasising the traditional unwillingness on the part of the police to intervene.

10.33 In many countries, it appears that officials within the justice system - magistrates, judges and lawyers - are not well-informed about domestic violence, fail to understand its seriousness or the pressure and fear which many victims experience.

10.34 Police responses vary immensely within and between countries. In some countries police still treat reports as "private matters" whereas others have introduced new policies and specialised training for officers. The role of the police should be law enforcement in terms of the crimes committed and crime prevention through ensuring women's and children's safety.

10.35 In some European countries there are few, if any, civil measures which provide protection or redress. In many of the countries where such provisions exist they are used by large numbers of women each year. Such remedies need to cover married and non-married partners, current and ex-partners and include both protection orders and orders which give occupancy of the family home to the woman and her children.

10.36 In jurisdictions where protection orders are possible there remain continuing problems with enforcement and access to them. For example, in the United Kingdom, breaches of orders

are seldom prosecuted, recent restrictions on legal aid mean that most women have to pay for them (the costs can be in the region of £1000-2000) and they are often limited to short periods of time (3-6 months). Recent Irish legislation allows for orders lasting up to five years, and orders are renewable without extra cost. Another unresolved issue is whether "associated parties" should be able to apply for orders.

10.37 The discouragement of divorce in some countries makes it even more difficult for women to leave violent men.

10.38 Divorce is almost impossible for migrant women, where their status and residency is linked to marriage to an abusive man.

10.39 Without statutory rights to housing many women and children cannot escape violence.

10.40 The lack of protection afforded by societies means many women have to stay with violent men, or are unable to establish safety when they leave. In extreme circumstances some women conclude that they have no alternative but to kill their abuser. The context in which this action takes place is not easily understood within most homicide/murder statutes, resulting in punitive measures. At the same time, men who kill their female partners after years of abuse seem able to use the available defences to limit the punishment they are accorded.

10.41 Contradictions were noted by several countries between attempts to protect women from domestic violence and the legal requirements that fathers have contact with and access to children. A recently published study covering the United Kingdom and Denmark<sup>52</sup> showed that virtually all the women were further abused as a result of child contact arrangements.

10.42 Some men repeatedly abuse the same woman, and have even been sentenced for assault on at least one occasion. Currently the state, through the courts, fails to recognise the likelihood that this violence will continue and fails to provide the kinds of custodial sentences which would create protection for women and children.

#### *Potential and actual reforms*

10.43 In England and Wales, the police have established Domestic Violence Units. Such units track all domestic violence cases and attempt to follow them up by letter, or even telephone call. In some of the more developed units, the investigation of the case is made by specialised officers who can support women through the prosecution process.

10.44 An extension of this model was a pilot project in which four women civilian "support workers" worked alongside police officers, following up calls and offering comprehensive crisis intervention services.<sup>53</sup> A variation of this model has also been used in some Finnish cities with co-operation between police and social workers.

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<sup>52</sup> Marianne HESTOR and Lorraine RADFORD (1996) *Domestic Violence and Child Contact*, Bristol, Policy Press.

<sup>53</sup> This project "Domestic Violence Matters" was funded by the Home Office and the evaluation is being published in early 1997.

10.45 Italy has a group of women judges specialising exclusively in domestic violence cases.

10.46 Cyprus has recently introduced an integrated law. The Violence in the Family (Protection and Prevention of Victims) Law of 1994 combines elements of criminal and civil law. Such unification means the law is coherent, saves time and money and removes the additional stress on victims of having to file several actions. The legislation encompasses physical, sexual and psychological injury and also recognises that assaulting the mother in front of the child means that violence is being visited on that child. It also includes a range of victim support measures, and third party applications for protection orders are possible.

10.47 In some countries, it is possible to prosecute psychological violence as "insult to the personality" (Greece), or this may be included in broader legislation (Cyprus and Ireland).

10.48 In Norway in 1988 it became possible for cases to be prosecuted even if the complaint is withdrawn. This is also now possible in Finland. This is also the case in jurisdictions outside Europe, and there is considerable debate about whether removing control from the victim amounts to a form of legal coercion or removes the responsibility from her so that there can be no pressure from the violent man to drop the complaint.

10.49 A proposal in Finland would permit women who are being tracked and harassed by their previous partner to change their name and social security number. These rights are more developed in Sweden.

10.50 A new defence to murder and homicide has been proposed in the United Kingdom: "self-preservation"<sup>54</sup> which would enable those who kill abusers in their family to have a defence which places their actions in the context of the history of abuse.

10.51 Work with perpetrators is only just beginning in Europe, and appears to be most developed in the United Kingdom. The programmes which are supported by women's organisations are those which highlight education (rather than therapy), which focus on responsibility for the violence, are linked to the criminal justice system and which increasingly have women's safety as their basic aim (see also Social Support and Assistance).

10.52 In Turkey, where domestic violence is proved, the sentence is increased by 50%.

### *Basic recommendations*

10.53 The fundamental principle in legal action must be the right of women and children to be protected. Within this, the law must be implemented consistently within countries. There is now increasing international evidence that if domestic violence is addressed specifically and systematically this can have an impact, reducing the rate of manslaughter in the short term, and hopefully the incidence of violence in the longer term. Such initiatives include some combination of the following elements which are part of our recommendations:

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This has been proposed by the Justice for Women Network, c/o 55 Rathcoole Gardens, London, N8 9NE.



- detailed training of all law enforcement and justice system personnel;
- a policy encouraging arrest and prosecution (what is sometimes called "presumptive arrest");
- special prosecutors;
- special courts;
- decisions about remand in custody or terms of bail following arrest being made with the protection of women from future assaults as a key element;
- integrated systems committed to responding to domestic violence as a crime, including enforcing protection orders and using short custodial sentences as a deterrent;
- victim/witness support;
- pro-active women's support services which contact the woman once a report is made to the police or other agency and attempt to increase the woman's resources and encourage involvement in the justice system;
- education programmes for violent men in addition, but not as an alternative, to other sanctions;
- increased penalties for repeat offences.

Examples of such models are found in Duluth, Minnesota; Dade County, Florida; Quincy, Massachusetts; Hamilton, New Zealand.

There are a number of additional recommendations:

- It should be possible in individual and class action suits for those responsible for acts of omission (failing in a duty to protect women and children) to be sued for damages.
- An assault by a family member should never be a mitigating factor in terms of sentencing, and there is a strong argument that, if anything, it should be an aggravating one.
- The concept of self-preservation should be allowed as a defence to murder.
- Mechanisms must be in place to enable migrant women to leave violent men without loss of their rights of citizenship.
- There should be recognition in law and practice of the dangers of child contact where there is a history of domestic violence.

- Mediation should never be used as an automatic response to domestic violence, and if it is used it must be within strict guidelines which involve not seeing the parties together, and ensuring that the woman is choosing, rather than being coerced into, mediation.
- Legislation on protection orders should be modelled on the broadest rather than the narrowest provisions, and all applications for orders where a woman's or child's safety is at risk should receive legal aid.
- There should be a review of current murder/homicide statutes and the deposition of domestic homicide cases. If gender bias and injustice is discovered in the operation of the law, a review of cases and status of women convicted for killing abusive men should be conducted.
- Formal guidelines should be developed on how to deal with repeat offenders.
- Laws should be developed to integrate criminal and civil processes.

## **Child Sexual Abuse**

### *Problems highlighted*

10.54 The majority of European countries have no specific laws relating to this issue, but the age of the victim is an aggravating factor in rape and sexual assault laws.

10.55 Overlaying this is the difference between adversarial and inquisitorial legal systems. It would be interesting to know what impact, if any, the basic legal framework has on the rates of prosecution and conviction, and children's experience of the legal processes.

10.56 The major discrepancy within and between countries is the definition of childhood. In many countries, the age which is taken to be an aggravating factor does not coincide with the age of consent and there is considerable variation between countries (for example in one country it is under 18, in another under 12). This creates strange anomalies where children under 12 have high levels of protection while the sanctions for men raping 12-18-year olds can be less than those for rape of adults.

10.57 Similar anomalies exist where there is a specific law on child sexual abuse, for example, in one country, the maximum sentence for incest is less than that for rape of adult women.

10.58 Where incest is defined in law, there are variations in terms of whether it refers only to biological relationships or includes social relationships, such as step-parent, adoptive parent and guardian. Also, some incest statutes only seem to apply to penetration - presumably a residue of concerns about "inter-breeding".

10.59 There are considerable differences in the severity accorded to sexual abuse within the sentencing guidelines, reflecting a continued ambivalence about this issue within societies and legal frameworks.

10.60 Some countries have not adapted the procedures in criminal cases to take account of the different needs and competencies of children as witnesses.

10.61 Very few countries have adjusted investigative and court processes to enable children with disabilities equal access to justice and redress.

10.62 Not all countries have parallel civil child protection systems. These operate with different standards of proof from civil law, and permit orders to be made regarding the child's safety and welfare.

10.63 In a number of countries, girls who are below the legal age of consent and who have been prostituted are being charged for offences, whereas in fact offences have been committed against them.

10.64 In some countries, but in by no means all, children are being denied access to support/counselling until after a criminal case is heard.

10.65 From a position of listening to and believing children, we are now in a position where in some European countries their credibility is being "tested" by a number of supposedly scientific methods (for example, "Statement Validity Analysis"). So-called "False Memory Syndrome" (FMS)<sup>55</sup> has also had an influence on responses to children's testimony. No other group of victim/witnesses is systematically undermined in this way.

#### *Actual and proposed reforms*

10.66 Police training has improved in many European countries, for example, in Denmark, Greece, Sweden and the United Kingdom. In a smaller number of countries, specialist investigative teams have been formed to work together with other professionals, especially social workers (Slovenia and the United Kingdom).

10.67 In Denmark, victims have the right to legal representation, in criminal and civil cases. In the United Kingdom, a guardian *ad litem* can be appointed by the court to protect the child's interests in civil proceedings.

10.68 In some jurisdictions, new ways of conducting investigations have been introduced, including elements such as video recording of investigative interviews, allowing testimony to be given behind screens or by video links.

