

# Protecting women against violence

Analytical study on the effective implementation  
of Recommendation Rec(2002)5 on the protection  
of women against violence in Council of Europe  
member States

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Recommendation Rec(2002)5 on the protection of women  
against violence in Council of Europe member States

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1. Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

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men. To this end, the CDEG carries out analyses, studies and evaluations, defines strategies and political measures, and, where necessary, frames the appropriate legal instruments.

For information on the activities of the Council of Europe in the field of equality between women and men please contact:

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# Part 1. Introduction

## 1.1. A global strategy to overcome violence against women

Recommendation Rec(2002)5 on the protection of women against violence, adopted by the Committee of Ministers of the Council of Europe in April 2002, was the first international legal document to frame a comprehensive approach towards overcoming violence against women. It expresses a consensus on general principles as well as describing necessary measures in services, legislation, policing, intervention with perpetrators, awareness-raising, education and training and data collection. In the Warsaw Declaration (May 2005) the Heads of State and Government

of the Council of Europe reaffirmed their commitment to combat violence against women in all its forms, including domestic violence, and a pan-European campaign was launched in November 2006 in Madrid.

Based on a monitoring framework sent by the CDEG to the member states in 2005, a stocktaking study assessed the cost of gender-based violence and presented an initial overview of important steps suggested by experts as useful indicators of progress. In its “Blueprint for the Council of Europe Campaign” the

Task Force recognises that member states are at different stages in implementing the Recommendation and urges further action to make significant progress. The present study aims to assess implementation across Europe in the main areas emphasised in the Blueprint, taking account of the diversity of conditions in the member states.<sup>2</sup>

2. The study was prepared before Montenegro became the 47th member state of the Council of Europe and therefore refers to 46 member states.

## 1.2. Guiding principles of implementation as defined in Rec(2002)5

Gender-based violence is rooted in patriarchal traditions that have found expression in laws, institutions, attitudes and perceptions. Thus, there is no simple one-step solution to the problem. Central to the Recommendation is the call for a coordinated national strategy in each country. Member states are asked to introduce, develop and/or improve where necessary national policies against violence based on:

*a.* maximum safety and protection of victims;

*b.* empowerment of victimised women by optimal support and assistance structures which avoid secondary victimisation;

*c.* adjustment of the criminal and civil law including the judicial procedure;

*d.* raising of public awareness and education of children and young persons;

*e.* ensuring special training for professionals confronted with violence against women;

*f.* prevention in all respective fields.

In point VIII of the Recommendation, member states are urged to adopt and implement the measures described in the appendix “in the manner they consider the most appropriate in the light of national circumstances and preferences”. Diversity of approaches is thus recognised, and assessing implementation must refer to these guiding principles and try to gauge how far the measures chosen will ensure that they enter into actual practice.

## 1.3. Objectives, limitations and sources of this study

Within the past four years, member states have been engaged in considerable activity to combat violence against women, some building on previous

work in that country, some opening up new developments. It would not be possible to describe the efforts underway in all of the 46 states one by one,

even if all information were available in a Council language; nor can one report follow-up on all 85 suggested activities from the appendix to the Rec-



ommendation. The present report must be selective to illustrate the range of possibilities.

For an overall picture, this report has focussed on main areas where, according to the Blueprint and to existing research, action is needed in all countries: legal and policy measures, support and protection for victims, data collection, training and awareness raising. The objective is to assess progress and problems in addressing all forms of violence by intimate partners and family members as well as all sexual coercion and violation<sup>3</sup>. The analysis is made more specific and practical by using concrete examples.

Examples were chosen from as many different countries as possible. While the economic, social and cultural conditions of member states in 2002 differed widely, nearly all have taken significant steps forward. Recognising that such steps take their meaning from the point of departure, one criterion for examples of good practice was to cite at least one for each member state, when information was available. Countries with a longer

3. Trafficking in human beings and forced marriage are being addressed in separate reports and thus will not be considered here.

history of addressing the problem appear more than once when they provide interesting models of good practice. Where possible, several similar cases in point were cited; but these mentions should not be taken to devalue the work in other member states. Finally, good practice needs more than single measures, since they may be rendered ineffective if essential conditions are not met. Therefore the report also points to potential problems, where measures may risk failing to meet their stated goals and complementary action is needed.

Generally, there are two levels of implementation: programmatic (or "on paper"), and practical ("on the ground"). The former is usually documented, and barring language barriers open to assessment; the latter can only be judged by reports from practitioners. Systematic evaluation or even documentation with a solid foundation is rare.

We have drawn on the information provided by governments to international bodies and on websites, the official shadow reports, reports from international NGO's not directly active in a specific country, the CDEG monitoring, and cross-national research. Inevitably, within the limits of an

overview only some examples of activities could be cited as cases in point. The assessment is intended to point to overall tendencies, not to pass judgement on specific countries or measures, and is offered to practitioners and policy-makers in a spirit of constructive dialogue.

There are a number of member states in which both governments and NGOs have been combating violence against women for twenty years or more. There, measures have been piloted, their effectiveness assessed, policies revised, laws amended and new approaches tried out. Many of the suggestions in Rec(2002)5 are based on this store of experience. The present report cannot do full justice to this wealth of activities. Rather, an attempt has been made to give recognition to efforts made over the wide geographic range of the Council of Europe and under the various socio-economic and historical conditions in the different states and regions. The focus has also been on more recent developments after agreement on the Recommendation in 2002. Thus, mention of good practice in one country does not mean that it has not been done similarly elsewhere.

## 1.4. Sources for assessing progress in the member states

Material for assessing the state of measures and implementation practices on the protection of women against violence was available from the following sources:

1. A compendium "Legislation in the Member States of the Council of Europe in the Field of Violence Against Women", compiled by the CDEG and updated in January 2007.
2. Monitoring framework responses to the survey of the CDEG from 40 out of a possible 46 Council of Europe countries between October 2005 and November 2006<sup>4</sup>; in addition, information available in English on government websites was considered.
3. A research-based in-depth analysis of the legal situation and of the

4. Responses were not received from Albania, Moldova, Poland, Russian Federation, Ukraine; the United Kingdom sent a written report instead.

effectiveness of legislation in eight European Countries<sup>5</sup> by the European Research Network "Co-ordination Action on Human Rights Violation (CAHRV)".

4. A research-based in-depth analysis of evaluated good practice across eleven countries<sup>6</sup> by the European Research Network "Co-ordination Action on Human Rights Violation (CAHRV)".
5. A report on research and good practice in the response to interpersonal violence in seven Eastern Europe countries by Women Against Violence Europe (WAVE)<sup>7</sup>

5. Humphreys, C and Carter, R, The justice system as an arena for the protection of human rights for women and children experiencing violence and abuse, 2006, [www.cahrvi.uni-osnabrueck.de](http://www.cahrvi.uni-osnabrueck.de)

6. Hammer, J. and Gloor, D. et al., Agencies and evaluation of good practice: domestic violence, rape and sexual assault, 2006, [www.cahrvi.uni-osnabrueck.de](http://www.cahrvi.uni-osnabrueck.de)

6. A European briefing document based on questionnaire responses from 21 Justice Ministries on the justice response to rape and attrition in particular<sup>8</sup>.
7. Information and reports on Human Rights practices and developments in the effort to combat violence against women in 15 countries of Central and Eastern Europe available at the "Stop Violence against Women (STOPVAW)" website<sup>9</sup>.
8. Reports of Amnesty International on violence against women in Albania, France, Georgia and Spain<sup>10</sup>, 2006.
9. Reports of 25 States parties to the Convention on the Elimination of All Forms of Discrimination

7. Unpublished report by the European Network "Women against violence" WAVE, 2006

8. Regan, L. and Kelly, L.: Rape: still a forgotten issue. London Metropolitan University 2003.



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9. [www.stopvaw.org](http://www.stopvaw.org) – The Women's Human Rights Program at [Minnesota Advocates for Human Rights](#) developed this website with support from the [United Nations Development Fund for Women \(UNIFEM\)](#), the [Network Women's Program of the Open Society Institute \(OSI\)](#), the [University of Minnesota Human Rights Library](#) and [UrbanPlanet LLC](#) as a tool for the promotion of women's human rights in the countries of Central and Eastern Europe and the Commonwealth of Independent States, Mongolia and the U.N. Protectorate of Kosovo. Regional non-governmental organisations in the fields of violence against women and gender equality take on the role of National VAW Monitor and facilitate the continued development and maintenance of the [Country Pages](#) of this website which provide resources concerning violence against women in each of the countries.
  10. [www.amnesty.org/library](http://www.amnesty.org/library)

- against Women submitted to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>11</sup> in the period from 2003 to 2006.
10. Shadow reports submitted to CEDAW from Bosnia and Herzegovina (2004), Croatia (2004), Czech Republic (2006), Hungary (2002), Ireland (2004), Romania (2006) and Turkey (2005).
  11. A mapping document of the European Women's Lobby (January 2007) "Reality Check" assessing policy based on reports from

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11. <http://www.un.org/womenwatch/daw/cedaw/reports.htm>

- women's NGOs in the 27 EU member states as well as Croatia, Serbia, Turkey and Ukraine.
12. Relevant research and documentation published in a variety of European countries.
  13. Available papers from the Launching conference of the *Council of Europe Campaign to combat Violence against Women, including Domestic Violence*, 27th of November 2006, Madrid, Spain.



## Part 2. General measures implementing the Recommendation

### 2.1. Nation-wide coordination of policies and practices and National Action Plans

The Recommendation specifically asks that member states “consider establishing a national plan of action for combating violence against women”, as a means towards “ensuring that all measures are co-ordinated nation-wide and focused on the needs of the victims and that relevant state institutions as well as non-governmental organisations (NGOs) be associated with the elaboration and the implementation of the necessary measures”.

Increasingly, member states have been establishing Plans of Action specifically addressing violence against women. Compared with the Plans that were directly available in English 2003, it can be said that the quality of such plans has improved significantly; they have become more systematic, more concrete and more

inclusive of different actors, and show elements of strategic planning. However, 15 member states still report no National Action Plan, and five did not respond at all. It thus can be said that 26 member states have some overall national strategy, while 20 do not.

Considering the functions attributed to such a Plan in the Recommendation, it seems reasonable to assume that coordination nation-wide and including NGOs require that the Plan be published, and that it have a specified time frame within which certain goals are to be reached. Counting states that fulfil these expectations, 16 member states report having published a National Action Plan, one is in draft, 8 others report having a national strategy that is not published, in some cases not yet

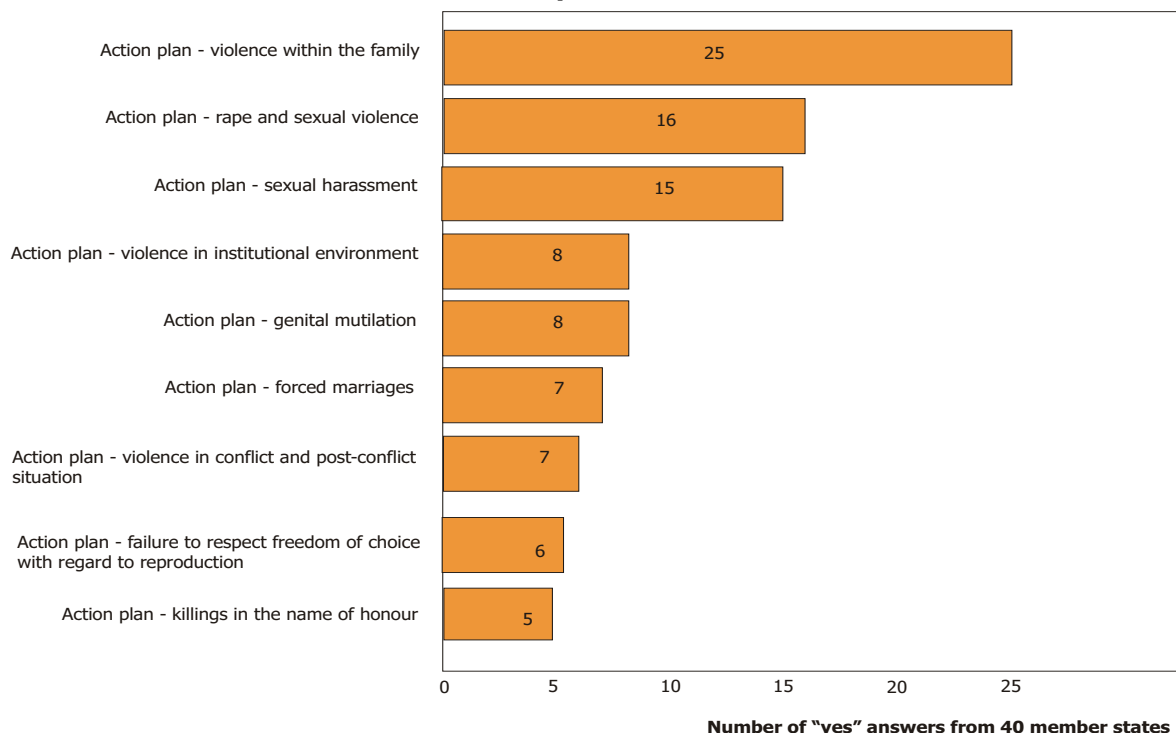
approved<sup>12</sup>; it may also be a policy statement with no definite time plan. Taken all together, the action plans address on average less than four of the nine forms of violence in the Recommendation; in particular, sexual violence is not being addressed in many countries (less than half of those responding). Only two member states, Germany and the Netherlands, address all forms of violence against women in their National Action Plans.<sup>13</sup> (See table 1b in appendix).

12. Respondents made different choices as to how to respond when an action plan has been drafted but not yet passed, and depending on when they filled out the questionnaire.

13. The United Kingdom also reports comprehensive actions, but did not respond to the CDEG questionnaire. Serbia is drafting a NAP that will address all areas in the monitoring framework.



**Figure 1: Forms of violence addressed in action plans**



A few member states have developed multi-level strategic framings or have different plans for different areas (Netherlands). In the United Kingdom, measures to address domestic violence are generally conceptualised as “services” (one of these services being justice), and the measures are gathered together in a “National Delivery Plan”. Sexual offences seem to be conceptualised primarily as crimes calling for a justice response, and the emerging National Action Plan on sexual violence has this focus. Other areas, such as forced marriage, are being addressed by specific government units. Thus, different conceptual approaches according to the type of violence, different responsible ministries and agencies result in pursuing distinct strategies for each type of violence.

By contrast, centralised countries such as Spain or Cyprus regulate major areas of intervention on the national level, and base this on a comprehensive law covering policing, criminal justice, civil law, and services. Such a law may support an integrated approach when the interfaces with existing laws have been fully considered. This opens up the possibility of a coordinating body that receives all relevant information and can monitor the implementation

effectively, as provided for in the Spanish Organic Law. Spain has since published a national action plan beginning in 2007 comprising over 100 measures and with a budget of 48 million € to follow up on the many innovations of the 2003 law.

In Belgium, Germany or Switzerland, such a centralised strategy is not possible, since many interventions are the preserve of decentralised governmental levels. Nonetheless, National Action Plans were able to harmonise the various levels of responsibility by setting up coordinating bodies. Such multi-level plans require a long preparatory phase during which all political entities reach agreement on a common strategy. They have the advantage of encouraging the involvement of local governmental levels as well as of NGOs.

It is notable that the Observatory of the European Women's Lobby, composed of experts who represent women's NGOs with long experience in practice<sup>14</sup>, seems unaware of some

14. In many cases these are the same NGOs that the governments cited as knowledgeable contacts when the Group of Experts on follow-up and implementation sent out a questionnaire to all CDEG members in 2003. For the most part, thus, the experts in the EWL observatory represent the NGOs recognised by their governments as serious and knowledgeable.

National Action Plans reported to the CDEG monitoring. Our sources suggest that there may be insufficient integration of NGOs into strategic planning. They are expected to provide services (often under-funded and insecure) out of idealism (and, in post-Soviet countries, with the support of international donors<sup>15</sup>), but their knowledge may not be consulted in developing a comprehensive approach. This is a sad waste of resources, and especially regrettable in countries where the resources for working to end violence against women are scarce to begin with. It can be costly, if failure to draw on the knowledge and experience of women's NGOs leads to planning strategies that will not work on the ground.

The Recommendation and the current Campaign express, and also work to mobilise, a political will to eliminate violence against women. This clear political statement has evidently helped even countries in economic and political transition, for example in former Yugoslavia, to develop laws and policies on violence against women. A key factor are women's NGOs. In the West Balkans, they have built a network across the

15. This support usually ends with accession to the EU.



multiple lines of division and conflict to work together against domestic violence. With the support of a foundation in the Netherlands, they

assessed the situation in each country against international standards, making recommendations for further progress. Together, shaping political

will transnationally and engagement “on the ground” can effect change.

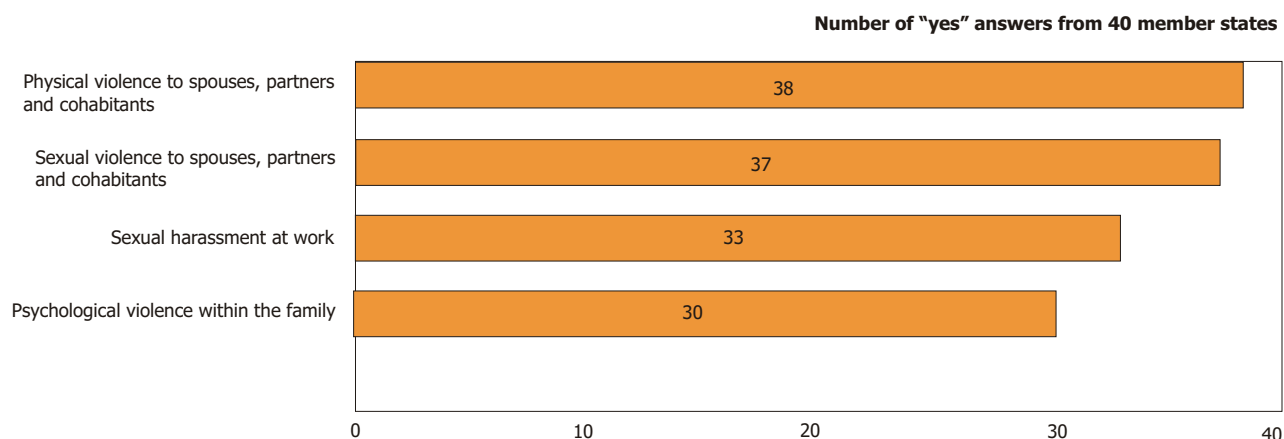
## 2.2. Review and improvement of legislation to implement zero tolerance

Good laws are the foundation for setting limits to violence. Legal and police systems differ, however: Divisions between civil, criminal, public/police and procedural law, levels of responsibility (national, state/ district, municipal) and jurisdictions differ among the states, as do the roles of statutory agencies and the voluntary sector. Thus laws are not easily compared transnationally. As a general principle, legal systems

should articulate a zero tolerance approach to all forms of victimisation. This requires a systematic approach giving attention to the interrelationships within the overall body of law. Fundamental to implementing the Recommendation is the elimination of any exceptions or special conditions suggesting that violence against a woman may sometimes be permissible. There is no excuse for violence. Thus, laws on rape and sexual assault

must apply equally and without any reservation to spouses or family members as well as to strangers. This is not only an indispensable declaration of principle, it has great practical importance for women who find the courage to leave a violent husband: It is well documented that the risk of violence, including rape, increases on separation, and the woman cannot be left legally unprotected during divorce proceedings.

