Strasbourg, 4 May 2009

CAHVIO (2009) 11

AD HOC COMMITTEE ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (CAHVIO)

TYPOLOGY OF PROTECTION FOR WOMEN VICTIMS OF VIOLENCE

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Victims of gender-based violence require different forms of protection at different times. The following are some suggestions that can be developed. Much of course will depend on the context of the violence, for example whether it has been committed in the home or in a public place.

THE IMMEDIATE AFTERMATH OF VIOLENCE:

- The priority must be physical safety and security for the victim and possibly her dependants. This is likely to require spatial and temporal separation of the victim from the perpetrator(s), for example through such measures as emergency contact and help lines; eviction of the perpetrator from premises with measures to ensure that there is no immediate return; provision of secure premises for the victim such as a refuge or other safe place. The victim should be given the choice of preferred measures, that is there should be no assumption that it is the victim that must leave the premises, although this might be her preferred option.
- Immediate health care to injuries, including gender sensitive and appropriate medical examination and treatment by properly qualified personnel who have also been trained in violence against women.
- Interviewing in accordance with appropriate standards of gender sensitivity, confidentiality and knowledge of gender-based violence so as to ensure at the very least the principle of 'do no harm.'
- Advice from appropriately trained personnel on legal options, including taking of statements, preservation of evidence and seeking protection orders.
- One proposal is for a 'one-stop' service that provides security, medical and legal advice. Facilities should be efficient, secure, non coercive, non penal and non judgmental. Assistance should not be intrusive or coercive.
- These provisions should be available to all victims of gender-based violence, regardless of legal or immigration status.

MORE LONG TERM REQUIREMENTS:

These depend upon the particular situation of the victim and the context of the violence.

- Guaranteed continued access to secure shelter, whether in the home or elsewhere, for the victim and any dependant children.
- Ongoing and confidential treatment for medical and psychological harms looking to long term healing and rehabilitation, for example counselling, psychotherapy, support services etc.
- There may have to be provision for excused absence from employment (ie not being sacked because of absence); or assistance in securing new employment if returning to previous employment is not safe.
- Assistance with applying for and securing any social security benefits.

The above can be summarised as access to and delivery of economic and social rights in accordance with the International Covenant on economic, Social and

Cultural rights: shelter, healthcare; social security and employment. In accordance with the framework provided by the Committee on Economic, Social and Cultural Rights the provision of services should be affordable, accessible, appropriate (including gender appropriateness) and available. Victims should be informed of available facilities and services and access be made readily available.

There are other aspects that must be considered, for example international law requires states to adopt 'appropriate and effective legislative and administrative procedures' for 'fair, effective and prompt access to justice'.(***Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, GA Res 60/147, 16 December 2005, article 2 (b).*** This involves:

- Provision of legal advice and legal support services that are linguistically and culturally accessible, including available options relating to civil orders or claims for damages; any criminal proceedings; divorce or custody proceedings; issues relating to immigration.
- Any legal proceedings are likely to be some time after the events. In any such proceedings there need to be measures for witness/victim security; measures to mitigate the trauma of testifying.
- In all cases legal assistance should not be made conditional upon cooperation with the police or participating in legal proceedings.

It is important that people are not simply labelled as 'vulnerable' and perceived only in terms of their perceived vulnerabilities and needs. Delivery of economic and social rights is an obligation which must be respected by those who assume positions of authority to facilitate the exercise of agency by survivors of gender-based violence.