#### *Basic recommendations*

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We say "so-called" because there is no such recognised clinical syndrome. It is a term developed in the USA by parents whose adult children - usually daughters - had accused them of sexual abuse. Such groups challenge the notion that children may forget abuse (as a coping strategy) and then remember it in later life. They argue that these are "false" memories, which are suggested to vulnerable adults by therapists, often through the use of hypnosis. There is now an increasing body of research which demonstrates that adults do recover memories of abuse. Some of this is compiled in *Trauma, Amnesia and the Denial of Abuse*, FVSAI, 1310 Clinic Drive, Tyler, TX75701, USA.

10.69 Many of the recommendations made in the section on rape apply here, and would make a difference for children (for example, not requiring force in the definition of rape, special prosecutors). But they should be discussed in terms of whether additional elements and safeguards are necessary where the victim is a child. We make the following additional recommendations:

- There should be a civil process which can address issues of child protection and, where the abuser is a family member, intervention should remove abusers rather than children from the family home.
- Legal systems should allow for cases to be prosecuted retrospectively, and for retrospective claims for damages, since children are frequently not in a position to act on their own behalf, and it may take many years before an adult is able to take such action.
- Children should have a formal right to support and counselling before criminal cases are heard without this affecting their testimony.
- There is a pressing need for better training and investigative processes into cases involving child sexual abuse rings and networks. This training should cover the range and variety of such groups (some are based in families, some in childcare facilities, some involve pornography and prostitution, some involve a single abuser and a number of children) and how to combine investigation of sexual abuse and organised crime.
- All investigations should look for pornography and ask children whether they have ever been photographed, for two reasons. Firstly, in some countries, possession of child pornography is in itself a crime, and secondly, if the child has been photographed, this will affect how they experience giving testimony where it is recorded on video or using video links.

## **Sexual harassment**

### *Problems highlighted*

10.70 Sexual harassment seems to fall between various kinds of legislation, being treated in different ways in different countries. Very few countries have specific criminal laws, although some maintain that it may be actionable through their existing criminal law. In many countries it is covered in labour and/or discrimination law and in some by a combination of these.

10.71 There are clearly important issues of definition involved here: whether harassment is deemed a criminal or civil offence, or can be dealt with as either; whether it is limited to the workplace; and how it is defined in law - in some countries it is defined as an abuse of power, in others as an abuse of authority. Where sexual harassment is defined in terms of authority relations, this may confine the reach of the legislation to superiors. In actual fact, it is often colleagues, customers, clients and service users who harass women and this situation appears not to be addressed sufficiently by the law.

10.72 There is also the issue which arises when schools, colleges and universities have their own codes of conduct, which can be in conflict with the current criminal law and procedure. Much confusion was created in the United Kingdom when a university conducted its own internal disciplinary enquiry into an accusation of rape, and this was considered "presumptive justice".

10.73 The European Commission evaluated responses to its 1991 recommendation on sexual harassment and concluded that its Recommendations and Code of Practice "have not led to sufficient measures being adopted in order to ensure a working environment where sexual harassment can be effectively prevented and fought against" (Press Release, 24/7/96 ip/96/689).

#### *Recent and proposed reforms*

10.74 Several countries have amended their penal codes to create an offence of sexual harassment: France (1992), Spain (1995).

10.75 The most radical reforms in relation to harassment at work have combined, making sexual harassment an offence and providing forms of redress and requirements for preventive measures to be taken by governments and employers. Both Ireland and Germany have created this kind of integrated law.

10.76 The 1994 German Act on the Protection of Employees from Sexual Harassment in the Workplace (Employees' Protection Act) stipulates that employers are obliged to take any measures necessary to ensure protection from harassment and to prevent its repetition. The act gives those suffering harassment the right to refuse to work without loss of pay. Similar legislation has been introduced in Finland.

10.77 Sexual harassment was included in the Working Conditions Act in the Netherlands in 1994. Stronger provisions exist in Sweden following a new Equal Opportunities Act in 1992 and also in Austria. Recent reform has also occurred in Belgium (1995) and Finland (1995). New legislation is expected in Ireland and Switzerland in the near future.

#### *Basic recommendations*

10.78 These are as follows:

- Integrated legislation should be introduced combining redress with requirements to prevent harassment.
- Both legislation and Codes of Practice need to recognise that sexual harassment can come from colleagues, not just superiors, and from customers/clients/patients.
- Public display of pornography in workplaces and institutions should be considered a form of sexual harassment, creating a hostile work environment. This should include computer screens and sending pornography or harassing messages to another person's workstation.

- Harassment which women encounter outside the workplace is currently ignored in law, policy and research. This should be addressed urgently. Some recent legislative changes in relation to "stalking" is one example to be explored, as is the much wider legislation in India which prohibits "Eve-teasing".
- Where an act of sexual harassment which occurs at a workplace or educational institution constitutes at the same time a disciplinary and a criminal offence, a decision on disciplinary sanction should not exclude criminal responsibility and vice versa (the principle *ne bis in idem* should not be applied).
- Telephone helplines, with staff trained in legal issues, should be set up to advise both victims of harassment and those dealing with it at an institutional level.

## **Pornography**

### *Problems highlighted*

10.79 The fundamental problem is that of definition. What counts as pornography varies between countries, and between judges and magistrates.

10.80 This issue is far more contested than other areas of violence against women, and debates frequently curtail issues of morality with discussions of women's freedom and equality. Similarly, the issue confronts the exercise of two fundamental rights: freedom of expression and the right to human dignity.

10.81 There is more consensus in relation to child pornography - it is now widely acknowledged that its production involves abuse. However, there remain variations between countries as to whether production, display, sale and/or possession are criminal acts. There is also consensus on the harm involved in coercing women to participate in, and/or imitate, pornography.

10.82 The purpose of legislation varies. In some countries it is designed only to limit the availability of pornography to specified areas and outlets, whereas in others it is possible to prosecute on grounds of content.

### *Actual and proposed reform*

10.83 German law is the most extensive and clear in addressing pornography in the context of protection of women and children. Specific provisions protect women involved in production from a variety of forms of coercion. The law prohibits distribution and production of violent pornography and that which involves children and animals.

10.84 Germany increased penalties in relation to child pornography in 1993 and made its possession a crime. This was also done at around the same time in the United Kingdom.

### *Basic recommendations*

10.85 The basic principle here is that legislation should be framed in terms of the protection of women and children.

- Redress through the civil law should be available for women and children exploited in the production of pornography and through its use.
- Possession of child pornography should be a criminal offence.
- Convictions in relation to all child pornography, and any adult pornography where coercion has been found to have been used in its production, should include mechanisms for the detection and destruction of all such prosecuted material.
- Pornography should not be used in the treatment of sex offenders.
- Public money should not be spent on the purchase of pornography or any other sexual services for the military or any other public institution.

### **Prostitution and trafficking in women**

10.86 There are four different approaches to legislative frameworks on prostitution: criminalisation; regulation; decriminalisation; and legalisation.

10.87 Forced prostitution and trafficking are generally recognised as forms of violence against women, but there is less consensus on the definition of these terms. For example, some argue that all prostitution is forced, since it relies on (and reproduces) women's economic, social and political inequality.

10.88 Bride price is a form of trafficking which persists in some areas of Europe.

10.89 Women who work in prostitution are seldom offered the same respect, protection and redress when they report crimes of violence against them.

10.90 Social conditions, poverty and social dislocation make prostitution one of the few survival options open to women.

10.91 Technology is creating new forms of prostitution, such as "telephone sex".

### *Actual and proposed reforms*

10.92 New laws have been introduced in Germany to address trafficking, providing more protection to victims, including exploitation by "mail-order-marriage" brokers and peep shows.

10.93 Germany has also introduced legislation with respect to sex tourism. German nationals can now be charged with offences committed elsewhere in the world. This is also the case in Sweden where there was a recent conviction under this new law. Finland has always been able to do this: the problem arises where the acts are crimes in Finland, but not in the country where they were committed. The United Kingdom has made it an offence to organise sex tourism and

the owner of a firm was convicted in 1996. The United Kingdom is committed to introducing extra-jurisdictional legislation following a long campaign.

10.94 The Czech and Slovak Republics have specialised units addressing organised crime, including organised prostitution and trafficking. There is now a squad in Germany which specialises in combating trafficking in women, and new training courses are being developed.

10.95 Telephone contact and "chat-lines" aimed at sexual relations are now forbidden in Norway and regulated in the United Kingdom.

#### *Basic recommendations*

10.96 We make the following recommendations on prostitution and trafficking:

- Trafficking should be understood in law as a form of violence against women and girls and a violation of basic human rights. Such legislation needs to be updated in the light of new information, and countries should have dedicated units which investigate trafficking.
- The Council of Europe should take a leading role in reviewing and strengthening international instruments on trafficking.
- Immigration laws should allow females who have been victims of trafficking to stay, and have access to public assistance and services.
- National governments should seriously consider citing pro-active investigative police officers in countries where its nationals are known to be indulging in sex tourism. There may be a role here for linked action where officers represent a number of Council of Europe member States.
- Laws on prostitution should target customers and organisers rather than women and girls.
- There is an obligation on national representatives abroad to make contact with local NGOs which work on trafficking and exchange information.
- Europe-wide initiatives on trafficking should be developed, which would include joint training and possible joint investigations. Each country should have a specialised unit which has a pro-active brief to investigate trafficking and prosecute traffickers.

#### **Female genital mutilation (FGM)**

##### *Problems highlighted*

10.97 Few countries have specific laws, although FGM may be actionable under general assault laws. Even where there are laws very few, if any, cases are brought, suggesting that there is little enforcement.



10.98 A number of countries saw FGM as an issue which did not concern them since it did not exist or "hardly" existed in their country.

10.99 Cultural relativism often surfaces, and inaction is justified through notions of respecting different traditions and cultures.

#### *Actual and potential reforms*

10.100 France, Netherlands, Norway and the United Kingdom have passed specific laws outlawing FGM.

#### *Recommendations*

10.101 FGM must be defined in law as a violation of human rights and an offence within the penal/criminal code. This statement of principle needs to be accompanied by concerted attempts to communicate these principles to migrants and settled communities.

#### **The Foundations of law and law enforcement**

10.102 The following are more general recommendations about the structure and process of law and law enforcement which apply to all forms of violence against women.