**Figure 2: Forms of violence penalised**



### *Rape and sexual assault*

There are still some member states (e.g. Romania and Malta) that exempt marital rape from penalisation, or that do not prosecute ex officio (Azerbaijan, Georgia, Ireland, Latvia, Slovenia, “the former Yugoslav Republic of Macedonia”, Turkey). Overall, there is a recognisable trend to penalise rape equally inside and outside marriage; several member states (Greece, France) have only very recently lifted the marital exemption, and the remainder may be expected to follow. However, there is still a tendency to require proof of the use of force, although some revised laws, as in Turkey, no longer specify this. There are still very few states that actually make lack of consent the measure of rape, as in the United Kingdom, where it is a sexual

offence if the perpetrator either knows that the other person does not consent, or is reckless regarding consent.

Almost all member states reserve the term “rape” for sexual penetration, and many apply the term only to male-female intercourse; some add “or an act similar to intercourse”. Outside of this, the wide range of sexual violations well documented in prevalence studies is not discussed in most reports. Sexual harassment is usually defined restricted to the workplace, often in the context of labour law. Thus, the compendium of “legislation in the member states in the field of violence against women” leaves room for doubt whether “any sexual act committed against non-consenting persons” (see Rec Appendix § 35) is

penalised. Where information is given, terms and definitions vary. They include sexual abuse (Germany, Italy, Lithuania), sexual assault (Denmark, Netherlands), sexual coercion (Austria, Estonia, Finland), “sexual offences” (Norway, San Marino), “indecent assault” (Belgium, Luxembourg, United Kingdom), “sex under duress” (Portugal). “Sexual assault” is sometimes used as an umbrella concept to cover rape as well as other forms of sexual abuse (Italy, Turkey). Yet other legal codes use the term only for forced homosexual acts (Moldova, Romania), penalised alongside rape of a woman by a man. The Czech Republic classifies other forced sexual acts not included under rape law as “extortion”; possibly other member states



also use other legal frameworks that do not make specific reference to the sexual nature of the violations.

For centuries, sexual violence against women was seen primarily as a crime against her husband or father, and only rape in the narrowest sense was penalised, often as an offence against morals. Women's right to personal freedom and sexual self-determination has entered legislation only gradually, and seems not yet established in a number of member states. The lack of reporting on definitions or penalties for other forms of sexual violence is certainly striking. It sug-

gests a legal situation that seriously fails to protect basic human rights of women, difficult to reconcile with the assurance by 29 out of 40 countries that every act of violence against women is penalised.

It would be useful for monitoring progress to have a common concept; best practice suggests either "sexual assault" or "sexual abuse". Spanish law uses "sexual assault" for a very general definition, penalising "any person who infringes the sexual rights of another through violence or intimidation"; when this involves penetration, it is punished as rape,

while "sexual abuse" is used for non-penetrative sexual assault. Sweden affirms in its Penal Code "the absolute right of every individual to personal and sexual integrity" and refers to the offences generally as sexual crimes. Slovakia deserves mention for introducing the offence of sexual assault to mean "sexual abuse by other means than intercourse" (Slovakia) into the criminal code, affirming in the commentary a woman's (and man's) right to free decision regarding her sexual life.

### *Violence in the family and by intimate partners*

There has been a very dynamic process of legislative reform and elaboration to address domestic violence specifically. The tendency is to include both married and unmarried couples as well as family members. However, some laws restrict protection to women living in the same household with the violent man, with the (unintended) effect that she must stay with him until the court helps her to leave. Such provisions suggest that the law is intended to protect the family and not the woman. In Ireland, a woman has to have lived with the man for 6 months in the previous year to get protection orders; threats from a former partner – a widespread problem – thus fall outside the scope of legal measures. The Romanian Law of 2003 protects women only from violence by the husband, by a close relative, or in "relationships similar to those between married couples, or between parent and child". Similar limitations apply in Croatia and the Czech Republic: laws in Greece, Poland and Romania refer only to the family. All of these laws are unlikely to help women who do not live with the violent man.

This said, it must be emphasised that in many member states, framing and passing a law against domestic violence, even when it is not comprehensive, is a major step forward. In view of the developments in states with a longer history in this struggle, it can be anticipated that the gaps and possible inconsistencies will become visible in practice and later remedies will be found. The greatest danger of

legislation is having laws that cannot be implemented in practice, because these suggest that, since there are few cases, the violence does not exist. They also risk undermining respect for, and confidence in the law more generally.

There are several approaches to more comprehensive legislation. One is to consider not only the single incident, but the repetition of attacks or a "course of conduct" (harassment in the United Kingdom) as a more serious crime than a one-time attack. In 1998, Sweden penalised repeated violations towards a person close to the offender as "gross violations of a woman's integrity". Today, government documents speak of "patriarchal violence" as an overarching term. Norway has introduced the concept of gross or repeated maltreatment; in Andorra, "habitual abuse" is more seriously punished (defined by at least three acts of violence against the same person in the family within three years). In the Czech Republic, the concept of "maltreatment of a family member" allows consideration of a series of different kinds of abusive acts as well. All of these concepts do present difficulties for legal implementation, but they point to an emerging notion of domestic abuse as a pattern of coercive control, inflicting pain and humiliation, for which codification is being explored.

The Organic Law of Spain (2004) defines in its first article: "The purpose of this Act is to combat the violence exercised against women by their present or former spouses or by

men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes. (...) 3. The gender violence to which this Act refers encompasses all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion and the arbitrary deprivation of liberty." Furthermore, the Spanish law is unique in stating unequivocally (in article 17): "All women suffering gender violence, regardless of their origin, religion or any other personal or social condition or particular, are guaranteed the rights recognised herein."

Some laws spell out a wide range of relationships to which "domestic violence" applies, such as the Bulgarian Protection against Domestic Violence Act (2005). The draft law for Montenegro covers not only present or former spouses and unmarried couples and family relatives, as well as persons who live together in the same household, but also specifies "persons who have been, or still are, involved in emotional or sexual relations, respectively the persons who have got their own child, or a child is to be born soon although they have never lived together in a common family household". The Spanish law also treats an emotional relationship, whether or not there has been a common dwelling, on an equal basis with marriage as far as gender violence is concerned. Practically, such





definitions apply, for example, when women decide not to live with an intimate partner who becomes domineering or violent. Symbolically, they make clear that violence in close relationships is never permissible.

### *Intersecting fundamental rights*

Fundamental rights are multiple and there are always tensions to be resolved between them. Thus, children's right to be protected from witnessing violence may conflict with a woman's right to try to save her marriage. Similarly, the state's obligation to employ due diligence in prosecuting and punishing domestic violence may conflict with the woman's right to maximum safety, since she may have good reason to believe that prosecution will increase the level of danger to herself, either during the waiting period until a conviction, or afterwards, for example, if the man is sentenced to a heavy fine, or a short

An alternative or complementary approach is to penalise violence and threats by a non-household member under a separate law against stalking or harassment; however, it must then be assured that all remedies available under domestic violence law also

prison sentence, and then is at liberty to retaliate.

These tensions cannot be solved by cutting the Gordian knot. Neither abandoning prosecution if the woman does not wish it, nor making the woman a compellable witness if she is unwilling to testify in court, can be declared as a general principle regardless of the circumstances. Women must be helped to understand how they can protect their children from harm, and the fears leading them to stay with a violent partner must be taken seriously and fully addressed if the rights of women and of children are to be respected.

apply. There are still few laws against stalking. In sum, while there are different ways for legal systems to address violence against women comprehensively, the measure is always that there be no impunity.

Research has shown, however, that advocacy supporting the victim in negotiating her way through these tensions and in her dealings with the legal system leads to both a higher rate of court convictions, and a higher satisfaction on the part of victims with the outcome. This is one reason why the role of NGOs is so central to any overall strategy aiming to overcome violence. A number of member states (such as Denmark, Switzerland) are giving the victim the right to be accompanied by a person of her choice.

## **2.3. Supporting NGOs**

The Recommendation strongly emphasises the importance of cooperation with non-governmental or civil society organisations (NGOs), including giving them logistic and financial support for their work against violence. Across a wide variety of conditions in member states, woman-centred NGOs have proven essential for providing support, shelter, information, advocacy and access to agencies and to justice. In some member states, statutory agencies are more directly involved in providing these services. For example, in Denmark public institutions such as clinics provide certain services (for example the "one-stop crisis centres" in hospitals for victims of rape or assault), while counselling services for victims of crime are set up and maintained by the police, but run by volunteers. In the United Kingdom, the Netherlands, Germany, Austria and Switzerland, shelters and centres for advice and counselling are normally the work of NGOs, receiving public funding. The same is true in many countries in economic transition, and many of the women's NGOs were supported by international

donors. In Azerbaijan the government and an NGO have co-founded the first shelter for women to escape domestic violence, to be opened in 2007. In all of the material available on implementation, no country was identified that could offer women support, empowerment and protection without key involvement of NGOs.

Whilst in the CDEG monitoring, nearly all countries say that they make national funding available for combating violence and that they give (some) funding to NGOs for this work, the CEDAW shadow reports and the country reports from other international sources paint a more sombre picture. Some report there is no funding from the government for the work of NGOs (Bosnia and Herzegovina, Bulgaria, Estonia, Georgia, Greece, Latvia, Romania, Turkey); more frequently funding is described as unpredictable, interrupted for months at a time (Croatia, Cyprus, Hungary, Serbia), or as seriously inadequate (Albania, Ireland, Italy, Finland, Poland, Malta, Portugal, Slovakia). The numerical data on funding from the CDEG monitoring varies

so widely as to be practically useless, since it is not at all clear what costs are being included, and about half of the member states who report allocating funds to this field give no response on the size of the budget. For transparency and clarity of member states' commitment to ending gender based violence, there is a need to develop gender budgeting on a comparable basis in this area.

Cooperation and encouragement, specifically named in the recommendation, is also withheld from NGOs in some member states. Although there may be many reasons for this, it is nonetheless a cause for concern. Civil society organisations are an invaluable source of competence and engagement for social progress. More specifically, women's victimisation is deeply linked to long traditions of women's subordination, and undermines women's sense of self-worth. Woman-centred NGOs are uniquely able to support the process of empowerment. Without their work, victims will not come forward, women will resign themselves to men's violent treatment, and generations of children will be harmed. In all member



states where the level of specific services for women is low, due often to the historical and economic burdens on these countries, much more must be done to give recognition, encouragement and respect to the NGOs that have pursued their goals of overcoming violence against women against enormous obstacles.

## Part 3. Measures to assist and protect victims

Information of the public and assistance and protection for victims are a high priority in the Recommen-

ation. This can only be achieved by a combination of legislative measures

and social services; the two are discussed separately below.

### 3.1. Measures requiring a specific legal foundation

#### 3.1.1 Domestic violence: Ensuring physical separation and barring contact

“Violence within the family or the domestic unit” (referred to for brevity as “domestic violence”) is characterised by a direct threat to the woman in her own home, often preventing her from seeking help, cooperating with legal sanctions or speaking out in any way. It is of prime importance for any intervention to secure her safety by enforcing a period of physical distance during which the abuser cannot continue to threaten, intimidate or hurt her. All measures of criminal law will fail if this is not implemented effectively.

The innovative Austrian law of 1997 empowering the police to evict a perpetrator of violence from the joint residence opened the door to intervention measures that offer women safety in their own homes. Until then, most countries either expected women to leave and seek shelter, or urged them to denounce the violent man to the police and the justice system. Many women living in fear of violence find it difficult to do the first and impossible to do the second. A number of member states have since followed the Austrian example as closely as their national circumstances permit (Germany, Liechtenstein, Luxembourg, Slovakia, Switzer-

land, and the Czech Republic as of January 2007) or have introduced the idea of removal of the perpetrator into court procedures.

There is a significant difference between empowering the police to act on site when called to a violent situation, and making removal from the home a court decision, although there is some overlap. While police measures are usually subject to court revision when challenged, they can ensure a woman's safety immediately, while the request for a court order of removal is usually subject to delay, during which time the woman may be subject to threats, intimidation or acts of revenge. Some member states (France, Bulgaria) have addressed this by providing for emergency protection (including possible eviction); if the courts are able to ensure such rapid action in practice, the danger is lowered. Nonetheless, in the court-ordered version of the barring order, the woman must make the decision to ask to have the men removed, whereas the police are able to act on their own assessment of danger, thus taking some of the burden off a woman in crisis.

An alternative to the eviction order is an expanded use of the police

power to arrest. In the United Kingdom, growing concern about domestic violence has been met by a systematic effort to bring offenders to justice. Common assault has been added to the list of offences for which a police officer can make an arrest without a warrant. Specialist domestic violence courts make it possible to bring an offender before a magistrate within 24 hours, and by setting bail he may be kept in detention until trial. Here, too, the decision is taken off the woman's shoulders, and the level of protection is higher if a prison sentence ensues. However, arrest and fast-track court process presuppose there have already been identifiable criminal acts and evidence for a conviction. By contrast, the police eviction model in Austria can be applied as a preventive measure when the probability of a conviction is low. On the other hand, there are indications that police may be less likely to investigate and write a criminal charge if the man has been evicted. Thus, each procedure has its strong and weak points, and the best practice must be considered in the context of legal and institutional cultures.



## Emergency measures

In developing legal frameworks, the distinction between emergency measures and urgent measures is sometimes neglected.

Emergency measures exist to avoid an imminent threat. They do not require gathering full evidence or hearing the perpetrator; otherwise, they would not be effective in preventing further violence. A man who poses a danger to his wife should be disarmed, removed from the premises and kept away until the woman has a chance to get information on her rights and options and to take steps to secure her own safety. Such measures are driven by the victim's fundamental right to life, safety and personal integrity, and they are based on the balance of probabilities, not on robust proof of guilt. As emergency measures, they should not be imposed for longer than one or two weeks, during which time a case for longer-term protection can be prepared or the measures challenged.

Urgent protection measures, by contrast, should go to courts or other authorities (such as child protection agencies) without delay (fast-track), but the decisions should be based on evidence and the person whose wishes are being contravened must have a right to be heard. Such measures can be imposed for a period of months or a year, sometimes more.

### 3.1.2 Sexual violence: Rights of victims

In the case of rape and sexual assault, eviction of the perpetrator is often not a solution. Although prevalence studies find that most rapes are committed by intimate partners or spouses in the home, a significant proportion are committed by acquaintances, for example in the neighbourhood or at work or school, or strangers. The primary concerns for protection of victims of sexual violence are thus ensuring the rights of victims to be treated with respect, to be given full information, and to be protected from re-victimisation during a possible prosecution or trial. These rights are, of course, essential with domestic violence as well.

Traditionally, the status of a victim of rape in criminal law was that of a witness to a crime. As such, she was

Urgency means that the matter is dealt with by authorities in the fastest way possible without neglecting either the basic rights of all concerned or the need for solid information or evidence. Some countries such as Spain and the United Kingdom are setting up special domestic courts to ensure that such cases are dealt with both quickly and competently.

Neglecting this distinction may lead to creating the mere illusion of protecting victims, while in fact, most do not even register a complaint out of fear of confronting the aggressor. It may also lead to framing protective measures such as temporary removal as if they were penalties (e.g. with a minimum of 30 days and up to one year). Such rules reduce the probability of immediate and emergency safety, since a long-term eviction must, in respect for the rights of all citizens, hear the other party (who may delay or avoid the measure by non-appearance) and require a higher level of proof of the violence. Indeed, some member states make eviction orders only available during criminal proceedings (Croatia, Hungary, Lithuania), which severely limits their usefulness. By contrast, Italy reserves the eviction order to the court, but specifies that this is independent of the victim's collabora-

tion with judicial authorities, as does Bulgaria. In general, responsible and effective protection should prevent escalation of the violence whenever possible.

Women have a right to live free of violence and free of the fear of violence. Thus protective measures should never be dependent on criminal prosecution. Nor should the existence of protective measures in any way reduce the prosecution of crimes, when this is called for. If, for example the police evict a man who poses a danger of further violence, they should be obligated (as foreseen in the Austrian law) to gather all available evidence on the violence committed so far, and write a complaint for decision of the prosecutor. Evaluation of the Austrian law has shown that this needs to be monitored, as do the dispositions of the courts. Without regular specific training on how to combat domestic violence, actors in the legal system often tend to be satisfied with one intervention only, either protection or prosecution. The legal frameworks must make it clear that assistance and protection of women is a fundamental right, while prosecution of crimes an obligation of due diligence of the state.

not routinely informed if and when the perpetrator had been identified or the case prosecuted or dropped. In court, her testimony was called into doubt in specific ways unique to this crime. Judges habitually warned the jury that a woman claiming to have been raped is often lying, and United Kingdom research in the 1990s found that they continued to give these warnings even after legal reform tried to eliminate the custom. Specific legislation (for example, in Germany, Ireland) has been needed to protect women from having their entire personal sexual history brought into a rape trial as "evidence", as though the fact of having had other sexual relations somehow invalidated their suffering during rape. Women testifying have been

required to submit to psychological examination of their credibility, used for no other adult witness to a crime. Many rape victims heard in court that they failed to make their refusal clear to the man, suggesting that a man has a right to be reckless about consent.

Progress in regard to these practices has been made in a number of member states, but this process seems to be stagnating. The Regan/Kelly report<sup>16</sup> based on questionnaire responses from 21 ministries of justice for the period 1980-2003 found that 16 states have made changes in court procedures to improve the situation of the rape victim; however, most reforms only applied to one or two countries; no overall "best prac-

16. See footnote 6



tice” was found. The changes include free legal advice, video screens or technical equipment to allow victims to testify or be questioned without facing their attacker, removal of the offender during testimony of the witness, the right of victims to have a support person present, or the right to legal assistance or NGO participation during the case. Technical equipment permitting testimony without confronting the accused in person seems to be adopted more frequently than other measures in the past few years (Cyprus, Finland, United Kingdom). Improvements in guidelines for prosecutors or for the police were reported infrequently. Yet the treatment given to rape victims during the investigative process is key to the prospects of securing a conviction and reducing the level of attrition.

In 25 CEDAW reports by member states, only two, the United Kingdom and Ireland (both 2003), mention the situation of victims of rape and cite high attrition rates as a problem to be addressed. Most reports mention sexual violence only to focus on either sexual abuse of children, or on trafficking. It is not surprising, then,

to find conviction rates for rape sinking – in some cases dramatically – across Europe, while women’s reporting of sexual attacks has increased. The rise in reporting can be understood as an effect of growing awareness that women have the right to say “no”. The public discussions leading up to numerous reforms in the laws defining rape have doubtless contributed to this rise. At the same time, in all countries (except Germany), when reporting rose, conviction rates sank. In a number of countries (such as Austria, Greece and Poland), reporting has not even increased significantly over the past 20 years, or has even decreased (as in Hungary and Portugal), suggesting that awareness and confidence in the justice system have not improved.

If no effective measures are taken to support victims and ensure both respect and safety, and if no well-considered action is taken to counter the persisting attitudes that affect procedures, good court cases and convictions are not to be expected. The United Kingdom and Ireland have thus codified the rights of victims of sexual offences. Implementing the

“Victim’s Charter” was introduced in the United Kingdom as a step forward in achieving good practice through local protocols and guidance. One aim is to keep the victim informed about the progress of the case and on major decisions being taken about the case prior to the trial. An early meeting between police, prosecution service caseworker, prosecutor, and prosecution counsel is advised. These actions both make it easier for a victim to continue with an allegation of rape and raise the quality of evidence to be given on behalf of the prosecution. User friendly and fit for purpose court environments include waiting areas, access to specialist staff, and reducing delays in waiting times.

It could be a step forward in the implementation of the Recommendations to develop and discuss common elements for a European code of victim’s rights. Such a charter or code should probably be multisectoral, including for example the right to appropriate and informed treatment in health care as well.

### 3.1.3 Protection orders

Court protection orders are an important tool to address all forms of violence, including stalking. In the 2005 CDEG monitoring, the great majority of responding states (with the exception of the Czech Republic, Estonia, Georgia, Latvia, Malta and Serbia) confirmed that such judicial orders are available. Future monitoring needs to ask specifically about the types of orders, but there are also additional important differences.

Civil injunctions, by which citizens can request protection of their rights and interests against encroachment, have a strong tradition in many older democracies. Legal reforms aimed to empower the victimised woman by allowing her to ask for protection specifically tailored to her assessment of the threat. The German Protection from Violence Act in 2000 made protection orders against spouses and cohabiting partners more readily available, and explicitly regulated non-molestation orders. Finland passed an Act on the

Restraining Order in 1999 to protect persons under the threat of a crime or harassment, and in 2003 prepared an amendment to make these orders available when both parties live in the same household (inside-the-family restraining orders), requiring the offender to leave the residence and not to contact the victim for up to three months. In the United Kingdom, each specialist court has independent advisors for both domestic violence and sexual assault who support the victim in applying for protection orders when prosecution is being pursued.

In other countries (Cyprus, Czech Republic as of January 2007, Bulgaria, Romania), protection orders have been introduced as a specific measure within a law on domestic violence. This often occurs within a law that penalises domestic violence as a crime. It can be unclear, then, whether the protection orders are issued as part of a criminal proceeding, and who decides what protection

a woman needs: she herself, her family, an agency concerned in some way with the case, or the prosecutor and the judge. For example, the 1998 Cyprus Violence in the Family Law, revised 2002, permits the court to issue an interim restraining order even before the filing of a criminal case, on application by a member of the family, the police, the prosecutor or a family counsellor. Domestic violence is considered an offence against the state, and the victim is considered a witness. Other specific laws on domestic violence such as that in Romania (2003) and draft laws under debate for Moldova and Montenegro also empower third parties such as social workers or the police to request protection measures. By contrast, the recent Bulgarian law on domestic violence shows that it is possible to include both ex officio prosecution and protection orders in one law, while making injunctions available to all women who fear further violence, whether the case goes to court or not.



Similarly, the amended Family Law in “the former Yugoslav Republic of Macedonia” gives the Social Work Centre competence to ask for a court protection order independent of prosecution, but only with the consent of the victim.

Civil injunctions are often not free of charge even when the reason for them lies in the protection from violence, a fundamental right. This seems to be a structural problem. Fees for requesting a civil injunction follow the assumption that they should not be too readily used: neighbours' quarrels about noisy parties should not overload the courts, and citizens should try to resolve their conflicts civilly whenever possible. Some states set quite high fees, while others are inclined to make the justice system more equally available to all income groups. Protection orders

from violence against women, however, are a measure of crime prevention and as such fall clearly into the responsibility of the state. Yet they are better framed in civil law because they are more effective when based on what the woman knows about the specific danger points, and linked to a process of safety planning. Reports from NGOs (for example in the United Kingdom and in the Czech Republic) indicate that the high cost of applying for an injunction is a barrier against women requesting them, even when in theory they could increase her safety. Many laws allow the fee to be waived if the applicant is poor, but victims of domestic violence may nonetheless be discouraged from asking. Applying for a protection order in Bulgaria is free of charge, but if it is rejected, the woman pays the court costs; this is

likely to prove a serious obstacle to women seeking protection.

Furthermore, injunctions and protection orders against men who, in being violent, have shown clearly that they believe in their right of access to the woman, will not be effective unless they are also policed and enforced. Austrian law on eviction of perpetrators requires the police to visit the residence repeatedly during the first three days and to respond immediately if the perpetrator appears on the scene. In the United Kingdom, breach of a protection order is an arrestable offence and may be punished by up to five years in prison. The practice in Germany and Luxembourg is less clear with regard to enforcing police evictions, while court injunctions are likely to be enforced at the request of the victim.

### 3.1.4 Information, legal aid, women's advocacy and support for victims and protection for witnesses during proceedings against perpetrator

The 2006 Campaign Blueprint urges member states to progress on support and protection for the victims and witnesses while investigating and prosecuting the crime of violence. This usually requires legal measures that provide for information, legal aid, advocacy and protection.

- Information – means that whenever measures are taken against the perpetrator, or measures that a victim might expect are not carried out, there is a risk to the woman and she must be fully informed. If the perpetrator is released from custody or prison, it is vital that the woman be notified in advance to ensure her safety. Information must be given at every stage of the intervention process. A good practice is the Aus-

trian requirement that the police send a fax to the intervention centres whenever they intervene in a situation of domestic violence. The Intervention centre then calls the victim (pro-active support) and explains what the eviction order means, what rights she has, and where she can get support.

- Legal aid – means that a woman who has disclosed rape, sexual assault or domestic violence, and who may be asked to make a statement to the police or to testify in court, must have access to legal advice on what this may mean for her and what options she has. Denmark gives victims of crimes against the person the right to free legal advice, as does Italy to rape and abuse victims if they are indi-

- Woman-to-woman advocac – means that someone with knowledge of the complexity of violence against women will be at her side during the procedure. This often requires legal regulation permitting the supporting person to be present during questioning or in court. This is provided for in Denmark and Switzerland.

- Protection – means that there is increased danger to almost any victim of gender violence when statutory agencies proceed against the perpetrator. If he is temporarily at liberty, only fined, or even acquitted for lack of sufficient evidence (and this is far more frequent than a prison sentence), the state's responsibility to safeguard women from violence does not end, but is even heightened.

### 3.1.5 Victim compensation by the state and/or the perpetrator

There has been little action, but some serious consideration of state compensation for damages suffered by victims of rape, sexual assault or domestic violence. There are several states that have general provisions that pay compensation to victims of crime, such as the United Kingdom and Ireland; such payments may be

means-tested and subject to the condition that the victim did not “provoke” the crime. In Switzerland, the Constitution provides since 1984 that governments (both federal and cantonal) are obligated to help victims of attacks on their physical, psychological or sexual integrity. Since 1993, victims have the right to legal and

social aid including monetary and moral compensation. The designated centres of advice and support are partially financed out of this fund. When they pay a grant directly to the victim as well, they may try to reclaim the money from the perpetrator.



## 3.2. Safety measures

Services to ensure the safety and empowerment of victims are needed in a variety of agencies that should work together. These include, inter alia, the police, shelters and crisis centres, outreach services, health care providers, housing, child care and specific support for children, and

translation services for minorities and immigrant women. European level standards for services have been elaborated most recently in a ten-country project funded within the DAPHNE programme, whose manual provides guidelines, checklists,

models and examples as well as resources and links.<sup>17</sup>

17. WAVE (Women Against Violence Europe): Bridging Gaps – From good intentions to good co-operation. Manual for effective multi-agency co-operation in tackling domestic violence. Vienna 2006. see [www.wave-network.org](http://www.wave-network.org)

### 3.2.1 Police responses to calls for help and complaints; clear definition of police role and training

Over the last years, the police in many member states have become very active in combating domestic violence. Research has found that the major determinant of improved police response is the extent to which domestic violence is recognised as a public offence instead of a private crime<sup>18</sup>. Quick and appropriate response is not a new and extraordinary task, but simply good policing; it requires a high level police office saying ‘this is something you must take seriously and respond to quickly’. Police need to approach domestic violence as they would any other crime, and they have a crucial role in gathering evidence. In Canberra, London, and Yorkshire they speak of the “golden hour”: It is the evidence collected in that first hour that will make all the difference about whether the case is prosecuted. In Australia it was found that collecting photographic evidence on site led to a substantial increase in prosecutions, and also in guilty pleas and convictions. Simple techniques, such as interviewing the man and the woman separately, taking photographs, and taking statements from neighbours, do not require new skills, but a new attitude. When the police fully understand that attacking a woman in her home is a serious crime, they are

more likely to treat her with respect, and to take a clear stand towards the excuses of the violent man. As a result, trust in the police increases and women become more willing to take action. In this vein, the Netherlands has made it a policy goal to *increase* the number of initial reports of domestic violence to the police; the second goal is to decrease the number of second reports.

The Austrian law defines the role of the police in combating domestic violence based on its obligation to protect citizens from imminent attacks on their safety. When the police are called because of violence in the home, it is expected that they will immediately take action to afford security to the threatened individuals, usually women and children. Police action does not depend on the victim’s consent. They are obligated to evict the assailant from the home and its surroundings if there are indications that an assault on the physical safety of an individual is imminent. A barring order is valid for ten days and it is controlled by the police during the first three days. The perpetrator has to hand over his keys to the police; if he is found in the home during the validity of the barring order, he is fined under administrative criminal law and can be arrested if he refuses to leave. If the victim has allowed the offender to come back home, she can be fined, too.

Both for gathering evidence and for acting to prevent further violence, the police need clear guidelines and procedures. They must also have the power to enter a home immediately in case of emergency, and the power either to arrest or to expel the perpetrator for a certain period. They should be required to investigate the crime and collect evidence in every case, not making judgment on whether prosecution is likely or desirable.

Where a sustained effort to improve police intervention has been carried out, as in Austria, Germany, or the United Kingdom, similar standards have emerged. The Association of Chief Police Officers in England has produced a statement with useful advice ([www.acpo.police.uk](http://www.acpo.police.uk)) More traditional police approaches (still to be found especially in rural areas) such as “dispute settlement” in Austria or restoring the peace (Germany), in reality avoid confronting violence and contribute to its continuation. Victim support and counselling is also not a realistic expectation of the police. It is thus essential that the police have information and contact to local providers of support, practical information and psychological counselling, to whom they can refer. The practice of pro-active support services in close co-operation with the police is very effective in this connection.

18. See Humphreys, Cathy: From good intentions to good practice. Bristol 2000

### 3.2.2 Health care system awareness and response, guidelines and training

Women who experience any kinds of abuse, either sexual violence or domestic violence or both, use health services frequently and require a wide range of medical services. They are likely to be admitted to hospital more often than non-abused women and are issued more prescriptions. At

the same time, women at risk might not come into contact with any other professionals who can offer support. According to a German study, abused women seek help first and foremost at health services, social services come second, and only thirdly do they turn to the police. Therefore the

health service is in a unique position to help victims of domestic abuse get the support they need.

This can be a practical aid to escaping violence, as a woman’s health records can play an important part in bringing perpetrators to justice, or can influence child custody,



housing and immigration decisions. But more fundamentally, recognising the effects of violence on a woman's health is simply good medicine, and failing to do so will lead to maltreatment. While on the supranational level the World Health Organisation has issued guidelines and reports on domestic violence and health, national policies and action plans in this area are largely absent. However, guidelines, information pamphlets and practical tools are being publicised and widely distributed in some member states.

Routine inquiry about possible experience of violence is increasingly being recommended, especially in primary health care and maternity services, but also for emergency care in hospitals. Surveys of patients in

Germany and Switzerland confirmed the research findings from Australia and the United States of America that the great majority of women appreciate the questions even if they may find them uncomfortable. A Swedish study "Thank you for asking" found that violence could be uncovered at an earlier stage by such screening. In Finland, screening in a large maternity hospital has been found a valuable approach, as it was in Zurich, Switzerland, and a similar project is now being piloted in Norway. In Berlin, Germany, a large general hospital agreed to training of the entire staff with particular attention to the emergency ward to identify women whose injuries were due to violence. This has been carried out in all hospitals in Slovenia as well. In Denmark, the

health care system plays a key role both in providing rape crisis services and in identifying women affected by domestic violence.

While it can thus be seen that good practices are being developed in a number of countries, it should be noted that only 18 member states have services that provide immediate medical care for victims of sexual assault, and in only 16 countries do physicians receive any training on violence against women. Health care has tended to be marginal in national action plans and policies addressing violence against women. The German National Action Plan due to be published in 2007 will have a major focus on improving the response of health care.

### 3.2.3 Ensuring safety of refugees and immigrants with insecure residency status

According to the Recommendation, women and children have a right to safety independent of their citizenship, residence status, or any personal characteristics. Particular attention must be given to women whose residence status is dependent on their marriage, since this dependency can prevent them from seeking recourse or separation when exposed to domestic violence. Governments have been reluctant to take general measures that might be seen as opening the door to immigration, however, a number of countries now permit a woman who leaves a man because of his violence to remain in the country

if she wishes, subject to certain conditions.

In the Netherlands, women who are victims of domestic violence can obtain an independent permanent residence permit, and in the records since mid-2005 the majority of applications (183 out of 206) were successful. Sweden has a similar exemption since 2000, but a review of practice revealed that relatively few extended residence permits have been granted due to violence, and in nearly 2/3 of cases a residence permit was denied after an appeal; there seems to be a high threshold for the severity of violence to be demonstrated.

The United Kingdom has established an exemption from immigration rules for women who experience domestic violence within their probationary period of stay in the United Kingdom. In order to secure this they need to provide 'satisfactory evidence' of domestic violence, now including at least two of the following: a medical report or a general practitioner's letter confirming injury, a court undertaking that the perpetrator will not approach the victim, a police report confirming attendance at the home, a letter from Social Services confirming involvement or a letter of support from a women's refuge.

## 3.3. Specific support for victims

### 3.3.1 Hotlines, refuges and rape crisis centres

Specific services offering support, counselling, and safe housing are essential to women's empowerment and safety. One of the main effects of violence is intimidation and loss of self-confidence, so that it can be very difficult for women to take recourse to the legal system. Furthermore, very few legal measures have an immediate effect ensuring the safety of the victims, and many women encounter violence in situations where legal proof or police intervention are difficult or even impossible.

Women's NGOs in most member states have sought to address victims' need for safety in a variety of ways. In many countries, NGOs have created shelters offering refuge services to women and children consisting of temporary accommodation, advice, support, and assistance when negotiating with statutory services that provided permanent housing, civil and criminal remedies, physical and mental health, income support and children's services. Shelters generally are permanent structures with living facilities that provide a place for

women to live with their children while they decide what to do about a violent situation. The staff advocate on their behalf, such as in assisting women with contact with statutory services, accompanying women when required, for example in attending a criminal court when the abusing man is charged with an offence. The highest levels of shelter provision seem to be in Luxembourg, Slovakia, Malta, and the Netherlands, followed by the Czech Republic, Spain, Germany and Austria. Small countries such as Lichtenstein and





Andorra provide good coverage of population with one refuge. The following table shows reporting member states by availability of

places relative to population. It must be noted that not all shelters reported here are specifically for victims of violence against women; in Slovakia,

for example, only 3 out of 31 shelters are reserved for victimised women. Thus, the table describes the situation only as a first approximation.

**Table 1: Number of shelter places available relative to the population**

CoE member state	Population (2004)	number of places available	proportional places per 10000 population
Luxembourg	468.600	165	3.52
Liechtenstein	33.720	7	2.08
Slovakia	5.431.400	1047	1.93
Malta	398.500	76	1.91
Netherlands	16.407.500	2464	1.50
Czech Republic	10.241.100	1147	1.12
Spain	40.341.500	4144	1.03
Slovenia	2.011.100	180	0.90
Andorra	70.550	6	0.85
Germany	82.431.400	6924	0.84
Austria	8.192.880	600	0.73
Iceland	296.700	20	0.67
Lithuania	3.596.600	200	0.56
Croatia	4.495.900	247	0.55
Portugal	10.566.200	562	0.53
Belgium	10.364.400	500	0.48
Denmark	5.432.300	258	0.47
Estonia	1.332.900	50	0.38
Bosnia and Herzegovina	4.025.500	134	0.33
Serbia and Montenegro	10.829.200	300	0.28
Ireland	4.015.700	111	0.28
Switzerland	7.489.400	200	0.27
Finland	5.223.400	125	0.24
France	60.656.200	1272	0.21
Norway	4.593.000	50	0.11
Cyprus	780.100	8	0.10
Hungary	10.006.800	40	0.04
Turkey	69.600.600	259	0.04
"The former Yugoslav Republic of Macédonia"	2.045.300	7	0.03
Georgia	4.677.400	16	0.03
Bulgaria	7.450.300	15	0.02



**Table 1: Number of shelter places available relative to the population**

Greece	10.668.400	7	0.01
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Crisis centres and hotlines are another way in which women's advocates have organised to provide victimised women with support and assistance. Crisis centres and hotlines provide a variety of services that can include safety planning, legal advice, referrals, and counselling. Crisis centres offer these services in person; women can come to the crisis centre to speak with a trained advisor. Hotlines, in contrast, offer these services over the telephone. Hotlines and crisis centres also often respond to inquiries from friends, family members or neighbours concerned about a woman in crisis.

In some countries help-lines are created especially for victims of rape and sexual assault. Such support services are usually less developed than those for domestic violence victims in all countries. Although the division between domestic violence and rape crisis does not exist in all countries, women-centred rape crisis centres and telephone help-lines paved the way for state recognition for rape and sexual assault as public interest crimes within the family as well as without.

Appropriate services in the member states are at different stages of development and acceptance. The importance of providing a network of women's refuges, helpline and crisis centres is not fully recognised everywhere. An adequate supply of support agencies and refuges, as well as telephone help-lines for rural areas are needed to make information and advice easily and, if needed, anonymously accessible. In a number of countries, NGOs report that their attempts to set up women-centred

services are not supported by the state. The European Women's Lobby (EWL) Observatory on Violence against women identified the most widespread problem in service provision as insufficient and insecure funding. Shelters and hot-lines are under-funded and often managed by NGOs on a voluntary basis. Lack of funding or too small budget to provide what is considered as necessary is mentioned as a severe problem in service provisions. The lack of shelters and services in rural areas is also frequently emphasised.

In most countries and municipalities, funding for shelters is reviewed annually, implying that services are not recognised as responding to a structural problem that will persist over the long term. The city of Vienna has trained the police to expel perpetrators from the home, and set up outreach services to give victims information and advice, but has also secured financing for shelters as a permanent part of the city budget, recognising a public duty to provide sustainable and professionally staffed services for this need. With this parallel structure they meet the needs of many more women than either service could do alone. The United Kingdom has founded financial support for shelters on a legal obligation to provide housing for the homeless, with women who leave an abusive husband being by definition homeless. A National Delivery Plan is expected to ensure adequate funding. The Municipality Law in Turkey requires every town with a population over 50.000 to have a shelter, but implementation is only partial, espe-

cially since the law does not guarantee resources.