- Gender violence should be understood in law as a violation of women's human rights, and made specifically relevant to immigration and asylum.
- The extent to which gender bias and androcentric perspectives pervade the law and legal education must be evaluated, with specific attention given to how violence against women and girls is treated.
- Access to justice must be created for women who are currently often excluded, for example, disabled women, rural women and women who speak minority languages.
- Integrated and enforceable policies should be developed with a view to ensuring that initial police responses, decisions to arrest, detention in custody, and release from custody (whether this be police custody or prison) take the safety of women and children as a key element, thus preventing re-victimisation. This principle should also influence decisions on the conditional placement of prisoners on their release.
- Gender equality in the training and recruitment of judges and magistrates should be promoted, as well as awareness training for all court officials in the realities of violence against women.
- Specialist-trained local police squads staffed by female officers should be created to deal with crimes of violence against women and girls.

- Prosecutors who possess knowledge and expertise in this area should be trained, and possibly also specialist teams.
- Prosecutors should be under a legal obligation to provide - and publish - reasons for non-prosecution of cases.
- All victims should have the right to legal representation (free of charge, as it is for the defendant), and to meet and consult with the prosecutor before the trial date.
- Where preliminary hearings take place, they should as far as possible be replaced by paper disclosure to ensure that victims do not have to give evidence twice.
- When considering custodial sentences, the prime consideration should be the safety of the public, women and children. This should also include increased penalties for repeat offenders as a way of ensuring protection, at least in the short term.
- Judicial standards of practice should be developed to promote equality and support the safety of women and children.
- Codes of Practice for all legal and law enforcement agencies should be developed, aiming at equality for women and zero tolerance. These should include identifying how to decrease the number of acquittals on technicalities and developing protocols for defence counsel which decrease the harassment and degradation of victim witnesses. These should be public documents with mechanisms attached for monitoring the implementation of the code.
- Special courts or areas of courts should be developed to deal with cases involving violence against women and children. For example, no victim should have to wait in the same area as her attacker.
- Victims should be consulted about any potential or actual plea bargains.
- Women's organisations should be involved in the training of police, lawyers, judges, magistrates and other court officials. They should receive appropriate remuneration for this work.
- Legal aid, victim support and women's legal advocacy projects should all be extended. Included in this should be pilot projects explicitly designed to increase access to legal redress for disabled women and children and any other group of victims/witnesses having special needs in the court room. Such projects should continue until equity of access is achieved.
- Coroners and those officials who investigate suspicious deaths should be empowered to conduct inquests/investigations after every murder of a woman or child. This process should determine how the death might have been prevented and what changes are needed in order to save other lives. At all such hearings a representative of a woman's organisation or legal advocate should be present.

- A mechanism needs to be developed to combat the use of under-age offenders by adults to orchestrate crimes such as honour killings.
- Forced early marriages could be addressed by having the same fixed age for boys and girls and a fixed minimum age under which no-one is allowed to marry, probably the age of majority.
- Programmes for offenders should never be used as alternatives for other forms of sanction. The principle of zero tolerance means that appropriate punishments should be used as a matter of course, and re-education ought to be attached to this. This should be understood as a "both/and" position rather than an "either/or" one.
- Self-regulating professions - such as therapists - should be required to produce statements of commitment to zero tolerance and to be responsible for creating strategies to decrease sexual abuse by those in positions of authority.
- All elements of the justice system should be required to keep statistics. Plea bargaining and appeals against conviction and sentence should also be monitored in relation to violence against women.
- All changes to legislation and legal procedure should be monitored and evaluated to assess whether they have been successful in promoting zero tolerance, and if not, what are the remaining barriers to change.

## **SECTION 11: SOCIAL SUPPORT AND ASSISTANCE**

11.1 Support and assistance includes the formal and informal mechanisms and resources which enable women and girls to end violence in their lives and to cope with its impacts and consequences of violence. It includes statutory organisations, NGOs and other community associations, family and friends. It thus embraces all levels of society, and covers areas which are dealt with in other sections of this report. In this section we highlight areas not discussed elsewhere, especially the support and assistance developed and provided by NGOs.

11.2 It is women's organisations (NGOs), especially those working from a feminist perspective, which have developed respectful, effective and appropriate methods and forms of support for women and girls. They have broken the taboo, enabling women and girls to tell their stories in a climate of belief, solidarity and confidentiality. A central principle is to challenge myths and stereotypes which blame women and girls, and to place responsibility for violence on the perpetrator.

Another core principle of feminist support is that the woman or girl should have as much control as possible over her life and choices; support offers her options, it never demands certain actions of her (such as reporting to the police, or reconciling with her partner).

Linked to this is the recognition by these groups that women often prefer to be supported by other women.

### *Problems highlighted*

11.3 The extent of support at both formal and informal levels varies enormously across Europe. This is true in general, and also in relation to particular forms of violence against women. For example, in some countries there are extensive networks of shelters/refuges and emergency telephone hotlines, whereas in other countries there are very few if any (the first shelter/refuge in Slovenia opened in November 1996). The policies of such organisations vary, with some only offering support for limited periods of time and others having no such limits.

Support varies within countries, between urban and rural areas and between regions. Some countries have also begun to address the needs of particular groups of women - migrant women, black and ethnic minority women, disabled women, lesbians, girls, elderly women, poor women - whereas other countries have not even begun to discuss the kinds of support and services different women might need.

This means that women have unequal access to support across Europe, and within each country.

11.4 The financial resourcing for support also varies greatly, with some states making considerable financial contributions to them, while others rely almost totally on fund-raising and charitable donations. The lack of stable and ongoing funding for such groups has created gaps in service delivery, an uneven spread across countries and regions, and has limited the ability of some groups to create access for disadvantaged groups of women.

11.5 The principles of feminist support, which respect women's autonomy, provide support by women for women and victim-blame, are often resisted by other organisations, for example, some of those run by religious organisations or statutory organisations.

11.6 Many statutory organisations, and some community associations, are still working with myths about violence against women, and few countries have yet to develop comprehensive training programmes on this issue for all professionals. We offer two examples (from the many we could have used) to illustrate this.

Mothers of children who have been sexually abused by the woman's partner are often seen as partly to blame for the abuse. They are accused of having "colluded" with the abuse, or of having "failed to protect" the child. They are not treated with respect or understanding, and they - rather than the abuser - often become the focus of intervention. This is unfair both to the woman and the child, since research tells us that being believed and supported by a non-abusing parent mitigates the impact of sexual abuse. Mothers need to be enabled and empowered in this situation, not blamed.<sup>56</sup>

Women suffering domestic violence are often asked why they stay with the man. Even if workers do not ask this question explicitly they have it at the back of their minds. But violent men are seldom asked why they continue to abuse women. International research has now demonstrated that leaving is one of the most dangerous things a woman can do as a disproportionate number of women are murdered when they try to leave violent men. It is the responsibility of society to make it possible and safe for women to leave.

These, and all other forms of mother-blame and victim-blame, deflect attention away from the man's behaviour. They are fundamental barriers to developing effective support for women and girls, and to the creation of zero tolerance of men's violence.

#### *Basic recommendations*

11.7 All countries must ensure that there are sufficient well-funded, autonomous, shelters/refuges and other crisis support services run by women. The most recent United Kingdom estimate is that there should be at least one shelter/refuge place per 7 500 of the population. This should be regarded as the absolute minimum. These services should be able to provide support for all women. They should be based on feminist principles of self-determination, safety and confidentiality. There should be no restrictions on the length of time women and children are allowed to stay. The women and girls using them should be treated as survivors, as well as victims, recognising their courage and strength as well as their hurt and pain. Responsibility for violence should be placed solely with the perpetrators.

11.8 Several models of support exist in Europe for women who have suffered rape, sexual abuse in childhood and sexual harassment. These centres provide combinations of: emergency anonymous telephone helplines; one-to-one support and counselling; survivors' groups; legal advocacy; medical examination and services; campaigning. Centres such as these - using the

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Research and policy development in this area has been developed in the UK and Norway.

same principles outlined in 11.7 - should be established in all major cities, and ways must be found to provide similar services to women in small towns and rural areas.

11.9 Support and assistance for under-recognised forms of violence is far less well-developed. For example, some European countries have support organisations for women and girls who have been the victims of trafficking, for women and girls exploited in prostitution and pornography, for women and girls in relation to female genital mutilation, but many do not. Projects tackling these, and other under-recognised forms of violence, should be supported and encouraged.

11.10 There should be recognition throughout that women and girls have a right to be supported by other women. This right would restore to women and girls some of the basic human rights and control over their lives that violence removes. This principle should be taken into statutory organisations so that women and girls can choose to see a woman police officer, a woman doctor, a woman lawyer, etc. This principle should not, however, be used as an automatic rule - if women wish to be supported by men they should be free to make that choice. Also, it should not be used as an excuse for male workers/professionals to avoid being trained to respond appropriately to violence against women.

11.11 The support that women and girls need when they have been victimised is some combination of the following: someone to talk to about the abuse who will believe and support them; immediate and longer term protection, including safe accommodation; access to information about their legal and other rights; long term support and counselling; legal redress and support throughout this process; medical assistance; access to economic independence, education and training.

11.12 The principles and combinations of support outlined above have been developed most effectively by women's organisations and NGOs. They have been the most creative and consistent in providing appropriate support and assistance. These organisations are often more cost-effective than state alternatives, and they are certainly more effective in meeting women's and girls' varied and complex needs. Governments should, therefore, vigorously support those organisations which have developed this approach. Where they already exist, governments should ensure they are adequately resourced. Where they do not exist or are in early stages of development, governments should ensure their survival and expansion.

11.13 Expansion of resources for specialist women's organisations is needed in all countries. The particular needs in each country will vary. For example, in some countries there may be excellent provision in relation to some forms of violence but not others, or there may be adequate provision in urban areas but little in rural ones. We are convinced that in all European countries there are groups of women who do not have the same access to support and assistance. Even countries with relatively high levels of provision do not have linguistic and culturally relevant services for migrant, refugee and ethnic minority women or disabled women (especially those who use communication aids). Expansion and development is also needed to ensure access to support for: young women; elderly women; lesbians; women and girls working in the sex industry; women living in institutions such as prisons. Governments should encourage and enable existing services to include these groups of women which are currently excluded. It is also important that the issue of violence against women is recognised by organisations which

already exist to provide more general forms of support to the groups of women we have outlined above.