When resources for providing shelter or comprehensive advice and support are scarce, a telephone hotline may be one of the most important measures enabling victims of violence to find help, so the reports from Hungary, Bulgaria, Lithuania, Poland and Romania. This is an identified strong point in service provision by the European Women's Lobby Observatory: While on the one hand, help-lines and hotlines are systematically under-funded, they are on the other hand cited as the strongest point in service provisions to women victims of violence (Belgium, Croatia, Cyprus, Czech Republic, Finland, Latvia, the Netherlands, Portugal, Slovakia, Slovenia, Spain, Sweden, England, Wales and Ukraine). In Spain, 44 telephone numbers are managed by public bodies and 15 by NGOs. About 90% of these are free numbers.

"Rape crisis centres" are an invaluable resource, and there have been good models in Norway (Oslo), Sweden (Uppsala) and Germany (Freiburg i.B.) in which such a centre maintains the accessibility and atmosphere of a woman-centred supportive service, while being located within the structural surroundings of a hospital, thus able to provide all required forensic and medical services in the immediate crisis. An added value of this combination lies in the availability of advice and support over the longer term, since research has found that the need for counselling and support very often emerges, not so much in the first days or weeks after the event, but several months or even years later.

### 3.3.2 Services accessible and appropriate for all women

There is widespread agreement among the member states on a core area of necessary services, but there are still substantial problems with ensuring that these be accessible to all women without any discrimination. Widespread problems are the insufficient capacity of services to meet needs, and the geographical concentration in certain cities or

parts of the country. Even in older member states with several decades of established services there are reports of seriously limited capacity. For 2003, 27% of women seeking access to refuges in Ireland had to be turned away. Most countries do not even keep such statistics.

Geographical access is also limited; in the CDEG monitoring only 18

member states consider it sufficient for shelters, and 13 for rape crisis centres. For the Czech Republic, the regional distribution of support services is said to be very unbalanced. In Turkey, although the Law on Protection of Family has been in force since 1998, there are no shelters east of Ankara, and none in rural areas. Countries in economic transition



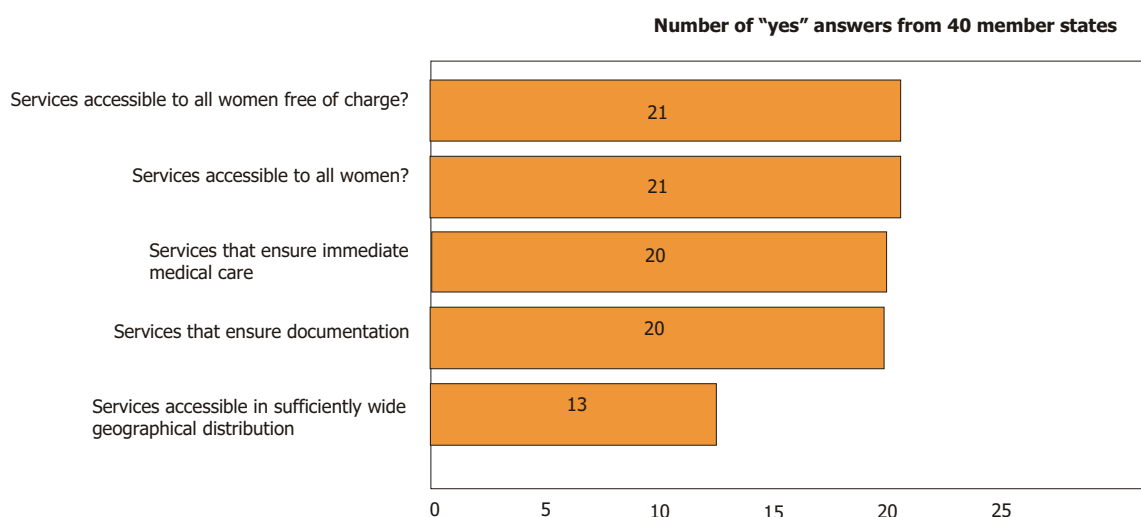
after socialism generally have uneven service provision. But even in the member states with a fuller range of services, there is little mention of a systematic effort to ensure an even level of need-based provision. Some good practices can be identified. Both the United Kingdom and Spain report major investment in expanding refuge provision. In its current National Action Plan, Norway resolved to draw up an “availability plan” for shelters “to ensure that women all over the country can contact a shelter within a reasonable geo-

graphic distance from their home”. France is also building a network of focal points that are expected to know in real time all available places for victims, as well as coordinating inter-agency co-operation.

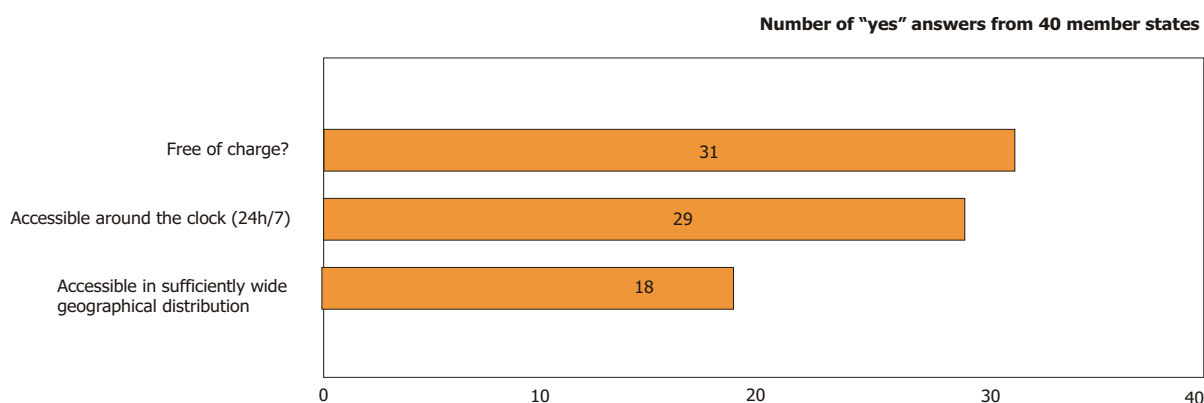
To be available to all victims, services must also be accessible to women who are disabled, elderly, speak other languages, or encounter barriers based on cultural discrimination or insensitivity. In Finland hotlines are available in several languages. With the help of NGOs, the city of Berlin established a telephone

hotline and a small mobile intervention team that can call on translators in 54 languages as needed. There are plans to extend this to a national hotline for all of Germany. Denmark is launching an information campaign to reach ethnic minority women, including films and leaflets in the relevant languages. Also, the current National Action Plan includes projects to develop methodology for supporting women with physical disabilities in shelters, as well as to improve support for victims with substance abuse problems.

**Figure 3: Services for victims of sexual assault**



**Figure 4: Shelters and their accessibility**



### 3.3.3 Children’s rights, hotlines and services for children

Children living in an environment of violence against women are at two-fold risk of harm:

- Children are nearly always aware of violence against a woman in the home; to witness (even indirectly) physical or psychological attacks

against the mother is profoundly disturbing and threatening to a child.



- Research in a number of countries finds a much higher probability of child maltreatment in such environments, by the man who abuses the mother, but also by a mother who is herself subject to coercive control and abuse.

Although a large proportion of member states said that children are given protection and assistance, few reported giving training to pre-school or school teachers. The available reports and documents yield very few traces of specific services. The topic has only recently begun to be discussed more widely, and it seems likely that in many countries, there is not even an imagination of what specific services might be. This is all the more serious as more and more countries develop methods of removing the perpetrator from the home. In a refuge there may be specifically trained staff to work with children who come there with their mothers. If the woman remains in her home, however, she may have no resources for meeting the needs of her children.

Norway specifically recognises in its National Action Plan the need to address children. Measures consist in “building up knowledge in the child and family welfare services”, and strengthening the expertise of existing telephone and internet help lines to meet the needs of children and young people. Furthermore, a 3 year project “Children who live with violence in the family” is being funded that will experiment with clinical services for such children, seminars, guidance material. The Netherlands has been concluding inter-agency agreements at the level of police or youth services regions on the steps to be followed when children are witnesses to domestic violence.

In the United Kingdom, there has been a concerted effort to bring together services for women and services for children who have witnessed domestic violence. In new regulations, knowledge of familial violence (usually against the mother) is accepted by child protection services as harmful to the child. The gov-

ernment in Scotland is now piloting a programme to ensure that agencies work together to provide better support and intervention for children affected by domestic abuse. A new framework will guide local agencies such as the police, social work services, the Children’s Hearings system, health professionals and voluntary organisations on how they could respond. They plan to test and refine the framework and tools for a multi-agency response which can then be used throughout the country (“Getting it Right for Every Child” approach).

The results of such work should be presented and discussed more broadly. Since the woman in a situation of violence is hard pressed to deal with her own safety and recovery, innovative approaches are needed to offer children specific and appropriate support independent of the stage of their mother’s crisis management.

### 3.3.4 Outreach / pro-active counselling

Pro-active counselling is typically based on co-operation between the police and specialised women support services (i.e. intervention centres) who contact the victim of domestic violence after a police intervention. Through the initial and maintained contact over time women can be drawn into support services early and be enabled to make changes that enhance their safety. Evaluation studies in Austria and Germany have shown that the vast majority of women reached by pro-active counselling reacted positively, and vulnerable groups could be reached<sup>19</sup>. Many victimised women receive the information they need to be able to take competent decisions about their future through pro-active counselling.

The most important task of the new pro-active counselling intervention is to give information on legal or social protection. This has been proved to be of great help for women who are too intimidated, too exhausted or too desperate to look

actively for protection and support. By accompanying women through various stages of seeking help, pro-active support services have identified structural obstacles within the support system and lowered barriers. In Germany the introduction of pro-active counselling also reached new target groups, as over one-third to two-thirds of victimised immigrant women were socially isolated and, with no previous contact with supporting agencies, lacked knowledge of German support systems.

Good practice examples can be found where the intervention centres are financed by the state and there is an obligation of the police to cooperate with them. In Austria the police is required by law to inform a woman at risk about the intervention centre, and also to deliver every piece of documentation after a barring order to the intervention centre, as well as informing child protection and youth services or other relevant agencies. The guiding idea is that in case of relationship violence the state must not wait for the victim to find her way

to a counselling facility, but has the obligation to help her actively.

Mobile intervention can also be useful when services are still scarce. In Serbia, some towns have created around-the-clock inter-disciplinary mobile intervention teams, in partnership between the Social Work Centre and the police, to protect domestic violence victims more effectively. In Turkey, in a “No to Domestic Violence” campaign sponsored by the major daily newspaper, family counsellors and psychologists visit areas of Istanbul in a specially prepared bus and hold sessions on domestic violence issues and victims’ rights; the campaign has since been extended to other cities and also to Turkish communities in Germany, where a Turkish-language hotline has been maintained since 2005.

Within prevention and intervention services, agencies are also increasingly emphasising outreach such as public education, professional education, and inter-agency collaboration. These providers have sought to enlarge the understanding of community members and profes-

19. see footnote 4



sionals about the nature, dangers, consequences, and prevalence of violence, and to inform them about the services available. Outreach may entail education of and collaboration with community leaders representing religious, cultural, recreational, and service organisations, encouraging them to assist in community-wide efforts to reduce violence.

Finally, outreach to vulnerable groups of women is particularly

important. Women in rural areas, minority women, and women with disabilities may have limited access to support systems. Women in rural areas may be geographically isolated; women who are members of ethnic or religious minority groups may face economic disadvantages, language barriers, or institutional racism. Because of the additional barriers facing these women, services designed to address their particular

needs and concerns are a critical part of any domestic violence advocacy effort. In its current National Action Plan, Denmark is supporting a nationwide “Network for abused women”, an NGO that reaches out to women who do not go to a shelter, but find support through contact with others in similar situations.

### 3.3.5 Information and advice on women's and children's rights

The first overall aim of Recommendation (2002) 5 is to ensure that women are able to exercise their rights freely and effectively (paragraphs I and II). For this, information is needed particularly targeted at victims, informing them about their rights, services and the legal measures available to them. Furthermore, it is only possible to ensure that all victims receive assistance if such information on services is widely disseminated in all relevant languages throughout the country, so that any woman who is victimised is aware of them. Since victims both of domestic and of sexual violence are often isolated by fear and shame, systematic active information and outreach are necessary. 33 member states indicate that information about women's rights and the measures to protect them, about police and legal interventions and services for victims are disseminated, 31 report that they use media and methods suited to reach all women

throughout the country. In 24 countries information is disseminated on a regular basis and 21 reported doing so in all relevant languages.

The media play an important role in influencing and changing social norms and behaviour and can give important information on women's and children's rights. They can help to reshape social attitudes that tolerate violence against women and specifically address the issue of violence against women. Objective information to the general public about the causes and effects of such violence can be provided. The media can also provide information about sources of assistance to victims and about options for help in the legal system. This will be most likely to succeed when synchronised with concrete political action improving the options. The co-operation between a major newspaper and state agencies in the “No to Domestic Violence” campaign begun 2004 in Turkey is a good example of media en-

gagement combined with access to practical intervention.

Experience over the years has shown that simple media campaigns proclaiming women's rights may not have the intended impact. Women who have been sexually assaulted, or who live in a situation of domestic violence, may not see how the message that they have the right to say “no”, the right to a life free of violence, could apply to them in real practical terms. After all, their immediate personal experience is that they do not have such a right, and that the right of a man to dominate them is still in effect. Messages about women's rights will only reach out to these women if it is also clear that the power of the state will be exercised to make them safe. A number of cities have held whole-city “zero tolerance” campaigns (one of the earliest was in Edinburgh) involving prominent figures as well as practical solutions.

### 3.3.6 Psychological counselling and support

Violence against women has serious consequences for their physical, reproductive and mental health. Abused women are more likely to suffer from depression, anxiety, psychosomatic symptoms, eating problems, dysfunctions, psychosomatic symptoms and post-traumatic stress disorder. They are at significantly higher risk for the excessive use of nicotine, alcohol and psychopharmacological medication. The long term mental health impact of child sexual abuse appears to be particularly profound. In the World Health Report 2002 it is estimated that 33 percent of post-traumatic stress disorder in

females can be attributed to abuse in childhood.

In consequence, services in support of victims, especially rape crisis centres, find that not a few women who come to them are seeking help in dealing with violence experienced in the past. The impact of violence on the mental health of victims can persist long after the violence has stopped, is positively associated with the severity of violence, and appears to be cumulative as victims experience different types of violence and multiple episodes over time. Thus, each violent incident that occurs can affect the mental health of the victim or witnesses. Therefore, psychologi-

cal counselling is an essential component of improving mental health and has preventive effects.

It is often forgotten that services are needed beyond the immediate situation of attacks and threats. In addition to immediate crisis intervention, longer-term interventions could include referral to an experienced psychotherapist, a support group for victims of violence, a physical therapist and specific support services that deal with long-term consequences and facilitate coping and recovery. Reports on implementation activities in member states rarely include information on these services; specific train-



ing of psychotherapists is said to exist in half of the member states.

### 3.3.7 Safe housing

Across Europe, women and children often must leave their home, enter temporary housing and then require permanent re-housing, which for reasons of safety may be needed in a different area or region. Friends, relatives, women-centred NGO refuges and statutory agencies, if available, provide temporary housing. If no suitable private or public housing can be found, women and children may be driven back to the violent home they have left. This outcome negates all earlier helpful interventions. Appropriate housing may be provided by statutory authorities or non-profit housing associations, or be privately rented or owned. While housing, both temporary and permanent, is a crucial resource for women and children who have experienced domestic violence, in European countries there is little external evaluation of good practice in the provision of temporary or permanent housing.

Victims of domestic violence face numerous economic obstacles to

obtaining and keeping housing. Women who are financially dependent on their abusers and women whose abusers control their assets lack the economic means to leave their abusers without risking homelessness. According to StopVAW reports, privatisation of housing in Central and Eastern Europe has led to dramatic price increases. A 2003 report on domestic violence and housing in Georgia found “the lack of adequate housing to be one of the main discouraging factors for women to seek divorce; to rescue themselves from perpetrators; to rest and find forces for rehabilitation”. Research on domestic violence in Albania, Armenia, Bulgaria, Moldova, Poland, Romania, Ukraine, and Uzbekistan has revealed similar situations in these countries.

In the United Kingdom research into pathways or routes into and out of homelessness and into the type of support women value has led the United Kingdom to adopt new strate-

gies, including best value performance indicators, to achieve good practice by statutory authorities. Every housing authority in England is required to formulate a strategy based on a review of homelessness in their district with the objective of preventing homelessness and ensuring accommodation and support are available. Recognising that women need quality services, the government programme, Supporting People, aims to improve housing-related support services through planning and partnership, the provision of secure funding, monitoring standards and covering both long term and short term services.<sup>20</sup> Slovenia has provided in its Housing Act that victims of violence within the family or women who have been in a shelter be especially considered for publicly funded housing.

20. For a list of research and reports on victim protection, support and assistance see [http://www.stopvaw.org/Research\\_and\\_Reports\\_by\\_Topic2.html](http://www.stopvaw.org/Research_and_Reports_by_Topic2.html)

## 3.4. Perpetrator re-socialisation

Programmes for perpetrators have developed slowly, and they are much more likely to exist in member states that already have substantial services for victims. This is probably wise, since a major concern of effective programmes must be to ensure the safety and empowerment of the woman who has been a victim. Although programmes differ, they often take in both self-referred men and those who are court-mandated (where the legal foundation has been set up for this, as in Germany, Switzerland, the United Kingdom and Ireland). Generally, however, the programmes are small, and few countries have undertaken to ensure their availability across the country. Norway, with a twenty-year history of small programmes, has made evaluation and expansion of provision a goal of its current action plan on domestic violence. Denmark has also expanded its programme offering one-year treatment to abusive men,

and is planning to introduce treatment as a condition of suspended sentences.

In the United Kingdom, Scotland pioneered court-mandated perpetrator programmes in 1989; scientific evaluation established their overall positive results. A national United Kingdom association for domestic violence perpetrator programmes (Respect) now focuses on increasing the safety of those experiencing domestic violence through promoting effective interventions with perpetrators, and has agreed on minimum standards, as has the association Men Overcoming Violence (MOVE) in Ireland. A similar process of networking and agreement on standards is going on in Germany and in the Netherlands; in both countries, programmes have been evaluated. The Council of Europe held two seminars in 2003 and 2004 on measures dealing with men as perpetrators, and at the second seminar the need for a Euro-

pean network was identified. Thus, standards and proven methods are slowly emerging. However, all studies find that the extent of behavioural change brought about by such programmes is modest. At best they control and reduce the danger of physical violence, but rarely eliminate the pattern of dominance behind it.

It is vital to their success that perpetrator programmes are embedded in good inter-agency co-operation. Thus, multi-agency work in the United Kingdom and municipal “integral projects” in the Netherlands supplied the framework for developing perpetrator programmes in the late 1990s. These programmes have found it essential to communicate with the woman who was abused, either directly or through the advocacy services that support her, to ensure she receives clear and accurate information about the programme, but also in case of any risk to her safety that may arise.



Overviews confirm a very high drop-out rate in all types of perpetrator programmes. Court-mandated participation is thus only effective if there is legal follow-up when the man fails to attend, and in the different legal systems this can be difficult to organise. If the case is dismissed on condition of the perpetrator agreeing to attend a programme, it usually

cannot be recalled to the courtroom when he drops out. Even when a suspended sentence is conditional on attendance, there may in fact be no follow-up. There are also “bottle-necks”: There may be too few referrals to form a training group, or too many, leading to a waiting list. Some programmes report that courts are unwilling to require more than a brief

course, inadequate to bring about change. If the perpetrator programme is seen as an alternative to punishment, the end result may be that neither takes place. For the future, it is clearly vital to challenge and reduce violent behaviour of men, but the difficulties are considerable and the programmes do not substitute for protecting women.





## Part 4. Measures to deter and punish violence against women

Violence against women and children must be identified as a public interest crime. Both sexual assault and domestic violence have generally

been considered difficult of proof, and patriarchal legal traditions avoided state intervention into what was considered the private sphere.

Progress requires an unequivocal commitment to ending gender violence.

### 4.1. Full and clear penalisation

With domestic violence, the measure of what is dangerous and harmful enough to require state intervention was formed against the background of “normal” fights between men. Thus, many legal systems have avoided prosecution unless dangerous weapons were used or the “fight” resulted in permanent disability or death. There was – and still is – hesitation to criminalise “ordinary” fights between “ordinary” men. Normal women were assumed to be excluded from such fighting, and violence by men within the family was an exercise of traditional rights. For the criminal code to apply to family violence has required explicitly re-defining arrest or prosecution as “in the public interest”.

Specific laws against domestic violence (passed, for example, in Cyprus, 1994/2000, Sweden 1998, Croatia 2000, Spain 2004, Bulgaria 2005, and the Czech Republic 2006) are one way to reach this goal. Such laws name and define the acts against

a close person or household member to be penalised and prosecuted. In other legal traditions, the focus was on removing the exemption from prosecution in the “private sphere”. Modifications of existing criminal law and procedural law (for example in Finland 1995, Ireland 1996, the United Kingdom 2004, Georgia 2006) did not change the definition of punishable acts, but focussed on the public interest in prosecution as well as on protective measures.

Regan and Kelly (2003) give an overview of the justice system responses to rape. In the period from 1980-2003 eleven countries removed the marital exemption, and eleven countries expanded the definition to include other forms of penetration besides intercourse. Eleven countries have made rape a gender neutral offence or included rape of men in the legal definition. In more recent legislation, such changes have been adopted by further countries.

Regrettably, the majority of laws still define rape not by the presence or absence of consent, but by the demonstrated use of force. Regan and Kelly found that countries with investigative judicial systems tend to define the crime by force, while countries with adversarial legal systems tend to use absence of consent. In actual proceedings, both aspects are often considered. By taking a wider view of the range of possible sexual violations, the laws in a number of member states articulate a growing understanding that sexual coercion is a human rights violation that demands a response of the state. Most member states do define rape as an ex officio offence, the barrier being largely located in the definition of when it is “real rape”. Yet, legal reforms do not translate into actual prosecution when traditional attitudes prevail, thus this is an area in which monitoring is particularly important.

### 4.2. Recognising aggravating circumstances

Whilst in the past, aggressions were often considered less serious within the family, a number of member states now take the opposite

stance, and declare the fact that (physical) violence was exercised within the couple to be an aggravating circumstance calling for higher

penalties. This has been the case in France since 1992, in Belgium since 1998, and has been more recently introduced, for example, in Iceland,



Luxembourg and Malta, where any close or family relationship is included. Such generalised provisions raise some controversial issues. If justified by a norm against violating trust, would it then be less serious for a man to attack the woman who tries to end the relationship (since she presumably no longer loves and trusts him)? They also challenge the principle of parity, which calls for comparable punishment when the crime is the same.

Spain considers all offences to be aggravated when they occur within a context of gender violence, that is, when committed against someone who was the perpetrator's wife or a woman who has been linked to the perpetrator in an analogous sentimental relationship, even without cohabitation. Thus, the Spanish provision takes specific account of

gender inequality and abuse of power, while the provisions referring to the family are gender-neutral, and aimed at the special foundation of trust presumed to be present in the family. Yet special protection for women is a controversial notion. In practice, most acts of violence towards women are punished less severely than the same acts in the public sphere, so that defining an aggravating circumstance may serve to help arrive at parity in the first place.

In other member states, special criminalisation in the family or household is not an aim. Recommendation Rec(2002)5 calls for penalising *every* act of violence against women, and takes its prime reference to the imbalance of power that makes violence against women a widespread problem. To declare violence against

a spouse more serious implies that an attack or rape against another woman is less serious. The United Kingdom has taken this problem on board in new definitive sentencing guidelines for the courts. These declare that offences in a domestic context are *no less* serious than those outside the home, and then *specify* aggravating factors that should be taken into account when applicable. These include: abuse of trust and abuse of power; victim is particularly vulnerable; impact on children; using contact arrangements with a child to commit an offence; and a proven history of domestic violence or of disobedience to court orders. The systematic data collection planned in both Spain and the United Kingdom should throw light on the effects of defining aggravating circumstances in the one or the other way.

### 4.3. Due diligence in prosecution

While legislation has progressed with regard to defining the offences and the punishment, research indicates that in the majority of cases, no conviction results, leaving the woman who found the courage to lodge a complaint possibly even more at risk than before. Both with respect to rape and sexual assault, and with respect to domestic violence, member states need to

- Exercise due diligence to investigate and punish acts of violence by recording all offences, gathering evidence, and using the police power to arrest or ban suspected perpetrators whenever appropriate;
- Prosecute on the basis of all available evidence, including but not restricted to victims' testimony;
- Provide that all court proceedings ensure the maximum safety and protection of victims;
- Impose adequate and appropriate penalties, while avoiding measures that may punish or endanger the victim (such as fines in many cases of domestic violence).

CEDAW shadow reports and reports from transnational NGOs such as amnesty international give the impression that the practical implementation of these principles is often lacking. This may often be a

matter of traditional attitudes lagging behind legal reforms, but there are also aspects in the legislation that discourage prosecution or conviction. However, few countries keep statistics on acts of gender violence and the rates of prosecution and conviction. At present, there is a lack of information on what is actually happening in practice.

Over the years, a number of countries have clarified that domestic violence is a public interest crime. This process is at different stages in different member states. In Lithuania, the victim must initiate prosecution for lower levels of physical violence (defined as causing health impairment for less than ten days). This is considered as protecting the victim's right to privacy, and some cases are still even referred to private prosecution, for which the victim bears the costs. Criminal law in Germany includes similar provisions for simple assault, but clarifying rules have been issued to prosecutors that in cases of domestic violence, the victim cannot be expected to lodge or pursue a complaint, and domestic violence should thus be generally treated as a public interest crime. Analysis of court cases in evaluation research found, however, that cases were usually dropped when a victim was unwilling to tes-

tify. Finland has also required the victim to request prosecution, otherwise the prosecutor will not act unless an important public or private interest requires that charges be brought; repealment of this provision is contemplated. In Croatia, ex officio prosecution even for severe domestic violence was not introduced until 2000.

Greece and Liechtenstein are referring cases of domestic violence to mediation rather than prosecution; there may be other member states in which this practice is employed to relieve the burden on the courts. International research indicates that conflict mediation with couples can be very dangerous when there has been violence. The woman is caught between remaining silent out of fear of retaliation, or trusting the encouragement of the mediator, speaking out and possibly being attacked afterwards for what she has said. In most couples, repeated or injurious violence is connected to patriarchal domination, used to control the woman and subordinate her to the man's wishes or needs. Mediation is founded on the concept that both parties have an equal right to speak out and negotiate an acceptable solution. It cannot be applied unless flanking measures ensure the safety of the



victim of violence until successful conclusion of the process. Some perpetrator programmes use a mediation framework to agree that the man will participate, but this is only acceptable ethically if there is protection (for example the couple has separated and she has a non-molestation order until he has completed the programme).

Implementing appropriate and effective punishment is a challenge, and the widespread practice of sentencing offenders to a fine is usually inadequate, and without flanking measures potentially dangerous. Deterrence can only be effective if it also provides for the safety of those harmed by the abuse. Useful alternatives can be:

- Ensuring the man is required to stay away from both the woman and the children who were wit-

nesses to the abuse for a substantial period, without any contact imposed against the will of the victims,

- Conditional sentencing, where the legal system permits, suspending a sentence or imposing probation on condition of the perpetrator attending a programme aimed at behavioural change (this usually requires a minimum period of six months),
- Community service rather than prison, where prison conditions are likely to reinforce the habit of respecting and using violence, preferably in combination with a perpetrator programme,
- Combining the criminal conviction with civil injunctions.

Given the lack of data on cases, proceedings and outcomes, it is not yet possible to assess which

approaches, those focussed more on punishment or those more centred on treatment, are effective in practice.

Approaches to penalising “any sexual act committed against non-consenting persons” (Rec(2002)5 Appendix § 35) are extremely varied and it is not clear that even the letter of the law expresses this principle clearly or with sufficient coverage in most or all member states. Information on prosecution is lacking. It would be useful to have a legal study of how the various forms and kinds of sexual coercion and violation are classified and penalised in selected member states; this could raise awareness of how existing gaps in legislation and prosecution might be addressed.



## Part 5. Measures to coordinate, qualify and link measures and agency procedures

### 5.1. Linking different legal frameworks

With the increase in specific laws and acts addressing domestic violence, the potential for inconsistency grows. Thus, while one court may issue a non-molestation order that forbids a man who has been violent to contact his wife in any way, another court may issue a child contact decree requiring regular interaction. Even where the solution of mediated child contact by way of a third party

is offered, it may not be available for more than a few occasions. Contradictions are also possible between protection measures and prosecution: While the victim may request that her address be kept secret, it may be revealed to the defendant in the course of legal access to evidence, or through social welfare agencies not fully aware of the danger. In general, neither penalties nor protection

orders can be imposed without delay, so that the offender often has ample opportunity to intimidate or further harm the victim before the measures take effect. The harm that has ensued when single measures were not linked to their overall context has taught the lesson that a holistic approach is needed.

### 5.2. Systematic inter-agency co-operation

It is widely recognised that a multisectoral approach is essential to combat violence against women. Whilst on a highest level a National Action Plan, a public and credible commitment of parliament and government, and allotting appropriate funding are best practice, effective implementation calls for translating the multisectoral approach into practice on the local and regional levels. This is increasingly being adopted in Council of Europe member states. Recent CEDAW reports from countries such as Denmark, Finland, France, Ireland and Italy cite such multi-agency co-operation as a strategic priority. In smaller countries such as Cyprus or Liechtenstein, the interdepartmental co-operation at the government level is also able to promote co-operation in local practice. Especially in countries with a decentralised structure and a traditionally strong reliance on NGOs, such as Ger-

many, the Netherlands and Norway, encouraging co-operation between agencies and the voluntary sector is a typical element of national action planning. Sweden reports from a 2005 survey that 70% of municipalities now have action plans for ensuring interprofessional work on violence against women.

Although multi-agency co-operation originated in countries that already had a number of institutionalised activities and resources in place, such as the United States of America, the United Kingdom, and Germany, with a focus on harmonising procedures, creating synergy and ensuring that there should be no gaps in the “chain of intervention”, the idea has proved equally valuable in countries at an earlier stage of developing awareness, services and specific agency procedures. Thus, both the Czech Republic and Slovakia are working towards building inter-

agency co-operation projects in cities and/or districts across the country. Understandably, success varies and the process requires time. Such co-operation calls for additional time and effort, and it is essential that some resources for the coordination be made available.

Multi-agency co-operation networks are particularly well suited to identify gaps and set priorities in delivery of services and of justice, as well as organising pragmatic solutions where the resources are insufficient to provide the full range of intervention and support that would be needed for best practice. They are also an excellent foundation for encouraging and supporting NGO work, whose contribution is particularly visible “on the ground”. National Action Plans would be well advised to specifically plan both administrative and logistic and financial support for building stable and



smoothly functioning networks on the local level.

### 5.3. Professional education and training

All professions and agencies that work with people are also confronted with violence against women, whether they know it or not. Generations of silence about “private” violence automatically excluded the topic from education and professional training, even in fields of work that normally deal with violence, crisis and trauma, such as the police, the law, medicine, psychotherapy and social work.

Awareness-raising has changed this to some extent in many countries, and the topic is more likely to be mentioned, especially when gender equality is taken seriously and more women are present as the responsible educators at tertiary level. In some member states, such as Croatia, knowledge about violence against women is being newly integrated into the curriculum of professional education for all relevant professions, while in Sweden, for example, this has been the case for some time. Beyond that, in-service training is needed in each profession to teach the tasks and skills specific to the job. For the great majority of practitioners who heard nothing about violence against women during their education, further training is necessary to build up knowledge on the problem and of the different roles of different agencies; this can be multi-professional, but needs to be practical in nature.

Evaluation research has repeatedly confirmed that intervention is most effective when each profession does their own job well. Police should be trained in assessing risk, providing safety from immediate threat, gathering evidence, and in general representing and implementing the law; they should not be expected to fill the jobs of amateur psychologists, judges or social workers. Counsellors, on the other hand, should not be expected to play the role of police officers; their job is to create a space of confidentiality for disclosure, provide understanding, support and advice without sanctions. Nursing and medical staff need to recognise the signs of present or past violence, diagnose the causes of suffering, and work towards healing; they should not think of themselves as prosecutors assigning guilt or innocence, nor should they try to do social work. Since the specific roles of the various professions when responding to violence against women have not been part of their education in the past, the task of training is considerable. It becomes more easily manageable when the specific tasks and skills for each profession are clearly understood and well-defined. Multi-agency co-operation then allows each professional to refer to the competencies of the others where needed.

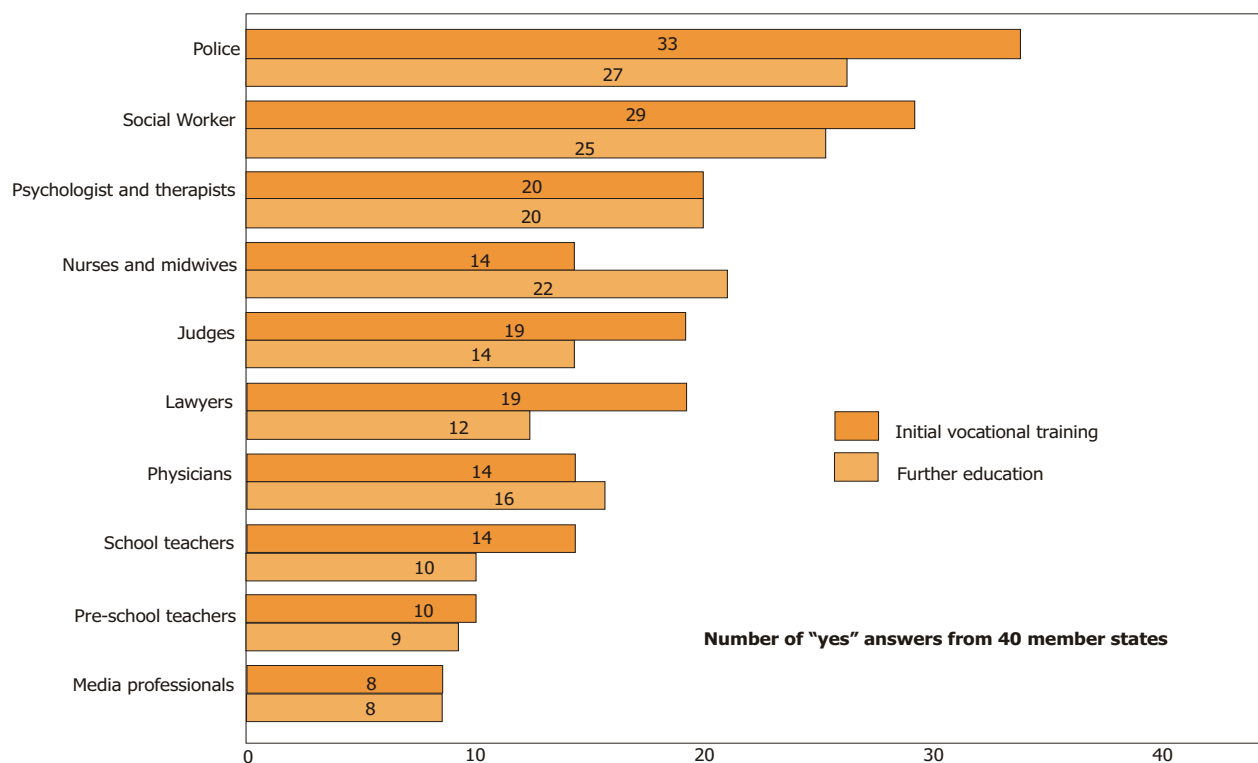
Training of the police is the most widely recognised need and seems to

be considered the most urgent step. 33 member states now include violence against women in the initial vocational training of the police, and 27 give them further training. This is followed by social work, where 29 member states report basic education about the problem, and 23 have further education. While basic education of nurses and midwives more rarely addresses the problem (12 countries), it is the third most frequent occupation for further training (21 states). Training for hospital nurses is essential, if violence-caused injuries are to be recognised and patients empowered to speak out; the hospital stay can be a crucial period for seeking help. Liechtenstein and Slovenia have trained all the nurses in their hospitals; larger countries tend to report local initiatives, but also the publication of guidelines.

Teachers and pre-school staff and media professionals are least likely to receive training, although they have the children in their care who need their attention to the problem: 14 member states address the issue in the education of school teachers, and only 9 with pre-school teachers, 7 countries educate media professionals. These are the groups also least well served with further training.



**Figure 5: Training of professionals**



When training for professions exist, it may still not have a wide coverage. Reporting on this is often somewhat vague. Cyprus has invested strongly in training and requires all police officers to attend annual training; this not only serves to maintain their skills and awareness, but also makes sure that they are aware of the latest legal and policy improvements. Ireland has a national policing plan including regular reviews of effectiveness of training. Iceland includes training at all

police colleges, but makes no mention of in-service or further training in its CEDAW report. Austria, Germany, Luxembourg, Slovenia and Switzerland understood police in-service training to be a necessary flanking measure to giving police the power and duty of evicting a perpetrator from the residence; thus, there has been extensive in-service training on domestic violence intervention, as well as inclusion of the topic in basic training. In some other member states, there seem to be problems

with installing adequate police training, and offers of co-operation by NGOs with specialised knowledge is sometimes rejected.

For other professions, there is a greater tendency to aim for broad impact by publishing guidelines. Evaluation research suggests that such guidelines and information leaflets often remain unread if not introduced by further training addressing the specific practical problems of the professionals concerned.