11.14 The areas in which most development of support and assistance is needed are: rural areas; disabled women; women living in institutions, especially long stay hospitals and prisons; migrant, refugee and ethnic minority women and women and girls in the sex industry. Models of provision for these groups should be shared across Europe, so that effective strategies can be adapted and extended throughout.<sup>57</sup>

11.15 Support and assistance from women's organisations has tended to develop in relation to particular forms of violence against women and girls. Whilst this is necessary and effective, international research is increasingly recognising the connections between forms of gender violence. Projects which recognise this and seek to create integrated models of support and assistance should be encouraged and resourced.

11.16 Governments should recognise women's organisations as the experts in this area. This has at least two implications. Firstly, that governments should enable women's organisations to promote their philosophies and practices to other organisations, for example, through publications and training. Secondly, that they should recognise the key role such groups have locally, regionally and nationally in monitoring the responses of other organisations, and making recommendations for change.

11.17 Two huge barriers to women and girls escaping abuse are dependence upon others for economic security and shelter. Some level of social security (even in societies where there is as yet no such system) should be available for women and girls who without it will be trapped in situations of ongoing abuse. They should also have access to safe<sup>58</sup> and affordable temporary and permanent accommodation. This is needed not just for women escaping domestic violence, but also for young women escaping sexual abuse at home, women and girls escaping violent pimps and traffickers, and women and children escaping abusive cults. Linked to this provision should also be opportunities for education and training, which will both enable financial independence and restore lost confidence. In some countries such provision can be developed through linking support organisations and European Union structures and resources.<sup>59</sup>

11.18 Access to legal redress is an essential principle of a zero tolerance approach, since it promotes justice and protection for victims and the potential for sanction and repression for perpetrators. Projects and initiatives which enable women and girls to take legal action (such as publicising their rights) and which support them through the legal process should be seen as invaluable and necessary reinforcements of the system of justice.

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<sup>57</sup> One example is FRANKI: Greater Manchester Women's Support Project (UK) which takes support services to women in prison and women and girls who work in the sex industry.

<sup>58</sup> "Safe" here means separate and far away from whoever is abusing them, with a confidential address.

<sup>59</sup> For example, refuges/shelters in the North and South of Ireland have linked education, personal development and job training courses funded through the European Social Fund.

11.19 Whilst some women and girls might choose to have psychological counselling in a medical setting, not every survivor of violence needs counselling, and many would prefer alternative forms of support, such as self-help and action groups (which campaign against violence), where they discuss issues with other women and girls who share their experiences. Such groups should be encouraged and supported, while ensuring that those women and girls who wish to have formal counselling have access to it. Self-help, action groups and formal counselling should adopt the principles outlined earlier in this section.

11.20 Many women turn first for support and assistance to their friends and relatives. Often they are able to provide (limited) protection and sanctuary. But many women are separated from these sources of support or encounter hostility when they begin to talk about their situation. Governments and existing support organisations should attempt to maximise all potential sources of support through public education. This would increase the options open to women and girls, challenge the taboo on talking about violence, question victim-blame and promote zero tolerance.

11.21 There is also a need for support and assistance for (non-abusive) male children and male partners, and for male survivors of rape and sexual abuse, but these should be additional (in terms of funding and location) to those provided for women and girls.

11.22 There is an important role for intermediate institutions - for example, churches and traditional women's organisations - in enhancing the support offered by individuals and communities, and in promoting zero tolerance. They are important in the task of creating safe communities in which women and girls can enjoy a better quality of life and not be excluded from activities because of concerns about their own safety.

11.23 Resources and recognition should be given to local and national action and campaigning groups which aim to create and promote zero tolerance.

11.24 Applying the principles of zero tolerance to support and assistance involve the following:

- all support and assistance should be safe and confidential, that is, free of violence and abuse, respecting that it is the woman or girl's choice to whom she speaks about what has happened to her;
- crisis support should be available 24 hours a day, 7 days a week - violence and abuse does not confine itself to office hours;
- all support and assistance should be available free of charge, or at least at minimal cost to the woman or girl;
- the woman should be treated as an individual first and foremost. Her position as a mother or a wife should not affect the kinds of support, or options offered to her;
- the woman's or girl's right to safety is paramount, even if this means leaving her family, marriage or relationship;



- there should be policies regarding confidentiality which protect women's safety (such as not putting her address on public documents or giving information about her to anyone outside the organisation);
- there should be policies, practices, resources and sensitivities which mean that there is access to support for all woman and girls who need it;
- women and girls should be treated with respect and with regard to their dignity throughout the process;
- all support should be undertaken from the principle of self-determination;
- women and girls should be offered all the choices and options possible, and while advice may be given, this should never suggest ways in which they ought to act;
- women and girls should not have to consult a multitude of organisations before finding appropriate support;
- in order to be able to offer support, workers and professionals should have a detailed understanding of the reasons why it may be difficult for females to take certain of the options open to them.

## **SECTION 12:EMPLOYMENT AND THE WORKPLACE**

### *Problems highlighted*

12.1 Employers in the public and private sectors have a responsibility to ensure the safety of their staff and to create a working environment that promotes equality. The same principles apply to trade unions and professional organisations.

12.2 Policies on sexual harassment tend to define it narrowly, focusing on authority relations and other employees. This means that forms of redress are not available when the harasser is a peer or someone encountered in the course of paid employment - such as a customer, client or patient.

12.3 Insecure work conditions and the unregulated market mean that women are less able to resist and report violence.

12.4 Workplace issues involve not just employers, they also encompass trade unions and professional bodies. Too often women's equality, and violence against women in particular, have not been seen as relevant by these organisations. One way such relevance can be illustrated is through an awareness of the financial and social costs of violence against women to public services in terms of dealing with reported cases, but also to private employers in terms of absence from work and the impact on work performance. Trade unions have responsibilities to their women members, for example, by promoting zero tolerance.

12.5 Where violence against women in the workplace is addressed, it is usually limited to sexual harassment in the employment context, whereas other forms of violence against women are also relevant. For example: women have been raped or abducted or murdered whilst travelling to and from work, or whilst undertaking tasks outside the office; violent ex-partners often track women to their workplace and may threaten or assault them there, or as they leave; and women job applicants are sometimes required to have unnecessary medical examinations. Having to cope with the trauma of victimisation may affect work performance.

12.6 Businesses make decisions on how to promote and sell their products according to current conventions within the media and advertising. Sometimes the strategies used reflect and reproduce inequality between women and men, and even in some instances glamorise violence against women.

12.7 Large corporations sometimes have equality policies in one country, whilst failing to adopt or implement them in others. Our recommendations should be taken to apply to all locations in which a company has business interests.

### *Basic recommendations*

12.8 All employers, trade unions and professional organisations should produce a statement of principle supporting zero tolerance and women's equality. They should develop both short and long term strategies to eliminate violence and abuse in the workplace linked to overall

equality plans. These policy documents should be understood to apply to the merchandising of products as much as to recruitment and promotion within the organisation.

12.9 In large workplaces or large corporations, a zero tolerance officer should be appointed with a view to developing and monitoring policy, and generally fostering a culture which is intolerant of violence against women.<sup>60</sup>

12.10 Equality, sexual harassment and zero tolerance policies should be common across all locations in which a company/corporation is involved.

12.11 All workplaces should have safety audits conducted, which are reviewed annually. Within these audits, the position of women who may be particularly targeted for harassment should be addressed, for example black women, disabled women and lesbians.

12.12 All workplaces should have an independent, designated and confidential service to which complaints of sexual harassment can be addressed.

12.13 In all workplaces, relevant policies aiming at the elimination of sexual harassment should be initiated. These should include forms of redress for victims and sanctions for harassers. All employees/members should be informed of these policies, and managers should be trained to respond supportively to those reporting harassment and with authority to those accused of it. Such policies should also include preventive strategies, which aim to create zero tolerance and safe workplaces.

12.14 Within these plans, strategies should be developed to prevent harassment by customers, clients, visitors and patients.

12.15 Pornography should not be on public display in workplaces, since it creates a hostile environment for women. It should be a disciplinary offence to publicly display such material, to use office time and equipment to access computer pornography or to harass and invade the privacy of female colleagues by sending it to their machines.

12.16 All relevant bodies should develop awareness and policies with reference to employees/members who experience victimisation, especially with reference to its impact on absence from work and work performance. Included in this should be provision for compassionate leave where an employee has suffered a recent assault, or has to attend court.

12.17 All relevant bodies should develop policies with reference to employees/members who are known to have perpetrated violence against women and children. These policies should be wide-ranging, including instances where there is public knowledge about ongoing abuse both inside and outside the workplace.

12.18 Personnel officers should have basic awareness training on the prevalence and consequences of violence against women.

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This should apply to universities and other educational institutions, which are dealt with in more detail in Section 13.

12.19 Businesses and industry suffer economically because of violence against women. Efforts should be made to assess what they might save by creating safe workplaces.

12.20 Specific efforts should be made to provide access to re-training and employment for women and girls who have escaped violence.

## **SECTION 13: EDUCATION**

### *Problems highlighted*

13.1 Education occurs at many levels and takes various forms. It happens in the family, through the media, as well as in formal settings like kindergarten, schools, colleges and universities.

13.2 Education has a crucial role to play in promoting the principles of zero tolerance at all levels. However, violence against women and girls is currently seen as peripheral to education.

13.3 Where equality issues are addressed in education they tend to be limited to increasing women's and girls' access to training and skills. But education should also include encouraging men and boys to think about equality issues and question aggressive masculinity. Creating zero tolerance requires a fundamental change in the behaviour and attitudes of men and generates new images of masculinity and femininity.

13.4 Education is implicated in according positive value to violence, for example in the way importance is accorded to war as a form of male heroism, whilst ignoring the way in which women and children have been victimised during such conflicts. A self-interested competitiveness is also fostered by some elements of the educational curriculum (how some sporting activities are conducted, and the unnecessary focus by some educationalists on hierarchies of achievement/marks between pupils/students).

13.5 Aggression in boys is more tolerated in educational settings, and has been justified and explained by academic theories suggesting that it is an innate male characteristic. Some forms of education - such as military colleges - are founded on, and perpetuate, such beliefs. Subcultures glorifying violence such as, for instance, traditional initiation rituals of students or army draftees are tolerated widely in schools, youth organisations and the military. The Group was made aware of instances where the culture in military schools and men's team sports explicitly condoned violence against women.

13.6 The Group is concerned that the curricula in some religious schools promote inequality between women and men, and either explicitly or implicitly support violence against women, especially female family members.

13.7 Minimal attention has been given within all educational contexts to instruction on the principles and potentials of non-violent conflict resolution.

13.8 The school system itself is also a domain where various forms of violence have occurred and still occur today. Although many countries have ratified the Convention of the Rights of Children, physical punishment of children by their parents or even by their teachers is often tolerated, if not promoted.

13.9 Considerable amounts of violence against women and girls occur to children and young people whilst they are in formal education. Sexually abused children attend school, as do children who witness the abuse of their mothers. Some violence actually occurs in schools and

colleges with bullying and sexual harassment being the most common forms. Some abusers frequent school playgrounds looking for children to target and some teachers abuse children, and/or abuse their authority by sexualising relationships with young women students.

13.10 Programmes working with violent men are included in education. Insight from other countries where this work is more developed have highlighted particular approaches which are incompatible with a zero tolerance approach:

*"Psychological therapies, such as anger control, and insight management and relationship therapies, such as conflict management and communication training are counterproductive if they provide the perpetrator with an opportunity to search endlessly for the cause of his violence without ever actually taking full responsibility for it. Further they generally do not address social/cultural issues of gender inequality"*<sup>61</sup>

#### *Basic recommendations*

13.11 Zero tolerance will only be effective if new values are understood and promoted throughout the education system. For example, instead of focusing on wars and evaluating them positively, a new approach to history could be promoted which stresses the peaceful resolution of conflicts, and growing awareness of the necessity to develop and protect human rights. Violence should become a negative value like torture. Generally speaking, education should be non-violent. Physical punishment of children contradicts the principles of zero tolerance. Subcultures which glorify violence should be strongly discouraged.

13.12 All teachers and educationalists should be trained to take into account a gender equality perspective in education.

13.13 Basic curricula on human rights should be compulsory for all children and young people in member States, as part of citizenship education. Human rights education programmes which teach that violence in all forms is a violation of these rights should be developed at all levels of education. A human rights perspective should also be integrated into other relevant curricula, for example, awareness of human rights issues must become a core element at police colleges and in military schools.

13.14 The public education campaigns which are a core part of the zero tolerance approach (see Section 6.4 and 6.5) are an attempt at widespread re-education. Local governments, schools, colleges and universities should invest in and promote such campaigns, supporting the basic messages by additional initiatives.<sup>62</sup> The aims are to dismantle myths and inform about the prevalence and consequences of violence against women. Additional information on rights to legal redress and local support services should be made available.

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<sup>61</sup> Source: National Committee on Violence Against Women (1994) *Position Paper*, Canberra, Australian Government Publishing Services, p.12.

<sup>62</sup> This would require negotiating with the copyright holders of the ZT campaign - the Zero Tolerance Charitable Trust, c/o 22 Hawthornebank, Edinburgh, EH6 4HG, Scotland (0131 555 6644 - fax), (cf footnote 46, p 47).

13.15 There is also a vital role in such campaigns for information on how to respond if someone reveals that they have been, or are currently being, abused, how to challenge abusive men and boys and how to question attitudes which support or justify violence against women. All of these actions are vital if zero tolerance is to become meaningful in peoples' lives.

13.16 All those who are responsible for educational institutions should give a consistent message on equality and ending violence. They should all develop zero tolerance policies which include programmes to eliminate sexual harassment, the development of standardised policies and protocols to detect violence against women which give priority to the safety of victims, and have strong and effective redress if the perpetrator is also part of the institution.

13.17 Higher and adult education institutions should be expected to deal promptly and effectively with violence against women among student groups, and schools should have policies and procedures designed to address violence that occurs within and outside the institution.

13.18 Children, young people and students should be made aware of the zero tolerance policy, and be invited to take part in developing, monitoring and evaluating strategies to build it in their institution. They should be part of a yearly review to assess progress and highlight new issues and strategies.

13.19 Educational institutions should also provide support, including peer support, for students who have been/are being victimised - one possibility for colleges and universities would be establishing and staffing women's centres on campus. Consideration should also be given to addressing the needs of students who are perpetrators, with the provision noted in Section 13.9, and using the general principles in Section 13.26.

13.20 There should be trained specialists in each educational institution who understand the relevance of a feminist perspective and the links between violence against women and gender inequality. These individuals should be able to teach about these issues from a human rights perspective and to assess the content of the overall curricula across all sectors in terms of its contribution to zero tolerance.

13.21 New educational materials and approaches to teaching will need to be developed which link the use of violence to notions of masculinity, superiority, competitiveness, inequality, intolerance of difference. One example of such curricula is the Petze project based in Kiel, Germany, which has recently been positively evaluated.<sup>63</sup>

13.22 All children and young people should have the right to sex education, which should address not just the pleasurable aspects of sex but also the way in which it is used as a form of power over someone else. Thus sex education would include information and discussion about all forms of violence against women and girls. The curriculum should also include the human rights of lesbians and gay men, disabled people, positive non-violent parenting, and "media literacy" to enable young people to decode media violence, sex role stereotyping and misleading

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<sup>63</sup> Petze, Knooperweg 32, Hofgebäude, 24103 Kiel, Germany.

portrayals of women and men, including those in pornography. Such courses should also include non-violent conflict resolution, exploring respectful ways of disagreeing and debating issues. The goal of such education should be to provide accurate information whilst at the same time promoting self-respect, mutual respect and co-operation between women and men.

13.23 Girls and young women should have access to free self-defence training, with the option for women instructors, and courses should be specially designed to include disabled women and girls.

13.24 A gender equality perspective should be mainstreamed at university level. As with school teachers, lecturers will be expected to examine their own curricula to assess whether they adequately address violence against women (in the case of vocational courses, such teaching will be a required element) and whether they fit within the zero tolerance framework.

13.25 Gender/women's studies and research on violence against women using feminist methodologies should be supported and developed, especially in terms of contributing to the design of curricula, textbooks and teaching aids and in teacher training. Universities should also support research which involves co-operation between researchers and local service providers using an action research model to create local change.

13.26 National training initiatives which take zero tolerance principles and framework as a beginning should be created, improved or developed for all professionals. Included here are: judges, prosecutors, court welfare officers, magistrates, police, probation officers, prison guards, social workers, psychologists, psychiatrists, doctors, nurses, midwives, accident and emergency staff, teachers, youth workers, counsellors, interpreters, crisis workers including those working in emergency housing, public housing workers, social security staff, refugee workers, immigration officials, clergy, disability workers, government officials and policy makers.

13.27 These training courses should have common core elements on the definition, forms and scale of violence against women, its impacts on the victims, the ways perpetrators deny and deflect responsibility, and the financial and social costs of violence. The needs and experiences of particular groups of women, as specified elsewhere in this Plan of Action, should also be included. Specific additional elements should address the particular role each group can play in developing zero tolerance.

13.28 These curricula should become required elements in vocational degrees and training courses, and regular updating sessions on new research and policies should be available. Awareness of violence against women and the link to equality issues should become a formal rating factor in staff performance appraisals. An additional element here is training for all officials in law enforcement, prison and security services in humanitarian and human rights in order to decrease the extent of abuse by public officials.

13.29 Programmes for violent men are located within education. To comply with the philosophy of zero tolerance they should be based on the following principles:

- women and children's safety should be the guiding priority and principle;



- the violence should be responded to as a crime;
- criminal proceedings and penalties should continue;
- men's programmes should never be used as alternatives to criminal proceedings;
- the man must be held totally responsible for his violence and the aim of work should be the absolute and permanent cessation of the violence;
- joint sessions with women should never be undertaken;
- linked but autonomous support services for women should be available to ensure she gets accurate information about the programme, can feed back information about his behaviour if she wants to, and be offered independent support to assess her own choices and options;
- work with men should be educational (rather than psycho-dynamic) in focus, challenging beliefs and attitudes which support gender inequality and justify violence;
- these programmes should be properly and externally evaluated;
- the funding for perpetrator programmes should never take money from resources for victims of violence.

## SECTION 14:HEALTH

### *Problems highlighted*

14.1 Violence against women and girls has many adverse affects on physical and mental health. A recent World Bank report<sup>64</sup> estimated that 25% of women's lost years of healthy life were due to the impact of violence.

14.2 There are strong links between violence against women and women's morbidity and mortality, and serious consequences in terms of sexuality and reproductive rights.

14.3 All violence is traumatic and leads to traumatic stress which, in turn, causes physical and psychological changes. Some of these are coping/defence mechanisms developed to manage fear, anxiety and distress and some diseases as a result of chronic and acute stress.

14.4 Some of the health consequences of violence are: superficial or internal injuries (for example, haemorrhage, broken limbs and bones, liver rupture), diseases (for example, heart attacks, stomach ulcer, pathological changes in the immune system) and other unwanted outcomes such as miscarriage as a direct consequence of violence. Forced conception, forced interruption of pregnancy, forced sterilisation, loss of the possibility of control over one's fertility are all particular and serious forms of violence against women.

14.5 There are particular health consequences of female genital mutilation, which many European health personnel are unfamiliar with, and this lack of knowledge can produce an additional health risk (for example, with some forms of FGM it is necessary to cut the stitching before a woman can give birth).

14.6 In terms of psychological health, violence against women needs to be understood in terms of crisis and catastrophe/trauma psychology. Experiencing violence creates a *catastrophe secret* which, as a defence mechanism, leads to loneliness, guilt, shame, powerlessness, which all negatively affect the woman's self concept and increase her sense of isolation from others.

14.7 The health consequences of violence depend on the type of violence suffered and its frequency. All violence affects the integrity of the human body, with the ultimate consequence being the death of the victim.

14.8 Health professionals are frequently in contact with women who are suffering the consequences of violence, but they have been extremely slow in recognising this, preferring to treat the symptoms rather than identify the cause.

14.9 The prevailing socio-cultural models addressing violence against women do not acknowledge that, for the "victim", it is an ongoing process. In other words, they tend to assume that after the assault there is a resolution, whereas for the "victim" it is a question of a continuing struggle to cope and survive.

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Lori HEISE (1993) *Violence Against Women - The Hidden Health Burden*, New York, World Bank.

14.10 In addition, the medical practice of some professionals in this field raises questions of self-determination and lack of consent (the way certain hospitals, especially gynaecological/obstetrical departments, are run and the practices of forced abortion and sterilisation, unnecessary caesarian sections, and the exploitation of infertile women in experiments on new methods of assisted reproduction), and reports of sexual harassment and abuse by medical staff.