## Part 6. Cross-sectoral approaches and awareness-raising

### 6.1. Public awareness-raising

Education campaigns can be powerful tools in building awareness and changing public attitudes about violence against women. There are a number of ways that information can be disseminated to the public – through press conferences, media campaigns, public service announcements, distribution of informational leaflets, documentary films and email and the Internet, for example.

Women who have been victims of violent crimes can benefit tremendously when television stations and networks, radio stations, newspapers, magazines, Web sites, and other media promote the phone numbers of local, state, and national sexual assault and domestic violence hotlines. Local, community and national campaigns can inform victims of sexual assault, domestic violence, and stalking about available services. Public awareness raising campaigns can communicate that violence against women is wrong, and promote behavioural change among the

general public and in specific communities.

According to StopVAW reports, activists in the region of central and eastern European countries and in the Commonwealth of Independent States (CEIS) have made raising awareness about domestic violence issues a priority. Women's groups from throughout the region participated in the campaign, "16 Days of Activism Against Gender Violence," held annually between November 25 and December 10. For example a NGO from Montenegro developed a campaign message: "Show your strength but not on women." The group focused on delivering the message "in places where men were most likely to receive it," including having basketball and volleyball team participants carry banners with the message around the court before games. Turkey also carried out a media campaign targeting men with the support of nationally known football "stars".

In Bosnia and Herzegovina a campaign for rights of women war rape

survivors "For the Dignity of the Survivors" began in winter 2005/2006 and culminated in March 2006, on the day of the Sarajevo (and Bosnia and Herzegovina) premiere of Jasmila Zbanic's film "Grbavica", 1 March 2006 (after the "Golden Bear" award at Berlin Film Festival in February that year). Women activists organised the collection of signatures in front of movie theatres, in all cities where the movie was broadcast in local cinemas. In less than 30 days, more than 50,000 signatures were collected, and the lists of signatures were filed and bound in five "books of supporting lists," and presented to the Parliament of Bosnia and Herzegovina.

While community education does not directly address state obligations with respect to violence against women, it is an excellent way of starting to change public awareness and perceptions of violence. Grassroots support can also increase the leverage that can be brought to bear on politicians and other government officials.

### 6.2. Inclusion of the media

While the media are typically included in awareness-raising campaigns, little is said in available reports about more general efforts to influence how the media portray gender behaviour and gender-related violence. In most member states, the legal framework sets only a bottom

limit of respecting human dignity. However, Turkey has not only included in its national broadcasting law the more usual prohibition against discriminating portrayals based on gender, but also forbids "abuse due to gender" and "encouraging violence against women". Such a legal provi-

sion could enable civil society organisations to challenge films or advertisements in which women are made to seem deserving of abusive treatment, or that present stereotyped masculine ideals of violent behaviour. Codes of conduct for media professionals concerning violence against



women are rare; only 9 out of 40 member states have them. Bodies serving as a media watch are somewhat more frequent (17 member

states have them), but it is not clear how far they specifically address violence against women, especially considering that media professionals are

the least likely to have received education on this topic.

### 6.3. Preventive work with youth and preventive education in schools

Schools are an ideal place in which to introduce primary prevention programmes to a wide range of children. Much of children's social learning takes place in schools, and influences the development of behaviours and attitudes supportive of interpersonal violence in its many forms. Prevention programmes can capitalise on these factors by introducing discussion of personal safety and injury prevention in the classroom, and by integrating such discussion within the context of trusting relationships. Key elements of successful school-based programmes include: acknowledging that domestic violence and sexual assault are abuse of power and control; creating a high enough level of trust that children can disclose exposure to domestic violence and teach-

ers can make appropriate referrals; teaching safety skills about what to do when domestic violence occurs; and encouraging social skills development like conflict resolution as alternatives to violence.

Early- and mid-adolescence offers a unique window of opportunity for prevention efforts to make teens more aware of how violence in relationships can occur and to teach healthy ways of forming intimate relationships. Clear messages about personal responsibility and boundaries, delivered in a blame-free manner, are generally acceptable to this age group, whereas lectures and warnings are less helpful. Domestic violence and sexual assault prevention among this critical age group has focused on dating violence that often

includes, by definition, psychological, physical, and sexual abuse. Programmes on rape prevention can focus on violence committed by strangers, acquaintances, work colleagues, and intimate partners, which overlap with dating violence initiatives in terms of lessons about inappropriate attitudes and behaviours. Other programmes have incorporated content on the influence of drugs and alcohol and, in particular, "date-rape" drugs that allow perpetrators to incapacitate potential victims. Recognising the overlap between domestic violence and sexual assault is important, without allowing drugs and alcohol to become an excuse for the perpetrator or an opportunity to blame the victim.

## Part 7. Monitoring progress of implementation within the member states and across the Council of Europe

### 7.1. Statistics of cases that come to the attention of all relevant agencies and their disposition

There can be no doubt about the need for regular monitoring and evaluation of all relevant legal frameworks and statutory agencies in addressing violence against women, both within each member state, and across Europe. Only thus can there be a thorough stocktaking of the actual implementation of state policies, action plans and legislation.

Indeed, the monitoring framework prepared by a group of experts for the CDEG (on which the tables and charts of the present study are based) is profoundly unsatisfactory in not providing quantified performance data for comparison and assessment. The decision not to ask for even the most obviously relevant data, such as incidents of domestic violence recorded by the police and ensuing proceedings, was taken in view of the fact such data are largely unavailable to date. As the Regan/Kelly study found, even for rape, which has been a standard category in crime statistics for many years, only eight countries – out of 35 Justice Ministries contacted! – supplied complete or nearly complete data on numbers of reports, prosecutions and convictions for the period 1985-2001. Whilst definitions of rape are becoming more similar across Europe, other forms of sexual abuse and assault differ greatly between legal frameworks. At a mini-

mum, agreement needs to be reached on one or more categories of punishable sexual crimes for which statistics can be collected and published. Based on the commitment of all member states to exercise due diligence to prevent, investigate and punish acts of violence, police and criminal statistics useful for monitoring are urgently needed. The occasional and partial data provided by some member states, for example in the CEDAW reports of Croatia, Finland, Iceland and Ireland, are informative in themselves, but there is no comparability.

With domestic violence, statistical data collection is only beginning in a few countries, and still very unreliable. Whether or not a state has a specific law on domestic violence, the more serious crimes such as killings remain in traditional categories of criminal law, as indeed they must. Only the United Kingdom has introduced statistical procedures for marking domestic violence cases consistently and tracing them through the criminal justice system; the Spanish Observatory has begun such tracking. Croatia has (in its current national policy document) set itself the task of developing its statistical data and data exchange between police, justice and health systems in order to monitor cases involving violence against

women systematically and analytically. Denmark has been building a national database and supplementing crime statistics with victim statistics.

Whilst 23 member states do keep police statistics on both sex of victim and perpetrator and the relationship between them, they rarely combine these data so that male violence against women in a close relationship can be identified. Most often there are separate tables: sex of victim by offence, sex of perpetrator by offence, and numbers of cases within the family (sex not specified). The revised monitoring framework will specifically ask whether these data are linked and the results published.

Furthermore, definitions of domestic violence differ as to whether they identify gender-based violence at all. While Germany and Spain have established definitions that are gender- and relationship-based, regardless of when or whether the man and women share a dwelling, many of the new domestic violence laws include a wide range of kinship relationships, including parents, children and siblings as possible perpetrators or victims. Data that do not even distinguish partner abuse from child abuse will be of little use for measuring how violence against women is being addressed. Since other laws recognise only marriage



and current or recent cohabitation as defining conditions for domestic violence, a substantial number of cases of violence against women must be excluded.

Other statutory agencies should also be called upon to identify and track cases of violence against women that come to their notice. This will not eliminate the problem of hidden cases, but at least make it possible to monitor what services and measures are being applied once victimisation has been recognised. While respect for informational rights may prevent a case-by-case record, public servants and those working for

the public welfare, such as medical personnel, could reasonably be obliged to keep numerical records of the numbers and types of cases that appear in their client population. 11 member states report that they collect data on contacts with health care services due to violence against women. Social welfare services, housing authorities, and health services, after being trained to recognise violence against women, could be provided with simple, anonymous reporting schedules permitting an assessment both of the incidence of cases and the specific measures such

as service, treatment or referral offered.

Thus, it seems that few if any countries have a monitoring system which would enable them to know where the new legal activities are actually leading in practice. To monitor the implementation of the Recommendation effectively, routine national and local statistics ought to be produced and made publicly available to assess progress in addressing gender-based violence and the extent to which state interventions in response to perpetrators meet the needs of victimised women, including those from vulnerable groups.

## **7.2. Regular agency inspection on the implementation of laws, policies and guidelines, identifying gaps, blockages and follow-up**

Only a few member states report that they use methods of state inspection to assess the way in which violence against women is being addressed. Sweden and the United Kingdom have specifically entrusted inspection agencies to carry out such evaluations, and in both countries weak points and areas of inadequate performance could be identified and measures to improve the responses of agencies could then be targeted to the problem areas. Most member states seem not to have considered the possibility of using established inspection routines for this purpose. The Netherlands has established an inter-ministerial policy committee to monitor progress, although it is not stated what data are collected, and Cyprus

has also established an Advisory Committee for that purpose.

Austria, Germany, Luxembourg and the Netherlands have commissioned research to assess implementation; however, such studies are rarely repeated (Austria is a positive exception). Overall, relatively little is known in the member states about how the numerous and varied measures resolved upon are being carried out. There is more research assessment on services, especially in the voluntary or NGO sector. Much good work has been done in Austria, Germany, Ireland, Luxembourg, Switzerland and the United Kingdom, where a sophisticated tradition of formative evaluation has developed to assess both quality of process and impact. However, evaluation research is funded primarily in

countries that devolve services to the NGO sector, creating a political need to assess the proper use of public moneys. The studies are often very limited in duration and thus unable to trace developments over time. Germany accompanied the development of inter-agency networks with innovative approaches by a six-year formative evaluation process, and a similar major evaluation effort is being set up in the United Kingdom. States that rely more strongly on the statutory sector, for example in Scandinavia, have little evaluation research. Regrettably, in most of Europe, decisions on funding services are negotiated politically, with little or no resources devoted to evaluation. Changes in political decision making can thus lead to serious discontinuity.

## **7.3. Population-based surveys or modules in surveys to assess awareness, the real extent of the problem, and help-seeking**

Of the 40 member states reporting, 24 have collected national representative survey data on the prevalence of violence against women between 1994 and 2006, and nine have collected these data more than once. Several more countries have integrated questions into other national surveys, so that data exist in a total of 28 countries. A comparative analysis of prevalence studies available in English, French or Spanish indicates that research instruments differ. A European research network has

undertaken a comparative analysis using the original data from national population-based surveys of prevalence, and found both similarities and differences<sup>21</sup>. It seems that such studies are extremely sensitive to small differences in the wording of questions or the construction of the items. Furthermore, women's ability to name and disclose acts of "private" violence changes with awareness-raising and other cultural factors.

21. See publications at [www.cahrv.uni-osnabrueck.de](http://www.cahrv.uni-osnabrueck.de)

Thus, while it is important to document the dimensions of the problem, violence is not like an infectious disease, where the success of measures against it will be demonstrated by a decrease in the number of reported cases – the contrary might be the case.

A Task Force of the United Nations Economic Committee for Europe (UNECE) is currently working towards a common framework and methodology for surveying violence against women in co-operation



with the national statistics machinery in the European countries. This may result in a statistical foundation for assessing awareness, visibility and prevalence of violence, and over the long term, provide an indicator for the success of measures to overcome the problem.



## Part 8. Summary and Conclusions

The Recommendation expresses, but also works to mobilise, a **political will** to eliminate violence against women. This clear political statement has helped even countries in economic and political transition to develop laws and policies on violence against women. Women's NGOs play a key part. Together, shaping political will in the intergovernmental level and engagement "on the ground" can effect change. This shows itself in a gradual increase in the development of general measures towards coordinating national strategies and establishing zero tolerance in the law and in agency practices.

Significant progress has been made on ensuring that violence against women is penalised both in the **legislation** and in the provisions for **prosecution**. However, there is still a lack of consistency in the concepts and framing of the laws, which in a number of cases do not explicitly recognise gender-based violence, but subsume it under violence occurring within the household, or within kinship relationships of all kinds. It will be difficult to collect useful data and monitor progress if intimate partner violence against women is confounded, for example, with child abuse and with fistfights between brothers, and one might well question whether, for these very different kinds of situations, the remedies should be the same. The legal frameworks on sexual assault are even less coherent across the different member states; there is a lack of clarity about when and how sexual acts against a non-consenting person are penalised.

Against this background, applying the concept of "aggravating circumstances" calling for a higher penalty presents some problems. The point of reference can be the home or household, the family, the intimate relationship or the gender of the victim. Such legal instructions to judges have very different meanings in different legal systems. There is a real need to **assess** the actual **impact** of such provisions in the states that have introduced them.

Implementing a stated policy to overcome violence against women presents many challenges. There is a tension between **bringing perpetrators to justice** quickly and sternly, on the one hand, and **protecting and empowering victims** on the other. Policies favouring arrest, criminal prosecution and fast-track court proceedings with a prison sentence are at one end of the spectrum; policies oriented to women's immediate safety by removing the person posing a threat, regardless of whether criminal prosecution will occur, and active counselling intervention are at the other end. Member states have taken different paths by setting one or the other priority. While they may be said to be working from opposite starting points towards a common middle ground, the choice of measures differs, and they probably come to grips with somewhat different situations. As yet there is not enough documented experience with sustained and consistent application of either approach to permit comparative assessment.

In either case, services based on empowerment of victimised women and offering optimal support and assistance are essential to success. These call for a significant involvement of **women-centred NGOs** receiving adequate resources and recognition for their work. As shown in the stocktaking study, the cost to member states for funding such services represent a saving relative to the much greater costs of allowing victimisation to continue. Victims in a democracy have a right to services that are accessible and appropriate to diverse needs, and characterised by stability, continuity, quality assurance, and professional development. There must be a sustained effort to ensure an even level of need-based service provision.

Although evaluation research and systematic inspection reports are limited to a relatively small number of countries, present knowledge points consistently to the importance of **multi-agency co-operation** at the local level. National Action Plans would be well advised to plan resources and support for building and sustaining such networks.

At present, it is not possible to monitor implementation, since budget provisions are structured very differently. There is a need to develop **gender budgeting** specifically for the work on violence against women. This would not only improve reporting and assessment of how resources are being dedicating to overcoming violence against women, but also enable member states to measure the cost-effectiveness of



their work in the field. In becoming transparent for the citizenship, budget presentation also conveys to the public the message that society takes responsibility for every woman's right to a violence-free life.

To assess progress in addressing gender-based violence, comparable national and local **statistics** are needed. These should be based on data collection by statutory agencies, including the justice system and the health system. Routine administra-

tive data are the foundation for monitoring whether agencies are functioning in practice as they should. It would be extremely useful to have some guidelines representing an agreement on basic data to be collected, with due consideration of the national structures, in the different member states.

Finally, consideration should be given to developing a European **code of victim's rights** with an explicit gender perspective, taking account of

both women's and men's specific or common needs when they become victims of crime. Such a code should be multi-sectoral, explicating their rights with respect to agency responses, initial reception and support, appropriate health care, compensation and services, information and fair treatment within the criminal justice system, including the right to make choices about their lives and relationships when this does not collide with the rule of law.



**Part 9. Appendix: Tables of the replies to the Monitoring Framework on implementation of Rec(2002)5**



List and dates of the 40 replies received – 2005-2006<sup>22</sup>

<b>Member States</b>	<b>Dates</b>
Andorra	March 2006
Armenia	November 2005
Austria	November 2005
Azerbaijan	October 2006
Belgium	November 2005
Bosnia and Herzegovina	January 2006
Bulgaria	January 2006
Croatia	November 2005 Updated December 2006
Cyprus	November 2005
Czech Republic	November 2005
Denmark	November 2005
Estonia	November 2005
Finland	November 2005
France	November 2005
Georgia	April 2006
Germany	November 2005
Greece	January 2006
Hungary	March 2006
Iceland	November 2005
Ireland	November 2005
Italy	January 2006
Latvia	October 2006
Liechtenstein	January 2006
Lithuania	January 2006
Luxembourg	September 2006
Malta	November 2005
Monaco	November 2005
Netherlands	November 2005
Norway	November 2005
Portugal	November 2005 Updated December 2006

22. Missing Replies: Albania, Moldova, Poland, Russian Federation, Ukraine and United Kingdom



<b>Member States</b>	<b>Dates</b>
Romania	October 2006
San Marino	December 2006
Serbia	September 2006
Slovakia	November 2005
Slovenia	October 2006
Spain	November 2005
Sweden	November 2005
Switzerland	November 2005
"The former Yugoslav Republic of Macedonia"	October 2006
Turkey	November 2005

Since the questionnaire is due to be sent out again in 2007, in order to monitor developments, updates referring explicitly to figures for 2007 were not included in these tables.



1. Have you established a national action plan for combating violence against women? If so, has it been publicised? What is the time frame? Does your action plan address all areas of violence against women as defined in Recommendation Rec(2002)5?

Table 1a. Existence of national action plan, publication and time frame

Country	Has a national action plan been established?	If so, has it been published?	What is the time frame?
Andorra	yes	no	no answer
Armenia	no	/	/
Austria	no	/	/
Azerbaijan	no	/	/
Belgium	yes	yes	2004-2007
Bosnia and Herzegovina	yes	no	2006-2011
Bulgaria	no	/	/
Croatia	yes	yes	2005-2007
Cyprus	yes	no	2006
Czech Republic	yes	yes	every year evaluation
Denmark	yes	yes	2005-2008
Estonia	no	/	/
Finland	yes	yes	2004-2007
France	yes	yes	2005-2007
Georgia	no	/	/
Germany	yes	yes	completed
Greece	yes	yes	4 years
Hungary	yes	no answer	no answer
Iceland	no	/	/
Ireland	yes	yes	no answer
Italy	no	/	/
Latvia	no	/	/
Liechtenstein	no	/	/
Lithuania	yes	no	2007-2009
Luxembourg	yes	yes	2006-2008
Malta	no	/	/
Monaco	no	/	/
Netherlands	yes	yes	no answer
Norway	yes	yes	2004-2007
Portugal	yes	yes	3 years
Romania	yes	yes	2005-2007
San Marino	yes	yes	2006-2008
Serbia	no	/	in draft 2007-2010
Slovakia	yes	yes	2005-2008
Slovenia	no	/	/



Table 1a. Existence of national action plan, publication and time frame

Country	Has a national action plan been established?	If so, has it been published?	What is the time frame?
Spain	yes	no answer	no answer
Sweden	yes	yes	1998-2003
Switzerland	yes	yes	no answer
"The former Yugoslav Republic of Macedonia"	no	/	/
Turkey	no	/	/
Frequency of yes answers	24	18	

/ = not applicable



Which forms of violence against women as defined in Recommendation Rec(2002)5 are addressed by the national action plan?

Table 1b. Forms of violence against women addressed in action plan

Country	Rape and sexual violence	Violence within the family	Sexual harassment	Genital mutilation	Violence in conflict and post-conflict situation	Violence in institutional environment	Failure to respect freedom of choice with regard to reproduction	Killings in the name of honour	Forced marriages
Andorra	no	yes	no	no	no	no	no	no	no
Armenia	/	/	/	/	/	/	/	/	/
Austria	/	/	/	/	/	/	/	/	/
Azerbaijan	/	/	/	/	/	/	/	/	/
Belgium	no	yes	no	no	no	no	no	no	no
Bosnia and Herzegovina	yes	yes	yes	no	yes	yes	yes	no	no
Bulgaria	/	/	/	/	/	/	/	/	/
Croatia	no	yes	no	no	no	no	no	no	no
Cyprus	yes	yes	yes	no	no	no	no	no	no
Czech Republic	no	yes	no	no	no	no	no	no	no
Denmark	no	yes	no	no	no	no	no	no	no
Estonia	/	/	/	/	/	/	/	/	/
Finland	yes	yes	yes	yes	no	yes	yes	yes	yes
France	no	yes	no	no	no	no	no	no	no
Georgia	/	/	/	/	/	/	/	/	/
Germany	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	yes	yes	no answer	no answer	no answer	no answer	no answer	no answer	yes
Hungary	no answer	yes	no answer	no answer	no answer	no answer	no answer	no answer	no answer
Iceland	/	/	/	/	/	/	/	/	/
Ireland	yes	yes	no answer	no answer	no answer	yes	no answer	no answer	no answer
Italy	/	/	/	/	/	/	/	/	/
Latvia	/	/	/	/	/	/	/	/	/
Liechtenstein	/	/	/	/	/	/	/	/	/
Lithuania	yes	yes	yes	no	no	no	no	no	no
Luxembourg	yes	yes	no	no	yes	yes	no	no	no
Malta	/	/	/	/	/	/	/	/	/
Monaco	/	/	/	/	/	/	/	/	/
Netherlands	yes	yes	yes	yes	yes	yes	yes	yes	yes
Norway	yes	yes	yes	yes	no	no	no	no	yes
Portugal	yes	yes	yes	yes	no	yes	yes	no	no
Romania	no answer	yes	yes	no answer	no answer	no answer	no answer	no answer	no answer
San Marino	no	yes	yes	no	no	no	no	no	no
Serbia	yes	yes	yes	yes	yes	yes	yes	yes	yes



Table 1b. Forms of violence against women addressed in action plan

Country	Rape and sexual violence	Violence within the family	Sexual harassment	Genital mutilation	Violence in conflict and post-conflict situation	Violence in institutional environment	Failure to respect freedom of choice with regard to reproduction	Killings in the name of honour	Forced marriages
Slovakia	yes	yes	yes	no	no	no	no	no	no
Slovenia	/	/	/	/	/	/	/	/	/
Spain	yes	yes	yes	yes	no	no	no	no	no
Sweden	yes	yes	yes	yes	yes	no answer	no	yes	yes
Switzerland	yes	yes	yes	no	yes	no	no	no	no
"The former Yugoslav Republic of Macedonia"	/	/	/	/	/	/	/	/	/
Turkey	/	/	/	/	/	/	/	/	/
Frequency of yes answers	16	25	15	8	7	8	6	5	7
/ = not applicable									

2. Do you have a governmental co-ordinating body for implementation and evaluation, as specified in paragraph I (3) of the Recommendation Rec(2002)5 and paragraph 4 of its appendix?

Table 2. Existence of governmental co-ordinating body for implementation and evaluation

Andorra	yes	Georgia	no	Norway	yes
Armenia	no answer	Germany	yes	Portugal	yes
Austria	no	Greece	yes	Romania	yes
Azerbaijan	no	Hungary	no	San Marino	yes
Belgium	yes	Iceland	no	Serbia	yes
Bosnia and Herzegovina	yes	Ireland	yes	Slovakia	yes
Bulgaria	no	Italy	yes	Slovenia	yes
Croatia	yes	Latvia	no	Spain	yes
Cyprus	no	Liechtenstein	yes	Sweden	yes
Czech Republic	yes	Lithuania	yes	Switzerland	yes
Denmark	yes	Luxembourg	yes	"The former Yugoslav Republic of Macedonia"	no answer
Estonia	no	Malta	no	Turkey	yes
Finland	no	Monaco	no	Frequency of yes answers	26
France	yes	Netherlands	yes		



3. Are specific funds allocated at national, and/or regional and/or local level of government for activities to combat violence against women? If so, how much? Do NGOs receive financial support from public authorities for their activities in addressing violence against women?

Table 3. Funds at governmental levels and financial support for NGOs

Country	Funds at national level of government	Funds at regional level of government	Funds at local level of government	Amount of funds in Euros	Financial support for NGOs
Andorra	yes	no answer	no answer	64.731	yes
Armenia	no answer	no answer	no answer	/	no answer
Austria	yes	yes	yes	2.800.000	yes
Azerbaijan	no	no	no	/	no
Belgium	yes	yes	yes	no answer	yes
Bosnia and Herzegovina	yes	no	no	56.243	yes
Bulgaria	yes	no answer	no answer	130.000	yes
Croatia	yes	yes	yes	app. 623.000 (2004-2006)	yes
Cyprus	yes	yes	yes	no answer	yes
Czech Republic	yes	yes	yes	no answer	yes
Denmark	yes	no answer	no answer	8.582.921	yes
Estonia	no	no	no	/	yes
Finland	yes	yes	yes	300.000	yes
France	yes	no	yes	3.000.000	yes
Georgia	no	no	no	/	no
Germany	yes	yes	yes	no answer	yes
Greece	yes	yes	yes	no answer	yes
Hungary	yes	no	no	no answer	yes
Iceland	yes	yes	yes	1.248.275	yes
Ireland	yes	yes	yes	15.635.000	yes
Italy	yes	yes	yes	no answer	yes
Latvia	no	no	no	/	no
Liechtenstein	yes	yes	yes	no answer	yes
Lithuania	yes	no	yes	35.000	yes
Luxembourg	yes	no	no	4.632.242	yes
Malta	yes	no answer	no answer	199.630	yes
Monaco	no	no answer	no answer	/	no
Netherlands	yes	yes	yes	11.615.000	yes
Norway	yes	yes	yes	no answer	yes
Portugal	yes	no	yes	no answer	yes
Romania	yes	no answer	yes	740.000	yes
San Marino	yes	no	no	/	no





Table 3. Funds at governmental levels and financial support for NGOs

Country	Funds at national level of government	Funds at regional level of government	Funds at local level of government	Amount of funds in Euros	Financial support for NGOs
Serbia	no	no	no	partly	yes
Slovakia	yes	yes	yes	no answer	yes
Slovenia	yes	no answer	yes	no answer	yes
Spain	yes	yes	yes	no answer	yes
Sweden	yes	yes	yes	different amounts	yes
Switzerland	yes	yes	yes	160.000	yes
"The former Yugoslav Republic of Macedonia"	yes	no answer	no answer	100.000	yes
Turkey	no	no	no	/	no
Frequency of yes answers	32	18	23		33

/ = not applicable



4. *Is every act of violence against women penalised, in particular: all forms of physical violence to spouses, regular or occasional partners and cohabitants? all forms of sexual violence to spouses, regular or occasional partners and cohabitants? psychological violence within the family? sexual harassment at work?*

Table 4. *Which acts of violence against women are penalised?*

Country	Is every act of VaW penalised?	Physical violence to spouses, partners and cohabitants	Sexual violence to spouses, partners and cohabitants	Psychological violence within the family	Sexual harassment at work
Andorra	yes	yes	yes	yes	yes
Armenia	yes	yes	yes	yes	yes
Austria	no	yes	yes	no	yes
Azerbaijan	yes	yes	yes	yes	yes
Belgium	yes	yes	yes	yes	yes
Bosnia and Herzegovina	yes	yes	yes	yes	yes
Bulgaria	yes	yes	yes	yes	yes
Croatia	yes	yes	yes	yes	yes
Cyprus	yes	yes	yes	yes	yes
Czech Republic	yes	yes	yes	yes	yes
Denmark	yes	yes	yes	yes	yes
Estonia	no	yes	yes	no	yes
Finland	no	yes	yes	yes	yes
France	yes	yes	yes	yes	yes
Georgia	no	yes	yes	no	no
Germany	yes	yes	yes	yes	yes
Greece	no	yes	yes	no	no
Hungary	no	yes	yes	yes	no
Iceland	yes	yes	yes	no	yes
Ireland	yes	yes	yes	yes	no
Italy	yes	yes	yes	yes	yes
Latvia	no	no	no	no	no
Liechtenstein	yes	yes	yes	yes	yes
Lithuania	yes	yes	yes	no	yes
Luxembourg	yes	yes	yes	yes	yes
Malta	no	no answer	no answer	no	yes
Monaco	no	yes	yes	no	no
Netherlands	yes	yes	yes	yes	yes
Norway	yes	yes	yes	yes	yes
Portugal	yes	yes	yes	yes	yes



Table 4. Which acts of violence against women are penalised?

Country	Is every act of VaW penalised?	Physical violence to spouses, partners and cohabitants	Sexual violence to spouses, partners and cohabitants	Psychological violence within the family	Sexual harassment at work
Romania	yes	yes	no	yes	yes
San Marino	yes	yes	yes	yes	yes
Serbia	yes	yes	yes	yes	yes
Slovakia	yes	yes	yes	yes	yes
Slovenia	no answer	yes	yes	yes	yes
Spain	yes	yes	yes	yes	no
Sweden	yes	yes	yes	yes	yes
Switzerland	no	yes	yes	no	yes
"The former Yugoslav Republic of Macedonia"	yes	yes	yes	yes	yes
Turkey	yes	yes	yes	yes	yes
Frequency of yes answer	29	38	37	30	33



5. Is the police required to record all cases of violence within the family by law, by regulation or by written instruction? Is the police required to investigate all cases reported?

Table 5. Police recording and investigating required

Country	Record all cases of violence within the family	Investigate all cases reported
Andorra	yes	yes
Armenia	no	no
Austria	yes	yes
Azerbaijan	yes	yes
Belgium	yes	yes
Bosnia and Herzegovina	yes	yes
Bulgaria	yes	yes
Croatia	yes	yes
Cyprus	yes	yes
Czech Republic	yes	yes
Denmark	no answer	no answer
Estonia	yes	yes
Finland	no	yes
France	yes	no
Georgia	yes	yes
Germany	yes	yes
Greece	yes	yes
Hungary	yes	yes
Iceland	yes	yes
Ireland	yes	yes
Italy	no	yes
Latvia	no	no
Liechtenstein	no	yes
Lithuania	yes	yes
Luxembourg	yes	yes
Malta	yes	no answer
Monaco	yes	no
Netherlands	yes	yes
Norway	yes	yes



Country	Record all cases of violence within the family	Investigate all cases reported
Portugal	yes	yes
Romania	yes	yes
San Marino	no	no
Serbia	yes	yes
Slovakia	yes	yes
Slovenia	yes	yes
Spain	yes	yes
Sweden	yes	yes
Switzerland	yes	yes
"The former Yugoslav Republic of Macedonia"	yes	yes
Turkey	yes	yes
Frequency of yes answers	33	33



6. Has the state made provisions to ensure that the public prosecutor can initiate criminal proceedings in cases of violence within the family and sexual violence?

Table 6. Provisions to ensure initiation of criminal proceedings by the public prosecutor

Country	In cases of violence within the family	In cases of sexual violence
Andorra	yes	yes
Armenia	no	yes
Austria	yes	yes
Azerbaijan	no	no
Belgium	yes	yes
Bosnia and Herzegovina	yes	yes
Bulgaria	yes	yes
Croatia	yes	yes
Cyprus	yes	yes
Czech Republic	yes	yes
Denmark	no answer	no answer
Estonia	yes	yes
Finland	yes	yes
France	yes	yes
Georgia	yes	no
Germany	yes	yes
Greece	no	yes
Hungary	yes	yes
Iceland	yes	yes
Ireland	no	no
Italy	yes	yes
Latvia	no	no
Liechtenstein	yes	yes
Lithuania	no	yes
Luxembourg	yes	yes
Malta	no	no
Monaco	yes	yes
Netherlands	yes	yes
Norway	yes	yes
Portugal	yes	yes
Romania	yes	yes



Table 6. Provisions to ensure initiation of criminal proceedings by the public prosecutor

Country	In cases of violence within the family	In cases of sexual violence
San Marino	no	no
Serbia	yes	yes
Slovakia	yes	yes
Slovenia	yes	yes
Spain	no answer	no answer
Sweden	yes	yes
Switzerland	yes	yes
"The former Yugoslav Republic of Macedonia"	yes	no answer
Turkey	yes	yes
Frequency of yes answers	30	31



7. Are judicial protection orders for the victims of violence within the family available under your legal system?

Table 7. Availability of judicial protection orders for victims of violence

Country	Availability of judicial protection orders for victims of violence
Andorra	yes
Armenia	yes
Austria	yes
Azerbaijan	yes
Belgium	yes
Bosnia and Herzegovina	yes
Bulgaria	yes
Croatia	yes
Cyprus	yes
Czech Republic	no
Denmark	yes
Estonia	no
Finland	yes
France	yes
Georgia	no
Germany	yes
Greece	yes
Hungary	yes
Iceland	yes
Ireland	yes
Italy	yes
Latvia	no
Liechtenstein	yes
Lithuania	yes
Luxembourg	yes
Malta	no answer
Monaco	yes
Netherlands	yes
Norway	yes
Portugal	yes
Romania	yes
San Marino	yes
Serbia	no answer





Country	Availability of judicial protection orders for victims of violence
Slovakia	yes
Slovenia	yes
Spain	yes
Sweden	yes
Switzerland	yes
"The former Yugoslav Republic of Macedonia"	yes
Turkey	yes
Frequency of yes answers	34



8. How many shelters exist where women who are victims of any form of violence can find safe temporary accommodation with their children and receive counselling and support by specifically trained staff? How many places are available? Are they accessible around the clock (24/7) for all women, in sufficiently wide geographical distribution and free of charge? Are minimum standards established?

Table 8. Number of shelters, places and their accessibility

Country	Number of shelters	Number of places	Accessible around the clock (24/7)	Accessible in sufficiently wide geographical distribution	Free of charge	Minimum standards established
Andorra	no answer	6	yes	no	yes	yes
Armenia	no answer	no answer	no answer	no answer	no answer	no answer
Austria	28	600	yes	yes	yes	yes
Azerbaijan	0	0	/	/	/	/
Belgium	28	500	yes	yes	yes	yes
Bosnia and Herzegovina	7	134	yes	no	yes	no
Bulgaria	3	15	yes	yes	yes	no
Croatia	13	247	yes	yes	yes	yes
Cyprus	1	8	no	no	yes	yes
Czech Republic	50	1147	yes	no	no	yes
Denmark	35	258	yes	yes	no	yes
Estonia	5	50	yes	no	yes	no
Finland	25	125	yes	no	yes	yes
France	33	1272	yes	no	yes	yes
Georgia	2	16	yes	no	yes	no
Germany	400	6924	yes	yes	yes	yes
Greece	7	7	yes	no	yes	yes
Hungary	8	40	yes	no	yes	no
Iceland	1	20	yes	yes	yes	yes
Ireland	18	111	no	no	yes	yes
Italy	49	no answer	yes	yes	yes	yes
Latvia	5	no answer	no	no	no	no
Liechtenstein	1	7	yes	yes	yes	yes
Lithuania	25	200	yes	yes	yes	no
Luxembourg	9	165	yes	yes	yes	yes
Malta	5	76	yes	no	yes	no
Monaco	0	0	/	/	/	/
Netherlands	100	2464	no	yes	yes	yes
Norway	50	50	yes	yes	yes	no



Table 8. Number of shelters, places and their accessibility

Country	Number of shelters	Number of places	Accessible around the clock (24/7)	Accessible in sufficiently wide geographical distribution	Free of charge	Minimum standards established
Portugal	35	562	yes	yes	yes	yes
Romania	32	no answer	yes	no answer	no answer	yes
San Marino	0	upon request	no	no	yes	no
Serbia	10	300	no	no	yes	yes
Slovakia	109	1047	yes	yes	yes	yes
Slovenia	12	180	no	no	no	yes
Spain	293	4144	yes	yes	yes	yes
Sweden	160	no answer	no	no	no	yes
Switzerland	18	200	yes	yes	yes	no
"The former Yugoslav Republic of Macedonia"	7	7	yes	yes	yes	yes
Turkey	14	259	yes	no	yes	yes
Frequency of yes answers			29	18	31	26



9. Are there services with specifically trained staff for women who are victims of sexual assault, including 24-hour rape crisis centres that ensure immediate medical care and documentation? Are they accessible to all women in sufficiently wide geographical distribution and free of charge?

Table 9. Existence of services for victims of sexual assault

Country	Services that ensure immediate medical care	Services that ensure documentation	Services accessible to all women	Services accessible in sufficiently wide geographical distribution	Services accessible to all women free of charge
Andorra	no	no	/	/	/
Armenia	no answer	no answer	no answer	no answer	no answer
Austria	no	no	/	/	/
Azerbaijan	yes	yes	yes	no	yes
Belgium	yes	yes	yes	yes	yes
Bosnia and Herzegovina	no	no	/	/	/
Bulgaria	no	yes	yes	yes	yes
Croatia	yes	yes	yes	yes	yes
Cyprus	no	no	/	/	/
Czech Republic	no	no	/	/	/
Denmark	yes	yes	yes	yes	yes
Estonia	no	no	/	/	/
Finland	no	no	/	/	/
France	yes	yes	no	no	yes
Georgia	no	no	/	/	/
Germany	yes	yes	yes	no	yes
Greece	yes	yes	yes	yes	yes
Hungary	no	no	/	/	/
Iceland	yes	yes	yes	yes	yes
Ireland	no	no	/	/	/
Italy	yes	yes	yes	no	yes
Latvia	no	no	/	/	/
Liechtenstein	yes	yes	yes	no	yes
Lithuania	no	no	/	/	/
Luxembourg	yes	yes	yes	yes	yes
Malta	no	no	/	/	/
Monaco	no	no	/	/	/
Netherlands	yes	yes	yes	yes	yes
Norway	yes	yes	yes	no	yes
Portugal	yes	yes	yes	yes	yes



Table 9. Existence of services for victims of sexual assault

Country	Services that ensure immediate medical care	Services that ensure documentation	Services accessible to all women	Services accessible in sufficiently wide geographical distribution	Services accessible to all women free of charge
Romania	no	no	/	/	/
San Marino	yes	no	yes	yes	yes
Serbia	yes	yes	no	no	yes
Slovakia	yes	yes	yes	yes	yes
Slovenia	yes	yes	yes	yes	no answer
Spain	no	no	/	/	/
Sweden	yes	yes	yes	no	no
Switzerland	yes	yes	yes	no	yes
"The former Yugoslav Republic of Macedonia"	no	no	/	/	/
Turkey	no	no	/	/	/
Frequency of yes answers	20	20	19	12	19



10. Are children who witness violence against their mothers given protection and assistance by specifically trained staff to meet their needs? Is it free of charge?