14.11 It is often physicians and medical personnel who are in contact with the victim prior to police involvement and they are often called upon to give testimony in cases of violence. The role of physicians and medical staff is therefore of the utmost importance when it comes to the prosecution of the perpetrator.

14.12 The role of physicians should be to provide victims not only with proper medical treatment, but also with psychological support, possibly advising and informing them about the consequences they might suffer from the act of violence and to prepare them for a possible prosecution of the perpetrator.

#### *Basic recommendations*

14.13 Women who have been victims of violence should have access to free crisis health care and longer term treatment and support.

14.14 All health institutions should develop a zero tolerance policy, which would include a safety audit of the institution in terms of both staff and patients, and a commitment to improving protection for, and response to, women who are victims of violence.

14.15 Women should have the right to choose to be examined and treated by women doctors and nursing staff, but this should not be imposed. To make this a realistic possibility, more women must be encouraged and enabled to specialise in gynaecology and obstetrics, and these qualified women need to be present in all hospitals and health care settings.

14.16 Strict disciplinary procedures need to be in force to deal with sexual harassment and exploitation of staff and patients. It should be stated explicitly that medical staff are not permitted to perform FGM.

14.17 Violence against women must become a core element in the training of all medical staff (see Section 13), with particular emphasis on the link between violence and ill health, and the ways in which supportive intervention at an early point can mitigate some of these impacts. A section of this training, especially for those involved in pre- and post-natal care should address the potential health complications of FGM.

14.18 Medical staff need to take account of the zero tolerance principle of treating violence against women as a crime. If they name it in this way, it may encourage a woman to report and seek legal redress, although no woman should be forced to report if she does not want to.

14.19 Protocols involving routine questions need to be introduced which would aid the detection of violence as the cause of ill health and injury. Staff need to be trained in how to respond supportively when violence is disclosed. A model for this is currently being developed in a large hospital in Dublin, facilitated by a worker from Dublin Women's Aid, but this is equally relevant to those who have small medical practices or who work in local/community health centres.

14.20 Awareness should be increased of the proportion of women with mental health problems who have histories of abuse, or are currently suffering violence. All mental health assessments should address violence, and no woman patient should have to be on a mixed sex ward or participate in mixed sex group therapy.

14.21 The option to specialise in the problems of violence against women should be offered at all levels of the health profession.

14.22 The onset or increase in severity of domestic violence during pregnancy should be a key issue in all maternity and post-maternity services. Such patterns ought to be tracked, especially in terms of miscarriages and babies born with disabilities or injuries such as bruising.

14.23 Hospitals and other large medical settings should consider employing a violence against women advocate. This person would have two roles: to continue to develop policy and training for the staff, and to offer advice, crisis support and advocacy to women victims.

14.24 A more comprehensive model of health needs to suffuse medical services in which the connections between mind and body are acknowledged.

14.25 Recognition needs should be given to the potential impact on staff of becoming more sensitised to violence against women and girls. Some provision should be made for caring for the needs of health workers, especially with regard to stress.

14.26 Serious consideration needs to be given to ways of breaking the double patrimonial relationship between male doctors and female patients, since it is a power relationship and tends to reinforce rather than challenge the relationships of power which underlie violence against women.

## SECTION 15: THE MEDIA

### *Problems highlighted*

15.1 The media are an increasingly influential aspect of modern societies, providing and interpreting information in a wide range of formats, including: the press, television and radio, advertising, the cinema, new information technologies (ranging from the telephone to the Internet), books and conferences.

15.2 Debates about the influence of the media in terms of all forms of violence, and violence against women in particular, reflect an ambivalence about responsibility, focusing on strategies of self-regulation and control. The Group rejects the opposing of freedom versus responsibility, and suggests that our orientation should be freedom with responsibility. Our recommendations encourage self-regulation, and are mindful of Article 7 of the Transfrontier Television Convention which stresses the importance of respect for the dignity of the person.<sup>65</sup> Examples of press disrespect, of which the Group was made aware, were press and broadcast media breaching the confidentiality of refuge/shelter addresses and locations and the anonymity afforded to women and girls in some countries who are taking cases through the court system.

15.3 Parts of the media have a complex and contradictory influence in this area, having reproduced stereotypes and in this sense promoted violence against women, whilst at other times having a lead role in presenting new information and perspectives.

15.4 Parts of the media are responsible for the production and broadcast of pornography and of sexist advertising.

15.5 There is increasing international concern at both the amount of pornography (including child pornography), and the levels of sexual harassment possible, that can be produced and distributed through new technology, especially the Internet, cyberspace and virtual reality. These new "on-line" active communication services are developing rapidly and raise new and difficult questions about responsibility and accountability. For example, should senders and/or service providers be made legally accountable for the content of information? The global reach of such systems also creates complex questions as to whether the legal framework in sending or receiving countries are to be used in any potential action. There is an urgent need here for discussion of common forms of legal regulation.

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Article 7: Responsibilities of the broadcaster

1. All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others.  
In particular, they shall not:
  - a. be indecent and in particular contain pornography;
  - b. give undue prominence to violence or be likely to incite to racial hatred.
2. All items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled when, because of the time of transmission and reception, they are likely to watch them.
3. The broadcaster shall ensure that news fairly presents facts and events and encourages the free formation of opinions.

15.6 Current media research<sup>66</sup> tells us that the probable function of the mass media is to preserve the status quo. The representation of violence in the media is the visualisation of the use of physical, psychological or structural force, that is, power which aims to control, isolate, intimidate or destroy. Whoever can decide how a violent event is to be represented wields considerable power within the media production process.

15.7 Whilst simplistic conclusions about the causes and effects of violence in the media have often been drawn, the following findings have been scientifically verified:

- women tend to become more fearful as a result of exposure to media violence, and women who have experienced violence themselves are more strongly affected than women who have not;
- these representations tend to reinforce traditional masculinity, justifying men's "right" to use violence;
- stereotyped sexual violence arouses the average man sexually and can incite aggression;
- there is a correlation between sexual activity instigated by sexualised violence in the media, belief in rape myths and real life violent acts perpetrated against women in their everyday life;
- repeated exposure to acts of sexual violence against women increases hostile attitudes to women which in turn exerts a negative influence on the relations between the sexes.

15.8 The Beijing Platform for Action notes:

*"Images of violence against women, especially rape and sexual slavery, as well as the use of women and girls as sex objects, including in pornography, contribute to the continuing prevalence of such violence adversely affecting the community at large."*

It is essential that awareness develops within the media of their influence in generating and reproducing violence against women by glamorising it, by showing that violence is an effective strategy in getting what one wants and minimising its costs and consequences to victims.

15.9 The Group is also aware of the vital influence of the media in generating the kinds of public debates that are necessary if zero tolerance is ever to be achieved. The media has a key role in either promoting or undermining women's equality.

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George GERBNER (1990), *Violence and terror in the mass media*, UNESCO, Paris, No 102.

*Basic recommendations*

15.10 Our fundamental recommendation is to encourage the media to participate in the development of the principles of zero tolerance (see Section 6.5) and where (and when) they exist in national and Europe-wide zero tolerance public education campaigns (see Section 7). The media can also take a lead in promoting national and local awareness of the International Day to End Violence against Women (25 November). We hope that the media in all countries will support this through donating resources, airtime and advertising space for the development and promotion of the zero tolerance philosophy, campaigns and the Day of Action.

15.11 Media professionals, including press councils, broadcasters' associations, advertising foundations, film production companies, should produce a Zero Tolerance policy in which they support the philosophy and outline the implications for media representations of violence against women. Professional guidelines and codes of conduct ought to be part of such documents. Also included in such policies should be safety audits by companies (as outlined in Section 12 on employment and the workplace), including women's safety when on location.

15.12 A policy such as this should be required of all companies with broadcast licences, and be an element in assessing applications for these licences. It should include effective strategies to eliminate gratuitous violence, sexist and racist portrayals that demean women, decrease sensationalism (focusing on stranger attacks and depicting perpetrators as "monsters") and increase accurate and sensitive reporting (that most assaults are by men known to women).

15.13 All public broadcast organisations should have the promotion of realistic, diverse and better balanced images of women and men as a key element in their mission statements. Within this overall goal should be a commitment to representing equality between women and men, and conveying accurate information (in as many languages as possible) to women about where they can find support if they are suffering violence. These companies should see these requirements as opportunities to build their female audiences.

15.14 Women who understand the connections between equality and violence against women in the media should be appointed to regulatory, governing, consultative and programme advisory bodies.

15.15 Gender equality in hiring/employing and career development in the media should be promoted, and companies should develop short and long term gender equality plans.

15.16 Media professionals should be trained and sensitised to the reality of violence against women, the latest research and the value of prevention as both health promotion and crime prevention.

15.17 Media professionals and organisations should take a lead in developing resources and curricula that would increase media literacy in education amongst young people.

15.18 Media professionals and organisations should contribute to free (or very cheap) training courses which would increase the knowledge and skills of autonomous women's NGOs to use the media more effectively.

15.19 Governments in each country should establish, and resource, an autonomous women's media watch organisation to monitor violence against women and sexism in the media.

15.20 The various sectors of the media should link to create a monitoring body which can investigate breaches of voluntary codes of conduct. Women's organisations working on violence - and, where they exist, women's media watch - should be able to report breaches to such bodies, be invited to give evidence, and where relevant have observer status where judgments are being made.

15.21 Recent developments for the self-regulation of Internet news groups through a moderator and, if possible, filtering systems should be encouraged. We also commend the development of specific strategies to monitor child pornography and networking between child abusers on the Internet.<sup>67</sup>

15.22 On-line service providers should consult with women's organisations about possible positive uses for new technologies which promote zero tolerance.

15.23 Where voluntary professional codes of conduct prove ineffective, disciplinary sanctions and financial penalties should be available.

15.24 Governments could offer financial incentives for non-violent publicity and/or films, and should ensure that all government advertising does not support sexist, racist or violent programming.

15.25 Research should be promoted on the impact of media reporting and representation of violence against women, especially how the victims and perpetrators are depicted and whether this reproduces myths and stereotypes. Within this research, particular attention should be paid to how the messages are received by women who have experienced victimisation and men who have perpetrated violence. Research should also be undertaken on the impact of gender stereotypes, especially in commercial advertising in fostering inequality, and therefore violence against women. Evaluations should be collected from diverse groups of women on the success of the media in reflecting equality and promoting women's safety.