Table 10. Protection and assistance for children who witness violence against their mothers

Country	Protection and assistance for children	Free of charge
Andorra	yes	yes
Armenia	no answer	no answer
Austria	yes	yes
Azerbaijan	yes	yes
Belgium	yes	yes
Bosnia and Herzegovina	yes	yes
Bulgaria	yes	yes
Croatia	yes	yes
Cyprus	yes	yes
Czech Republic	yes	yes
Denmark	yes	yes
Estonia	yes	yes
Finland	no	/
France	no	/
Georgia	no	/
Germany	yes	yes
Greece	yes	no answer
Hungary	yes	yes
Iceland	no	/
Ireland	yes	yes
Italy	yes	yes
Latvia	no	/
Liechtenstein	yes	yes
Lithuania	yes	yes
Luxembourg	yes	yes
Malta	yes	yes
Monaco	no	/
Netherlands	yes	yes
Norway	no	/



Country	Protection and assistance for children	Free of charge
Portugal	yes	yes
Romania	yes	yes
San Marino	yes	yes
Serbia	yes	yes
Slovakia	yes	yes
Slovenia	yes	yes
Spain	yes	yes
Sweden	yes	yes
Switzerland	yes	yes
"The former Yugoslav Republic of Macedonia"	yes	yes
Turkey	yes	yes
Frequency of yes answers	32	31



11. Is information about women's rights and the measures to protect them against violence, about police and legal intervention, and about services for victims disseminated in all relevant languages on a regular basis and using media and methods suited to reach all women throughout the country?

Table 11. Dissemination of information about women's rights, legal and protection measures, services for victims

Country	Is information disseminated	... in all relevant languages	... on a regular basis	... using media and methods
Andorra	yes	no	no	yes
Armenia	no	/	/	/
Austria	yes	yes	yes	yes
Azerbaijan	yes	yes	yes	no
Belgium	yes	yes	yes	yes
Bosnia and Herzegovina	yes	yes	no	no
Bulgaria	yes	yes	yes	yes
Croatia	yes	no	yes	yes
Cyprus	yes	no	no	yes
Czech Republic	yes	yes	no	yes
Denmark	yes	yes	no	yes
Estonia	yes	no	no	no
Finland	yes	no	no	yes
France	no	no	yes	yes
Georgia	yes	yes	no	yes
Germany	yes	yes	yes	yes
Greece	yes	no answer	yes	yes
Hungary	yes	yes	yes	yes
Iceland	yes	yes	yes	yes
Ireland	yes	yes	yes	yes
Italy	yes	yes	yes	yes
Latvia	no answer	yes	no	no
Liechtenstein	yes	yes	yes	yes
Lithuania	yes	no answer	yes	yes
Luxembourg	yes	yes	yes	yes
Malta	yes	yes	yes	yes
Monaco	no	/	/	/
Netherlands	yes	no	no	no
Norway	yes	no	no	yes
Portugal	yes	no	yes	yes
Romania	no answer	no answer	yes	yes





Table 11. Dissemination of information about women's rights, legal and protection measures, services for victims

Country	Is information disseminated	... in all relevant languages	... on a regular basis	... using media and methods
San Marino	yes	no	yes	yes
Serbia	yes	no	no	no
Slovakia	no answer	yes	yes	no
Slovenia	yes	no	yes	yes
Spain	yes	yes	yes	yes
Sweden	yes	no	yes	yes
Switzerland	yes	yes	no	yes
"The former Yugoslav Republic of Macedonia"	no answer	yes	yes	yes
Turkey	yes	no	no	yes
Frequency of yes answers	33	21	24	31



12. Are there specifically designed intervention programmes, conducted by professionals, offered to men perpetrators of violence against women? How many programmes exist?

Table 12. Intervention programmes for men perpetrators

Country	Intervention programmes for men perpetrators of violence against women	Number of existing programmes
Andorra	no	/
Armenia	no	/
Austria	yes	2
Azerbaijan	no	/
Belgium	yes	10
Bosnia and Herzegovina	no	/
Bulgaria	no	/
Croatia	yes	2
Cyprus	no	/
Czech Republic	no answer	/
Denmark	yes	4
Estonia	no	/
Finland	yes	3
France	yes	no answer
Georgia	no	/
Germany	yes	9
Greece	yes	no answer
Hungary	yes	2
Iceland	no	/
Ireland	yes	16
Italy	no	/
Latvia	no	/
Liechtenstein	no	/
Lithuania	yes	1
Luxembourg	yes	1
Malta	yes	2
Monaco	no	/
Netherlands	yes	24
Norway	yes	4
Portugal	yes	3
Romania	yes	1
San Marino	no	/
Serbia	no	/
Slovakia	no	/
Slovenia	yes	1
Spain	yes	18



<b>Country</b>	<b>Intervention programmes for men perpetrators of violence against women</b>	<b>Number of existing programmes</b>
Sweden	yes	25
Switzerland	yes	10
"The former Yugoslav Republic of Macedonia"	no	/
Turkey	no	/
Frequency of yes answers	21	

13. *Has a code of conduct concerning violence against women been drawn up for media professionals?*
14. *Is there a body serving as a media watch dealing with issues concerning violence against women and sexism as well as with stereotyped portrayal of women?*

Table 13-14. Code of conduct for media professionals and body serving as media watch concerning violence against women

Country	Code of conduct for media professionals	Body serving as a media watch
Andorra	yes	no
Armenia	yes	no
Austria	no	no
Azerbaijan	no	no
Belgium	no	no
Bosnia and Herzegovina	no	no
Bulgaria	no	no
Croatia	yes	yes
Cyprus	yes	yes
Czech Republic	no	no
Denmark	no	yes
Estonia	no	no
Finland	no	yes
France	yes	yes
Georgia	no	no
Germany	yes	yes
Greece	no answer	yes
Hungary	no	no
Iceland	no	no
Ireland	no	no
Italy	no	no
Latvia	no	no
Liechtenstein	no	no
Lithuania	no	yes
Luxembourg	no	yes
Malta	no	no
Monaco	no answer	no
Netherlands	yes	no
Norway	no	yes
Portugal	yes	yes
Romania	no	yes



Country	Code of conduct for media professionals	Body serving as a media watch
San Marino	no	yes
Serbia	no	no
Slovakia	no	no
Slovenia	no	yes
Spain	yes	yes
Sweden	no	yes
Switzerland	no	no
"The former Yugoslav Republic of Macedonia"	no	no
Turkey	yes	yes
Frequency of yes answers	10	17



15. Have there been any programmes or activities to educate children in the public schools about violence against women within the past two years?

Table 15. Programmes or activities to educate schoolchildren about violence against women

Country	Programmes or activities to educate children in the public schools
Andorra	yes
Armenia	no
Austria	yes
Azerbaijan	yes
Belgium	yes
Bosnia and Herzegovina	yes
Bulgaria	yes
Croatia	yes
Cyprus	no
Czech Republic	yes
Denmark	yes
Estonia	no
Finland	yes
France	yes
Georgia	no
Germany	no answer
Greece	yes
Hungary	yes
Iceland	no
Ireland	yes
Italy	no
Latvia	yes
Liechtenstein	no
Lithuania	yes
Luxembourg	yes
Malta	yes
Monaco	no
Netherlands	yes
Norway	no
Portugal	yes
Romania	yes
San Marino	no
Serbia	yes



<b>Country</b>	<b>Programmes or activities to educate children in the public schools</b>
Slovakia	yes
Slovenia	yes
Spain	no answer
Sweden	yes
Switzerland	yes
"The former Yugoslav Republic of Macedonia"	no answer
Turkey	no
Frequency of yes answers	26



16. Which of the following groups of professionals receive appropriate specific training on violence against women, prevention and intervention?

Table 16a. Initial vocational training

Country	Police	Lawyers	Judges	Social Workers	Physicians	Psychologists and therapists	Nurses and midwives	School teachers	Pre-school teachers	Media professionals
Andorra	yes	yes	no	yes	no	yes	yes	yes	yes	no
Armenia	yes	yes	no	yes	yes	yes	yes	no	no	yes
Austria	yes	yes	no	yes	no	no	no	no	no	no
Azerbaijan	yes	no	no	yes	no	yes	yes	yes	no	no
Belgium	yes	no	yes	no	no	no	no	no	no	no
Bosnia and Herzegovina	no	no	no	no	no	no	no	yes	yes	yes
Bulgaria	yes	yes	yes	yes	no	yes	no	yes	no	yes
Croatia	yes	yes	yes	yes	yes	yes	yes	yes	yes	no
Cyprus	yes	no	no	yes	no	yes	yes	yes	yes	no
Czech Republic	yes	no	no	no	no	no	no	yes	yes	no
Denmark	yes	no	no	no	yes	yes	no	no	no	no
Estonia	no	no	no	no	no	no	no	no	no	no
Finland	yes	no	no	no	no	no	no	no	no	no
France	yes	no	yes	no	no	no	no	no	no	yes
Georgia	yes	yes	yes	yes	no	yes	no	no	no	no
Germany	yes	no	no	yes	no	no	no	no	no	no
Greece	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	yes	yes	no	yes	no	no	yes	yes	no	no
Iceland	yes	no	no	yes	no	no	no	no	no	no
Ireland	yes	no	no	yes	no	no	no	no	no	no
Italy	no	yes	yes	yes	yes	yes	yes	no	no	no
Latvia	yes	yes	yes	yes	yes	no	no	yes	no	no
Liechtenstein	no	yes	yes	yes	yes	yes	yes	no	no	no
Lithuania	yes	yes	yes	yes	yes	yes	no	yes	yes	no
Luxembourg	yes	no	no	yes	no	no	yes	no	no	no
Malta	yes	no	no	yes	no	no	no	no	no	no
Monaco	no	yes	yes	yes	yes	yes	no	no	no	no
Netherlands	yes	no	no	no	no	no	no	no	no	no
Norway	yes	no	no	no	yes	yes	yes	no	no	no
Portugal	yes	no	yes	no	no	no	no	no	no	no
Romania	yes	no	yes	yes	no	no	no	no	no	yes
San Marino	no	yes	yes	no	no	no	no	yes	yes	yes





Table 16a. Initial vocational training

Country	Police	Lawyers	Judges	Social Workers	Physicians	Psychologists and therapists	Nurses and midwives	School teachers	Pre-school teachers	Media professionals
Serbia	yes	yes	yes	yes	yes	yes	yes	no	no	no
Slovakia	yes	no	no	yes	no	yes	no	no	no	no
Slovenia	no	no	no	yes	no	no	no	no	no	no
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	yes	yes	yes	yes	yes	yes	yes	yes	yes	no answer
Switzerland	yes	no	no	yes	no	no	no	no	no	no
“The former Yugoslav Republic of Macedonia”	yes	yes	yes	yes	yes	yes	no	no	no	no
Turkey	yes	yes	yes	yes	no	yes	no	no	no	no
Frequency of yes answers	33	19	19	29	14	20	14	14	10	8
<b>/ = not applicable</b>										



Table 16b. Further education

Country	Police	Lawyers	Judges	Social workers	Physicians	Psychologists and therapists	Nurses and midwives	School teachers	Pre-school teachers	Media professionals
Andorra	yes	no	no	yes	no	yes	yes	no	no	no
Armenia	no	no	no	no	no	no	no	no	no	no
Austria	yes	no	no	no	no	no	no	no	no	no
Azerbaijan	yes	no	no	yes	no	yes	yes	no	no	no
Belgium	yes	no	yes	yes	yes	yes	yes	no	no	no
Bosnia and Herzegovina	yes	yes	yes	yes	yes	yes	yes	no	no	no
Bulgaria	no	no	no	no	yes	no	yes	no	yes	no
Croatia	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Cyprus	yes	no	no	yes	no	yes	no	no	no	no
Czech Republic	yes	no	no	yes	no	no	yes	no	no	no
Denmark	no	no	no	no	no	no	no	no	no	no
Estonia	no	no	no	no	no	no	no	no	no	no
Finland	yes	no	no	yes	no	no	yes	no	no	no
France	yes	no	yes	no	no	no	no	no	no	yes
Georgia	yes	yes	yes	yes	yes	no	yes	yes	yes	yes
Germany	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Greece	no	no	no	no	no	no	no	no	no	no
Hungary	yes	yes	yes	yes	yes	yes	yes	yes	no	yes
Iceland	no	yes	no	yes	no	no	no	no	no	no
Ireland	yes	no	yes	yes	yes	yes	yes	no	no	no
Italy	no	yes	yes	yes	no	no	no	no	no	no
Latvia	no	no	no	no	no	no	no	no	no	no
Liechtenstein	no	yes	yes	yes	no	no	no	no	no	no
Lithuania	no	no	no	no	no	no	yes	no	no	yes
Luxembourg	yes	no	no	yes	no	yes	no	yes	yes	no
Malta	yes	no	no	yes	yes	yes	no	no	no	no
Monaco	no	no	no	no	no	no	no	no	no	no
Netherlands	yes	yes	yes	yes	no	yes	yes	yes	yes	no
Norway	yes	no	no	no	yes	yes	yes	no	no	no
Portugal	yes	yes	no	yes	yes	yes	yes	yes	yes	yes
Romania	no	no	no	no	no	no	no	no	no	no
San Marino	yes	no	no	yes	yes	yes	yes	no	no	no
Serbia	yes	no	no	no	yes	yes	yes	no	no	no
Slovakia	yes	no	no	yes	no	yes	no	no	no	no



Table 16b. Further education

Country	Police	Lawyers	Judges	Social workers	Physicians	Psychologists and therapists	Nurses and midwives	School teachers	Pre-school teachers	Media professionals
Slovenia	yes	no	no	yes	no	no	yes	yes	no	no
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	yes	no	yes	yes	yes	no	yes	no	no	no answer
Switzerland	yes	yes	yes	no	yes	yes	yes	yes	yes	no
"The former Yugoslav Republic of Macedonia"	yes	no	no	yes	no	yes	no	no	no	no
Turkey	no	no	no	no	no	no	no	no	no	no
Frequency of yes answers	27	12	14	25	16	20	22	10	9	8
/ = not applicable										



17. Do police statistics systematically record in standardised categories according to criminal offences: sex of victim, sex of perpetrator, relationship of perpetrator to victim? If so, are they available in a national report?

Table 17. Content of police statistics and availability in a national report

Country	Police statistics systematically record sex of victim	Police statistics systematically record sex of perpetrator	Police statistics systematically record relationship of perpetrator to victim	Availability in a national report
Andorra	yes	yes	yes	no
Armenia	no	no	no	/
Austria	no	no	no	/
Azerbaijan	yes	yes	yes	no
Belgium	yes	yes	no	no
Bosnia and Herzegovina	no	no	no	/
Bulgaria	no	yes	yes	no
Croatia	yes	yes	yes	yes
Cyprus	yes	yes	yes	no
Czech Republic	yes	yes	yes	yes
Denmark	yes	yes	no	yes
Estonia	no	no	no	/
Finland	no	yes	no	no
France	no	yes	no	yes
Georgia	no	no	no	/
Germany	yes	yes	yes	yes
Greece	yes	yes	yes	no
Hungary	yes	yes	yes	yes
Iceland	yes	yes	yes	yes
Ireland	yes	yes	yes	no
Italy	yes	yes	yes	yes
Latvia	yes	yes	no	yes
Liechtenstein	yes	yes	yes	yes
Lithuania	yes	yes	no	no
Luxembourg	yes	yes	yes	yes
Malta	yes	yes	yes	yes
Monaco	yes	yes	yes	no
Netherlands	yes	yes	yes	yes
Norway	no	no	no	/
Portugal	yes	yes	no	yes
Romania	yes	yes	yes	yes
San Marino	yes	yes	yes	no
Serbia	no	yes	no	no
Slovakia	yes	yes	yes	no



Table 17. Content of police statistics and availability in a national report

Country	Police statistics systematically record sex of victim	Police statistics systematically record sex of perpetrator	Police statistics systematically record relationship of perpetrator to victim	Availability in a national report
Slovenia	yes	yes	yes	no answer
Spain	yes	no	yes	yes
Sweden	yes	yes	yes	yes
Switzerland	yes	yes	yes	no
"The former Yugoslav Republic of Macedonia"	no answer	no answer	no answer	no answer
Turkey	yes	yes	yes	no
Frequency of yes answers	29	32	25	17



18. Is there any systematic medical data collection on contacts made with health care services identified as due to violence inflicted to women?

Table 18. Systematic medical data collection

Country	Systematic medical data collection
Andorra	yes
Armenia	no
Austria	no
Azerbaijan	no
Belgium	no
Bosnia and Herzegovina	no answer
Bulgaria	no
Croatia	yes
Cyprus	no
Czech Republic	no
Denmark	yes
Estonia	no
Finland	no
France	no
Georgia	no
Germany	no
Greece	yes
Hungary	no
Iceland	no answer
Ireland	yes
Italy	yes
Latvia	no
Liechtenstein	yes
Lithuania	no
Luxembourg	no
Malta	no
Monaco	no
Netherlands	no
Norway	no
Portugal	no
Romania	yes
San Marino	yes
Serbia	yes



<b>Country</b>	<b>Systematic medical data collection</b>
Slovakia	no
Slovenia	no
Spain	no
Sweden	yes
Switzerland	no
"The former Yugoslav Republic of Macedonia"	no
Turkey	no
Frequency of yes answers	11



19. Are questions on violence against women integrated in a regular representative national survey?
20. Has there been a representative national survey focussing on the prevalence and effects of all forms of violence against women? When?

Table 19-20. National surveys on violence against women

Country	Integration of questions on VaW in a regular representative national survey	Prevalence of VaW in a representative national survey	If so, when?
Andorra	yes	no	/
Armenia	no	no	/
Austria	no	no	/
Azerbaijan	no	no	/
Belgium	no	yes	1998; 2006
Bosnia and Herzegovina	yes	no	1994
Bulgaria	yes	yes	2003
Croatia	yes	yes	2002; 2003; 2004
Cyprus	no	no	/
Czech Republic	yes	yes	every year
Denmark	yes	yes	2004
Estonia	no	no	/
Finland	yes	yes	1998; 2000; 2006
France	no	yes	2000; 2005
Georgia	no	no	/
Germany	no	yes	2004
Greece	no	yes	no answer
Hungary	no	yes	2002; 2005
Iceland	no	yes	1996
Ireland	no	yes	2002; 2005
Italy	yes	yes	2005
Latvia	no	no	/
Liechtenstein	yes	yes	2003
Lithuania	yes	no	/
Luxembourg	yes	yes	2005
Malta	no	no	/
Monaco	no	no	/
Netherlands	no	no	/
Norway	yes	yes	2005





Table 19-20. National surveys on violence against women

Country	Integration of questions on VaW in a regular representative national survey	Prevalence of VaW in a representative national survey	If so, when?
Portugal	yes	yes	4 surveys in the latest years
Romania	yes	yes	2003
San Marino	no	no	/
Serbia	yes	yes	2001
Slovakia	no	yes	2002
Slovenia	no	no	/
Spain	yes	no	/
Sweden	yes	yes	2001
Switzerland	yes	yes	2003
"The former Yugoslav Republic of Macedonia"	yes	yes	2000
Turkey	no	yes	1994
Frequency of yes answers	19	24	





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