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<sup>67</sup> Two examples the Group is aware of are Internet Watch in the UK, which will take referrals from users about things they have seen, investigate them, and where they suspect illegal activity has taken place, report this to the police. Save the Children in Sweden have taken a more pro-active approach and employed 14 experienced computer hackers to search for child pornography and networking between sexual abusers on the Internet. These people are required to report any findings to the police and to Interpol.



## **SECTION 16: MONITORING PROGRESS**

16.1 The Group wishes to stress that the issues it has raised are urgent, for the countless women who have suffered and are currently suffering violence and abuse, and for the women's NGOs which support them.

16.2 The work which has gone into producing this Plan of Action will be worthless unless effective monitoring of its implementation is developed.

16.3 The Steering Committee for Equality between Women and Men (CDEG) must ensure that there is an effective and regular monitoring process to which all member States of the Council of Europe are required to contribute.

16.4 An outline for national monitoring was included in the section on governments. It requires a senior government official to be appointed with responsibility for overseeing the implementation of a national Plan of Action drawing on this document. Such national plans were to set three-yearly objectives, but have annual reports on progress to date. The fundamental issue in such reviews should be the effectiveness of strategies in relation to the Zero Tolerance three p's: provision, protection and prevention (see glossary for protection and prevention, provision includes the glossary definitions of support/assistance, education and repression).

16.5 Basic goals for the first three years in all countries should be to:

- conduct the review of the legal framework;
- expand and ensure adequate resourcing for shelters, crisis services and advocacy projects;
- ensure that the zero tolerance philosophy has been widely discussed and adopted by relevant organisations;
- develop and implement a national training initiative for professionals;
- decrease the attrition rate in reported cases;
- decrease the number of domestic homicides.

16.6 Each community should have a standing committee to co-ordinate and promote its zero tolerance policy. Membership should combine specialist women's organisations and representatives of professional groups. If possible, such groups should have funded co-ordinators. These groups should set themselves achievable local three-year plans, and report each year on progress to date.

16.7 Where a national observatory or institute is established (see Sections 8 and 9) one of its designated tasks would be to monitor all such reports. Where there is no such body, a national (and where, relevant regional) standing committee should examine all these reports. Either of these bodies should highlight those areas which have achieved (and exceeded) the targets, and areas where progress has been less effective, and suggest new local and national targets.

## **SECTION 17:CONCLUSIONS**

17.1 Violence against women is both a serious obstacle to the achievement of women's equality, and the outcome of the inequality which persists throughout Europe.

17.2 Experience in a number of countries shows that women and men can be mobilised to overcome and resist violence and that effective public measures can be taken to address both the causes and consequences of violence against women. This Plan of Action is seen as a spur to member States of the Council of Europe to take the lead in mobilising these energies and commitment.

17.3 Violence against women needs to be understood within a social context, not as individual unconnected events. It is the result of the social construction of a particular form of masculinity (aggressive masculinity) - the set of traditions, habits and beliefs - which permit men to assume the right to use violence as a means of exercising their dominance and control. This, however, does not mean that individual men are not responsible for their own actions.

17.4 Members of all communities have a collective responsibility to condemn the use of violence against women and give paramount importance to the safety of victims of violence. It is particularly important that men begin to take more responsibility for this issue. Everyone, everywhere must become intolerant of violence against women and uphold the belief that no woman deserves violence and that the use of violence is a crime.

17.5 A state of genuine respectful and equal relationships and mutual co-operation between men and women will be characterised by men acknowledging their capacity to be violent and controlling, accepting responsibility for their own behaviour, dissociating themselves from assumed power and privilege, genuinely according women equal status and respect, and denouncing expectations of men's "right" to own women.

17.6 Violence against women will only be eliminated when men stop using violence and when communities refuse to condone it.



## **APPENDIX I**

The Zero Tolerance campaign postcards will appear on this page



## APPENDIX II

### Questionnaires

#### List of governmental and non-governmental bodies and organisations which have replied to the questionnaires

#### QUESTIONNAIRE I

<b>Austria</b>	Federal Ministry of Interior, Office of the Minister for Women's Affairs
<b>Belgium</b>	The Open Door (Brussels), C.O.V.I.F. (Brussels), SOS Viol asbl (Brussels), SOS Inceste asbl (Brussels), Ministry for Employment and Labour (General Secretariat for Equal Opportunities)
<b>Cyprus</b>	Ministry of Justice and Public Order (Department of Statistics and Research), Law Office of the Republic, the Association for the Prevention and Handling of Domestic Violence
<b>Czech Republic</b>	Ministry of Foreign Affairs
<b>Denmark</b>	Equal Status Council, Ministry of Justice
<b>Finland</b>	Co-operation experiment between the Helsinki Social Service and the Helsinki Police, Ministry of Interior (Police Department)
<b>Germany</b>	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
<b>Greece</b>	Greek League for Women's Rights, Movement of Democratic Women in Athens, P.A.S.O.K., General Secretariat for Equality, the Political Spring Party (Section for Women's Issues)
<b>Liechtenstein</b>	The Police of the Principality
<b>Malta</b>	Social Welfare Development Programme (Unit on Violence against Women)
<b>Netherlands</b>	/
<b>Norway</b>	Royal Ministry of Children and Family Affairs, Haukeland Hospital, the Norwegian Research Council (Secretariat for Women's Research), Ministry of Health and Social Affairs, Redd Barnas Centre for the Prevention of Child Sexual Abuse, Ministry of Justice and Police, Ministry of Education, Research and Church Affairs
<b>Poland</b>	Federation for Women and Family Planning, Ministry of Health and Social Care, National Agency for Solving Alcohol Problems
<b>Portugal</b>	A.P.A.V. (Victims' Support Association), Ministry of Labour and Employment (Commission for Equality and Women's Rights)
<b>Slovak Republic</b>	Bratislava International Centre for Family Studies, Police Force Headquarters, Ministry of Internal Affairs, Comenius University (Faculty of Medicine, Department of Social Medicine)
<b>Slovenia</b>	SOS Telephone Organisation, Open Telephone, Organisation against Sexual Assault, Ministry of Internal Affairs, Children and Youth Telephone, Confidential Telephone, Office for Women's Politics of the Government
<b>Sweden</b>	Ministry of Justice, the Swedish National Council for Crime Prevention

<b>Switzerland</b>	Federal Department of the Interior (Office for Equality between Women and Men), Ministry of Justice, Refuge for Battered Women and their Children (Zürich), Conference of Chiefs of Cantonal Justice and the Police Department
<b>Turkey</b>	Mor Çati (Foundation for Women's Solidarity), Prime Ministry (General Directorate on the Status and Problems of Women)
<b>United Kingdom</b>	Women's Support Project (Glasgow), Department of Employment (Sex Equality Branch), Leeds City Council, Northern Ireland Women's Aid Federation, Rights of Women

## QUESTIONNAIRE II

<b>Austria</b>	Federal Ministry of Interior
<b>Belgium</b>	The Open Door (Brussels), C.O.V.I.F. (Brussels), Ministry for Employment and Labour (General Secretariat for Equal Opportunities), Refuge for Battered Women (Liège), Centre for the Prevention of Domestic Violence (Brussels)
<b>Cyprus</b>	Ministry of Justice and Public Order (Department of Statistics and Research), Law Office of the Republic, Department of Social Welfare Services
<b>Czech Republic</b>	Ministry of Foreign Affairs
<b>Denmark</b>	Equal Status Council
<b>Finland</b>	Ministry of Interior (Police Department), Finnish Bar Association
<b>Germany</b>	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
<b>Greece</b>	Greek League for Women's Rights, Movement of Democratic Women in Athens, P.A.S.O.K., General Secretariat for Equality, the Political Spring Party (Section for Women's Issues)
<b>Liechtenstein</b>	The Women's House
<b>Malta</b>	Social Welfare Development Programme (Unit on Violence against Women)
<b>Netherlands</b>	/
<b>Norway</b>	Royal Ministry of Children and Family Affairs, Haukeland Hospital, the Norwegian Research Council (Secretariat for Women's Research), Redd Barnas Centre for the Prevention of Child Sexual Abuse, Ministry of Justice and Police, Ministry of Education, Research and Church Affairs
<b>Poland</b>	Federation for Women and Family Planning
<b>Portugal</b>	A.P.A.V. (Victims' Support Association), Ministry of Labour and Employment (Commission for Equality and Women's Rights)
<b>Slovak Republic</b>	Police Force Headquarters, Ministry of Internal Affairs, Comenius University (Faculty of Medicine, Department of Social Medicine)
<b>Slovenia</b>	SOS Telephone Organisation, Open Telephone, Organisation against Sexual Assault, Ministry of Internal Affairs, Children and Youth Telephone, Confidential Telephone, Office for Women's Politics of the Government
<b>Sweden</b>	Ministry of Justice, the Swedish National Council for Crime Prevention
<b>Switzerland</b>	Federal Department of the Interior (Office for Equality between Women and Men), Ministry of Justice, Solidarity of Women (Biel), Conference of Chiefs of Cantonal Justice and the Police Department
<b>Turkey</b>	Mor Çati (Foundation for Women's Solidarity), Prime Ministry (General Directorate on the Status and Problems of Women)
<b>United Kingdom</b>	Women's Support Project (Glasgow), Department of Employment (Sex Equality Branch), Leeds City Council, Northern Ireland Women's Aid Federation, Rights of Women



### QUESTIONNAIRE III

<b>Austria</b>	Federal Ministry of Interior
<b>Belgium</b>	The Open Door (Brussels), C.O.V.I.F. (Brussels), Ministry for Employment and Labour (General Secretariat for Equal Opportunities), SOS Viol asbl (Brussels), SOS Inceste asbl (Brussels)
<b>Cyprus</b>	Ministry of Justice and Public Order (Department of Statistics and Research), Law Office of the Republic, Department of Social Welfare Services
<b>Czech Republic</b>	Ministry of Foreign Affairs
<b>Denmark</b>	Equal Status Council, Ministry of Labour and Social Affairs
<b>Finland</b>	Ministry of Interior (Police Department)
<b>Germany</b>	/
<b>Greece</b>	Greek League for Women's Rights, P.A.S.O.K., General Secretariat for Equality, the Political Spring Party (Section for Women's Issues)
<b>Liechtenstein</b>	The Police of the Principality
<b>Malta</b>	Social Welfare Development Programme (Unit on Violence against Women)
<b>Netherlands</b>	Ministry of Health, Welfare and Sports
<b>Norway</b>	Royal Ministry of Children and Family Affairs, Haukeland Hospital, the Norwegian Research Council (Secretariat for Women's Research), Support Centre in Trondheim, Redd Barnas Centre for the Prevention of Child Sexual Abuse, Ministry of Education, Research and Church Affairs
<b>Poland</b>	Federation for Women and Family Planning
<b>Portugal</b>	A.P.A.V. (Victims' Support Association), Ministry of Labour and Employment (Commission for Equality and Women's Rights)
<b>Slovak Republic</b>	Police Force Headquarters, Ministry of Internal Affairs, Comenius University (Faculty of Medicine, Department of Social Medicine)
<b>Slovenia</b>	SOS Telephone Organisation, Open Telephone, Organisation against Sexual Assault, Ministry of Internal Affairs, Children and Youth Telephone, Confidential Telephone, Office for Women's Politics of the Government
<b>Sweden</b>	Ministry of Justice, the Swedish National Council for Crime Prevention
<b>Switzerland</b>	Federal Department of the Interior (Office for Equality between Women and Men), Ministry of Justice, Conference of Chiefs of Cantonal Justice and the Police Department
<b>Turkey</b>	Mor Çati (Foundation for Women's Solidarity), Prime Ministry (General Directorate on the Status and Problems of Women)
<b>United Kingdom</b>	Department of Employment (Sex Equality Branch), Leeds City Council, Northern Ireland Women's Aid Federation, Rights of Women, London's Women Aid

## QUESTIONNAIRE IV

<b>Austria</b>	Federal Ministry of Interior
<b>Belgium</b>	The Open Door (Brussels), C.O.V.I.F. (Brussels), Ministry for Employment and Labour (General Secretariat for Equal Opportunities), SOS Viol asbl (Brussels)
<b>Cyprus</b>	Ministry of Justice and Public Order (Department of Statistics and Research), Law Office of the Republic, Pan-Cyprian Federation of Labour
<b>Czech Republic</b>	Ministry of Foreign Affairs
<b>Denmark</b>	Equal Status Council
<b>Finland</b>	Ministry of Interior (Police Department)
<b>Germany</b>	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
<b>Greece</b>	Greek League for Women's Rights, Movement of Democratic Women in Athens, P.A.S.O.K., General Secretariat for Equality, the Political Spring Party (Section for Women's Issues)
<b>Liechtenstein</b>	The Women's House
<b>Malta</b>	Social Welfare Development Programme (Unit on Violence against Women)
<b>Netherlands</b>	Ministry of Social Affairs and Employment
<b>Norway</b>	Haukeland Hospital, the Norwegian Research Council (Secretariat for Women's Research), Royal Ministry of Local Government and Labour, Redd Barnas Centre for the Prevention of Child Sexual Abuse, Ministry of Education, Research and Church Affairs
<b>Poland</b>	Federation for Women and Family Planning
<b>Portugal</b>	A.P.A.V. (Victims' Support Association), Ministry of Labour and Employment (Commission for Equality and Women's Rights)
<b>Slovak Republic</b>	Police Force Headquarters, Comenius University (Faculty of Medicine, Department of Social Medicine)
<b>Slovenia</b>	SOS Telephone Organisation, Open Telephone, Organisation against Sexual Assault, Ministry of Internal Affairs, Children and Youth Telephone, Confidential Telephone, Office for Women's Politics of the Government
<b>Sweden</b>	Ministry of Justice, the Swedish National Council for Crime Prevention
<b>Switzerland</b>	Federal Department of the Interior (Office for Equality between Women and Men), Ministry of Justice, Conference of Chiefs of Cantonal Justice and the Police Department, Doctors' Trade Union
<b>Turkey</b>	Mor Çati (Foundation for Women's Solidarity), Prime Ministry (General Directorate on the Status and Problems of Women)
<b>United Kingdom</b>	Department of Employment (Sex Equality Branch), Leeds City Council, Trade Union Congress, Rights of Women

## QUESTIONNAIRE V

<b>Austria</b>	/
<b>Belgium</b>	The Open Door (Brussels), C.O.V.I.F. (Brussels)
<b>Cyprus</b>	Law Office of the Republic
<b>Czech Republic</b>	Ministry of Foreign Affairs
<b>Denmark</b>	National Board of Health
<b>Finland</b>	Ministry of Interior (Police Department)
<b>Germany</b>	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
<b>Greece</b>	P.A.S.O.K., the Political Spring Party (Section for Women's Issues)
<b>Liechtenstein</b>	/
<b>Malta</b>	Social Welfare Development Programme (Unit on Violence against Women)
<b>Netherlands</b>	/
<b>Norway</b>	Haukeland Hospital, the Norwegian Research Council (Secretariat for Women's Research), Redd Barnas Centre for the Prevention of Child Sexual Abuse, Ministry of Education, Research and Church Affairs
<b>Poland</b>	Federation for Women and Family Planning
<b>Portugal</b>	A.P.A.V. (Victims' Support Association), Ministry of Labour and Employment (Commission for Equality and Women's Rights)
<b>Slovak Republic</b>	Police Force Headquarters, Ministry of Internal Affairs
<b>Slovenia</b>	SOS Telephone Organisation, Open Telephone, Organisation against Sexual Assault, Ministry of Internal Affairs, Children and Youth Telephone, Confidential Telephone, Office for Women's Politics of the Government
<b>Sweden</b>	Ministry of Justice, the Swedish National Council for Crime Prevention
<b>Switzerland</b>	Federal Department of the Interior (Office for Equality between Women and Men), Ministry of Justice, Conference of Chiefs of Cantonal Justice and the Police Department
<b>Turkey</b>	Prime Ministry (General Directorate on the Status and Problems of Women)
<b>United Kingdom</b>	Department of Employment (Sex Equality Branch), Leeds City Council, Foundation for Women's Health Research and Development (FORWARD, London), Northern Ireland Women's Aid Federation, Rights of Women

## QUESTIONNAIRE VI

<b>Austria</b>	/
<b>Belgium</b>	The Open Door (Brussels), C.O.V.I.F. (Brussels)
<b>Cyprus</b>	Ministry of Justice and Public Order
<b>Czech Republic</b>	Ministry of Foreign Affairs
<b>Denmark</b>	/
<b>Finland</b>	Ministry of Interior (Police Department)
<b>Germany</b>	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
<b>Greece</b>	P.A.S.O.K., General Secretariat for Equality, the Political Spring Party (Section for Women's Issues)
<b>Liechtenstein</b>	/
<b>Malta</b>	Social Welfare Development Programme (Unit on Violence against Women)
<b>the Netherlands</b>	/
<b>Norway</b>	Haukeland Hospital, the Norwegian Research Council (Secretariat for Women's Research), Pro Sentret (Oslo Kommune), Redd Barnas Centre for the Prevention of Child Sexual Abuse, Ministry of Education, Research and Church Affairs
<b>Poland</b>	Federation for Women and Family Planning
<b>Portugal</b>	A.P.A.V. (Victims' Support Association), Ministry of Labour and Employment (Commission for Equality and Women's Rights)
<b>Slovak Republic</b>	Police Force Headquarters, Ministry of Internal Affairs
<b>Slovenia</b>	SOS Telephone Organisation, Open Telephone, Organisation against Sexual Assault, Ministry of Internal Affairs, Children and Youth Telephone, Confidential Telephone, Office for Women's Politics of the Government
<b>Sweden</b>	Ministry of Justice, the Swedish National Council for Crime Prevention
<b>Switzerland</b>	Federal Department of the Interior (Office for Equality between Women and Men), Ministry of Justice, Conference of Chiefs of Cantonal Justice and the Police Department, Refuge for Battered Women and their Children (Zürich)
<b>Turkey</b>	Prime Ministry (General Directorate on the Status and Problems of Women)
<b>United Kingdom</b>	Department of Employment (Sex Equality Branch), Northern Ireland Women's Aid Federation, Rights of Women

### APPENDIX III

**Extract of the report of the 13th meeting of the CDEG  
(Strasbourg, 26-28 February 1997)  
containing a summary of the Committee's discussion on the  
Final Report of the Group of Specialists**

**Item 11 of the agenda:      Report of the 5th meeting of the Group of Specialists for  
combating violence against women (EG-S-VL) (Strasbourg,  
2-4 December 1996) and presentation of the Plan of Action**

2. Ms Liz KELLY, Chair of the EG-S-VL, presented the Final Report of the Group of Specialists, including the Plan of Action to combat violence against women, and explained the objectives and the working methods of the Group, as well as the main results of its work.

3. The Committee thanked Ms Kelly and expressed its deep appreciation for this very important work. It would be most useful for those who were working in the field of combating violence against women and for determining future activities of the CDEG in the field. After an extensive exchange of views, and some clarifications given by Ms Kelly, the following was decided:

- to declassify the document containing the Final Report and the Plan of Action as a document of the Group of Specialists so that it could be disseminated to those interested. It was agreed that prior to this publication, members could send, **before 1 April 1997**, remarks as to points in the text with which they might have particular problems. Ms Kelly would also slightly redraft Section 6 of the Plan;
- regarding the comparative legal study, done by Ms Jill RADFORD (expert-consultant) in the framework of the activities of the EG-S-VL, each member of the CDEG would check the information on her/his respective country before **1 May 1997** and send the revised version together with any other information to the Secretariat. The consultant would then be asked to revise the text before publication;
- the summary of replies to the questionnaire on violence against women would also be checked by members before **1 May 1997**. In the absence of any comments to the Secretariat, it would also be declassified for publication;
- an expert-consultant (preferably an expert on communication) would be asked to draft a new Plan of Action, possibly in 1997 (subject to availability of budgetary resources) more oriented towards governments and which the CDEG could adopt as its own, on basis of the Plan of Action of the Group. Members of the CDEG were requested to send to the Secretariat proposals on which of the suggestions in the Plan of Action should figure in this new text, **before 1 May 1997**; if possible, they should also send proposals for an expert consultant.

4. It was also agreed, following the EG-S-VL's proposal, that the Committee should undertake work on a legal instrument to combat violence against women.